

PRODUCTION LEGAL CHECKLIST

Over the years, we have had many independent filmmakers tell us they were initially hesitant to reach out to an entertainment law firm because they were nervous about the prospect of incurring huge attorney fees. Unfortunately, those fears are often well-founded. With some entertainment attorneys charging over \$1,000.00 per hour, it is no wonder that the crucial legal requirements of film and television production are often kept intentionally mysterious and vague. After all, if you are unsure what even needs to be done, what other choice do you have than to call a lawyer?

That is why this checklist is of such vital importance. The secret that most entertainment law firms do not want you to know is that with a little research and effort, many of these items do not require the services of an attorney at all! Why spend thousands of dollars on unnecessary legal bills when those funds could be directed instead to the actual production? One of our core values at [Bowen Schmidt Entertainment Attorneys](#) is empowering creatives. While every production is different, we are providing this checklist so that you can be confident that the vast majority of your legal needs, from script to screen, have been covered and addressed.

Pre-Production

- Review available incentives and determine the primary shooting location.
- Register a production LLC in the state in which primary shooting will take place.
- Procure an Employer Identification Number (EIN) from the IRS.
- Draft an Operating Agreement for the production LLC.
- Procure a script clearance report.
- Procure all necessary clearances.
- Ensure and document chain of title (option/purchase agreement, purchase/assignment agreement, writer employment agreement, certificate of authorship).
- Register screenplay with the U.S. Copyright Office and the WGA.
- Procure all necessary insurance.
- Fill out initial incentive applications (if applicable).
- Draft and execute all necessary investment, co-production, collaboration, and pre-sale agreements.
- Negotiate and execute all necessary union and guild collective bargaining agreements.
- Ensure compliance with all necessary union and guild collective bargaining agreements.

Production

- Negotiate, draft, and execute above-the-line agreements (director, casting director, director of photography, line producer, editor, production manager, music supervisor, producers, executive producers, etc.).
- Negotiate, draft, and execute performer agreements (long form for key performers, short form certificates of engagement for secondary cast, escrow agreements).
- Procure all necessary day player agreements.
- Procure all necessary extras releases.
- Negotiate, draft, and execute all crew deal memos.
- Procure all necessary location agreements.
- Procure all necessary key art releases.
- Procure all necessary still photo and film clip licenses.
- Procure all necessary vehicle releases.
- Procure all necessary product placement agreements.
- Procure all necessary make-up and special effects agreements.

Post-Production

- Ensure that main/end titles and billing block are consistent with performer credit obligations.
- Review performer agreements and outline all paid ad obligations and name and likeness approvals and restrictions.
- Procure all necessary visual effects agreements.
- Procure all necessary post-production sound agreements.
- Procure all necessary pictorial house agreements.
- Procure all necessary music licenses.
- Negotiate, draft, and execute composer contract for original score.
- Register final version of film with U.S. Copyright Office.
- Organize all legal documents for delivery to distribution channels.

It is our sincere hope that this checklist will enable you to be confident that the majority of your legal obligations and needs are fully covered. Should you have any questions or if we can ever provide assistance of any kind, please never hesitate to contact our team at [Bowen Schmidt Entertainment Attorneys](mailto:bo@bowenschmidt.com).