

Mediation Settlement Day Kick-Off Celebration
Remarks: Honorary Chair Michael Sardo
Creator and Executive Producer, USA Networks' *Fairly Legal*
New York City Bar Association
Tuesday, October 18, 2011

TELLING STORIES

How do you create a TV show? Well, since they're too expensive to make on your own, most of the time, you pitch it. What that means, is you go in to a room with a bunch of executives, usually men, usually wearing sneakers, jeans and expensive shirts that are never tucked in. No one tucks in their shirt. I don't know why, but that seems to be a very important part of being an executive.

So anyway, if you can get past the whole shirt thing and the small talk thing, you tell them a story. On this particular occasion, you tell them a story about a guy who goes on a journey of discovery. He starts in a seaside town, wanders through the desert and ends up at a resort. On this particular day, you've pitched that story, and the men in the un-tucked shirts have bought it.

You walk out. Feeling good. But by the time you get to the elevator, the whole process has fallen apart. Because by the time you get to the elevator, they're buying a different story than you just sold. It's not that there's anything wrong with your story. They love your story. They love it so much they've started writing their own. So that by the time you turn in your script, two weeks or a month or two months later because you've supposedly had other things to do or been sick or wanted to get things just right

when in reality you spent most of the time on the first three pages and two days on the other fifty five but you just had to get the damn thing done, just get it done.

Or maybe that's just me.

But anyway, you've turned in the script. And the executives are completely confused. It's not what they bought, they say. Or they don't say, but there's no small talk and their un-tucked shirt body posture tells you the story. Because they don't. What they say is, "It needs work." Or, "There are some good things here." Or, "We think we have some good ideas to get this moving in the writing direction."

What they don't say is, "This is not what we bought."

And it's too bad they don't say that, because they're absolutely right. Even though I wrote the story I pitched to them. It's not what they bought.

I told the story of a guy on a journey of self-discovery who starts off in a seaside town, wanders around in the desert and ends up at a resort. And that's what I wrote. Carl starts in Santa Monica, wanders through the desert outside Palm Springs and ends up in Las Vegas. But what happened, is that the instant I walked out the door, maybe before, the executives started writing their own version of the story. They're very good executives. They're very good with story. So they, in their heads, wrote the story of Ben, who leaves the seaside town of Santa Cruz to wander around the high desert and wind up in Lake Tahoe.

Not a bad story.

Not mine.

And not something I'll ever hear. Because what happens now is the notes process. And during the notes process the goal is not to enhance my fantastic story of

Carl who leaves Santa Monica and winds up in Las Vegas – a story by the way, that’s heartwarming, funny, sexy, and has a message – but to make it into the story of Ben, which frankly, is just not that good. At the end of the process, we’ve got the story of a guy named Lou who tries to get out of Jersey, but just can’t.

It doesn’t get made.

And, it shouldn’t.

Stories are fragile. Stories are personal. None more so than our own.

I’m going to give you one more example, and then talk about Fairly Legal and how that came to be.

Two weeks ago I had lunch with a writer who my agent thought might be interested in the script I just wrote. I told the writer the idea. He loved it. Wanted to hear more. I told him more. But he wanted it all. Every detail. So I told him the story. It took forty five minutes. Then he read the script. Which he didn’t like at all. He liked the theme, but he didn’t agree at all with the direction I’d taken the story. That is, the whole forty five minute beat by beat telling of the script – almost a minute a page. A minute longer than the actual finished pilot would be. Because while I was telling him the story, he wrote another.

Which brings me to Fairly Legal, and mediation. I read a story once, about a project taken on many years ago by the National Education Association. They asked important figures from around the world to come up with ideas for a new educational system. The prompt was: Create the ideal school system. They were excited beyond belief when Albert Einstein responded. The excitement didn’t last long because there

was only a single sheet in the envelope. And on that sheet, a single sentence. Take twenty students, put them in a room, and close the door.

And that stuck in my head.

It stuck in my head as I passed the age of, “Oh, wow, all my friends are getting married,” and hit the age of, “Oh wow, a lot of my friends are getting divorced.” It always starts out the same – we’re just going to split up our stuff. No big deal. And sometimes it wasn’t. But usually it was. And the difference, with the people I knew was lawyers versus mediators. Why?

Now, I wasn’t in those meetings, but I think the story got away from the husband and wife. Someone else was telling them what their story was, and telling them what their story meant. And the other person heard about it through their lawyer. So they responded. By telling their lawyer a story. And their lawyer told it to the other person’s lawyer who told it to the person. And we all know how well a game of telephone goes. So I started looking into this thing called mediation. And I created a show about a guy who was a mediator. His specialty was divorce. But his weakness was romance. He always tries to put the couples back together. It was a comedy.

Remember all those guys in un-tucked shirts? They’re not in this meeting. It’s all women. I don’t know why. And they never smile. It’s a thing in comedy meetings. The producer I was pitching with was sure there would be a bidding war. We went to all the big networks. No one bought it. All the executives said the same thing: no man would have that much emotion.

So I put the idea away.

A couple of years later, I was developing a movie idea with a film executive. In the bathroom on my way to the second meeting, I realized my idea was terrible. Fortunately I remembered my romantic mediator idea. I pitched him that. He loved it, and we spent two and half months fleshing it out into a seamless, wonderful, amazing story that I pitched perfectly for one hour to the head of his company, who didn't buy it. I found out later he had just gone through a painful divorce and he was not interested in anything remotely connected to that area. What I knew even before that, what I saw in that room, was that he wasn't at all listening. He made up his mind when I said, "So, this guy, he mediates divorces." Six words in, I was done. So I put the idea away.

A few months later I sat down to write a script. A pilot – the first script – of a TV series. When you write it, there's less confusion over what it is. There's still confusion, but there's less. I had a very simple premise. Two people in conflict go into a room. Send in Kate. Close the door.

But who was Kate? Good question. Because the whole show balances on her. Kate Reed is a woman who is drawn to conflict. And in her personal life, where it doesn't exist, she creates it.

I wrote the script. USA Network bought it, and we set out to find an actress who could play Kate. Ninety actresses came in to read. Beautiful. Interesting. Accomplished. And during the audition, which was the robbery scene, when my casting director pulled out a fake gun – well, her finger – each of the ninety actresses did the same thing. They said the words on the page, "Whoa. Whoa." And they stepped back. Then Sarah Shahi came in. With a giant baby bag which she plunked down – her son

was two months old. She was wearing a bizarre ensemble of tight jeans, heels and a fringe shirt. She wasn't sure she wanted to do a series. But she read. And when my casting director pretended to pull out a gun, Sarah said, "Whoa. Whoa." The she moved toward the gun. And I knew before the scene was over, before the next scene was read, before her callback and network test – I knew that I had found Kate. Because you can't solve conflict from a distance. You can't back away. You have to move toward it. It's dangerous, but what's the alternative? Living in fear. And the guy with the gun controlling your life.

Fairly Legal was ordered to series. In the pilot Kate eats black and white cookies, which is ironic, because she lives her life – she's comfortable – in the gray. That's the series I set out to make. But the network wanted a show about black and white. We went back and forth on this, and shot a very good show. I'm proud of it. It got picked up for a second season.

Then I was fired. Without a discussion. Without a reason given. Without mediation.

But balanced, as in the pilot, with a lawyer and a good contract, I still get paid. After the show debuted, someone tweeted to our Fairly Legal feed, "I hate this show. I hope it dies." The writer on staff monitoring the feed asked why. The tweetee responded, "All this talking. She should just settle it."

I thought a lot about that guy's anger. What was making him so uncomfortable? When did talking become a sign of weakness? When did sitting across the table from the person you are in conflict with, telling them what you want, when did that become weak? In real life, or on a TV show?

I know everyone here wants to encourage the growth of mediation. So I was thinking of tag lines. Something for your mediation poster. I thought of: "Open your mind, open the door, to mediation." Catchy, but false. Terrible, too, I know, but false because while you have to be objective and measured in the mediation, you have to first get there. And to do that, you have to kick the door down. Drag people in. Shove in their faces the better way. Or you won't be heard. The voices of the status quo, the voice of mediocrity, are just too loud.

Like Kate Reed, or me, your arguments have to be well thought out. You have to make them passionately. And sometimes you also have to be impolite, and indiscreet, or no one will listen. The guy with the gun only controls your life if you let him.