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Some BASICS of ACTOR'S Agreements

Thursday, March 3, 2011 by [Doron F. Eghbali](#)

Despite the fact Screen Actor's Guild (SAG) governs and regulates actor's working conditions, travel and residuals and even minimum fee requirements, not all actors are SAG members and not all production companies are SAG signatories. In addition, principal photography might occur in foreign jurisdictions outside SAG purview and high-level actors often negotiate far beyond SAG requirements. Hence, let us explore some basics of actor's agreement.

1. CONDITION PRECEDENTS TO ACTOR'S CONTRACTS

There are usually some condition precedents to actor's contracts. This means unless and until such conditions are met, the producer may not be contractually required to perform under the contract.

Some of the basic condition precedents include but are NOT limited to:

- Obtaining and being qualified for insurance at NORMAL premiums. These requirements could be overcome if actor during negotiation agrees to pay for any higher premium out of pocket, if acceptable.
- Obtaining appropriate work visas.
- Obtaining and providing pertinent tax documents.

2. ACTOR'S COMPENSATION

A. SAG MINIMUMS

SAG sets out minimum fees for actors; nonetheless, high-end actors often surpass such minimums.



B. ACTOR'S PREVIOUS COMPENSATION

Similar to writers, the producer or studio will consider what the actor has been paid for previous rather similar projects. What the actor has earned in the recent past for similar work is often used as a FLOOR for negotiations. Such quotes are often given either on per picture basis OR on per week basis. *Other* factors - some of which - discussed here are also considered.

C. ACTOR'S ACHIEVEMENTS OR LACK THEREOF

Another extremely important consideration - in an actor's compensation - is any accomplishments garnered so far, especially, just prior to the project at issue. For instance, winning an Academy Award, Golden Globe or accumulating critical acclaim or even box office success are salient consideration in obtaining more dollars. In addition, some actors might attract viewers in foreign countries, so that they possess "foreign value".

D. ACTOR'S WILLINGNESS TO FORGO HIGHER COMPENSATION FOR "OTHER" REASONS

Often, actors are willing to accept less money that they "deserve" in exchange for other considerations. Such considerations often revolve around actor's willingness or rather penchant for working with a particular director or on a particular project. In fact, in such situations, there are more immediate considerations than just "deserved" compensation. In such circumstances, actors might agree to more back-end in exchange for less up-front, especially when the projects budget warrants such move.

E. ACTOR'S EXTENT OF INVOLVEMENT IN THE PROJECT

Another important consideration in actor's amount of compensation is the role and the length of such performance. It is easy to fathom the more complicated, prominent and lengthier a role, the more compensation the particular actor receives or should receive.

3. ACTOR TO GET PAID FIRST, IF POSSIBLE

It is incumbent on actor's representatives to ensure the compensation due actor be placed in ESCROW. This is especially of paramount of importance when the producers are independent, foreign or not-financially stable. Despite the subtlety of this issue, most producers should concede if actor, in the absence of escrow, flatly refuses to perform. In fact, actor does not want to start acting and after investing considerable time, energy and capital, with dismay realizes producer cannot or does not pay.



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SALIENT NOTE

This article ONLY provides SOME basics of such salient topic.

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