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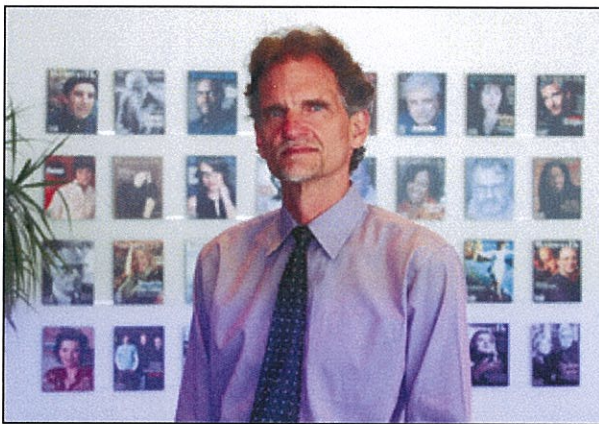
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Anthony R. Segall

As GC for the Writers Guild, Tony Segall understands the changing face of Hollywood



Anthony R. Segall

General Counsel
Writers Guild of America, West, Inc.
Los Angeles
Size of legal department: 7

lawyers

lawyers to form his current firm, Rothner, Segall & Greenstone. He took his first case as outside counsel for the Writers Guild in 1982 and has counted the union among his top clients ever since.

Segall now splits his time between the WGA in Hollywood and his firm in Pasadena.

Daily Journal staff writer Erica E. Phillips recently spoke with Segall about his role during the recent strike and the changing expectations placed on writers in a world

Tony Segall has always taken a certain pride in the clarity of his written work. As general counsel for the Writers Guild of America, West, he said, "It's gratifying to have clients who can tell the difference."

A native of the San Fernando Valley, Segall left to attend college at Yale University and thought he'd never return. But while he was a student at UC Berkeley School of Law, a summer associateship at union labor law firm Bodle, Fogel Julber & Reinhardt lured him back to Southern California. Those three months kicked off a lifelong career working in the region's most powerful industry.

After finishing law school, Segall practiced at Reish, Adell & Crost for 10 years, then left with a group of

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saturated with new media, reality TV and increasingly complex video games. Below is an edited transcript of their conversation.

DJ: Tell me about the history of the Guild.

The bread and butter of the Writers Guild of America's legal department is handling claims for breach of the collective bargaining agreement.

Segall: Some form of the Writers Guild has existed since the mid-1930s. As the organization evolved over the years, there was a merger of television, radio and motion picture writers in the '50s and that gave rise to the modern Guild. There's one main industry contract that covers the vast majority of people who work under a Writers Guild contract. There are some smaller specialty contracts but that's a pretty small slice of our working membership.

DJ: So TV writers joined the Guild in the 1950s. Who else is in the WGA now?

Segall: There are some video game writers, although much of the video game industry is non-union. There are new media writers. We have news writers. We have some radio writers still, although that's been a shrinking market. The Writers Guild strike in 2007 and 2008 focused a fair amount on new media - both material written for new media and the distribution of traditional material on new media. Increasingly, there is employment in projects written for new media, and one of the outcomes of the strike was we gained jurisdiction over those writers.

DJ: Could you talk me through your role during the strike?

Segall: I participated in negotiations at the table as a member of the negotiating team. That started in the summer of 2007. We negotiated for a number of months, and we had fundamental disagreements. Then the contract expired on October 31 and the Guild went on strike four days later. When we weren't at the table negotiating, we were doing a lot of other things. We were managing 14 picket lines. There were media issues; there were interim negotiations with some independent companies that signed agreements with us during the strike.

When we got to late January, early February 2008, we went back to the table and the pace of negotiations quickened. I was heavily involved in drafting the final language of the agreement as well as a strike settlement agreement, which dictated the terms by which people went back to work and disposed of any pending legal claims during the strike.

Over a long career I've been involved in a lot of strikes. One interesting thing about this strike is that there was virtually no litigation, which is atypical. In many strikes

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there is a lot of litigation - injunctions about picketing or lawsuits over secondary boycotts. For the most part, this was a pure economic struggle.

DJ: Who else was on the negotiating team?

Segall: We negotiate jointly with Writers Guild East, which is a separate union, and both their members and staff are involved. There is a 17-member negotiating committee of writer-members. Then there are probably a dozen or more members of the Guild staff, mostly executives and heads of departments, who are actively engaged. When everybody's together, it's a group of 30 or 40 people.

DJ: What other committees do writer-members serve on?

Segall: We have a very elaborate committee system. In fact, as embarrassing as it may seem, we have a committee on committees. One characteristic of the Guild is that we depend a lot on member volunteers. The entire board of directors are member-volunteers; they don't get paid for their service. There are probably 25 committees that regularly meet and do anything from finances to diversity to member outreach.

DJ: Can you describe the legal department?

Segall: The bread and butter of that department is handling claims for breach of the collective bargaining agreement. In many of the other departments in the building, particularly the big ones, there are lawyers. There is a contracts, residuals and credits departments [that] each have a couple of lawyers. We once tried to take a count of the number of people with law degrees in the building and it's something like 20 to 25.

DJ: What firms do you turn to for outside counsel?

Segall: All of the traditional union work and a lot of the litigation is done by my firm. We also use the Bush Gottlieb [Singer, LÃ³pez, Kohanski, Adelstein & Dickinson] firm in Glendale.

There are certain things that are done through a body called the Tri-Guild, which is SAG [Screen Actors Guild], the DGA [Directors Guild of America] and the WGA. We work jointly on the collection of residuals, which is a large-scale and complex enterprise. It's the biggest department at the Writers Guild and takes a lot of time and effort. We have a program in which we actually take U.C.C. security interest in motion pictures as a way of ensuring that we can collect residuals over the long life of projects, so we're secure creditors in any bankruptcy proceedings. Joe Kohanski at the Bush Gottlieb firm is the leading union bankruptcy expert and does most of that work.

There's also a program where on a periodic basis, we audit all of the big distributors of motion pictures and television programming to make sure that they're paying residuals appropriately. There's a fund of money that the companies pay into and there is a group of auditors who regularly make sure that residuals are being paid appropriately.

DJ: I read a report the WGA conducted recently that showed women and minority writers are still a small percentage of writers in the industry. What spurred that study?

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Segall: That is part of a study that's been going on for 25 years now. The Guild is the best repository of both employment and earnings data of people working in Hollywood. Individual companies generally only have information about their own employees. We use the data in a number of different ways. We have a diversity department that actively pursues programs to assist underrepresented groups in getting hired in the business.

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There was a very large scale age discrimination lawsuit that was litigated for about 10 years and mostly settled last year. Although we were not parties to those lawsuits, I spent time working with attorneys and responding to discovery requests from both sides. It was a big part of my job for a while when the litigation was really at its height.

DJ: What other issues do writers face where the WGA can help?

Segall: Something as mundane as getting paid to something a little less mundane as getting paid on time, which is a chronic affliction of many of our writers. There is what's known in our circles as a free rewrite problem - writers being asked to do one more draft of a script that's not in their contract where they're not paid for it. Increasingly we are now finding sort of a related problem, which is that writers are sometimes being asked as part of the hiring process to do writing before they're even hired. That's a practice that's strictly prohibited by this contract; it's called speculative writing.

Part of the problem is that writers want to get their foot in the door. We live in a freelance world where writers move from company to company, and they're always trying to get hired. That makes them very vulnerable during the hiring process. Part of the reason the Guild exists is to do collectively what writers are too vulnerable to do on their own. No writer is going to stand up to the producer and say "I won't do that," but the Writers Guild collectively can say "This is not an appropriate practice. We're not going to let our members do this."

DJ: What actions has the Guild taken on this issue?

Segall: Some of it is educational, just informing writers what their rights are. Some of it has involved litigation. We talk to the agents about the problem. We talk to the companies about the problem and about what we think their responsibility is. It's not a problem that has an easy solution.

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