

# NCWF Newsletter

A Publication for the Members of the Northern California Writers & Filmmakers

## Ed Silver: Originality is Hollywood Gold

By Suzanne Jones

Ed Silver



Agent Ed Silver

### Special guests include:

- Ed Silver, *ES Literary and Talent Agency*

- Kenna McHugh, author of *Breaking into Film* and columnist for *Screenwriters Monthly*

- Ron Montana, co-screenwriter for the soon-to-be-released film *The Sailmaker*

- Placer County Film Commissioner Beverly Lewis

*Ed Silver owns the ES Literary and Talent Agency in Sacramento. For 30 years he owned the Edward Silver Management Company in Southern California.*

### How does a management company differ from an agency?

An agent handle careers. He/she works with clients, builds their creative acceptance, tries to get them jobs. A business manager controls the financial affairs of the client; not only paying bills, but preparing tax returns, and investing excess funds in growth investments. An actor's creative career only averages 6-7 years. While they're in their highest earning years, it's very important to put that money into high-yielding investments.

### How did you become a business manager?

It was a stroke of luck. When I got out of UCLA with my CPA, I worked for a prominent business manager for five years. The opportunity came to strike out on my own and I never looked back.

I had a relatively large business and up to eight people working for me. I represented some top people: Lee Marvin, James Coburn, Claude Akins, Bobby Blake, Marty Paich, Fred Forrest, Bill Castle (*Rosemary's Baby*), Ernie Frankel (*Movin' On* and *Sheriff Lobo*), the Meyer Mishkin Agency, and the rock groups Toto and the Tubes.

### How are agents and managers paid?

By commission. Business managers normally get 5%-6%, and some also get monthly base figures. Agents' commissions are restricted to 10% by the writers', screen actors' and directors' guilds. Personal managers get varying percentages up to 25%.

### How should a screenwriter go about getting an agent?

Through recommendation and by querying agents with the potential product. The agent has to like what he/she reads and feel that there's a promise of sale before he/she will take on a new client.

### What can screenwriters expect from their agent?

It depends on the level of acceptance the screenwriter has in the community. The agent will, through his contacts and knowledge of what's happening in the community, be able to sell what the writer writes. The worth of an agent is the contacts he/she has in the business.

The agent tries to get the writer's work before decision makers, whether in radio, television, or film. The sale itself is a very intricate thing which the agent negotiates for the writer.

### What are some dos/don'ts for working with an agent?

It's a close working relationship. The agent is working for the client, and he/she should respect the ability and efforts of the agent. Until there is a sale, the agent puts that forth without compensation. So you shouldn't harass the agent. Let him/her do the job. If opportunities come to the attention of the client, he/she can ask the agent pursue them.

### **Once represented, when should one consider changing agents?**

Guild contracts stipulate that if the agent is unsuccessful in a certain period of time, the contract is over and the client can get new representation. Of course if the agent doesn't agree with the client's thinking, they might have a mutually agreeable parting of the ways at any time.

### **Why did you become an agent when you moved to Northern California?**

I have a history in the entertainment field and know the business quite well, and I always had the desire to enter that field. I represent mostly writers.

There are two kinds of agents: LA agents and everyone else. In LA, the client is everything. LA agents focus on getting actors established in their careers. They are just as interested in career development as getting clients a job. It's very important to polish their image and get them better roles and more money. They will turn down roles for clients if they feel work will not advance their career.

Outside LA, agents are primarily interested in matching a job with whomever they feel would be suitable. They deal mostly with commercials, extra work, and print media.

### **Is an entertainment attorney required when you negotiate contracts?**

Yes. Entertainment lawyers are versed in the protection of the client and in all the facets of a contract. There are guild minimums, but they can try to get more 'juice': money, authority, rewrites, more negotiating power.

There are many rights that must be taken into consideration when you enter into an option agreement, including media, electronic, sequels, etc. that have to be protected and negotiated.

### **What are the special challenges of breaking into Hollywood from Sacramento?**

If the writer has a unique idea, and the plot is appealing, there's a better chance of breaking in. Also the idea has to get to the right person who can move with it. And writers must hone their craft and be able to develop unique characters and write creative dialogue.

There are thousands of accepted writers down in LA who get work because of the locale. Their agents are at the heart of where it's happening. It takes a lot to break into that circle, but once it's cracked, the writer has a great deal of acceptance and reputation. How he cracks it is by having something original.

### **So why do we keep seeing the same kinds of films coming out of Hollywood?**

In the production end of the business, you're often going to do something that's a proven commodity and you're at the level where you can do that.

Also, a very accepted class A writer can talk to a studio head or production studio and give them a half page, and they can give him/her a million dollars and tell him to write it. That happens all the time. Take for example *Basic Instinct*.

But to break in takes another type of talent. An idea that's unique and unconventional is what it takes to get the attention of a production company.

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Then there's the arena of independent films like *Sex, Lies, and Videotape*. *The Blair Witch Project* cost something like \$35,000 and went on to make millions. It was a fluke, but it happens.

### **What suggestions do you have for writers?**

They have to polish their skills and practice their craft so that the form is professional. Also, writers should aspire to join the Writers' Guild of America. It provides a certain status that producers respect. Each time a screenplay is optioned or sold, the writer gets points, and you have to have a certain number of points to join.

Pitch sessions are helpful because they bring out the salient points of a project. Novices have to learn how to present their work and that it's important to strike a producer's creative chord.

But the most important elements are talent and the creativity of the project. Sometimes writers start a project without investigating whether it's an idea that there's no market for because it's already been done or isn't original enough. The idea must be unique, fresh, original.

### **Who was your favorite client or project?**

I had a marvelous relationship representing Lee Marvin for 25 years. I traveled the world and was involved in numerous investment experiences on his behalf. I had the responsibility for making him secure in life: getting him involved in growth investments so that if he wanted to hang up his acting shoes, he could do so. We had a very close relationship.

***Suzanne Jones is a writer and the owner of the Applause Screenwriting Competition.***