

DEAR ZACHARY

A Slow Q&A for Non-Fiction Addiction

How close did you come to giving up on the film and who/what inspired you to keep going?

I originally started this film before I even knew there was going to be a Zachary, so my original intention was just to make a memory album about Andrew for friends, family and recipients of the scholarship funds named in his honor. Once I learned that Andrew was going to have a son, the project became even more special to me because it would be the best way to introduce the little boy to his father, so that became my primary focus -- so when Zachary was killed, my enthusiasm for it died for awhile; I knew that friends and family still wanted a memory album of Andrew - and that I should probably eventually finish putting that together - but the urgency was gone and it was hard to muster up the enthusiasm to continue shooting interviews for the old reasons when I'd had a much stronger motivating purpose driving me for the previous year. Within in a year, I decided that if I was going to finish this, I'd better get on it before everyone's memories were lost to time, so I hit the road again the following summer to continue shooting...and it was on that trip that I learned that Andrew's father David was writing a book about what happened as an argument for change to Canada's bail code. When I found that out, I suddenly realized that I had a responsibility to do the same, to finish the movie I had started, but to rework it into something that would emotionally involve strangers and make them want to write Parliament in support of legal change. That gave me a renewed sense of purpose about the project.

Did making the film feel like a burden at any point? Peronally/emotionally as well as the burden of asking people close to you to talk about something so emotional?

Making the film never felt like a burden; it was actually a lot of fun, because the majority of the process was me driving around the continent, meeting up with Andrew's friends and sharing memories of him. The only part where I did feel a bit weighted down was when the film was near completion and, because I had

done a pre-Kickstarter version of crowdfunding to raise finishing funds in 2006/2007, hundreds of people knew that I was submitting an early cut of the film to the Toronto International Film Festival, which seemed like a natural place to target for a premiere given that it was a Canadian story -- and, of course, everyone expected it to get in because of the subject matter. So when TIFF rejected the film, I had to tell everyone -- and remember, no one has seen a frame of the movie at this point, so while no one said it, I had the feeling that people were wondering if I hadn't done a good enough job. When the film premiered at Slamdance four months later to terrific reviews and a quick sale, I felt vindicated...but for about four months there, I felt like hiding from everyone. The lesson here: don't tell people what festival you're targeting for a premiere. Don't put yourself in the position of having to announce rejections, only announce triumphs, it's much nicer. :)

To what extent was Dear Zachary cathartic for you? Did it (and the passing of Zachary's Bill) help you make some sense of what happened to Zachary and Andrew?

I felt "fortunate" among Andrew's surviving friends because making this movie gave me something I could actively do to help make things perhaps somewhat better; I honestly think that the reason I didn't need any therapy to get through this ordeal is because I made this film. It didn't help me make sense of it per se, but it did give me a feeling of being useful. When tragedy strikes, a lot of people get lost in asking why and looking for a reason; you're never going to find a reason that makes what happened okay, so instead of asking why, my response was to say, "Now that this horrible thing has happened, what can I do about it?" The thing that made me happiest was seeing audiences give Kate & David standing ovations at screenings, then seeing people line up to hug them afterward. You can't bring back the dead, but what I hope the film did is cause more love to be sent their way, which is the only force with the potential to heal.

Were you surprised by the reception for the film - that people were enthusiastic and wanted to champion it despite its subject matter?

When I tested early cuts of the film, I received some feedback to the effect that there was too much in it about the family and Andrew, and that I should cut that

stuff back and just focus on the crime story; I ignored those comments because that wasn't the film I wanted to make. I wanted to make you feel like you knew Andrew, Kate & David, I wanted this to be one of the first crime documentaries in which you came away remembering the victim's name but you might not remember the killer's name....but those comments did give me pause to wonder if I was going to be boring people who didn't know Andrew with this movie. What those comments did get me to do is to work hard to strike what I hope is an even balance between the "memory album" material while keeping the story of the criminal case moving forward...but I was nervous going into the first public screenings, as I wasn't sure if people were going to lambast me for making a self-indulgent movie about my friend. I knew it was powerful and I thought we had a good chance of getting people riled up enough to write letters to Parliament advocating bail reform, but I honestly had no idea what to expect from the press and was surprised by the intensity of the response from strangers...though honestly, I was just thrilled that the majority opinion was positive and that no one found it boring.

You said in interviews around the time DZ came out that your main interest was around fiction but you seem to be drawn back to docs - why do you think that is?

It's still true that fiction is my primary area of interest, and right after the release of "Dear Zachary", I wrote and directed a fiction feature film called "Shuffle" starring my friend TJ Thyne (one of the stars of the TV show "Bones"), which had a great run on the festival circuit, won a dozen awards, got good reviews, had a smaller-than-I-would-have-liked release in 2012 and I was hired to write a stage musical immediately following that...and I'm working every day presently to get the next one going, writing constantly. I'm actually not a huge documentary watcher, it's just not what I'm drawn to as a moviegoer. But people keep offering me documentary work and one has to eat, though I'll only take it if it's a project I'm excited about, with which I would be proud to be associated and on which I think I can genuinely bring something to it.

How did you get involved with the Batkid Begins story, and do you think that movie and Dear Zachary are connected in any way?

I got an email exactly one year ago this week from my friend Dana Nachman with the subject line: "Want to edit my movie???" Dana had been shooting interviews and b-roll for a documentary about the whole Batkid phenomenon for about 6 months at that point, she'd had two different editors fall out on her and she contractually had to deliver a cut within three months for the Sundance submission deadline. I'd heard about Batkid the day it happened, but wasn't that familiar with it, so I read up on it and realized, "Oh -- this is a real life Frank Capra movie. It's 'It's a Wonderful Life' with real people." That put the film right up my alley, as almost everything I've ever done (including, in my opinion, "Dear Zachary") is a riff on "It's a Wonderful Life" ("Shuffle" literally won the Frank Capra Award from Capra's family in 2013). So I read Dana's script, watched every frame of footage, then told her I understood and liked the structure she had laid out, but that I wanted to "toss the salad up in the air" a bit and try my own approach to the telling of it within that framework...and fortunately for me, she liked what I did, so that's how we arrived at sharing writing credit on the film. I totally fell in love with it, became obsessed with it and ended up also doing the sound design, the music editing, some additional shooting, there's a few minutes of my music in the movie, etc. It's the most involved I've ever become in a film I didn't initiate. It didn't occur to me while making it that "Batkid Begins" and "Dear Zachary" were connected in any way, though two of the first reviews - by Erik Davis of Fandango and Erik Childress of RogerEbert.com, both of whom were huge champions of "Dear Zachary" - pointed out that the films were mirror images in a way, since "Dear Zachary" tells the story of a child who faces adversity and is tragically taken, but "Batkid Begins" tells the story of a child who faces adversity and lives...and that both films are also a celebration of the importance of being a great parent. But it took those two gentlemen to point that out to me, it literally never occurred to me while working on the movie.

And what everyone wants know...

- How are Kate and David now?

Kate and David are doing well, they're living in Northern California and they have the busiest social calendar of anyone I know in their age group; their days are filled with seeing friends, traveling, seeing family, etc. They're Godparents to one of my nephews. I see them at least 6 times a year, when I go back home to the Bay Area for various events (I live in Los Angeles). They came to the San Jose premiere of "Batkid Begins" on opening night of Cinequest, my hometown film

festival. Having said that they're doing well, they despise the word "closure" - they've said repeatedly there's no such thing - so the loss is still with them every day, though they don't tend to dwell on it in conversation. So they're as well as can be expected, but what happened will never go away.

And last quick one:

- What's next for you after Batkid?

I'm working away presently to get a script I wrote in January/February of this year up and running while simultaneously writing a new one. I've also just been offered another documentary to direct, about a subject I really love, so I'm working with them presently to see if we can work out a schedule that will enable me to do it on a timetable that works for them that will also allow me the flexibility to do these fiction projects simultaneously. Hopefully I'll get to do all of them! :)

Did you ever feel tempted to delve into Shirley's own story? The "why" of how she became who she was?

No, I was never tempted to delve into the killer's psychology for two reasons: a) the movie is subtitled "a letter to a son about his father", not "a letter to a son about his parents", so Andrew was always my focus. b) I think our culture has an unhealthy fascination with wanting to peer inside the minds of killers. You literally see that kind of thing everywhere. It makes me crazy because the attention has the effect of glorifying the murderer even if that's not the intention. If you watch the majority of those kinds of true crime documentaries, most people come away knowing everything about the killer...there are a lot of well known serial killers, but almost no one could give the names of their victims. To me, that has the net effect of turning the murderer into a de facto celebrity while devaluing the life of the person who should be celebrated, the victim that was taken from us unjustly. I wanted to balance the scales a bit with this movie and give the attention to the victim, so I made a very conscious decision to only include information about her that was absolutely necessary to telling the story, to give you all the information that the Canadian government had

about her and failed to act upon, so that you could form an informed opinion about the government's behavior given everything that was known about her (and write letters if you didn't feel they'd acted appropriately). But I didn't want to revel in how her mind worked, I'm not interested. Everyone's responsible for their own choices and there's no excuse for murdering two innocent people. But I was very interested in exploring the fact that the Canadian government let an accused first degree murderer walk free on bail while awaiting trial, leaving her free to commit a second murder.