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# Novelists' Ink

*The official newsletter of Novelists, Inc. — a professional organization for writers of popular fiction*

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## *To Audit or not to Audit: Questioning the Paymaster*

By PAUL ROSENZWEIG

I

was asked to explain how we conduct royalty reviews, but there's a more important clarification that must precede such an explanation. *A bad contract can never be improved by calling for a royalty review.*

Seems rather obvious to some, but there are many authors who have discovered that statement's applicability—to their dismay.

There has been much written about contract clauses that are detrimental to an author's interests, and most of the published commentary that I have seen relates to manuscript acceptance, option clauses and exclusivity. Many other clauses operate to the author's disadvantage, and I will discuss a number of those, as they relate to royalty calculations.

Royalty Review Service has examined the royalty statements and contracts of several hundred titles, and recovered millions of dollars for authors and/or copyright owners, just in the last five years. I have worked in publishing for 35 years, most of it as a financial manager with a num-

ber of publishers, at almost all times with the royalty departments reporting to me. The juxtaposition of roles gives RRS a unique view of the authors' positions vis à vis their royalty statements. All royalty statements are *not* alike, nor are there as many consistencies among authors' contracts for, say, textbooks as for romance novels. Let's look at the consistencies first:

A) All royalty statements are constructed to be as non-informative as possible, obfuscating as many facts as possible.

B) While the author has the right to examine the publisher's records as it relates to his or her titles whether or not it is expressly stated in the contract, publishers often attempt to limit that right, as part of granting it in the contract.

C) Every clause in the publisher's "boilerplate" contract directly affects the author, and one can assume, since the contract was drawn up by the publisher, the benefit rarely is the author's.

D) Lawyers say that an attorney who represents him- or herself has a fool for a client. If you accept that, what does it suggest about an author who negotiates his or her own contract without professional assistance?

E) Every boilerplate clause is negotiable. How much the publisher will "give" is directly related to the author's and/or the author's representative's knowledge and clout.

Let's talk about your royalty statements. As I said above, they're never informative, so you have to build your own defensive strategy to manage and track these semi-annual missives. Authors are

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## PRESIDENT'S COLUMN

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oals. Who need's 'em?

I never thought I did, or at least I'd never thought much about them at all until last September when I spoke at a writer's workshop sponsored by Pennwriters. Although I was there to share my expertise, I probably learned more than any of the aspiring writers present. (Don't you love when that happens?) What I learned came from one of the other speakers, Susan Meier, who spoke about setting goals, establishing priorities and managing time.

I already do pretty well on the last two, and as I said, I never thought I needed to do the first one. When I sold my first book in 1984, writing was something I still did for the joy of it, and quite frankly, I would have paid the publisher for the privilege of seeing my work in print. The idea that the publisher was willing to pay me instead, even such a piddling amount, was so wondrous that I never really thought about the future or considered the possibility that I should plan for it. Naively, I believed that if I worked hard and published lots of books, success and bestsellerdom would come as my eventual due.

Hah.

Certainly, we all know better than that now. In publishing, as in all the arts, success depends on many factors, sometimes the least of which is the talent of the artist. And certainly it never depends on how deserving the artist happens to be. But we all already know that, don't we, so what did I learn at this workshop? I learned that not only are goals important, they are vital to success.

Susan spoke at length on the subject, but one particular example she used illustrates this main point. She said that Olympic athletes who had set themselves the goal of making the Olympic team did poorly in the actual Olympic competition. On the other hand, athletes who had set themselves the goal of winning a gold medal did very well in the competition. Too many of us, I think, had merely set ourselves the goal of getting published, and once we reached that goal, we had nothing else for which to strive.

I know this is true in my case. I also know why. Setting a goal is difficult. And scary. What if I set the goal of making the best-seller list in five years, and I don't make it? I'll be a failure, won't I? Well, hardly. No more a failure than if I don't set the goal and still don't make it. One thing is for sure, however: if I don't set that goal—or at least some goal—I won't ever achieve it. How, I am now asking myself, will I know I have arrived unless I know where I want to go?

If this is true for writers, it is doubly true for writers' organizations. Novelists, Inc. has accomplished a lot in its first six years, and one of our most important accomplishments is defining who we are. I believe the time has come now for us to begin defining what we intend to do as an organization.

Toward this end, I have asked the current board and the Advisory Council to help me prepare a long-range plan for Novelists, Inc. which will define our exact goals for the future. Once we know what those goals are, we can plan projects that will further

those goals and help us reach them. And once we know what those goals are, we will truly know who and what Novelists, Inc. is and where we are going, so that when we get there, we—and everyone in publishing—will know it.

As always, we welcome member input into this process, so if you have any ideas or suggestions for where you would like NINC to be in, say, five years or so, please let me know. You may contact me via phone, mail, fax or e-mail at the addresses on the masthead. And you might also want to think about some goals for your own career. Like me, you may want to start modestly—not with making the *NY Times* list, but perhaps with just selling a certain number of books this year or moving up on your publisher's list or doing a special project.

"Success" means different things to different people, but we can all experience our own version. Let's make 1996 our year.

— Victoria Thompson

**Members:** To obtain a copy of the full minutes of the Board of Directors' meeting, send \$2 plus SASE to the P.O. Box. For an updated copy of the Bylaws, send \$2 plus SASE. For a copy of the Treasurer's Report, send \$1 plus SASE to the P.O. Box

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## LETTERS TO THE EDITOR

**Letters to the Editor** is the most important column in our newsletter, since it is the monthly forum in which we can all share our views and express our opinions. Anonymous letters will never be published in NINK. Upon the author's request, signed letters may be published as "Name Withheld." In the interest of fairness and in the belief that more can be accomplished by writers and publishers talking with one another rather than about each other, when a letter addresses the policies of a particular publisher, the house in question may be invited to respond in the same issue. Letters may be edited for length or NINK style. Letters may be sent to the NINK editor via mail, fax or e-mail. See masthead for addresses.

### A Wonderful Town...

I agree completely with Patty Gardner Evans. (1) Let's hire a conference planner, (2) Let's get out of the Warwick-type hotels which are a pain in the rear and embarrassing as well, (3) Let's move to New York this year and (4) Let's consider having one or two permanent sites for future conferences, probably New York and Los Angeles/San Francisco.

How can we move toward these basic goals? Take a vote to see where the members stand? Can this be done quickly? In time to move the 1996 conference to New York? Can the president take a poll and make a decision?

Please, this is important. Let's not continue to sit on our hands, complain, write more letters and perhaps appoint a committee next fall to look into this. Let's do it now.

Go, Victoria, go. Enough is enough.

— Catherine Coulter

As a NINC member who has attended the last three conferences, I say "Yes, yes, yes" to Patty Gardner Evans's letter. Yes to better hotels, yes to hiring a professional

planner—it's an enormous job, I'm sure—and, most of all, yes to putting the conference in New York regularly. Repeat after me—New York is where the editors are. New York is where you can see your editor(s) even if they don't attend the conference. (Of course, we hope they will, but they're not all going to come; in New York City, we'd probably have more in attendance.) I would be delighted to rotate between the Big Apple, the West Coast—preferably California—and San Antonio.

— Cheryl Zach

**Editor's Note:** The Board of Directors voted at their January meeting to hire a professional conference planner to plan the 1996 conference and to help us site for future conferences. Although it is possible for us to get out of our 1996 contract with the Baltimore hotel, it is NOT possible for us to get into a hotel in New York City on such short notice. The Site Committee will be siting New York for either 1997 or 1998, and we will schedule a conference there as soon as it is feasible to do so. We will keep the members updated on the situation as it develops.

### Resnick Rules

When I got my January *NINK*, I suddenly realized something. If I had to pick the ten best articles we've had over the years, I think half of them were written by Laura Resnick. They're always well-researched, of cross-genre interest and well-written. Many thanks to Laura—again.

— Janice Young Brooks

**"Writing is so difficult that I often feel that writers, having had their hell on earth, will escape all punishment hereafter."**

Jessamyn West

# Questioning the Paymaster

(Continued from page 1)

not expected to be bookkeepers, but the vagaries of royalty statements demand that you monitor every entry on the royalty statements. We recommend that authors learn to track their royalty statements via computer spreadsheets. If your revenue stream permits you to pay someone to do it for you, congratulations. But that's not to condone giving them to your CPA at tax time and asking

## **We perform a preliminary "smell test" on the author's contract and most recent three years' royalty statements.**

him or her to "see if everything's OK." I mean an almost contemporaneous recording.

Every line item on your statement must be related to a clause in your contract. Every time a new category shows up in your statements, find the applicable clause in your contract. If you

can't find the clause, call the publisher and have the correct reference pointed out to you. If you don't understand the explanation, confess your lack of comprehension and ask for the explanation in writing; you can even volunteer that you don't want to tie up their valuable time trying to explain it to you in a telephone conversation. If the publisher's explanation remains incomprehensible, ask for help from Novelists, Inc. or other author groups of which you are a member.

I can't even assume that every author routinely verifies such mundane items as:

*Is the amount of advance on the statement the amount I received?*

*Are the royalty rates on the statement the same as those in my contract?*

*Is the balance forward from the last statement the same as the opening balance on the new statement?*

Once you start recording statement details on a computer spreadsheet, certain information should be calculated, not copied. If the royalty rate is 8%, the cover price \$5.99 and the number of net copies sold is 22,498, your computer should be making the calculation extending the royalty as \$10,781.04 and adding that amount to all the others on the statement. Your computer should likewise be summing cumulative number of books in each category (checking the publisher's escalation break points), verifying the addition of royalties on the statement, tracking the reserves for returns as well as the carry-forward balance from the previous statement. I recently called a romance author, at the suggestion of a client, to inquire about a

particular royalty practice at a publisher. Before she responded to my question, what I heard was "Pardon me while I exit WordPerfect and call up Lotus. I track the royalty history of my 37 titles in Lotus." She answered one of my questions and admitted that she hadn't been analyzing one point that I was interested in; she said she was going to look into that facet as soon as she delivered the manuscript that was soon due.

I know many authors who routinely ask for at least one copy of every edition of their works (domestic and foreign), regardless of whether their contracts call for the publisher to supply such copies. Obviously, if such a clause isn't in your contract, make sure to demand it in your next negotiation; it's a painless concession on the publisher's part. Many authors have discovered unreported editions of their works after visiting bookstores while vacationing, again, domestic and foreign. If readers tell you about reading your titles, ask careful questions about price, edition and language. One of our clients admitted to autographing a copy of one of her own books in a translation she wasn't previously aware of; to this day, she's kicking herself for not stopping to get a copy of the cover, copyright and title page, since the publisher still insists no such authorized edition was ever issued.

Because most of our assignments are done on a contingency basis, we perform a preliminary "smell test" on the author's contract and most recent three years' royalty statements, before even signing a contract with the author for our services. The potential assignment is deemed to have flunked the "smell test" when most of

**Unfortunately, many authors have allowed unreasonably short "lookback" clauses in their publishing contracts.**

the following questions are answered in the negative:

*Are all the titles listed?*

*Is each edition of every title listed?*

*Is there a new price point; have the reserves on the old price point been relieved?*

*Are foreign sales at very low average selling prices?*

*Are returns higher than industry norms or out of line with the author's other titles?*

*Are titles properly segregated according to contract terms and are royalty rates correct?*

*If the contract calls for step rates (escalation), are they in use on the statement and are they correctly applied?*

Usually, we do not undertake the "smell test" if the

author hasn't earned out the advance, since our fee is generally based on the additional amounts credited to the author as the result of our review; if the balance remains unearned, where will the author get the funds to pay our fee? Because we have done reviews for authors at so many publishers, we have customized templates for recording

**No client has ever been stigmatized by his/her publisher.**

the royalty details by publisher, since so few similarities exist among the various publishers' statement formats. Unfortunately, many authors have allowed unreasonably short "lookback" clauses in their publishing contracts. If your contract contains a clause similar to the following, the probability of collecting enough to justify any fee is slim:

*Statements rendered hereunder shall be final and binding upon Author unless objected to in writing, setting forth the specific objections thereto and the basis for such objections, within one (1) year after the statement was rendered.*

Here again, we have seen authors' contracts where the offending lookback clauses have been removed, and termi-

nology making the publisher responsible for reimbursing our fee if the additional amount paid to the author exceeds 5% (or 10%) of the amounts previously paid has been added.

In the total galaxy of authors, few exercise their right to review the publisher's books and records. The number is growing, we believe partly because of our efforts, and no client has ever been stigmatized by his/her publisher. Most publishers recognize that authors who have retained professionals to review their royalty accounts are acting as any prudent business person should. Royalty Review Service, as advocates for our client authors, still respects the publishers' need to conduct their business professionally, and our industry experience always recognizes that disturbing a continuing author/publisher relationship is not desirable. **NINK**

*Paul Rosenzweig, president of Royalty Review Service, Inc. since 1993, is a licensed CPA. During his career he's supervised the accounting departments of three separate publishing houses. Royalty Review Service is located at 270 Madison Ave., Suite 1207, New York NY 10016. Telephone: 212-213-6673. Fax: 212-213-6675.*

## Author's Registry Being Compiled

**O**ne of the most lucrative sources of income to a writer can be foreign rights. Unfortunately, much of this money frequently goes unclaimed—or the rights remain unsold—because foreign publishers have no way of finding and contacting American authors.

As a result of the work of the Author's Coalition, of which Novelists, Inc. is a member, a registry is being compiled of American authors, and NINC members are being invited to register free of charge.

The non-profit Author's Registry will provide three distinct services. First, it will provide an extensive directory of authors, with contact addresses, phone numbers, fax numbers and e-mail addresses. They expect authors will list their agents as contacts so that a company seeking to acquire foreign rights

can direct its inquiry to the registry and receive appropriate contact information.

The registry will provide only the information you permit it to provide. Second, the Registry will collect and distribute royalties for uses of some subsidiary rights, such as electronic use of articles. Third, the Registry plans to act as a non-exclusive licensor of author-controlled rights. Author participation in the second and third activities is, of course, optional, even if they choose to be listed in the Registry.

Some of our members may already be listed with the Registry through another organization to which they belong, but those who are not are urged to fill out the registration form inserted into the center of the newsletter and return it to the NINC PO Box immediately. Don't miss out on this opportunity.

# One Agent's Point of View

By ETHAN ELLENBERG

**I**'m grateful to *Novelists' Ink* for inviting me to write this article. It's a unique opportunity to pass on what I consider to be important information and to make my views known on a number of important issues.

As you might easily surmise, after 11 years as an agent, I have strong feelings about a lot of things that happen in this business.

Let me start by saying that despite the fact that all agents essentially do the same work, it's hard to make generalizations. There are a host of particulars that affect what any one agent will do for you, the client. Is the agent just starting out or concluding a long career? Do they have one or two clients that dominate their list, or are they scrupulous about making certain all their clients receive a basic level of service? Are they expanding their list or shrinking it? Are they genuinely interested in your book or genre, or do they view you as a marginal client? Are they generally passive or aggressive, focused on individual sales or career-oriented, easy to work with or prickly and difficult?

These are the human factors that go into every profession and every small business. I want to highlight them because too often in the discussions of "what agents do" and "what agents are like," they are neglected. There is no generic, one-size-fits-all agent. There is a stereotype of the agent in our culture—the double-dealing shark, part con man, part crook, and if you're ambitious and crooked enough, the shark you want on your side. Perhaps this stereotype fits a few agents in our business, but I have to say for the most part, it does not. Nevertheless, I have been told by prospective clients

***I have been told by prospective clients "I want a shark, I want someone who will kill for me."***

"I want a shark; I want someone who will kill for me," and I suspect all of us can come up with a couple of names of agents whose particular rap is "Fire your sissy agent; that was fine when you were nobody, now it's time for a big shot to take over" or words to such effect.

That said, what services should every author expect a literary agent to provide? I normally cite three basic areas: editorial, sales/marketing and expertise.

I'm still amazed when I hear authors tell me their agent provides no editorial services whatsoever, that their

job is just to "sell." Even with an established author, is it really possible to do a good marketing job without knowing what the "product" is? Is the book a breakout for the author or a misfire? Does it belong with the author's current publisher or will a different publisher value it more highly? Is it so flawed that it simply can't be sold in the condition it's in, or is it so wonderful it's time to demand ten times what the author has customarily received before?

These are the questions that always occur to me when I hear someone say my agent only does sales. Here is the kind of editorial work I usually provide and that I think is essential:

I think your agent should read and evaluate your work.

I think your agent should have a sense of what your strengths and weaknesses are and how you fit into the market.

I think your agent should have a sense of where you're going as a writer and what your dreams are.

I almost never actually edit a manuscript. That is not the work I'm talking about. That is your editor's job. But if the book or proposal is not in sellable condition, it needs to be fixed before it is seen by an editor. In today's marketplace, where editors are under more pressure than ever to buy manuscripts in the best possible condition, it's essential your work be ready for sale. Obvious flaws in the narrative or plot, weak characters that can be strengthened, this work must be done before it is shopped around. With genre authors I'll often help choose the best proposal out of two or three. With suspense novelists, we'll often brainstorm plot ideas so that the author doesn't waste his or her time working up a plot line that I know most editors think is passé. I'll skip the war stories to illustrate these points; every one is based on my own experience and my own successes following these guidelines. I often receive work that is perfect and ready to be sold. That's my favorite experience, but if that is not the case, the agent must provide some support to alleviate that situation.

The second area I always cite is sales/marketing. This is what writers normally consider the essence of being an agent. I don't disagree. Most writers don't want to market themselves and probably wouldn't do a good job if they did. We agents are sales people. We know who's buying

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what, for what price and often how well they do with it when it's published. We have relationships with editors and publishing houses that get manuscripts considered more seriously and more quickly than if they are marketed solely by the author. Using Hollywood, foreign markets, etc., sometimes we can seriously affect the way a property is perceived and bought in New York. We're often skilled negotiators who can maximize your income and protect your interests when terms are settled. All authors should expect their work to be smartly marketed and sold at the best possible terms.

The final area I always cite is expertise, and this is really a catch-all for a host of special skills and knowledge. Your agent should be an expert in the business of book publishing. This should include a working knowledge of subsidiary rights sales, including movie deals, audio deals, the sale of translation rights, knowledge about how books are sold and marketed by the publisher, and how publicity and promotion work. It should include expertise in contract negotiation, a working knowledge of trademark and copyright law, and expertise in reading and evaluating royalty statements. The list goes on and on. Publishing is a complicated business and the expertise built up year after year, gained representing scores of authors in an unlimited amount of "situations," is what you should be enjoying.

To me, these are the cardinal skills—an agent who can read, evaluate and improve your work, who can market it and sell it well, and who lends his expertise to every situation you face as a published writer. This person should be easily accessible and easy to work with. This person should always conduct him- or herself as a professional and be especially scrupulous about all financial dealings. Common sense should rule the relationship. In my mind these are absolutes, but they're absolutes that must exist between people. If your agent is busy because she just had a baby or her father passed away or some other client is involved in a difficult situation, you will have to wait until the agent can free up some time for you. Agents are human; they're going to make mistakes. They may take a quick look at an outline and send it out before it should be seen. They may fail to pick up an important error in a

clause in a contract. Nevertheless, I think what I've articulated are legitimate expectations that over the long haul of year after year should be met.

I've covered the basics, now I'd like to address some hot button

***I suspect there really aren't enough first-rate agents to go around.***

issues.

You do hear a lot of grousing about agents. I hear a lot of it, and because I am an agent I'm probably shielded from hearing a lot more. I think there are a number of reasons for this. I suspect there really aren't enough first-

rate agents to go around. I also suspect that many people stay with their current agents past the point they should because it is hard to change agents. Initiating a new relationship is a very difficult thing to do in any aspect of life. It's also true that agents are susceptible to spotty performance.

Let's look more closely at why I admit that. Agents only make money on sales—a one-hundred-percent-commission business. Unless you have a very substantial business, this means that you are under financial pressure to make sales. If you need sales to survive, the pressure is to make sales and not to perform all those other duties I've so rosily articulated. Publishers are stingy with information. Publication dates, print runs, promotional plans have to be extracted from them. There is a lot of follow-up, detail work that goes into supporting an author, and the information you need may be very hard to come by. In the rough-and-tumble of business an agent is most likely going to be involved in making sales and not in doing follow-up work. What's the solution? Communication. Let your agent know the things you need to know. Do it in a nice way. Don't be afraid to follow up on it. A good agent can handle it.

Finally, a lot of grousing about agents is about shooting the messenger. Authors are an ambitious lot. Fulltime au-

thors earn their living as writers. Parttime writers depend on the income and may be very ambitious, even driven. The agent to some degree stands between them and the world, them and their income, them and their success. There are many disappointed writers out there, many authors who for whatever reason are not where they want to be. Who ya gonna blame? The agent—even when you know that's absurd. There is definitely some form of psychological scapegoating going on in some author/agent relationships. As an agent, you learn to live with it. I try to let it go by; if it becomes serious, it needs to be confronted, as in, look, I did everything I could for that book, but no one wanted it. O.K.? Or appropriate words to that effect depending on the situation.

I've been fired before. It will happen again. Authors must decide when they are unhappy whether or not a relationship is salvageable. If it is, take action, let your complaints be known and save it. If it isn't, fire your agent and get a new one. That's the way of the whole thing. I've detected what I think is a dangerous trend—authors obsessing about their careers (and their friends' careers). It's a common malady for writers. I want to warn against it. Do the work. Write the books. Do all you can to support your career and to succeed, but take a step back from ➔

***There is definitely some form of psychological scapegoating going on in some author/agent relationships.***

# One Agent's Point of View

(Continued from page 7)

obsession. You will only make yourself miserable. One of the hard truths of the book business is that luck plays a big role and that there is precious little you can really do to move your career along other than writing great books. That's a hard truth, but it is the truth. The "if I only had ad dollars, promotion dollars, a bigger print run," etc. is just an illusion. Writers succeed by writing break-through books or by building an audience reader by reader or both. There is no third way I know.

I've admitted that spotty performance is a common agent malady, and I'd like to expand on that with some of the issues the editor mentioned to me when she first asked me to write this piece. There are situations, difficult situations, between publisher and author, that call for very special skills and commitment from the agent. Here I'm talking about publishers unfairly rejecting manuscripts and calling for the return of advance monies. I'd also like to expand this to include all the terrible situations that can occur when the publisher breeches its agreements and commitments or otherwise seriously damages the author. This includes failing to timely accept or reject a manuscript, failing to live up to promotional promises, failing to tell the author fundamentally important information about its plans—like a drastically reduced print run, a delay in publication, a change of position on the list, etc.

There is really only one answer I have. Your agent must defend your interests vigorously. The worse the situation, the more vigorous must be the defense. I'm not talking here about being confrontational or foolish. I'm talking about mounting a defense appropriate to the best preservation of the author's interests. Agents who don't perform when they're most needed are clearly failing at their obligations. If the agent tries hard, the agent still may fail. Publishers may force an author into an untenable situation and unfairly receive back monies or whatever. But certainly the agent should be involved the whole way to prevent this from happening. The only thing I want to add is that the author has got to be smart and be willing to concede error if there is any on his or her part. Settlement does usually pay better than lawsuit—you've got to be flexible and strong enough to strike the balance to where your best interest lies.

I'd like to close on a personal note, I think it will give authors as much insight into me and other agents as anything else I've written.

I love what I do. I love books and I like writers and representing them is great fun. I've been told there are two ways to make a lot of money. The first is to go out there and try like hell to make a lot of money. The second is to do what you love and hope eventually you'll make a lot of money. I'm definitely a follower of thesis #2. I make a good living. I'd like to do even better. One of the joys of being an agent is developing someone and then seeing his or her income grow, of placing a book and then selling movie rights and translation rights and audio rights. It feels like found money. Maybe it is. I enjoy

defending other people's interests. Maybe I've got a hero complex, but making the sale, changing the cover, even being forced to deliver the bad news brings out a passionate, protective, strong part of me.

The negatives haven't been too negative. I've struggled to make this business work; I've certainly had my doubts at times that it would, but it has. I've

been fired once or twice by people I've done a lot for and felt very badly used. It's something I worry about happening again from time to time (and people being people, it will). One of the most painful things I've had to deal with is alcoholism and other destroyers and limiters of human potential (not my own, I want to emphasize). You work closely with people, you admire their talent and you see tragically that they will never actualize even a hands-breadth of their potential because of drink or drugs or some other psychological malady. You're a spectator at some ongoing banquet of self-destruction, uncertain of your role or obligation. It's something I continue to struggle with, uncertain what to do, if anything. That's been the saddest thing.

Rather than end on a sad note, let me conclude by saying I've also been party to victory and transcendence, of people bringing out of themselves marvels that they had no idea they were capable of and until they were told by someone else—often ME FIRST—didn't even know they had accomplished.

I wouldn't trade places with anyone. **NINK**

*Ethan Ellenberg heads the Ethan Ellenberg Literary Agency based in New York and has been a full time literary agent for 11 years. He handles a wide range of fiction and non-fiction, with a special emphasis on romance fiction and suspense. He can be reached at 548 Broadway, #5E, New York NY 10012. Tel: (212) 431-4554, Fax: (212) 941-4652 and is open to new clients.*



# *AAR's Suggested Agent Checklist*

The following is a suggested list of topics for authors to discuss with literary agents with whom they are entering into a professional relationship. This list was provided by the Association of Authors' Representatives, Inc., 10 Astor Place, 3rd Floor, New York NY 10003, (212) 353-3709. The AAR will send you a list of member agents, a copy of the AAR's Canon of Ethics and a brochure describing some basics about agents in general and the AAR in particular if you send a SASE #10 envelope with 55 cents in postage and a check or money order made payable to the AAR for US \$5.00 (do not send cash).

1. Is your agency a sole proprietorship? A partnership? A corporation?
2. Are you a member of the Association of Authors' Representatives?
3. How long have you been in business as an agent?
4. How many people does your agency employ?
5. Of the total number of employees, how many are agents, as opposed to clerical workers?
6. Do you have specialists at your agency who handle movie and television rights? Foreign rights? Do you have sub-agents or corresponding agents overseas and in Hollywood?
7. Do you represent other authors in my areas of interest?
8. Who in your agency will actually be handling my work? Will the other staff members be familiar with my work and the status of my business at your agency? Will you oversee or at least keep me apprised of the work that your agency is doing on my behalf?
9. Do you issue an agent-author contract? May I review a specimen copy? And may I review the language of the agency clause that appears in contracts you negotiate for your clients?
10. What is your approach to providing editorial input and career guidance for your clients or for me specifically?
11. How do you keep your clients informed of your activities on their behalf? Do you regularly send them copies of publishers' rejection letters? Do you provide them with submission lists and rejection letters on request? Do you regularly, or upon request, send out updated activity reports?
12. Do you consult with your clients on any and all offers?
13. Some agencies sign subsidiary contracts on behalf of their clients to expedite processing. Do you?
14. What are your commissions for: 1) basic sales to U.S. publishers; 2) sales of movie and television rights; 3) audio and multimedia rights; 4) British and foreign translation rights?
15. What are your procedures and time-frames for processing and disbursing client funds? Do you keep different bank accounts separating author funds from agency revenue?
16. What are your policies about charging clients for expenses incurred by your agency? Will you list expenses for me? Do you advance money for such expenses? Do you consult with your clients before advancing certain expenditures? Is there a ceiling on such expenses above which you feel you must consult with your clients?
17. How do you handle legal, accounting, public relations or similar professional services that fall outside the normal range of a literary agency's functions?
18. Do you issue 1099 tax forms at the end of each year? Do you also furnish clients upon request with a detailed account of their financial activity, such as gross income, commissions and other deductions, and net income, for the past year?
19. In the event of your death or disability, or the death or disability of the principal person running the agency, what provisions exist for continuing operation of my account, for the processing of money due to me, and for the handling of my books and editorial needs?
20. If we should part company, what is your policy about handling any unsold subsidiary rights to my work that were reserved to me under the original publishing contracts?
21. What are your expectations of me as a client?
22. Do you have a list of Do's and Don'ts for your clients that will enable me to help you do your job better?

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## DISPATCHES FROM THE FRONT

*Dispatches from the Front* is a "war stories"-type feature. If something funny, black comedy to slapstick, happens to you, send it in. Anonymity will be preserved, of course, if you desire it.

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### At the Altar of my Computer

By LAURA RESNICK

If you have a small child or a teenager in your household, you won't appreciate what I have to say—because *you* have someone in your house who understands computers. Someone once told me that most people have children for all the wrong reasons; personally, I think I may reproduce just so someone can help me with the \*@%&^!#@ computer, regardless of what social theorists will one day say about me.

My computer isn't as old as my car, my VCR, my toaster oven, or the sweater I'm wearing as I write this, yet it's already obsolete. My last computer, a second-hand machine given to me when it was already obsolete, died in an internal nuclear meltdown, black smoke pouring out of its entrails. A thrifty soul, I took it to a repair shop, where a boy too young to shave peered into its charred guts and cried, "Wow! A *classic*." He'd never seen a computer that old. He showed it off to his beardless co-workers who studied it with the enthusiasm of archaeologists coming across a rare find. It took them three days to find someone old enough to repair such an anachronism; and he advised me that even if it *could* be repaired, it wouldn't be worth it.

So I went shopping for a new computer, explaining that I wanted a system that would be "worth" repairing for the next decade. Within three months of my purchasing my computer, there was already a *faster! better! smarter!* computer flooding the market, and mine was already on its way to obsolescence; within a year, it was positively archaic.

This primarily worried me because my computer was already *smarter! better! faster!* than me and bested me two out of three falls in every encounter. So how was I going to cope in a world where the speed and intelligence of computers was multiplying geometrically, whereas I'm just a biological organism which, according to medical science, will begin an irreversible decline two years from now?

The late mythologist Joseph Campbell identified his computer with a deity: an Old Testament type of god, wrathful, full of rules and very unforgiving. I suspect that

Professor Campbell had the same make and model that I do. Six months ago, I pushed the wrong

button, and my unforgiving computer more or less shut down for three days. My hysterical phone calls to computer-savvy friends produced no results, since my machine is so "old and quirky" that they couldn't interpret the oblique messages flashing at me on my monitor. Order wasn't restored until someone finally came here and spent three hours worshipping the damn thing and making sacrificial offerings to it.

Three years ago, when I was on a tight deadline, my monitor blew up. I have been assured time and time again that this simply isn't possible, but—I was *there!* It *happened*, I tell you! There was an explosion shortly after I turned it on that morning, and then flames erupted from it! I ran outside and hid in a ditch until it was all over.

My word processing program, which is now old enough to vote, is even more archaic than my computer. In fact, it's too stupid to talk to the computers available now. I'm extremely anxious about what I'll do when I finally have to give it up, since it writes good books.

However, realizing that one day this computer will die and I'll have to go out and get a new deity, I've begun shopping around. And it's terrifying! Though it's been only five years since I bought this computer, the market has changed so much that I don't understand a single thing the salesmen at these computer mega-stores say to me. Gigabytes? Serial ports? Ram and Rom? Mac and Apple? Word and Wordperfect? Microsoft and Microworks? Computers that *talk* and play music and have moving pictures? Mice (mouses?) that are harder to manipulate than pinball machines? Baud speeds? Additional memory, cards, additives, preservatives, fixatives, laxatives.... Please beam me up, Mr. Scott!

I'm going to punch the next person who tells me how user-friendly computers have become. I've yet to see a floor model in any computer store that isn't demanding I give the correct password before it will allow me to worship at the altar of its genius.

Not only do I not understand what computer sales-

men say to me, I don't even understand their most basic questions, and none of them seems to understand that all I want is another system that writes good books. I don't want a computer that "interacts" with me, talks, sings, dances and lets fish float across the monitor every time I'm idle for three minutes! I invariably leave these computer stores in a state of confused trauma, convinced that even great and driven writers like Byron, Shelley, Bronte, Joyce and Shakespeare himself couldn't have coped with such pressures!

I return home to my wrathful and unforgiving—but familiar deity, make sacrificial offerings and pray that it will last for another book, despite its tremendous age (five years) in a world which has passed it by. **NINK**

*Laura Resnick has written seven of her books, as well as 27 short stories and a whole bunch of articles, on a 286 IBM-compatible computer, using a word processing program called Easywriter II.*

### Grose Resigns

Bill Grose, long-time creative boss at Pocket Books, has resigned. Grose, who oversaw the successful women's fiction publishing program that put Pocket among the leaders in popular fiction, will be replaced as editor-in-chief by Emily Bestler, a former senior editor who has also been an editor at Villard. It is unclear whether the change will have any short-term implications for Pocket's publishing program.



## NINC Members on the USA Today List

### The Fast Track

*The Fast Track* is a monthly report on Novelists, Inc. members on the *USA Today* top 150 bestseller list. (A letter "n" after the position indicates that the title is new on the list that week.) Members should send Carole Nelson

Douglas a postcard alerting her to upcoming books, especially those in multi-author anthologies, which are often listed by last names only. Alternately, Carole's phone/fax number is 817-292-6208. Internet surfers can read and retrieve the list with this magic formula: 1. Enter the World Wide Web via this address: <http://www.usatoday.com> 2. At *USA Today's* homepage, click on the purple "Life" button in the *USA Today* masthead. Once in the Life section, click on the purple "Books" button in that masthead to go to the bookpage. Click, in turn, on two blue entry lines to see the top 1-50 list and the next 51-150 titles. You can also access year-to-date bestsellers by category. Save or print out the file. Look for your name or those of your friends, and track the stars!

Member	Title	26 Nov	3 Dec	10 Dec	17 Dec	24 Dec	31 Dec
Sandra Brown	<i>Breakfast in Bed</i>						143n
Jude Deveraux	<i>The Heiress</i>	17	39	56	56	122	70
Tami Hoag	<i>Night Sins</i>			137n	74	134	50
Linda Howard	<i>After the Night</i>	41	61	130			
Linda Howard	<i>Against the Rules</i>			135n			
Elizabeth Lowell	<i>A Woman Without Lies</i>	42	63	150			
Nora Roberts	<i>Born in Shame</i>			32n	32	77	36

# Aid for the Cyber-Disadvantaged

By JANICE YOUNG BROOKS

So you want to get on the Internet and don't know how? Well, don't feel stupid. It's not hard and over a quarter of our members are there somewhere, but the language is a bit daunting. So let's start with a few definitions.

**Online Services:** These are the big national or international companies that give you access to the Internet and also provide their own services. The biggest and best known are America Online, CompuServe, Prodigy, GENie, Delphi and Bill Gates's new Microsoft Network that comes with Windows95. The pricing is complex, but on average it will cost you between \$10 and \$20 a month for between four and 20 hours usage.

## Helping Hands

*If you're considering going online, or you're already online but only know how to e-mail and would like to explore further, NINC wants to help. Brenda Hiatt Barber has generously volunteered to amass a pool of members who will hold out a hand and guide you as far as you want to go. She'll endeavor to match up people who have similar hardware and software. To join the online buddy system, either as a helper or a helpee, call Brenda at (317) 849-3356, fax her at (317) 849-4771, or, if you've reached that stage, you can e-mail her at BrendaHB@aol.com or k.barber2@genie.geis.com Note: The phone and fax numbers are new and not what's listed in your 1995 roster.)*

ber for access. In more remote areas, you may also have to pay long-distance telephone charges as well.

**Service Providers:** These are companies that simply give you a gate to the Internet. They have little or no content themselves. Some are national/international. That is, they have local phone numbers in many cities. A couple of the big ones are Netcom, The Pipeline and IDT. These are much cheaper than online services. You can

USA Today reports that a price war between the first three (which are the 'biggies' and generally known as AOL, CiS and \*P) is inevitable and imminent.

The extras with an online service include such things as news headlines, weather reports, guest speakers and bulletin boards. You can find all of this elsewhere on the Net, but with an online service it's easier to find. But you may pay dearly for the privilege. It's terribly easy to go out exploring on the Web and find that you've used up your whole monthly allotment of time the first day. When you run over, you pay extra, sometimes a lot extra. If you live in a medium to large city, you will have a local telephone num-

usually get 30 to 40 hours a month up to unlimited time for \$10 to \$20 a month. Virtually every medium to large city (and many small towns) also have service providers. In Kansas City, for example, I have a choice of about six local service providers. Then there are the Freenets. Many cities provide a freenet as a public service. Some libraries will give free Internet access to their patrons. Most colleges and universities have a system you can use for free if you're a teacher, student or even a graduate.

Obviously, you want to be on one of these cheap/free services for your research. But finding them and getting around in them is pretty daunting for a newbie. I would strongly suggest you start with an online service to get your feet wet and find your way around. And you'll probably want to keep on the service for the networking. The bulletin boards provide great opportunities for promotion and reader feedback. Prodigy, America Online and CompuServe are all stuffing disks and CD ROMS in computer magazines. Pick up nearly any magazine that's in a plastic bag and has a stiff lump and you'll get access to one of these. America Online and Prodigy are easier to use than CompuServe, but I'm told it can be real hard to get back off America Online.

**Finding a Service Provider:** Once you have a sense of how the system works, there are at least two excellent sites for finding a local service provider. One is at: <http://thelist.com/> and another is <http://helpdesk-www.cit.cornell.edu/IAP/INAccess.html#RegionList> (there is no period at the end). These are exact addresses—don't put in spaces, and observe upper and lower case as listed.

**Search Machines:** It used to be said of the Internet that it was like slicing up a New York City phone book and mixing the pieces up in a plastic trash bag—that all the names and addresses were there, but in no order at all. But now there are search machines like Yahoo (which I think is the best). The address is <http://www.yahoo.com/> and the first screen is very general categories like Arts, Business, Computers, Education, Government, Science, etc. (If you're not sure which category the subject you're researching falls into, just pick what seems closest. The World Wide Web really is a web. Everything is cross-referenced and web-like). As an example, choose Books, which is listed under the general category Entertainment. That gets you to another list of categories: Bookstores, Collectors, Events, Libraries, Organizations, Publishing, Reviews, etc. Let's choose Reviews. Now you get another list which includes such things as Prairie Lights Review of Books, the Boston Book Review, A Professor's Guilt List for English Lit Majors, Romance Reader, Without Literary Merit (I'm afraid to look at this one!) and the Better, Faster Be\$t\$seller\$ List (a parody of the current PW list). Browsers have a 'back' button so you can back out of any-



thing and go in a different direction. You can back up clear to where you started, if you want.

**Modems:** What in the world are bauds? I have no idea, but they determine the speed at which you can access information. They go in weird increments. A year ago, the standard 'speedy' modem was 2400 baud. Now a 2400 baud is a dinosaur. If you're buying a modem, spring for the fastest that's currently affordable. 14,400 is available everywhere for around \$100, but spring for the extra \$60 or so and get a 28,800 (usually identified on the box as 28.8). It, too, will probably be outdated in another year. The reason speed is important is twofold—the slower you go, the more impatient you'll get and on many services, you're paying by the minute, so the extra speed will ultimately save you money.

**Browsers:** This is the software that allows you to get around the Net. CompuServe, America Online and Prodigy have their own browsers—that's what that disk in the computer magazine is. But if you are hooking up to a service provider, you'll need to purchase a generic browser. One of the most popular, easy and cheap browsers is Netscape (\$25 - \$30). This is for sale anywhere that software is sold. You can also find Netscape technical manuals for about the same price with the installation disks packed in with the book as part of the price.

**Graphics:** Speed is tied to graphics. Many browsers allow you to turn off the graphics, and just get the text, but sometimes the graphics are important. If you want to actually look at the stained glass windows at King's College Cathedral at Cambridge University, you need them.

**URLs:** This is the 'address' of a site. Most sites have a real name that helps identify it, then an address that may or may not be descriptive. Some are extremely long and have all sorts of weird characters. Most browsers have a bookmark feature. If you find a neat site you might want to go back to, you don't have to handwrite the address and hope you can read it later.

You just bookmark it and the browser will put it on your bookmark list and automatically take you back there anytime you want.

Next month:

*Some Fun Sites to Visit*

*The Language of the Net*

*Uses and Abuses of the Net*

*NINC's new Web site can be accessed at <http://www.ninc.com> and members can subscribe to the mailing list by contacting: [maillist@tulsaweb.com](mailto:maillist@tulsaweb.com) and at the subject line typing: subscribe nincnews (first name) (last name).*

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## Reminder - Agent Survey

The questionnaire for NINC's 1996 *Guide to Agents* was bound into your January newsletter. Even if you are currently unagented, there are questions on the final survey page you may wish to answer. But please put your name on it and return it even if you choose not to fill it out. We will be sending reminder postcards to the members we haven't yet heard from, so your prompt reply will save us volunteer time, and printing and postage costs. Thanks for your cooperation!

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## Corrections

Janice Davis Smith's credit line at the end of her January article "The Spin-off Zone" should have read "As Justine Davis, Jan has the Trinity West mini-series beginning in March from Silhouette, and also in March, as Justine Dare, *Wild Hawk* from Penguin USA/Topaz." Janice was also inadvertently omitted from the *USA Today* list. During the week of October 29, her *Silhouette Intimate Moments*, *The Morning Side of Dawn*, was number 135.

William Bernhardt's e-mail address was incorrect in the January issue. The correct address is [us008189@interramp.com](mailto:us008189@interramp.com) (no period at the end).

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## INTRODUCING...

*The following authors have made application for membership in NINC and are now presented by the Membership Committee to the members. If no legitimate objections are lodged with the Membership Committee within 30 days of this NINC issue, these authors shall be accepted as members of NINC:*

### New Applicants

Judith E. French, Marydel DE

Loree Lough (*Cara McCormack*), Ellicott City MD

Myrna Topal (*Myrna Mackenzie*), LaGrange IL

Linda Kay West (*Linda Lewis*), New Orleans LA

### New Members

Jon Foyt, Santa Fe NM

Pamela E. Johnson (*Pamela Dalton*), Cottage Grove WI

Kathleen Pynn (*Kathleen O'Brien*), Maitland FL

Ruth S. Schmidt (*Lee Scofield*), Blue Springs MO

Lynne Smith (*Lynn Michaels, Paula Christopher, Jane Lynson*), Independence MO

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# EAST OF THE HUDSON

## Be It Resolved....

By the time you read this, I will probably have already broken them, but I did write a list of four resolutions for 1996.

1. I will no longer tell lawyer jokes and I will no longer slam the legal profession in this column. (That doesn't mean I'll give up my O.J. jokes, which often amount to the same thing, though. Sorry, Bill.)

2. I will no longer be snotty to the *NY Times* and I will no longer insult New Yorkers. In keeping with that resolution, I have considered changing the name of this column from "East of the Hudson" to "Manhattan Transfer."

(Anyone with a better idea, please let me know.)

3. I will no longer carp about the publishing world's shabby treatment of romance and other genre fiction. I will, instead, report on the careers of famous intellectual lights and *literary* authors.

But first, I'll have to start reading them, right?

Oh, to hell with it. Some resolutions are just too hard to keep.

## But Seriously, Folks

I have, indeed, been asked to continue this nonsense for another year. I genuinely appreciate all the kind comments I've heard—from the old board, the new board and from the membership. I even appreciate the pleasantries that have been showered on me by editors and publishers, although I realize I've probably cheesed them off to no end in the last year.

But praise is not the reason I fill this space. I write out of purely selfish reasons. Like most writers, I love to see my own words and thoughts in print, and, like all professional writers, I have opinions on lots and lots and lots of things. I love to indulge those opinions.

So, dear friends, you are stuck with me for another go-round. You have only two courses of action. First, you can feed me material. That way you'll see *your* interests represented in this column, even though they may have been run through the filter of a contrarian mind.

Second, you can write letters to the editor when I offend you. That way I'll know I've fulfilled my fourth New Year's resolution, which is to irritate someone besides my wife and my children at least once a week.

## The Lists

Continuing our discussion of bestseller lists, our household had an interesting experience at the end of 1995. My wife, Ann, a regular on many such lists, had a new book on the stands. Naturally we wondered what was going to happen.

There's always a moment of uneasiness when a best-

seller's book hits the streets. Maybe the lay-down (the staging of releases to bookstores) will be bad. Maybe the cover will prove as bad as we feared. Maybe the audience was too busy shopping for safe buys during the Christmas season.

There are a thousand little things involved in making a bestseller, most of which are beyond the control of the writer. A glitch in any number of places can knock even a well-established career back a step or two. Most best-selling writers I know harbor the secret fear that this time the balloon will pop.

As we've said in this column before, the bestseller's week is a progression of component lists. My wife's book hit strongly on Monday and Tuesday, generating powerful numbers at the big national chains. In fact, the book made the best first-week showing she's ever had at Barnes & Noble, the tougher of the two big chains for romance authors to crack.

Then, Wednesday, even better news. The *USA Today* list of the top 150 titles in the country put the book at #25. More important, there were only six mass-market paperbacks ahead of it in *USA Today*. That usually means a book will do well on the *New York Times* list—the list that, for better or worse, is the only one that really counts.

Late Wednesday night, we got the word. DNP, as the race track touts say. Did Not Place. Seventh on *USA Today* and out of the running on the 15-place *NYT*.

Heartbreak? No. We've been up and down the roller coaster before. We've built some calluses.

Irritation? You bet, particularly since books that were as low as 125th position on *USA Today* finished ahead of Ann's book on the *NYT* list.

The publisher was even more upset. A formal inquiry was made.

The response? A bland, straight-faced "These things sometimes happen." No kidding, they happen. *But why?*

No response.

The next week the chain store numbers held up very well. *USA Today* also held up. Sales were going very, very well, probably better than any of the previous books.

But again, no *New York Times*-bestseller list appearance.

Well, heck. Well, hell. Well.... The epithets could get worse, and they did. Something seemed very strange. Books that were far, far below this one on every other list were smugly ensconced on the *NYT*, but no sign of the one that counted in Skagit County, Washington.

One possible explanation was the book itself. It was, after all, a reissue. Maybe the market had begun to pull back from such books. But the sales didn't bear that out.

We were stuck, scratching our heads and muttering.

Finally the frustration sent us to the computers to check previous books and to do a comparative analysis of the lists for the two weeks in question.

What we found, laying the lists down side by side, was that there is usually agreement among them on the first six or eight spots. A few mysteries and literary novels do better on the *NYT* and romances often do worse, but that is a result of the *Times* weighting some independent book stores more heavily than the other lists do.

Below, say, number ten, though, the correlations among the lists begin to fall apart, and they seem to do so in ways that can't be explained by heavy weighting of independents. At the lower reaches of the list, books that are doing well on other major lists can disappear from the *Times*, and books that hold on week after week in the *NYT* disappear from sight on the 150-place *USA Today* list, as well as the major chain lists.

That's odd, since all the lists claim to sample the same basic universe of books. I've been told by people who compile the numbers that they even cross-check with one another when discrepancies crop up, just to make sure they're all still on the same wavelength.

The whole matter was puzzling, but not nearly as puzzling as what happened the following week.

Ann's book was still performing well in the chains and elsewhere, but clearly it had begun to tail off. Romances are like that. Rate of sale is the force that propels many, if not most, of them onto the list. They jump on and they fall off, with a few exceptions.

So, in Week Three, we had written the reissue off, as far as the *NYT* was concerned. We didn't even remember that it was Wednesday night, the night we usually get a call from her editor if there's good news.

I was downstairs in the den watching big dumb white guys beat one another and a puck with sticks when I heard "Beep!" That's the sound the fax makes when there's incoming mail. I checked my watch and saw that it was well past the close of business in New York, and I knew the publisher's entire staff was in Florida at a sales conference, so I decided the fax must be some unsolicited ad or a letter from our daughter.

But, lo and behold, some editorial assistant working late on the far bank of the Hudson had picked up the *NYT* list and forwarded it.

There, at #15 was Elizabeth Lowell. How the hell it got there, when its performance on other lists was falling, is anybody's guess. Despite sales that were tailing off on the chain lists, which are a major component of the *NYT*, and despite a substantial slide in the *USA Today* standings, the reissue had come home a winner, if by winning we all mean making the *Times*' list.

A little later, the calls started coming in, even though it was way after business hours east of the Hudson. There were congratulations from the editor, the editorial director, the sales chief and the president of the company. Everyone was so very, very pleased.

Or was it relieved?

Whatever.

The next morning a delivery man was at the front door by ten with one of the biggest and most beautiful, not to mention expensive, flower baskets we've ever seen. It was very handsome and very gratifying.

It was also a reminder that no matter how well you do on all the other lists, the only one that really counts is the one published by what we in the newspaper business used to call The Old Gray Lady. Do well on the chain lists, your publisher will send you a faxed copy of the list. Do well on *USA Today* and your publisher might, just might, call to congratulate you. Seduce the Gray Lady and you get enough flowers to make the house smell like a funeral home.

Recently, somebody suggested I have a nasty attitude toward the *Times*. Really, folks, I don't. I just wish it made as much sense to me as it does to New York.

### Death Notices

Father Time caught up with several notables since I last wrote. A couple of personal favorites. Roger Zelazny, the science fiction writer, and Elleston Trevor, who wrote the Quiller thrillers and *Flight of the Phoenix*, went to that great helix in the sky. They were both old friends, even though I had never met either of them.

Then there was the sad passing of Don Pendleton, the man who invented a genre all by himself.

Pendleton, who lived in Sedona, Arizona, got his start writing love letters home for his Navy buddies during World War II. In the 1950s, he took a mail-order writing course he never finished. He apparently figured he didn't need to matriculate, since he had taken his first homework assignment to an agent who sold it.

Then, like the rest of us, Pendleton worked. He wrote several mysteries and science fiction novels. They were published. They dropped off the scope. In 1969, Pendleton tossed off another story, a paperback original called *War on the Mafia*, which was published by an arm of the Harlequin empire.

That book, about a lone, heavily-armed hero who took on the Underworld, did well and the publisher wanted more. Pendleton wrote a total of 37 such stories, all starring a violent and vengeful monomaniac named Mack Bolan, nicknamed "The Executioner."

Thirty-eight stories in a decade puts a strain on the creative muscles. Pendleton ran out of gas in the 1970s and turned the series over to ghosts. Two hundred titles later, there are in excess of 200 million books in print starring Mack Bolan.

But Pendleton did more than create a comic book without pictures. For better or worse, he changed the shape of popular culture. The *New York Times* noted in reporting the writer's death, "As surely as Owen Wister's *Virginian* gave the world William S. Hart, Hopalong Cassidy, Roy Rogers and the rest, Mr. Pendleton brought forth Rambo and scores of other copycat heroes." In the late 1980s, there were no fewer than 66 separate action-adventure series in print. That's quite a legacy.

Pendleton deserves commemoration for one →



# EAST OF THE HUDSON

(Continued from page 15)

other reason. After he licensed Harlequin's Golden Eagle imprint to continue the Bolan adventures, he got into a nasty flap with the publisher. It seems that he wanted to write again, but Golden Eagle wouldn't let him use his own name. That name was already tied up, they said, by the ghosts who were writing "Don Pendleton's Mack Bolan."

The matter ended up in a New York court which ruled, to the benefit of authors everywhere, that Pendleton had a legal right to use his own name on works of fiction that he himself wrote. The judge's decision was rendered, if I recall correctly, in blank verse, perhaps as an indication of how he viewed Harlequin's position.

So, if you ever wondered why Harlequin is so insistent on requiring authors to adopt pseudonyms, remember Don Pendleton. I suspect he's the reason the pernicious name clause has been included in Harlequin boilerplate contracts.

Pendleton wasn't forced to use a pseudonym and neither should any other writer be forced to do so.

Yeah, I know, that's another one of those opinions, isn't it? If you feel differently, write and say so. We need to thrash such issues out, here and in the rest of *Novelists' Ink*. If we don't, no one else will.

## Death Notice II

Finally, we all like to carp about editors. Many of them are inept, some are merely capricious and nearly all of them are younger than they were when we started submitting manuscripts years ago. As I've gotten older, it's become harder and harder for me to admit that editors can be forces for good. In truth, though, I've had several over my career who actually helped the books they edited. I've

even had one who was a certified genius.

Sadly, she was not a corporate person and was downsized out of the business several years ago.

Bad editors must be endured but good ones ought to be celebrated. That's why I pass on this obituary for Joseph M. Fox, an editor with Random House who died before Christmas.

Mr. Fox must have been a hell of an editor. His list of writers included Truman Capote, Ralph Ellison, Peter Matheissen and Martin Cruz Smith. Smith, who wrote several mildly successful mysteries before Joe Fox came along and midwived *Gorky Park* for him, described the experience thusly:

"He was an absolutely assiduous editor. He would simply take my sentences and push in an arm here and pull a knee over here. And when the sentences stood up, they stood up straighter. He took such infinite care over every word. He tried to get the rhythm of each individual writer, like he was learning a musical score."

Fox might have done a little work on that epitaph, had he still been around, but it still ought to be tattooed on the back of the writing hand of every ambitious young lit-crit graduate before he or she is handed a pencil and called "Editor."

— Evan Maxwell

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