



JOHNETTA PAYE ESQUIRE

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# All eyes on the Tupac biopic: How to legally portray celebrities



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IS THE 'INCONVENIENCE FEE' THE ANSWER TO NO PRENUP? MARIAH CAREY MAY MAKE IT THAT WAY



Anyone who has seen the Lifetime biopics about Whitney Houston and Aaliyah knows just how important it is for family and friends to be involved in a project — someone to look out for the credibility of the project. And even with loved ones attached, sometimes there will still be those who are upset about a project connected to a deceased party. (Lil Kim was none-too-thrilled with how she was depicted in the 2009 flick “Notorious,” but Biggie Smalls’ wife Faith Evans and mother Voletta Wallace had their say in the film. Fun fact: Angela Bassett was affiliated with both Houston’s and Biggie’s movies.)



So when news hit that “All Eyez On Me” about fallen hip-hop legend Tupac Shakur would reach theaters soon ([official release date is no longer November 11](#)), the initial response may have been mixed. Anthony Mackie as Tupac in “Notorious” was just flat-out odd. Although Demetrius Shipp Jr. doesn’t quite have the same immediate semblance as Tupac, there are slight similarities that make sense for him to star in “All Eyez On Me.” There was a collective shrug in regard to Marcc Rose playing the role of Tupac in “Straight Outta Compton,” along with the [unlisted actor](#) who played Tupac in “[Surviving Compton](#).”

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Recommended Reading: [“Defamation of character or the straight truth: The legal implications for the ‘Straight Outta Compton’ biopic”](#)

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“The Walking Dead” fans may be ecstatic to learn that Danai Gurira plays the role of Afeni Shakur, but even that’s bittersweet considering the real Afeni Shakur passed away on May 2 of this year before the film hits theaters. However, with Tupac’s mother listed as the executive producer of the film, at least moviegoers can go into the film knowing it got her stamp of approval both legally and morally. And fans of “The Wire” have already given a head nod of approval knowing that Jamie Hector is involved, too. His name is his name, after all.





Screenwriters, directors and producers go through quite a bit to get a film released on screen, both on TV and in theaters, to the public. From the family's permission about representation to the record label's permission to use music, a lot of signatures must be completed before movie production can see the light of day.

Here are a few things entertainment professionals should consider before granting their life rights for a biopic:

A life story agreement allows a filmmaker to make a movie based on someone's life. A person granting life story rights to a filmmaker will want to limit the medium in which this story can be told. For example, the Houston family expressed strong sentiments that Whitney Houston's story should be told on the big screen. However, that didn't happen, and then-husband Bobby Brown also had very little say in the project due to their divorce. Bobbi Kristina, Houston's now-deceased daughter, was also unhappy that she did not get to play the role of her mother. But from a legal standpoint, Bassett, who was the director, and the rest of the production cast were able to get around these requests.

Normally a filmmaker will try to negotiate broad rights so they can make a movie, Broadway play or made-for-television movie on the famous person's life. A life rights agreement also addresses the question of who has creative control of the film and how this may affect the star later in life. For example, NFL defensive lineman, Micheal Orr [alleged the depiction](#) of him in the 2009 film "The Blind Side" hurt his career.

The individual granting life rights should try to negotiate an executive producer role into the agreement. This way, the star (or star's family) can have a larger say about how this person is depicted in the film. At the very least, an individual should try to negotiate a consulting role. This way the celebrity or a loved one can be on set, and provide feedback for the film director and producer to consider. Even if fans (or foes) may not enjoy the production, at least they'll know it was an honest account.

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Have more questions about life right agreements? Contact [J. Paye & Associates](#) today.

*Shamontiel L. Vaughn contributed to this blog. Find out more about her at [Shamontiel.com](#).*

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