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Leaked Movie Trailer and a Confidentiality Agreement

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Jessica Silliman

Luke Cavanaugh was an assistant editor at a large-scale, Los Angeles-based company which produced movie trailers, television spots and other promotional material. As assistant editor, Luke's main responsibility was to take the "editor's cut" of a film and break it down to get it ready for promotional distribution and sound mixing.

Luke's job dealt heavily with confidentiality. Friends and family members would often ask him for "the dirt" on the latest releases, especially with large-scale Hollywood productions. Because of these external factors, Luke and all other employees of the production company were forced to sign confidentiality agreements at the beginning of employment. If these agreements were breached, the employee could be terminated and legally prosecuted.

The company had suffered from "leaks" in the past that resulted in harmful consequences such as lawsuits by the affected production companies. Most recently, Luke worked on the trailer for a highly anticipated third film of a trilogy. Hollywood and its many fans were itching

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"I would undoubtedly choose not to do something like this-not just because it's unethical-but because I could get fired," he said.

Even with the tight security, Luke arrived at work one morning to find that his trailer had leaked onto the Internet and was available on fan websites and blogs. The trailer had already been passed for inspection to other employees, so it was impossible to determine where the leak originated. Luke worried about the security of his job-although this leak wasn't his fault, he feared repercussions from the filmmaker and producers who entrusted him with their movie.

To his surprise, the leaked version of the trailer inspired a cult following in advance of the upcoming release. Instead of hurting sales and revealing secrets, the leaked trailer drew a bigger crowd than expected and sparked unintentional advertising via the Internet.

"I take the confidentiality agreements seriously-anyone in this industry has to," said Luke. "I don't know who leaked the video, but I'm lucky that it helped the movie. If it hadn't, I would have faced a lot of pressure from those above me and struggled to regain their trust."

Discussion Questions:

- Do you think it would be wrong for Luke to share information about coming releases with friends and family? Why or why not?
- What are acceptable and unacceptable requirements of a confidentiality agreement with an employee?
- Was it wrong for Luke's unknown fellow employee to release the trailer, even if it resulted in increased publicity for the movie?
- What precedent is this situation setting by not investigating the leak?
- What is the harm in a leaked trailer?

Jessica Silliman was a 2006-07 Hackworth Fellow at The Markkula Center for Applied Ethics.

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