REDEFINING THE INDEPENDENT FILMMAKER’S AMERICAN DREAM

FROM 1990 TO 2010

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Section 1: *Trailerpark and the American Dream*

In 2009, I wrapped production on my first feature film, *Trailerpark*, based on the book of short stories by acclaimed author Russell Banks. Made for only $60,000, *Trailerpark* is an ensemble drama about the relationships formed and broken throughout the year of a rural trailer park. The story behind the production is just as impressive as any independent film, with the film being produced by a class at an undergraduate program at Ohio University. As we made the film, we compared ourselves to our independent filmmaking heroes. Our crew was young, hip, and excited about film, much like Quentin Tarantino, Kevin Smith, and Darren Aronofsky. As we wrapped post-production, I figured we would soon be imitating the careers of these directors. I expected an acclaimed festival run, a lucrative distribution deal, and successful careers. Needless to say, as I am writing this thesis and not eating caviar by a pool, I was unsuccessful in achieving the dream.

I was hell-bent on achieving the American Dream of independent film. The Dream is the idea that an aspiring filmmaker can make a true independent film - a low-budget, no celebrity film - take it to Sundance and sell it for a huge advance, then watch as the film makes millions at the box-office and they break into the Hollywood system. The dream involves finding a wide audience for the film, as well as making money, proving to Hollywood you are worth investing in. And in the 1990s, this seemed to be a common occurrence, introducing the world to filmmakers such as Kevin Smith, Robert Rodriguez, Quentin Tarantino, and Todd Haynes. But what we discovered early on in the post-production process of *Trailerpark* was that the system
of independent film in the 1990s no longer applies to current independent films. We hadn’t done our research, hadn’t anticipated the change, and were ill prepared for what was ahead of us. Naturally, we found our expectations severely let down as we encountered many of the roadblocks experienced by the modern independent filmmaker.

But first, a little history on *Trailerpark*. I was a sophomore at Ohio University in early 2008, when my professor, Frederick Lewis, acquired the non-exclusive rights to the collection of short stories *Trailerpark* by author Russell Banks. Banks’ books had been adapted before, with the Academy Award nominated *The Sweet Hereafter* and *Affliction* both based on his novels. In fact, for years the rights of *Trailerpark* belonged to HBO with the purpose of turning the book into a miniseries. But when the miniseries fell through, the rights reverted back to Russell, who granted us the opportunity to adapt a feature film from his book.

Over the next year, we wrote the script and did all the necessary pre-production in order to begin shooting in February of 2009. We set up a website and a blog in order to keep people updated on the progress of our film, and even released periodic behind the scenes videos of the production. We were lucky enough to land non-profit status for the film so all donations were tax deductible, which helped us tremendously in raising the film’s $60,000 budget. We were also fortunate to have equipment companies donate necessary gear so that our film, while shot digitally, would have a very professional film quality to it. Finally, we hired our cast of
experienced unknowns and built our trailer park set on a nearby campground, giving us almost complete control over our location.

Throughout this process it is important to note that while this was a $60,000 independent film, it was also produced through a class at Ohio University. The entire production crew was made up by undergraduate students at the school. The cast was a mix of students, teachers, and other acting professionals from the east coast. In the final stages of post-production, two professionals would be brought on board to attend to the final sound and score, but otherwise the entire film was created, from conception to completion, by students. It was our goal that ultimately the film would stand on its own as an “independent film,” without the negative stigmas of unprofessionalism usually associated with a “student film.”

We shot on weekends for nearly three months, all the while attending class during the week. I was the co-writer and co-director. After production finished, we took only two weeks to get a final cut before preparing the audio for a school screening in June of 2009. The screening was everything we could have hoped for. Almost 1,500 people attended, laughing at the right moments, pausing at the quiet moments, and applauding loudly as the final credits rolled.

A few days after the premiere, we screened again at the Lake Placid Film Forum, an annual screening of films founded by Russell Banks. There, he was able to finally see the film, which he thoroughly enjoyed and even offered a few suggestions for improvement. As the summer hit, we felt like the film was going to have a long life ahead of it on the festival circuit.
Over the summer we worked hard on a festival strategy using Chris Gore’s *The Ultimate Film Festival Survival Guide* as a roadmap. The book was full of tips and success stories, only boosting our confidence for the upcoming applications. Then we were interviewed by *Filmmaker Magazine*, a well-respected industry magazine, for a full-page article on the creation of the film. Everything seemed to be falling into place.

As we prepared to send out the film to festivals, we hoped for the same kind of success that our heroes had found. We felt we mimicked the stories behind their films. Kevin Smith slept in his drugstore while filming *Clerks*, we slept in our freezing trailers. Robert Rodriguez sold his body to science to fund *El Mariachi*, we bred 23 guinea pigs in various crew members homes to fill some of the film’s key scenes. We felt like these stories, along with the wonderful press from Lake Placid and *Filmmaker Magazine* would go a long way into our festival experience.

1a: Our Festival Experience

Our application strategy was simple. We made sure to apply to the heavy hitters, Sundance, Slamdance, and Seattle, even though we figured the chances of acceptance were not strong. We had no connections to those festivals, and with the sheer amount of submissions they receive every year we decided we would be a long shot. We then entered twenty more festivals in between August 2009 and April 2010, including DancesWithFilms, Cleveland, Phoenix, Nashville, and Ann Arbor. These festivals were all medium sized and well respected, but not nearly the industry magnet of Sundance. I had heard somewhere that a strong acceptance rate for film festivals is
50% and I figured with our press and behind the scenes story we would be looking at a similar ratio.

In September, the rejections started arriving. We were unsurprisingly rejected by Sundance and Slamdance, but soon festivals we thought were a sure thing, like the Ivy Student Film Festival and the Appalachia Film Festival, sent us rejection letters as well. In fact, currently we have received 19 rejections out of 23 entries, and we are waiting to hear from two more. The only festival that accepted us was the Cleveland International Film Festival, one which we hoped would be a guarantee due to our local connections.

We made the best of our festival acceptance and attended Cleveland, where we sold out two of our three shows and placed third in the American Narrative competition (Shlapack, “Recap and Review”). The audience seemed impressed by our accomplishment and overall the response was very positive. One review even said, “The sky appears to be the limit for these filmmakers and the success they will undoubtedly find shall be truly well deserved” (Shlapack, “Impressive”). The festival in general was an amazing experience. It was run fantastically, treated the filmmakers well, and showed some tremendous films. Overall we had a great time in Cleveland and got more positive feedback. But still, the rejections continued arriving in the email. Our hopes of achieving the American Dream were quickly put to rest.

1b: Mistakes and Lessons Learned

Instead of dealing with a bidding war between distributors, we were dealing with re-editing the film to try to make it better for future festival entries, and figuring
out the best way to self distribute our DVD. Currently we are weeks away from a 100% final version of the film, which makes changes to many of the nagging issues in the film that we have noticed in our screenings. When the DVD is finished, we plan on selling copies directly from the website, while also continuing to pursue a festival run to try and boost sales. But with rejections continuing to roll in weekly, we are finding it hard to continue even applying or finishing the film. We seem to keep tripping over the remains of our broken American Dream.

But what was it that led us to this disappointment? Personally I believe that a big part of our rejections are due to our failures with the film. Our first cut was two hours long, which makes a long film for programming in a festival. Also, the film has a slow beginning, something that may turn off the individuals who screen the films when deciding a selection. Finally, we submitted a rough version of the film for festival consideration. This was not our intent, we figured we would be finished with this film six months ago, but due to a series of missteps and technical issues we are only now putting the final touches on the mix. All of these issues will be fixed when the final version is completed, but were these issues the reason behind out disappointing grab for glory?

I believe that the answer is “no.” The technical issues are not at fault. Really, we made a film which doesn’t quite fit in the independent scene. Instead, *Trailerpark* feels like a Hollywood film but without the celebrities. It is low budget, features some independent themes such as homosexuality, but lacks the original voice of filmmakers like Tarantino, Soderbergh, and Aronofsky, which would separate itself from the pack.
Instead it feels rather mainstream, as if we successfully proved we could make a Hollywood style film but without a recognizable name or unique voice to attract viewers.

But we were missing more than just “style.” I also believe that the changed times have a lot to do with our failure on the festival circuit and in attracting distributors. I feel that if we made this film fifteen years ago, we would have had a good chance at premiering at a festival, even a heavy hitter like Sundance, and attracting a reputable distributor. I feel that in the 90s, creating a film like this would have seemed like much more of an accomplishment. The thought of a group of students working together would have been more enticing, and a company like Miramax would have been looking to capitalize on the story behind the film as they did in the 90s with films like Clerks (Biskind 175). But Trailerpark would also have been much more difficult to make in 1995. We relied heavily on digital technology in the entire process, from preproduction to production to trying to build press. The costs of creating Trailerpark in 1995 would have been much higher and may have even stopped the film from happening. There is no telling if we would have been able to create the same film fifteen years ago.

1c: New Routes to the Dream

But one thing is for certain: we made a key mistake when we planned on releasing Trailerpark following a 1998 business model. We did not account for the changes made in the past twelve years, and we put ourselves at a distinct disadvantage.
By failing to recognize which paths are currently blocked, we just threw ourselves into walls, confused as to why we weren’t receiving calls from Hollywood.

Nevertheless, we did do some things right. We created a website, a blog, and later incorporated social networks like twitter and Facebook into our press team. This allowed us to reach out to our fans and followers and keep people up to date on the progress of the film and the eventual DVD release. It also allowed all of the donors to see exactly where their money was going, as they could follow along daily with our production.

Little did we know that in incorporating these elements we were actually joining the modern ranks of independent filmmakers. Many filmmakers have come to the same conclusion that we have: the 1998 business model is broken, the American Dream, as we know it, is dead. However, the independent film community is accepting this fact, and a new breed of filmmaker is attempting to use technology to breath new life into the system and find new routes to take their films and their careers straight to Hollywood’s door.

This thesis attempts to answer one simple two-step question: how did the American Dream of independent die since 1998, and how can it be resurrected so that current independent filmmakers can find a way to Hollywood? But before I can go into the death of the Dream, I must explain how it was formed.
Section 2: The Birth of the American Dream

In 1994, a young drugstore clerk by the name of Kevin Smith burst into the independent film scene at the Sundance Film Festival (Biskind 161). His film, *Clerks*, was a muddy-looking black and white comedy about two friends who work in a drug store. It’s a simple concept, yet Smith infused the film with shockingly profane dialogue and pop culture references, giving the film a unique and original feel.

*Clerks* became the second film in the Sundance Film Festival’s history to sell at the festival, with the rights going to Harvey and Bob Weinstein, the founders of a developing independent studio called Miramax (Biskind 163-164). The Weinsteins loved the story behind the film, which cost only $27,000 and was shot in the actual drug store Smith worked in, with the crew sleeping on the floor at night. Even after the film sold for $227,000, Smith continued to work at the drug store, unsure if he would really have a career in film (Biskind 163-164). The Weinsteins promoted Smith’s story, using the director as the main marketing tool for the film. The Weinsteins had done this in years past, turning emerging directors like Quentin Tarantino into celebrities by promoting them as the characters behind the films (Biskind 141). And Smith fit this strategy well. He was a great public speaker and seemed like an average guy who had never left Red Bank, New Jersey. He could relate to his target audience and even sold merchandise from a personal website (Biskind 175-176). This persona has continued to drive Smith’s career. He still does a speaking tours and his podcasts generate around 300,000 downloads per episode (Jagernauth). But it was this persona and the story behind it, the everyman turned film sensation, that led *Clerks* to make $7
million worldwide and launch Smith into the studio system as a Hollywood director (Biskind 175). Smith became the poster boy for the American Dream, making it to Hollywood where he has worked for 15 years, making such Hollywood films as *Dogma, Jay and Silent Bob Strike Back, Zack and Miri Make a Porno,* and *Cop Out.*

Smith symbolized much of what became a common occurrence in the mid 90s: the average Joe who scrapes together enough money to make an independent film, is a huge success at Sundance, and becomes a rich Hollywood director in what seems like minutes. Richard Linklater, Quentin Tarantino, Robert Rodriguez, and Steven Soderbergh all seemed to mimic this same style of success, helping to create a 90s boom of independent film.

These successes resulted in the creation of a dream for aspiring filmmakers everywhere. If Kevin Smith could make an independent film about two friends in a drug store and become a famous director, then maybe it could work for others as well. Thus, the American Dream of independent film was created. And throughout the 90s the dream seemed plausible. Independent film was hot, setting record sale prices at Sundance, some films even selling for $10 million (Biskind 228). Directors were becoming celebrities (Biskind 176). The Weinsteins were seeing Miramax grow more powerful in the industry with every independent film they released, and Sundance become more and more popular each year (Biskind 106). But just as many modern-filmmakers dreams are based on Kevin Smith’s success story, Smith’s dreams were based on another filmmaker’s dreams.
2a: Robert Redford’s Dream

Sundance began with a dream by Robert Redford. In 1979, Redford was determined to continue the kind of gritty, original filmmaking that had defined the films of the 1960s and 70s, such as *Easy Rider* and *Apocalypse Now* (Biskind 8). But as the 80s approached, the innovative and revolutionary films of the 70s were quickly being replaced with big budget lighter fare such as *E.T.* and *Beverly Hills Cop* (Biskind 9). As the decade turned, Redford noticed that the visionaries of the 70s, the Scorcese’s and Altman’s, were being excluded from the Hollywood system and forced back into the independent film world (Biskind 10). Seeing how even established directors were shut out by Hollywood, Redford realized that independent filmmakers were in dire need of help. He knew from his own experiences with the film *Downhill Racer* that it was near impossible to make an independent film and get distribution to make back the money spent on it (Biskind 11). In his book on the rise of American independent film, Peter Biskind writes:

Redford believed that American film culture could contribute more than stale sequels and retreads, that historically, before the renewed hegemony of the studios, film had been a medium for genuine artists and could be again if only they could be sheltered from the marketplace long enough to nurture their skills and find their voices. (11)

So with this idea in mind, Redford turned a ski resort he owned in Park City, Utah into the Sundance Institute (Biskind 11). Its key mission being to help find,
cultivate, and expose new talent to the world while keeping them safe from the money hungry powers of Hollywood.

The institute struggled in its first few years, finding difficulty producing quality projects. Redford desired creative control over all the projects, arguing extensively and pulling the plug on such projects as The Giant Joshua only days before shooting (Biskind 35). He also left for months at a time in order to pursue his film career with projects like Out of Africa (Biskind 35). Plus, there were constant management issues and the institute struggled financially. Redford didn’t enjoy the fundraising process, he found it humiliating and refused any of the upper class gala events that could raise real money because they felt “too Hollywood” (Biskind 38). Redford was determined to keep the institute independent, out of the reach of Hollywood. He had seen how the Hollywood system was excluding directors from making personal films, and he was determined to keep his institute separate.

Unfortunately, the logistics and funds necessary to keep the festival running called for him to step into his Hollywood circle, beginning a tug-of-war between independent and Hollywood that would keep Redford frustrated in the middle for years to come.

Soon Redford was forced to consider an option he had been against from the beginning, the idea of starting a film festival. Redford’s distaste towards the film festival came from a claim that a festival would focus on competition and awards would ruin the integrity and spirit of the institute. He saw Sundance as an isolated, nurturing institute, separate from the competition and strain of Hollywood (Biskind 28). But a film festival would bring in essential funds to the festival, allowing Redford
to continue pursuing his vision. Ultimately, he justified the festival to himself by claiming that it was a way for filmmakers to experience another essential part of the filmmaking process, the marketing and distribution of films. So in 1985, Redford bought the USA Film Festival and moved it to Park City (Biskind 28). Unfortunately, for the first nine years of Sundance, not a single film was actually acquired at the film festival. It wasn’t until 1994 that the first sales occurred at the festival, with both Go Fish and Clerks selling (Biskind 155, 161-165). Both films were true examples of no-budget independent cinema made on a shoestring budget. They had no stars to speak of and very little market appeal, yet their acquisitions began a trend of acquiring films at Sundance which would continue until the present. This trend would start bringing more attention to Redford and his institute and would mark the beginning of Sundance’s rise to the center of independent film.

This tension between Redford’s ideals and these necessary compromises became a “double-edged sword” and would continue to haunt and trouble Sundance even to the present (Biskind 165). As Sundance would find success throughout the next two decades, it would struggle with its identity. Redford still imagined it as a festival for discovering and cultivating young talent, but as the 90s progressed it became known for its Hollywood presence. It seems as if Sundance is always looking for a way to be both, to nurture and expose the world to new talent while also letting Hollywood into its system, in order to give it the prestige and funds necessary to accomplish its goals (Biskind 165-166). As the festival would advance into the mid 1990s, the lines between the two worlds, independent and Hollywood, would blur,
accomplishing much of Redford’s dream while also realizing many of his greatest fears. It also opened the door for aspiring Hollywood types, looking for a new product to capitalize on. So as Redford was struggling with the compromise of allowing Hollywood into Sundance, two brothers in New York were using this “double-edged sword” in their own way: to cut their way through many of the barriers that made the film industry inaccessible.

2b: The Weinsteins Dream and the beginnings of Miramax

Harvey and Bob Weinstein, two former music promoters, had decided to make their way through the film industry with their company Miramax. They started with a simple strategy; “sex sells” and began acquiring, reediting, and distributing foreign x-rated films on home video or to late night television channels (Biskind 43). They also started releasing concert films theatrically, ruthless in their editing and marketing tactics. They acquired two concert/comedy films from England, The Secret Policeman’s Ball and The Secret Policeman’s Other Ball, which featured musicians such as Pete Townshend and members of the Monty Python comedy group, and combined them into one film. The Weinsteins released it theatrically in 1982 to over $6 million, capitalizing on the controversy caused by the Monty Python’s previous film The Life of Brian (Biskind 44-46).

The brothers were making a name for themselves by acquiring and releasing difficult to market foreign and independent films theatrically in the United States. The Weinsteins found a successful strategy for releasing these films, and by focusing on a campaign of sex, controversy, and prestige, the brothers were able to make profits on
films other companies weren’t willing to take a chance on (Biskind 48). In 1987, they released the small, gritty independent feature based in the world of prostitution, *Working Girls*, to $1.8 million at the box-office. The Weinsteins marketed the film based on its sexual content, while in reality it was an art film about labor (Biskind 56-67).

The Weinsteins were trying this distribution approach at a time when the distribution market was in flux. At the end of the 80s the home video market was exploding, and with that market were tiny studios, eager to cash in on videos as a distribution form. But in 1987, the stock market stumbled and these tiny studios quickly went bankrupt and disappeared (Biskind 18). But not Miramax, as they had found a road to achieving their own American Dream.

The brothers were determined to cross independent films over into the mainstream. In 1988 they released *Pelle the Conqueror*, a bleak foreign film, marketing it as an action genre film (Biskind 57-58). When awards season arrived, *Pelle* received two nominations and won Best Foreign Film, landing the Weinsteins their first Oscar (Biskind 58). The brothers had discovered a way to market their niche films to wider audiences and they had also started winning awards, which landed them prestige with the industry as well as promoting further profits at the box office.

**2c: Kicking it Into High Gear**

But the Weinsteins weren’t content carving out a living distributing tiny niche films, even if they were finding a decent amount of critical and box office success. They wanted to become true Hollywood players and were determined to do so.
Ironically, it was the pursuit of this dream that helped establish and destroy the modern American Dream for many independent filmmakers.

At the end of the 80s, Miramax was hitting its stride. It garnered a large amount controversy when its film *Scandal* received an X rating, and then reedited the film to an R, releasing it theatrically while riding on the wave of controversy they had purposely caused (Biskind 62-63). It grossed $8.8 million in the U.S (Biskind 67). They also released the critically acclaimed Irish drama, *My Left Foot*, starring Daniel Day-Lewis, to $14.7 million and five Oscar nominations (Biskind 101, 98). Miramax also received nominations that year for the foreign film *Cinema Paradiso* and a screenplay nomination for the film that helped revolutionize American independent film, *Sex, Lies, and Videotape* (Biskind 98).

*Sex, Lies, and Videotape*, written and directed by newcomer Steven Soderbergh, caused a stir when it premiered at the 1989 Sundance Film Festival, winning the Audience Award (Biskind 41). The Weinsteins saw a hit purely based on the title, but found a developing artist in Soderbergh (Biskind 64). After acquiring the rights, Miramax took the film to Cannes where it won the Palm D’Or (Biskind 79). They released it worldwide and made over $50 million (Biskind 82). Soderbergh quickly became the talk of Hollywood, and was soon having to pick between projects with Sydney Pollack and Robert Redford (Biskind 79). It was the dream come true for any aspiring filmmaker. One day you are nobody, and the next day you sign for your next two pictures on a Hollywood budget. Soderbergh had been a struggling wannabe in Hollywood, but after the success of *Sex* he was an Academy Award nominee and
the talk of the Hollywood town. It was his dream come true, and all thanks to the
Weinsteins.

The 90’s looked promising for Miramax. They coasted in on the success and
nominations of *Sex, Lies, and Videotape* and *My Left Foot* and were looking for more
young directors with exciting films to market. They hadn’t attended or bought any
stock in Sundance the year Soderbergh played there, as the festival registered only a
tiny blip in the independent film market. But after realizing that such films could be
taken to box-office success, the Weinsteins began regularly making the pilgrimage to
Park City and Sundance began seeing the benefits of companies like the Weinsteins.
*Sex*’s success put the festival on the map as well, and as much as Redford was wary of
Hollywood interest, the new enthusiasm and excitement for the festival and the
institute helped to revive his dream. Sundance finally had heat and interest, which
looked to make Redford’s goals more achievable.

However, before *Sex*, the festival struggled drastically. Sundance was
conservative, and even while it prided itself on being independent, it forced
Hollywood style story structures and constraints on the films it did nurture. Redford’s
was interested in only one type of movie; Americana. But without much variance in
this kind of film, the festival and the institute were supporting lackluster and mediocre
films (Biskind 77). The unique voices of the 1980s, such as Spike Lee, Gus Van Sant,
and the Coen Brothers, were not conservative or traditional, but rather radical and
experimental (Biskind 76). But after *Sex, Lies, and Videotape* played the festival and
went on to large commercial success, Sundance began to emerge as an industry hotspot for independent film (Biskind 105).

By 1992 Submissions had blossomed to 300-400 submissions, up from 60 in 1987, (Biskind 105). The previous year had marked the arrival of New Queer Cinema to Sundance, led by the film *Poison* by Todd Haynes. Sundance had finally left behind it’s conservative, Americana ways of the past for the current and edgy films of the early 90s (Biskind 106). Then the following year Tarantino arrived with the violent and shocking *Reservoir Dogs* and emerged as the star of Sundance. And even though it wasn’t precisely accurate, the Weinsteins marketed him as a Cinderella story of independent film. Another nobody had emerged from Sundance as an industry player. Sundance had finally left behind it’s past and was now focusing on the inventive new filmmakers of the future.

After *Reservoir Dogs* played Sundance in 1992, the Weinsteins quickly took the young, distinct Quentin Tarantino under their wings. Tarantino had an infectious personality and was a hit on the festival circuit (Biskind 141). Tarantino was such an eccentric individual that the Weinsteins marketed him as much as the film. Tarantino talks a mile a minute, speaks his mind freely, and has an encyclopedic knowledge of film. He was essentially a movie geek turned director, a video store clerk turned auteur. He reinforced the concept of the American Dream. In only a few months he seemed to go from rags to riches as *Dogs* hit the festival circuit. However, this was all part of the Weinstein strategy. While Tarantino did work in a video store in California, he was also well on his way towards a successful screenwriting career, having penned
films for both Oliver Stone and Tony Scott before trying to make *Reservoir Dogs* (Waxman 13).

But the Weinsteins loved and preserved the illusion of Tarantino’s Cinderella Story. Tarantino loved to spout off the fact that “I didn’t go to film school. I went to films,” and the Weinsteins promoted this fact (Biskind 127). Tarantino was marketed as the future of American Cinema. A nobody from nowhere with a distinct voice and a strong sense of style, he was another poster child of the American Dream. For aspiring filmmakers everywhere, Tarantino’s advertised success story seemed remarkably achievable. Watch a lot of movies, then make your own. All you need is a little bit of style and your film will premiere at Sundance, find attention with the Weinsteins, and you too could be the nerdy talk of American Cinema. Combine this illusion with *Clerks*, launching the career of Kevin Smith, and the American Dream seemed more than possible, it seemed inevitable. But it is important to recognize the difference between Kevin Smith and Quentin Tarantino. As original and shocking as *Reservoir Dogs* was, it was not an independent film in the truest sense of the word. It was made for over a million dollars and starred the well-known Harvey Keitel. (“Reservoir Dogs,” imdb.com) The Weinsteins were playing both sides of the fence: indie and Hollywood. When they found a Kevin Smith they sold the true independent-story. But when they could not find a Kevin Smith, they invented one: Quentin Tarantino. And Tarantino, with his $1 million budget and Harvey Keitel, would go on to be a much more lucrative deal- as the Weinsteins and others would soon discover. It was really about how these films and filmmakers were marketed. Is a $1 million movie starring
Harvey Keitel really a “true independent film?” No. But can the Weinsteins find a way to market it as a true independent and capitalize off both the independent and mainstream market? Yes, and this strategy would soon change the face of independent film.

2d: The Boom of Sundance

In 1996, Welcome to the Spitfire Grill sold at Sundance to the tune of $10 million dollars. In only two years the sale price of a film at Sundance had ballooned from $200,000 to $10 million (Biskind 228). Late night bidding wars between studios had taken the festival by storm and reinforced its position as the gatekeeper of the American Dream of filmmaking. Not only could filmmakers bring their shoestring budget indies like Clerks to the festival, but maybe they could walk out rich courtesy of a $10 million acquisition deal.

This level of success was the result of all the right elements coming together at the right time. The Weinsteins had been working for years to break into the industry by taking art films out of the “ghetto” of the art universe and play them in mainstream theaters for wide audiences. Meanwhile, Redford and his institute had been diligently attempting to recreate an environment that nurtured and developed original independent voices. When these two forces connected through Sex, Lies, and Videotape and the success of the Sundance Film Festival in its 10th year, they were able to mutually help each other achieve their prospective goals. Redford was able to use the newfound industry attention and heat to keep his institute and festival up and running while the Weinsteins had seemingly discovered a hotspot for unique and
individual new talent that they could use to continue their task of bridging the gap between indie and mainstream. And as both of these sides found success, it inspired both aspiring filmmakers and other distributors to take notice. Filmmakers began to see a route forming that could land them in the coveted land of Hollywood, and distributors looked at the Weinsteins model as one for an easy profit. All of these forces converged at the epicenter of independent cinema: Sundance, creating an atmosphere where bidding wars became commonplace; unique and creative films became valued; and filmmakers dreams were coming true.

But what the filmmakers would soon discover is that while some achieved their dreams at Sundance, others were beginning to see a filmmaking nightmare. For just as Sundance was becoming an integral part of the American dream, the Hollywood success it was generating actually built a wall between the industry and the true independent filmmakers who hoped to break in. In an interview for the film festival documentary Official Rejection, Kevin Smith said, “If we made Clerks today and submitted it to Sundance, I don’t think it’d get in. I really don’t.” But what happened in the past 15 years that caused this change, pushing films like Clerks further away from Sundance and the Hollywood industry? Well, however promising the presence of independents at the box office looked in the early 90s, the financial reality of gambling on independent film distribution soon locked out these new and original voices that sparked this trend, leaving would be Kevin Smith’s out in the cold.
The Weinsteins and the Independent Film Explosion

Despite hits such as Sex, poor business management and considerable overspending on independent films that failed to make a huge profit left Miramax in financial troubles and sitting on the brink of bankruptcy (Biskind 141). That is until The Crying Game came along in 1992 (Biskind 142). A foreign film with the twist ending where the lead female protagonist is actually a male, it represented a challenge for any distributor. But it was right up the Weinsteins alley and they marketed its way to a wide release $62.5 million at the domestic box office and six Oscar nominations (Biskind 145-148). The large box-office draw finally showed what Miramax was capable of, competing with the major studios, and this changed everything.

Miramax’s success caught the attention of Disney, and after fierce negotiations, Disney acquired the small studio in 1993, paying over $60 million on the hope that Miramax would bring diverse live action films and awards to the Disney company (Biskind 150). This acquisition allowed the Weinsteins the financial freedom they needed to acquire and release the films they chose, as long as they stayed under $12.5 million per picture (Biskind 151). This freedom gave the brothers the safety net needed to make a run at the studios. And who did they choose to assist them in this run for the top? Their old self created “indie film” sensation, Quentin Tarantino.

Pulp Fiction and the Indiewood film

Pulp Fiction, Tarantino’s follow up to Reservoir Dogs, won the Palm D’Or, the grand prize of the Cannes film festival, in 1994 (Biskind 174). It’s a violent, shocking, and strikingly original film. Its structure is completely original, and features
well known actors playing against type. It revived the career of John Travolta, landing him an Academy Award Nomination for Best Actor (“John Travolta,” imdb.com). The film received six other Oscar nominations, but it was its financial success that really set it apart. Made for only $8 million it went on to earn over $107 million at the domestic box-office (Biskind 189). And for the audience around the world, Pulp seemed like - and was advertised - as an independent film. It seemed low budget, was gritty and violent, and is out of order chronologically. It felt completely different from any studio film and many thought they were seeing an indie, however the film did cost $8 million in studio money and featured A-list actors such as Samuel L. Jackson and Bruce Willis. The Weinsteins pulled off an elaborate hoax. Essentially they created a Hollywood film masquerading as an independent film. An “indiewood” film.

Sundance had arisen in an effort to discover and promote new and original true independent films. Redford remained wary of Hollywood because Hollywood’s true intention was to make money, not support the artists. The Weinsteins intentions were to make money and prove they could exist with the Hollywood elite, but they discovered a strategy to mix both Sundance and Hollywood’s goals. The brothers could market the concept of Sundance and independent film, but put a more expensive Hollywood bow on it to reach wider audiences and make more money. But unfortunately for indie films, Hollywood took notice of the box office numbers and suddenly independents and low budget films were seen as a viable way for fortune by studios, if they were funded, cast, and marketed correctly (Biskind 191). Studios bought up “indie distributors” or started their own, such as Sony Classics, October,
Fox Searchlight, and Paramount Classics. (Biskind 193). Independents were a relatively inexpensive alternative to the booming costs of production consuming the studio system (Biskind 193).

But with the new studio interest in indies came consequences. As the Weinsteins began spending exuberantly to advertise their indiewoods on television, the “true independents” of the early 90s began to see waning interest (Biskind 193). Studios rushed to match Weinstein advertising budgets and soon the standard rules of studio distribution began to apply to small films as well. If small indies didn’t open big enough on the opening weekend, then they would disappear from theaters (Biskind 193). And if the Weinsteins were advertising their indies on television, then all of the other small studios needed to do the same (Biskind 194). According to producer and screenwriter James Schamus, “The independent business became a hit business. Just like Hollywood,” and the independent filmmaker struggled to keep up (Biskind 194).

Independents started changing. The originality and uniqueness that defined indies in the early 90s slowly disappeared to increase their chances at distribution in the late 90s and early 2000s (Biskind 194). Independent filmmakers wanted the mainstream success that studios offered, so they changed their films to fit these mainstream sensibilities. Indiewood films were on the rise - smaller budget films with Hollywood gloss and actors that could appear indie to the average viewer but be free from any of the controversy or edge that might turn off a larger audience (Biskind 194). Indiewoods typically have some well known actor playing an out of type character in a film with enough style and quirkiness that it seems different and
therefore must be “independent,” when, in actuality, the budget is in the millions of dollars and most of the above and below the line talent are experienced Hollywood professionals. In turn, the true independents, the low budget, no-name acted films by nobody directors with funds raised outside of the studio system, became the minority.

Simultaneously, the stars of Hollywood began taking notice that indies were winning awards and mainstream attention. Stars like Sylvester Stallone and Bruce Willis began acting in indies to build up their acting credibility and reboot careers (Biskind 194). With stars hopping onto projects, the budgets ballooned as well. The shift of star attention to the independent film scene had devastating consequences however. As these “indiewood” films became more profitable at the box office due to their star power and marketing, true indies were being pushed out of the spotlight. A shoestring budgeted, true indie film with no stars like Clerks no longer stood a chance at the box-office compared to something like Cop Land, which went under the guise of an indie film even though it starred Sylvester Stallone, Ray Liotta, and Robert De Niro (Biskind 194; “Cop Land,” imdb.com). Films like Lisa Cholodenko’s 1998 Sundance playing heroin drama High Art, even with their professional quality production value, could not compete for studio distribution. There was limited box office potential for these true indies as studios were interested in “indies” that could make $30 million or $50 million at the box office (Biskind 195). All of the Weinsteins success had put indies on the map, but they also showed a greater potential for profit in the spin off indiewood model. While the American Dream seemed even more glamorous due to the Weinsteins superior marketing ploys, it was a simple bait and switch maneuver.
Indiewood had replaced independent films for the most part, and the independent filmmaker had no idea.

2g: Indiewood’s Effect on Sundance

In 2010, 3,724 feature length films were submitted for 114 spots in the Sundance Film Festival (“Festival Announces Films”). The festival has been continually expanding for years and it was in Sundance’s best interest to grow to meet the growing interest of filmmakers and audiences. Redford hoped that this new attention would bring in the kind of glamour, money, and recognition necessary to continue supporting the true independent and artistic films that Sundance was created to foster. Unfortunately, this did not happen as hoped, as the Hollywood presence quickly tore through the festival and seemingly eliminated interest in the kind of films Redford wanted the festival to support.

The indiewood change that had hit the theatrical distribution of independents had had struck Sundance. While the early 90s saw controversial and unconventional films finding success at the festival, films such as Clerks and Todd Haynes’ Poison, by 1998 the films getting sold at Sundance had started to mold into the kind of films Hollywood could quickly exploit. The artistic films like Pi and High Art that Sundance was cultivating were being overlooked by the titans like Miramax, who had changed priorities to creating their own indiewood films like Good Will Hunting first and foremost, only acquiring independents as a distant secondary priority (Biskind 320).
For instance, the film *Pi* is a stylish, twisted, psychological thriller made on a shoestring budget by the then unknown Darren Aronofsky. Steeped in Jewish mysticism, the film represented much of the same attributes that Miramax had built its empire on. Aronofsky was a director worth marketing, and has since gone on to make the acclaimed films *Requiem for a Dream* and the studio films *The Fountain* and *The Wrestler*. But by 1998 the Weinsteins had become the Hollywood players they always dreamed of, and their purpose at Sundance had changed. They didn’t need to put large amounts of effort into releasing and marketing films like *Pi*. Instead they looked for the films with the most breakout potential to become mainstream hits, and paid $6 million for a romantic comedy called *Next Stop Wonderland* (Biskind 326).

But while the lack of attention towards films like *Pi* should have warned the independent filmmaker of the illness of the American Dream, the headlines out of the festival continued to fuel the delusion. The big deals at Sundance continued to balloon, with *Little Miss Sunshine* and *Hamlet 2* all selling close to the $10 million mark in recent years (Kepnes). For independent filmmakers this seemed to symbolize limitless opportunities, while in reality the acquisitions were limited to the big hits of the festivals, none of which were “real indies”. The festival had become a Mecca for the glam and glitz of Hollywood, with Paris Hilton attended in 2008 - not with a film at the festival - but in order to party and be photographed by all the paparazzi (Friedman). Redford’s quiet festival far away from Hollywood had become a celebration for the things Redford was against, and once again the films Redford tried
to champion were being ignored. In 2008, according to Mark Gill, the head of the production company the Film Department:

Of the 5,000 films submitted to Sundance each year — generally with budgets under $10 million — maybe 100 of them got a U.S. theatrical release three years ago. And it used to be that 20 of those would make money. Now maybe five do. That’s one-tenth of 1%. Put another way, if you decide to make a movie budgeted under $10 million on your own tomorrow, you have a 99.9% chance of failure. (Goldstein, “The Sky is Falling”)

2h: The .1%

No matter how mainstream and Hollywood-heavy Sundance becomes, there always seems to be a traditional independent film that breaks out. While there may be a greater than 99% chance of failure, the American Dream is built around that .1% chance of success. Pi was eventually picked up by Artisan, who noticed the talent in Aronofsky and was dedicated to cultivating it (Biskind 326). Not every independent studio was looking for films like The Usual Suspects, which had a $6 million budget, awards potential, and a recognizable cast including Stephen Baldwin, Gabriel Byrne, and Kevin Spacey (Corliss). Many were still looking for young talent to try to expose and nurture. There was still a market for independent films, even if it was shrinking behind indiewood.

Companies like Fox Searchlight tried to balance this approach. They distributed Napoleon Dynamite, a low budget no name cast movie, which Searchlight
acquired at Sundance and distributed to huge box office success. They also funded *500 Days of Summer*, a multi-million dollar romantic comedy starring Zooey Deschanel and Joseph Gordon-Levitt that the company brought to Sundance to help promote as a true independent when in reality it is indiewood.

In 2005, *Napoleon Dynamite* went on to make over $44 million domestically (“Napoleon Dynamite”, Boxofficemojo.com), while the true indie *Frozen River* won the Jury Prize in 2008 and went on to be acquired by Sony Classics and make 2.5 million at the Box office (“Frozen River”, Boxofficemojo.com) along with landing two Oscar Nominations (“Frozen River”, imdb.com). So as much as the festival teeters toward Hollywood, filmmakers continue to see people achieving the dream, and they keep flooding to Sundance hoping to find their own dream.

For Redford however, the intrusion of Hollywood and the filmmakers desire to achieve their dreams had become his worst nightmare. Merchandisers and corporations fill Park City during the festival, a sacrifice Redford made to raise funds to keep his festival going (Biskind 166). However, with this corporate intrusion, the attitude at the festival had changed from one of cultivating independent voices, to one of “making it” in the industry. Filmmakers aren’t trying to find their voice or express a different point of view any more, instead they are submitting their films in an attempt to achieve their dreams and be hired by Hollywood (Biskind 166-167). Because independents now needed larger budgets and known casts to break out, filmmakers could no longer be the boss of their movie. They had other voices to listen to. The voice of the star, the producer, the sales agent, who were all investing in the film’s
success financially more so than the film’s success artistically. While the early days of no-budget true independents had given the power to the filmmaker, this pursuit of the American Dream, of industry success, had essentially bound the filmmaker’s hands and forced them to compromise their vision to try and impress Hollywood with commercialism rather than artistic integrity. The American Dream itself had helped corrupt Sundance, and with acquisition prices skyrocketing, it only attracted more and more filmmakers desperate for a job and eager to make whatever sacrifices needed to get one. The original voices of films like *Pi* were being drowned out by the river of indiewood and the torrent of filmmakers desperate to go swimming. In 1998, Lisa Cholodenko premiered *High Art* at Sundance, which received critical acclaim but did not set any sales on fire. However, Cholodenko learned her lesson and she learned it well. Twelve years later she returned with *The Kids are Alright*, a star-studded indiewood comedy about lesbian parents and a sperm donor that became the most talked about film of the festival. Cholodenko was hardly returning with a true independent film, but what did it matter? The subject matter and style was just enough to allow her to walk the fine line between art and mainstream and the stars of her movie, Annette Bening, Mark Ruffalo, and Julianne Moore, helped land her film a $4.8 million sale and distribution with Focus Features (Swart, Mccintlock). Cholodenko is a prime example of a director who learned how to play the new game and adapt to the changing rules. Unfortunately there is no instruction manual for aspiring filmmakers on how to follow in her footsteps.
2i: Hindsight

The 1990s had been a time where two forces came together to create the perfect climate for the American Dream to grow. The Weinsteins had pioneered a way to put art films into the hands of mainstream audiences right as Sundance was cultivating an environment perfect for the raising and growing of independent films and filmmakers that people like the Weinsteins could adopt and release to critical and commercial success. The businessmen and the artists were working together in mutual benefit and the farm of independent film hit a few strong years, with more and more interested parties buying up the cattle of independent cinema. However, as the cattle became popular, the forces changed and the big studios decided they wanted a piece of the action. Ultimately, this seemed to make even more opportunity for aspiring filmmakers when in reality it was slowly pushing them out of their own pasture and replacing them with lookalikes and imitations. This take over was slow and covert, but in only a few years the independent filmmakers would find walls blocking them from achieving the American Dream that they had been at the center of only years previous.
Section 3: The Influence of Technology

As filmmakers from the last twenty years have tried desperately to break into the industry and achieve the American Dream through independent cinema, technology advanced to aide them in their quest. In the 1990s, without any of today’s digital technology, completing a feature film was expensive and time consuming. Everything had to be shot on film, developed, edited linearly, and mixed and color corrected in a professional lab before being distributed on 35mm film. While films could technically be shot and edited on video, there was no chance at distribution or public screening due to the low quality of the video image. The purchase and development of the film alone could set a film back a hundred thousand dollars, not to mention renting the camera, lenses, and the lights.

Independent films required investors or foreign pre-sales in order to raise the seed money to go into production, and foreign presales could not happen typically without some sort of existing experience (Parks 26-27, “Insider’s Guide”). As the production and completion of a feature film without a studio was such an extensive and difficult process, many of the dreams of aspiring filmmakers remained that way: dreams. But if a filmmaker could find a way to raise the money and complete a cohesive independent feature, the accomplishment alone was legitimizing. Legitimacy was important because it proved to the studios that you had the will power and talent to complete a feature film, and that if they were to entrust you with a larger picture you would be more equipped to handle it than a filmmaker with only short film experience.
By 1995 however, digital video, or DV, had finally adopted a universal technology to transfer the video easily to the home computer without any analog quality loss (“Digital Camcorders”). With this technology, the average American could purchase a fairly affordable camcorder and edit their movie on a home computer. Through the following years, the image quality of the prosumer digital camcorder continued to increase. Then, in early 2002 the Panasonic DVX-100 came out, the first affordable digital camcorder that recorded in 24p; the digital version of 24 frames per second, the rate that film cameras record (Wolf). This allowed video to take on a much more film like look as well as aided in the transfer of video to film without losing quality or dealing with frame rate conversions. “With the advent of digital video (DV), it would appear that anyone can make a feature, a fantasy of a newly democratized realm of previously inaccessible feature production that enlisted lightweight, small digital technology” (Zimmerman 247).” The legitimization of DV into the Hollywood industry led to three key shifts in the independent film world.

3a: Three Key Shifts

First, filmmakers that were bound by the monetary costs of completing a feature were now able to step into the field. A good quality video camera can be purchased for under $2,000 and entire features can be edited, scored, and sound designed on the home computer. Software like iMovie even comes free on every Mac computer. Suddenly, all the filmmakers who grew up dreaming of becoming the next indie sensation had the means to attempt it. This led to a watershed in the productions of feature films. Instead of making a short film, filmmakers could make a feature for
the same price. This destruction of the barriers of independent film resulted in a large
flood of features, often of inconsistent quality, and saturated the independent film

Second, distribution options opened up as technology expanded. Filmmakers
could now burn their own DVDs, which could be exhibited at festivals, saving the
filmmaker the expense of making the 35mm print. Also, distribution was no longer
limited to home video and movie theaters. The wide use of the internet has opened up
a whole new area of distribution, which found acceptance with the invention of the
iPod video in October of 2005 (Ulin 303). For years, Apple had been experimenting
successfully in the online distribution of music through iTunes, and with the launch of
their handheld device with the ability to play video, they began to enter the film world.
Apple introduced video downloading of only a few television shows, but saw over 1
million video downloads their first month, and by September 2006 over 1 million a
week (Ulin 304). Attempting to board the video download train, Google, Netflix,
Starz/Encore, and Amazon all announced or launched internet video services (Ulin
305). Though kinks had to be worked out through the following years - an appropriate
price for video downloads, digital lockers to save consumers harddrive space, etc. - the
adoption of internet video downloads these major companies proved that internet
distribution was becoming a valid and profitable means of releasing a film (Ulin 310-
311).

Currently, the video streaming site Youtube.com is the 4th most popular
website and averages 300 million monthly visitors and 5 billion streams a month
(“Youtube Statistics”). When the team behind the true independent film *Four Eyed Monsters* released their movie on Youtube, they received over 820,000 views during the summer of 2007, making them over $50,000 due to a partnership with spout.com (Tryon 120-121). Recognizing the power of streaming video, NBC and News Corp came together to form Hulu.com in 2008, a streaming site that broadcasts television and film content with limited commercial interruptions. Disney soon joined in the mix and Hulu became the dominant website in terms of copyright video (Ulin 325-326). Youtube recently announced that it was forming deals with Lionsgate and Sony to distribute copyright content, while Hulu added MGM, Paramount, and Universal to its partners (Ulin 328). All of this expansion into cyberspace has opened up more distribution possibilities for filmmakers. It gives filmmakers a cheap and fast way to distribute their movie to an extremely wide audience, and as digital video continues to advance in quality, the line between streaming Hollywood videos and streaming independent videos continues to blur.

Finally, with digital video filmmakers could make their film cheaply and hope for investors later. They assumed that the business plan of the 90s, where distributors “discovered” the film and paid for touch ups, would continue into the present. They could make a strong film, premiere it at festivals, and hope that a big company would come along and pay for the film to be blown up on 35mm for a proper theatrical distribution. The essential tools for creating the film were cheap, and filmmakers hoped that a distributor would pick up their work so that the final polish could be completed professionally.
This is reminiscent of the boom in independent cinema that happened as *Pulp Fiction* exploded in the mid 90s. With studios interested in indies, they could look at the films playing at festivals like Sundance and pick the ones they think would be successful. It was a financially sound decision as distributors didn’t have anything invested in the product until it was completed. Unlike their studio pictures, which were like cattle they had been raising and spending on money since birth, independents could be weighed and viewed at the local market before a purchase decision was made. And with more and more cattle being brought to the market due to digital, the studio had their choice of the best. Unfortunately for the filmmaker, there were now so many cattle that even a really strong animal may not get noticed. There was just too much competition. Also, this boom was happening right as true independents were all but disappearing from the marketplace due to the indiewood takeover of the late 90s and early 2000s. Everyone was looking for beef from well-known breeders and the strong cattle from new farmers just didn’t stand out anymore, especially with the market so saturated. So as modern day filmmakers find themselves bringing a product into a completely different market they are noticing that the American Dream has become almost impossible to achieve anymore.
Section 4: The Death of the American Dream

In order to understand why this version of the American Dream is effectively dead, we must first take a step back and examine the 1998 business model for releasing an independent film. In the mid-90s, independent films were a fairly reliable business investment if the film was reasonably well made and the business strategy well executed on the basis of supply and demand.

The plan was simple: to land a big distribution deal to make a profit on the movie and expose the director to the masses, launching the filmmaker’s career in Hollywood. As Sundance had become the highlight in the independent film calendar, it was the dream of every filmmaker to premiere in Park City. If selected, the filmmaker hoped to land a big distribution deal with all of the Hollywood distributors turning out yearly at the festival. As independent film was hot in the 90s, advances on exciting independent films skyrocketed up to the $10 million mark as distributors fought for the rights to the film (Biskind 228). But even for those films that were not able to land a huge advance with a distributor like Miramax, there were still plenty of other options to try to make their money back as well as find an audience.

Often, most of the budget of the film could be recouped with foreign sales. A good sales agent with a decent film could sell the rights of the film in other countries for hundreds of thousands of dollars, effectively making around 70% of their budget without domestic distribution (Parks, “Foreign Distribution”). With their investment mostly recouped on foreign sales or pre-sales, the filmmaker could look to smaller domestic distributors to make sure their film was released in the United States. These
distributors often times put the film out in a limited theatrical release in key markets such as New York, Los Angeles, and Chicago, before releasing the film on home video (Williams). These limited releases helped to build awareness and attention for the film to help boost home video sales and rentals, where most profit was actually made (Ulin 164). And if the film did well in the limited release, the distributor could always consider expanding in a wider release, mimicking the studio strategy for releasing indies (Williams).

If the film was too niche for the wide television market, it could look to the IFC channel or the Sundance channel to increase visibility in the domestic distribution. Both of these channels were created in the mid 90s, IFC in 1994 and Sundance in 1996, with the purpose of exhibiting art house films to a wider audience (Eberwein 266-267). Each took a different approach however, as IFC focused on films that already had some kind of small theatrical distribution through art house cinemas. IFC also had original programming and showed classic films from their library. Sundance, on the other hand focused on acquiring films with little or no distribution. Sundance even acquired films directly from its own festival, giving the films a chance to be seen that they may never have had (Eberwein 270). This mirrored Redford’s ideals with the institution and festival. The channel served as a way to present new talent unscathed by Hollywood. The distribution deals for these channels were not large enough to recoup the entire cost of a film, but often times they could help expose the film to a wider audience and potentially increase video rentals and sales due to word of mouth. In the welcoming climate for independent film in the 90s, a deal with one of these
channels would usually be a part of a larger deal, so the wide audience of these channels may be accompanied with another profitable distribution deal, thus achieving the American Dream.

4a: Landing a Big Distributor

But the main goal for these aspiring filmmakers was not to land a distribution deal with the Sundance Channel or IFC. It was to land distribution with one of the distribution giants: Miramax, Fox Searchlight, Sony Picture Classics, Focus Features. Each of these distributors had the ability to release films wide like a studio; in fact, most of them actually were a branch of a studio. Sony owned Sony Picture Classics, Fox owned Fox Searchlight, Disney owned Miramax, and Universal owned Focus Features (Krieger). After seeing how the Weinsteins managed to pull millions of dollars out of *Pulp Fiction* and *The Crying Game*, these distributors were on the lookout for hot, young talent to release (Biskind 193). Plus, with all their studio connections and money, the chance for a wide exposure and industry success was much greater for the filmmaker. Tarantino had become a star by mixing independent cinema with a commercially successful product. Distributors started copying the Weinsteins strategy of marketing, including Oscar campaigns for the likes of filmmakers such as Tarantino and spending millions on marketing their indies, which in turn gave independents the wide release of studio films and making the Dream that much more enticing and achievable (Biskind 193). The Weinsteins had accomplished their goal of taking the art film out of the niche market and put it into the hands of a hungry mainstream audience, inspiring filmmakers everywhere. (Biskind 57).
So for a lucky few filmmakers each year, landing a distributor with a studio based background became an option. And with the market excited about independent film, even the remaining unlucky filmmakers who had made it this far with a solid product could often find a smaller domestic distributor and make back most of their budget through foreign sales. Even though the films were difficult to make, there were opportunities in the 1990s for filmmakers to find both an audience and some sort of a profit with their film, yet another route to achieving the American Dream.

4b: That Was Then, This is Now

By 1998, there were a variety of paths to success for independent filmmakers. Not so in 2010. Over the past 12 years something has changed in the world of American Independent film. The American Dream has become almost impossible to achieve, and indies seem to have trouble with either making a profit or finding an audience, or sometimes both. There has been a steep decline in interest and marketability of independent film. No one can put a finger on an exact formula for what went wrong, but there are several well-documented reasons suspected. By examining five issues critical to the paradigm shift in independent films over the past 12 years we can better understand a new, and hopefully revitalizing business model that emerged by 2010.

4c: A Vicious Circle

One of the main reasons for the drop in independent films was the actual success of indies. As the Weinsteins achieved their dream of becoming industry players, they had brought independent film into the spotlight as a marketable and
profitable investment. But with this success came consequences. Determined to continue moving up the ladder, the Weinsteins began advertising their independents on television, much like big blockbuster features, exposing their films to a wider audience (Biskind 193). As great as this was for the filmmaker, this increase in marketing required other distributors to put more money into their marketing strategies just to compete. Soon independent films became less cheap as an investment as marketing added millions to a film’s budget. Advertising campaigns snowballed. Studios wanted the hundred million dollar success of films like *Pulp Fiction*; they were looking for hits. Therefore they opened indies wider, in more markets, and were forced to spend millions of dollars on advertising (Biskind 194). While this appeared great for the filmmaker, more advertising meant a larger audience and more profit, it actually started to exclude true independents from the picture altogether.

The higher cost in releasing independent films eventually led to the creation of indiewood films, as mentioned previously. These were essentially independent Hollywood films, movies made for under twenty million dollars with A or B list actors that had breakout potential, meaning they could appeal to a wide audience and were an easier sell than the niche films that companies like Miramax built their name on (Biskind 194-195). This was purely an attempt for studios to guarantee success for their indie release which resulted in the ballooning of budgets which made the films more risky to release which led to more mainstream content being infused to attract a crowd (Biskind 195). It became a vicious circle.
Soon these indiewood films started replacing true independents at the box office and in the distribution deal room. Films like *Clerks* and *Pi*, with their original visions and no-name casts, were no longer the headline makers of Sundance. Instead it was the bigger budget indiewood films like *Little Miss Sunshine*, starring Steve Carrell and Alan Arkin, and *Hamlet 2*, starring Steve Coogan, that were sold for large advances. True independents started to have trouble finding the kind of domestic distribution that was possible in the late 90s, as all the studio based distributors were looking for profitable material in the form of indiewood films. According to Allison Anders, “They set out to duplicate *Pulp*’s success… It became a problem for non-genre, character driven stuff… slow moving tales with no violence and no big stars… and so that kind of put an end to the dream that we had in the early 90s” (Biskind 195). Even Miramax lost interest in the seemingly niche films that began its success, looking instead for films that would work with their wide releases and large marketing strategies (Biskind 195). These films were no longer the independents.

**4d: An Invisible Shift to the Audience**

The shift to indiewood seemed invisible to the modern American audience. In the late 90s and early 2000s, Miramax was still releasing films, as were the other “independent studios.” To the average filmgoer, they could still go to the theater and see an “independent film” from one of these distributors and their favorite “independent directors,” like Tarantino, Soderbergh, or Smith. The independent directors that had sparked the interest in independent films in the 90s had all achieved the American dream and graduated into the studio system. They brought with them
their original voices and independent sensibilities, essentially making big budget mainstream films that felt independent. Tarantino made his two-part *Kill Bill* series, starring Uma Thurman and costing $60 million (“*Kill Bill Vol. 1,*”; “*Kill Bill Vol. 2*”), and then partnered up with fellow dream maker Robert Rodriguez to make a two-part homage to B-movies of the 70s, *Grindhouse.* New queer cinema founder Todd Haynes made the A-list starring Bob Dylan biopic *I’m Not There,* and Soderbergh seemed to jump back and forth from mainstream to indie with films like *Oceans 11* made in between his low budget digital pieces like *Bubble.* In 2009, independent auteurs Spike Jonze and Wes Anderson even directed kids movies, the highly original *Where the Wild Things Are* and *The Fantastic Mr. Fox* respectively.

For audiences wanting to get a taste of the independent world on the big screen, they could see these big budget films from one-time low budget filmmakers. These films walked the line between mainstream and independent, giving audiences the mainstream satisfaction they wanted while also promising an original experience. So audiences stopped looking for the true independents, thinking that they were getting a healthy dose of independent cinema, when in reality all they were getting was a Hollywood rehash of success stories from the 90s. Essentially independent films became a victim of their own success.
4e: Foreign and Domestic Issues

As true independent films saw the domestic distribution market changing due to indiewoods taking over the big distributors, they looked to the same place as always to try and recoup the money spent on their films; foreign markets. Unfortunately, for films without recognizable star power, the foreign market fell out completely. While American audiences did not notice the switch from independent to indiewood, foreign audiences certainly did, and they did not want to go back to starless films. Foreign sales agents and cinemas now made their money off marketable faces starring in less expensive films. They had no need for American films without stars. With filmmaking becoming a global art form due to technology advances, they could make their own movies without stars just as easily (Dawtrey).

And even for those able to make foreign sales, the price tag is shrinking due to shifts in the worldwide economy as a whole. Lee Toland Krieger, director of the 2009 Sundance film *The Vicious Kind*, commented, “Foreign sales are just being decimated. Whereas four years ago you probably could have sold *The Vicious Kind* for two, three hundred grand in a territory like England or Germany, you’re now lucky to get out with twenty or thirty thousand dollars.” (To read a full interview with Krieger on the distribution process of *The Vicious Kind*, please consult the Appendix). Foreign sales agents have commented on the slump as well. “The credit crunch, the recession, collapsing international currencies, piracy and the rising popularity of local movies are conspiring to undermine the value of foreign rights and the ability of distributors to pay” (Dawtrey). Agents claim that even films with a great cast and a great director are
still having trouble landing a good foreign sales deal (Dawtrey). If there were any empty slots for true American independents in the foreign market, the chances of using this strategy to recoup investments sank lower and lower.

With their key strategy to break even gone, filmmakers were forced to look at domestic distribution as their main source of income. But by 2008, even indiewood films were having issues with domestic distribution. Interest in independents, even indiewood films, had dropped. According to Academy Award nominee Jason Reitman, “…there’s no middle anymore. There are the indies, and there are the huge fucking movies…” (Macaulay 74, “Winter’s Night”). Some reasons for this include the fact that ever since 9/11 the United States has been fighting a war in the Middle East. Also, in the past four years the country has dipped into a serious economic depression, with house prices dropping at a shocking rate and the government forced to bail out much of the country’s economic leaders (Krieger). However box office receipts remained at an all time high. As World War II illustrated, when the country is in a war or an economic depression, audiences tend to go to the movie theater to escape from reality (Krieger). The 2000s is no different. Audiences have set records at the box office for big budget escape movies such as Avatar, Transformers, and superhero movies (Kilday and the Associated Press). The trend has shifted – and shifted quickly - from the smaller, quirkier independent films of the 1990s to loud, large, big budget Hollywood escapism films. In fact, these films did so well that in 2009 the domestic box-office grossed $9.87 billion and surpassed the DVD sales of $8.73 billion for the first time since 2002 (Mcintyre). There were plenty of people in
this country who wanted to be entertained, and the more immersive and non-realistic, the better.

An expansion of domestic entertainment was inevitable, and in the last decade video games exploded to fill the need. In 2006 video game revenue topped out at $12.5 billion, while the U.S. box office wouldn’t hit $10 billion until 2009 (Kilday and the Associated Press; Sinclair). Online poker games can be played 24/7 from the living room. Alternate reality in the form of multiplayer, online, role playing games emerged, as well as multi-level that occupy hundreds of unique hours of play to “win.”

In addition, television content was evolving. Basic cable began offering quality, award winning television, and streaming internet exploded, allowing people to have instant access to all kinds of video content. Entire seasons of television shows could be purchased on iTunes, or you could spend the evening watching clips on Youtube. Indie films were no longer the only choice for escapism entertainment. Watching an independent movie became just one more option in a slew of ever expanding entertainment options.

4f: Death of the Giants

So with the interest in independents waning and the overall economy struggling, distributors started going under. In 2008, the independent studio branches Paramount Vantage, Warner Independent Features, and Picturehouse all closed (Tryon 30). For the studios, there was no reason to keep these branches open. Independent films had lost popularity and presence in the film market due to the reemergence of event films. For the studios it became a better economic decision to shut down the
independent branches and focus on large tentpole escape films, which were well suited for a wide release and a large marketing strategy as they were now routinely bringing home hundreds of millions at the domestic box office (Krieger). With their foreign options cut off, indies now found the domestic doors to theatrical release closing as well.

**4g: Home Video Troubles**

To make matters worse, the home video and DVD market started becoming unreliable as a revenue stream. For years, studios and distributors alike could count on rentals and sales to make more money than the film did in the box office. Distributors used to make enormous amounts of money selling videos and DVDs to rental stores at wholesale prices, but in the past years rental chains like Blockbuster have all but disappeared due to the acceptance of Netflix and rental kiosks, which do not order as many tapes as the old chains used to (Russ; Badal 214; Ulin 168).

But the big change has been in home video sales. Whereas studios used to be able to predict a film’s DVD sales based on box office performance, lately there has been a fluctuation between the two (Goldstein, “Slipped Discs”). Also, in the past if a mediocre film did well at the box office it could be expected to do well on DVD. Bad word-of-mouth appears to have affected the DVD sales of even the most successful films and franchises, such as the most recent *Indiana Jones* release (Goldstein, “Slipped Discs”).

Experts also wonder if the takeover by Walmart as a DVD distributor may be affecting DVD sales, as Walmart may not be equipped to market and sell some of the
industries more diverse fare such as *Slumdog Millionaire* (Goldstein, “Slipped Discs”). Furthermore, Walmart controls a lot of content that it sells, screening every movie before selling in order to avoid offending its conservative customers, a practice that definitely affects a film like *High Art* more than the likes of *Transformers* (Tryon 20).

If the domestic market is already suffering and stores like Walmart cannot, or will not, market anything but the most commercial of products, then independents will continue to have trouble landing a wide, or any, home video release. Walmart’s content control may prevent them from finding a space on the shelf. And even if the content is deemed “appropriate” Walmart’s marketing ineptitude may keep the indie release from leaving the shelf. As movies become more and more costly to produce, and without the guaranteed backup of home video, studios and investors are looking more towards safe bets (Goldstein, “Slipped Discs”). This means an increase in big budget “fail safe” tentpoles and franchise films. Films like comic book movies that have their own fanbase and a commercial plot that can guarantee a strong opening at the box office and a decent showing on DVD. But this once again points to a decline in the acquisition and wider marketing of independent films. If studios are looking for “sure things” then they are not going to be interested in acquiring and releasing a low budget independent film in a market that is no longer guaranteed. This makes it even harder for an independent to land a good acquisition deal. All of this is occurring in a marketplace saturated with hundreds, if not thousands, of independent feature films.
shot and edited digitally, all of them competing for any distribution dollar they can find.

And while no single factor is responsible for the paradigm shifts in the system that led to the death of the American Dream, the culmination of all of these events certainly put the final nails in the coffin and led to a very different business model for films by 2010, designed to resuscitate the corpse.

4h: The 2008 Business Model

Despite the crumbling foreign sales, the waning foreign market, the gluttony of digital films, the take over of indiewood, and the glitz and glam that had consumed Sundance, many filmmakers like myself continued to blindly believe in the American Dream. The idea that a filmmaker could make a low budget film with no recognizable faces and release it to critical acclaim and audience recognition still drove thousands of aspiring filmmakers. And this was because every year there was always that one film that always managed to break out of the pack and keep the dream alive. In 2008 it was the Academy Award nominated Frozen River. The film premiered at Sundance, was picked up by Sony Picture Classics, and went on to land two Academy Award nominations (“Frozen River”, imdb.com). However the film’s success only hid the fact that Sundance’s ability to help the American Dream was changing. Sundance was still an amazing place to land exposure for your film, but as far as receiving a profitable distribution deal, those days had passed.
4i: Change in Distribution

Besides making money, filmmakers want their films released to the widest audience possible. However this has become difficult as well. Theatrical distribution for films had changed in the past ten years, essentially forcing true independents out of the system altogether. The theatrical release of films had become increasingly front-loaded. 1177 films were released theatrically in 2009, making it difficult to stand out and make a profit without a large marketing campaign (Masnick). And with such a large amount of other movies competing for audience money, it becomes increasingly important to open large and make as much money in the first weekend as possible. In 1990, the opening weekend of a film accounted for 20% of it’s total domestic box office. In the early 2000s, almost 50% was earned in that first weekend alone (Drake 64). Films are in theaters for shorter periods of time, looking to open big and fast before the next big film knocks it out of the box-office. This stands in direct opposition to the ideal independent theatrical release, which is a slow platform release where the film expands over a long period of time to different venues and regions. With the new focus on big opening weekends, these slow releases to build attention for a film disappeared (Acland 102). This all goes back to Pulp Fiction, where the Weinsteins proved that low budget films could be hundred million dollar hits. Unfortunately this led to the large marketing campaigns, which led to the creation of indiewoods, which led to distributors adopting a similar strategy for both Hollywood and independent films. If the film does not open big on the first weekend, then it is gone (Biskind 193).
With the chance of any kind of theatrical release, let alone a profitable one, slipping, independents are forced to try for a successful DVD launch. But with distributors unwilling to attempt a theatrical release to build momentum for the DVD launch, independent films that do manage to find distribution are not given the proper amount of marketing to generate audience attention. The filmmakers are not only having trouble making any kind of profit, but now they are having trouble even finding an audience.

The big distributors were closing down and the small distributors were struggling as well. The declining economy, drop in DVD sales, and lack of interest in independent films made marketing and releasing a film even more challenging than ever. For those films that did spark the attention of second tier distributors such as IFC, the benefits for the filmmaker were few. Advances like the $10 million paid for *Little Miss Sunshine* had dropped to the extent where deals with these distributors actually cost the filmmaker money. Krieger explains that these days even big independent films are lucky to get offered a fifteen-thousand dollar advance, which he argues won’t even cover the legal fees to sign with the distributor. Plus, these distributors will then own all the rights to your film and will be notoriously difficult in releasing any profit they do manage to make. Krieger argues that:

“…99% of the filmmakers out there, don’t have the resources (meaning fees), to pay lawyers and energy to go after them [the distributor] because you’ll spend two years of your life and you’ll never see a penny and two years have gone by and you’ve missed your window to
make your next film. And believe me, the distributors know that, they know it and that’s why they fuck you over and over again. (Krieger)

Without large advances on domestic rights or foreign sales, filmmakers were forced to make their money back through royalties, a notorious process for cheating the filmmaker out of every dime possible (Hope).

Even television distribution is getting narrower for the independent film. In May of 2008, the parent company of IFC, Relativity Media, purchased the Sundance channel for the price of $496 million. Redford was promised in the deal that the channels would stay separate, as they had both developed distinctly different styles of programming over the past decade (Dempsey, Hayes). IFC stuck to films with distribution and often times some kind of industry recognition, while Sundance broadcast films that had no recognition or distribution before hand. While both channels are determined to remain distinct, mutual ownership could have an effect on independent filmmakers. A complete dominance over the independent film television market allows the channels to work mutually to decide which films to acquire or broadcast. This could lead to a decrease in prices for the acquisition of films, another chink in the once shiny armor of American independent cinema (Dempsey, Hayes). All of the basic options for distribution seem to be blocking the filmmaker’s chances at both finding an audience and making money.

4j: Hope in Video-on-Demand

However, the continuing advancements in technology provided another developing form of distribution. Distributors started experimenting with the internet
and video-on-demand, a system that seems to expose indies to a wide audience as well as have a fairly successful business and profit strategy. While the internet is still very much an experimental field, currently being mined by filmmakers better than distributors, video-on-demand (VOD) has turned into a rather successful method for small distributors to release independent films wide to the general public. As studios focus mainly on home video and theatrical release, the VOD market is fairly untapped by the Hollywood studio system.

In the past several years, VOD services have grown at around 20% annually in terms of purchases (Kaufman 20). The service lists films that can be purchased and watched directly on a television through a cable service. Currently, the VOD service requires a distributor to negotiate the deal between the cable company and the filmmaker, so independent filmmakers must have a distributor in order to be represented. So there is still a wall keeping all aspiring filmmakers from pursuing VOD. Their film must be well made enough to distract a distributor willing to attempt a VOD model.

In 2008, IFC released a supernatural thriller *Dark Mirror* on VOD. So far it has been “purchased” between 110,000-120,000 times for the average price of $7. After IFC and the cable company split the profits 50% it is expected that the filmmaker will make between $200,000 to $250,000 in back-end revenue. For films that play on VOD that didn’t endure the costs of promoting their own theatrical release, there is less money to make back, therefore the distributor has less to recoup before the filmmaker can begin making money (Kaufman 20). This is one area where
the lack of a theatrical release is actually helping the independent filmmaker financially, minimizing the costs necessary to recoup before a profit can be made.

However, not all films are seeing success with VOD. Certain films traditionally fair better from the circuit. Horrors and thrillers and films with stars seem to perform better than no-name independent dramas (Kaufman 20). But as VOD sees more success, cable companies are offering the service to more distributors, widening the market. Bigger budget films are starting to take notice, premiering theatrically and on VOD on the same day. *World’s Greatest Dad* with Robin Williams and *Uncertainty* with Joseph Gordon-Levitt both did this (worldsgreatestdadfilm.com; ifcfilms.com). With these films premiering and the options widening, the VOD market is starting to resemble the theatrical market in that the films that can afford the most marketing are going to do the best, and the indies may slowly slip between the cracks (Kaufman 78). But the most exciting part of VOD is that the service manages to fulfill much of what the Weinsteins provided in the 1990s. If released successfully on VOD, the filmmakers have a good chance at making a profit on their film as well as reaching a wide audience. While the film may not be playing in a megaplex, it does not mean that the filmmakers will not be achieving the American Dream with a successful VOD distribution. But even with the optimism brought on by VOD, one thing remains clear, much of the avenues open to independent filmmakers in 1998 are now blocked in 2010. Other routes, and a new model, must be explored.
Section 5: The Other Routes

5a: Blocked Passages and Taking Control

To the naïve eye, the path to Hollywood seems more accessible than ever before. With digital technology essentially democratizing the production process, aspiring filmmakers have all the means necessary to make an independent feature. Unfortunately, as previously illustrated, the well-worn paths to Hollywood are now closed down. Sundance has been taken over by the indiewood films and the market has shifted drastically away from small budget films to large, big budget escape movies. Distributors are shutting down, advances have all but disappeared, and the easiest time for creating independent films has also become the most despairing time for releasing these films.

So with these traditional routes blocked, filmmakers watch their dreams of fame and money disappear into the now saturated land of unreleased, unseen indies. However, some filmmakers are refusing to accept the obstacles in their path. Instead they are utilizing emerging technology to try and find new routes to Hollywood, new paths to their dreams. Many are becoming businessmen first, filmmakers second, performing the job of both the Weinsteins and Tarantino. Filmmakers are taking control of their films. They are accepting the fact that distributors will no longer look after the films like they did in the early 90s, so the filmmakers are forced to take this responsibility. While technologies may vary, the methods all involve an element of keeping the power in the filmmaker’s hands. Some find power in controlling all aspects of distribution, some find it in marketing, and some find it in creating new and
exciting deals with distributors to benefit both parties and protect the filmmaker from being cheated financially or creatively.

5b: Hybrid Distribution: The Best of Both Worlds

One of the first strategies that independent filmmakers adopted was the process of hybrid distribution. According to distribution consultant Peter Broderick:

Hybrid distribution combines direct sales by filmmakers with distribution by third parties (e.g. DVD distributors, TV channels, VOD companies, educational distributors). In the Old World of Distribution, Plan A was to give all your distribution rights to one company and Plan B was self-distribution. In the New World, Plan A is doing your own direct sales while splitting up the other rights; Plan B is making an all-rights deal with one company. (Broderick, “Declaration of Independence”)

Instead of selling all their rights to one company, filmmakers are combining self-distribution and traditional distribution, splitting up the various rights of their film among various companies in order to increase revenue as well as maintain as much control over their product as possible. A staple of hybrid distribution is that the filmmaker is able to pick the best distributor to handle each aspect of their release, but also retains the rights to sell the film directly to their core audience. This is a key aspect and the filmmaker needs to be careful with distributing the rights so that they are still allowed to sell the film themselves from their own website or at screenings, and that the profits from these sales go directly to the filmmaker. That way the distributor only profits from work they do, and they cannot take money that the
filmmaker has earned from their own promotional efforts. This encourages the
distributor to work harder, as they only benefit from their own success, and it keeps
the filmmaker involved at every level.

Broderick’s article goes on to define Ten Principles of Hybrid Distribution, or
rules to live by. The most important rules include making sure that the rights are
securely divided among the companies that can best handle that specific area. Rights
for television should not be given to a company that doesn’t know how to handle
television. Also, the contracts should be narrow and explicitly define what the
distributor owns and what the filmmaker owns. This way, the Old System of one
company owning all rights for 25 years disappears. This system of hybrid distribution
is targeted towards helping the filmmakers create win-win situations. They can use the
change in self-distribution to help them sell the film themselves, but they can still
combine elements of the old system to let the more experienced distributors handle
elements such as nationwide DVD release and video-on-demand (Broderick,
“Declaration of Independence”). To see the entire list of principles, please consult the
appendix.

Screenwriter John August blogged about Broderick’s article, wishing that he
had drawn up narrower contracts for his 2007 Sundance film, The Nines. While he did
split up theatrical and home video among two different distributors, he currently has
no idea when the film will show up on domestic cable, as those rights got lumped into
the home-video rights (August, “Hybrid”). However, all of this relies on the filmmaker
finding an interested distributor willing to work within these new contracts. Again, it
all goes back to making a successful film and finding enough success to garner attention from distributors.

This strategy stays closest to the super-highway of the past. It shares several lanes with the old Hollywood system, hoping to use the distributor’s advantages to get their film released as widely and successfully as possible. However, they also take back roads, choosing to retain and divide up the rights to create the most beneficial deal possible. By attempting to include an element of traditional distribution, these filmmakers are hoping to get a leg up in getting Hollywood attention and reaching a wide audience. However, by retaining the ability to keep the profits when they self distribute, the filmmakers are able to create a safety net in case the distributor falls flat in marketing. Financially this deal offers the most stability and having a distributor behind the film seems to increase the chances of industry attention. As independent filmmakers search for the best way to reach a wide audience and make money, this form of splitting the rights gives them the best shot at making a profit.

Sadly, this deal may not always be as easy as it seems. Some distributors may balk at the idea of not receiving the full rights for 25 years, and many of the big distributors may find it better to refuse this kind of deal. For years, distributors have become used to the strategy of owning all the rights to a movie. Therefore, if it became a hit they were able to capitalize on all the profits. Also, they maintained all future distribution rights, so that if a new form of distribution arose, like the internet, then they would profit off that as well (Broderick, “Declaration of Independence”). In
the current filmmaking climate where new forms of distribution seem to constantly arise, distributors are eager to hold on to these rights.

So filmmakers may have to take a fiscal risk, trading their safety net for the chance at industry credibility by selling all their rights to a larger distributor. Krieger commented on this strategy. “[When working with a distributor] it’s possible fewer people will see the film ultimately. But at the same time within the entertainment community that’s sending a nice signal that you’re a real legit filmmaker. No doubt” (Krieger). But again, in the current market these large distributors are disappearing. Miramax and many of its competitors have closed by 2010, so this debate for filmmakers may soon cease to exist.

**5c: Self-Distribution: Technology is Making it Easier to Reach an Audience**

With traditional distribution deals becoming rarer and less favorable to the filmmaker, those filmmakers determined to release their film and build an audience are exploring the world of self-distribution. Luckily, emerging technology has made sharing films with the world easier than ever, as long as you don’t need to make back millions of dollars. Reaching an audience has always been the key to distribution, and distributors used to have the only resources available, and funds necessarily, to reach people all over the United States. Yet with modern technology and the internet, people can connect to anyone in the world. Currently, Facebook alone has more than 400 million active users (facebook.com). Twitter is expected to have 26 million users by the end of 2010 (Wolfe). Through the use of these types of social network sites, filmmakers can reach just as many people as the big budget Hollywood marketing
campaigns and hopefully drive people to view the film. Although getting them to pay for it seems to be the wild card. However, over the past few years, several independent filmmakers have proven the profitability of self-distribution, offering hope for the unrepresented filmmaker.

One of the most successful examples of self-distribution in the modern era is Lance Weiler. Starting in 1998, Weiler self-distributed his first two features to over 20 countries and made more than $5 million (WorkBook Project). With his second feature, *Head Trauma*, he explored a number of new and exciting marketing options to try and reach a wide audience. He focused on web technology to reach his target audience of young twentysomething horror fans. He experimented with digital swag to try and spread the word on his film. He also released behind the scenes videos and multiple trailers, which were all integrated and linked back to the sites Amazon page where interested customers could purchase the film (Weiler, “Web Savvy”). The effort worked, and the film is currently available on many video-on-demand platforms through Warner Brothers and is also featured on the Showtime Network (Headtrauma.com).

Weiler has since gone on to found the WorkBook Project. According to the website, “The WBP offers a breath of fresh air by removing the competitive trappings of the media industry and replacing them with a collaborative and open system that shares resources, networking, information and knowledge.” Weiler focuses on uniting filmmakers and audiences using tools such as social networks like Facebook and
twitter. He was recently named “One of the 18 People Who Changed Hollywood” by BusinessWeek. Others on the list include George Lucas, Mark Cuban, and Steve Jobs.

Two of the other filmmakers to prove that self-distribution through the internet could be profitable were Arin Crumley and Susan Buice, the directors of *Four Eyed Monsters*. Refusing to take the initial $15,000 distribution offer from a conventional distributor that would see their film disappear into a sea of DVDs, the duo decided to self-distribute. After a successful theatrical self-distribution in six major markets, they were the first to post a low-res version of their movie on Myspace and Youtube, sponsored by the website spout.com (*Four Eyed Monsters*, Neoflix). According to Crumley, once the film hit the internet, the offers for television and DVD distribution started doubling. Ultimately, the film used the attention they received to sell higher resolution DVDs, digital copies, and ipod versions of the movie from their website, while collecting over $50,000 from the spout sponsorship. They then sold the television and home video rights to IFC TV who distributed the DVD through Borders and allowed them to still sell directly through their online store (Hernandez, “Four Eyed”). What they managed to do was to achieve two aspects of the American Dream. They found a way to profit off their movie as well as reach an active audience. However, whether or not both of these added up to form the industry attention necessary to have fully achieved the dream is yet to be seen. Neither has created another film but have instead focused on helping Weiler with his Workbook Project.
5d: Control Through Self Distribution

With filmmakers taking more control over their projects to try to make a profit, and with the technology finally supporting their needs, self-distribution has arisen as a common and acceptable model for the independent filmmaker. According to Weiler, much like how the production process has become democratized, the distribution process is now becoming commoditized. “In theory all the tools and services are in place for filmmakers to beat a direct path to their audiences” (“Virtual Discovery” 114). In the 90s, self-distribution was a difficult process without a lot of the social connection that technology has brought. Without the internet, filmmakers had a difficult time finding and building an interested audience for their films. Also, the limited distribution options, theatrical, home video, and television, kept filmmakers subservient to distributors. With emerging technology it is important to be thinking across all possible platforms for audience connection, and independent filmmakers are able to take advantage of this just as much as Hollywood (Zimmerman 262-263).

Some filmmakers are even choosing the self-distribution model over the traditional path in order to try and maintain artistic and economic control. The 2009 southern drama Ballast won the dramatic directing prize at Sundance (“Ballast,” imdb.com). The director, Lance Hammer, then turned down a deal with IFC Films and decided to self distribute the movie. According to Hammer, “The problem is the larger issue that’s plaguing every filmmaker right now: The distributors don’t really offer any money. That’s not a big deal if they would allow you to have control of your project, but they don’t. (Couvering 118)” So rather than accepting IFC’s $50,000
advance for twenty-year control of all the rights, including video-on-demand, DVD, internet, theatrical, and future media, Hammer decided to self distribute. He did choose to do a self-theatrical release, which only grossed $70,000, but Hammer is only slightly disappointed. He sees most of the profit coming from video-on-demand, DVD, and internet deals, however he does feel the theatrical release may have been wasted time. But he has already made more than what IFC would have offered, and still owns all the rights to his movie (Couvering 118-119).

Lee Toland Krieger suggests self-distribution for the independent filmmaker for a different reason, because it gives them control over their own press and advertising (P and A). He said:

So I think for any independent filmmaker out there right now, that’s making a movie, that doesn’t have a big theatrical P and A commitment… they need to make their own P and A deal. So if you want to make a movie for 50 grand, make it for 25 and spend 25 putting the film out. If you want to make it for a million, make it for 500 grand, spend 500 grand on P and A.

Krieger continued:

… releasing the film yourself despite the extra work involved, can be hugely beneficial because not only do you not put yourself last in line by not taking on a proper theatrical distributor, but you control every element. For instance, I loathe the artwork that’s been done on the film
[The Vicious Kind], both by our domestic distributor and our foreign sales agent, and the trailers they cut are abysmal… (Krieger)

Krieger points out that by self-distributing, filmmakers can make sure to keep their artistic integrity and cut out any middle man from interfering with their profits. He, like other filmmakers, is embracing emerging technology and advertising methods to maintain control over their films. He is advocating that filmmakers not only create original and compelling films, but also that they learn to be their own marketing department, and not rely on someone like the Weinsteins to do the promotion easily possible now with technology.

Hammer did this, acting like his own version of Miramax, attempting to take his niche film and get it to the masses in a way other distributors seemed to be failing to do. But Hammer has not yet accomplished what the Weinsteins were able to, as he has not yet broken into the industry enough to achieve the American Dream. The nagging question is: if he had taken the deal with IFC, would they have helped him at least get the recognition to become a Hollywood player? I believe that IFC would have given him the clout to break into the industry, but it would come at an artistic and financial sacrifice that Hammer was not willing to make.

5e: Effects of Self-Distribution

This shift towards self-distribution is changing the independent film world. As always, filmmakers want to use self-distribution as a way to find an audience, make a profit, and attract Hollywood attention. It needs to get them closer to their dream. So for filmmakers listening to the advice of Krieger, Hammer, and others, they are
beginning to market and brand themselves and their film before the film is even complete. They are truly turning into independent Weinsteins for their own films. New York based filmmaker Gary King has a website, a twitter account, email updates, and fanpages for all of his movies. He is constantly releasing updates on his films, exclusive clips and trailers, and working as hard as he can to get positive reviews and write ups in film websites. This hard work has paid off, landing him extensive PR through the internet but also deals directing low budget horror films (King).

But this points to a larger effect of the success and accessibility of self-distribution. It is forcing filmmakers into becoming businessmen. The 1990s and early 2000s were full of filmmakers well known for their distinct personalities- Soderbergh, Tarantino, Kevin Smith, Spike Jonze, and David O. Russell- who managed to succeed based on the quality of their work. Their personalities would probably not have been a cohesive fit with the current business aspect of independent film, nor would they have been successful if they would have had to do the work of the Weinsteins. They were successful because all they had to do was be themselves - quirky personalities and all - and let people like the Weinsteins take care of the rest. But now these kinds of filmmakers are lost in the ocean of self-distribution, where the strongest swimmers are the ones with better business and marketing skills, and not necessary the most artistic visions. Quality films may be disappearing for well-promoted independent drivel, much like how independents disappeared beneath the well-promoted Hollywood blockbusters of today.
But self-distribution may not be getting filmmakers as close to the dream as they would wish. While filmmakers like Lance Weiler and the *Four Eyed Monsters* team may be able to brag about their profits and their hype, neither one of them has become an industry player. They may be considered the mavericks of the independent world, but for many filmmakers, Weiler and company have *not* achieved the American Dream. They have an audience and have proven they can be profitable, but for some reason the industry has yet to take notice. Meanwhile, Krieger, who despises the distribution methods used for his film, wound up with an Independent Spirit Nomination for best screenplay and is currently circling several larger projects thanks to his buzz (Krieger). He may not have made the millions that Weiler did, but Krieger seems closer to achieving the dream that many filmmakers aspire to. Krieger essentially had to sacrifice one area of the American Dream, initial profits, in order to achieve the overall goal, industry success. So while the alternative route of self-distribution may take you to profitable locations, it looks like it might not land the filmmaker in Hollywood. Perhaps this is why hybrid distribution, (combining self-distribution with traditional distribution), seems like the best way to achieve both halves of the dream.

**5f: Netflix: An Exciting Opportunity, But at What Cost?**

In September of 2009, the once-dominant rental chain Blockbuster announced that it would be closing 20% of its already dwindling 4,400 locations. It has decided to construct over ten-thousand rental kiosks since then, mimicking the Redbox kiosk rental chain found in most grocery stores, renting films for $1 a day (Russ). But with
these two chains fighting over dominance in the kiosk rental field, the rental chain Netflix has emerged champion of the streaming and mail-rental film market with over $10 million subscribers (“Netflix Passes”).

For a small monthly fee, anywhere from $8.99 to $23.99, users can have up to four movies mailed to them at a time, which they can keep for as long as they want, until they mail one back in exchange for another movie on their queue. Netflix users can also stream movies and television shows onto their computer, television, or video game system using Netfllix’s “watch instantly” function (Netflix.com). While their current titles are limited, Netflix is constantly expanding its selection, including recently adding hundreds of independent films through deals with such distributors as The Criterion Collection, Music Box Films, and Oscilloscope Laboratories and Regent Releasing (“Netflix adds hundreds”).

In this model, Netflix represents several opportunities to the independent filmmaker. While it appears that in order to land a deal with the company you need to be represented by a distributor, Netflix actually allows for open submissions of independent films. It’s not impossible to get an independent film distributed through Netflix, especially if the filmmaker is practicing hybrid distribution and is using a distributor to contact the company.

Netflix even began acquiring films through their division of Red Envelope Entertainment. They drafted non-exclusive DVD distribution deals with filmmakers, so that the filmmakers could also release the film through larger companies such as Sony or Lionsgate if they were offered (Biba). And due to high rental percentages and
successful runs in Netflix, some films were picked up by larger companies for televisions or wider DVD release. In fact, the Sundance hit, *The Puffy Chair* landed a lot of interest with distributors who eventually bailed on the film. But after a successful run with Netflix, the film ended up being released theatrically through Roadside Attractions (Biba).

But filmmakers must be careful. Profiting through Netflix can be difficult. Netflix purchases DVD’s at wholesale price and then offers them for rent on the website. If the DVD performs well, then the company will order more DVD’s. However, the filmmaker receives no profit on a per-rent basis. They only benefit from the cheap wholesale selling of the movie, which will be split with a distributor if the film is represented (Badal 214). However, if the film is selected for “watch instantly” then the filmmaker will make a few cents every time the movie is streamed (August, “Netflix”). If the film is popular, then this could add up. Granted, the biggest draw to a deal with Netflix is the ability to reach an audience of over 10 million subscribers, but the independent filmmaker must consider whether access to this audience base is worth more than the money.

In a climate of dwindling distribution, an active audience of 10 million subscribers is enticing to any filmmaker. Also, while stores like Blockbuster average 90% of rentals for new releases, Netflix averages 70% for the back catalog (Tryon 114). This means that the majority of films watched by Netflix customers aren’t the big, newly released blockbusters, but actually other films available through the site. The majority of the 10 million subscribers are seeking out films other than what have
just been released. Again, this deal looks appealing to the filmmaker. Also, the successes of filmmakers like the Duplass Brothers makes it seem like distribution through Netflix could ultimately lead to Hollywood. And with a non-exclusive deal, the filmmaker is always open to pursue other options.

But fiscally Netflix does not particularly benefit the filmmaker unless there is a huge demand for physical copies of their movie, or if rentals take off. Also, there is no statistic as to how many unrepresented films, films without a traditional distributor, Netflix distributes. As it stands currently, it looks to be an exciting, if unproven, path towards knocking on Hollywood’s door.

5g: VODO- Is an Audience Worth More Than Money?

Since the invention of Napster, the concept of illegally downloading copyright content has consumed areas of the industry. In 2009, a leaked version of *Wolverine* hit the internet before it was released in theaters, supposedly resulting in a loss of $29 million (Scieretta). VODO is an attempt to use downloading and file-sharing software to distribute original content, including independent film. VODO works by acquiring and then filtering all the submitted content it receives. It has a team that works together to determine which content is good enough to distribute. Once content is selected, VODO works with peer-2-peer and Bittorrent services to promote the content and release it online. These sharing systems are used by millions of individuals daily, and the hope of VODO is that by placing optional donation links on the sites that offer the content, viewers will be able to donate towards the product. VODO makes the argument that if even a small proportion of the downloaders donate on a semi-regular
basis, then the content makers will be able to make a sizable profit off the “free” release of their product. While the goals of profiting from such a system seem lofty, it is an excellent way to get your film seen (vodo.net). The independent film Ink was leaked through torrents and downloaded over 500,000 times in one week. This catapulted the film to number 16 on IMDB MovieMeter, quadrupled it’s DVD sales, and brought in a decent number of donations. However, it didn’t bring in enough money to make back the filmmakers investment or land them any Hollywood attention, but the statistics speak for themselves- the film was seen by thousands (Winans). While it didn’t land the filmmakers the American dream, it did help them take a step closer as they now have a dedicated fan base eagerly awaiting their next film.

But this brings up a constant dilemma for the independent filmmaker; which is more important, viewership or financial return on investment? In the 1990s, an independent film landed industry attention, which then helped the film land a distributor who then released the film to try and reach the widest audience and make as much money as possible. However, in the present the order has reversed. In order to get Hollywood attention the film already needs to reach an audience and be profitable. Unless the film is a huge festival success and critical hit, the filmmaker will be responsible for generating the audience interest and profits to drive industry attention.

VODO represents a way for filmmakers to reach a wide audience, but with minimal financial gain. While the theory and hope is that viewers will donate to the filmmakers for the free download, as illustrated by Ink, 500,000 views did not
translate into $500,000. However, it did help them move up on IMDB’s MovieMeter, but even this strangely did not translate to industry attention. The filmmakers are not precisely sure why this is. It might be due to the film’s untraditional narrative, it’s a music infused kung fu sci fi film. It could be due to its poor showing financially, or even the film’s lack of stars. But the audience figures and the film’s style alone should be enough to land the director industry attention.

However, the creators of Ink have built a large audience and fanbase who regularly encourage, donate money, and even produce fan art to the filmmakers (K. Winans). While they may not be getting the kind of industry attention usually expected after such an audience reaction, the filmmakers next film will already have thousands of eager eyes waiting to watch it, which the filmmakers should be able to translate into money and hopefully even Hollywood attention. In fact, the industry may be taking notice sooner rather than later as months after their release the filmmaker has finally signed with an agent and even directed a commissioned short film for Pentax, a camera company (J. Winans; DoubleEdgeFilms).

**5h: Todd Sklar and Range Life Entertainment: Pursuing One Part of the Dream**

Taking an interesting twist on theatrical self-distribution, Todd Sklar adopted a method long used by musicians: he took his and several other films on the road. Recognizing how the internet would allow for easy promotion to his key audience, college students, and fed up with the festival system, Sklar began a 16-week tour of the Midwest, stopping at colleges and art-house theaters. He formed a distribution company, Range Life Entertainment, in order to give his endeavor legitimacy.
Throughout the first tour, Sklar began taking advantage of self-distributing DVDs as well, and the filmmakers that joined him ended up making most of their profit from those sales. Splitting the revenue evenly with the theaters helped them land bookings, and throughout the first run they spent $21,000 but netted $32,000, an $11,000 profit from a theatrical run. While not nearly enough to live on, especially split between all the filmmakers on the tour, it partially funded the next tour and proved that while theatrical distribution has changed with the market and emerging technology, it is still possible to show your film on the big screen without rave reviews or a big named distributor (Macaulay 120-121, “Road Trip”). In fact, for the second tour Sklar was able to bring along several larger films, including the Sundance hits Mystery Team and Assassination of a High School President, both of which already have some sort of distribution, yet failed to make much of a splash theatrically (“Range Life Entertainment”).

But while Range Life may be an exhausting and strenuous distribution strategy for the filmmakers, it represents a relentless pursuit of the American Dream. For the dream achievers of the 90s, their films were released theatrically, often in limited markets before expanding. The Weinsteins specialized in this, essentially managing to play art house films in mainstream theaters. For many filmmakers, part of achieving the American Dream is having their film shown for an audience on a big screen. Todd Sklar pursues that part of the dream endlessly, essentially becoming his own Weinstein and distributing his films all over the country, using emerging technology to try and advertise his screenings. Sometimes it works, sometimes it doesn’t, but even
without the backing of a major distributor, Range Life is able to fulfill at least one area of the dream.

5i: Film Festivals: Changing to Support the Filmmaker

In an article entitled “Evolution v. Revolution, the state of independent film and festivals,” Geoff Gillmore, the Director of the Sundance Film Festival for nearly the past two decades, addressed the issues currently facing independent film and the festivals that screen these films. Gilmore notes, that even while the number of festivals has grown dramatically over the past twenty years, there still remains only a handful that actually function as viable markets for independent film, with Sundance as the only U.S. festival among them. But Gilmore argues that this is not the main function of film festivals; the main function is for audiences to see new cinematic voices unavailable at the local multiplex. But with the focus for the filmmaker almost purely on sales and distribution, festivals need to evolve in order to keep the new generation interested and invested in the festivals and independent film. The audience has changed. Young Americans have more opportunity to find independent film than past generations, but their interest has yet to be measured. Will they embrace the festival process or will they move on as technology continues to craft the independent marketplace? Or as some believe, will festivals be able to evolve and meet the needs of this new, younger generation (Gilmore)?

Gilmore probably knows better than anyone that with the independent film world changing, film festivals need to change as well. In January 2010, the Slamdance Film Festival held a Filmmakers Summit sponsored by the Workbook
Project. The point of this summit was to address issues facing independent filmmakers, including marketing, distribution, and festivals. Much of the summit concerned alternate routes to the American Dream. Slamdance co-founder Peter Baxter began by commenting that film festivals need to begin working with the filmmakers. This year both Sundance and Slamdance experimented with day-and-date releasing to help get the film to an interested audience before the heat of the festival has worn off. Day-and-date releasing is a strategy where the films are released on multiple platforms at the same time, traditionally with a theatrical release coinciding a VOD or home video release. For Sundance, day-and-date referred to screening the film at the festival at the same time as they released it through the internet or on VOD. New director of Sundance, John Cooper, even said “We are going to see, in the future, a lot of films leaping into distribution right from the festival platform” (Hernandez, “The Future of Festivals”). But even if there is a new trend within festivals, it remains to be seen if these changes will help filmmakers accomplish the American Dream. Day and date releasing might help bring publicity to both the film and the festival, but if it doesn’t bring in money, an audience, and industry buzz, the filmmakers are no closer to fulfilling the dream.

In more of his article on the future of film festivals, Hernandez predicted:

‘There will be sales at Sundance,’ a high-profile film seller assured me over breakfast last week, hours before the Sundance Film Festival lineup was announced. But, the insider predicted, big deals will mainly follow a select group of higher profile movies. Smaller films from
emerging filmmakers, the movies that are often the most interesting ones to come from festivals like Sundance, SXSW, Tribeca and others, will instead have to pursue a so-called “self-publishing” approach to find an audience and monetize their movie... (Hernandez, “The Future of Festivals”)

Basically, even the festivals noticed that the market had changed. They are aware that the American Dream is disappearing from the independent filmmaker and they are encouraging the true independents to look into alternative routes rather than hope for success in the old system.

The panelists at the summit agreed that festivals need to stop thinking about themselves as competing entities, fighting for the best and most popular premieres. The requirement for premiere status needs to disappear as the timeline for premiering and releasing films is shrinking. Festivals need to begin considering films that have been self-distributed and already have a budding audience. Even though these wouldn’t be premieres, they would bring an audience to the festival and would give the festival a chance to exhibit strong work from emerging talent, which should be the intent of the festival, not bragging rights over landing a certain premiere. It is worth noting here that Peter Baxter is the President of Slamdance, which is guilty of only exhibiting premieres. The panelists also suggested some kind of festival co-op, so that festivals could exchange recommendations and information about films and filmmakers. This all seemed to follow the theme that with the wall between independent film and Hollywood growing taller, festivals need to work harder to help
the filmmakers find routes around this wall. This theme is strangely reminiscent of the
double-edged sword that Robert Redford has struggled with for the past twenty-five
years. Surely he built Sundance on the same kind of values that the filmmakers at the
Summit discussed, but like Peter Baxter’s hypocrisy with premieres, Redford had to
lose many of his anti-Hollywood ideals in order to keep his festival and institute
running, which in turn allowed a few filmmakers to have the opportunity to express
their independent artistic visions.

The panelists argued that the objectives for film festivals have changed. In a
response to a question about why we still need festivals, Slamdance founder Paul
Rachman responded that, “The ultimate value of film festivals is in people meeting
each other, whether by gathering in rooms or on the street...” The main function of
festivals has not changed, even if it was forgotten. The purpose is to bring filmmakers
and other artists together to exhibit their work. Rachman continued, “That human
connection is the ultimate value, and that’s what’s going to happen at film festivals.”
The old plan of using festivals as a platform to find a distributor is over. Now it’s
about the entire filmmaking process. Festivals and building awareness for the film are
just as important as production. Filmmakers have to work with festivals and use them
to further their success on their routes to the American Dream. Once again,
filmmakers find themselves fulfilling a much bigger role than just making a movie.
They are being thrust into the business role again, forced to be their own Weinstein.
5j: Incorporating Festivals and Other Routes

The moderator of the summit, Brian Newman, mentioned that after every great festival screening the audience asks where they can get the film and the filmmaker mentions they are looking for a distributor. Newman argues that this practice needs to end. The filmmaker needs to have DVDs for sale immediately following the screening and the festival needs to help make this possible. Festivals need to be building relationships with filmmakers, so that when they have a new film they will want to return and bring their audience with them. These festivals are encouraging the route of self and hybrid distribution, pushing the filmmaker to forget the old ways of distribution.

Some fests are even moving into the world of distribution, acquiring films that have good showings at their festival so that they can reach their audience. As Hernandez notes:

An emerging move that has industry folks buzzing is a push by Tribeca Enterprises to position itself in the role of some sort of distributor of movies. Tribeca is looking to secure a crop of new films—as many as ten, according to some insiders—to release them in conjunction with their Spring festival in New York City and beyond (Hernandez, “The Future of Film Festivals”).

The Oxford Film Festival in Ohio is actually dedicated to finding distribution for every film that is submitted to the festival (Oxford Film Festival). This is the kind of festival initiation that would make the speakers at the Filmmaker Summit proud.
This is about working together to help share emerging talent and entertaining film with
the world. This is the ideology that Sundance was founded on, cultivating and
exposing the world to emerging talent.

But what strategies can filmmakers adopt in order to use film festivals
successfully and not rely on the 90s paths? Acclaimed independent filmmaker Zak
Forsman discussed his strategy for releasing his film *Heart of Now* openly his blog. As
he made the decision early on to self-distribute his film through his own production
company, he approached the festival process differently. His strategy had five main
points, each supporting his alternative route to Hollywood (Taken directly from his
blog post):

- To meet new friends, filmmakers, fans and partners
- To garner laurels, prestige, press and reviews
- To announce a platform release to a larger audience
- To make a little $$$ on DVD, soundtrack and merch sales at each screening
- To get additional feedback from audiences

Forsman’s strategy is focused completely on exposing his film to the widest
possible audience for his release. It focuses on using festivals in ways they are still
viable, as a place to network and as a place to gain prestige and attention for the film.
It’s all about building an audience, branding himself as a filmmaker, and getting the
word out on this film and future projects, so that he will have a leg up on his next
project. He plans on having DVDs for sale at the festival, which helps him reach his
audience directly and not six months later through a website or low-level distributor. Also, he discusses his expectations for the festival circuit as a whole:

As for expectations, I’m committed to the idea that a festival run is ancillary to the real objective – to get these arthouse films in front of a paying audience through multiple platforms. So my expectations are tempered…I’ll save the heartache should we face low theater turn-out, bad reviews, dvd manufacturing delays, getting rejected from itunes, struggles to find a way into cable vod, etc. (Forsman).

Even festivals have noticed the obstacles blocking filmmakers from achieving their dream. Rather than accepting these obstacles, many festivals are embracing alternative routes to help the filmmaker; and, as many festivals can help lend an audience and industry attention to a film, their act of supporting these new routes is an encouraging one. Filmmakers may not be able to land the dream distribution deal of the 90s at a festival, but they may be able to use the press associated with a festival to boost their sales and land enough industry attention to try and knock on Hollywood’s back door. While the success of this is yet to be seen, the collaboration between festivals and filmmakers is a strong sign that paving these new routes may be easier than anticipated, although getting them to pay for it seems to be the wild card.

Over the past few years, several independent filmmakers have proven the profitability of self-distribution, offering hope for the unrepresented filmmaker. But while these routes are currently gaining traction in the independent world, it remains to be seen if the industry will open up their doors to these filmmakers. If Hollywood
chooses to recognize the innovation and new methods then many of these filmmakers may find themselves breaking in like the new crop of Tarantinos, mixing filmmaking and marketing skills. In fact, Paramount has already taken notice of some of these low budget innovators after the success of their micro-budget thriller *Paranormal Activity* ("Paranormal Activity," boxofficemojo.com). To further explore the area of microbudget cinema, the company announced the formation of a production company called “Insurge” which will make ten, $100,000 features each year in a variety of genres (Murray). Obviously the new independent filmmakers as a whole have made enough of an impression to get some industry attention. And this, to go all the way back to the ideals of a younger Robert Redford, have begun to affect the future of Sundance.
Section 6: Sundance 2010 and the Reassessment of the American Dream

2010 marked the twenty-fifth anniversary of the Sundance Film Festival. In twenty-five years it had grown from a compromising fundraiser to the annual highlight of independent film. Even today we look to the festival as a predictor for the future of independent film. Was Geoff Gillmore’s projection about festivals changing to meet the needs of a younger generation correct? Would Sundance adapt to the new marketplace and the new technology or would it continue in the Hollywood seeped ways that had started to define it? Would there be a breakout film able to continue the myth of the American Dream, or would this year’s Sundance be the final crushing blow towards the crossover of independent film?

Robert Redford kicked off the 2010 opening ceremony by stating that this year’s festival was “going back to our roots, where fresh new ideas were, and fresh new voices.” The new head of the festival, John Cooper, said that they used the word “reminded” a lot in planning the festival, in reminding who they are to the world and who they are to themselves. They wanted to go back to Robert Redford’s original vision of the festival. They admitted that in recent years their programming strategy had been “clouded” by marketers who tried to take over the festival. Redford even mentioned Paris Hilton by name when talking about how marketers rented out Park City with the full purpose of using celebrities to promote their products with swag. Finally, Redford admitted that with the economy tanking, these people are no longer attending and the festival can return to how it used to be, to his original vision.
Redford once again clarified the intentions of the festival, saying that “…to see the filmmakers come and see their work get exposed and have a path somewhere to be seen and even cross over and get to wider audiences.” Even after twenty-five years, Redford’s vision of helping to cultivate and expose young talent had remained the same. However, he had also learned to accept the presence of Hollywood, and even as he talked about the annoyance of marketers, he and John Cooper sipped from “Sundance water bottles.” As the festival kicked off, the entertainment world watched closely to see if the focus on exposing new talent would remain, or if once again the festival would be corrupted by the market that Redford hoped was staying away.

6a: Next up: NEXT

The biggest change at the 2010 Sundance Film Festival was the creation of the NEXT Category, which showcases innovation in low budget filmmaking. According to the Sundance website, “NEXT films stretch a low budget to create big art. \( \leq > \) (less than equals greater than) is our speak for creative risk-taking. Although these films share a new Festival category, there is nothing categorical about them. By nature they embody the true spirit of indie filmmaking” (“Program Categories”).

The category consisted of eight films made for extremely low budgets and featuring zero name talent or known celebrities. The intention was to raise awareness of new talent using digital video to tell new and original stories. This was Sundance’s first attempt to acknowledge and incorporate the new technology that was changing the independent landscape. For the aspiring filmmaker, this seemed like a new hope in achieving the American Dream. Now Sundance seemed aware that indiewood films
had taken over the market and much of the festival, and seemed dedicated to raising awareness for the true independent films that had been forgotten.

But for many of the creators of these NEXT films, the American Dream was a distant fantasy. They were aware of how the changes in market and technology had affected their acquisition chances, so they made backup plans. Many of these films came into the festival with plans for immediate distribution, using their press at the festival to hype their release. For example, *Bass Ackwards*, a NEXT selection, was released on VOD by New Video Group INC and Zipline Entertainment LLC the day after the festival ended, in order to capitalize on the festival press (Germain). *One Too Many Mornings*, another NEXT selection, was released through the film’s website as a DVD and digital download the day after the premiere in Park City (Deptula). Both of these films were not holding out for a magical distribution deal, believing that there no name low-budget indies had little chance at being the single breakout indie of the fest, but instead were jumping on the exposure of the festival, and the press caused by their unique distribution strategy, to try and boost sales. For more on this strategy, please see the interview with Anthony Deptula, star and co-writer of *One Too Many Mornings* in the appendix.

Sundance also tried throwing their hat in the distribution ring to try to bring more attention the NEXT films, with their unknown cast and crew. They partnered with Youtube to offer five Sundance selections for rent during the duration of the festival. Two of the selections were from last year’s festival, while the other three are from this years NEXT category (Breznican). The films were available for $3.99 to be
streamed in high quality through Youtube and paid for with a Google account.

Meanwhile, Slamdance struck a similar deal that with Microsoft, which allowed four films to be bought through online capabilities of XBOX Live (Graser). Both of these strategies were launched with much press and attention. The festivals seemed determined to help the underdogs in the industry. The deals echoed Redford’s original vision for the festival, as an opportunity to expose new talent with being corrupted by Hollywood. Deptula said that Youtube asked them for suggestions before implementing the strategy and then used their ideas. This way the filmmakers still had control over their product, both artistically and in a business sense. The festivals recognized that technology has changed the distribution and acquisition process for independent films and that adapting to these new changes would help these filmmakers reach a wider audience.

However, after a week of the Youtube deal, it became obvious that it was a box office failure, both in terms of profits and finding an audience. The film with the most views, last years audience favorite and Oscar winner for best documentary, The Cove, only had 303 views. This amounts to only a few hundred dollars being made by the filmmakers after Youtube takes its cut (Connelly). So while the distribution attempt made a lot of news in the entertainment world, the idea of streaming independent films through Youtube, no matter how acclaimed they may be, obviously didn’t click with the average American filmgoer. Perhaps this is due to the sheer amount of free content on Youtube. Viewers aren’t willing to pay when there are millions of free videos to view on the same site. However this brings up an interesting point, how many views
would the films have received if they had been streaming for free? Maybe if Youtube and the filmmakers had agreed to only pursue one part of the American Dream (audience eyes), then they could have offered the film for free and received many more views. Whether or not this would have led to the third part of the dream (industry success), is anyone’s guess. But it may have helped the filmmakers find an interested fanbase from whom they could capitalize on with their next film.

**6b: The Continual Strength of Indiewood**

But as always, the main focus at Sundance stayed firmly on the indiewood films, their stars, and the acquisition deals. The first sale happened early, with the Ryan Reynolds thriller *Buried* selling for just under $4 million with an eight figure P and A deal attached. The film is a one-man show, with the movie star spending the entire film buried alive in a coffin in the Middle East (Fernandez, Goldstein). *Buried* fit right into the indiewood Sundance mold as it featured a well-known celebrity in a rare dramatic role in an original yet marketable film, as Reynolds is a star and the unique contained thriller concept appeals to a large audience of filmgoers.

Sales cooled down for a few days after that until the premiere of *The Kids are Alright*, the new film from Sundance alum Lisa Cholodenko, director of *High Art*. While in 1998 she found *High Art* overshadowed by the emergence of indiewood, now she was premiering her own indiewood film, starring three A-list actors. This film sparked a huge bidding war before finally going to Focus Features for around $5 million, with talks of an Oscar strategy already forming (Swart, Mccintlock).
Other notable sales included *Blue Valentine*, a relationship drama starring Ryan Gosling and Michelle Williams, to The Weinstein Company for $1 million. *Hesher*, the critically mixed yet audience pleasing comedy starring Joseph Gordon-Levitt, sold for $1 million to New Market Films, *The Killer Inside Me*, the most controversial film of the fest, sold for $1.5 million to IFC. *The Killer Inside Me* contains intense scenes of violence and brutality that divided the audience, yet its star-studded cast of Casey Affleck, Jessica Alba, and Kate Hudson helped it land distribution. Finally the Grand Jury Prize Winner and this year’s breakout hit, *Winter’s Bone*, sold for low to mid six figures to Roadside Attractions (Swart “Weinstein”). However, the audience award winner *Happythankyoumoreplease* and the star studded *The Company Men*, featuring Ben Affleck, Kevin Costner, and Chris Cooper, left with great reviews but no sale.

The Duplass Brothers, who found distribution earlier with Netflix, returned to the festival with *Cyrus*, their first studio film, starring John C. Reilly and Jonah Hill. The film received rave reviews and the brothers announced that their next film would be produced by Jason Reitman. The brothers continued to have their imprint on the current independent film scene as four other films featured their involvement. The brothers achieved the American Dream through the success of their previous two movies, and now they were using their new Hollywood legitimacy to help bring their friends into the festival (Douglas). Are the Duplass brothers an example of the new American Dream, where you don’t find industry success on your first film, but with hard work through several films, slowly building an audience, making money, and
continually knocking on Hollywood’s door with strong films until they eventually let you in? Then, you hold the door open for as many of your friends as possible, shuttling them all into Sundance before the door closes.
Part 7: Conclusion

The American Dream is dead. Redford still continues to struggle with the double-edged sword of his festival and filmmakers are beginning to struggle with a sword of their own, the choice between building an audience, making a profit, and landing industry attention. But maybe this is the formation of a new American Dream. Maybe the dream is no longer about winning the filmmaking lottery - landing that all inclusive deal with a company like Miramax – but is about moving up various steps until filmmakers have made a very deliberate journey to the back door of Hollywood.

Technology and new methods of marketing and distribution are enabling filmmakers to reach wide audiences all across the world. And some filmmakers have even figured out how to use these new methods to make a profit. But no filmmaker seems to have found a way to do both of these well enough to translate this success into industry attention. It appears that the filmmakers who take a dive and allow themselves to get cheated by a distributor sometimes seem to have the most luck achieving industry success. But these filmmakers often fail financially, and sometimes feel cheated by a distributor. So maybe building an audience, making money, and getting industry attention are all now separate steps on the way to a new form of the American Dream. Maybe they cannot all be achieved at once, and filmmakers need to decide which one is their dream. Do they want complete artistic control and a wide audience, or are they content getting exploited in order to land a studio deal? Should filmmakers build an audience with their first film, use this audience to make a profit with their second film, and then allow themselves to get “cheated” by a traditional
distributor with their third film? There is no longer one path for filmmakers. There is no guaranteed route, and many routes are still undiscovered and unexplored. But even though the industry has changed to block out many filmmakers, those who recognize the death of the traditional American Dream and acknowledge the new possibilities of technology may have a chance at designing and achieving their own personalized Dream, similar to that of the 90s.

In the 90s, all the forces necessary to build the American Dream converged in Park City. Sundance was putting new and original independent films into the hands of distributors like the Weinsteins, who were in turn placing the films in front of hungry audience eyes. The American Dream seemed achievable to many aspiring filmmakers. But now, in 2010, the Dream seems like a legend of the past. The days of huge Sundance sales launching careers into the stratosphere seem to be behind us. For many filmmakers, it almost seems impossible to repeat the steps of inspirations like Kevin Smith and Tarantino.

Overall the reviews of the 2010 Sundance Film Festival were rather tepid. Critics seemed to agree that the fresh new voices Redford talked about ended up mostly being a lot of drinking, swearing, and sex. The stories remained rather conventional and familiar and the festival ended without the clear breakout of 2009’s Precious (Fernandez, Jay “Bad Behavior”). The NEXT category proved to be full of the same kind of movie, mumbling twentysomethings failing to grow up (Fernandez, Jay “Bad Behavior”). While Redford and his crew obviously tried to restore the
festival to his original vision, it seemed that once again the small films fell victim to the indiewood success.

Will a true independent break out of Sundance and land mainstream success, continuing to tease us with memories of yesterday’s American Dream? The best bet seems to be *Winter’s Bone*, which won the Grand Jury Prize and was picked up by Roadside Attractions for U.S. distribution. The film, a drama about a teenage girl looking for her meth-addict of a father, won comparisons to the previous Sundance breakout, *Frozen River* (Horn). It remains to be seen how the film will do with its theatrical distribution, but its acclaim may set it up for a late season awards push. However, the press earned from the film seemed almost all positive, and is surely helping the career of director Debra Granik.

Sundance swore difference, but seemed to deliver much of the same. While Redford and his team put obvious effort into trying to promote and raise awareness for true indies, once again the attention was focused on the indiewood films. NEXT failed to produce any breakout hits and the biggest deal of the festival was focused on a film featuring three A-list stars.

All of this Sundance scuttlebutt leads to the one central point that I have discovered on my journey to write and direct the great American movie, *Trailerpark*, and achieve The American Dream, and it is this: filmmakers are no longer purely artists. Unless they are lucky enough to be in that .1% that breaks out every year, filmmakers are forced to become businessmen. They need to be their own Weinstens. They are now responsible for not only delivering a strong film, but they also need to
delivery a strong business strategy. But if filmmakers embrace a changing American Dream, then this concept may just become another accepted step in the director’s planning process. In fact, new routes and a new Dream may change the actual kind of filmmakers finding their way to Hollywood. The next flock of dream achievers will not be a group of quirky auteurs like Soderbergh or Tarantino, but rather a group of business school educated tech whizzes who happen to know their way around a video camera and Facebook. They will be Kevin Smith, Harvey Weinstein, and Robert Redford all rolled into one – the perfect compromise of business and artist, essentially the personification of the double-edged sword. And if these individuals keep their ears on the industry and their eyes on a computer screen then they may be making the trek up to Park City next fall and Hollywood shortly after.

But ultimately I must take all of this and apply it to myself as well. *Trailerpark* has failed to achieve me any part of the American Dream. I set out hoping to find an audience, money, and industry heat, and I didn’t accomplish any of them. But I also see which ones are now reachable from my position. We may have struck out on the festival run, but that does not mean we cannot find an audience. I plan on submitting the film to Netflix for consideration in their instant streaming. And if we hit a wall there, then I will move on to something like VODO, hoping that by sacrificing financial gain I will at least find an audience for my next film. I’m not out to make money, I’m out to reach audience eyes. And throughout this process I will continually maintain the *Trailerpark* website as well as my own, hoping to turn fans of the movie into fans of my future work. Rather than looking at *Trailerpark* as a failure to achieve
my Dream, I am going to look at is as a stepping stone, hoping that by using it to build an audience I will get a few feet closer to Hollywood.

But even more than *Trailerpark*, the change in the American Dream applies to me and all other aspiring filmmakers considering production of an independent film. I can see the myth of the Dream much more clearly than I could before. Having lived through the failure to achieve it as well as researching all the possible ways others are attempting, I am able to see what questions I need to ask myself before attempting another film. I set out writing this thesis hoping to find the hidden road map to Hollywood success. What I discovered is that while a road existed for a few years, it is long gone, and if I want to make it as an independent filmmaker then I have to be willing to find my own path. I now know that I cannot expect to just make a film and be “discovered.” Hopefully I, and other aspiring filmmakers, will ask ourselves all the necessary questions before making another film. For some, the independent route may no longer be the ideal road to success. But for those determined, if they ask the right questions and make the right moves then they could end up carving their own roads to Hollywood.
Appendix

Peter Broderick’s 10 Rules For Hybrid Distribution

1. Design a customized distribution strategy.
Every film needs a customized distribution strategy. Ideally this strategy should be
designed before the film is made, increasing the chances of securing financing. To
create a strategy, filmmakers must clearly define their goals and priorities, identify the
film’s initial core audiences, plan different versions of the film (e.g. theatrical,
television, DVD, foreign, educational), determine distribution avenues and a release
sequence, identify potential partners, and decide how to initially position the film both
online and off. The strategy should be flexible, implemented one stage at a time, and
regularly assessed and refined.

2. Split distribution rights.
While in the Old World of Distribution all domestic rights were usually given to one
company, hybrid distribution enables rights to be split more finely and effectively.
Filmmakers retain direct sales rights, including the right to sell DVDs from their
websites and at screenings, and the right to sell downloads and rentals from their sites.
Most often filmmakers also retain theatrical and semi-theatrical. VOD, television, and
retail DVD deals are usually made with separate distribution partners. Deals are often
made with educational partners but some filmmakers are retaining these rights. Digital
rights for avenues like iTunes are more complicated—they are sometimes given to the
retail DVD distributor or the VOD distributor and sometimes licensed separately.
Rights can be usefully divided into eight domestic and two international categories:

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<td>Semi-Theatrical &amp; Non-theatrical</td>
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<td>VOD</td>
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<td>Retail DVD</td>
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<td>Digital Rental &amp; Download</td>
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While splitting up rights is complicated and time consuming, it allows each right to be
exploited well, avoids cross-collateralization (where expenses from one area of
distribution eat away at revenues from others), and allows a filmmaker to retain
overall distribution control.
3. **Choose effective distribution partners.**
In the Old World where all domestic distribution rights were usually lumped together, certain rights were often poorly utilized or completely overlooked. In the New World, it is important to determine how best to exploit every right without neglecting any of them. Filmmakers can handle some rights most successfully on their own. In other areas, the goal is to find the distribution partner with the skills and experience to be most effective. Ideally this partner has an impressive track record with similar films or particular niche audiences. Before signing any deal with a distribution partner, it is essential to speak with other filmmakers currently or recently in business with the company.

4. **Circumscribe rights.**
Grant each distribution partner only the specific rights they can handle well. For example, if a company is strong in retail DVD and digital, give them these rights, but do not also give them VOD if they have no experience with VOD.

Carefully limit the rights (scope, term, exclusivity) granted to each partner. Make sure the rights given to different distributors complement each other without conflicting. Make as many deals as possible at the same time so the rights given in one area do not subsequently prevent you from making deals in other areas.

5. **Craft win-win deals.**
Design deals that will work well for both your distribution partner and you. Divide revenues fairly and define responsibilities clearly. Build in guarantees (e.g. minimum number of cities and marketing spend, performance guarantee), approvals (e.g. deals, marketing, editing), and safeguards (e.g. escape clauses, expense cap, bankruptcy protection, limits on assignment, dispute resolution).

6. **Retain direct sales rights.**
Retain the domestic and international rights to sell DVDs (from your website and at screenings) and downloads and streams (from your website). Also retain the rights to screen the film theatrically and semi-theatrically.

Direct sales are the lynchpin of a hybrid distribution strategy. They have four significant advantages over third-party sales:
- **Higher profit margins** – A DVD sold directly from a filmmaker’s website can easily yield profit margins 7-8 times as high as DVDs sold in retail.
- **Faster payment** – Filmmakers usually receive payments faster from PayPal or a fulfillment company than they would from a distributor.
- **Revenues aren’t split with middlemen** – Filmmakers receive all of the revenues, after manufacturing and fulfillment costs.
- **Customer information** – Filmmakers receive data on all customers who make purchases from their websites, but do not get any information on consumers who buy
through third-party retailers. This data enables filmmakers to stay in touch with purchasers and offer them other products.

7. **Assemble a distribution team.**

It is as important to have a distribution team, as it is to have a production team. This team includes some or all of the following: strategist, producer’s rep, foreign sales agent, webmaster, outreach coordinator, theatrical and semi-theatrical bookers, print and online publicists, and fulfillment company.

8. **Partner with nonprofits and online communities.**

Nonprofits can be indispensable distribution partners. They can build awareness among key core audiences by hosting screenings at national conventions and local chapters, by co-sponsoring house parties, and by promoting films through their publications and websites. Online communities can also increase buzz, audience, and sales (through affiliate marketing), potentially helping your film go viral.

9. **Maximize direct revenues.**

In addition to selling DVDs directly from their websites, filmmakers can also sell other products they produce (e.g. soundtrack albums, companion books, posters, hats, and t-shirts). Filmmakers can also purchase related products from third parties (e.g. books, DVDs, CDs) that will be of particular interest to their audiences. As online retailers, they can buy these products at wholesale and resell them from their sites at retail.

10. **Grow and nurture audiences.**

Independents can expand their films’ audiences by building mailing lists, communicating effectively and developing ongoing relationships with subscribers. They should provide them with valuable and engaging content, while keeping sales pitches to a minimum. They should also create a content-rich, dynamic, and interactive website that encourages participation. Their ultimate goal is to develop a core personal audience that can support future projects through contributions and purchases.

While hybrid distribution is the state-of-the-art model for the New World, it is not the best approach for all independent films. Some movies are better served by an Old World all-rights deal with an experienced distributor. The best distributors have resources, relationships, and expertise, which can be essential to a wide theatrical release. They may also have advantageous deals in place for VOD, DVD, and digital rights.

If filmmakers do due diligence (by speaking with other filmmakers involved with the distributor they are considering) and are able to negotiate a fair deal, their best choice may be an all-rights deal. Higher budget, more mainstream features are better suited for an Old World approach.
Trailerpark Film Festival Application Status

27 Applications
1 Acceptance

1. Sundance- Rejected
2. San Francisco Independent- Rejected
3. Slamdance- Rejected
4. Cleveland International Film Festival- Accepted
5. Rotterdam- Rejected
6. Ann Arbor- Rejected
7. Seattle- Rejected
8. Cinequest San Jose- Rejected
9. Florida Film Festival- Rejected
10. Santa Barbara- Rejected
11. Firstglance Hollywood- Rejected
12. Ashland- Rejected
13. Atlanta- Rejected
14. Sonoma Valley- Rejected
15. Nashville- Rejected
16. Phoenix Film Festival- Rejected
17. Gen Art- Rejected
18. Methodfest- Rejected
19. NFFTY- Rejected
20. Maryland Film Festival- Rejected
21. Ivy Student Film Festival- Rejected
22. Dances with Films- Rejected
23. Athens, OH Film and Video- Rejected
24. Appalachia- Rejected
25. USA Film Fest- Rejected
26. Danceswithfilms - Rejected
A Selected Interview with Lee Toland Krieger, writer and director of *The Vicious Kind*.

What are your thoughts on technologies affect on the demise of independent film?

Just to jump in, I don’t know if technology is responsible for, well, at least entirely responsible for the shift that we’ve seen since say the early mid 90s. I don’t want to oversimplify it here but technology certainly opened up the floodgates to anybody with five or ten grand who could get a digital video camera and final cut and make the film; but obviously that wasn’t true in the 70s or early 80s where the entry level money necessary was 300 grand, probably because you had to shoot on film to make it look like a movie.

I just feel like really what’s happened is yes, there’s been a gluttony of product because of the technology, but what’s really happened is just a shift in consumer taste and the sort of meltdown of the market. Really what you see happen is foreign sales are just being decimated so whereas four years ago you probably could have sold *The Vicious Kind* for two, three hundred grand in a territory like you know England or Germany you’re now lucky to get out with twenty or thirty thousand dollars.

I feel it’s important to point out that it’s not purely a technology issue. I think, just like you saw post-Great Depression, there was a lot of films made that were, generally speaking, very big for the time. Escape style movies. And I think you’re seeing that now, you’re seeing the rebirth of really big studio tentpole movies really having their day in the sun.

Can you talk about the rise of indiewood?

Yeah, well certainly what Miramax did for a while there was come in and pay ten million dollars for a film they might have been able to get for six. But even the films they didn’t end up getting, they were part of driving up the price and at the time there was a demand and suddenly all the studios are sitting around and are like, “holy shit, people want to go see these little movies! Let’s open up our specialty division!” So Universal and Focus, Paramount and Paramount Vantage, Sony and Sony Picture Classics, and then there was, you know, a million others between Artisan and Magnet and thinkFilm and you know the list goes on and many of those have closed their doors.

But yeah, it’s interesting how one group can kind of come in and create a bubble, you know, not unlike any other bubble in real estate or any other business, and they did that and then all of a sudden it was like, “Well now that the indie market is there, let’s do an indie with a big name and let’s see if we can get somebody to pay twelve
million bucks for it.” And all of a sudden you had the indiewood. The indiewood thing sort of started to take over where you had you know people basically making studio films for three, four, five million bucks and just dressing it up as an indie. I mean don’t you love it when you talk to your buddies at home and they say “hey, um, I saw this movie the other day, it was really cool, its like handheld camera work, does that make it an indie?” And what I think what that’s a product of is really you know, savvy filmmakers or producers or at least studios dressing up what is really a studio movie because the story is high concept and they’ve got big names in it and they pull punches here and there and make sure they’ve got a pg-13 rating and so on and so forth so what you got is a studio film just dressed up as an indie because they’re making it for slightly less money and they’re using kind of a style or conventions that a lot of people sort of associate however loosely with quote unquote independent film.

*500 Days of Summer* is still considered an independent film, which I find kind of bizarre and just unbelievable that no one says anything about that. I mean my film was at the Independent Spirit Awards this year and I was up against *500 Days of Summer* for screenplay amongst some other people, and Adam, my lead actor, was up against Jeff Bridges and Colin Firth, and Jeff Bridges was in a movie that Fox Searchlight put out, Fox Searchlight paid for and put out *500 Days of Summer*, so it’s kind of just like, when did this line get not just murky? The line got thrown away.

The John Cassavetes Award. There was a time where it was, “what have you got to make your indie? Like four, five hundred grand? Or do you have close to a million?” And I take meetings all the time and I took one today where I’m meeting with an Executive who… making a movie for under a million dollars is just, they can’t even wrap their head around that, it’s like you’re speaking greek to them. It’s as if you said I bought a house for my family to live in and we paid forty dollars. You can’t do that, that doesn’t really make sense, what does that house look like? It’s just one of those things that doesn’t make any sense cause their world is, well, “One million dollars is what we spend on catering.”

*What was Sundance like?*

It was totally unexpected and really fantastic… I was really expecting a lot of young snooty filmmakers kind of walking around with their nose in the air thinking that they were in Sundance, they were hot shit, blah blah blah. And also that the Sundance staff and everybody kind of surrounding the festival would kind of have the same attitude. And look, there are some kind of bullshitty things like the stupid parties and stuff, but I never had any interest in those anyway, it’s just not my thing. But what I was really surprised with, pleasantly surprised with, was the fact that every filmmaker, at least that I ran into, had this very gracious attitude where it was like, “I can’t fucking
believe I’m here! I never thought in a million years I’d get in. This is so cool! Park City is so beautiful!”

Everybody is so nice, and the staff at Sundance, I mean they’re so on top of it, if anything they’re over staffed. They’ve got people everywhere, looking after you, helping you find your way around town and get to this event and that event. They have a lot of great events for the directors. You know they have a great big brunch up at this Sundance lodge with Geoff Gilmore and John Cooper and Robert Redford, who come and speak and you sit down with other directors and have breakfast and it’s so gorgeous and I hate to sound so cheesy about it but it was really just a fantastic experience.

*Were you expecting a distribution deal?*

Not really. I mean obviously that plays in your mind because you want the film to get seen and you want to make your money back for your investors because you got a responsibility to them. But I mean, I knew from the moment I started writing this that I was not out to write something that was gonna be a hot distribution piece in any market. … You know we weren’t expecting that four in the morning bidding war just because we knew we didn’t have that kind of movie and we never would. You know even if I executed the film perfectly, absolutely flawlessly, which I didn’t, I still don’t think it would have been a big sale item because it’s just the kind of story that I want to make, which is to me more reminiscent of the films your talking about. The films of the early 90s, everything from *In the Company of Men* to Abel Ferrara’s *Bad Lieutenant*, the original *Bad Lieutenant*. And even all the way up to the end you still had some great ones, like in 2000, Jonathan Glazer’s *Sexy Beast* is absolutely phenomenal. And that film to me had the kind of traits that a real true independent should have, a character I’d never seen before, performances really pushed the envelope… There was an actual voice to it you know, and so that was the kind of movie I want to make. To be honest, Ben Kingsley’s performance in *Sexy Beast* had a big part in my writing of Caleb, Adam’s role in *The Vicious Kind*.

*What were your distribution plans?*

There weren’t any plans. I’ll tell you what happened. In a perfect world if Fox Searchlight or Sony Picture Classics or Focus came along and said “We’re gonna buy your film and give you a big advance and pump P and A dollars into it and do a twenty city release,” then of course we would have taken that deal. We wanted the film to succeed in that respect too, but again we knew that probably wasn’t gonna happen. So the plan was really, find a good foreign sales company, a company that likes the movie and will actually fight for it, and then find a domestic distributor as well. I mean we went through so many different versions of this thing, but we ultimately went with a foreign sales company called Bleiberg, which had handled some films that I liked. There is a lot of foreign sales companies out there, a lot of foreign sales agents and
most of them, the very large majority, please remember this one when you start getting out there with your own stuff, most of them are like used car salesmen, I mean they are really greasy. You’ll never see a dollar from them, it’s kind of a slimy business.

*Is there anything you’d change about how you handled or approached distribution with the film?*

Yes, absolutely. I think anybody, and I mean this might sound a little bit out of the box, but having gone through this and I know some filmmakers that are trying it now, I think it’s really the way you got to do it. If you want to make a movie - unless you got a trust fund and you don’t care about getting any of it back - but if you care about making a movie and you want people to see and you want a shot at getting your money back, instead of making the film for a million dollars, if I had a million dollars I would take 500 grand and I would make the movie and I would take the other 500 grand and I would use that to make a P and A fund to try and get the movie out there. Which would also go to hiring a publicist and all the things that go along with releasing the film, because what most filmmakers, and I include myself in this bunch, don’t know is that releasing and marketing a movie is as much work, if not more work, than making the film itself, and not fun at all.

… I really think that the days of, well I’m just gonna make a really good independent film and wait around for Focus or Fox Searchlight, since they’re the only ones buying movies right now, to pick it up, are kind of over. I’m not saying you can’t make a film they’ll pick up. I mean obviously they will if the film is strong enough. But it’s just become so much harder, and I think to count on that is not wise and that really in a lot of ways, releasing the film yourself, despite the extra work involved, can be hugely beneficial because not only do you not put yourself last in line by not taking on a proper theatrical distributor, but you control every element. For instance, I loath the artwork that’s been done on the film, both by our domestic distributor and our foreign sales agent, and the trailers they cut are abysmal.

…I mean look, like I said Focus and Searchlight are the only guys that I would maybe go into business with. IFC will pay you nothing up front, I mean they’re cash broke, like everybody… So the advance that you think, “Oh we’ll get a 800 thousand dollar advance or a million dollar advance and pay for the film and pay the film back and then we go from there,” we’re talking like good, big movies, like bigger than you think, getting offered 15 thousand dollar advances, from IFC. Fifteen grand. I mean that won’t even cover your legal fees to make the deal. You’ll spend thirty on legal fees just to make the deal. And then IFC will put the film out and you’ll never see a penny from them. And I know this, I’ve got close friends of mine who’ve made films that IFC has put out and that’s just the norm and people expect it and most 99% of the filmmakers out there, don’t have the resources, meaning fees to pay lawyers and energy to go after them because you’ll spend two years of your life and you’ll never see a penny and two years have gone by and you’ve missed your window to make
your next film. And believe me, the distributors know that, they know it and that’s why they fuck you over and over again.

So I think for any independent filmmaker out there right now, that’s making a movie, that doesn’t have a big theatrical P and A commitment, domestic P and A deal in place, they need to make their own P and A deal. So if you want to make a movie for 50 grand, make it for 25 and spend 25 putting the film out. If you want to make it for a million, make it for 500 grand, spend 500 grand on P and A. You control everything, every dollar that comes in is yours. It’s not split a hundred different ways. You’re not last in line. They don’t have a 180 day net to pay you and they can’t bill you 80 grand for what they spent on X, Y, and Z. Yes, it’s a lot of work, but it’s gonna be a lot of work anyway, you might as well brand the film you want to and have a more satisfying experience at the end of the day. I really can’t tell you how valuable I think that advice really is, it’s the one thing I feel like I do know what I’m talking about.

*Is there any strategy in taking a deal with a legitimate company so at least you are represented?*

Oh yeah, definitely. You know, make no mistake, if IFC picks up your film and releases it theatrically, that’s a huge feather in your cap. My buddy, Josh Safdie, who’s a young New York filmmaker, he’s had a couple films play at like Cannes, he was in the directors fortnight at Cannes, and had IFC put out not his last film, but his film before, called *The Pleasure of Being Robbed*. I’m sure he never saw a penny from them, that would be my guess, but the coup that is having IFC put your film out is definitely something. I mean that’s a very meaningful gesture to the town, right? And it’s certainly launched his career, and I mean launched in that he got his next film made and he’ll be able to keep making movies. So I’m not trying to poo poo it and say its not worthwhile.

*The Vicious Kind* is currently available for purchase. It can also be rented or streamed instantly from Netflix.
A Selected Interview with Anthony Deptula, co-writer, star of One Too Many Mornings

What do you think of the current changes in independent film production and distribution?

I mean we’re right in the middle of it, but I think we’ve gotten attention. But does it mean that we’ve actually succeeded in terms of making our investors money back, which for me is the first bottom line. Not yet.

I’m hoping that the community of filmmakers at Sundance that were in the NEXT category, that’s the category that we were in, I’m hoping that we can help each other and sort of bring back that independent spirit to what we’re doing. Just like sharing information, because people get so weird because it is so competitive, but they have to share or else it’s going to die. It’s like theater.

Film is always going to exist. It’s getting easier to make films, art films made for under $50,000 that is… it’s just harder to figure out the audience your trying to reach and how to reach them, and that’s what we’re experimenting with.

What was your opinion of Sundance?

In terms of a company, or an institute, they really care about the film. I feel like they’ve gotten a bad wrap just because they’ve put these movies in with stars… and Sundance got bloated and it was about sponsors. But here’s the thing, they were trying to get their sponsors supported, their Sundance sponsors, because the people going into Sundance had nothing to do with Sundance and they were renting out a whole street and giving out like, cars, but they weren’t affiliated with the institute. And [Sundance is] like “support our sponsors that support us 365 days a year.” So they are battling that.

Was Sundance 2010 the return of independent film?

It was in a sense, but they still had to market it, so I don’t know if that’s why it didn’t feel that way. But I mean, we’re independent film. But when you have to cut a trailer, like a trailer for like “rebel,” I dunno if you saw it but they but it in front of all the movies. It’s an animated trailer that’s like “rebel,” the theme of the festival, but I bet that trailer cost more than our whole movie…. So it’s walking a fine line, but they’re doing it. I mean they created NEXT and we need that to happen again next year, and I hope it does.


What were your expectations of the festival? Did you hope for distribution?

We weren’t going to get distribution because we went in knowing we were going to release [available for download from their website and for rent on Youtube] on the day of the festival.

When did you decide that?

It was pretty early on. And the thing that I feel I learned from it is that there has to be some sort of structure. If we were some sort of company that had funding and we weren’t all at our day jobs then it would have been a little easier… We were finishing the film, we found out it was accepted at Sundance, are we gonna do this or not? So we just decided to start doing it, but at the same time we were navigating all the sales agents that were calling us too, and we got a sales agent. We knew we weren’t going to get [theatrical] distribution… and from that it became, lets get a sales agent and get VOD and all these other ancillary platforms. But at the same time we had to finish the film, reboot the website, work with tospin (their online distribution company), learn how it works, etc.

Do you think you did the right thing in your distribution strategy?

I don’t know if we are doing the right thing. It’s too hard to tell, but at least we’re trying.

Where is independent film going?

I feel like it might get very niche, in a bad way. Like, where it’s like, let’s just do movies about one armed people for one armed dudes. I dunno, I feel like it might get to that point, like you know you can sell how many units because there is an organization that will back it. But I don’t know if that’s a good thing or not. Cause Pulp Fiction isn’t a minority film, it’s just really fucking good, and that’s how it should be. I mean our film is a bunch of white people, but it’s still funny. It’s a good film, people should still see it. So I’m definitely not saying minority films shouldn’t have an audience, just that for us, a project should be the movie that it is because that’s how the filmmaker wanted to make it, not because they needed it to fit in a very, very specific genre or niche.

In terms of recent distribution, I feel like filmmakers are the only people that can help us. It’s the support of other filmmakers that are doing what we’re doing because the distribution people, it’s been a lock and key for so long, and I can understand why, because it’s hard. Those people that do distribution, it’s hard, you have to pay people to do it and that’s why it costs a lot of money, but I’ve been doing it on my own and it’s about getting more steam to keep going.
Nowadays independent filmmakers seem to be branding themselves using the internet in order to build up an audience. Have you noticed this in your release of OTMM?

Right. It’s harder for us because we weren’t a sketch troupe. We weren’t a Youtube sensation like Derrick Comedy [Creators of the 2009 Sundance hit Mystery Team]. Those people had audience right, so now we are building our audience for our next one….

Like social networking, that was all of our marketing. We had a press person that we hired, but a lot of the stuff that we got was actually through us…. But I think Facebook is going to be done in like two years so…keeping that audience, it’s going to be tough. There are going to be different portals. I don’t think it will be the same in the future. For independent filmmakers, it’s always going to be catching up. We’re always going to be at a disadvantage.

So without the money of big advertising, you have to be innovative.

Yes. Also, for us, well the movie just has to be good. So I hope it helps filmmakers to make better movies.

What are your thoughts on video on demand (VOD)?

Talking to a lot of different people, VOD is the only way they are making money. But we actually tried to do VOD at the same time as Sundance but I believe Sundance had a deal with IFC and they released three films on VOD and we were next, but we already had the Youtube deal so we weren’t allowed to do that at the same time.

What were your thoughts on the Youtube deal?

Youtube was great to work with. They got back to us the fastest of anybody and they were excited and they really wanted to make it work. I think it might work eventually.

Is your movie still available for rent through Youtube?

Yeah, we kept it up. Our sales agent is like “the Youtube deal, you know, kind of hampered other deals.” But Homewrecker (another NEXT film that played on Youtube) got a deal and I think we’re gonna get a deal too. But the thing about Youtube is that we’ve actually been using it as a teaching tool, so we’ll go to a university and we’ll say, we’ll come talk to your class or skype with your class, and instead of them buying the DVD, the teacher will assign them to rent it on Youtube, so we’re making money that way on Youtube and using it more as like an educational type deal. So it’s been helpful in that way. We haven’t gotten rich… But hopefully we are going to keep it on there because it’s an art archive.
But going into that deal we were like, “should we do it, should we not do it,” but since we were doing our own topspin distribution anyhow we figured “let’s just do it and see what happens.” So we had like a two-hour meeting with Val, one of the guys who invented Youtube and the whole Youtube braintrust and they were like “how can we help you guys,” and they were taking our ideas.

*How do you feel about the price of downloading movies?*

One of the cooler things that we’ve found is, and this goes back to the free model, but John August [Screenwriter of *Big Fish* and director of *The Nines*] did like a Q and A [of *One too Many Mornings*] and he did a special offer [from his website at $1.99 for a download]. So normally we would have only sold like two units at $9.99 but instead we sold like ninety for $1.99. I mean we made more money, more people saw the film, so now we made a college page and what we are going to do is keep that model of $1.99.

So at this point, with independent film, and overall media, instead of like full distribution, it’s finding the price point that’s right for an unbranded, unknown thing… It’s finding out what the right price point is for doing it on your own, which is hard. It might be $1.99. So for us we’re trying to figure out, if none of the deals go through…when do we go for it? When do we make it $1.99 [for everyone]. Another thing is, at Sundance, did we price too high? Should we have priced it for $1.99 right out of Sundance. It’s scary, I mean you want to recoup your investors money back but how do you do it when… I don’t know, it’s a tough call. We didn’t think $9.99 was that bad for a download. But if we would have just went for $1.99 at Sundance it could have been interesting. But so many people were afraid. Other filmmakers were afraid of the Youtube deal. But now they’re in this waiting game of when is their movie going to come out. Is it going to come out? Maybe it will only come out in New York and LA for a weekend and that’s it and then they’re done.

*Did your online distribution hurt chance of traditional distribution?*

Yeah, I think some distributors said that they would never, I think Landmark theaters said they would never show one of the movies that was on Youtube. I mean they’re just trying to hang on to their audience. I think yeah, it was a negative for the old school people.

*What are your thoughts on the future and where things might be headed in independent film. I mean, you’re on the cutting edge.*

We are the edge, at least until Sundance next year. But Sundance thinks we are doing it right. I think it’s going to take longer this way, but I hope we recoup our investors money. You just don’t know where it’s going to lead you. Creatively, I want to make
more films and you need people to see your films to make those films…. But for the future, I don’t know if I’d do it again. I’m just on the fence until it’s over. I think I would just go lower with the price point. I think I would. It’s tricky, cause next time, now we have an audience, now people know about it, we have more of a brand so we could go lower and have more people.

*One Too Many Mornings* is currently available for purchase or download from the website onetoomanymornings.com.
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