

Novelists' Ink

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

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If I Knew Then What I Know Now

Some launched like missiles, others crept slowly over the horizon, but one way or another they're up there—way, way up there. The ones who've "made it," who understand bidding wars and breaking out, who've earned that extra push from the publisher, who command big, fat advances the rest of us only dream about. How did it happen? Were there lessons along the way? Obstacles? Mistakes? Lucky breaks? What do they wish they'd known sooner?

I recently asked those questions of several authors and was pleased to be showered with a multitude of tips, tales, and treasures about the business of writing books. The advice in abstract boils down to this:

1. Believe in yourself and don't take it personally.
2. Believe in your work, but do your homework.
3. Never forget that publishing is a business.
4. Don't let the business interfere with your art.
6. Success has a price, but it's worth it.

Don't stop here. Read their words, and if you feel more educated, encouraged, or inspired when you're done, don't thank the messenger. Thank those who responded with a generous sharing of their wisdom.

Believe in Yourself

If I was harboring any hope that my self-confidence stock would suddenly surge when I made it, my respondents certainly set me straight. They worry too—and are constantly striving to improve their work.

"My biggest obstacle to success? Fear of failure; fear of being exposed as a no-talent impostor posing as a professional author. It's an ongoing malady. I medicate myself with one pep talk per day." — Sandra Brown

"A writer must believe in herself. There are a lot of

By
LIZ HILL

down moments in writing. Perseverance and determination are essential to the writer who wants to succeed." — Joan Lowery Nixon

"Never give up. Care passionately about what you write. I once wrote seven novels in seven years and didn't, at that time, sell any of them. But each book was a step on the path to better times." — Carolyn Hart

"I always knew there was someone out there who wanted to buy my book. But I had to learn to trust that vague voice in the back of my head. When it talks, I listen. This is the same voice that makes me a good writer." — Kathryn Lynn Davis

"I have never yet been satisfied with a book I've written. They are never as good as the story that was in my head. If you think you've written the perfect story, you don't keep trying to make it better." — Linda Howard

"Raise the bar and state your goals to yourself. Aloud. Once the goal is out in the open it becomes something you can actually work toward." — Tess Gerritsen

***"New directions in popular fiction always come from the writers...not from the business side of the industry."
— Jayne Anne Krentz***

Believe in Your Work... But Do Your Homework

This one's slippery. On one side is the uniform belief that the writer knows best what story to tell and how to tell it. On the other side are the market trends and the whims of the book-buying public—and the publishers. At some point in this balancing act, it seems the scales are tipped by luck.

"Write what you want...trust me, [publishers and agents] don't know any better than you do what will sell. If, on the other hand, what you're writing isn't selling well, then have a serious talk with yourself." — Catherine Coulter

"You have to care about what (continued on page 4)

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PRESIDENT'S COLUMN

This Month from the President:

We want NINC
to have clout...
to be a force
within the pub-
lishing industry

Where Are We Going?

NINC will soon be eight years old. We've accomplished a lot in those eight years, but we've still got a lot to do. The founders of NINC assigned us two specific objectives in the early days—our goals, if you will. They are:

1. To provide a communications network among published authors of popular novels.

2. To further the professional interests of the organization's members.

We've done very well in achieving the first objective. Our newsletter is one of the finest (if not *the* finest) in the industry, and the Internet has provided us with an outstanding opportunity for instant communication through our maillist. Both forums give our members opportunities to share information and ideas. We have, in fact, been pioneers in this sort of communication and will continue to be.

Furthering the professional interests of our members is a little more complex, however. First of all, exactly what does that mean? NINC's board has traditionally interpreted it to mean being able to help members when they have problems or disputes with a publisher or an agent, and being able to intervene and influence when we see something happening in publishing that is detrimental to writers. In other words, we want NINC to have clout. This is certainly a lofty ambition, but one that we have been less successful in attaining.

Clout: How Do We Get It?

So what do we do to gain NINC the clout it needs to become a force within the publishing industry? One essential factor in making NINC a force to be reckoned with is to expand our membership. We need a larger membership and we need a more diverse membership. Right now we represent the lion's share of romance writers, but we also need more members who write in other genres, and particularly members who write non-genre books and who are currently not represented by any type of writers' organization.

The second essential factor in gaining NINC more power is to become more visible. Even though we've been around for eight years, NINC still isn't a recognizable entity throughout the industry, especially among editors who don't handle romance. If publishers haven't heard of us, they're hardly likely to be influenced by us.

Recognizing the importance of these two factors, I have recommended two projects to the NINC board: a membership drive, and a program of public relations. In the coming months we will be asking for your help in increasing our membership and our visibility. To increase our membership, we'll be asking you to send us the names of friends who don't yet belong to NINC but should. And to increase our visibility, we will be embarking on an organized program to inform the industry that NINC is here to stay—and that we represent their authors. *All* of their authors. When those two essential elements are in place, NINC will finally be able to achieve our second objective and truly advance the professional interests of writers everywhere.

— Victoria Thompson

WORDS TO WRITE BY

Nothing in the world can take the place of persistence. Talent will not; nothing is more common than unsuccessful men with talent. Genius will not; unrewarded genius is almost a proverb. Education will not; the world is full of educated derelicts. Persistence and determination alone are omnipotent.

Calvin Coolidge

There are no shortcuts.... I've always believed that if you put in the work, the results will come. I

don't do things halfheartedly. Because I know that if I do, then I can expect halfhearted results.

Michael Jordan

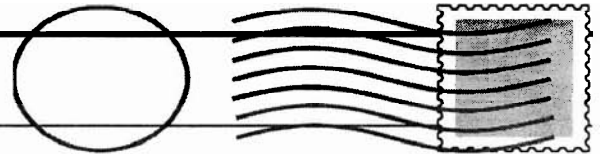
Hope is a good thing—maybe the best of things. And a good thing never dies.

Shawshank Redemption

Never hope more than you work.

Rita Mae Brown

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.

Eating Up the Food for Thought

The May issue of *Novelists' Ink* was great! I ate it up, start to finish. I intend to act on Kathleen Eagle's excellent idea of writing genre fiction reviews for her local newspaper mentioned in Stobie Piel's excellent article. I know just who to write to at the *Raleigh News & Observer*.

The "Advocacy Committee: *Show Us the Money*" article was amazing. Not that I didn't already know that publishers hang on to money. Let me add a further layer of delay: my former agent with whom I have a number of titles still producing royalties cuts checks only once every two weeks, and she will cut that check only after the publisher's check has cleared. This practice, which makes perfect business sense from her POV, further delays my payment by another month at least. She is one of those agents who refuses to do split payments.

Nevertheless, the discussion offered by Fogelman, Cohen and Ellenberg opened my already wide eyes even wider. Last fall, I wrote here about the mind-boggling numbers of layers separating writer from reader in the creaking machine we call "commercial publishing," but the

image of the all-but-broken wheels turning in the almost universal accounting department procedures described by Ellenberg was an eye popper.

Ellenberg also described Simon & Schuster as a sound business because it can service the debt that its parent, Viacom, carries. Was I the only one to think *Yikes!*? Especially since this pronouncement of S&S's "soundness" came in the midst of two full pages of commentary whose take-home message was: The commercial publishing industry is currently suffering from a serious cash flow problem.

Understaffing appeared as a problem as well, which Ellenberg couched in semi-euphemistic terms that "few contract or royalty departments" are "over-manned." Cohen stated that "the business of publishing is complex." She is too kind! It's in a freakin' economic mess!

And, gosh, I just love that Evan Maxwell. In reading his Short Take "Cyberscouting," I wondered whether he was turning into an Esther Dyson fan, after all. "If the Internet becomes a way to communicate directly with editors," Evan writes, "breaking down the traditional methods of publishing, I'm all for it." Yes, and since the Internet is fast becoming a way for authors to communicate directly with readers, the traditional methods of publishing can be considered to have already broken down.

I am just now beginning to sell my first studio produced book, and there are no layers—particularly no understaffed, inefficient, cash-strapped accounting department to work payments through. That's what studio publishing is all about: direct sales from the author's studio to the readers' hands.

As far as Evan's Hollywood comparison in his "Diversity" Short Take, the Independent Publishing Studios are already up and beginning to run.

— Julie Tetel Andresen

If We Knew...

(Continued from page 1)

you write. You can't coldly choose a theme because it's popular for the moment. If you don't truly care, readers won't care. You have no control over the vagaries of publishing. You must do your best, but you also must be lucky to succeed." – Carolyn Hart

"Take a chance. My two biggest commercial successes occurred when I bet on my perception of the marketplace." – Rod Thorp

"Study the markets. What is being written? Is there a void that needs to be filled?" – Joan Lowery Nixon

"New directions in popular fiction always come from the writers and the books they write—not from the business side of the industry. Unfortunately, many of the authors who lead the way find themselves three-to-five years ahead of the crest of the wave. The trick is to stick around long enough to see if something is going to work." – Jayne Anne Krentz

"Before writing a word I test market my concept, plots, and characters. Concepts come after study into what intrigues the public, what events are timely, and what future predictions you can see that might stir the imagination." – Clive Cussler

"All I wanted in the beginning was to sell a book. I didn't think about the market, I didn't analyze trends. Frankly, I couldn't be bothered. It was about the time I started noticing the Waldenbooks list, and realizing I wasn't on it, that it became important to me to find out why." – Debbie Macomber.

It's A Business

You've heard it a million times, but what does it really mean to an author?

"Publishers make decisions based on their needs and desires. The quality of your manuscript is not necessarily relevant. While a publisher's and author's interests always overlap, they are not the same. To them it's a business. The fact that it's an art is your problem." – Ann Maxwell

"Besides being a decent writer with a vivid imagination, you have to be a shrewd negotiator, a hard bargainer, an astute marketing expert, a publicity and public relations manager, and a firm but polite person to do business with." – Clive Cussler

"Don't take it personally. Save the arguments for the important stuff. Ninety percent of what flies by is not important. What is? Book content—that's worth fighting for." – Linda Howard

"A publisher's plans for a writer, even if honorable and well-intentioned, may not be in the best interest of the writer's career." – Sandra Brown

"Publishers don't want you to have power, but if the book fails they want to blame you—even though you have no power." – Kathryn Lynn Davis

Breaking Out

How do you know when it's time for that breakout book, that jump from midlist to top of the heap? The general sentiment: when you're ready to fly, try your wings, or risk starving in the nest.

"If you are showing a rising sales curve, keep pushing. If you wait your turn, it never comes. If you make objections to a publisher and have a logic to back it up, i.e., the numbers, they will listen. A few well-chosen friends and organizations like NINC make a difference. You need a context for your own career, a way of knowing what's reasonable." – Ann Maxwell

"For years I was writing romantic suspense with mainstream potential, but it never occurred to me to try breaking out of category. [I had settled into that] uneasy reality that perhaps writers weren't supposed to make much money. Silly me." – Tess Gerritsen

"It's dangerous to become too grounded in one genre. Sacrificing genre readers was a risk I had to take in order to cultivate a broader audience. It was scary, but the right decision and one I do not regret. Occasionally taking chances spares my reader, and me, torpidity." – Sandra Brown

Your Book's Best Friend

Is there a correlation between level of success and the quality of the author-editor relationship?

"I have learned the value of a good editor. They have helped make my work stronger in countless ways. All writers should have this sort of friend." – Terry Brooks

"Your editor isn't your buddy. However, the editor is your novel's best friend. Use her. She's the reader's representative and is hopefully good at what she does." – Catherine Coulter

"Take a good hard look at your editor's comments. An editor is not in the business to wreck your book." – Linda Howard

"I was surprised how little power the editors have. I was so focused on them during the submission process, I viewed them as all-powerful, and they're not. Editors are very constrained by the people they report to." – Kathy Seidel

"A good editor wants exactly what the writer wants. A really good, entertaining book that will sell like crazy." – Nora Roberts

The Art Beyond the Business

You juggle the business as well as you can, but eventually it's just you and that blank page. Some comments on the craft of writing:

"Learn to separate 'process' from 'product.' It's the only way to stay sane and keep having fun!" – Carla Neggers

"The thing that will give you the most trouble at the beginning of a career—a strong voice—is also the only thing that will eventually sustain a career. A strong, distinctive voice sometimes makes editors nervous. But readers remember it. And that's what makes people pick up one of your books the next time." – Jayne Ann Krentz

"The most important thing is the work. It's the book, the story, that has to matter most. Love what you do—the process of writing can be such a joy. If you remember why you started in the first place, you'll be happier, your books will be stronger, and you won't get ulcers." – Nora Roberts

"During rewrites, divorce yourself from emotions. If you think everything you write is a pearl of wisdom, you will spend your career in angst." – Linda Howard

It's Easier At the Top...

You didn't really believe that, did you? Success brings new pressures for greater success, but the writing—and the business—never gets any easier.

"I start each book having to slay the dragon of utter disbelief that I've ever written one before." – Michael Palmer

"Writing isn't something that gets easier over the years...not if you're focused on writing the best book you can. It's difficult and challenging to write something fresh and entertaining while still delivering those reader expectations...being both unique and reliable." – Nora Roberts

"I need to write for myself, but it's damned hard to do when you're at a certain level. You have to close those [publisher's] voices out of the office. My job is to write a good book, and I have to separate my job from their job." – Kathryn Lynn Davis

"Every time I begin a book I pretend it is my first and tell myself it has to make it on its own." – Dorothy Cannell

"A career is like raising children. The problems change, but they never go away. Just as children grow and the problems they get into are more serious, the problems in your career as you progress are far more stressful." – Ann Maxwell

Coping With Success

As soon as you make it big, everyone wants to own a little piece of you.

"In our culture," according to Diane Mott Davidson, "a writer never earns being left alone to work. When there is success, the increase in demands is enormous."

To protect against the urge to say yes out of guilt, Sue Grafton taught Davidson the concept of "guarding your shadow." Psychologist Carl Jung divides the personality into Self (our spiritual side), Ego (the side we show the world), and Shadow (the side we repress). The Shadow can be a source of untapped creativity.

Says Grafton: "The creative force of the Shadow will go underground and refuse to function if the Ego devours a writer's energy with orders to 'be nice.' The Shadow has to know that the Ego will be willing to eat a death-cookie. Only then can the Shadow thrive."

"One's creativity is a fragile gift," says Davidson, who

has added the word "no" to her vocabulary in recent years. "What I do for the world outside of my family is that I write books. Anything extra I do is my choice."

Making Mistakes

Mistakes aren't fatal, as you can see from the success of those who admit to having made them. Here are a few you might be able to avoid:

Failing to be professional: "A lot of us don't know how to have a professional relationship. I once had an editor who brought her child to a breakfast meeting. It was a disaster, but when I thought about why it happened I realized it was the clues I had sent her that made her think it would be okay." – Kathy Seidel

Finding a good agent: "I did not know the power of a good agent... how important it was to have someone battling for you, someone who believes in your potential. An agent is far more than someone who sells my books. An agent can help you plot your career—and your future." – Tess Gerritsen

Remembering it's a business (yes, again!): "If you're a writer, then you're a business person, whether you want to be or not. For years I was content to let everything slide without giving much thought to bookkeeping. [Now I] grit my teeth and invest 3% or more of my income back into my business." – Debbie Macomber

Final Nuggets

"If it don't pay and it ain't fun, it ain't worth doing." – Clive Cussler

"You need to take your real satisfaction in the writing itself. It is the only thing in the business that is actually under your control." – Jayne Ann Krentz

"Anyone who believes that there's this awful downside to 'making it' needs to have his or her motives examined." – Catherine Coulter

"What should all authors know about the publishing business? Smile, be pleasant, but cut the cards." – Rod Thorp

"Dream big dreams!" – Debbie Macomber

"Being a novelist is a lot like writing a novel. You make it up as you go along." – Lawrence Block

Liz Hill, a Denver-based NINC'er, has co-authored four novels for young adults and published articles in The New York Times, Newhouse Publications, and various trade rags. She hopes one day to be a "big name" but at this point, she'd settle for her real name on a book cover. As a YA author, her favorite part of this assignment was getting R.L. Stine's postcard admitting that two books a month was "too much for any human." What a relief!

Estate Planning for Novelists

Authors need estate and tax planning as much as individuals in any other profession. In essence, "estate planning" is a way to be certain your property will go to those you choose, at the time you choose, in an orderly way, and as economically as possible. Estate planning is not reserved solely for the very rich; rather, everyone needs an estate plan.

By
PHILIP R. FARTHING, Esq.

taxes.

Writing a will is one area where it pays to get professional help. A poorly written

will, or one not well thought out, can be far more costly to straighten out than the fees attorneys charge to write a will. This small investment in estate planning is your best insurance that things will happen the way you want them to when you are not around to give directions.

Be sure to review your will periodically to make sure it still reflects your wishes. If there's a major change in your financial circumstances or your family structure, you should revise your will immediately. A new spouse, divorce, or a new child, for example, must be taken into consideration, as well as new financial success, or inheritance from a parent or family member.

Authors should give careful consideration to whom they select as an executor of their estate if they have active writing contracts in effect or other marketable literary properties. The executor in these situations does not necessarily need to be an attorney, CPA, financial planner, or have an MBA, but they should possess sufficient business savvy to represent you and your heirs well in respect to your contracts, literary agents, taxes, investments, and the like. Frequently it is wise to use co-executors in order to bring combined talent to the estate administration process.

Probate

Property that is transferred by will is subject to probate, which is the state legal process of proving a will is valid in the applicable court and seeing that your assets pass to those you select. Because the process in your state may be slow, expensive, and frustrating, many people make avoiding probate the focus of their estate planning. The fees to probate an estate can differ widely depending on where you live, so ask an estate-planning attorney if these costs in your state are particularly burdensome.

If you wish to avoid probate, you can take advantage of various legal strategies for transferring your property. These should not be thought of as substitutes for a will, but as supplements to your plan for passing on specific parts of your estate.

- ▼ **Joint ownership.** Joint tenants co-own property. If the ownership is properly structured, the joint assets automatically pass to the surviving owner.

Estate Planning Basics

At a minimum, your estate plan should consist of the following essentials:

- ▼ A current last will and testament
- ▼ A durable general power of attorney
- ▼ A "living will" or other medical directive
- ▼ Potential use of trusts
- ▼ Tax planning for estate and income taxes

Some of these essentials involve the preparation of estate planning legal documents. Others require tax and business planning, and consideration of how your assets are titled for ownership. Together, these can provide significant peace of mind for you and your heirs.

Wills

Every adult needs a will. A will is a legal document that transfers your property after you die, which names the person who will settle your estate (the executor), and names those who will care for your children who are minors, if any. For parents of minor children, a will is the best way to identify a guardian for them. Unless there are extreme circumstances, courts generally will not disturb the wishes of parents as specified in a will. If you and your spouse should both die *intestate*, that is, without a will, state courts and social services agencies decide who will have custody of and raise your children. For every adult who dies *intestate*, the state decides how to distribute his or her money and property according to state laws of inheritance. If no heirs are found after a reasonable search, the property may ultimately pass to the state. These laws vary state-by-state.

Everyone needs a will because there is always so much at stake. No one likes to think about death, so sometimes it helps to think, instead, about how you are helping your family and loved ones by having a valid will and estate plan, and you may simultaneously reduce or avoid legal or other professional fees, various probate costs, and/or inheritance or estate

Every adult needs a will....because there is always so much at stake. No one likes to think about death, so sometimes it helps to think, instead, about how you are helping your family and loved ones.

Joint ownership, however, is generally unwise for estate tax purposes if your gross estate value exceeds \$600,000 under current federal law.

- ▼ *Pay-on-death accounts.* A POD account is set up with a financial institution. When you die, the funds in the account are paid directly to the beneficiary you name. While you are alive, the beneficiary has no right to any of the money in the account.
- ▼ *Transfer-on-death accounts.* Many states have TOD accounts, which are special accounts for securities you may own that are held at a brokerage house. Most brokerage houses charge a small fee to establish these accounts, but if your estate is small, generally less than \$600,000, a TOD account permits the brokerage house and mock transfer agents to transfer title to securities in your name to your designated beneficiary upon your death and to avoid probate costs or delays.
- ▼ *Life insurance.* Life insurance proceeds normally avoid probate because you specifically name your beneficiary in a policy instead of by will.
- ▼ *Designated beneficiaries.* Proceeds of certain trusts, pensions, and IRAs pass directly to whomever you name and are generally not subject to probate. Large IRAs and pension accounts require special planning.

Durable Power of Attorney

As you own assets, you have the right to decide what happens to your real or personal property as long as you are of sound mind, but if you should become incapacitated, whether through illness, an accident, or otherwise, and are unable to manage your own business affairs, a court order may revoke your right to manage your own money and, instead, appoint a guardian for that task. The typical court procedure is time consuming, distasteful, and expensive. You can protect yourself from this possibility by appointing an attorney-in-fact for yourself using a durable general power of attorney.

A power of attorney is simply a written authorization for someone to act on your behalf, for all the purposes you spell out in writing. A durable power of attorney continues in effect even if you should become unable to manage your own personal and financial affairs. If you like, you can select both a prime and an alternate attorney-in-fact to act on your behalf. This gives you a standby person in the event your prime choice is unable to serve for any reason. As long as you are mentally capable, you can revoke a durable power of attorney whenever you like. A power of attorney ceases to be operative upon your death.

Although not a legal requirement, many attorneys suggest you execute a new durable power of attorney every few years to demonstrate that your intention is still current. Insurance companies and financial institutions may not be as likely to honor an old power of attorney as one executed within the past four or five years. One way to assist third parties in honoring your durable power of attorney is to

give your bank or broker a copy while you are still competent and while the date of the document is fresh.

Living Will and Health Care Power of Attorney

So-called "living wills" are technically referred to as advance medical directives or health care directives in many states. Essentially, a "living will" describes your wishes about administering or withholding life-prolonging medical treatment if you have a terminal illness.

A 1991 federal law requires most hospitals to discuss "living wills" with all newly admitted patients. For a living will to be valid, it must be written and executed while you are competent and of sound mind. It should be reviewed periodically to make sure it still reflects your wishes. State law or preferred practice may dictate that your living will be witnessed by disinterested parties who are not family members.

In coordination with your living will, estate-planning experts may also recommend a *durable health-care power of attorney*. This document allows you to designate the person whom you want to make health-care decisions on your behalf if you are not terminally ill, but should become incapacitated. Such a power of attorney is always revocable and amendable at any time, so long as you are competent to make the changes.

The living will and health-care power of attorney each has a distinct function in your estate plan. The living will provides guidance to health-care personnel, clergy, your legal counsel, and family members about your wishes regarding life-sustaining treatment, usually when you are terminally ill, whereas the health-care power of attorney names the person who is responsible for making other health-care decisions on your behalf. In some states, written health-care powers of attorney may not be required because the state statutes establish who may act for you.

Trusts

Trusts can offer you significant tax savings and a great deal of flexibility when setting up an estate plan. Though previously thought to be the province of the wealthy, trusts can prove to be useful estate planning tools for people of widely varying incomes. Trusts are more costly and more complicated to set up than a will, but they offer very significant planning, tax, and other advantages. They should be seriously considered.

A trust is a written document that transfers property. It differs from a will in that whomever you have designated to receive the trust property obtains it free from probate. The law considers a trust simply to be a separate legal entity, like another person. You create the trust to hold your property for the benefit of one or more beneficiaries whom you designate. As the person who sets up the trust, you're known as the "grantor." You then name a "trustee," who manages the trust's assets according to your instructions. A trustee may be your attorney, a bank trust officer, or any other person you can depend on to act in your best financial interest. As grantor, you may also be the initial trustee of the trust if you wish. After your death, the successor trustee

Estate Planning

(Continued from page 7)

named in the trust agreement becomes responsible for distributing the remaining assets to your beneficiaries.

Along these lines, there are basically two kinds of trusts. A testamentary trust is one set up by a will and takes effect after the will is probated. Generally, trusts under a will are to be avoided where probate or probate costs are of supreme importance, because trusts under a will must go through the probate process. On the other hand, a living trust, sometimes known as a *revocable living trust*, avoids probate and takes effect as soon as it is established. When you create a living trust, you must decide if it's to be *revocable*, so that you can modify it as you wish; or *irrevocable*, which means you can make no future changes of any kind.

The advantages of revocable, living trusts go beyond just avoiding probate. These include:

- ▼ *Privacy.* Generally, what is in the trust is not a matter of public record. This could be very important in the family context you are in, or this aspect could be impacted by the small size of your community, or the nature of your business may be such that privacy is a significant ideal in your eyes.
- ▼ *Flexibility.* You can design a trust to provide for survivors with special needs, such as a child with disabilities, or a relative who needs guidance in managing money. The possibilities are almost endless, and may include even extreme circumstances such as drug testing of beneficiaries before distributions are made.
- ▼ *Avoids a guardianship.* When setting up a trust, you can provide for a successor trustee to manage your assets if you become incapacitated. This enables you to avoid being placed under a court-appointed guardian.

One of the significant advantages of the revocable living trust in this day and age is the timing of when the income or assets may go to children or grandchildren. Many Americans, including financially successful authors, have amassed a substantial estate in the past 20-30 years. A trust can be used as the device to "dribble" the funds out to children over a

reasonable but extended period of time.

Depending on their complexity, the attorney's fees to establish trusts may range from \$700-\$900 to several thousand dollars. Generally, however, the benefits of using trusts far outweigh the initial costs.

Charitable Trusts

Another type of trust, called a charitable trust, may be very beneficial for your tax and estate planning consideration. Most charitable trusts allow you to put low "cost basis" assets into the trust, avoid individual income taxes on any capital gains, reserve a lifetime stream of income to you and your spouse, obtain a charitable deduction for your income taxes, and avoid estate taxes on the assets upon your death. The ultimate beneficiaries of these trusts are the charities you may select. Meanwhile, you and your spouse will receive income from the trust until the second one dies. These trusts tend to be more expensive to establish, but the favorable tax and other results can be splendid.

Irrevocable Trusts

Another frequently used estate planning tool is an irrevocable trust. These tend to be used in conjunction with life insurance. The goal here is to get the value of the life insurance completely out of your estate tax calculation when you die, while reserving the income after your death to your spouse, and then perhaps the income and principal going to your children after the death of you and your spouse. The estate tax savings can be very significant if you utilize this planning tool.

If you think a trust would be useful, consult an experienced estate-planning attorney, and keep in mind that, even if you set up a trust, you still need a will to take care of any assets that you don't transfer to the trust. Everyone should consider the use of a trust in their planning.

How to Start Planning

Before you can best decide how to pass on your estate, you need to know what actually comprises your estate. Your estate includes everything you own at the time of your death: house, car, furniture, savings accounts, insurance policies, securities, and just about anything that has your name on it. Author's estates would include writing and royalty contracts, and may include audio or movie rights to works written by the author. Sometimes ghost-writing or similar contracts are part of an author's estate. Though the actual value of

Under current law...your estate will owe the federal government taxes at rates between 37 and 55% on any amount in excess of \$600,000. This is a steep tax, and worth your effort and expense to avoid!

your estate is computed only after you die, for good, effective estate planning you need to estimate the value for yourself, because only by knowing those total values can you anticipate what estate taxes might be due when you die.

Under current law, you can leave an estate worth up to \$600,000 without incurring any federal estate taxes. If the value of your assets is more than that, your estate will owe the federal government taxes at rates between 37 and 55 percent on any amount in excess of \$600,000. This is a steep tax, and worth your effort and expense to avoid!

Because state laws usually govern the transfer of property to heirs, additional taxes may be involved as well. The state where you reside, as well as any state where you own property, may levy some form of inheritance or estate tax. The taxes are assessed either as a state inheritance tax on each heir's share of the estate, or as a state estate tax on the total value of the estate.

The federal estate-tax laws do have one welcome provision, namely, married couples get an extra break called the "unlimited marital deduction." You can leave everything to your spouse and not have any estate taxes due until your spouse dies. Therefore, and this is important, proper estate planning includes a plan that covers *both* the first and second deaths of a husband and wife.

Figuring the value of what you own can be challenging, because property can be owned in a variety of ways. For example, if your house is owned as *tenancy by the entirety* (which only spouses are allowed to elect) or as *joint tenancy with right of survivorship* (which any two or more people can elect), you and your spouse (or joint tenant) automatically inherit each other's interest, insofar as the passage of ownership is concerned after your death. But the mathematical tax computation is a different matter. So if you and your husband jointly owned a \$200,000 house, and your husband were to die first, only half the house's value, \$100,000, would be counted in figuring the value of his estate.

Another complication in property ownership occurs in the eight "community property" states (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Washington). If you're married and live in a community property state, half of what you buy or earn during your marriage legally belongs to your spouse. No matter where you live, if you have any uncertainty about who owns what, be sure to check with a competent attorney.

Calculating Your Estate Value

Calculating the value of your estate involves at least a three-step process. First, you need to prepare a written inventory of what you own and assign your very best estimate of fair market value to it. Next, you itemize any deductions you will have, such as funeral costs, fees for settling your estate, last debts, any mortgage you may owe, etc. Then you are ready to calculate your taxable estate. If your final net asset figure is above the \$600,000 federal estate tax exemption limit, you definitely need to minimize or avoid the estate taxes that will be due.

Minor Children

You generally have the right to give your property to anyone you wish, but if you leave your property to a minor, a separate guardian may have to be appointed to hold title to the property until the child comes of legal age. In general, minor children cannot own property outright, free of legal or court supervision, depending on individual state laws.

You may want to get professional advice on which legal method is best for leaving property to your minor children. The two most common choices are: (1) setting up a custodial account through the Uniform Transfers to Minors Act—if it's applicable in your state; and (2) a children's trust, which can be established either by your will or as part of a living trust.

Gifts

If you have an estate valued over \$600,000, giving gifts can be a way to reduce your taxable estate, and doing so may minimize any estate taxes due.

In general, federal law exempts from gift tax up to \$10,000 in cash or property that you give to any one person each year. Further, you may make as many of these tax-free gifts as you wish each year as long as no one individual receives more than \$10,000 in cash or property each year.

If your spouse joins in the gift, you can give each person up to \$20,000 a year. Because of the federal unified gift and estate tax credit available to each individual, any gifts which exceed \$10,000 individually or \$20,000 jointly reduce the \$600,000 that can be left tax-free at your death. Gifting during your lifetime can work well both personally and financially. Under certain circumstances, gift tax returns may be required each year.

However, income taxes must also be carefully considered when gifts are made. For example, mom may give you her house now by deeding it directly to you, but if her "cost basis" (generally, what she originally paid) is, say, \$20,000 and the residence is now worth \$100,000 or more, you may find that you incur a huge income tax on the gain above \$20,000 when you subsequently sell the residence. This is because for *income* tax purposes, you as recipient receive mom's \$20,000 cost basis when you receive the gift during her lifetime. On the other hand, assets receive a "step-up" in basis upon someone's death, so it may be wise for mom to will the residence to you at her death, which would mean your new basis would be the fair market value of the residence on mom's date of death. This plan might be particularly effective if mom's estate is valued at less than \$600,000. The lesson here is: evaluate and balance the income tax consequences against the estate tax consequences when considering gift programs.

Long Term Health Care

Americans live increasingly longer lives. Families must grapple with how to pay for the extended care a chronic illness can require. Statistics indicate many Americans will

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Estate Planning

(Continued from page 9)

spend at least some portion of their lives in a nursing home, yet ordinary health insurance doesn't pay the bills for nursing homes or other types of long-term care. Medicare pays only for nursing-home and at-home care under limited circumstances.

Because this issue affects many Americans, financial experts often include long-term care insurance as a part of an estate plan. Long-term care insurance is expensive but may be worth buying if you have substantial assets to protect. For someone with \$50,000 or more in savings, as well as a home and a car, long-term care insurance is probably worth considering.

Policies vary widely, however, and you will need to examine carefully any policy you consider. Some cover only nursing homes, some cover home care, and some cover both. After you have reviewed several policies, you will certainly want to seek some professional advice and financial projections on which policy to purchase.

Other Considerations

Valuation Issues. Authors face special circumstances in valuing their works. Existing book contracts are usually valued for estate tax purposes using actuarial assumptions about the future stream of royalty or other income, discounted back to a present value at your death. On the other hand, it is often difficult to establish the "fair market value" of unsold manuscripts. If the unsold manuscripts have received numerous rejection slips, perhaps the value will be zero. On the other hand, an unsold manuscript that is published soon after death will have a fair market value that must be determined based on the facts and circumstances. Much depends on the particular facts associated with such manuscripts at the author's date of death. A recent federal case in which we were involved has held that an author's name and likeness may have a separate, distinct value at his or her date of death (*V.C. Andrews*). State statutes usually govern these name and likeness issues, but the Internal Revenue Service may use several factors to determine the fair market value of your name and likeness as an author. Post-death activities that actively market your name and likeness may trigger IRS scrutiny for your estate. Ghost written books published post-death may also be an indicator that your name and likeness had a separate and distinct value for estate tax pur-

poses at your death.

Those authors who utilize continuing characters or plot lines in a series of novels, perhaps a sequel, may find that these derivative rights constitute a separate, valuable asset at their death. These issues need to be evaluated by an estate planning attorney who is well versed in copyright law.

Business Planning. "Choice of entity" is something an author must consider. This requires careful evaluation regarding use of a sole proprietorship or use of a corporation or limited liability company for your business. A corporate and business attorney, and certified public accountant, should be consulted when these decisions are being made. If an author works as a sole proprietor, his or her net income will ordinarily be reported on Schedule "C" of his or her annual individual income tax return. The corporate or LLC form of business, on the other hand, may provide significant tax or other benefits, particularly to the economically successful author.

Estate Planners. Seek out a competent estate planning attorney in your area. Ask friends or business associates for recommendations where they have experienced successful results. State and local bar associations often list attorneys who specialize in these areas. Many metropolitan areas have special, local estate planning councils. Books regarding estate planning are often readily on hand in your local public library. Many financial planners and accountants can help you compute valuation aspects of your plan. They frequently have computer programs that can provide excellent planning illustrations.

Act now. You spend a lifetime acquiring your assets, usually through savings and hard work, so you should be willing to spend the several hours that are required devising and implementing a solid estate plan for you and your family.

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— Philip R. Farthing, Esquire

Phillip Farthing is an attorney with the Norfolk, VA, law firm of Payne, Gates, Farthing & Radd, P.C. His concentration of practice is in the fields of probate, estate planning, wills and trusts, estate and trust administration, fiduciary litigation, estate and gift taxes, corporate/business law, and non-profit organizations. He has litigated precedent-setting cases in these areas of expertise, including one involving the estate of V.C. Andrews with the IRS. Mr. Farthing has generously offered to answer specific questions from our members in the Advocacy column. Please send your questions to Advocacy Chair Cathy Maxwell.

Those authors who utilize continuing characters or plot lines in a series of novels, perhaps a sequel, may find that these derivative rights constitute a separate, valuable asset... These issues need to be evaluated by an estate planning attorney who is well versed in copyright law.



How Do I Work?

Not enough.

Too much.

Eagerly.

Reluctantly.

In a frenzy.

In a kind of shattered calm.

Are you getting the idea that for me writing isn't a profession that can be done by the numbers? You know — W hours of research + X hours of plotting + Y hours of writing = Z wonderful novel.

If I had the formula, I'd follow it. I don't, so I'm stuck with taking the days as they come.

Right now, I'm in that state of shattered calm that comes after turning in a book. That's when I catch up on months of correspondence, answer the phone, research my next book, answer the phone, write articles for NINC and the Avon sales department, answer the phone, appear on panels for various causes, answer the phone, practice my specialty of triage gardening, answer the phone, give a thumbnail sketch to the sales department of a book I haven't even researched yet, juggle a family crisis, answer the phone, confer with editor on cover copy, shoot the phone and go salmon fishing.

When I begin to write, as opposed to work (face it, all of the foregoing except gardening and fishing is work), my days change. They get longer. A lot longer. The correspondence goes on hold, but everything else except the salmon fishing continues. The research is shifted to after dinner. So is anything else I can't put off or duck: sales letters, back cover copy, previously promised quotes, articles, revisions, proof reading, etc. Gardening is shifted to before breakfast and after my daily workout. (Did I mention that I exercise semi-religiously? It's the only thing that gives me the stamina for this nutty profession.)

Once I have plotted a book—a process that takes about two weeks after several months of research—I write @ 30-40 pages a week. Notice how easy that sounds: @ 30-40 pages a week. Gosh, anyone can do it.

A page an hour, that's all.

Thirty or forty hours a week.

Week after week after week.

And if you get behind because you have to go to NY or Chicago or wherever to press the flesh and flog your book, well, there are always weekends, right?

Wrong. Remember the old saying: If twenty-four hours a day isn't enough, try working nights.

I used to write seven days a week and edit in the

evenings. Then I decided that a career wasn't a life and cut back to two books a year with time off for good behavior. Evan and I are actually planning a ten-day vacation in July. No research. No writing. No taking notes. No telephones. Nothing but Alaska, fishing rods, and us.

On my calendar, it says that I will be finished with another book before I go on that vacation. Unfortunately, my calendar didn't leave enough slack for the innumerable and non-repeating crises that just keep happening. Due to circumstances beyond anyone's control, the manuscript I just finished will be late getting from my editor back to me, which means revisions will be late getting from me back to her, which means I'll be late starting the next book, which means....

That tinkling sound you hear is a long, long row of dominoes falling, and each one is a due date. If no more dominoes fall, I should be caught up by 1999.

But I'm still going fishing in July, damn it!

— **Ann Maxwell aka Elizabeth Lowell**

Individually and with co-author/husband Evan, Ann Maxwell has written over 50 novels and one nonfiction book, ranging from science fiction to historical fiction, from romance to mystery to suspense. Amber Beach, a contemporary romantic suspense will be out in hardcover in September 1997; also, the paperback reprint of Winter Fire.

INTRODUCING...

The following authors have applied 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

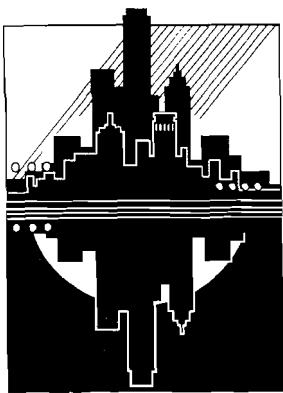
JoAnne Cassity (*Jessie Gray*),
Boardman OH
Jan Freed, Richmond TX
Karen Harbaugh (*Kathleen Elliott*), Federal Way WA
Eileen Hehl, New Milford CT
Angela Elwell Hunt, Seminole FL
Mary Pat Kanaley (*Patricia Williams*), Spokane WA
Jolie Kramer (*Jo Leigh*),
Houston TX
Elizabeth Manz, Sterling Heights MI
Florence Moyer (*Hayley Gardner*), Bossier City LA
Cynthia Richey, Dunwoody GA
Christie Ridgway, La Mesa CA
Sonia Simone-Rossney (*Sonia Simone*), Berkeley CA
Laura A. Shoffner (*Laura Abbot*),

Eureka Springs AR

Patricia Werner, Englewood CO

New Members

Paulette Brewster (*Melody Morgan*), Swanton OH
Wendy Brennan (*Emma Darcy*),
Wyee, New South Wales,
Aust.
Suzanne Brockmann,
Wayland MA
Pamela Burford, Baldwin NY
Theonne de Kretser (*Stephanie Laurens*), Caulfield South,
Victoria, Aust.
Anne Eames, Waterford MI
Jean Hager, Tulsa OK
Linda Francis Lee, Chapel Hill NC
Julianne Moore (*Julie McBride*), New York NY



1997 N.Y. Conference Update

Elvis to Attend the 1997 NINC Conference!

Longtime NINC member and *New York Times* bestseller Jayne Ann Krentz a.k.a. Amanda Quick will be our special guest speaker at Saturday's luncheon. We did have a keynote speaker, but he's been swallowed by a black hole, and I'm busily trying to find a new one. Meanwhile, in case I haven't mentioned it recently: there will be... NO BANQUET! (Yes, it's true, I've had a phobia about banquets ever since that unfortunate incident at the World Science Fiction Convention one year when we were served lime hectograph jelly for dessert....)

In addition, our program chair Pat Kay (who is really a woman, not a chair; but I digress) is lining up a terrific program for this year's conference in the Big Apple. There will be adventure! heartache and tears! dirty laundry washed in public (not mine)! sex and violence! special experts and unusual topics! show-and-tell hands-on sessions! kiss-and-tell liars' poker! And, need I even add, the usual array of deeply serious and meaningful sessions which have driven so many of us to drink immediately afterwards.

As for Elvis... Hey, pull yourself together, will you? He's dead.

Scully and Mulder Suspect Extra-Terrestrial Biological Entities Will Crash the Conference!

Meanwhile, Bad Binnie Braunstein has agreed to be the PR maven for this

year's NINC conference. This means some Extra Special Stuff for us!

We're going to have a press room this year, and Binnie will be arranging opportunities for NINC and its members to connect with the media. While this will provide PR opportunities for individual writers, our primary goal is to use the opportunity to raise NINC's profile within the publishing industry during our four days in New York. We're doing this because I'm sick to death of everyone I meet saying, "Ninc? What's that? Never heard of it."

The conference brochure (due out in July) and registration form will provide additional information about this, but if you're better than I am at planning ahead (and who isn't?), you'll want to start thinking about this now. Binnie will be collecting press kits and organizing lists of authors-available-for-interviews. If you have relevant media contacts ("relevant" does not include your hometown paper in Boise or your local radio station in Amarillo), please pass them along to Binnie. ("Relevant" would include generally high profile contacts such as major newspapers and magazines; NYC-area TV and radio; or any sort of publishing industry-related media, including genre trade journals, various writers guild publications, etc.)

For those of you too lazy to look up Binnie Braunstein in the new roster, she's at 7504 Labyrinth Road, Baltimore MD 21208, 410-486-6178. And last I heard, she needed a couple of volunteers to help her out.

We're hoping to also attract media attention with the art show, which will be a visual event (in case you hadn't figured that out yet).

Unfortunately, extra-terrestrial

biological entities crashed the World Science Fiction Convention last summer in L.A., and their budget won't extend to an additional appearance here until the next millenium.

Jimmy Hoffa Expected to Turn Up at Last—at This Year's NINC Conference!

In addition... We're putting together a list of people we intend to invite to the Saturday night art show reception (look at your preliminary conference brochure if you don't know what I'm talking about). We'll charge them reasonable prices (if such a thing is possible in New York, which I doubt) for tickets. If there's anyone you'd like us to invite, please let me know: publishing professionals, art enthusiasts, VIPs, wealthy relatives, Elvis, Scully and Mulder, Hoffa.... Whoever.

A Bagful of Free Books!

This headline is actually true. (Hah! Gotcha!)

Vicki Lewis Thompson is in charge of what we're calling, for lack of a more dignified term, the Goodies Bags. Every year at World Fantasy Convention, attendees automatically get a bagful of free books (new releases in hardcover and paperback) and magazines when they register. We fully intend to get such freebies for NINC conference attendees this year, not only to take the bite out of this year's steep conference fee but because, dammit, we're worth it!

Our Goodies Bags will also include brochures, flyers, and suggestions about how to have fun and encounter the unimaginable during your four days in the Big Apple. Jennifer Crusie is putting together NINC's very own guide to Manhattan (eating and shopping, culture and sin, history and horticulture, crime and punishment) for those of you who (like me) never

manage to plan ahead when you go off to some strange city for a conference. Last I heard, she was still collecting information and recommendations, so if you want to suggest a favorite haunt in New York, e-mail her at

JENNIFERCRUSIE@POBOXES.COM

It is my personal dream that the Goodies Bags will also include chocolate. A man's reach should exceed his grasp, etc., etc.

NINC Roster Lists Wrong Address for Resnick!

I'm at 119-B Wareham Drive
Cincinnati OH 45202
513-723-1248
L.Resnick2@GEnie.com



ONLINE

Every now and then something happens to remind me of just how valuable/interesting/fun online networking can be. Two recent examples I'd like to share: yesterday, I went to a local Kroger, a stop on the Midwest Romance Authors Bus Tour (which I heard about online), to lend my support to those signing. I ended up chatting for over an hour with the authors, most of whom I'd previously "met" only online. What fun to put faces with the names! This phenomenon has made conferences a lot more enjoyable in recent years as well.

The other example has to do with Harlequin/Silhouette's new policy of requiring authors to post a link from their web pages to the publisher's (where they sell books at book-club royalty rates) if the author uses covers or excerpts on her site. Because this was posted to several listservs by concerned individuals, there may be time to protest this practice before too many authors comply out of ignorance. Speaking of Harlequin/Silhouette authors, a new listserv has formed just for them. Currently the cost is \$5/year, but if enough people join, that may cover two years. To join HSLink, send the following:

TO: **majordomo@majordomo.pobox.com**

CC: **JKramer573@aol.com**

Subject: Your real name and the line you write for

Body: subscribe hslink-digest

In only three days on this list, I've found it very informative.

Dell authors are also forming an e-mail loop. Interested Dell authors can e-mail **s.thacker@genie.com** for more info. Please put "Delloop" in the subject line.

Also informative is a new e-mail loop that grew out of a discussion on NinLink about small presses, self-publishing, and studio publishing. Anyone interested in exploring those topics can e-mail **neff@sfo.com** to join in. Neff is also the one to send your name and pseudonym (if applicable), title, publisher, and ISBN to have upcoming books posted on the NINC Web site.

Our server changeover for NinLink went pretty smoothly, all things considered. Remember, the new subscription instructions are:

TO: **MAJORDOMO@ninc.com**

Subject: Subscribe Your-Ninc-Membership-Name

Body: Subscribe NinLink-Digest Your-Email-Address

Once subscribed, post messages To: **NincLink @ninc.com**. The digests are kept short enough now that they almost never come as attached files, which is nice. Though the number of posts dropped off for a bit as people adjusted, the quality of discussion was as high as ever. A few recent topics explored include: overcoming perfectionism; library rentals of books; viewpoint (again!); learning styles; financial advice for writers (SEP-IRAs, etc.); writing with injuries and lost income due to injury; writing on spec; writer's block vs. burnout; and some of the problems that come with making it "big," such as writing to please a committee rather than a single editor. Two books repeatedly recommended during the course of these discussions were *The Career Novelist* by Donald Maass and *The 9 Steps to Financial Freedom* by Suze Orman.

I'll conclude with a couple of warnings and a few great tips gleaned from online sources. First, a caution about USFreeway.com, which I mentioned a couple of columns ago: several people have reported overcharges, never receiving software, and unreturned phone calls. Oops! Secondly, you may want to warn your unpublished friends about a book-doctoring "service" called Edit Ink, which charges hefty fees, pays referring agents (ones to avoid!) a 15% kickback, and uses fresh-out-of-college English majors as their staff.

Now some miscellaneous good stuff: several people are swearing by the Claris Home Page software (available for Mac and Windows for about \$99) to create great Web pages easily. There's a place called ABC Pictures that will print 1000 black & white 5x7 publicity photos for \$80. Call 417-869-3456 for details.

Finally, some useful Web sites to check out: Writer's Resources at <http://www.vmedia.com/shannon/writing.html>, Poets & Writers' Magazine at <http://www.pw.org> and, for promo tips, Cait Logan's home page at <http://www.romanceweb.com/cait>.

That's all I have room for this month. Remember, send any online news, great Web sites, etc. to me at **brendahb@aol.com**. See you online!



— Brenda Hiatt Barber :)



EAST OF THE HUDSON

Once More To The Breach

Take a little time off and come back with a fresh outlook, right?

Wrong! Take a little time off and come back to find that things are pretty much as they were.

For instance, the publishing implosion. It's still going on, maybe worse than ever. Since last I sat down at the keyboard, several notable collapses have taken place:

A Pipeline Gets Plugged Up

Pacific Pipeline, one of the best regional distributors in the country, filed for Chapter 11 bankruptcy protection. It wasn't a surprise. Pipeline, the Seattle-based firm, has supported regional nonfiction and has even done a good job of stocking and selling commercial fiction with regional appeal. But more than a year ago, in trying to increase efficiency, the Pipeline quit functioning.

Computers were the problem. The distributor installed and launched new software to handle orders and shipments. Only the things didn't work. Books that were ordered never came; books that weren't ordered showed up by the carload; titles that were in stock disappeared and orders were written for books that didn't exist.

The problems began in the fall, just in time to ruin the Christmas season, and the distributor never quite recovered.

Not a new story, but one that has ramifications for the whole book business, including writers. Pipeline left behind 1800 unsecured creditors including Random House (\$1.8 million), HarperCollins (\$971,000), and Bantam (\$826,000).

Writer's won't get paid for books that Pipeline distributed and that booksellers sold, and publishers will have to tighten their belts just a bit more, particularly when it comes to books that might be expected to do well in the Northwest, one of the country's best book regions.

Worse, some of the smaller publishers are going to get lunched. One cookbook publisher's title, just jobbed to Costco by Pipeline, went on the hook for an extra printing to meet the order. That publisher won't get paid now and may go under.

The point here is that business failures reverberate throughout publishing. Diversity suffers; power becomes more and more concentrated.

Like I say, same old same old.

Flushed With Success

Book and music superstore chain Media Play was supposed to be the wave of the future. Now, it may become a thing of the past.

Media Play's parent, Musicland, filed a financial report with the Securities and Exchange Commission that suggested the firm may be the first victim of the long-expected super-

store shakeout. Musicland's auditor noted drops in revenue and liquidity problems that "raise substantial doubt about its ability to continue as a going concern."

Now, here's the weird part. Media Play sold \$126.3 million worth of books in 1996. We average folks might think with so much income, the company would be in good shape. Not so. In fact the chain is scaling back from 87 stores to 67 and is cutting the numbers of both books and recordings it sells. The future of the superstore chain, once regarded by some New York publishers as the wave of bookselling's future, will probably be known by early summer. That's when a new financing package must be in place. Otherwise, Media Play might be the next in the implosion line. Stay tuned.

The Mystery of Publishing

Publishers Weekly did its annual roundup of trends in mystery publishing. Underneath the cheerful, canned quotes from editors, there was a bleak message. The little mystery is dead.

So, for that matter, is the medium-sized mystery.

Marketers have taken over the reins of publishing and marketers believe that to succeed, mysteries have to be able to support a hardback print run of more than 10,000 copies, preferably a great deal more.

That is a vast sea change from the good old days when a mystery series could subsist on 5,000 hardbacks, net. In fact, I know a number of mystery writers who lived very comfortably on those kinds of numbers. Robert Parker didn't crack 12,000 copies until his breakout book, if I recall correctly. Tony Hillerman was a solid, if not sensational performer for 13 books before he became an overnight sensation.

No more. It's up or out, as they say in the army, and you'd better get up pretty damned fast, in one or two or three books.

PW's piece suggested that there still is room for success in mystery writing. A couple of new trends are asserting themselves. For instance, suddenly there seems to be room for hard-boiled male detectives again. Female PIs are a dime a dozen, overstocked and underappreciated, but tough, noir guys with guns seem to be catching on.

(Pardon me if I seem less than overwhelmed. Five years ago, we were told tough guys were passé.)

But on the whole, the mystery field seems to be shrinking, just as everything else in publishing is shrinking. There is less and less room for experimentation, for exploration, for innovation. "Big" and "safe" are the watchwords.

I spent a weekend in Southern California and saw several old friends from the mystery days. All of them were crying the blues. Several of them find, after *decades* of publishing, that they can't sell a book any more.

At the bar one night, one of those veterans stared into

his cabernet and shook his gray head sadly.

"Gosh," he said with genuine amazement, "do you suppose you and I have lived through the Golden Age?"

I don't think so, or I'd go back to my day job.

On the other hand, things have changed and we're all going to have to change if we expect to stay in the rat race.

The Net Is Gross

Jean Richardson, reporting in *Publishers Weekly* on the results of the first year of discount bookselling in Britain, notes that things are still very much in turmoil.

Last year, British publishing was knocked cockeyed by the dismantling of the Net Book Agreement, which effectively fixed retail prices of front-list books. The NBA, as it was called, had prevented the sort of massive discounting that has come to characterize U.S. bookselling.

In the first year without what amounts to artificial price supports, British publishing went wild, Richardson reports. A record 100,000 new titles were published.

Good news, right?

Maybe not. According to a tracking service, more than half the book sales in 1996 were apportioned among 5,000 titles, about one percent of all the books in print in Britain.

In other words, there were a lot of books on retail shelves that did nothing, lots of writers whose works were purchased by friends and relatives and virtually nobody else.

Sound familiar? Sound like what's happening in the U.S., where superstores are stocking more than 100,000 titles and selling substantial numbers of only a relative handful of titles?

Preparing a talk for a writers' group last month, I coined a phrase to describe the situation: I called it "massifichaos," a combination of massification (selling a few titles in vast numbers) and chaos (the explosion of titles being produced by publishers, large and small, seeking to discover niche markets). The more I reflect on the state of commercial writing and publishing, the more "massifichaos" seems appropriate.

Room at The Top

The most persistent hopeful trend in commercial publishing, according to New York, is Oprah. The Diva of Daytime TV has managed to go six for six, selecting a half dozen trade paperback novels in a row for her book circle and propelling them to the top of the bestseller charts.

Makes you wonder how the literary mavens at the *New York Times Books Review*, for instance, feel about devoting half their list to the favorite books of a woman whose finger is firmly on the pulse of the Great Unwashed.

But the unanswered question is whether any of Oprah's star authors can attain popularity on their own. All six selected so far have a decidedly unpopular kick to their gallop; *Publishers Weekly* reported recently that at least one had been effectively fired by her publisher.

According to *PW*, Sheri Reynolds, whose *The Rapture of Canaan* was Oprah #6, had such a poor sales record that Putnam declined to publish her second book, something called *A Gracious Plenty*, in which the protagonist is a "wise

but disfigured four-year-old girl."

A Gracious Plenty went out to other houses after Putnam passed and a Harmony editor made an offer. Ironically, the same day that offer was made, Oprah's lightning struck. Suddenly everyone wanted the new Reynolds work, which ultimately was sold for more than the original offer.

It turns out that even Putnam got into the auction, although the book finally went to Harmony, in large part because of its initial reaction, not to the marketability, but to the material itself.

Now there's a thought...an editor buying a book because he/she likes it.

Feminization

The *New York Times* reported that women now control the bookstores. No surprise in that for most of us, but that factoid became grist for quite a long stem-winder about the implications. (In newspaper parlance, a "stem-winder" is the kind of thing grandpa could read while winding the hell out of his pocket watch.)

According to the piece, publishers believe that 70 to 80 percent of the fiction sold in the U.S. today is purchased by women. That means that if you want commercial success, you should be a woman author or, if a male, you should have a strong female central character.

The most pertinent quote in the piece came from Lawrence Kirshbaum, chairman of Time Warner trade publishing:

"The techno-thriller has become a kind of emoto-thriller, if you will. What we used to call the boy books don't work nearly as well as they once did, except for a brief spurt at Father's Day."

Kirshbaum may be right. In fact, I'm sure he is.

But as a male, I really wish he had been more careful in his choice of words....

BTW

(For those not on e-mail, that means "By The Way") You may remember my discovery of Spanish-language Harlequin editions in the U.S. marketplace. That was last December in the San Diego area, 30 miles north of the Mexican border, and I had begun to suspect the practice was localized.

Imagine my surprise the other day when my wife and I were shelf-dressing in a Safeway supermarket in Lake Chelan, Washington, a farming and resort community 100 miles south of the Canadian border. There on the mass-market paperback racks was a full array of the same foreign-language Harlequins.

Now, granted that there are a great many Mexicano families in Lake Chelan, the heart of Washington's apple country. And I'm glad they are being served by publishers and by distributors.

But clearly, such multicultural marketing is more prevalent than I at first thought. My only question is where the writer fits in this new world without linguistic borders.

— Evan Maxwell

"A work of art is first of all work." — Paul Engle



The Fast Track

Compiled by MARILYN PAPPANO

NINC Members on the USA Today List

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 **Marilyn Pappano** a postcard alerting her to upcoming books, especially those in multi-author anthologies, which are often listed by last names only. Marilyn's phone/fax number is 918-227-1608, fax 918-227-1601 or online: pappanor@gorilla.net. Internet surfers can find the list at: <http://www.usatoday.com> (Et al.: written with other author(s) who aren't members of NINC)

Member	Title	April 2	April 9	April 16	April 23	April 30
Catherine Anderson	<i>Simply Love</i> , Avon	138				
Leanne Banks	<i>The Troublemaker Bride</i> , Silhouette					123n
Stella Cameron	<i>Guilty Pleasures</i> , Zebra	113	115			
Catherine Coulter	<i>The Wild Baron</i> , Jove	22	48	80	116	
Julie Garwood	<i>The Wedding</i> , Pocket	30	45	75	111	122
Tami Hoag	<i>A Thin Dark Line</i> , Bantam	50	67	87	92	99
Tami Hoag	<i>Guilty As Sin</i> , Bantam	52	61	104	139	140
Tami Hoag	<i>Night Sins</i> , Bantam	150	143			
Linda Howard	<i>White Lies</i> , Mira			63n	120	
Katherine Kingsley	<i>Once Upon a Dream</i> , Dell	73	88			
Elizabeth Lowell	<i>Where the Heart Is</i> , Avon			25n	16	40
Debbie Macomber	<i>This Matter of Marriage</i> , Mira	70	128			
Kasey Michaels, Kathleen Eagle & Emilie Richards	<i>A Funny Thing Happened on the Way to the Delivery Room</i> , Silhouette					125n
Linda Lael Miller	<i>My Outlaw</i> , Pocket			55n	69	
Amanda Quick	<i>Mischief</i> , Bantam		46n	20	32	60
Amanda Quick	<i>Affair</i> , Bantam				35n	39
Cheryl Reavis	<i>Mother To Be</i> , Silhouette			144n		
Paula Detmer Riggs	<i>Daddy By Accident</i> , Silhouette					124n
J.D. Robb	<i>Ceremony In Death</i> , Berkley				41n	52
Nora Roberts	<i>Sanctuary</i> , Putnam	49	83	82	102	117
Nora Roberts	<i>Stanislaski Sisters</i> , Silhouette	95	127			
Nora Roberts	<i>Montana Sky</i> , Jove			10n	7	12
Joan Wolf	<i>The Guardian</i> , Warner			106n	141	

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