

The Eastern Script

Shameless self-promotion since 2011

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PRESIDENTIAL ADDRESS



Shakespeare says: "... O, be some other name!" and to that we here often add "... make it something easy to spell!" Read on to get an insider's look at a bit of what's involved in clearing names of people in scripts.

Then meet a busy North American insurance broker for the entertainment industry: Front Row.

Have a look at where Eastern Script has been sharing its years of experience over the last few months.

Recent Projects will, as usual, close the newsletter by filling you in on some of what we've been working on this winter.

Like you, we here are all looking forward to the season of stuff melting and growing. Our workload grows then too so I'm sneaking in a newsletter before it gets too busy to create another. Best wishes to all!

Anne Marie Murphy

President



WE'LL TELL YOU "WHAT'S IN A NAME"...



Photo by Element5 Digital from Pexels

“What’s in a name?” Shakespeare famously had Juliet say. And while she then spoke of the changeability of words to express true love (smells and roses and all that), we’re sure her real concern was for the poor souls in script clearance whose job it is to sniff out renegade spellings of the English language’s most common names.

A recent piece of satire that appeared in *The Beaverton* indirectly made light of this situation, which we face on an almost daily basis. In the article, which picks on spellings of Megan (Meaghan, Megyn, Meagan, Meggan...!!), a Weird Spelling Coalition led by the dubiously named “Mhegan” insisted that her configuration of letters is the one true spelling (one spelling to rule them all?). The “Council of Me(a)g(h)ans” had to then strike a deal to standardize the spelling of the name to “Meagghayn.”

Establishing spelling variations is only the beginning of the journey character names take before becoming *clear for use*. Once the internet has coughed up all the frantic and misguided spelling disparities, we then make sure those names don’t belong to anyone prominent who is relevant to your story, anyone in the location a production is set, anyone of a certain profession, anyone with a specific education or qualification and, indeed, it seems, anyone.

Commonly used names and spellings often help establish if a name is considered clear for use or not. A general rule we follow is that if we find three or more listings by a name (including spelling variations) for the same location then it is considered common for that location. This can be trickier than it sounds. For instance, is Hank a nickname for ‘Henry’? [Yes.] If we are searching the first name Bill, how many variations of that name are there? (William, Will, Willy, Billy, Billie etc.)

One method we like to use to judge if a spelling is common is consulting the phone book of New York, a city with over eight million residents. If a certain spelling doesn’t show up there, then we conclude that it’s not common. So while there may well be someone out there somewhere by the name Wilyam Shaickspier, if we don’t see it spelled that way in NYC then it’s not a spelling of the name we are going to search. Otherwise, as you can see, the possibilities are infinite.

And search we do, often finding conflicts. The process has been ongoing for many decades of movies and television shows. A script in the early 1970s featured a character by the name of Edward Bunker who lived in present-day New York. The research company had to check the phone book records to make sure there were no listings by that name, or that the name was common enough that nobody could sue. Of course, one listing did show up for a man by this name in Queens, leading the character to be changed to the now-familiar name of Archie Bunker from the sitcom *All in the Family*.

Source: Michael Kmet, www.tft.ucla.edu/mediascape/blog/script-clearance-and-research-unacknowledged-creative-labor-in-the-film-and-television-industry/#more-737

The original name for Groucho Marx’s character in the 1937 feature film *A Day at the Races* was Dr. Quackenbush, a name that production thought was a ridiculously impossible name for a doctor. Groucho was very keen on the name, and was disappointed when it was discovered that there were doctors by this name in the United States, most of them eager to sue if the name was to be used. The name was changed to

Hackenbush. “At first Groucho was disappointed in the name change, but he grew to love Hackenbush so much that he even signed it to letters.”

Source: Deborah Looney, www.tcm.com/this-month/article/150249|30024/A-Day-at-the-Races.html

Of course conflicts with professions are not limited to prominent individuals. If a character is specified as working for a certain real-world company, or if that character has a professional designation or certification (actors unions/membership associations), we will check those too. An example from our recent work: A character needed to be checked in Toronto and Buenos Aires as current/past employee of an actual, very prominent automobile manufacturer in both Canada and Argentina. After correspondence with this company, we found an actual person by the character's name at the Canadian automobile manufacturer. The character name needed to be changed.

To Shakespeare's age-old question, then, we might answer: “Potentially many hours of research.”

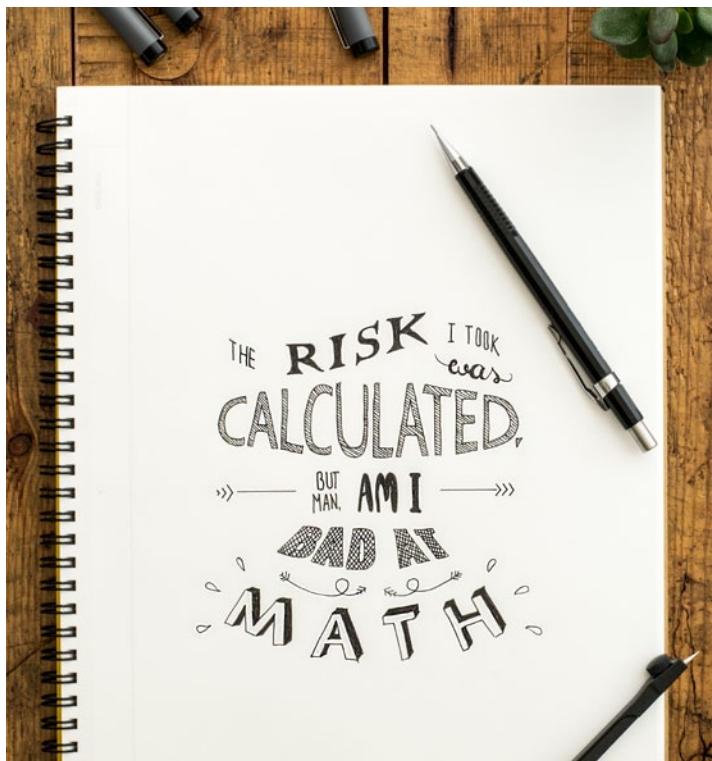


Photo by Lum3n.com from Pexels

A FRONT ROW ON THE E&O PROCESS

Front Row Insurance, with offices across North America, calls itself “The Entertainment Insurance Experts.”

From their website, frontrowinsurance.com:

Front Row is an Entertainment Insurance Broker specializing in: The Film Industry, The Music Industry, Theatre Companies and Photographers ... Front Row negotiates on your behalf to obtain the best coverage at the lowest premium from the insurance companies. We also insure: post houses, studios, theatres, and equipment rental houses. When you have a claim, we make sure the insurance company pays you all the money that you are owed. Front Row is the top choice for: filmmakers, musicians, photographers and theatre producers.

Their website contains a lot of helpful information. A personal favorite page there is the “blog” area where articles await you with such intriguing headlines as: Actor body insurance, baby shower insurance, cover band insurance, disgrace insurance. There are in fact so many blog entries at their website that only the A-F entries display on page one. Clicking on “see all”, however, brings you to links for many more, including six articles on the topic “script clearance reports.” Among those you’ll find a recently-added article by yours truly called “SCRIPT CLEARANCE and TITLE SEARCH REPORT COST.”

Perhaps you will find something useful therein:

www.frontrowinsurance.com/articles/topic/script-clearance-reports

Front Row has compiled a free eBook called E&O Insurance 101: How to Protect Your Film Project. We’ve added a link to that at our website’s “Resources area” under the tab “Library of Articles”. It provides a comprehensive conversation about errors and omissions insurance for media projects and is well worth your absorbing on a day when you can put aside a chunk of time and settle in with a big cup of coffee and a notepad.

You’ll find it here: www.frontrowinsurance.com/errors-omissions-insurance-101

After reading it myself, I asked Front Row if they would field answers to a few follow-up questions. Their answers are included below.

Eastern Script: After reading your ebook, I think I have my answer to this question but the procedural discussion might be of interest to our readers. To complete the e&o application for an entire television series, does someone at production send you all the completed clearance reports? Or do those live with the production's lawyer who then gives you the green light?

Front Row: Aside from the title clearance report we do not typically see other reports. On rare occasions we may request a script report but the producer's lawyer usually needs to review the reports in detail and make recommendations to the producers as needed.

Eastern Script: How do you ensure that the issues flagged in the clearance reports have been addressed?

Front Row: Once addressed, producers represent to the insurer that they have addressed these issues with their lawyers or legal counsel for the insurer and legal counsel for the producer review complicated or unresolved matters together.

Eastern Script: How often do you see problems arising from things that were missed in a script clearance report? Are you able to share any anecdotes?

Front Row: This rarely happens but we have seen a few instances where a place name or address was missed or reference to a place appears in trademarked material that was not identified in a script report.

Eastern Script: My understanding with the "not clear" items in the script clearance reports is that those need to be addressed before the e&o policy is in place. I have seen instances over the years, however, when production has resisted making the changes to, say, a character name. Do you write exclusions for items like this into the policy? Would you say that is uncommon?

Front Row: This really varies by project. If a producer refuses to address an issue raised in a script report or other clearance report this needs to be reviewed with the insurer and sometimes

creative solutions can be found or the increased risk can be managed with higher premiums, higher deductibles that the producer pays, or if too risky, the producer may have to address on their own as a resulting claim might be excluded from coverage.

Eastern Script: For title searches, who determines what scope is needed (e.g. global, North American, "basics")? How is that decision made? We typically ask the client what their distribution plans are and then ask them to check with their e&o broker. What else should we ask to help them decide?

Front Row: This varies by production but generally at a minimum we require a Canada & USA title report to obtain title coverage on a worldwide basis. If there are plans for distribution in other countries this may or may not require additional searches so it is important to review with a broker. Where other title reports are needed include using different variations or language translations of a title (eg. English to French requires two separate reports if using two titles).

Eastern Script: You likely have plenty of experience with novice producers who have not budgeted for e&o expenses. What is your approach in those situations?

Front Row: We review the specific production elements with the producer and give them an estimate for insurance cost and remind them they will have other costs related to obtaining insurance that are not paid to the insurer such as legal fees and cost for clearance reports. New producers are often surprised by the steps and costs involved.

Eastern Script: For the e&o coverage related to title searches and script clearance reports, do you see things changing in the last 10 years with the ascent of the streaming services? I'm wondering if things were more predictable back in the day... and if the different outlets that exist now make your job more complex?

Front Row: No real change in approach from an underwriting perspective but with increased volumes of projects there is a higher chance of conflicting titles being proposed and more vigilance needed by lawyers in reviewing and approving titles for use.

EASTERN'S BEEN TALKING ALL WINTER



Photo by Samantha Hurley from Burst

In addition to the blog entry for Front Row (“SCRIPT CLEARANCE and TITLE SEARCH REPORT COST”) mentioned in the previous article...

www.frontrowinsurance.com/articles/topic/script-clearance-reports

... Anne Marie has also introduced students of Emerson College's Los Angeles campus program known as the “Low Residency MFA in Writing Film & Television” to what they will endure once they leave academia and get their first writers' room gigs. Here's more about the program:

www.emerson.edu/academics/academic-departments/visual-media-arts/graduate-programs/writing-film-television

She was interviewed by the Filmmakers Collaborative, a Boston-based “tax-exempt organization that has been providing low cost fiscal sponsorship to independent media makers since it was founded in 1986. It is now the grantee of record for hundreds of media projects across the country. Our mission is to sponsor and support the independent media community through fiscal sponsorship as well as offering programming opportunities that bring people together for learning and networking.”

www.filmmakerscollab.org/3007-2/

A virtual visit to Alberta with Greg Pang of Red Frame Law in January explored the topic of title searches for a recently uploaded podcast to Greg's Legal Cut Pro project:

www.redframelaw.com/legalcutpro/

Photo by Miguel A. Padrinan from Pexels



RECENT PROJECTS

ALL ABOUT WHO YOU KNOW (USA) aka WHO YOU KNOW – “Who You Know is a romantic comedy that was filmed in Orillia and surrounding areas... Who You Know is ‘about an aspiring screenwriter who decides to shortcut his way into Hollywood by plotting out his romance (by working) his screenwriting idol’s daughter into the story.’”

Orillia Matters, www.orilliamatters.com/local-news/trailer-for-movie-shot-in-orillia-has-been-released-1607529

EAT UP – “20 million kids across the United States rely on the lunches they receive free at school as their main source of nutrition. Often, the food is so unappetising it ends up in the trash. In EAT UP an entrepreneur sets out to reinvent school food; to challenge the way Boston's public school students eat lunch.”

Film Freeway, www.filmfreeway.com/EatUp462

THE FIGHT MACHINE – “Two young men from different backgrounds find their destinies linked when they meet up in the world of illegal bare-knuckle fighting.”

IMDB, www.imdb.com/title/tt2076356/reference

SEE – “Jason Momoa is getting his feet wet(ter) on television with Apple. The Aquaman star and Game of Thrones alumnus headlines See, a sci-fi action addition to the tech company’s increasingly-impressive scripted series stable, arriving as a showcase offering for its brand-new streaming platform, AppleTV+.”

Den of Geek, www.denofgeek.com/us/tv/see/274796/see-release-date-trailer-apple-jason-momoa

STANDING ABOVE THE CLOUDS – “A story of inter-generational women activists, who call themselves Kū Kia’i Mauna, or protectors of the mountain. The film follows three sets of mothers, daughters, and grandmothers, who are at the forefront of the indigenous movement to safeguard their sacred mountain, Mauna Kea, when a construction permit is granted for an eighteen story, Thirty Meter Telescope to be built on pristine, untouched land.”

Good Pitch, www.goodpitch.org/films/standing-above-the-clouds

TALKING ABOUT ADULTERY – “Husbands, wives, mistresses and others vividly recount confessional stories about sex, love, friendship and yearning in this provocative film exploring infidelity. As the camera lingers over familiar domestic spaces, it reveals landscapes of intimacy, desire and monotony. Artist/filmmaker Bara Jichova Tyson adds intriguing personal layers through poignant live collages and the story of an affair unfolding through the course of making the film, providing a window into the inner tensions of modern marriage.”

Doc NYC, www.docnyc.net/film/talking-about-adultery/



Photo by Martin Reisch from Burst