

Interview with Felicia D. Henderson Carsey-Wolf Center at UC Santa Barbara

11-14 minutes

In June 2012, Felicia D. Henderson sat down with MIP to discuss the impact digital distribution has had on her experiences as a television writer and showrunner. She spoke extensively about the pervasive changes to project development and compensation, and also about how memories of past negotiations structure current labor concerns, focusing especially on residual pay.

Felicia D. Henderson is the award-winning creator of landmark Showtime hit *Soul Food: the Series*, the longest-running drama featuring African-Americans in television's history.

Henderson has worked as a writer, director and producer, and has written and co-executive produced such high profile shows as *Gossip Girl*, *Fringe*, and *Everybody Hates Chris*. Most recently Henderson made her live theater debut by writing and directing the summer 2010 sold out success, *What Would Jimi Do?* for which she received an NAACP Theater Award nomination for best musical direction. She has also written for DC comics.

Henderson received a Writers Guild of America nomination for

Fringe; three NAACP Best Drama Awards for *Soul Food*; a Gracie Allen Award for her depiction of women; and a Prism Award for Accurate Depictions of Social Issues. She was honored with UCLA's Tom Bradley Alumnus of the Year award in 2004 and the UCLA School of Theater, Film and Television's Alumni Achievement Award in 2010. She is a member of the Women in Film Foundation Board of Trustees; and the founder of "So What!" a non-profit organization that provides the tools and resources for at-risk teen girls to stay in school.

Additionally, Henderson has written, re-written, and polished screenplays for 20th Century Fox, MTV Films, Lionsgate Entertainment, and Warner Bros. Studios.

In February 2011, Henderson [spoke](#) at our conference, Net Worth: Media Distribution in the Digital Era, on a Compensation and Creative Labor panel.

How has television writing been affected by the revolution in digital distribution, such as the way you think about developing a project, the way you think about your contract, and the way you experience compensation?

Felicia Henderson: The changes to compensation are most interesting to me. Compensation for talent is always a tricky thing; it's always the trickiest part in my negotiations. I'm paid episodically. That means I have a salary per episode and that number usually is very easy to agree on because it's mostly based on precedent. So, if you were paid a dollar per episode on your last show, they'll offer to increase that dollar by 20 percent. That is the easy part. After that, it depends on how

good your team [agent, attorney, etc.] is at representing and negotiating for your services.

But the part that is always more ambiguous is the idea of being a profit participant in what I create. As part of that process, they are asking, “What is your value? How much do we value what you are bringing to the table?” It’s nearly impossible to define. Really, it is about how badly they want you and to some extent how powerful your representatives are.

Then you include the digital revolution and nobody knows how to define the value of all of that. You now have negotiations with the producers who have an interest in making sure it has no value or that the value is so far off in the distance that we can’t possibly determine what that value is. It’s illogical the way they approach it because it’s like, “We don’t know how much it is so how can we possibly know how to value it?” Or they say it doesn’t have any value. If that’s true why do they fight so hard to deny us profit participation in something that has no value? Why is it important for producers to keep 100 percent of this thing that has no value?

The whole conversation is around “Is there value there or not?” For producers/studios, the primary owners of the content, there is value. But they behave as if there isn’t for fear of sharing with creatives, so it gets very complicated and very frustrating for those of us who create content.

Let’s say you have a development deal and it’s time to pitch your ideas. This means you’ve made a deal with a studio or network and they’ve said, “Yes, we like this idea, we want to do

business with you. Here's a bunch of money, now go off and write a great script that we'll decide if we want to shoot it as a pilot, and then if we shoot that pilot, we will decide if its good enough to launch as a new series."

At the beginning of this process, when you're are coming up with the ideas you are passionate about, it's a good idea to at least consider thinking about what studios and networks are thinking about --dwindling audiences on traditional television platforms; how to monetize the investment in your project; how are they going to create value for your show idea in the marketplace. Five to ten years ago, writers used to be able to simply ask themselves, "What's in my heart? What story do I want to tell on a week-to-week basis? What idea do I have that I think lends itself to one hundred episodes of great television, or around 50 to 70 episodes for cable?" Ten years ago that really was it. It was a great deal of work, but it was the extent of the work. But now, as you prepare your pitch, particularly if you are not pitching a relationship-driven idea, you know that your ideas have to lend themselves to a website presence, possible video game presence, and how your series idea can be advertised and marketed on iTunes.

Those who are still purists about their television ideas are having a harder time because if the network can't see how your series idea works in a variety of platforms, then you'd better be Steven Spielberg or J.J. Abrams. The primary way something like *Smash* gets sold is because it has Steven Spielberg's name on it. Of course, it helps if the new network president recently produced theater in New York and therefore, is open to a show

about what happens behind the scenes of a big Broadway musical. Without the new network president's recent theater experience and a behemoth producer with Spielberg's pedigree, a show like this probably doesn't get on the air.

I was one of the co-executive producers on the inaugural season of *Gossip Girl*, and responsible for running the writers' room, managing the process of breaking stories with the rest of the writing staff for each episode, etc. I remember generically writing in scripts that a character was using his or her cell phone. But pretty early in the season, the writing staff was told by the network that we needed to meet with Verizon because the carrier would be providing phones and product placement monies to the show. Verizon representatives flew in and met with the writers and walked us through each mobile phone model they wanted us to use and which character they thought was perfect for each phone. We'd then refer to the reference sheet for each phone to make sure a particular character's phone was capable of the function we wrote into the script. But if you get it wrong, suddenly you get a call from Verizon, who now gets to review scripts, telling you that a particular phone doesn't have the feature you referred to in your script.

Now I have been writing television and film for 17 years. I am a freaking dinosaur, and for me, the last conversation I want to have when deciding the creative direction of a show, is one in which, a phone carrier is now an element in my writers' room. That's sacrilege to me. But I have learned to go with the flow because I have to if I want to continue to work and I do want to continue to work. The trick is to make sure that issues like

product placement aren't driving storytelling. The challenge is to allow product placement to complement storytelling without causing your show to look like an advertisement for a particular product.

It almost makes you yearn for the Golden Age of television in the '60s when GM would interrupt the show to sell their product and then it was done, and you'd then go back to telling your story. Now, the idea of product placement is really product integration, and with product integration you find that Verizon is now one of the writers on your writing staff.

I was also on the writing staff on Fox's Fringe. Literally, an alphabet was created to run as interstitials between commercial breaks – bloggers and fan boys and girls were asking, “What do these symbols mean?” There was a rush to decipher these symbols. So now you have a writer for whom part of his job, in addition to coming up with episodic stories, is to create these interstitials. In some ways, creating these “Easter eggs” becomes more important than writing the show. We're now servicing all of this stuff instead of that stuff servicing the storytelling.

Past Labor Struggles, Present Concerns

Do you think differently as a writer than as a showrunner about DVD, EST, and SVOD?

I think two things. First, I think that some of those are the kind of issues you think about more in the feature world. Second, for writers and I guess others, DVDs will always be a political issue

because it just reminds us of what we lost in earlier contract negotiations with the AMPTP. That absolutely influences every negotiation with the producers and it will for eternity.

Can you talk for a moment about what you lost?

Yes. It sounds like a loved one. [Laughter] We'll start by talking about the 2007 strike. That strike was emotionally and politically about what we did not get in the previous rounds, including the 2001 negotiation of DVD rental fees. It's the history of this business, right? Because we never know the value or think something is going to be valuable until it is, we settled for 1.2% of distributors gross for VHS/DVD rentals. Then there was this explosion of DVD sales, but we weren't participating or were barely participating because we didn't realize that this would become a very lucrative revenue stream. Now we are obviously on the down side of that curve in terms of the value of DVD residuals because sales are declining, but we're still trying to fight the fight for this thing that now has much less value.

What we lost was the opportunity to significantly participate in the profit stream from DVD rentals and electronic sell through (EST). It's particularly a difficult subject for television writers because as that boom was happening, reality shows came of age and severely crippled the demand for scripted programming during the summer rerun season. Primetime television writers depended on those residuals for many years and suddenly they were drying up.

Those summer repeats played and you could literally live off of the residuals for a year. That's why my friends who haven't

worked consistently are struggling. I have been so fortunate. In 17 years I have only been on one show that wasn't a hit. That first half of my career bought my house. My down payment was paid with my residuals on really big hit shows, multi-camera comedies that were syndicated. So I was very lucky to be in sitcoms at the time when sitcoms were king, and residuals were still king too. Then we come to this period where reality shows—which should have gone away by now in my humble opinion—take up programming slots where repeats would have aired.

Then there are the DVDs. During the big boom, writers did not participate in profits as we should have. So every negotiation after that you try to go back and get what you already lost. “We want more of that.” “Well, it's making a lot of money, why would we give you more of that?” Finally we did strike, but everything about digital and where we stood was influenced by the fear that we didn't want this to be another DVD situation where we lose out on a revenue stream that may be substantial in the future. No one has quite figured on how to monetize digital play in a significant way yet, but it will happen.

[Read the complete transcript of our conversation with Felicia Henderson in *Distribution Revolution: Conversations about the Digital Future of Film and Television.*](#)