

CRAIN'S CHICAGO BUSINESS

February 22, 2019 04:17 PM

Battle erupts over rights to the stage version of 'To Kill a Mockingbird'

Dramatic Publishing in Woodstock is fighting a Broadway producer over the adaptation of the classic novel.

H. LEE MURPHY 



Stephen J. Serio

Chris Sergel III, CEO of Dramatic Publishing

Dramatic Publishing in Woodstock is fighting a Broadway producer over the adaptation of the classic novel.

The new Aaron Sorkin stage adaptation of Harper Lee's novel "To Kill a Mockingbird" had a triumphant debut on Broadway in mid-December, with the cast headlined by Jeff Daniels earning standing ovations, approving reviews and predictions of a long run in New York and on tour around the country.

Chris Sergel III of Woodstock was not applauding.

Sergel is the president and owner of Dramatic Publishing. It was his grandfather, Christopher Sergel Sr., who wrote the original adaptation of "Mockingbird" for the stage some 50 years ago, less than a decade after the landmark novel's 1960 release. Lee herself roundly approved of the work, granting Sergel worldwide rights to license it for performance. It's been performed thousands of times.

Both Sergel Sr. and Lee are now deceased, and the rights to the play title have erupted into a messy dispute, with the Broadway producer, Scott Rudin, now claiming the upper hand. A British production company led by Jonathan Church had planned to open a tour of the Sergel "Mockingbird" this month around Britain, in cities like Birmingham and Edinburgh, before Rudin's representatives threatened legal action, insisting they alone held worldwide rights. Church dropped his plans, and now the future for the Sergel version looks problematic, to say the least.

That's a blow to Woodstock-based Dramatic Publishing, which says each year "To Kill a Mockingbird" is one of the best-selling titles in the firm's catalog of 2,600 plays. "We never claimed to have the rights for Broadway or the West End of London," Sergel says. "In all of our correspondence with Harper Lee herself over the past 30 years, she made it clear she didn't want 'Mockingbird' to go to Broadway anyway. It wasn't intended for that kind of audience. It was intended for the schools and stock companies that we work with."

HEADING TO COURT?

Sergel won't confirm it, but the conflict is likely to end up in court soon. It comes at a momentous time for the play publishing business. The industry has been consolidating, with the nation's biggest publisher, Samuel French, announcing in December that it was being acquired by music giant Concord, which earlier acquired Tams-Witmark and the Rodgers & Hammerstein organization. Sergel has become aggressive himself: Dramatic, founded in Chicago in 1885 by his ancestor Charles Sergel, has acquired four smaller rivals in the past six years, including Anchorage Press in Louisville, Ky.



Julieta Cervantes

Jeff Daniels as Atticus Finch and Gbenga Akinagbe as Tom Robinson in the Broadway production of "To Kill a Mockingbird."

"In the current market, we've been buying rather than selling," says Sergel, 52. "But we have been approached recently by other publishers feeling out our willingness to sell." Dramatic has 20 employees in Woodstock, an exurb with a long theater tradition at the century-old Opera House on the town square where Orson Welles and Paul Newman, among others, have performed. Crain's estimates Dramatic's annual revenue at about \$10 million. It ranks No. 3 in the U.S. in size, after French and Dramatists Play Service, both headquartered in New York.

Rudin could not be reached for comment, and the estate of Lee, who died in 2016, did not return phone calls from its base in Monroeville, Ala. Attorneys who have looked at documents signed by Lee in her final years, when she was ailing, say that Rudin appears to have the advantage.

"It seems that in a new agreement in 2016, Dramatic Publishing's rights were reduced to nonexclusive," says Jordan Greenberger, an intellectual property lawyer in New York. "But we don't know exactly how far Dramatic's rights extend right now."

Rudin has said that as long as the potential for a tour exists, he doesn't want any other productions playing close to big cities. Joshua Simmons, a lawyer in the New York office of Kirkland & Ellis, notes that "Mr. Rudin in his contract does acknowledge the existence of a prior contract held by Dramatic. In theater today it's important to understand exactly what rights you hold. Disputes do come up."

For now, Sergel is falling back on some of Dramatic's other bestsellers, including the musical version of "A Christmas Story," a show that has played in both small and big theaters, including Broadway. There are also such titles as "12 Angry Men" and "Animal Farm," along with adaptations of Sherlock Holmes mysteries, long out of copyright.

"Dramatic Publishing has been very good over the years at scooping up the rights to so many literary classics, like 'Mockingbird,' and we've admired them for that," says Debra Fendrich, executive editor at rival Pioneer Drama Service in Englewood, Colo. "Their history gives them an advantage. Schoolteachers have been working with them for generations."

There is the possibility that the "Mockingbird" version penned by Sergel Sr., a prolific playwright before he died in 1993, might prove to have more lasting appeal in the end. The Sorkin version was publicly criticized by the Lee estate, which a year ago threatened to hold up the Broadway show's opening before Rudin filed suit. The Lee estate eventually backed off on most of its objections.

Don Gingold, president of the Summer Place community theater in Naperville, now in its 53rd year, had a small role in the "To Kill a Mockingbird" play the group staged more than a decade ago. "It was a very good adaptation, and well-received," Gingold recalls. "I hope it doesn't go out of circulation and disappear."

Inline Play

Source URL: <https://www.chicagobusiness.com/news/battle-erupts-over-rights-stage-version-kill-mockingbird>