



TAMULEVICH ARTIST MANAGEMENT

— We Build Careers —

Working With An Agent

by David Tamulevich

You've been booking yourself, or maybe a friend's been helping, and you feel you've got something to offer and that your career is starting to happen. What's the next step? People are starting to tell you that you should get an agent. What does that, and what would that, mean? How do you know if you really do need an agent, and how would you find one? Hopefully this article will give you some of the tools you need to answer those questions.

Before getting into the details, I think it's of the greatest importance to take a moment to consider and understand the following point. In my 25 years in this community I have found that a lack of common understanding and frank discussion between the artist and agent on this point leads to many of the misunderstandings and problems in the artist/agent relationship. The point is this: regardless of how wonderful a talent you are, the commissions you pay a booking agent must be able to not only cover the agent's expenses related to their representing you, but must provide some degree of profit for them. If you as an artist cannot provide an agent a profit, then you are asking the agent to make a financial investment in you and your career. Think about that for a moment. If you went to a bank for a similar financial investment, we all know you would be signing papers to GUARANTEE the bank WOULD get their money back, plus a tidy profit. Why should an agent, investing your career, expect anything less? It is important to realize it is YOUR career, and it is your decision to pursue it. If you choose to invest 24 hours a day into it, fine. That's often what is required. But when you're asking someone else to make that investment, it's a whole other game. If you can't pay your way, you are asking for a favor and an investment..and that should be treated with respect for what it is. It is no longer just about you- it's now a partnership.

The Big Myth...

... is that getting an agent will mean you've arrived and that the agent/agency will make your career happen. The reality is that if you can get an agent, you've just reached the ground floor of the next level, as in small fish in a larger pond; as in, you're still responsible for overseeing your own career, and now that someone else is involved, you've incurred a responsibility to them. You've sold yourself and your career as a viable and growing concern, now its up to you to prove that you were right. Agents are facilitators. They educate promoters and give them reasons why they should book you, but they cannot make a buyer want you, like you or your music, or book you. All that is your responsibility as a writer, performer and recording artist. Promoters need reasons to hire you, and being good at what you do is only entry level competency. YOU must create a product, show, buzz, story that audiences want and will come back for. Give an agent those tools and they stand a much better chance of finding you the gigs you want.

This does not mean that agents cannot make things happen, or open doors that you hadn't been able to open yourself. That is their job and their specialty, and generally the main reason for getting an agent. Just realize that once you've signed on with an agent, your responsibility and work load increases.

What Exactly Does An Agent Do?

This question is cause for endless confusion. In theory, an agent finds fee-paying performances. This involves their being given direction from an artist or manager as to what the artist/manager would ideally like to see happen in terms of fee, number of gigs, which gigs/towns/type of venues to play (coffeehouses, clubs, colleges, concert halls, festivals, etc.) and when to play them. It is the agent's job to negotiate the contractual details with the promoter and then present the offer to the artist/manager for their approval. Once an offer is approved, the agent issues a contract along with a rider which has been supplied by the artist/manager. Generally, in addition to the contract and rider, the agent sends press/bio, promotional photos, maybe posters, maybe a CD. What is sent, the amount sent, and who pays for such are all negotiated before entering into artist/agent relationship. Agents are not generally publicists, they don't advance shows for you, they don't negotiate your merchandising deals, arrange for hotels, rental cars, flights, take care of immigration or tax forms, deal with fans or mailing lists, supply radio stations with promotional CDs, or do long term planning with record companies. All of these things fall under the general management category. At times an agent will take care of some of these details, dependent on the situation, but it is not their primary function. If you are interested in them doing any of the above, it should be brought up during your negotiations. At Fleming-Tamulevich we have a Letter of Agreement which spells out who specifically is responsible for what, and have found that having it in "black and white" heads off many problems before they start.

Agents are paid a commission per gig based on a percentage of the money you gross per gig. This percentage is something negotiated before you enter into the relationship, though at times it may be altered depending on the circumstances. Renegotiation of a commission would only happen if both the artist and the agent agree to it: you can no more unilaterally decide to pay an agent a lower percentage than they can unilaterally decide to charge you more. I have heard of commission rates as low as 2 1/2%, and as high as 30%.

Regardless of whatever rumors you have heard to the contrary, there are no fixed standards. It is all negotiable, with such negotiations being based on what you, as the artist, bring to the table (income, established venues, etc.), and what the agent brings to the table (reputation, contacts).

Obviously if you are an established artists making good money, and you are asking an agent to simply handle and perhaps expand a bit on what is already established, you should expect to pay a lower commission. If you are an artist trying to establish yourself with little or no track record, and are asking an agent to help in the development of your career, you should expect to pay more. In a case where an artist is asking an agent to make a long term investment in their career (e.g. lose money in the short terms in hopes of long term profitability), you need to find creative ways to make the relationship feasible: you may have to guarantee a monthly minimum to the agent, or pay for a percentage of their overhead costs (phone, mailings, etc.). Also, paying a percentage of your income from CD's sold from the stage is one technique being used quite a bit lately. Offering an agent a percentage of your record company royalties, mechanicals, or publishing are also things to at least consider if you really want to make a relationship work.

A couple of final important considerations regarding the overall investment made by an agent: as a rule when you play your gig, you are paid for your work that night. When an agent "plays their gig" booking you, it is typically months in advance of an actual show. It can then oftentimes take weeks or months for an agent to collect a commission from the artist. Give some thought to how you, as the artist, would feel if after playing a gig you then had to wait months to be paid. And that part of this wait was because your "partner" (agent) in the enterprise was simply holding onto, and using, your money. Keep this in mind when paying your agent, as promptly paying a commission is not only an issue of common courtesy, it is mostly just smart business. Also, remember that your agent speaks to dozens of people each day from all aspects of the business. These connections are some of the most important ongoing tools you have in terms of building your image and creating that buzz. A little effort on your part to keep your agent informed and in the loop can do wonders for your career and in assisting your agent in feeling included in the overall picture.

How agencies choose to work with an artist

There are many factors involved in how an agent/agency makes this decision, but in my experience it comes down to four broad categories. Your professionalism (on all levels), how the economics look, how he/she/they feel about your "art", and your "vision" or management plan for the future.

Professionalism has to do with how you conduct your business; what you have to say and how, the materials you submit to the agent so they can consider you (see box - info at bottom of page), and how you conduct yourself on the road (reputation- agents do check with promoters). It also is part of your "art": what your live show is like, because what an agent and promoter, and you, are ultimately selling is your live show. We all know there are artists who are such brilliant writers that people will pay to see them even if they are not good entertainers. These individuals are few and far between though, and being one of them is not something you should count on if you want to have a performing career, much less a long one.

In terms of economics, what I said earlier should be your starting point. Beyond that it is all a negotiation. How large a percentage can you afford to give up? How much money does the agent need to average in commission per gig to make it feasible to represent you? What does it cost the agent per contract they issue? What are your costs per gig...at home, and on the road? How much of an investment do you and they want to make? 6 months? 2 years? Are there goals you can agree on, e.g., you need to have x number of dates within the first year, the agent needs to be making X amount of money per gig at the end of the first year? (Guidelines/goals are good things to have, but as a rule you need to be able to trust each other to be making your best efforts in these regards. Set up a timetable for reasonable reviews and re-evaluations of goals). Know your parameters, what you would like and expect, and where you can be flexible, before going into this negotiation.

You should be able to articulate a vision of who you are, who you want to be, where you want to go and how you want to do it. And before you approach an agent, you should do your research on who they represent, how they go about it (talk to promoters and other artists), and what their priorities are. Is your artistic/business vision consistent with the agent's, or are there differences, and are any of the differences dealbreakers? Every agent/agency's criteria are different, and there is no right or wrong. Some agencies want people who have stars in their eyes. Some want road warriors that will provide them a consistent income. Some specialize in colleges, corporate events, fairs, arts series, the coffeehouse circuit or a combination of several. At Fleming/Tamulevich we look for artists who are interested in their art and audiences first, and who have something of substance to say, with money, fame, hit records, etc. being secondary considerations. We want to work with people who are interested in long term careers. It's about a slower build, with hopefully a longer, more rewarding payoff for everyone. Think long and hard on what you want for your career and then look for an agent/agency that has accomplished what you are after. The problems come when you think and say you want one thing, but are really after something different.

Then there is the X factor, that special thing we all know or feel when we see or hear it. A special uniqueness that can make all the difference, and what every artist thinks, or hopes, they have. But just because you have IT, or think you have IT, does not mean you have the IT that moves a particular agent/agency. As you have read, there are many factors that go into these decisions, and if you are seriously considered by an agency, and it does not work out, take it simply for what it is, and find out, if possible, why it didn't work. Different visions? Poor press materials? Just not their cup of tea? Too busy, but stay in touch? It must be the right place and the right time for both of you. Everything changes and morphs. Sometimes it has taken several tries, and years, before it worked out for an artist and our agency.

There is a wealth of information to be gleaned from a rejection, especially a thoughtful one. This is business: use it as a tool to help you grow. Don't let it be a reflection on your art, because it's not.

When to look for an agent?

1. When you have enough work that you can afford to pay a percentage of your income to an agent, and that percentage makes it worthwhile for an agent to represent you. Each agent/agency has their own criteria on who they take on and when, based on their current capacity to handle another artist, belief in the artist and their future, and their costs of doing business. Asking what an agent's criteria is should be one of your first questions.
2. Perhaps more importantly, I highly recommend looking for an agent after you have been your own agent long enough that you understand the realities of booking tours. If you don't know and intimately understand the complexities and difficulties and compromises that must be made in putting a tour together, you cannot have an informed discussion with your agent. This is a tough business, where pleasant theoretical ideas and expectations get ground up in the trenches of reality, and if you don't understand this reality you are likely to have endless problems and misunderstandings. Like songwriter Greg Brown says "The world ain't what you think it is, it's just what it is." Do everyone a favor and educate yourself first. It will be the best thing you can do for yourself, and will ultimately make you more attractive to an agent.
3. When you have analyzed where your career is, and find that getting to the next step means a bigger team. Figure out what "going to the next level" means for you. Is it really what you want? Is the audience giving you notice that you need to move to the next level (i.e. is it consistently growing? Is your music generating a demand for you in areas of the country you haven't toured?), or is it just what YOU want- even though reality says it's not happening. The real question here is "Do you really need an agent?" Many artists have functional cottage industries in place. They may take a great deal of effort, but they are realistic reflections of where you and your career are.

As with anything else in life at which you want to excel, you need a clear vision, persistence, and a healthy and frequent dose of reality checks. If getting at the truth is important to you, make sure to have people you trust that you can go to for advice.. There is always the temptation, especially as you start to experience some success, to surround yourself with individuals who will tell you what they think you want to hear. Generally they mean well, but often don't know what they are talking about: theorists versus people who know because they've been there and done it and are still here to talk about it. And like a bad drug, you are the one left with the hangover. Best of luck. *David Tamulevich*

If you want an agent/agency to consider you, what do you need to bring to the table?

The more professional and organized you are in your approach and presentation, the more likely you are to get timely and serious consideration. Every agent I know has more than enough to do, and stacks of submissions from artists wanting representation. It's your job to make it easy for them. One last thing: get the permission of the agent before you send the material. There is virtually no chance of you getting serious consideration if you don't, and it's just respectful.

What to Provide

A professional press kit. They needn't be expensive: just clear, clean, and concise. They SHOULD NOT be extensive: large press kits are annoying and no one will read four, much less 35, articles about you. If people want more information, they will ask. Your press kit tells a lot about the respect you have towards yourself, promoters, the media, and the agent you are approaching. Include:

1. An up-to-date bio. Make it concise, less than two pages.
2. discography/reviews..pull quotes, put on one page. If there is a particularly good longer review you can include that on its own page, but really, no more than one.
3. One page of reviews of your live performances...again pull the quotes and if there is a great review that you think should be seen in its entirety, give it its own page.
4. At most two recent articles about or interviews with/about you.
5. A touring history of at least the past two years, and an itinerary of all future shows. Include where, when, contractual deal, how many people you drew, and particular comments (i.e. great market; usually draw 3 times that number of people, but there was a blizzard). An agent generally likes to see that you have made not only intelligent choices in where you have played, but that you've made an ongoing investment in developing key markets/clubs/promoters, and that there is evidence that the investment is paying off. If you have managed to go from open mikes to \$50 openers to split-bills to headlining slots in several markets, chances are you can do it in others.
6. a copy of the photo you are using for publicity. Photos tell a great deal; make it a good one.
7. a recording- see what the agent wants. Some like the latest studio recording, some want a live show..some might want to hear both. h. a management plan. Who you are, why you're special enough for them to consider, where you've been, where you want to go and why, and how you plan to accomplish it (a 1-3-5 year gameplan), and why you believe this agent is the one to be on your team.
8. A list of what you bring to the relationship..pros and cons. This is related to the management plan, but not a bad idea to keep separate. A listing of record company, management, publicist, mailing list, other resources (your own recording studio? friends in high places that might be helpful to your career, etc.)