

INTRO

(The following is read by Laura Colby over jazz music composed by Manual Cinema)

Hi, I'm Laura Colby and this is the Middle Woman, A Roadmap to Managing the Performing Arts. I'll be sharing personal anecdotes from my 30 years in the field, exploring the nitty gritty and the technicalities of this job. I'll tell you the story of how I got here and what it's taken for me to work in the industry of the performing arts.

--

EPISODE 14

Hello, my name is Laura Colby, I'm the founder and president of Elsie Management, and today, we are going to focus on things that can trip you up as you do your work. Things I didn't know about earlier in my career that consumed a lot of time and energy from me that, frankly, I should have been spending on something else, that I just didn't know about and now, as one does in life, one develops sensitivity or awareness and is able to hopefully see things as they present themselves to you and have a: Oh, hold on, I'm going to pause here. Maybe this isn't right. Maybe I can't work for this artist anymore. Maybe I'm not the right manager for this artist anymore. Maybe this presenter doesn't have a budget or authority to program. So I am offering up this information in the hopes that you can have your awareness raised by some of the things that have tripped me up big time.

So I'm going to start with, picking up artists that you don't necessarily know really well. Now what does knowing an artist really well mean? I mean, it can mean so many things. There's the work, and then there's the artist. What is it like to actually work with that person? Who is going to be your point of contact for that company or artist? Often times, it won't be the artist at all. You'll be working with a company manager. Can you work with that company manager or executive director? Are they a nightmare to work with? Do they never return your calls? Do they never get back to you? Do they never set up that monthly meeting with you that is so critical?

Early on to my exposure of contemporary circus, I happened to be in Seattle, and I happened to be able to see a fantastic European nouveau cirque, contemporary circus, physical theater company that just totally blew my mind. This was a good 20 years ago, so I hadn't had that kind of exposure and the audience went crazy for this artist and there was no text, no spoken language. It was just fantastic because it was an all ages show for all kinds of audiences and I just fell in love and I introduced myself to them and I gave them my card and we started a

correspondence. And eventually we picked up this company and specifically this show.

Onboarding an artist takes a lot of work for any roster in terms of getting to know the work well enough to be able to speak about it eloquently and with confidence. Understanding exactly what the touring fees are. Getting all the high res images and the videos that are necessary to promote the work. All of that takes so much work for a manager to do.

So we were a good four months into our representation. They were the featured photograph on my roster card. They were the featured photograph on my website. I was bananas for them.

This company was comprised of two artists, and they did not have a company manager or an executive director. I was working directly with them. I was pushing hard for dates. I did have some very specific interest from some venues, and I took the dates to the artists, and the response back I got was, Oh, we're not gonna tour that show anymore. And it's like, what? So that show that I had seen, that had rocked my world and I'd gotten so excited about, oh, was just suddenly no longer available. Well, that was news to me, right? And I had done all this onboarding and all this promotion with very specific imagery from this very specific show, and it was over.

So lesson learned. What I know now is I ask very specific questions. Will this show be available for touring for the next three, four, five, six years? How long are you going to give me permission to promote this work for which seasons? And that also means you're going to fulfill these engagement dates. So you need to know that information in advance before you sign an artist or a specific show. You need to have that confidence and you need to have that knowledge. Otherwise, you're going to do what I did and end up wasting a whole lot of time and energy on a show that was no longer touring.

We are often contacted by very well meaning presenters, but it turns out they don't really have a budget, nor do they have the authority to be programming or they don't have the right space or they don't have the staff to execute an engagement. So if you don't know the presenter who's reached out to you, and I don't mean know as in you guys had coffee last week, I mean know them as an, oh, I didn't know there was a dance presenter in Coeur d'Alene, Idaho. Well, it's your job to go online and look up that presenting organization. I mean, if you can't find a website, that's it, this conversation's over. If you do find a website and you confirm, oh, they really are presenting dance. Wow. Okay.

So to me, that means they damn well better have a dance floor, meaning it's a sprung dance floor. Maybe they've got that white Marley I always have to have. Surely there's a crossover space and the necessary wings for your typical straightforward dance company. Surely there's a repertory dance plot available in their theater. But again, that's assuming a whole lot of stuff.

So you look at the website. You recognize one of the companies they're presenting. You call that manager or that executive director for that company and say, Hey, so and so reached out to me from this presenting organization. I see that you're being presented there in this season. What is your experience like? And this is the part where you listen. Even better, you go back into history, you find out who they presented last season and you call the company that has already had their engagement at this venue that you never heard about and you listen.

Your colleagues will have a lot to tell you. How did the advanced tech go? Was that White Marley really there? Were you actually paid on time? Was there a crew? Was there audience? Should I really put my company on the road to go to this venue? Because ultimately you don't want to go through all of that work to have your artists on the road having a miserable, horrible experience. Or you don't want to go to all that work to find out actually this person never had the authority to program a show and they absolutely did not have the budget, and they just expected you to reduce your fee from \$20,000 down to the \$7,000 they actually have in their budget, because that game happens as well.

How can you learn to sniff that out? By being really straight forward. Like this is the fee. The fee is \$20,000 plus housing, Joe. I, you know, I might be able to get that down to \$19,000 plus housing. Can you share with me what you had hoped or planned for your budget for this event, for this engagement? And hopefully Joe will have the capacity to be honest with you right back and say, Oh God, I only have \$7,000. And that's where you have to say, I'm so sorry. We are not going to be able to make this work. Or you say, okay, for \$7,000, the artists, instead of sending 12 people on the road, they actually have a duet touring program and we can make that duet touring program work within your \$7,000. And then it's up to Joe to make a decision. But at least now he has the concrete solid information that your fee is \$20,000 period. And this is also where you can say, perhaps we can start working now on being able to bring this artist to your season next year with their fee at \$20,000.

Trip ups that can also happen, is when there's confusion about whose job is it? Like, everybody needs to know what their role is. Whose job it is to get X, Y, and Z done on this engagement in order to deliver this engagement.

When it comes to things like a wardrobe person, for example, it's not the agent manager's job to make sure there's a wardrobe person at the venue for the artist, the company. One thing for artists to consider is to make sure that, that wardrobe person is clearly spelled out in the tech rider. And then that the artist gave the agent manager that tech rider a year ago clearly spelled out there was a wardrobe person absolutely necessary for this engagement. So that when, I'm at point of negotiation with my presenter, and I give them the tech rider, because that's the first thing they ask for when things get real for a presenter, is they ask for the tech rider. And they see in the tech rider, I need a wardrobe person. And right then and there, a year ago from the engagement, the presenter says to me, we cannot provide this personnel.

And then the agent manager takes the offer to the artist, which meets the artist fee, but has a caveat: The venue doesn't have a wardrobe person for you. And you, the artist company, accepts the offer, knowing they don't have a wardrobe person. So the tech rider comes back with a wardrobe person crossed out, everybody initials it, in the advance that the artist production manager does, three weeks before the engagement. It's also pointed out again, there's no wardrobe person on this gig.

When the artist company gets to the theater and is shocked there's no wardrobe person. You know, it's like you've had this information for over a year. This is the part where it was your job, you, the artist/company, to figure out what you were going to do about wardrobe for this engagement, in particular, that we knew over a year ago was not supplying you with this personnel.

It's the same thing with pick up at airport. It's the same thing with housing, if the venue is not going to provide housing. Like you the artist company should know that stuff a good year in advance because that's when your agent manager is negotiating for you and when they send you the offer, that should be clear in there.

You the artist company need to take the agency to say to your agent manager: Okay, I just want to be super clear here. Who's booking the housing? Are they picking us up at the airport? Do I have my white marley? Just triple confirm everything so that when you get on site, you aren't surprised when there's no wardrobe person.

In the same vein, this goes for marketing materials as well. If you don't ever want to see that photo of you or your company or that specific actor or dancer ever again, don't give it to your agent manager. Don't put it on your website because guess what? A presenter is going to fall in love with that picture and they're going to ask you for it. Or worse, it's in your high res photo link. And the presenter has

decided to print a 10 foot banner that's going to hang on Michigan Avenue in Chicago with that image.

If you have particular imagery that's out of date, or you never want to see again, delete it, delete it, delete it, and make sure it's not visible online anywhere, and make sure your representation understands that imagery is no longer available. Period. Even though it was the best photo ever, it's no longer available. That goes with your language as well. If you don't want your representation to speak about you in a certain way, which also means you don't want the presenter to speak about you in a certain way, change the language about you and or your show so that there's consistency and so also your representation can act with confidence.

In terms of company management, this again gets back to whose job is it, we are not in the business of buying airfares on behalf of our companies. We just do not do that. We'd much rather have the artists have absolute control over their departures and arrivals and seats and carriers and all of that stuff. It's minutiae you do not want us getting into, but also I'd much rather have you screw up your airfares than me screw up your affairs. Because as we all know, you can't get on a plane if there's a letter incorrectly printed on a flight versus your ID. So that's internal management that is key to each artist and company, and it's incredibly important.

Purchasing airfares is something that we feel very strongly should be in the hands of the artist. We are going to give you your arrival and departure days and basically when your time in the theater starts, but it is up to you to purchase those airfares in a timely manner so that you get great fares, but also you get the fares that you want, not something that we just arbitrarily decided to buy for you.

If you are an artist manager and you are considering representing an international artist, or company, there is so much information that you need to know. Some red flags can come up because of the tax obligation. So first of all, there is a tax obligation. Any international person earning money in the United States, has a tax obligation. They must file an annual US tax return. This is not going to be the episode on our tax treaties, here's the short list of things as an agent manager that you must know about your international artist or company. First of all, are they a singular individual or are they a company, an actual organized company?

If they are an actual organized company, what is the organization? This is where language can be complicated because here in the United States, we use terms like, Oh, they're an S corporation. They're a not for profit. They're a for profit. So all over the world, that kind of nuance is expressed differently. But the bottom line is, you need to know, are they organized as a business, wherever their home base is? And then you need to find out what kind of business they are organized as. Why?

Because this directly relates to what their tax obligation is. And the paperwork that has to be filed for them for the income they earn in the US.

I got tripped up because I picked up a UK artist and I just assumed he was a company. And I found out way too late in the game that he was not a company, which meant that I could not use a tax waiver, that I had assumed I could use and I had to instead get a Central Withholding Agreement (CWA) with the IRS and that required a whole nother effort of time and knowledge and money to go down that route to acquire a CWA for this artist because I didn't ask the right questions. So you need to know for your international artist. What is the organization of their company?

You also need to know what country they are located in. I know that sounds so silly because someone's located in the UK, but then, oh gosh, you find out later that actually the business is incorporated in Israel. That's going to make a big difference.

We, the United States, has tax treaties with a very specific list of countries. Those tax treaties guarantee against double taxation. So in other words, when my UK company, we do have a tax treaty with the UK, when my UK company, it's actually a company now, comes into this country, they're not going to get taxed by both the US and the UK because they are protected by this tax treaty. There are plenty of countries that we don't have tax treaties with. For example, China, Brazil, Argentina. As an agent manager, you need to know this, because that means that you are not going to have access to the waivers that the tax treaties provide and you will have to file Central Withholding Agreements, CWAs, for that company, those artists coming from China, Brazil, Argentina.

That's a really quick and dirty on the basics that you need for an international touring artist. A really great website to reference and to dig much deeper into tax obligations and visas is artistsfromabroad.org. And that's artists, plural artists from abroad dot org. And of course, yes, we'll put that in our glossary.

Often you'll hear agent managers saying, oh, yeah, they're an agent jumper. So you look at a company that has changed its representation, let's say three times in the last six years. Wow, what's going on there? So here's the part where we are not miracle workers. We are not the answer to all your prayers. We're just going to do our best to carve out a spot for you in this overcrowded market to find touring engagements, because we believe deeply in your work. However, there is no guarantee. In fact, my representation agreement says quite specifically, there is no guarantee that we are going to get you touring dates because we can't possibly guarantee that.

So when an artist does come for us for representation, one of our first questions that we ask ourselves is, well, first of all, are they represented now? If they are, it's probably by one of our colleagues. And we will literally pick up the phone and call our colleague and say, Hey, do you know that your artist is out shopping for new representation? And often times our colleague will say, actually, yes, I do. And I meant to say something to you because they're probably going to call you. But sometimes it's a total shock for them. This is not a big field. I mean, it is a big field, but in terms of the agent managers. You know, we're a tight little group.

One of the things that we have done with our representation agreement with new artists is request an initial term of two years of representation. So not just one year, but a two year commitment. Because if an artist is not willing and able to give us two years a minimum of two years to try to land that first engagement for them, we are not interested in doing that huge onboarding and all of that work in conversation, to dig that groove for them in the market for them to just cancel on us six months later and say you haven't gotten us any bookings. That's not enough time.

If an artist is brand new to the market or an emerging artist in the market, it can take three to five years to get that first engagement. If an artist has had 10 or 20 years touring, that's different. But even then, when you change management, there's a bump. There's a gap. There's gonna be a period when you have no bookings and it's important to acknowledge that, and to say out loud we're so excited to welcome you to the roster. Our expectation is we're gonna have our first bookings for you in the 26/27 season because that's reality.

If we encounter an artist who pushes back on that, we just move on. We just say, I'm sorry. That's a deal breaker for us. We're not interested in picking up an artist to have you cancel on us in six months time when we haven't gotten you any bookings. And if the artist says, well, I'm looking for an agent who's going to deliver, that's when we let them know that we are not the right manager for them.

There's also sometimes when artists have called me and they have been represented by one of our colleagues for a while. I will often have a very honest conversation with them and say, this representation has been doing great work for you. Why on earth would you leave them? They have created a space for you in the market. You have 12 years under your belt with them. And I will listen and hear what it is they have to say. And sometimes when that colleague is a pal of mine, we can have a very honest conversation about that. It can be beneficial to both of us, because I did have one circumstance where my colleague said, yeah, you know, we're having fatigue with this artist. And I think it's probably time to end this

representation agreement. That is one outcome. And then the artist can make a change in their representation. But it may also be that that current agent manager will say, Wow, we had no idea, they've never told us. And it's an opportunity for them to have an honest conversation with their artist client to say We understand that you're not happy with your representation. What can we do? You know, that can begin a very fruitful conversation between an artist and their current representation. As an artist, if you are not happy with your representation, it is incredibly important that you speak to your agent manager and express that to them.

Some red flags that can come up in the course of representation is when you as the agent manager start getting reports back from your presenters that are not good, that are about unprofessional behavior, about rudeness, and these are red flags when your presenters call you to let you know X, Y, and Z happened and that was not okay with them, it is your job as agent manager to absorb that information and to get back to your artist client and to talk about it and to let them know that that's not acceptable and that their behavior on the road is their reputation. So it's not just how amazing and incredible their work is, but if they're an absolute nightmare to work with, they need to know that the presenters had that experience with them. And the presenters all talk amongst themselves, and they will say to a fellow colleague, Oh, it is not worth putting your staff through this, to book this company, to have this incredible show and a nightmarish engagement process with this company. Those are red flags and you as a representation need to be honest, fiercely honest with yourself and your artist company to feed back those reflections and responses you get from your presenters.

Lack of communication is a huge problem. We've talked a lot about that in terms of, in the contracting episode, lack of communication with a programmer probably means you don't have an engagement. Lack of communication with an artist probably means that that artist is looking elsewhere. It's just not a good sign.

A best practice is to try to have a monthly meeting with each of the artists you represent. That can be a 10 minute check in phone call or it can be something much longer, a one hour meet in person if you actually live in the same place or you can get together. It's good at a minimum to speak to your companies every other month. Inevitably you're having communications around bookings and dates, but you also just need to have organizational phone calls just to have a check in phone call. Because when you haven't spoken to an artist for four or five or six months because you're just off in your corner doing your work, I get it, but you really need to have a check in with your artist roster on a regular basis.

One thing for artists to consider for a red flag when considering an agent manager is looking at the scale and size and capacity. And trying to answer the question: Is there room for me on that roster? And for the agent manager to answer the question: do I have the capacity to add this artist at this time? One of our answers back to a lot of the artists who approach us for representation is: we can't do the work that needs to be done for you right now. And that has everything to do with the workload we are currently experiencing with our current roster. And until and unless something shifts in our roster, we don't see us being able to do the necessary work for you. It would be disingenuous of us to say, oh yeah, come on our roster, and then us not being able to do the work we need to do for you. That's a really honest response. There can also be a caveat on it, come back to us in four years, you know, something may have shifted, but also internally for us, we make a note like, oh, it's so great that they wanna come on our roster, we really can't do this right now. And looking down the pike, in two or three years, we won't have that show anymore. We probably won't have this artist anymore. Maybe we can bring them on then, if they haven't already committed to somebody else. This is something the artist should deeply, deeply consider. Is there room for you on that roster? Is there capacity within the agent managers there to be able to really, really represent your work?

I hope this has been helpful in terms of covering things that have tripped me up in the past that hopefully won't trip you up as you move forward in your work in this field. As always, I'm going to say, go see a live show. There's something out there that could just rock your world and deeply move you and I can't wait to hear about it. Drop me a line.

Until next time.

(Fade out with jazz music by Manual Cinema)