



Little Black Book Of **TALENT AGENCY** **(FOR ACTORS IN ONTARIO)**

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Note From The Author

The entertainment industry can be very tough on newcomers and there are countless scams, frauds, and general pitfalls to avoid. Building a solid team around you, people you can really trust is integral to your success as a young actor. It is my hope that this Little Black Book of Talent Agency (for Actors in Ontario) helps those new to the world of professional acting choose their representation wisely as to avoid becoming jaded in what can be a very fulfilling and exciting career.

I hope you find this valuable, and when the time comes, break a leg!

Question:

What is the role of an "Agent"?

Answer:

Your agent's main goal is to get you work! They should have strong, established relationships with people responsible for holding auditions and casting roles. An agent will typically have a roster of clients, and will submit those they think meet a role's description to various postings. You can rely on their industry experience to know what you may expect from certain agreements or business relationships.

Question:

What is the role of an "Entertainment Lawyer"?

Answer:

Your lawyer's role is primarily to help you decipher and negotiate the deals put in front of you. While your agent can assist with this, lawyers often have more experience dealing with the complexities of contract law. If you retain a lawyer from the beginning, the first agreement they work on for you will likely be your Agency Agreement. Most Entertainment Lawyers have a background in Corporate Law. So, in addition to helping your agent negotiate your deals, they may also work with your accountant to set up corporate structures to assist you in tax planning and other activities. From holding out for more money to holding companies, lawyers get deals to a signing point.

Question:

What should I look for in an Agent?

Answer:

First and foremost, a personal connection. Your Agent is essentially your business partner, so you want someone who understands you and wants what's best for you. Also important is finding an Agent who has great relationships with casting directors who run auditions in Ontario. As your career grows, you also benefit from them having U.S. connections. Finally, your Agent will often be the one negotiating your contracts for any landed jobs, and so you're going to want to make sure they have the requisite industry experience to know what to ask for, and how to ask for it.

Question:

How long should my first Agency Agreement last for?

Answer:

You never want to get tied up in a long term agreement with any service provider, like an Agent, especially when there is little fear of them raising their rates (Agents almost always operate on a percentage-based compensation). Therefore, try to avoid overly long (and definitely perpetual) terms and try to get a one or two year term, that automatically renews at the end of each period unless terminated early.

Question:

Is there a governing body for agencies that my agent should be a member of?

Answer:

While not mandatory, your agent may be a member of the Talent Agents Managers Association of Canada (TAMAC). TAMAC agents subscribe to a code of conduct. The agencies on this list are typically the most reputable options in your city, and they conveniently list their members on their website in Toronto, Ottawa, Montreal, and Vancouver.

Question:

Should I pay my Agent upfront?

Answer:

This is almost always a definite "NO!". Agents are compensated with a percentage of your earnings. If you are asked for a fee upfront, it's often indicative of a scam. There are some reasonable fees, such as to pay union dues or to reimburse expenses, but these are the exception, and usually minor.

Question:

Should I pay my Agent for photographs or training?

Answer:

The best agents won't bother mixing their business with ancillary services like "acting school" or "photography for headshots". In fact, many cases of these services being encompassed into an Agency Agreement are indicative of frauds that do not follow up with providing actual agency services.

Question:

What if I get work without using my Agent?

Answer:

This is typically outlined in your Agency Agreement directly, but if it's not mentioned, look at the language used. Is the agreement in regard to "all work" or "work sourced by the Agent"? Most actors prefer to have their Agent deal with all of their work, and Agents almost always reject the possibility of allowing multiple Agents working for the same client. That said, if you commonly work for friends' projects, or have a self-funded project that's going to be hiring you professionally, it may be worth carving these out of the scope of your Agency Agreement.

Question:

What percentage should I be paying in commission?

Answer:

Everything is negotiable. That said, the industry standard in Ontario is between 10% and 20% based on factors like your work history or "star power", your Agent's experience, and what type of work you're primarily looking to get.

Question:

Should money from my work be paid directly to my Agent?

Answer:

Usually, this is the easiest way for the production company hiring you. It's also considered more professional. Your agent will remove their fees and send you the balance.

Question:

What happens if my Agent doesn't get me any work?

Answer:

The agent's job isn't to get you work, it's to get you opportunities. The entertainment industry can be very fickle, and actors can go a long time without booking work. So, if an agent isn't getting you work that may not be on them, but if they're not getting you auditions, there may be an issue. Your Agency Agreement should outline when either you or your agent are allowed to terminate the Agency Agreement early.

Question:

Should I join ACTRA?

Answer:

Your agent should be a good judge of when the right time for you to unionize is. Joining ACTRA opens you up to the ability to take on professional roles, but it limits you from participating in non-union productions. The short answer is that it depends on what type of work is available to you.

Question:

What's better, an agent with a million other clients or one with few clients and more attention for me?

Answer:

Something in the middle. You don't want to get lost in the storm or compete for your agent's attention, but you also want someone who is submitting actors

often enough to be on the radar of the people casting multiple projects.

Question:

Do I have to pay a commission for my existing work?

Answer:

An Agency Agreement should only cover work that is brought to you by your agent during the Term of the Agreement. There are always exceptions, but typically, you don't pay for work your agent didn't do. But what about an extension for an agreement that was already in place? Depending on how your Agency Agreement(s) is/are worded, you may have to pay your old agent that negotiated the original, and your new agent that negotiated the extension. If your agent is a member of TAMAC, they will follow the official TAMAC rules for this situation.

Question:

Can I do a handshake deal with my Agent?

Answer:

While the best agents are very trustworthy, no lawyer will ever advise you to take on a handshake deal. Period. If the deal sounds too good to be true, it might be. Always put everything in writing.

Question:

When should I let my agent know if I'm not comfortable with certain scenes, nudity, or specific roles?

Answer:

It's best to have an ongoing open line of communication with your agent about these things. Your opinions may change over time, and these comfortabilities are often not solidified in an agency agreement, so just make sure your representative knows what you're comfortable with so they can target their job search for you accordingly.

Question:

What if I'm an underage minor or the parent of an underage minor actor?

Answer:

Parents/Guardians can sign Agency Agreements on behalf of minor children. Both parents or all of the guardians should sign, where applicable, to avoid issues with parental consent. Also, minors technically have a right to nullify agreements made on their behalves when they turn of age. This means parents may be asked to indemnify or guarantee contracts. Be very cognizant of the effects of doing so. Lastly, many agents work with minors all the time, in fact, some do so exclusively, so make sure you're picking the right agent for your specific situation.

About The Author



Daniel Wulffhart

From within Hummingbird Lawyers' corporate division, Daniel founded a niche Entertainment practice, stemming from his years of experience in various parts of the entertainment industry. An artist at heart, Daniel understands the importance of agency relationships to an artist's work and works with his clients to provide clarity to the various terms, conditions, and their respective impacts to his clients' careers.



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