

Final Interview  
Laverne Berry 1/6/2021

VC: Hello, I'm Vanessa Corwin  
KK: And, I'm Kathleen Kaan

VC: For documentary filmmakers, who in normal times find it difficult to secure funding and resources, the Covid landscape is particularly daunting. Our guest today is Laverne Berry, an entertainment lawyer who works with many documentary filmmakers. She's also a documentary producer herself having produced and participated in "Capturing the Flag," which deals with voter suppression. Laverne, welcome to the podcast.

LB: Thank you so much for having me.

KK: Laverne, can you take us through some of the obstacles that filmmakers face and what they are doing to get their project done during Covid?

LB: Well, for the first couple of weeks that Covid was around, everyone thought, okay, we'll just kind of sit put and see what happens and we'll go on as normal. But it became clear back in the spring that we were not going to be getting back to normal any time soon. And so, then the documentary filmmakers started to think, "how is it that I'm going to get done what I need to get done to be able to go forward on my projects. How am I going to be able to interview the person that I can't be with? How am I going to be able to be shooting in places where there usually are lots of crowds and now no crowds exist?" And slowly but surely, the clients that I've dealt with found different solutions to be able to go forward. In one situation, I had a client who was doing a very intimate documentary, with kind of a portrait of an individual. And, after some thinking about this, he recognized that there might be a way to do this as an animation. So he set about exploring that and ending up deciding "yes, I can tell the story of this person as an animated piece." Now of course, that brought on some additional difficulties for documentary because yes, when you go out to film you might shoot yourself, or you might hire somebody to do that, or you might have a sound person there and those are all costs, but they're not the same costs as hiring an animator to tell your story. And it may be more for one or more for the other, depending on what you are trying to do.

VC: Was there any interview with the person involved at all or was it entirely told in the animation?

LB: There was some interview with the person involved. Some of it had been shot before and so he had that footage but as with him and many others, many of my filmmakers found ways to do the Zoom interview, or the outside interview, all the things that one needed to do to be able to get the same context. So that piece is going forward and is it the same piece that it would have been without Covid? No, it is not. But is it a good piece? I think it's going to be a good piece.

KK: Interesting. I don't think I've ever seen a documentary animated. Is this a first?

LB: No, it's not a first; there have been documentaries about individuals that have been animated before. What's great about the creative climate at this point is that there are documentaries that mix live footage and animated footage. And I have another client who in fact has done that, so they had interviews with women talking about a historical time and there was no historical footage and so animated footage of what the folks on the screen were talking about was a way to bring that to life. So it's, you know, creative people are very creative, and they are finding ways to rise to this occasion.

VC: So I would think that, especially for the first client that you mentioned, to add animation would mean an increase in the budget, is that right?

LB: That is right. Adding animation did add an increase in that budget. And even if it hadn't been that he added animation, some other clients are finding that being able to comply with the state regulated Covid interviewing and production rules are causing all sorts of additional costs.

KK: Aside from animation, when you're doing what is considered a regular documentary, do you find it difficult for actors to accept work during Covid and also abide by these rules and who is responsible for the tests?

LB: Well, again, it's determined in a local way. New York has rules, California has rules; I have a client who was slated to shoot in Canada and they had their own rules, and so depending on the rules of the locale where you want to get out and do your shooting you have to do different things, from testing, to where you can shoot, to how many people that can be there, to what kinds of precautions you have to take while you're doing shooting, and that very much has the possibility of having additional costs. Canada was not letting anyone from the United States in, so the shoot that was scheduled to happen there had to happen with him hiring additional people on the ground in Canada. That was additional cost. However, he didn't have to take his crew to Canada, or lodge them and feed them in Canada and so there was a bit of an offset there. So everyone is going back to their budgets and trying to figure out how much money do I have, how can I reapportion that money to make the piece that I really want to make.

VC: Right. Do you think that the potential added costs as a result of Covid has hurt documentary filmmaking, set it back some?

LB: I think that it probably has. As I've been trying to relate, people are being very clever, but additional costs or even potential additional costs sometimes make people delay. It also means that the discussions that one might be having with a distributor might be different, because if you thought that your original piece was going to cost X and now it's going to cost X-plus-Y because of additional Covid costs, you're now going to be looking to try and recoup those costs when you go to make the distribution deal. And what makes that even a bit more cumbersome is that distributors themselves are trying to figure out, well how am I going to make this money back; how am I going to be

able to distribute things. Is everything really going to be online and only online, and am I ever going to be able to see some of the money that I have seen in a theatrical release or in other places. And so that conversation about how to get something distributed is also going on and it's directly different because of Covid in terms of just the budget and in another way. The spring and the summer are very good times for film festivals, which is when filmmakers who have toiled, sometimes for many years, hope to be able to show their work, have people in a place where they can talk to those people and actually get them to the distribution deal table.

VC: Right, there's that in-person contact that is such a thing at film festivals.

LB: Exactly, exactly. And without that film festival situation, you may not be able to see someone in the hallway and say, "I know that you're really going to have a full schedule, but I really hope that you will come and see my film," and have that lead to a way that maybe your film is acquired for distribution. And so the fact that film festivals are pushed back and some were canceled and some went forward but went forward online made for a very different climate this year.

VC: Were any of your filmmakers; were they successful in making contact with potential distributors in this altered state of film festivals?

LB: They were. One thing I have to say about documentary filmmakers is in most cases they are relentless and so they are going to try and find a way. And some did in fact find a way. And we will see as we go into next year how successful both the hookups that they made on the online version of these film festivals and also the appetite that the audience has, we'll see how that all plays out.

KK: I was lucky enough to see your documentary that you participated in "Capturing the Flag." Are you working on anything personally for yourself these days?

LB: I am not. I was involved in doing the documentary "Capturing the Flag" because I have, for a very long time volunteered during elections to do voter protection work and one of my clients asked if they could follow a group of us doing that work and after originally being amazingly camera shy, I said okay because I thought it was interesting and important to get out that story. Unfortunately, there is no story at the moment that I have to get out so I am very happy helping other people get out their stories.

VC: What do you think is the biggest challenge these days for documentary filmmakers?

LB: I think that the challenges remain the same. Covid heightens all the challenges and maybe skews things and delays things. But the challenge for documentary filmmakers is always about making sure that you get, or have the idea of a good story, finding the people that will support you and that's both financially and through your crew, and emotionally because these things usually take a long time, and then getting that out to your audience. Those three things are always going to be part of the challenges for

documentary filmmakers. It's certainly true that documentary filmmakers rely a lot on donations and grants and the like to be able to go forward, and a lot of that kind of resource seems to be going these days to things that have to do with shoring up various people during this Covid emergency. I think that fund raising is going to be difficult for awhile. But there will be a time, I hope and pray going forward, that funding will be able to come back, that being able to tell the stories that come out of where we are now will be attractive to funders. One of the good things that may have come out of Covid is the fact that people are watching more than they may have before. And I'm hoping that that will translate into bigger audiences going forward.

VC: So the future of documentary filmmaking looks bright in other words.

LB: That's what I'm seeing and I'm sticking to it.

KK: You bet!

VC: Absolutely! So do you have any advice for documentary filmmakers out there who maybe they're thinking about a project, should I do it, should I not do it?

LB: I always think that the important first step is really researching what it is you think that you need to do. Take the time to try and figure out how it is that you're going to go forward and what it is that you want to say. I'm a lawyer and I always encourage my clients to talk to me early because there may be ways to legal ways to go about getting information or getting to people that doesn't come up when you first start thinking about things. And so just like you research the subject matter; research how it is that you're going to actually get to that subject matter and how to make it as full as possible. So I would say that we're going into the winter, now is the time to think, contemplate and get ready as we move forward next year.

VC: If people have questions, how can they contact you?

LB: I have a website. It's called [berryentertainmentlaw](http://berryentertainmentlaw.com), so just come to my website. It has all of my contact information, and it also has some articles about the kinds of things that filmmakers ask about often and that might be helpful to you, and it has a few videos from former clients too, and some commentary about what kinds of work that I've done with them. So that might get you thinking.

VC: Laverne, thank you so much for being with us today and sharing all of your expertise and knowledge.

LB: And thank you for having me. This has been fun.