Come from Away – The Journey from Nonprofit Theater to Broadway

October 13, 2019 | 9:00 am – 10:30 am

Program Description

Come from Away opened on Broadway in 2017 and has since garnered dozens of best musical awards, including the 2019 Best New Musical at the Olivier Awards (UK). Creator, Producer, and Lawyer, Michael Rubinoff, traces the life cycle of the production - from workshops at the Canadian Music Theatre Project to the La Jolla Playhouse/Seattle Repertory Theater to Broadway. This Q&A presentation will include a specific focus on the milestones and primary deal points for theatrical production development, financing, and commercial enhancement.

Lead Facilitator

Ari Solotoff, Bernstein Shur, Portland, ME

Speakers

- Michael Rubinoff, BA, LLB-Producing Artistic Director, Canadian Music Theatre Project, Oakville, ON

Program Materials

1. CLE Outline Presentation: Come from Away-The Journey from Nonprofit Theater to Broadway, By Michael Rubinoff
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Come From Away – The Journey from Nonprofit Theater to Broadway

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Session Overview: Come From Away opened on Broadway in 2017 and has since garnered dozens of best musical awards, including the 2019 Best New Musical at the Olivier Awards (UK). Creator, Producer, and Lawyer, Michael Rubinoff, traces the life cycle of the production - from workshops at the Canadian Music Theatre Project to the La Jolla Playhouse/Seattle Repertory Theater to Broadway. This Q & A presentation will include a specific focus on the milestones and primary deal points for theatrical production development, financing, and commercial enhancement.

Lead Facilitator: Ari Solotoff | Bernstein Shur, Portland, Maine

Speaker: Michael Rubinoff, BA, LLB – Producing Artistic Director | Canadian Music Theatre Project, Toronto, Canada

Come From Away

Book, Music and Lyrics by
Irene Sankoff and David Hein

Come From Away was originally co-produced in 2015 by La Jolla Playhouse and Seattle Repertory Theatre and presented in 2016 by Ford’s Theatre.

Come From Away (NAMT Festival 2013) was originally developed at the Canadian Music Theatre Project, Michael Rubinoff Producer, Sheridan College in Oakville, Ontario, Canada, and was further developed at Goodspeed Musicals’ Festival of New Artists in East Haddam, Connecticut. The Canada Council for the Arts, the Ontario Arts Council and the 5th Avenue Theatre, Seattle, Washington, also provided development support.

Outline:

1. An Idea and Early Development
   a. Examining underlying rights – source material vs. original idea
      i. The Capital of Kindness: On 9/11, the Canadian province of Newfoundland and Labrador showed stranded travelers the true meaning of compassion. And that’s how it became a tourist destination.
   b. First stages of development
      i. Commission or non-commission
   c. Development partners
      i. Academic institutions, festivals, not for profit theatres
      ii. Nonprofit Co-Productions or Co-Pros
      iii. As ‘Come From Away’ comes home to California, a look at the musical’s road from La Jolla to Broadway — and beyond

2. Intellectual Property/Acquisition of Rights
   a. Authors hold the IP
      i. The “Author”
      1. Producer

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2. Authors of the play or musical, including the “bookwriter” or author of the story
3. Composer and Lyricist
   ii. Ensuring commitments with development partners do not hinder future commercial acquisition.
b. Examples:
   i. How Come From Away made it to Broadway
   ii. ‘You Oughta Know’: The Road to Making a ’90s Anthem a Broadway Hit
c. Option Agreement for acquisition of exclusive rights by Limited Partnership/Lead Producers (General Partners) – Dramatists Guild Approved Production Contract (APC) for Musicals vs. Non APC Agreement
   i. Deal Terms
      1. Initial grant of rights
      2. Option periods and payments
      3. Advances
      4. Royalties
         a. Royalty adjustments
         b. Royalty pool
            i. Net Adjusted Gross Weekly Box Office Receipts or NAGWBOR
            ii. Weekly Net Operating Profits or WNOP
      5. Production personnel
      6. Subsidiary rights (media productions, stock and ancillary, amateur, revivals, merchandise)
      7. Motion picture rights
         a. ‘You Are Here’ doc reveals real-life 9/11 heroes of ‘Come From Away’
   8. Dispute resolution
d. Formation of LLP
   i. The C.E.O. of ‘Hamilton’ Inc.
3. Financing and Investment Benefits
   a. Arts and Cultural Affairs, Title F, Theatrical Syndication Financing, New York State
   b. Key Agreements
      i. Front Money Agreement
      ii. LP Agreement
   c. A Practical Guide to Theatrical Financing
   d. Investment Incentives
      i. For Early ‘Jersey Boys’ Investors, Oh, What a Run
   e. Net Profit distribution
      i. ‘Hamilton’ Producers and Actors Reach Deal on Sharing Profits
   f. ‘Hamilton’ Inc.: The Path to a Billion-Dollar Broadway Show
4. Further Development at Regional Theatres
   a. Enhancement
      i. Right to Present the Production
         1. Exclusive option agreement
         2. Producer and bookwriter agreement
3. Music publishing agreements
   i. Production Schedule
   iii. Enhancement Funds
   iv. Approvals / Control
   v. Future Participation Rights
   vi. Billing / Credit
   b. The Arranged Marriage Between Not-for-Profit Theater Companies and Commercial Producers
   c. A Tiny Theater in San Diego and Its Director Supply a Steady Flow to Broadway

5. Subsequent and International Productions
   a. Establishment of new companies
   b. Investor rights and benefits
   c. 'Come From Away' Cast Reflects on Surpassing 1,000 Performances
   d. BWW Interview: Megan McGinnis Reflects On Her Journey with COME FROM AWAY On Tour

6. The Renaissance of Canadian Musical Theatre and Cross Border Development and Commercial Productions
   a. Pioneering enhancement and cross border development