Oscars battle with producer proliferation

by Matt Krasnowski

If the best picture Oscar this year goes to Martin Scorsese's "The Departed," two of its producers - agent-turned-Paramount Pictures chairman Brad Grey and actor Brad Pitt - won't get gold statuettes.

And if independent darling "Little Miss Sunshine" wins, accomplished producers Albert Berger and Ron Yerxa will be in the shadows while three other credited producers ascend the Kodak Theatre stage to say their thank-yous.

In an industry where getting credit runs a close second to getting paid, sitting on the sidelines on a night when colleagues get their contributions acknowledged during a live television broadcast that claims to reach 1 billion viewers is a problem.

How the Academy of Motion Picture Arts and Sciences decides which producers get award-worthy credit for films has been a sore point for many people in the film industry.

Some say the academy's relatively strict rules are a welcome antidote to the proliferation of financiers, actors and agents often listed as producers - what some in the business call "producer bloat" and others call "credit creep." But others contend the limits are unfair and arbitrary.

Chief among the critics is Bob Yari, who was one of a string of producers of last year's best-picture winner "Crash," but was shut out by both the academy and the Producers Guild of America for award credit that he believed he deserved.

Yari has not taken the slight quietly. He has complained publicly about the academy's selection process and last year filed suit, contending that the academy and the Producers Guild denied him a fair hearing.

Sure, he wants an Oscar. Winning one would make better scripts and story rights available to him, and open more doors with studios and directors, Yari said.

"There is no bigger honor. People go through a lifetime trying to get there, and a lot of people don't make it," he said.

But he's not suing for an Oscar. He wants the courts to force the academy and the Producers Guild to modify future credit arbitrations.

A Los Angeles Superior Court judge threw out the lawsuit for a second time last month. But Yari has not given up, and filed notice earlier this month that he's appealing the decision.

"I don't have much to gain from fixing the past," he said. "I'm not going to get an award. I'm not going to get damages. Creating a fair system is what we're trying to do."

He contends the academy and guild are too political and secretive in determining who is entitled to a producer credit.

Yari said he has a lot of support from other producers, although few want to speak out for fear they'll offend the academy and guild.

The two film-industry organizations, meanwhile, contend that Yari's work on "Crash" didn't meet their guidelines, and that a separate guild panel supported the initial decision.

While the restrictions have created problems, many established producers believe the rules are needed because producer credits for many movies are handed out like gift bags at a Hollywood charity benefit.

The producer title "has been undermined for the last 10 to 20 years," said Vance Van Petten, the Producers Guild's executive director. "Studios gave away the title, without any regulations or definition or any penalties, in lieu of money."

The issue reached a zenith of sorts at the Academy Awards in 1999, when five producers rushed the stage to collect trophies for "Shakespeare in Love."

"Not all of those people should have been up there," said Bruce Davis, the executive director of the academy. "It was after that year that we put a cap of three producers on the best picture category."

The Producers Guild subsequently adopted guidelines to determine who should get official credit. The academy largely follows those rules, which state that a credited producer must exercise decision-making

power in one or more of four areas of filmmaking: development, preproduction, production and postproduction/marketing.

While both the guild and the academy were united in not crediting Yari, Grey or Pitt, the debate over the darkly comedic "Little Miss Sunshine" has been stickier. The guild credited Berger and Yerxa along with the three other producers for their work, but the academy is holding fast to its three-producer cap.

"It really was a team approach," Van Petten said. "We think those occasions call for recognition."

Davis acknowledged that keeping Berger and Yerxa off was "troublesome."

"We had to make a hard decision and it was an agonizing decision," he said.

Yari said the exclusions prove his point that the academy and guild need to change their ways and make the selection process open.

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