

Committee on the Administration of Credits Procedures

Report to the WGAw Board of Directors

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Background: The CACP was formed by the Board at the end of January, 2005, and has formally met a number of times since. The CACP was empowered by Board motion to examine all administration and procedures germane to the notice, arbitration and award of credits. In addition, the CACP was empowered to evaluate and propose changes in the membership and mission of the CRC.

Finally, the CACP was restricted from making any recommendations requiring a membership vote. As such, we did not address a whole host of credits issues, not the least of which are the credits guidelines themselves.

The Committee has a number of recommendations for the Board's approval today. Each of these proposals has been reviewed and found appropriate by counsel for your consideration. Each of them is intended to improve the efficiency and trustworthiness of our credits system. Each of them is intended to reassure members that their faith in our credits system is well-deserved.

Non-Action Item: The Committee recommended that the Credits Department create a "decision-making flowchart" that graphically organizes the appropriate rules and determinations our credit arbiters need to consider. This flowchart is simply a restatement of our current rules and signifies no variation in policy, and therefore counsel advised the committee that staff could execute it at will, subject to final approval of the committee. Staff is currently preparing the flowchart.

Action Item #1: Arbiter Consultation

Currently, credit arbiters are not allowed to communicate with each other in any way. In cases where they fail to reach a consensus, this can become a serious obstacle. Stalemated arbitrations require staff to dismiss the original three arbiters and find three new ones, consuming considerable time and resources and seeding potential suspicion among the participants (should they find out that this has occurred).

The CACP wished to preserve the anonymity of the arbiters and the role of the credits consultants who assist them, but also wished to provide arbiters with a method of communication if they were near a consensus but not quite all the way there.

We believe technology now allows us to achieve this goal.

MOVED: In instances where the arbiters fail to reach a consensus even with the assistance of their credits consultant, the arbiters shall endeavor to consult anonymously with each other and their credits consultant as a group in a guild-hosted internet text-only chat room.

This motion is unanimously recommended by the Committee. Approval would have negligible financial impact.

Action Item #2: Publicizing II.C “Self-Determination” of Credits

The MBA grants participating writers the right to determine *among themselves* the appropriate credit for a motion picture or television program. This right is detailed in section II.C of both the Television and Screen Credits Manuals.

II.C: The Minimum Basic Agreement provides that, when more than one writer has participated in the writing of a motion picture, then all participants have the right to agree unanimously among themselves as to which of them shall receive writing credits on the screen and in what form, provided that the form agreed upon is in accordance with the terms of Theatrical/Television Schedule A of the Minimum Basic Agreement, and provided the agreement is reached in advance of arbitration. The Minimum Basic Agreement also provides that the form of such credit shall not be suggested or directed by the Company.

Any participant may initiate a meeting or other discussion among all the writers who have contributed to try to reach such an agreement.

After a protest is received by the Guild, if there is an indication that agreement on the credits might be reached by the participants, the Screen/Television Credits Administrator will make reasonable efforts to arrange a meeting or other discussion among the writers for this purpose. If no agreement is reached, credits shall be finally determined by arbitration.

This option is, of course, not available in any situation that calls for an automatic arbitration (e.g. one of the participants qualifies as a production executive).

The CACP believes that this important and hard-won right is not one many writers even know they have. Furthermore, we believe self-determination should be supported by the Guild whenever possible.

It's important to note that the self-determination process will only begin if all participants agree it should, and any participant at any time can end the process by simply requesting a Guild arbitration. Writers with concerns about the status or prestige of a fellow participant can protest tentative credits as they do now, and need never “face” the other participant(s) if they do not wish to do so.

MOVED: As soon as possible following receipt of a Tentative Notice of Writing Credit but only in such cases that do not require automatic arbitration, staff shall inform all participating writers of their options described in Screen Credits Manual II.C. or Television Credits Manual II.C. and offer any and all reasonable assistance to the participating writers if they choose to avail themselves of said options.

This motion is unanimously recommended by the Committee. Approval would have negligible financial impact.

Action Item #3: Optional Mediation For II.C “Self-Determination” of Credits

In the desire to assist writers who opt for the self-determination process, the Committee considered offering participants the optional services of a mediator. The mediator would work as a facilitator to help the participants arrive at a consensus if possible and desired. The mediator’s participation would be entirely contingent upon the participants’ unanimous wish to have him/her present, and any participant could disqualify the mediator at any time, with the participants continuing without mediation or simply ending the self-determination process and moving to a Guild arbitration.

MOVED: Offer the optional services of a mediator to act as a facilitator for participating writers convening for the purpose of determining credits per II.C.

This motion is recommended by a 5-1 vote of the Committee. Approval is expected to have a fairly low financial impact.

Action Item #4: The Future of the Credits Review Committee (CRC)

Part of the CACP's mission is to deal with the future of the CRC. The CRC has been dormant for quite some time. In discussion of how to "begin again" with some sense of hope and renewal, the CACP considered that one unified Credits Review Committee may not be the best idea.

While there are a number of credits issues of concern to television writers (particularly MOW writers), the vast majority of debate swirls around screen credits. It was felt that combining television and screen writers in the same credits committee did a disservice to both parties, with screen concerns overwhelming the television writers, and crucial screen debates sidetracked by very specific television concerns.

The CACP will soon ask the Board to consider appointments to the Credits Review Committee, but before we do so, we recommend that the current CRC be dissolved, and that two new committees take its place. No one wants excessive committee proliferation, but we believe this structure is the best way to move forward positively and productively.

MOVED: The Credits Review Committee as it currently exists shall be dissolved, and two new committees shall take its place. The CRC - Screen shall address credit matters covered by the Screen Credits Manual. The CRC - Television shall address credit matters covered by the Television Credits Manual. Matters of common concern shall be overseen by a joint subcommittee consisting of equal members of the two committees.

This motion is unanimously recommended by the Committee. Approval would have negligible financial impact.

Thank you for your attention to these recommendations.

The CACP