Performers, Agents and School Representatives ... 

How We Make Life Harder than It Needs to Be—

And How We Can Knock It Off!

By Mike Russo and Adam Tobey
Things on Which We Can All Agree to Disagree

Getting Paperwork on Time

SCHOOL:
"It takes us forever to get signed contracts back from artists. And it takes us a few weeks to get checks ready for them. When their payment isn't ready the night of the show, the acts are always upset. But there's no other way we can do this. How can we avoid these headaches?"

Perseverance is the key, along with plenty of advance notice. Many schools are now putting very explicit check writing requirements directly into their offers. If you need three weeks to process contracts, say so in your offer. If you need fully executed contracts back by two weeks prior to the show, say so. It spurs acts along and also covers you in case something still takes too long in getting back to you.

But remember, there is another side to this ...

ARTIST:
"Schools want us to sign contracts in three days, but they can't do it in three weeks. [They should] plan better."

Schools usually require more people to look at, review and sign contracts than acts do. However, this cannot be an excuse used to rationalize delays. Don't expect artists to jump through hoops for you if you take a month and a half to process the paperwork on your end.

Things on Which We Can All Agree to Disagree—A Primer

The major points of discussion identified in responses we received are:

- Getting paperwork on time
- Amending paperwork
- Dealing with insurance requirements
- Terms changing after bid is accepted
- Neither side being able to reach the other
- Taking too long to commit to an act or offer
- Security concerns
- Dealing with too many mixed signals
- Having to cancel a show
Amending Paperwork:

ARTIST:

"Yes, our riders are big. But we understand there is some give and take. That doesn’t give you the right to cross everything out."

Schools need to remember that the artist is living on your campus for the day. They understand you cannot provide certain things, but they also want to be comfortable and taken care of. Both your school and the "Enormodome" get the same rider, so changes are commonplace. Just keep in mind that if you take issue with a request, review it before you make arbitrary changes. And remember to offer an explanation for everything you cross out in a rider.

For bigger, production-related issues ...

SCHOOL:

"Our school doesn’t have the means to accommodate some of these acts’ excessive production and staging requirements. But we still feel like we can offer them an acceptable set-up to perform with."

Most acts will let you see a rider before you make an offer. If there are major concerns from the beginning, figure out right away if you can actually do their kind of show in your venue. If you make an offer, put very plainly into it the restrictions you have in terms of stage size, dressing rooms, production budget, etc. Send the rider to some production companies to get quotes before you commit to anything by sending an offer. Some acts really do need a stage of a certain size and complex lighting. Go forward with a bid only if you are totally confident you can pull the show off.

Reciprocally ...

ARTIST:

"Schools have way too much paperwork. Sometimes I think they have paperwork just to complicate their lives. Even worse, most of it hasn’t been revised in 30 years. It’s the worst at state schools. I have acts that won’t play state schools because of all the complications. We have to sign everything, do everything, but they won’t lift a finger."
The fact of the matter is, a lot of schools do require a lot of paperwork. Schools should send their paperwork in with their offer and explain everything in a letter. It also helps to review school paperwork frequently. Often, terms that were relevant 20 years ago are not relevant now. So reviewing everything will only help you, the school, in the long run.

Dealing with Insurance Requirements:

SCHOOL:

“Our risk management department has suddenly become really pushy requiring acts to show certificates of insurance. We're getting a lot of resistance from the artists, but there's nothing we can do.”

The first thing for a school to figure out is exactly what you are requiring from the act. Do you just need to see that they are insured? Do you need to have your school named as additionally insured? What type of insurance do you require them to have? Now there are many different types of coverage and it is imperative you know exactly what you are asking for. Since many acts do not carry insurance, this will cost them money. Are you prepared to raise an act’s guarantee to cover this cost? You need to make sure everything is spelled out clearly in your offer to them—NOT after they have already accepted your bid.

ARTIST:

“The school is asking for a one-day, $5 million dollar policy naming them additionally insured. It's [the premium] excessive and in our case actually exceeds the guarantee we are being paid for the day. There's no way we can do the show.”

The industry standard for insurance at colleges is a $5 million dollar general liability certificate. Depending on the school's venue size and the genre of the act, this can run the act anywhere from a few hundred to a thousand dollars (contact an insurance broker for more specifics). A $5 million dollar policy, on the other hand, can run nearly $50,000. In some festival situations, schools are requiring only the headliner to supply the insurance—not the $250 opening act. And certain policies allow for multiple acts to be named on the same certificate. In rare cases, a school has accepted an indemnification letter absolving them from any responsibility for an act's actions. School representatives should ask every question they have to BEFORE they enter into an agreement with an artist.

Terms Changing After the Bid Is Accepted:

ARTIST:

“You better tell me everything ... about your school from day one—radius clauses, security issues, content, etc. Don’t change the terms after the deal is done. Your merch rate, venue size, support acts and ticket prices all affect our decision to do the show.”

This happens more frequently than it should. Before an offer goes in, a school should estimate its expenses as well as it can to accurately reflect ticket prices. You should know exactly how many tickets you are able to sell, and if the show will be open to the public or closed to your campus. If you are unsure of how much you will need to sell tickets for, overestimate in your offer. Very few artists have a problem with you lowering ticket prices.

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The issue here is one of surprises. If you need to raise ticket prices to match rising expenses, you will need to review the changes with management. So make sure you can provide proof that the increase is needed. If your building has a policy on merchandising, say it in the offer. A typical rate is an 80/20 split with the artist keeping 100% of any CD sales.

If you're turning your show into a festival, give a lot of advance notice. Artists like to have some say over who they are appearing with, unless the offer given to them explains it as a festival billing with the school choosing support. But a two-act show becoming a five-act show can affect the whole day—load in, sound check, travel, etc. So it is imperative that they know about changes—in writing—if they come up.
And then, of course, there is...

SCHOOL:
"I just got a faxed rider that is supposed to 'supersede' the signed contract I got back a week ago. The problem is, the tech and catering have changed pretty substantially, and we have already ordered everything and invoiced the check requests. If we revise this now, no one will get paid the day of the show."

The best bet in situations like these is to have a constant dialogue going with the tour and production managers. When amending the contracts, note on the rider that all requirements are "to be advanced." Then have your first conversations with touring personnel before finalizing any production or hospitality orders. If necessary, have the act's production folk talk to your sound, lighting and staging people to ensure everything they need will be there. In some cases, these talks may even anticipate new riders from management. And if it's too late to change things, then it is too late.

But sometimes...

Neither Side Being Able to Reach the Other:

SCHOOL:
"Why do artists wait until the week of the show to get back to me about advancing it? There are production and logistical issues I need to know three or four weeks before then in order to have everything the way that they need it."

There are often two reasons for this. One is that bands on tour are most concerned with the dates they are just about to play. If they have a month's worth of shows before yours, they feel they have more pressing matters at hand. In the club world (which is the only world some of these people know), things work on a much shorter schedule.

The second reason is that, at the beginning of a tour, some acts still have to hire tour and production managers! There is a lot of unseen internal work required to put a band on the road, and (again) these are often viewed as first priorities.

Anything you will need to know well in advance should be spelled out in your offer or addressed to the artist's representation as soon as you know about it. You may be able to find out what you need to know well enough to get your production and catering in order.

If you still cannot find out the specifics you need, it may be time to write a letter detailing what you will be providing for the day. Many clubs have built in sound and lights, so they have to use their in-house systems and cannot change that. Obviously, this is unacceptable for a college performance, but you can state what your production company has recommended you provide, especially if you need to get things secured by a deadline. Just be very up front about it and make sure everything is in writing: "Production will be this. Catering will be this, etc."

ARTIST:
"I can talk to only one person at the school about our show. And they're at a conference. Or on vacation. Or in a meeting. It never stops! And I never get a call back. Why be the production contact if you're unreachable?"

Sometimes, delegation is the key for school representatives. If you're the answer person, it's okay to have a few others help you deal with the overflow. Major issues with shows can appear at any time. So if you know you're going to be busy or unreachable, make sure someone in the office is up to speed. Make sure this person is someone you can trust to either make a quick decision or who can get in touch with you immediately. Waiting before addressing some problems often makes them worse. Be prepared.

Taking Too Long to Commit to an Act or Offer:

ARTIST:
"Committees drive me crazy, 'Well, we meet only on Tuesdays, so I can't tell you anything until next Wednesday.' My acts aren't sitting around waiting for the 10 of you to get together. Ever [consider] the phone? The Internet?"
This is becoming a bigger and bigger problem and doesn’t need to be. Too many schools lose opportunities due to their communication problems. Call an emergency meeting, send e-mails, hold a conference call, etc., etc., etc. Meeting only once a week takes artists away from you. There is absolutely no valid reason for being unable to communicate with each other more often.

SCHOOL:

“Why do artists take so long to respond to our offers? Why do they ignore our deadlines? I’ve waited five weeks to get answers before, only to have the date be a pass. And all while missing the opportunity to book something that would have been just as successful and would have actually happened.”

For better or for worse, college events are not always a priority for artists. College shows do not break artists—public plays in major markets do. Therefore, finding the best public (i.e. club or venue) play is more important to managers. However, this is not an excuse for ignoring deadlines or stringing a school along. If you have a deadline, stick to it. Often agents think schools will wait around as long as necessary to get an answer. If you need to move on, then move on. Schools should spend the time between submitting an offer and its deadline by making good backup plans.

Security Concerns:

SCHOOL:

“We have an act coming to campus whose public persona makes our campus police and administration really nervous about having them. How can we ease their concerns?”

The easiest initial answer is to get other college references. Many artists who have a dangerous persona or reputation are actually very professional during acts—playing a role no differently than someone in a theater performance would. If they have played other college shows without a hitch, have those concerned ask those schools about their experiences. Most people are more than happy to help each other out.

If the act has no college history (and even a spotty club one), you just need to make a judgment call: is it worth giving a new artist a chance? Or are there too many “ifs?” Not everyone wants to be the test case. And sometimes it really is safer to err on the side of caution and go with something you know is tried and true. Do you already have a good relationship with the act’s representation? Have you handled difficult situations at shows before and come out okay? These are all questions to ask before moving forward. You may want the hottest new act out there, but the higher-ups may not want to risk your school’s reputation on it.

ARTIST:

“School security is always a [problem]. They have too many campus police with no idea how a concert crowd is supposed to look. And all of the folks behind the barricade are students! No one knows what’s going on, and they are trying to randomly enforce some ‘no moshing, no crowd surfing’ policy.”

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Liability and public safety are obviously first on everyone’s mind. But if a school has an act coming to campus that will inspire an energetic crowd, all risk management concerns must be up front—and there must be a plan to deal with any worst-case scenario that may arise. A mix of professional and student security is highly recommended. Students can have a difficult time dealing with their peers, and this can take some of the heat off them.

We recommend a warning system for handling crowd surfing and moshing. Give the offender a difficult-to-wash-off mark on their hand, make sure they are okay, and tell them that if it happens again they will have to leave. If you have these policies in place, make sure the signs and tickets reflect them.

Not everyone who crowd surfs means to. And the safest way for someone in this position to get out of it is to be safely brought over the barricade by security. If people are afraid they will get thrown out for a first offense, they may try just falling into the crowd, which is much more dangerous. Also, kicking people out after only one offense guarantees a fight every time.

Dealing with So Many Mixed Signals:

SCHOOL:

“Why do I get so much mixed information on availability and pricing? Every five minutes I get a new e-mail, fax or call with information that is different than the last e-mail, fax or call. Not only is it frustrating, it is confusing.”
ARTIST:

"I hate getting calls from seven middle agents about the same school. What do you think you are going to accomplish? I'm either going to just pass or probably ask for more money. It's stupid, really. I make the decisions and they act off the info I give them. Find who you like and stick with them."

At its core, booking an act seems so easy. You have an act you want to book, and the act needs a place to perform. Why isn't there harmony? Mostly because there's so much extra STUFF out there getting in the way.

Information on an act is constantly changing. What was accurate last week may no longer matter now that the artist has some newfound exposure. And, like in every business, everyone is out to make money. So how does a school know who to listen to? Where to go?

Unfortunately, only experience can really guide you. So surround yourself with as many experienced people as you can. NACA and other groups help you network and exist for just such reasons.

But there are two ways to book an act: directly with an artist's representation, or through some type of middle agent (a consultant you pay to help you secure acts and produce the show). This is your first major decision. For some, tracking down artists is a full-time job. For others who are looking for something extremely specific, they know just where to go.

The values of each would make another article.

If you have the resources and are going direct, make sure you are not being over-quoted. If you are using a middle agent, do your homework, find one you like and stick with them for the duration of that show's planning. Again, rely on references from other schools. Be informed. Go with someone other people trust.

What doesn't work is calling many different people about the same act for the same show. This will guarantee confusion on every front and almost certainly hinder your ability to get what you want.

There is no shopping around for a better deal. Once someone figures out you are doing this, you will become vulnerable to them just telling you what you want to hear—only to bait and switch you into something else. And you may also annoy the act's representative agent enough to no longer consider you for the date.

Having to Cancel a Show:

None of the quotes we got for this were printable—on either side! While (in the greater scheme of
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tins cancellations are rare, they feel like they happen much more often than they should. In nearly every case, the side being canceled on feels slighted and angry. For everyone, reputations are at stake. In every case, it should you ever be the LAST POSSIBLE resort.

As a school, you are only as attractive as your past performances. It takes a while to build a nice concert program. Artists talk all the time, and word spreads quickly if a certain college is a great place to play or one to definitely avoid. The key here is to not go into a show unless you can handle it. You must plan for worst-case scenarios and over-budget all expenses. Submit an offer to an act only if you can deal with these possibilities. If you cancel for any reason other than a definite breach of contract by the act, you will chance legal permanent damage to your reputation. If the act is too late to cancel, or not the show happens, don’t bother booking it.

Reciprocally, an act may cancel on you with very short notice. Movie offers come in, record labels demand certain elements and sometimes people just get sick. Depending on the circumstances surrounding the cancellation, shows get rescheduled with minimal damage (although with plenty of hassle). Have a plan ready for ticket refunds, pullbacks, etc.

But if you really get it stuck to you, the action you take up to how much time you want to invest. Some schools are able to recoup advertising and (in very, very last-minute situations) production costs. Realize that will be an uphill battle, but you and your colleagues must agree on how far you are willing to take it. Furthermore, you waver in your course, you will lose. You must be prepared to follow through on everything you demand.

1. Closing

We realize we've shared a number of tips everyone encounters in the course of producing a show. But the point here is not to stress the differences between schools and artists; it is show that at the end of the day, we’re all in this for the same reasons.

Want a fun, successful event where everyone walks away happy.

While everyone is trying to protect their own best interests, it's important to remember we all have to accept compromise. And the easiest way to pacify and accommodate each other’s plights is by talking. Talking, King, talking. It may not be that easy to do, and it may not be fun, but it is essential. The key is to avoid surprises, atomize the event, and have the be of successful and professional way we all know we’re capable of living.

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