

DEMAN Live: The Business & Legal Side of Netflix Original Films

This episode features Kristen Baldwin '95, Senior Counsel, Business & Legal Affairs at Netflix Original Film in conversation with [this year's StudioDuke student cohort](#). Watch as she discusses her career transition from litigation to entertainment law, shares insights on what it's like to work at Netflix, and provides a behind-the-scenes look at the legal side of content development.

Panel

- [Kristen Baldwin](#) '95, Senior Counsel, Business & Legal Affairs, Netflix Original Film

Intro: Dave Karger

Welcome to DEMAN Live. I'm DAVE KARGER, Duke alum and host on Turner Classic Movies. DEMAN is the Duke Entertainment, Media and Arts Network. And it's the University's hub for the creative industries. On this show, you'll hear a past episodes of DEMAN Live, which includes panels and one on one chats with alumni. Thanks so much for listening, and enjoy.

Kristen Baldwin 11:42

I'm happy to be here. I love talking to Duke students. I enjoyed my time there. But I also think about when I was sitting in your shoes, and I guess some of the questions that we talked about today might hit on this, like, I had no idea what my path forward look like. And it is a zigzagging sort of path. But um, you know, I am happy to talk about where I am and how I got here. But it really wasn't something when I was sitting in your shoes that I even knew, honestly, I didn't even know it existed as a job. So it is it's inspiring to hear all of your stories, and the projects you're working on are really, really cool. But you're also at this point where you have this wonderful, open mind. And I think that's useful when you move forward. Because you just don't know which way you're gonna end up going.

Aaron Zhou 12:51

Yeah. Thanks so much for doing this. So I noticed that you have a law degree. And I just really wanted to understand like, Did you know you want to pursue a creative industry while you're at law school? Is that something kind of developed during your studies in law?

Kristen Baldwin 13:07

Yeah, I didn't know that I would go into a creative industry when I was in law school, I went to Virginia, it was the late 90s. And they really didn't even have I'm sure they do now. But they didn't even have like a robust entertainment law practice. There was like, one elective that everybody wanted to take, because it sounded fun. So it wasn't part of my strategy in law school, I did move to San Francisco after law school. And that was probably more a result of the technology boom, that was hitting San

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Francisco. And I felt like that was an exciting place to be. But it was it was through my husband, who is a camera operator. And more of it was interested in writing and directing that we moved to Los Angeles. And when I moved to Los Angeles, that's where I decided that I was really tired of the corporate law practice.

Kristen Baldwin 14:02

And even though I am not as creative as any of you guys are, I am drawn to people that are creative, and the creative environment and I thought, How can I use maybe the more analytical business numbers type skills negotiation strategy? How can I use that in the artistic community? And I've sort of bounced back and forth in and I spent nine years representing talent. I actually worked with Julien Thuan at UTA for two years. So how can I partner with representatives of creative people in a way that helps them and advocates and fights for them protects their rights, gets them as much money as you can. I was really drawn to that. Now I'm on the other side of those deals. I work for the studio for Netflix, and I engage all of that various talent. And I find this part of the role exciting too, I'm sure we'll get into that later.

Irene Qiao 15:09

So you've worked as an attorney and also in business affairs, which seemed like separate departments. Also the difference isn't super clear to me so I'm wondering if you could explain what, how they work?

Kristen Baldwin 15:22

The difference is still not super clear to me, Irene, I'm gonna be honest with you, like the definitions are changing absolutely, constantly. But I think that you know, there are the old studio system had two different divisions, business affairs and legal affairs at Netflix, we've combined it into something called business and legal affairs. But I think that to get to business affairs, you, you, you should start with legal affairs. It's not how everybody does it. But the basic distinction is the business affairs is making the deal. They are the people who make the very first phone call when a creative executive says, We heard a great pitch. We'd love to hire this writer to write the screenplay, then they come to me.

Kristen Baldwin 15:22

And they tell me that and I just had these calls this morning, I, I learn a little bit about the project, what the budget might be for the project. And then I do some quick online research on the writer, you know, who is this writer? What what credits do they have to their name, and try to get a sense a little bit about what they might cost. And then I reach out and I speak, I spoke this morning on this one particular project with an agent and a lawyer for the writer to learn a little bit more about the writer and the writers expectations for the project. So that's like, that's the business affairs function. And then I'm going to put together a proposal that I'm going to send around internally to Netflix that says, here's what I think we should offer her to write this screenplay. And here's where I think it's probably

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going to close always more than what I start with. Pro tip to you guys, when you're negotiating, we start low, with room to move up. But I you know, I'll sort of set an expectation, like, I think this is where this deal should close, those are just sort of guesses as we start the process. And I'll go ahead and be the one that negotiates the deal completely.

Kristen Baldwin 17:16

And when the deal closes, it then has to become a contract. And I have now reached the place fortunately, where I don't have to draft that contract, that is a traditional studio, the legal affairs function, they'll be the one that takes my close deal points. And they're probably just a couple of terms, the money, the credit, the services. And then the lawyer in legal affairs turns that into like a 30 page contract. And there's all kinds of other bells and whistles, I started being the person who drafted those 30 page contracts, I would receive the deal points when I worked at Paramount on closed deals. And then I would have to turn them into an agreement and get that agreement signed. And there was a whole lot of negotiating that still happens on all of those provisions. So it's really good practice for negotiating skills. And you have to understand a lot of the legal terms that I've now distanced myself from a little bit like how does the indemnities work and who's responsible if this happens, or that happens? What does breach look like all that kind of stuff. So I still have that as part of my job responsibility, because we are a combined group. But I focus more on the deal terms. Other people do the drafting. And then if there are real sticky issues, they come back to me and say, we can't close this particular point. What do you want to do? Do you want to reach back out to the other side and negotiate it more? Should we just take some risk? And I'll be the one that kind of makes that decision, how we handle that from there.

Andy Ju 19:00

What does a day as a business illegal affair representative look like? And then, to follow up on that question, how has that changed since like, COVID? And how has that kind of shifted?

Kristen Baldwin 19:12

Yeah, that's a great question.

Kristen Baldwin 19:13

So business and legal affairs person, it would it would look a lot like the way I just described a typical day because that is exactly what happened to me this morning. And even though I had a number of things on my plate to do, that became a priority because I don't have to start the deal today. But I needed to reach out. This particular writer has a really interesting and hot pitch, and we want to get it before they take it to everyone else. So I had to drop everything else and make immediate contact with that agent and lawyer to say I'm going to make you an offer. Give me a couple more. I have some

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questions. Let's talk about some details. And then I bought myself a little time and I won't actually make any make the offer until like Monday. So so like important deal making becomes the priority.

Kristen Baldwin 20:02

But also in my typical day, I now supervise a number of more junior lawyers who do business affairs. And when there's a straightforward deal, and it's not time sensitive, I'll pass it off to one of those people, but oversee them. So my typical day involves check ins with a lot of those people at like, they'll come to me with their questions on their deal. They'll say we received a counter. Here's what the other side said, What should we do? And I always say, Well, what would you do? And I make them tell me first, and then we talk about, you know, what I like about their proposal, or maybe something they haven't thought of yet. So I do a lot of supervising of more junior business affairs type people. And then I have to answer all those legal questions that are bubbling up as people are trying to draft contracts based on my deals. They'll be like, I think you totally forgot something, or this part of your deal doesn't even make sense. I got one of those yesterday, like, what were you trying to say here? And then I, you know, we talked through all of that it's very collaborative at Netflix, which is something I really, really like, we're one combined team. So we all talk about all of this and a lot.

Kristen Baldwin 21:17

But then do your second point. What's now overwhelming my time in COVID, is how do you produce a \$100 million movie, in the world of COVID? It is so risky, it is so expensive, there are so many new production issues, that I am involved in far more production conversations than I was before. Before, when a movie kind of was about to start, my role receded a little bit because we'd already done the deals. And I had to make sure the contracts were all getting signed. But then I was kind of done. And now, just these questions around how you film a movie in this environment? And how do you do it safely and responsibly? It takes up a lot of bandwidth, a lot of time.

Amy Unell 22:10

To follow up on that Kristen, are you in production on a couple of these things?

Kristen Baldwin 22:16

Yeah, we had some movies that were in production, and then they shut down as a result of the pandemic. And those films, a lot of them have resumed. So our first experiences with producing in a COVID environment, you know, has been to finish the movies that were that were paused or they had to stop. And then I'm I'm working on a couple that are going to be starting soon. So you know, from the get go, we're able to look at, you know, what would we need to do to make this a safe experience in order to produce? And, you know, some of that depends on the location of the film, because different countries have different requirements in order to film, so there's a lot to consider.

Andres Paciuc 23:19

So just a follow up with what you've been talking about. Do you? Are you involved in the legal side of development, production, content acquisition, like all the different parts that go into make a movie? Or is there, or is it more specialized, and you will focus more on production and writers deals, and then a junior lawyer will focus more on another types of deals?

Kristen Baldwin 23:41

Yeah, it's that's a good question. And the way we we have it broken out, I there are a lot of lawyers at Netflix. And there are a lot of departments at Netflix, but within my particular department, which is original studio films, and those are the movies that we make in house from development through production, rather than licensed movies, for example. We have a group that does smaller budget movies, we have a group, you know, there's a variety of different types of lawyers, but within the group that does original big budget films, then then I oversee the whole process from the acquisition of the underlying IP. So the earlier example I gave was based on a writer coming in and doing a pitch. We also do a lot of book book rights acquisitions. So I will be involved in acquiring the motion picture rights to a book of you know, a popular book or a book that's about to be published. And then I'll be involved in a writer who's put on to adapt that work. The producer deals, the director deal, and then the cast deals.

Kristen Baldwin 24:55

So I'm involved in all of that, but I may not handle all of those deals. I was mentioning that we have a great large team. So depending on the complexity of the deal and the experience of the person I'm working with on that project, like they'll do some of those deals as well. And I will just sort of have an eye on or supervise the process. And then we move into production. And we have a lot of other lawyers that work in production to like, we have a whole labor division that gets involved in all kinds of guild and union issues. We have IP lawyers that might review some of the chain of title. I'm trying to think of the other divisions of lawyers, there are HR lawyers, Employment Lawyers. So there are different specialists. But I remain involved in the production of the project and sort of oversee those different teams of lawyers as they're needed for particular issues.

Sophia Li 26:00

So my question was about, um, just like, what, from a business and legal point of view, what sets a successful film or production apart from not so successful ones?

Kristen Baldwin 26:30

I liked that question, actually. Because we, you know, we tend to measure success in terms of how many people watched it. Obviously we want to attract people to watching it, or maybe even just the quality of the film, if it's, maybe it's not one, that's a huge commercial success, but you're just super

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proud of how the high quality of the film and the filmmaking. From a business and legal affairs perspective, I personally might look at these movies a little differently than the obvious. So the first is, like, did we, did we have all the rights we needed to make the movie? Like, that's incredibly important. Now? That's almost always a yes. But you know, were there issues that people come out of the woodwork to be not somehow get all the rights we need? That would be not successful. And then also kind of thinking of the cost of the film, like does, does what we had to pay the cast and the filmmakers and the rights justify at the end result? And we see how many people watch the movie, does that line up? Or maybe there were other reasons why we spent a lot of money on talent in that film, like, we were trying to get a really great, well known director to come and do a movie for Netflix. And so there maybe was a premium on the cost there. But I think ultimately, we look at our deals like do those deals seem to make sense, now that we've seen how popular the movie really was. And that's just a different lens to sort of review.

Ganesh Pentapalli 28:07

I think like along the lines of like, taste and success. What has been your favorite original Netflix movie? And favorite original series?

Kristen Baldwin 28:28

My favorite series lately, and this changes, like every week, if you were to ask me that question, I would say but I don't know if any of you have seen Unorthodox, but I just think it is like in credible and it's only four episodes, so everyone has time to watch it eventually. But the storytelling and the acting it was just blew my mind. I loved it. Love the characters love everything about it. So and I love that I work at a place that is making that movie or that series. And it was it has been super successful, but I don't know that people even expected it to be as successful as it has been. So that's been that that when I love and then another one, on the film side that I've been a part of is not released yet. It comes out in November. But it's been a wonderful experience so far. Based on the August Wilson play, it's called Ma Rainey's Black Bottom. And sort of in the in the canon of plays where he wrote Fences, the version of that. It stars Viola Davis and Chadwick Boseman. And was Chadwick's last performance and it is exceptional. So it is something to be super, super proud of and even more special, you know, given what what has come to pass. So that one, be looking out for that little bit later this year.

Irene Qiao 31:19

What are the business and legal considerations for all Netflix original films are like how are they different from all the considerations for like, original TV shows?

Kristen Baldwin 31:31

So we're comparing film and series right now? Yeah. Um, so I have less experience in the series side of things. I did do a little bit of series in my background, when I was at UTA, I did deals for both both film

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and series. But otherwise, my career I've always been on the film side. But I think probably the biggest distinction is the ongoing like in series, you have to be ready for future seasons of the show. So from a deal making perspective, you have to lock up whether it's the writer or that actor, for the potential like six years out, it's a lot of time. And there's a lot of negotiation around that sort of thing, like how many episodes in the season, do you guarantee to the person? And then what does it look like for you to have an option to pick them up, but you have to have options, especially on your cast, because you really don't want them to drop out. And then you're stuck with everyone in love with your character and the person, the actor is not there anymore.

Kristen Baldwin 32:39

So that whole thing doesn't really exist in film, unless you're talking about a movie that you really believe will be a franchise. And in the world of franchise filmmaking, you do have to have some of those conversations with the cast, like trying to lock in a future deal for them upfront. But there, there's a lot less of that than there is on the on the television side of things. But right now, I think we're finding a lot of material can be made either way. Unorthodox is an interesting example. Because I think a long time ago, people thought film was a better home for a book. But the truth is, if your book has a lot to say, you have a lot more time to say it in a limited series or an ongoing series. So it's an interesting consideration from the creators, creators perspective, like how they want the story to be told.

Andres Paciuc 33:38

I'm sorry, everyone. This is another legal question. But how was your transition from working at a big law firm to working in house and what practice group? Where were you when when you were when you were at a big law firm? And have the skills that you learn at the law firm translate to in house? And would you suggest for law student to who who is planning on or whose goal would be to go to in house to like entertainment company? would you suggest a similar path of doing the few years at the big law firm and then transitioning?

Kristen Baldwin 34:18

Great question. Couple in there. So I, I was a litigator at a big law firm. I would not necessarily recommend that path. That is an unorthodox path to use a word we've been using. So when we moved to Los Angeles, I was still a litigator at a big law firm. They had an office in Los Angeles so I could transfer to that office. But then I started looking to leave. And it was difficult as it is for anybody to find another job to transition from being a litigator, to going in house at a at an entertainment company doing transactional work, because I didn't have transactional experience and I didn't have entertainment experience. So you pound the pavement and get in touch with everyone you have ever known, including everyone that ever went to Duke or UVA law, or my old law firm of any kind. And, you know, a lot of people didn't want to interview me. But I finally found my way into an opportunity

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at Paramount in the film group, which is amazing, except that the, at the time, the head of legal didn't want to hire me, because for a number of reasons, but I had no experience was one of them. So she recommended me to a group that doesn't exist anymore. That made direct to home video movies. So Paramount had this idea of taking their their popular franchises, and spinning them out on direct to video type subsequent productions. And I jumped at the chance.

Kristen Baldwin 35:54

So I think the first rule is, although I took an over over a 50% pay cut from big law firm life, that if you want to move into something that you think you're going to love doing, you know, if you can at all scrape by it, it was worth it to me, even though I had a one year old daughter, and my husband was a film student at the time. So it was not the most economic, you know, economically safe time in our lives, to drop that income. But we just made it work is the way I would, I would say it and honestly, it was a super happy time in my life, because I was leaving this like world of corporate litigation, and walking onto the Paramount lot, even in my teeny tiny little role doing direct to video movies. It just was so incredibly inspiring and exciting to be a part of that. And not long after I joined that group, I did start learning the skills of doing these types of long form agreements for writers, actors, directors, producers, it was just on a smaller scale of home video movies was still original content. They they at Paramount got rid of that whole division. But that same head of legal that I had met earlier, remembered me and she hired me. And at that time, she said, Okay, now you've actually been trained in the Paramount way on the Paramount forms, I don't have to do all that heavy lifting with you anymore, you can now have a job in this group.

Kristen Baldwin 37:23

So it was a bet that paid off for me. And she liked me I forgot to mention because she had been a litigator. And she thought litigators had a way of looking at transactions that was different, and could see more quickly red flags and problem areas, because they were used to litigating those problem areas. So I appreciated that point of view with her. So I do think those skills that I had, as a litigator, have come to help me in drafting contracts, and as a negotiator, because I don't see every provision the same. And I don't know what transactional lawyers do. But like, you know, every paragraph of the contract is not the same thing. There are some that are way more important than others, way more problematic, way more risky. And I think litigation skills have allowed me to see those faster. So I think almost everything you do is going to build in some way on the next thing you do. And almost nothing is a total waste of time. I think they've all contributed to sort of the next step. Maybe it's just a relationship that you make, honestly. But in the world of entertainment, relationships count a lot, and they probably do in every industry. But I can certainly tell you they do in this industry. So it's hard to see any sideways path as something that's not useful for later.

Andy Ju 38:59

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So okay, quick question. I don't know much about law. So I might need to clarify. What is the difference between a litigator and a transactional lawyer? That'd be my first off the table question.

Kristen Baldwin 39:10

Gotcha. So in the world, that is not criminal law, that the more of like civil, contractual type disputes. You have two types of lawyers at any big law firm, generally speaking, you have a group that are litigators. Litigators go into courtrooms. That's what a litigator does. Someone comes to you with a dispute. Maybe it's some contract that they think they're you know, they're two corporate entities involved in a contract, and they're now fighting over some part of it. Once they get to the fighting over a part and one of them says, I'm going to sue you. Then you bring in your litigators. And those are the people who ultimately either settle these disputes or go into courtrooms and fight them out in court. The other type of lawyers that big law firms are transactional lawyers. And those are the people who are just negotiating contracts, and they're never going to go into a courtroom. If you have some gigantic deal that's being negotiated, it finally gets signed, and then down the road, there's a problem with it. And then you turn it over to the litigators to like work out the problem or to start going into court. So the entertainment world is not litigation, I am negotiating what will eventually be long form contracts, and they'll they'll move to a signature. So it's not directly related to I don't you know, ever sue any of the people I'm, I don't sue our writer or director. If something awful happened, which hasn't been the whole time I've been doing this business, like you would turn it over to professional litigators to work it out.

Andy Ju 40:49

Okay, so I guess. So my, my actual question, I guess, was, now that you've kind of experienced, you know, doing like big corporate law litigation, and then, and then a little bit of a Paramount vibe, and then UTA, like, kind of, in the role of representative representing people. And then now at Netflix, like, Can you speak to how the culture at each of these companies are different? Like, like, for example, like, you always hear about how tech companies like the culture is like super gray and everything. So I'm curious, like, if you feel that now that you're at Netflix, or if it's still kind of more similar to like Paramount, which is a write more strictly entertainment company?

Kristen Baldwin 41:22

Great question. And I do think the culture is really different at Netflix than it is at Paramount. So they're not similar just because they're both studios making content. Netflix has online a culture memo, that's just sort of an available document that really digs in and describes like how Netflix functions as a company. And it's probably I haven't worked at another tech company, but it's probably some similar characteristics, and then some unique, but there are, you know, just as an example, it is a culture that has a lot more transparency than an old school school studio. So you do get a lot of information about how well the company is doing how well individual movies are performing. Whereas

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when I was at Paramount, I never had any visibility into how Paramount was doing. I mean, you could see box office results for movies, but there was all kinds of other information that would not have been shared with me, where as at Netflix, that kind of information is more available. So it's a it's a huge difference.

Kristen Baldwin 42:37

And there's also a lot more at Netflix, than Paramount in terms of giving feedback. I think that's another sort of hallmark of the company, where anyone I work with, can give me feedback at any time, and I can give it to them. And it's like an expectation at the company that you do that it's not considered rude, or mean, or not polite, it's considered like what you're supposed to do. And at the same time, you're supposed to receive this feedback in an effort not to, you know, not to be offended by it, but to like, improve. So there's an ongoing conversation, both like upward like to the people that you report to and downward in terms of giving constructive feedback. When I say constructive, I mean, actionable, something that you can take and incorporate and do differently or improve upon. And I did not see that happening at Paramount. There was not a lot of me giving feedback to my boss that way.

Amy Unell 43:42

That's interesting. That seems pretty unique, at a company that size as well. A quick follow up to that. How, how does that feedback get communicated ups? Curious? Is there a certain method or is it just up to the person?

Kristen Baldwin 44:01

Yeah, there are, you know, you're, you're encouraged at any time, like it to say, hey, Amy, we've been working together for a couple months on this project, I'd love to set time, next week, half an hour, just to get some feedback, you know, from you on how I'm doing like that conversation is encouraged and happens. There's also a more formalized structure where once a year, we provide written feedback into a tool. And then that tool spits it out to the people that are to receive it, and it's not anonymous, like your name is on it. But if you guys on this zoom, were all the people in my department, I would try to give written feedback to all of you, and it kind of go and then there's one moment in time, I would receive all of your feedback to me and get a chance to read it. It's not tied to compensation. It's just meant to be a written opportunity to provide feedback and you're also not really supposed to give or receive feedback that you haven't already mentioned to the person before. It's not supposed to be shocking. But they're, you know, but but, you know, there's a lot of reasons to write it down. And sometimes, maybe you thought you said something to somebody, but they didn't quite hear it in that way. So there's a, there's a written opportunity, and then there's encouraged more, you know, like informal along the way, type of opportunities.

Kristen Baldwin 45:22

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And then I think I see more at Netflix meetings that we will have, maybe after a movie is finished filming, we might get the whole team together, you know, what the creative execs, the lawyers, the production execs, the finance people, everybody in a room, and just say, like, let's talk about work, work, what worked really well on this movie that we want to broadcast to other people on our team so that they can do it. And let's also talk about what didn't work and didn't work well. And maybe we had a bad experience with an outside third party of some kind. And we think, in the we want to, we want to acknowledge that talk about it, talk about what maybe we could have done differently, and then consider bringing it back to our individual teams, so they can learn the whole whole point is not to like broadcast mistakes, but to learn from them. So I think it all this sort of notion of encouraging feedback and building a muscle, that around giving and receiving feedback, it leads to those other kinds of conversations too.

Amy Unell 46:30

Definitely, um, if any of you all watch the DEMAN Weekend-ish, with blackish, and grown ish writers this week, I'm just thinking, as Kristen's talking about, just the feedback, and then like how its communicated. And in the writers room, it's just like, every, you know, like, there's no, like, let me slip you a note under the table. It's all out there at all times, and talk about building that muscle. I think that's that if I think if we could all find ways to do that in our own way now, you know, then when you all are in your awesome jobs after Duke, gosh, I can only imagine the the amazing constructive communities we could build. Very cool. So we have one more kind of selected question.

Aaron Zhou 47:37

Yeah. So I guess my last question was, what is your biggest end? I want to I want to put emphasis on this, like, unconventional way to break into the creative industry.

Kristen Baldwin 47:49

What would be the I don't know if it's unconventional, but to get noticed, is not easy. I mean, relationships are obviously going to help. And to the extent that you can actually get something produced, and maybe screened at a film festival, I think that's also a great way for your work to get out there. And for other people to see it, and possibly, then you get representation, and more people will see it.

Andy Ju 48:59

So I'm actually really curious because I was doing a project on like, Netflix' documentaries. And I realized that there isn't a lot of information about like, the specific like, watch times, and like viewership data, like available to the public. So I'm curious, like, from like, a legal and business perspective. why that is? Like, is it to like, make sure that the focus is still on the creative content generation? Or is there just more for like, protection of privacy?

Kristen Baldwin 49:28

Yeah, I, you know, it's, it's, I don't really know, the reasons or like the company's reasons for that. But I do know, it's like highly guarded information. And with the particular filmmakers, they will like set up some confidential meetings and give some feedback around some of that information. But it's not like a publicly revealed number for every type of content. Whereas like I mentioned before, in the world of studio films, you have box office receipts. So you can see that measure and in television, there are ratings that people review. I could guess as to a lot of reasons. I think there's a lot that's positive about it. But I don't I wouldn't know. It's not a privacy issue. I think it's a just a business decision.

Daniel Kim 50:25

I have a question. So you mentioned something about a hot pitch and how people drop everything to go after that. So what really makes a hot pitch can? Can everyone spot a hot pitch from a mile away? And like, and like, when you're negotiating the price? I'm sure you've seen a lot of deals at this point. So how much agency do you have with it like? Or is it? Or do they? Are they like a, we really, really want to just get on no matter what type of thing?

Kristen Baldwin 51:00

Yeah, I mean, it's a good question. There's like some art and some science and coming up with the numbers around what you're going to what you're going to pay, I don't think there's ever a we want it no matter what situation, but you could watch it a lot. And you could want it for all kinds of different reasons. It could be brilliant on its face, it could have an attached element, like a writer, or sorry, a director or an actor, that the studio is just so excited to be in business with. And if that actor is interested in that material, then it makes the material that much more appealing to us. So maybe it's it's diversifying like our, our slate, or the people that have worked with us, it could be that with something, something becomes more popular for us, because we've been looking to fill a need, like we have a slate, and there are different types of movies on it, that maybe there's like one particular kind of movie that we that we think would round out our yearly slate. And then this pitch addresses that particular genre, like that could make it more interesting. So I think there are just a variety of things that could make it hot. That's not necessarily my world. I get it when and then I try to judge. Is this something like you said, not that we will pay anything to have, but we really, really want? So that could make it more expensive potentially?

Daniel Kim 52:36

Are there any specific niches you think that need to be filled at Netflix right now?

Kristen Baldwin 52:41

Transcript

Well, I would say I don't know how long term this is. But it's true that in a you know, I think it'd be wise to look at filmmaking from a COVID perspective. So projects that are going to require stadiums to be filled with people or globe trotting around international cities, which may have been really cool two years ago, are just a practical impossibility right now. So the types of movies that are more contained, and with fewer cast, I again, I'm not the person that like picks the movies that we do, but I would say those are smart decisions right now. Because they can be made more safely without jumping around a lot of you know, you could create an environment with a bubble and protocols and you're staying in one spot with few cast members. That seems to be really smart. Musicals, I think, have some trouble, not that they can't be done. But you know, the the science says singing in small environments is a way of spreading the virus. So you have to figure out like how, what does that look like if we have a song number in a movie is probably going to be a little more expensive than it would have been before.

Daniel Kim 54:00

Okay, thank you. That makes a lot of sense. Okay, ask one more question. Sure. Okay, so um, I understand you worked on both sides, for Julien Thuan, which is really cool. And for the studio. So within negotiations wise, Is there like a, you mentioned something about you know, how you give them a first offer, and then there's an expected offer. So is there like a typical dance? Are there any like, I hope to be from the other side at one point. So like, his tactics, yeah, from the talent side, that specifically work.

Kristen Baldwin 54:35

Um, yeah, I think I spent nine years on the talent side so I definitely have an affinity for it and got a lot out of it. You want to make them make the first offer. So you don't want to lowball yourself like let that let the studio make the offer. And then just know that they have more there to give. They are almost never offering the actual number. Now, that could happen, like if I had a close relationship with an agent or lawyer on the other side, and we had no time. And there was like an emergency, I might call up somebody who knows, and trust me and say, this is really the top. And if you guys can't do it for this, no hard feelings, but we have to move on like tonight, because the movie starts in three days, like that could happen. But for the most part, there's a little wiggle room. And then the other thing is money is important. For sure. I'm not saying it's not. But sometimes there's flexibility on other parts of a deal that are really important to you as the creator, it could be that you care about your credit, it could be that you care about the the availability, you have to work on other projects at the same time, because exclusivity gets negotiated.

Kristen Baldwin 55:50

So you might say, okay, they can't pay me, I'm a writer, and they can't pay me as much as I want to write this screenplay. But I can leave myself some room to work on other stuff at the same time. So maybe there's other parts of the deal that you can enhance, maybe you can get a commitment to be

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involved in subsequent version, like sequels. Like, you know, you want to think long term, I want them to come back to me. So I want this was my baby, it was my material, I want to be involved in the sequels and not cut out of those. So there's, there's a variety of other things that you might be able to negotiate even if the money isn't going anywhere, or is sort of done. And that's where bringing in an agent, or a lawyer or a manager, who's seen lots of deals and knows is really important. And where it's important for you to find your voice and tell your rep what matters to you. Because then they can use that. It was always more powerful as a representative, when I knew what the talent cared about. Because sometimes, and now we're on this side, I want to reach out and say, What does your client really care about? Because some agents are just going to ask for everything to bluster and ask for everything. But I listening for the thing that I think really matters to the talent to sort of cut through it and get it done.

Daniel Kim 57:16

Thank you, that was so helpful.

Marlowe Early 57:24

I was kind of wondering, in terms of COVID has there? Have you seen a type of shift in terms of content developers desire to work with, like animated films? versus let, um, like live action or ones that use people?

Kristen Baldwin 57:44

I haven't noticed the shift. But I know that like the animation department is going full force ahead. There's a lot I think there was like a moment where there had we had to, like modify the equipment and get get it, you know, either in people's homes or in a safer environment for the animators that come together. But they there is a lot of animation that is happening.

Amy Unell 1:00:32

You mentioned, you know, lawyer, manager, agent, you know, key kind of team roles. And I was wondering, just, if you could kind of briefly make those kind of distinguish between those. And, um, you know, the question I get from a lot of creatives, specifically students is, okay, I have this IP is intellectual property, this thing I created, which all of you have, which do I need an agent? Do I need a manager? Do I need a lawyer? Like, how do I protect what I have, and I wondered if maybe you could, I know, that's like a very, could be very long, deep conversation, but kind of maybe a tip or two for for all the students in the room here.

Kristen Baldwin 1:01:16

Well, to have all three of those is very expensive. So I wouldn't recommend anybody feel like they have to have all three of those people in their camps. An agent takes 10% of everything you make an

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entertainment lawyer takes 5%, and a manager takes 15. So you add that up, and it is, you know, your checks diminish greatly. When I worked at the agencies in business affairs, I often worked with new younger clients who did not have an outside entertainment lawyer. So the business affairs lawyers are free, they are included in the 10% that an agent charges you. So I think that's a little pro tip that the entertainment lawyers wouldn't like me saying, but it could save you that bit of money. And you wouldn't need a manager for a while.

Kristen Baldwin 1:02:11

Now that said, if you if you had like IP that you were trying to protect, and somebody came to you to negotiate a deal, then you would need an or you might just go after an entertainment lawyer at that point, the agent is really useful once they're representing you to try to bring you work. That's what their job is to understand what opportunities are out there in the world and bring them to you or to take your material, like your screenplay, and pitch it around town. Like that's what an agent is, is great at. But if you already have like an offer, then you could use an entertainment lawyer just to protect you and work out the deal terms. And they'd be a little cheaper. There are also entertainment lawyers that work by the hour. So there's a there's a there's a number of those that you could just pay an hourly fee to like, negotiate out the contract, but the way the ones I've been describing, and then some people find it easiest, when they're starting out to get a lit manager on their side. And I don't know that every lead manager charges 15% I just that's like the standard. So maybe you could find one that gives you a little bit of a deal. Or a break on that. But I think some people, I think a lot of lit managers go to festivals and you might find someone interested in representing you. That might be the first step in you know, is to have a manager represent you.

Amy Unell 1:10:28

Kristen has to get back to her, you know, making magic happen. And so we can watch more amazing, original films at Netflix. So I just want to say thank you, um, Paul, if you don't mind, just maybe not sharing your screen for a minute. So Kristen can see all of our faces and all of our clapping and love we want to give her so thank you.

Kristen Baldwin 1:23:39

Thank you for inviting me to speak. I'm happy to share my insights into the business part of all of this as future talent and artists, you guys, I do think should know some of the parameters around the business part of it. I think it'll only be helpful to you as you as you go forward. So good luck and invite me back.

Outro: Dave Karger

That's it for this episode of DEMAN Live. I'm DAVE KARGER, DEMAN is a signature program of Duke Arts and Duke Alumni Engagement and Development. Follow DEMAN on social and stay updated at

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Duke DEMAN, that's d e m. a n.com, where you can find our full archive of episodes. Thanks so much for joining us. See you next time.

This episode was produced by me Lilly Clark in collaboration with Hear at Duke, Duke's student run podcast hub. Our theme song is Carolina by Cameron Tompkins.

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