

Flipped Script

No sequel to 2007's production boom as writers, producers talk contract. **By DIANE HAITHMAN** Staff Reporter

Strike Zone: Writers picket outside NBC studios in Burbank during the 2007-08 work stoppage.



DAVID MCNEW/GETTY IMAGES

THE jury is still out on whether the **Writers Guild of America, West** is headed for another strike when its three-year contract with the major studios expires May 1.

Yet this time around, unlike the bitter 100-day work stoppage in 2007-08, producers and TV networks aren't preparing for the worst by hastening production schedules and stockpiling scripts, industry insiders said.

"It's on everyone's radar screen ... but it hasn't evolved into some sort of mad, crazed rush to acquire writers' properties or inventories and the like," said entertainment attorney **Kenneth Kleinberg**, a partner at West L.A. firm **Kleinberg Lange Cuddy & Carlo** who isn't involved in the negotiations.

Kleinberg attributed the lack of action to the fact that many don't believe a strike will happen – or if one does, it will be much shorter than the last strike and the 155-day walkout in 1988, the longest in guild history.

Some writers involved in the process, however, disagree with the attorney's assessment of the prospects of a strike, pointing to other reasons the industry is not seeing the degree of stockpiling and sped-up production that characterized the last contract negotiation.

A veteran screenwriter who has attended recent strike meetings and asked not to be named said lack of stockpiling does not signal that writers and producers don't fear a shutdown.

Rather, this time around there has been less warning that a strike might occur.

The writer said fear of a strike loomed large for months in 2007, so contract negotiations began early, providing ample warning that contract issues would not be easily resolved. This time around, writers did not begin talking strike until last month – even with important issues on the table, including declining writers' income due to streaming platforms such as Netflix, Hulu, and Amazon. New-media series often have fewer episodes and a different work schedule than traditional network series, which can leave writers beholden to extended contracts with less earning power.

Even in 2007-08, the writer said, stockpiling was more a phenomenon in movies than television. Not only could film scripts be written pre-strike, feature producers also were confident they would have a pool of underemployed writers available after a strike who could come in quickly to write material or restart stalled productions.

TV stockpiling is a virtual impossibility, the writer said, because writing and producing teams for series are already pushed to the max in terms of work hours. Writers also aren't interchangeable in series TV and can't jump into the process without full knowledge of a show's storyline and production style, he said.

What's more, he added, "stockpiling is very wasteful. It means you are anticipating earlier than you normally would what the market will actually watch in a year or a year and a half."

Kleinberg acknowledged that the weekly

production schedule for television makes stockpiling difficult – if not impossible – and agreed a long strike would cut into production for fall series, particularly network programs that produce on a traditional weekly schedule.

Independent producer **Kim LeMasters** said that despite constant change in TV platforms and the new streaming phenomenon, this production reality has not changed since the 1988 strike. LeMasters served as vice president of CBS' miniseries department during that strike and was promoted to entertainment chief executive in 1988, a position he held until 1990.

"During my time, there was always a sense that a strike would end soon, so the mind-set was not to stockpile scripts as much as it was to manage the catch-up post the strike," LeMasters said in an email. "Series producer-writers were consistently challenged, in a strike-free environment, to have scripts completed in advance."

Reality solution

Another option used by studios a decade ago also doesn't seem to be on the table yet.

Along with trying to store new material to get through the strike period, TV networks a decade ago planned to fill programming gaps with reality shows, also known as unscripted series. That led to at least a few reality programs, including CBS' "The Amazing Race" and "Big Brother," and game show "The Price Is Right" reportedly getting early renewals or extended episode orders.

A chief executive of an L.A. production

company specializing in nonscripted entertainment, who asked not to be named, said in an email that he has not yet seen an uptick in network sales due to the prospect of writers strike.

"It's business as usual, at least for now," he said.

However the negotiations play out, the stakes are high for the industry and regional economy. The 2007-08 labor action sidelined an estimated 12,000 writers and cost the L.A. economy as much as \$2.5 billion.

The possibility of a strike this year has loomed increasingly large since the WGA, headed by **Howard A. Rodman**, and the **Alliance of Motion Picture and Television Producers**, led by president **Carol Lombardini**, began negotiations on March 10.

WGA's lead negotiators voted unanimously late last month to recommend that the West board of directors and the **Writers Guild of America, East** council conduct a strike authorization vote by the membership. The producers group fired back, charging the WGA had effectively broken off negotiations by calling for a strike authorization vote instead of responding to the alliance's comprehensive package proposal.

In the latest effort to stave off a strike, on March 31, Lombardini reportedly extended the olive branch by sending an email to WGA officials, inviting members of the East and West Coast guilds to return to the bargaining table. Talks are scheduled to resume this week.