



Working with Models

127

FINDING MODELS

Finding a sitter is essentially a casting process. Even in a portrait, you're telling a kind of story, and not everyone can express the qualities that you're looking to show. Thus, it helps to be clear about what you're looking for, and be selective. Some photographers prefer novices or amateurs, because they haven't developed ingrained habits and preconceived notions about how to model. Sometimes new models can bring a little nervous energy to a shoot that can be good for the images.

One of the simplest ways to find models is to join a networking web site and build a profile with a portfolio of your images. Many sites have a free membership option and make this easy to do. Sites such as ModelMayhem.com, OneModelPlace.com, and Book.fr are specific to modeling, while others such as deviantART.com are

8

broader, but still have an artistic focus. Sites like Facebook and MySpace are broader still. Finally, sites such as meetup.com have interest groups organized around activities like photography or modeling. On Craigslist, you can find listings by models who want to build their portfolios, and you can place your own listings. It is not uncommon for these listings to include links to a portfolio page.

Whatever online presence you establish, you will find that prospecting for people to work with is not a passive process. No matter how good your photos are, people are not likely to just show up asking to be photographed, at least not until you have a lot of friends and links to lots of other profiles. It's best to make a habit of browsing the site from time to time to make new contacts. Some sites allow you to search for models within a certain number of miles, and some allow you to search by criteria such as models who pose for art nudes.

There is a certain etiquette to having an online presence. If you see someone online that you're interested in working with, it's helpful to give some indication of what you like about that person's modeling. Most of the sites allow you to leave public comments on the images themselves. They also have some sort of private message mechanism. Some have something akin to the friends feature on MySpace. It's a good idea to post a comment or establish some other communication with the model before you send a friend request.

What you see is not necessarily what you get. Operating through the networking sites can put you in touch with a lot of models fast, but that doesn't mean that you'll get the best results. Expect no-shows, last-minute cancellations, and awkward novices among the good connections. You may get in touch with a model who seems enthusiastic to work with you at the start, but somehow never manages to schedule a shoot. Other seemingly good prospects will

just delete their profiles without notice, leaving you with no way to keep in touch with them.

Web sites are not the only way to network. Finding sitters through your own social circles can often put you in touch with more interesting people who will even afford you a certain amount of trust up front. You can literally meet subjects in a coffee shop or a bar. Justine Kurland, who has made a name for herself making photographs of earthy mothers in wilderness settings, describes prospecting for subjects this way: "I hang out in health food stores and playgrounds with a box of prints and talk to strangers, try to show them pictures, tell them what it's about. The ones who believe in the vision are the ones who come." (*New York Times*, 2/25/07, "So They All Get Naked and Play, Like Mom Did." www.nytimes.com/2007/02/25/arts/design/25kino.html.)

Modeling agencies understand the value of high-quality photos for their models' portfolios and they often send them out for test shoots. Some test shoot models will agree to do nude or semi-nude shots after the portfolio work is done. The fashion model look isn't what every fine art photographer is looking for, but if it fits your aesthetic, all you need to get started is about a dozen quality samples of your work to show the agencies.

The expectation is that you will shoot some number of photos that they can use in the models' books. If you do great work, you can have access to a large pool of talent that has been vetted and has high professional standards, but if you don't produce images of high enough quality and in a timely fashion, you won't have the opportunity to shoot any more tests with their models.

In larger cities, photographers often arrange meet-'n-greet events and shoot-offs, where you have the opportunity to bring a portfolio, business cards, or leave-behinds, and even your camera. These can be great events for finding new talent to work with, and even for shooting new portfolio images.

A MATTER OF COMFORT, COLLABORATION, AND TRUST

Perhaps the most important thing to be aware of is that your sitter brings expectations to the shoot, and it is important to manage those expectations. If you're offering photos as any part of the compensation for shooting, it's important to get the images to the model in a timely fashion. A kind of negotiation happens whenever you make a picture of someone, and that involves reconciling the image that you want to make with the way that person wants to be seen. You can often see this in play after the shoot. If you give the model the opportunity to select photos for his or her portfolio, very often, he or she will select different photos than you would.

The words "model," "subject," and "sitter" are all somewhat problematic as a way of referring to the person who will be in front of the camera, because each term implies a certain power relationship and almost constrains the nature of the ways in which the person on either side of the camera will think about the collaboration.

In a similar way, we often talk in terms of the model "posing," a concept that has its own built-in limitations. As you read the rest of this chapter, it is hoped that you will take these terms in the most expansive context. A lot of creative juice comes from bending or breaking with the norms. The model does not have to be a plastic figure that strikes poses. Certainly, in the case of a portrait, you're trying to capture some "realistic" aspect of a personality that will communicate visually. In the case of a tableau, the sitter can breathe life into a believable character that you create collaboratively and photograph in the context of a kind of performance. The photographer does not have to play the detached observer, but can operate more like a stage or screen director who gives the actor what they need to elicit the best performance. You can be coach, cheerleader, or provocateur, as well.

A condition of trust is crucial. It's unfortunate that art models, whether they model for drawing studios or photographers, are compelled to protect themselves from predatory behavior. GWC, short for "guy with camera," is a term models have for hacks that use their cameras as a pretense to leer at them naked or to get them into bed. Art history may be full of lore about sexual liaisons between artists and their muses, but it's risky. Bear in mind that word about any transgressions can spread widely and efficiently with the aid of social networking sites.

Some models will want to meet, and some will want to talk on the phone in advance of shooting for the first time. This is often so that they can give you a "sniff test." If you're shooting with a model for the first time, she or he may want to bring someone along for security.

During the shoot, you shouldn't forget that even without clothing, your sitter has a personal space that you don't want to violate. Touching is risky and should be avoided, but if you feel you must touch in a way that gives direction, ask permission, and don't forget that "no" means "no."

Models on some of the networking sites will often post disclaimers like "no pornography" or "tasteful nudes only." These statements are boundary markers, and because everyone defines concepts like pornography and tastefulness differently, it's important to come to an understanding of what your potential model means by that language ahead of time. In the worst case, not doing so could mean a complete waste of time.

It is often useful to show your sitter work samples, sketches, or reference material in advance of shooting, so that they will have an idea of where you are going with your concept, but don't overwhelm them. The British have a lyrical phrase for giving too much information: "you're blinding me with science." You want

to develop a sense of how much information your model wants and needs, and keep them in the loop without overdoing it. Particularly with more conceptual or performance-oriented work, your model may need more background information to strike the right tone, but too much info will probably have the opposite effect.

COMPENSATION

You can expect to negotiate the terms of compensation every time you book a shoot. There are professional art models who make a living from posing, there are hobbyist models who just do it for the love and adventure of it, and there are novice models who hope to be paid well in the future, but need a portfolio to get started. You can expect to pay as much as \$150 per hour or more for high-end models, while some other models just want good pictures out of the deal. Art models often work for schools and drawing or painting sessions at \$25–\$50 per hour, but charge substantially more to be photographed.

Another form of compensation in common use on the networking sites is abbreviated TFCD or TFP. The abbreviations mean time for CD and time for print, respectively, and they are sometimes shortened to TF or TF*. Agency models will often agree to similar arrangements as a test shoot or a trade. The idea is that the model gives his or her time in exchange for images. The phrases mean very different things to different people. If you plan to shoot with these kinds of agreements, you should develop your own clear and consistent set of terms for entering into them, and state your policy before you begin your shoot.

The essence of a TF agreement comes down to the value of your images and time versus the value of the model's time and talent. In valuing your images, you should consider that even if you don't pay out of pocket at the time of

the shoot, there is still some cost associated with each shoot. There are a number of books that devote one or more chapters to assessing your cost of doing business, so we won't go into that here. However, it is important for you to make some determination of the value of your images based in part on your cost of producing work when you develop your TF policy.

Whether you're doing TF or licensing your images to a client, the same pricing considerations should apply. This includes the basic creative fee, any retouching and post-production fees, and licensing fees based on usage. A fair deal works out to parity between what you would charge and what the model would charge. Any model that describes a TF arrangement as "working for free" does not see any value in the photographer's work.

Some models expect to leave a TF shoot with a CD containing every frame that was captured during the session. That is tantamount to using your talents as a photo booth. If you are interested in promoting your work and developing your reputation based on the quality of your images, it's never a good idea to agree to that sort of arrangement. Often, those same models will take your images and edit them. The result can be a bad image that is attributed to you. Some photographers have all models sign a release that stipulates that the images cannot be edited and are licensed to the model only for specific uses, such as self-promotion. We will discuss more on releases shortly.

Consider these figures: in New York, there are a number of portfolio photographers who charge about \$250 to \$500 for a portfolio session. You review the images and pick your favorites. The photographers will in turn do "basic retouching" on a limited number of images, usually four to eight. They charge extra for more involved retouching and for additional finished images. Advanced retouching varies widely in price, but can often go for something

in the range of \$50 per image. Some, but not all, portfolio photographers will also release a CD of all the frames from the shoot in low-resolution web-size files. Typically, the photographers retain the copyright to the photos and only grant the model the right to use the photos for self-promotion and portfolio usage.

Most models who have a pricing policy have a two-hour minimum, and some give a price break for three or more hours. So the model's fees for a three-hour session might range anywhere from \$300 to \$450. That's about parity with the fees for a basic portfolio package including about six images with basic retouching.

Some models maintain portfolios on sites like deviantART, where they have the ability to resell prints. Others may want the option to license the images from a session for a magazine, a book, or a pay site. The economics of each of these scenarios can vary widely, but it is worthwhile to research these media and develop your own pricing policy for licensing these ancillary rights.

RELEASES

U.S. law governing model releases has to do with granting the photographer permission to use a photo for purposes of trade. Specifically, you can't use someone's image in a way that implies that they endorse a product or demonstrate its benefits without their permission in the form of a release.

Editorial use of a person's image, which includes fine art, does not require a release and is protected under the first amendment. However, even though the fine art use of an image may place you on solid legal footing, that doesn't prevent you from having to defend yourself in the event that someone brings a lawsuit over the use of their image. *Nussenzweig v. diCorcia* is a celebrated case that concluded that the fine art use of an image,

even including limited edition sales of prints, is not "for purposes of trade." The case lasted from 2005 through most of 2007, when the New York Court of Appeals ruled in favor of diCorcia. The cost of Philip-Lorca diCorcia's defense had to be enormous. As an established A-list artist, he had the resources of the Pace/MacGill gallery at his disposal, something that most of us do not.

Thus, it's a good idea to have your model sign a release anyway, as a way of having the model acknowledge how the photos might be used. You can get language for your model release from a number of places, including the ASMP (American Society of Media Photographers) web site. The language doesn't vary much between the different sources.

You may also encounter models (usually early in their careers) who want you to sign a release form that they have prepared, in addition to your own. It is likely that the document contains stipulations about how you can use the photos. It is probably not a good idea to sign such documents. Maybe you can amend your own release to address any concerns the model may have; otherwise, it's best to walk away from such arrangements.

COPYRIGHT

Standard model releases only contain language about the photographer's use of the image. It is a good idea to add language to the release or have the model sign a second document that makes it clear that you are the copyright holder and stipulates the usage rights granted to the model. Many photographers state that the model has the right to use the photos for self-promotion only, and even stipulate that the images cannot be edited.

Some models believe that they are the author or co-author of a photo, based either on the fact that their likeness appears in the image, or on the degree of collaboration in creating the idea.

It is important to recognize that copyright law is designed to protect the unique expression of the idea and not the idea itself, and that it automatically recognizes the copyright as belonging to the photographer from the moment the exposure is made.

If you feel generous and want to declare that you and the model jointly own the copyright, you can, but joint ownership means that either party can do whatever they like with the image, without securing the permission of the other, and without sharing in any benefits of that usage. Instead of joint copyright, you might consider retaining the copyright and granting broad but specific usage rights to the model instead.

What if your copyright is infringed? Even though copyright is automatically granted, you can't recover much in the way of damages unless you register your images. The easiest and most economical way to register is in bulk, before the images are published. Your pictures should always run with a copyright notice that reads

© + year of first publication + your name. This format is recognized internationally. Be sure to use the copyright symbol—circle c—not parentheses (c).

2257 REGULATIONS

If the work you undertake is of a sexual nature, there is one other legal matter that warrants attention. Imagery that depicts “sexually explicit conduct,” whether it’s real or simulated, including masturbation and “lascivious exhibition of the genitals or pubic area” falls under the regulation of the United States Code, Title 18, Section 2257. You will need to maintain records documenting the age and names of the performers at the time the imagery was made.

The vast majority of nude art, and even erotic art photography, is not affected by this code, but these regulations are in a constant state of flux, and it is a good idea for the erotic artist to keep an eye on the latest developments.