

HYPOTHETICALS 5 - FINAL SCRIPT

Lee "Budgie" Barnett 2004

Written for Dave Gibbons to present at ComicFestival 2004, 29th May 2004

Good afternoon, everyone...

I'm Dave Gibbons. Welcome to the fifth annual **Hypotheticals** panel. For those of you who haven't attended one of these before (and that includes some of the panel), let me tell you what we're all doing here. For the next hour or so, we're going to take some of the ethical dilemmas that can occur in the comic book industry and see how the people sitting on the panel would deal with them.

In previous years, we've looked at relationships between creators and fans, between creators and editorial and between creative teams themselves, how comic books deal with the real world, conventions, exclusive contracts...

As I mentioned, this is the fifth year Budgie and I have done this panel. It's *shocking* to look at how the comics industry was back then: arguments about creator-owned projects not being accepted by the major publishers, accusations that new creators can't get an even break, John Byrne doing a controversial revamp of existing characters and a change at the top at Marvel.

My, how the world has changed.

Since there are probably very few people in the room who attended the first year of Hypotheticals, Budgie and I thought it would be interesting to see how this year's panel might deal with a couple of the hypotheticals that we threw at their counterparts in 2000.

But before you see what Budgie and I have come up with this year, the usual disclaimer: everyone here is appearing in a **personal** capacity. Nothing they say should be taken as representative of their individual companies or as an indication of what they might do if the hypothetical scenarios we're going to play out really came across their desks on Monday morning.

And, as usual, Budgie and I ask that the answers remain within this room. Thanks.

OK - so the panel, who right now are wondering why the hell they said "yes" to appearing...

As you might be aware, Karen Berger (Vice President and Executive Editor of Vertigo) was due to appear. However, she was unable to make it across this year. **SCOTT DUNBIER**, Executive Editor of Wildstorm stepped into the breach, and we're delighted he has. After being Executive Editor, Scott has a unique understanding of... Alan Moore. And we're delighted to welcome him as the latest in a long line of, erm, *two* women on the panel. (Sorry, Scott. ***Budgie!***)

Returning for a second year, we have **CHRIS WESTON**. Co-creator and penciller on **The Filth**, his long experience in the industry and work in **2000AD**, **Lucifer** and **The Invisibles** make him a worthy addition to the panel. And that's not even mentioning last year's 'photo reference' comment that got possibly the biggest laugh in this panel's history.

New to the panel this year is writer **ANDY DIGGLE**. Editor of **2000AD** in a previous life, Andy's writing on **The Losers** catapulted him into the big time, and his currently appearing revamp of **Swamp Thing** is popular with both critics and readers (you remember them, right, the people that actually buy the books rather than getting them comped and then selling them on ebay?) His forthcoming **Adam Strange** series is eagerly awaited, and anyone who can, in **Swamp Thing**, actually use the line "a muck encrusted mockery of a man" certainly deserves a place here.

CRAIG MCGILL is a journalist working for the Scottish Mirror and the author of a forthcoming book on Grant Morrison. After writing a book about the obsessive love fans have for football, and another on slavery, an interest in comic books followed naturally. All of this, plus two columns at NinthArt on attempts to set up a comics web-publishing venture ensure that he's a worthy addition to this panel.

CHRIS FRANCIS has been on every Hypotheticals panel thus far and doesn't realise it, but he's getting a fan club. When we considered getting someone else as 'the retailer' this year, Budgie was almost shouted down. So, Chris, <pointing at the audience> blame *that lot* for your reappearance.

BUDGIE devised the panel and wrote the hypotheticals you're all about to endure, erm, **enjoy**. After several stories in the horror anthology **Trailer Park Of Terror** in 2003, his first story in **X-Men Unlimited** hits the shelves in August. (He asked me to say that it's in the next issue of PREVIEWS, so please, please, please order it.) He's also an accountant, and Deputy Head of Finance at his company, but we try not to hold that against him... much.

Ladies and Gentlemen... our panel.

[cue applause]

So welcome back again to "Earth-Dave", that strange place where things are similar but not exactly the same as on the Earth you're used to: on Earth-Dave, Todd McFarlane won the law case, Marvel attends British comics conventions... and Micah (*Mike-uh*) Wright really *was* a Ranger. It's a weird place, I tell you.

The year is 2004... the date May 29th. So let's start...

Scott Dunbier - Welcome to the panel. You're sitting in the Executive Editor's office in Wonder Comics one morning and your first call is from Andy Diggle, the writer on one of your biggest selling books: **Battle-Lord**. Andy's just seen a copy of **Battle-Lord** issue #23. A scripting mistake (misidentifying a character) was picked up by him in production, and communicated to you, but it wasn't corrected before it went to print. Not only that, but a word balloon is pointing to the wrong character. The problem is that these not only make the page confusing and misleading, but it makes Andy look stupid. He's furious. What do you do about it?

Andy - Welcome to you as well. Good answer from Scott? Because, of course, in your previous life, you were editor of 3000BC (nice one, Budgie). Would that be the answer that you would have given a writer when *you* were an editor?

Chris Weston, you... no, hold it a minute. **Andy**, you're not an editor now. You're a successful writer. Would Scott's or Andy-the-editor's response be good enough? Would you be letting people know online, etc, that it wasn't your fault?

Scott, back to you. Would you be ensuring that the second printing, or trade collection (if there is one) corrects the error? How would that process work and would there be particular attention paid to **ensure** it was corrected?

Chris Weston - Sorry about that. Just as everyone's persuaded that it was a genuine error and that Andy's not at fault in any way, a website reference is brought to your attention by a friend. Someone on the internet has taken a good look at the artwork in the previous issue of **Battle-Lord**. According to this site, this person has discovered lots of references to drugs in the artwork. Various words seem to appear in clouds, in pipe-work, on signs in the issue, etc. 27 separate references in 22 pages, he says.

What's your reaction to this, assuming of course, that you *didn't* deliberately draw the references into the art? Well, other than "this person has **way** too much time on his hands." Would you be taking a look at the original art and comparing it to the online images?

If you thought that it was the inker who drew in the references, would you be on the phone to Scott? And if so, what would you be saying?

Scott - What would *your* reaction be? If Chris denied sticking in those references, and blamed the inker, but the inker says he just inked what was already there, what would you be doing about it?

Chris Francis - Welcome back. You can just see this one coming, can't you? Would you be keeping some of these issues back? For "special" customers? If the story did the rounds and you had your regulars wanting to buy more than one issue, would you be rationing the issue? Or does something like this not really make a difference unless it's *made a difference out of*?

Craig - You're a journalist for an online comics site. You've seen this happen before. In fact, when you think of it, you've seen it happen too many times. Would how you cover it depend upon how big you *wanted* to make the story? How desperately would you be trying to get hold of the original art? Do accidents just happen or is it necessarily a mark of carelessness?

Budgie - You don't get a welcome. After all, you're Head of Finance of Wonder Comics. You're not popular. But you *have* noticed, as have others, that there are a number of such errors occurring recently. Will you have budgeted for mistakes, and if not, how do you pay for them?

Scott - After you've sorted *that* out, you decide to take a five minute sanity break and since an issue of this month's **Previews** is on your desk, you browse through it. Unfortunately, your day's about to get worse. A character whose rights are in dispute between Wonder Comics and another comic book company, Mirror Comics, appears on the cover of a forthcoming issue of Mirror Comics' main book. There's no explicit identification, but it's obvious who the character is intended to be... and the solicitation refers to the civilian identity of the character.

What's your first reaction, Scott? Do you call your legal staff? Do you call the other company? Do you call **Todd**, erm, I mean, the CEO of the other company?

Andy - you worked on the character in your first assignment way back when. Because the character's rights have been in dispute, the character hasn't been published for some years. Would you just be pleased to see it in print again?

Chris Francis - Suppose Mirror Comics announced a mini-series featuring the character, a character that was, in its previous publishing history, very popular. Would you order it, knowing that either (a) the series might not appear, and (b) it might be pulled if Wonder Comics forces the issue?

OK, moving on.

Scott, You've just been promoted to Publisher. Congratulations... I think. First day on the job, there's a knock at the door and your chief legal officer walks in. The character of **Flagman** is now over fifty years old. And the original creator, who's now in his mid-80s, has filed suit for the trademark under the termination provisions of Copyright Law claiming the character back. What's worse is that when researching the paperwork, the lawyer is of the opinion that the character may well have been created other than under work-for-hire. What's your immediate reaction?

Andy - You've been one of the writers that has worked on the character over the years. In fact, under your purview, his powers were changed as was his costume (redesigned by Chris). What's *your* reaction, bearing in mind that the character being published now bears little resemblance to the character as originally created?

So who is responsible for a character's success, **Chris Weston**... the original creator or those who have added to it?

Craig - You're the first person from the media to find out about it. Who would be the first person you called to check the story? *[As with last time, Dave, if it's Scott, get them to play out the phone call and then pounce on whoever seems least satisfied after the call's over....]*

Budgie - you're a fan of **Flagman** and heartily approve of the changes Andy and Wonder Comics have made to the character. In fact, to be honest, when you've read the original stories, by the original creators, you're not that impressed. *(Philistine!)* What do you think should happen, bearing in mind that if the creators were to sue and win, the company would be hurt? Bang goes your other favourite comics? Or are creator rights paramount?

Chris Francis - If the creator wins his case, and Wonder Comics has to relinquish the character, the books he appears in may now cease to exist. How important *can* one book (or series of books) be to *you*? Is there any single series of books that if they ceased just like that could or would hurt you as a retailer?

OK, now for a *major* scenario, nay ambitious, one might even say *epi*... no, best not. **Scott** - one of your predecessor's last projects was to create a new line of comic books, giving new creators a chance to break into the industry. It's been announced to the comics media with, to be honest, varying reactions from pundits, from "no-one genuinely new to comics will

stand a chance of getting something published" to "new creators *need* help to break in these days". What's your view of both reactions?

Anyway, you take a look at the submissions that have come in so far and your immediate reaction to reading them is that they're mostly from writers of fan fiction. What's your thoughts on fan fiction? Ripping off copyright, or a way for new writers to learn their trade?

[Same question to Chris Weston and Andy Diggle]

Budgie - On Earth-Dave, you're one of those who've written fan fiction. Not that you'd do any such thing in real life of course. Tch, of course not. But what do you think of those answers? And as someone trying to break in, are there any lessons to learn from writing *prose* when what you want to do is to write *scripts*?

You get an email from one of the creators currently working on **Flagman** saying that he'd really rather that you didn't write about characters that he's currently writing. How would you respond to him? Would it make a difference if it was a creator-owned character rather than a company owned one?

Craig - you hear about this, that a creator has asked a fanfic writer not to write about "his" character. How would you cover it?

Budgie, back to you. Luckily for you, the creator is going to be at the forthcoming comics convention -- **DAVEWORLD 2004**. Would you seek out the creator to try and discuss it with him?

Andy - You're the creator in question, having sent the email to Budgie and having received his response. Would you want to see him if he asked to meet you?

Chris Weston. You're also at the convention. It's Saturday night. You're tired, you've spent the day doing signings and you're relaxing at the bar, so it's obviously a British convention. Are you permanently "on duty" or would you feel OK telling fans that come up to you with your comics in their hand, "tomorrow, ok?"

Anyway, **Scott**, you shut down the new line in less time than it takes to say the words "Kill Bill..." And that's lucky because that releases production resources just at the right time for Andy to pitch something. For a moment, Andy, let's say that you *haven't* been writing **Battle-Lord**. Instead, you're just about to complete a magnum opus that you've been working on, and self-publishing, for fifteen years. A hundred and eighty issues. And it's done. So what now?

Anyway, what you do next is to come up with an idea that is a million miles away from what's taken up most of your adult life.

So you pitch it to Scott. **Scott** - what would your reaction be to this? What would you be considering when looking at the pitch, if Andy's only written this one project over the past decade and a half.

Oh, don't worry, Andy, you're still relatively sane after fifteen years, by the way. I mean, it's not like it was twenty-seven years and three hundred issues or anything...

Change of pace... for a moment.

Chris Weston - As well as your art for Wonder Comics, you're also pencilling a book for a small independent publisher who's got money problems. You're a bit ticked off because you haven't been paid lately. Excuse after excuse comes, but unfortunately amounts of money don't. Hmm, let's see who on the panel has direct experience in paying suppliers. Hmm...

Budgie - you're the Head of Finance of the company. Not paying creators? Tch. What have you to say for yourself, you loathsome little oik?

While you're blathering and giving out excuses, you get an approach from a potential investor; they're prepared to pump enough funds into the company that will satisfy many of your financial problems.

Andy, Chris - good news, yes?

There's only one small problem, **Budgie**. They don't like a project that you've already announced, by Chris. They have no problem with him as a creator. They just don't like the book. To be precise, they don't like the politics espoused by the main character. In fact they're insisting that as part of the deal, you pull the book. **Budgie** - what do you recommend to the Publisher of the company?

Chris - how do you feel about that? Creative endeavours being dictated by investors? Is that a slippery slope?

Craig - how big a story would that be? Would it depend upon how big Chris is in the industry?

Back to Wonder Comics. The law case is settled and things return to usual in the comics book industry for a couple of months. Chris Weston is now drawing **Battle-Lord** from Andy's scripts. Page 17 of the latest issue has two panels showing **Battle-Lord** spearing his opponent to the wall. Chris, you've played with it but you know the sequence would look and work better artistically as one panel. The only problem is that Andy Diggle has a reputation for *hating* artists changing his work... don't you, **Andy**? How do you deal with it, **Chris**?

Chris - Andy has specified in his script "Scads of blood"; how much detail do you show? Is there a limit? Does it depend upon whether the book is recommended for mature readers?

Chris Francis - You know that parents of some of the youngsters who would usually be the target audience for the book in the store would object to the scene. Would you handle the book differently? Would you bag it? If parents complained, would you give them their money back?

Anyway, the comic sees print and two days later, little 13 year old Brian Stereotype from Chicago spears the schoolyard bully to the fence severely injuring the bully, to the extent that the kid needs hospitalisation. When asked where he got the idea from, Brian says he read it in **Battle-Lord**... **Andy Diggle**, you wrote the comic. Do you feel any responsibility?

Chris Weston - Do *you* feel any responsibility? Should you have shown it in as much detail?

Anyway, the story is picked up by the national press and television on both sides of the Atlantic. **Scott** - the company is being besieged by reporters and you're getting trashed on the news programs. What do you do?

Craig - How can journalists responsibly cover this, getting the information over without sensationalising it?

Andy, for the moment, put yourself in the shoes of the publisher of Wonder Comics' direct competitor in the market. Do you feel any sympathy for Wonder Comics? Or are you gloating?

While this is filling the media, **Scott**, you're invited onto a US daytime talk show to defend comic books. Do you go? If Chris Francis is arrested for selling unsuitable material, do you fund his defence?

OK, one last one to wind up with...

Scott - You're impressed with Andy and Chris's work, so much that you want to sign them to exclusives. What benefits does a company get from having a creator exclusive to them, and how understanding would you be if they had current pitches in with other companies that you'd turned down?

Andy - while negotiations are going on with Scott for your potential exclusive contract, a well known comics website approaches you and asks you to write a weekly column. They know that you're not backwards about coming forwards and what they want is your take on whatever the big comics controversy of the week is. Would you be wary about taking it, knowing that you might have to criticise the company to which you're signed.

Scott - suppose Andy already had the column. It's popular and it raises the profile of Andy. Would you expect him to owe more loyalty to the company that's paying his wages than to take a pop at it even if he believed that it was deserved?

Well, I think that's about it - just time enough to thank **Scott, Chris, Andy, the other Chris, Craig, Budgie** for devising the panel, and of course, you lot for sticking around.

Thank you for flying Earth-Dave. We now return you to your normal Earth. As always, all the good bits were ad-libs by me, and you can blame Budgie for any of the groaners.