



Reality Power

By Eriq Gardner

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When MTV announced last winter that it would begin filming a second season of its breakout reality series "Jersey Shore," Michael Schweiger sprang into action.

An agent at New York's CEG Talent, Schweiger reps many of the show's buffed and bronzed cast members. While Snooki, The Situation and the rest made only hundreds of dollars per episode during the show's first season, Schweiger knew they could do far better by banding together in negotiations. The cast rejected an initial offer of a \$10,000 signing bonus and \$5,000 per episode. MTV then upped its offer to \$10,000 per episode -- and threatened to find new "guidos" if the money weren't enough.

"Even if it's not what the cast of (MTV's) 'The Hills' got, the raise was still considerable," Schweiger says. "It shows there's always strength in numbers, though we know that you can only push a network so far."

The "Jersey Shore" kids are just a few of the reality stars benefiting from an increased sophistication among agents and lawyers in the unscripted TV business. The reality landscape may be filled with talent that has signed away broad rights at paltry pay for the opportunity to become famous, but what was uncharted territory a decade ago is now a highly specialized business. Indeed, reps for reality stars are in many ways outpacing their scripted counterparts in terms of adding value to their clients' careers.

"Talent coming out of the nonscripted place, these people are entrepreneurs," says CAA's

Jonathan Swaden. "They see their fame as a business. That compels very creative dealmaking."

From salary renegotiations to building a global personal brand, the quality of a reality agent or lawyer can be the difference between a flourishing career and a flash in the pan.

Consider the work that CAA's Alan Berger has done with Simon Cowell, helping bring him to the U.S., then orchestrating his eye-popping deals for Fox's "American Idol" and now "The X Factor." This year, Cowell was the highest-earning performer on television, bringing in about \$38 million for "Idol," plus millions more for his stake in NBC's "America's Got Talent" and other deals. He will co-own "X Factor" with Fremantle and could make even more than he did on "Idol" if the 2011 show is a hit and ratings bonuses kick in.

Next consider WME's Adam Sher, who was so instrumental in building Ryan Seacrest's brand that he left the agency last year to run Seacrest's company. But not before the groundwork was laid for Seacrest to become the highest-paid host on TV in a three-year \$45 million "Idol" deal, plus his massive pact with Comcast to appear on "E! News" and produce hits like "Keeping Up With the Kardashians," plus his network producing efforts, which this year resulted in "Jamie Oliver's Food Revolution" on ABC.

On the producer side, ICM's Greg Lipstone sold CBS on producer Stephen Lambert's "Undercover Boss" -- the season's No. 1 new show -- before the U.K. version had even aired, while UTA's Brett Hansen has helped "Jersey" mastermind SallyAnn Salsano build her 495 Prods. into one of the hottest companies in the genre. Lawyer Jeanne Newman, long the leader among reality attorneys, has been representing Dutch powerhouse Endemol since before the company even had a U.S. division.

In the upper echelon of reality dealmaking, little nuances in strategy can make a big difference for clients.

In renegotiating fashionista Tim Gunn's contract for Bravo's "Project Runway," CAA's Swaden made sure the deal allowed Gunn to launch a clothing line by himself and held back rights that were valuable when producers decided to release a video game with a Tim Gunn avatar. Similarly, when Swaden heard that Bravo wanted to sign maternity fashion designer Rosie Pope for a show called "Pregnant in Heels," he intervened and excluded rights to her name and likeness when she's not on the show. That way, he says, Pope is in a position to use her fame to become "the Martha Stewart of maternity wear."

Holding back rights is important when representing reality producers as well. Paradigm's Steve Wohl handles Friday Television, makers of NBC's new competition "Minute to Win It." Despite increasing demands from networks for more ownership and control, Wohl was able not only to get a 28-episode pickup, but also to retain rights to license derivative versions of the show in many overseas territories.

Initial studio deals with reality talent will often control whether a cast member can sign a book deal or make personal appearances or endorsements. But a good representative can create wiggle room.

"We want to be able to do things that play off their 15 minutes of fame," says Howard Siegel, a lawyer at Pryor Cashman who has represented many "American Idol" contestants. "For example, how long before your client can make a commercial? How long before they can

appear on another show? You want to get these contracts to expire as quickly as possible."

Star talent like the "Idol" finalists can be a rep's dream when making a deal -- though "stars" include both on-camera and off-camera names. TLC is reportedly paying producer Mark Burnett's company a fee more in line with scripted TV per episode for the upcoming "Sarah Palin's Alaska." Gersh's Todd Christopher got Kirstie Alley a six-figure deal to sign on for her A&E show. WME's Sean Perry negotiated for chef Gordon Ramsay to become one of TV's highest-paid talents -- low- to mid-six figures per episode -- based on his three unscripted shows at Fox, the latest of which, "MasterChef," debuts in the summer.

The key to being an effective reality dealmaker is the same as the scripted world: Doing research to figure out the economics of each situation.

"You (have) to find out what Bob Saget got for '1 vs. 100,' " says UTA's Hansen, "what Guy Fieri got for 'Minute to Win It.' You'll ask for \$150,000 (per episode), but you know it's more likely to be \$50,000, the going rate for a celebrity to host a reality game show in the first cycle." Helping average people garner star-like salaries in reality deals is tougher, and unknown participants often sign cumbersome form agreements with little opportunity to negotiate.

In signing up for Bravo's "Real Housewives" franchise, its leads agree to fork over "the exclusive rights in perpetuity and throughout the universe, to depict, portray and represent" them.

"They have given away everything," says Steven Katleman, an attorney at Greenberg Traurig who has represented both reality talent and producers. "These agreements go on for years and producers have no obligation to renegotiate."

Of course, most do renegotiate if the show becomes a hit. The housewives of Orange County each got \$100,000 to continue participating in the show. Heidi Montag and Lauren Conrad negotiated for \$50,000 an episode to make the jump from MTV's "Laguna Beach" to "The Hills." And even though the standard pay increase in reality television is 4% from one season to the next, agents report that many reality stars have extracted double-digit bumps and sometimes much more.

Talent reps say that the secret to successful negotiations is to explain how, in the reality game, happy talent translates into unforced enthusiasm, which makes good TV.

"Networks need to treat the people on their shows as partners," says Hansen, who represents such stars as Conrad and Bob Harper on NBC's "The Biggest Loser." "They have to face Bob every day, and if Bob shows up to work with people from NBC, knowing they are keeping him from making a lot of money he could be making elsewhere, he's going to be unsatisfied."

Agents agree that threatening to walk away from a show is usually reckless and dangerous. Although producers can't force talent to show up, a court can issue an injunction preventing contracted individuals from taking other jobs.

"Clients aren't going to cut off their nose to spite their face," APA's Hayden Meyer says. "Ultimately, I may be dealing with a midlevel executive and have to call their boss in business affairs, saying, 'Hey, we need you to let up on this because it's not going well.' You just hope they decide to play nice and fair."

Whether a reality star gets what he or she wants now depends on the same criterion as scripted

TV: Does the show's continued success depend on his or her participation? In order to wrangle as much leverage as possible, Schweiger says he'll often counsel clients to cultivate their fan base outside what's done for the show.

"We'll spend money to get a story placed with TMZ," he says, referring to clients on "Jersey Shore," "Real Housewives" and "Bad Girls Club." "And we'll try to develop their public persona to build a story so fans care about their lives."

Networks know the consequences of offending fans. NBC booted trainer Jillian Michaels from "The Biggest Loser" in 2006 because execs found her difficult to work with, but her replacement on the show was rejected by viewers. A year later, she was brought back -- with a more favorable deal.