



# Documentary Producers Alliance

## **Documentary Producers Alliance (DPA) Releases Landmark *Guidelines For The Documentary Waterfall***

### **Establishing Transparency, Sustainability, and Standardization of Structures Around Documentary Film Finance**

NEW YORK / LOS ANGELES (EMBARGOED FOR RELEASE Until Monday, September 14 at 8:30 am EDT) – Following more than three years of research and collaboration with industry stakeholders, the Documentary Producers Alliance (DPA) today published new landmark guidelines for financing in documentary film in a document entitled “Guidelines For The Documentary Waterfall” at [documentaryproducersalliance.org](http://documentaryproducersalliance.org).

**The organization’s goal in releasing the Guidelines is to create a set of standards for financing in documentary film including investments, recoupable grants, and other financing tools intended to serve filmmakers, investors, and donors in financial discussions and negotiations.**

Director/Producer Marilyn Ness of Big Mouth Productions and Co-Chair of the DPA Waterfall Committee: **“Our philosophy was always, ‘A rising tide lifts all boats.’ The field would only be served if everyone had the benefit of better deals, better credits, better networks.”**

DPA spokesperson Beth Levison: **“The future of the field depends on the successful implementation of these groundbreaking new industry guidelines and we are committed to seeing this happen in 2020. With this second major set of guidelines, the DPA furthers its leadership role in the industry.”**

The DPA's recommendations are crafted as best practices rather than rules. The DPA, which launched in 2016, encourages filmmakers and their partners to use these guidelines as a starting place, with the specificities of each project dictating where, when and how exceptions are applied.

**Major Industry-Impacting Points from the DPA's *Guidelines For The Documentary Waterfall* include:**

1.) Filmmakers' work should be compensated at every stage in a film's life cycle, from development through distribution. Budgets need to be reasonable and include sustainable wages for filmmakers, as well as recoupment of filmmaker outlays of cash often used to fund development.

2.) With a waterfall structured fairly for all parties, reasonable expenses incurred in the premiere and sale of a film (e.g. publicity, broadcast versions, and festival travel) should be deducted "off the top" and thereby absorbed by all of the film's profit participants.

3.) At each position in the waterfall, all profit participants should be paid *pro rata pari passu*, or paid equally between all relevant parties, at the same time, without preferential treatment to anyone.

4.) Deferred fees remain a constant and often unresolved issue for filmmakers who are often expected to pay others first (including lawyers, publicists, lenders and investors, to name a few). The DPA Guidelines recommend that unpaid budgeted fees, also known as "deferred fees," should be paid back from the first income received from the sale of a film, before any other recoupment begins. Alternatively, in a scenario where investors require filmmakers to wait to be paid for their labor, the DPA Guidelines recommend that deferred fees be converted into "sweat equity," meaning treated as an investment, to be recouped at the same time as investor financing, and therefore be entitled to the same premium and net profit participation as other investor financing.

5.) The DPA recommends rewarding earlier investors, who assume greater risk, with higher premiums on their investment, in comparison with investors who come in later when a project is more established. Premiums should step down as the risk decreases. For instance, an investment secured in the wake of a festival acceptance is less risky than an investment

secured during research and development. The DPA posits that the earlier funding should be rewarded with a higher premium.

6.) Net profit participation should reflect the contributions of all partners on a film, rewarding private investors *as well as* the fundraising and creative efforts of the filmmakers. To that end, the DPA advocates that “soft money” (i.e. non-recoupable income including grants and donations) raised by filmmakers should be calculated into their share of the net profit split.

### **Additional Statements from DPA Leadership and Supporters**

Jenny Raskin, Executive Director, Impact Partners, Investor Consortium said: **“The relationship between filmmaker and funder/investor can be extremely fulfilling for both sides when the approach is collaborative and transparent, and when there are mutually shared goals. Impact Partners applauds the DPA for offering these Waterfall Guidelines to the documentary community, to help along these important conversations.”**

Producer Susan Margolin of St. Marks Productions and Co-Chair of the DPA Waterfall Committee said: **“It has been tremendously gratifying to receive the support and encouragement from across all sectors of the documentary eco-system over the past three years as our team has researched and drafted these guidelines. It is abundantly clear that the guidelines are needed to improve filmmaker sustainability and to provide working standards for investment financing to the field; it’s our hope that they will be widely disseminated and broadly adopted.”**

# GUIDELINES FOR THE DOCUMENTARY WATERFALL

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Created and recommended by the  
Documentary Producers Alliance (DPA)

Director/Producer Marilyn Ness of Big Mouth Productions and Co-Chair of the DPA Waterfall Committee said: **“After spending years watching filmmakers face personal financial hardship with even those most successful films, it was enlightening to go back and dissect what was going so wrong. What became clear to those of us working on drafting the DPA Guidelines, including industry stakeholders, was that by properly and thoughtfully structuring the film’s finances from the beginning, systems could be put in place to prevent deferred fees and personal filmmaker debt. Even more encouraging is seeing all of the various stakeholders want to end these unsustainable practices. The DPA Guidelines provide all of us -- from filmmakers to funders -- common language and strategies to build more equitable funding structures within independent documentaries.”**

## **Process of Developing the New Guidelines**

The *DPA Guidelines For The Documentary Waterfall* were drafted in collaboration with over 300 working producers who are members of the DPA. The DPA held meetings, conversations, and discussions with representatives from more than 30 granting and artist organizations, directors, entertainment lawyers, accountants, investors and investor consortia including Impact Partners, Cinereach, and Fork Films, among others. And the agency received additional input from industry leaders during Sundance 2020, following the successful launch of the *DPA Guide to Best Practices in Documentary Crediting* at Sundance 2019.

## **Waterfall Presentations and Promotions**

Starting this week, DPA representatives will be holding both filmmaker and funder-focused presentations to share and discuss the DPA Waterfall Guidelines at a wide range of industry events including IDA Getting Real, IFP, AFI, Doc NYC among others in coming months. To request an individual event please visit the website or [email docproducersalliance@gmail.com](mailto:docproducersalliance@gmail.com).

Additionally, DPA will be running a dynamic social media campaign. Follow the DPA on [Twitter](#), [Facebook](#), [Instagram](#), and [LinkedIn](#).

The DPA Waterfall Guidelines, and the DPA mission as a whole, are advanced by the generous support and collaboration of its partners: Founding Supporter Genuine Article Pictures, Sundance Institute, The Film Collaborative, and the International Documentary Association.

## **Endorsing Organizations and Funders**

The DPA secured the endorsements of 29 film and funding organizations: A-Doc, Brown Girls Doc Mafia, Catapult Film Fund, Chicken & Egg Pictures, Cinereach, Katy Drake Bettner, The Drake Bettner Foundation, Investor, Center for Independent Documentary, Center for Media and Social Impact, American University, The D-Word, DOCNYC, Doc Society, The Film Collaborative, Film Independent, Fork Films, FWD-Doc, Genuine Article Pictures, Funder, Impact Partners, Investor Consortium, Independent Filmmaker Project (IFP), Kartemquin, LEF Foundation, MIT Open Documentary Lab, New Orleans Film Society, New York Women in Film and Television (NYWIFT), Points North Institute, SFFilm, Tribeca Film Institute, The Video Consortium, Women in Film & Video, Washington, DC, and Women Make Movies (WMM).

## **DPA Advisors**

A myriad of organizations and professionals have committed their time and expertise to reviewing and advising the DPA on these Guidelines. The following have also signed in support of the ethos these Guidelines promote:

### Documentary Funders

- The Perspective Fund
- Sandbox Films

### Documentary Sales Agencies

- Submarine

### Documentary Film Attorneys

- Karen Shatzkin
- Jonathan Gray

“Sundance Institute continues to support and applaud the Documentary Producers Alliance’s organizing and education efforts and will continue to be a convener, provide a platform for advancing best practices in crediting, financing and overall sustainability, and directly support producers through its fellowship program, labs and other activities.”

“The International Documentary Association (IDA) has agreed to be a convener and to provide a platform for advancing the conversation around investment waterfall guidelines as part of its advocacy and policy work.”

## **DPA Background**

The Documentary Producers Alliance (DPA) began in 2016 when six seasoned producers started gathering to share their experiences and challenges in the field at that time. They were proud of the films they helped to create. But they were also emotionally spent and financially drained from producing these films and felt under-represented as key creatives in their making. Over time, they came to realize that the issues they were facing were not due to their professional failures but to systemic ones larger than them.

In January, 2019 the DPA launched “[A Guide to Best Practices in Documentary Crediting](#)” so that: funders and investors receive the recognition that they are due (and that filmmakers want

them to have); filmmakers can offer and leverage fair credits to funding prospects to get their films made; and the value and meaning of credits are protected (against, among other things, dilution and inconsistency) for filmmakers and their financial partners.

### **About the DPA**

The Documentary Producers Alliance (DPA) sets best practices while advocating for the welfare of producers toward a sustainable and equitable documentary industry.

The DPA is a diverse coalition of more than 300 international members, ranging from emerging to Academy Award-winning documentary producers. The DPA sets standards for inclusive, sustainable and equitable business practices based on research, collective experience and input from strategic partners, amplifying the voice of documentary producers worldwide, while educating the industry about producers' essential role from development through financing, production and distribution.

A volunteer organization, the DPA is run by members through committees that include: Labor and Economic Sustainability, Operations, Communications, Inclusion and Structural Equality, Waterfall, Crediting, Regional, Research and Data, and Development Funding. More information about the DPA can be found on the DPA [website](#).

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DPA | *Advocating and setting best practices on behalf of documentary producers since 2016.*