

# Novelists' Ink

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

Volume 9, Number 1

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## *Jayne's Handy Tips to Surviving in the Writing Business...but First, this Brief Introduction.*

When Laura Resnick first contacted me about speaking at this event, I was thrilled. What a fabulous opportunity for me to stand up here and philosophize until your eyes glaze over about the wonderfulness of what we who write popular fiction actually do to further the advance of civilization.

Then Laura told me what she really wanted out of this speech. "Don't bore them with your quaint philosophical thoughts on the importance of popular fiction," she said. "Just tell them how you managed to *survive* for so long in this business."

You know how whenever some sturdy soul makes it to the age of 110 the media sends reporters and cameras out to the nursing home to ask the aged survivor for the secrets to staying alive for so long? And how the distinguished elder always says something along the lines of *stay positive and take a glass of whiskey every day?*

Yeah, well that's sort of how I felt.

So what you're going to get today is a compromise. First I'm going to bore you with some quaint philosophy. And, then, so that Laura won't dump the iced tea over me later, I promise I'll wind up

**By JAYNE ANN KRENTZ**

**During the more than 15 years that I have been writing romance and romantic-suspense, I have watched my genre take its rightful place alongside the other genres of popular fiction.**

***"Well, that's nice, dear, but when are you going to write a real book?"***

with a nice little list of *Jayne's Handy Tips to Surviving in the Writing Business.*

I used to be a paranoid romance writer. I am proud to say that I have evolved. I am now a paranoid writer of popular fiction. What's the difference? Not much. Just a slightly broader view of the publishing universe.

During the more than fifteen years that I have been writing romance and romantic-suspense, I have watched my genre take its rightful place alongside the other genres of popular fiction such as mystery and suspense, thrillers, science fiction, etc. The answer to the question, "Are We There Yet" for romance is, yes. It has, as they say in the marketing business, been mainstreamed.

How do I know this? By the same evidence which tells me that the other genres

have been mainstreamed:

The books at the bestselling end of the market have moved from paperback into hardcover. The cover art at the bestselling end has become sophisticated and stylish. The books are now regularly reviewed in some newspapers and in such forums as *Library Journal*, *Kirkus*, and *People Magazine*. Libraries buy and catalog the books for their popular fiction collections. And the bestselling romance novels routinely appear on all the influential bestseller lists such as the *New York Times*, *USA Today*, *Library Journal*, *Wall Street Journal* and *Washington Post* lists.

No, not everyone likes romance and not everyone approves of it. People still feel free to make disparaging remarks about it in my hearing. The genre still takes a lot of flak in the media.

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## PRESIDENT'S COLUMN

**This Month  
from the  
President:**

*First do no  
harm...  
More visibility  
with readers*

As I write this first column as president of Novelists, Inc., I'm reminded of the covenant of the Hippocratic Oath: First, do no harm.

What does that mean? The main reason I agreed to take this job in the first place is that my experience as vice-president of Novelists, Inc. has been such a fine one. I've been involved with a number of writers organizations, including one year spent as an officer during one of the most contentious periods in one group's history. I've seen first hand how ineffective some organizations are and how quarrelsome others can be.

The sole exception in my professional experience has been Novelists, Inc. Never have I seen such a diverse and varied group of writers—with all our many needs, goals, and agendas—pull together so cohesively and so positively. We have our differences, of course. And as those of you who subscribe to NinClink can attest, our differences are often passionate, spirited, and even at times, loud. With rare exceptions, however, our differences have been honest disagreements over professional issues that matter very deeply to all of us. We've almost always managed to resolve our disagreements in a professional manner.

One of my chief concerns as president of Novelists Inc. is to maintain the tone and tradition of our discourse as we continue to tackle the challenges and issues that lie ahead of us. This is a tough business and the general perception among our members is that it's getting tougher by the day. So what can NINC do for us? As far as I'm concerned, Novelists, Inc.'s Statement of Purpose says it all: "to provide a communications network among published authors of popular novels; to further the professional interests of the group's members; to pursue such other goals as shall from time to time be deemed beneficial to the membership."

To that end, the Board has set some goals that many of you are already aware of, but bear repeating here. First, we need to grow. There are over 600 NINC members out there right now, but there is still plenty of room at the table. Second, we ought to diversify our membership. Our demographics still reflect a membership that primarily works in the field of romance. We need more mystery writers, thriller writers, suspense writers, horror writers, science fiction writers, Western writers. There is a home in Novelists Inc. for anyone who writes and publishes novels intended to appeal to a mass audience. This is a varied and multilayered vineyard we all toil in, but it's a big one.

Third, we need a bigger presence among authors and publishing professionals in general. This is an ambiguous goal, to be sure, but one we ought to work toward. The point is that I still regularly meet other writers, editors, and agents who've never heard of NINC. That has to change.

As an adjunct to this goal, we need to strive toward having more visibility with the reading public. When articles about NINC appear in *USA Today* as well as *Publishers Weekly*, then we'll know we've arrived. When a member of the media needs a juicy quote on the next big publishing controversy or

first amendment issue, we want them to reach for a NINC telephone number in the Rolodex.

So that's what I want to do during my year as your president. Let's work toward these goals while preserving NINC's tradition of positive, constructive, and spirited debate of the issues in front of us. What I want to ask of you is that you communicate with me and with the rest of the officers and board. What are your priorities? What are your

concerns? And yes, even, what are your complaints? Let us know what you want, what you need. After all, it's your party.

My commitment to you is that I will regularly read that NINC Statement of Purpose. Everything I do as president of NINC over the next twelve months will be guided by those words; those and Hippocrates'.

— **Steven Womack**

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## LETTERS TO THE EDITOR

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**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.

### Resource for Writers Needing Medical Expertise

Editor's Note: The following vitae are provided by NINC member Debbi Wood:

*Errington C. Thompson, MD*

Current Position: Assistant Professor of Surgery; Director of Trauma/Surgical Critical Care; Louisiana State University Medical Center at Shreveport

### Educational Experience:

Fellowship: Washington University School of Medicine—Critical Care Fellowship, July 1, 1995-June 30, 1996

Residency: Louisiana State University Medical Center at Shreveport—Surgical Residency, July 1, 1989-June 30, 1993

Internship: E. A. Conway Hospital, Monroe, LA—Transitional, affiliated with LSU Medical Center, Shreveport LA, completion June 1988

E. A. Conway Hospital, Monroe, LA—Surgical, affiliated with LSU Medical Center, Shreveport, LA, completion June 1989

Medical School: University of Texas Southwestern Medical School, Dallas TX, May 1987—Doctor of Medicine

Because I'm a general surgeon, I can discuss almost all surgeries. My background in critical care allows me to be knowledgeable in the field of medicine—hypertension, strokes, heart attacks, etc.

We can discuss fees for research. Contact me at **Ethompson@trauma.lsumc.edu**

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## INTRODUCING...

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*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 NINK issue, these authors shall be accepted as members of NINC:*

### New Applicants

Susan Bowden, Winnipeg, Man, Canada

Annette Carney (*Marie Bourdon*), Reno NV

Laura Lee Guhrke, Eagle ID

Carole Ann Hughes (*Ann Charlton*), Upper Mt. Gravatt, QLD, Australia

Jonnie Jacobs, Redmont CA

Barbara Joel, Woodland Hills CA

Kathryn Pearce (*Kathryn Jensen, Nicole Davidson*), Baltimore MD

Susan Plunkett (*Susan Coon*), Sunnyvale CA

Patty Salier, Los Angeles CA

Kathleen Yapp, Gainesville GA

### New Members

Debra Cowan (*Debra Marshall*), Edmond OK

Amy J. Fetzer, Laurel Bay SC

# Jayne's Rules

(Continued from page 1)

But I had a bunch of epiphanies a while back. And like everyone else who's ever had an epiphany, I can't resist telling you about mine. The first occurred when I overheard a conversation in the mystery section of a major downtown Seattle bookstore, a conversation which changed my life. Two women whom I did not know were standing there in front of the new hardcover mysteries, discussing whether or not to buy one of the books.

"I read these once in a while when I want to relax," one of them said to the other in an apologetic tone. "I know what you mean," the second woman said. "I usually prefer to read something more substantial, of course, the sort of books that we read in my readers' club. But there are times when I just haven't got the energy to read that kind of thing. Times when I just want to read something light and entertaining."

They hovered there in the mystery section for a while but in the end, neither of them had the courage to buy a mystery in front of the other. Both of them *read* mysteries but neither one wanted the other to think that she read them very often or that she did not understand that they weren't significant books.

My next epiphany occurred when I fell into a conversation with some fellow Seattle authors at a recent book fair. We've got lots and lots of writers in Seattle these days. I was the only romance author in this particular group. The others wrote mysteries, science fiction, and horror—very successfully, I might add.

Everyone in the group had the same kind of stories to tell—you know the kind I mean—stories about the people who come through the autograph line, buy a book, and then, in a voice loud enough to carry to the end of the line, assure the author that they don't read this sort of book, but they're buying it for their elderly Aunt Mabel who just loves them.

Those same successful genre authors went on to tell other familiar stories, as well, stories about how their own relatives—their own mothers, in some cases—who, when told that the author had just published a mystery or science fiction or horror novel, said those immortal words: "Well, that's nice, dear, but when are you going to write a real book?"

My third major epiphany occurred when I was asked to give a graduate seminar on romance fiction at the university where I had graduated many moons ago. The seminar went wonderfully well—turns out popular fiction is a big thing in the academy these days—but afterward when I went out to dinner with some of the professors and librarians everyone started talking about the books they loved to read. Names like King and Koontz and Francis and Clancy and Rice were

dropped freely around the table. All of these academics, it turns out, read popular fiction just like the rest of us. But every single one of them referred to those books not as *GOOD READS* but as *GUILTY PLEASURES*.

The bottom line here is that the prejudice against romance fiction, while strong and virulent for generations, is actually nothing more than a particularly sharp extension of our culture's overall prejudice against the whole of popular fiction.

This bias begins in so-called creative writing classes taught in high school and college. Classes in which the instructors go to great lengths to insist that the only good fiction, the only kind of fiction worth writing, is the type that fits into the conventions and standards of modern twentieth century literary fiction—conventions and standards that have been largely molded by modern psychological thought and existential philosophy—not the heroic traditions which shape and define the genres of popular fiction.

This prejudice extends throughout the academy and has trickled down, as things tend to do from the academy, into the media.

A major business magazine recently profiled several successful bestselling authors from a variety of genres. And I can assure you that the tone of the article was just as sarcastic and snide about the mystery and horror authors it featured as it was about the romance author.

Popular fiction has been around forever but rarely has it been viewed as important in and of itself. Rarely have we acknowledged that it has a crucial place in culture. Rarely have we come to terms with the fact that popular fiction is not simply a degraded form of literary fiction, meant only for light entertainment and not to be taken seriously.

The truth is, popular fiction—mysteries, science fiction, fantasy, glitz, romance, historical saga, horror, technothriller, Nancy Drew, Westerns, etc.—is its own thing. It stands on its own. It draws its power from the ancient heroic traditions of storytelling, not modern angst.

It is *important*, even if it is entertaining. It has its own tasks and those tasks are separate from and different than the tasks of modern literary fiction. Furthermore, it is wrong to use the standards of one to judge the other. It's like comparing apples and oranges.

Every genre of fiction, popular or literary, is defined, not by its backgrounds, its settings or the trendy issues that are dealt with in the stories, but by the fundamental focus of those stories—the one thread that you could not remove from the book and still have a viable story left that would be acceptable to the majority of the readers and critics of that particular type of fiction.

In mysteries, there must be a mystery to be solved. No matter how convoluted the plot, no matter how much psychodrama in the tale, no matter how alienated or dysfunctional the protagonist, a successful mystery story must solve the crime. Justice must be done to maintain the all-important illusion of order and balance in the universe.

The same point can be made about all of the other genres. Science fiction, fantasy, and horror novels that fail to force the protagonists to confront the threat of the Great

Unknown or to pit good against evil, are pretty much guaranteed to bomb in the marketplace. The romance novel that fails to bring about a positive resolution to the conflicts and problems inherent in the formation of a bonding relationship between the hero and heroine will disappoint readers.

Genres can be understood by an examination not just of what is allowed into them, but, perhaps more significantly, of what is *not* allowed into them. The literary genre—and, yes, twentieth century literary fiction is a genre—you know it when you see it (heck, it even has its own cover art) has its own rules and conventions, just as the other categories of fiction do.

Much of what is *not* acceptable in the literary genre—the heroic, the mythic, the romantic, the larger-than-life elements, the character who uses the classic heroic virtues to overcome his or her own flaws in order to do what must be done—those are *precisely* the elements that lie at the very heart of the popular fiction genres.

The literary genre tends to focus on an intimate examination of characters who are *victims*, either of their own flaws or their dysfunctional childhoods. It dissects and explores in often painful detail neuroses, psychoses, obsessions, depression, sexual dysfunction, and other frequently destructive aspects of the human condition.

Popular fiction gets involved in this stuff, too, of course, but the difference is that literary fiction does not usually seek positive resolutions to these problems. It does not usually take that as its task. The job of modern literary fiction is to illuminate and examine these things, not to resolve them or to affirm the possibility of triumph over them. That is the primary reason why a happy ending is so darn rare in literary fiction.

In the course of our lives we all need both kinds of fiction, popular and literary, but most of us, readers and writers, alike, tend to develop a preference for one over the other. Our choices say more about our own personal philosophies and world views, our sense of optimism and hope and our belief in the future than they do about either our intelligence or our education.

We are attracted to a particular type of fiction, popular or literary, because something in it affirms our core values and our most fundamental, deeply held convictions.

There is nothing right or wrong about either popular or literary fiction. They each have different goals, however, and if you would truly appreciate popular fiction, not just as entertainment, you must understand its unique tasks.

Literary critics of the twentieth century have often criticized popular fiction because it is not “realistic.” But that is a ludicrous criticism which completely misses the point. It is not the task of popular fiction to be realistic. It may *feel* realistic on occasion. The settings or emotions and psycho-

logical motivations of the characters may feel very real, especially in a contemporary story. But that is not the same things as *being* real.

I’d like to mention that this critical emphasis on the importance of realism is a very new phenomena in the arts—and you will note that critics usually apply it only to books. Realism is certainly not considered an important asset in the visual arts such as paintings, sculpture or—as anyone who has ever posed for a photo for the back cover of her book can tell you—photography. Nor is it considered important in the other arts such as film, opera, theater or dance.

Just books.

The point is, all fiction is based on fantasy. That’s why it’s called fiction, folks. What’s more, readers who read fiction regularly understand intuitively how it works. They are in every sense of the word *experienced* readers.

The average mystery reader does not put down the newest Robert Parker novel of suspense and rush out to apply for a private investigator’s license. Nor does the typical romance or science fiction reader confuse fantasy and reality.

The values, goals and legends contained in today’s genres of popular fiction are not specific to our culture or even to the latter half of the twentieth century. They go much deeper. Their roots go straight to the heart of what it has taken for human beings to survive on this planet.

The stories in popular fiction offer warnings about wrong choices and support the concept of doing the right thing. They are morality plays. They offer hope for the future. They give us a sense of transcendence by illustrating the ancient heroic qualities of honor, courage, and determination, and by reminding us that we can and should use these qualities to overcome our very human flaws and weaknesses. They teach us that we need not be victims.

As a writer, I see the genres as a circle of deep wellsprings which together fill a vast pool. The pool itself is the whole of fiction, both popular and literary. Many things disturb the surface waters of this great pond. Contemporary trends and problems, issues of political correctness, new theories in psychology and science and various social agendas. These disturbances create ripples which spread out but which do not sink deep. They do not affect the great rushing waters of the wellsprings at the bottom of the pool.

These ripples, however, serve to refresh and renew the power of the genres for readers and writers alike on a regular basis.

As an example of this, consider the mystery genre. We’ve had mysteries that feature private investigators who were ex-alcoholics and burned out Vietnam war veterans. Detectives of various ethnic background, lesbian >>>

**Truth is, popular fiction  
is its own thing...**

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**It draws its power from  
the ancient heroic  
traditions of story-  
telling—not modern angst.**

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***Well, that’s nice, dear, but  
when are you going to  
write a real book?***

# Jayne Rules

(Continued from page 5)

and gay detectives. Detectives who are blind. Detectives who are cloistered nuns or eleventh century Benedictine monks and, my own personal favorite, Mongo The Magnificent, the hero of George C. Chesbro's wonderful mystery series.

Mongo is an ex-circus star, a dwarf who once did high wire and tumbling acts, who knows karate and has a Ph.D. in criminology. He gets involved in cases that deal with the occult. But the thing I like best about Mongo is that he cares deeply about his clients. He risks his life for them and he does not stop until justice is done. Mongo has heart. And he solves the mystery. And in that he satisfies all of the ancient heroic traditions of the mystery genre.

We've had several ripples in the surface waters above the deep wellspring of romance, too. Political correctness has created a few splashes. We've had a host of books in which the heroines confront serious social issues such as alcoholism, child abuse, rape, and dysfunctional families. Books in which the characters travel back and forth in time. Books in which the heroines have paranormal powers. Books in which they know karate and pack a gun and hate to wear dresses.

The ripples on the surface come and go. As I said, they're useful and important because they serve to refresh and renew the various genres. But at their heart, the genres do not change very much because the ancient, heroic traditions and archetypes which give them their power do not change.

In the modern world where everything is routinely explained in terms of dysfunctional families and private neurosis, readers come to popular fiction for stories that celebrate the ancient, heroic virtues, the larger-than-life characters, and the transcendent, healing power of love.

Seventy-five years from now when Novelists' Inc., which has become the most respected and pre-eminent organization for writers on all three of the inhabited worlds of the Solar System, meets at the New East Martian City Hotel and Resort, the speaker will again be an author in one of the genres. Her hair will be dyed a fashionable chartreuse green. She will wear a somewhat conservative suit made out of one of the new poly-metallic fabrics guaranteed not to wrinkle and she will also be wearing a lot of deodorant because she is a bit nervous about standing up here in front of her fellow novelists.

She will say to you, then, what I say to you now. At their heart, the genres do not change very much. The wellsprings continue to pump out raw power into the great pool of fiction and each generation's most successful writers continue to dive to the base of the springs to tap into that power.

And the fact that you sitting out there now can visualize that scene which has not yet taken place and which may never take place—a scene generated purely by fantasy—

illustrates just how simple and natural the process of storytelling is for humans.

And therein lies the secret of the continuing popularity of popular fiction.

Understanding that secret is Jayne's *First Rule of Survival in the Book Business*.

As for the others, get out your pens and notepads because I'm going to give them to you now: Here they are, everything I have learned about the writing life during the past 110 years:

PROTECT AND NURTURE YOUR OWN PERSONAL WRITING VOICE. Hone it, sharpen it, indulge its strongest, most unique elements. Don't allow anyone to tone it down or flatten it. Believe in yourself and in your own voice because there will be times in this business when you will be the only one who does. Take heart from the knowledge that an author with a strong voice will generally have a lot of trouble at the start of his or her career because strong, distinctive voices make editors nervous. But in the end, only the strong survive. Readers return time and again to the unique, the distinctive storytelling voice. They may love it or they may hate it *but they do not forget it*.

The longer I am in the writing life the more convinced I am that the only truly insurmountable flaw in a writer is a boring voice. Readers will forgive *anything*, bad plots, poor research, two-dimensional characters, ridiculous scenes if you give them your vision in a compelling voice.

I shall never forget the time a woman stood up in the front row at a workshop where I was making a presentation. She said "I can't stand your characters, I don't like the way you handle relationships in your stories, I don't like any of your books—and I've read every one you've written."

Obviously, this woman was compelled by something in my writing. Who knows, maybe it was my bad plots, poor research, one-dimensional characters, or ridiculous scenes. I don't care. The bottom line is, *she bought my books*.

PAY ATTENTION TO THE SHIFTS AND CHANGES THAT GO ON IN THE MARKET BUT DO NOT ALLOW YOURSELF TO BE DRIVEN BY THOSE SHIFTS AND CHANGES AND DO NOT TRY TO CHASE THEM. Get a sense of what you do best and what compels you as a writer—And then take it to the limit. The most successful popular fiction always has a touch of the outrageous. Subtle and ordinary has never sold as well as *over-the-top*.

One of the oldest bits of wisdom is still the best.

ALWAYS, ALWAYS, ALWAYS, KEEP SOMETHING IN THE MAIL.

When you sit down to write, do not think in terms of telling your story to your readers—and for God's sake, don't think in terms of telling it for the critics. *Tell that story to yourself, the way you want it told*. That is the only way to keep the power flowing in your writing.

And last, but not least, stay positive and have a glass of wine every day. **NINK**

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**...and last, but not least, stay positive and have a glass of wine every day.**

# Studio Publishing, Part II

## How to Do It

*This is the second of three articles to address the logical, practical, financial, psychological, and emotional dimensions of studio publishing. To join the ninc-linc Sloop, the Studio Publishing loop, write Neff Rotter at: neff@belgrave-house.com*

By JULIE TETEL ANDRESEN

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***In 1983 there were about 500 small presses. Today there are more like 10,000. The book industry has taken notice. B&N derives 75% [of its sales] from the sale of one or two copies of a title, and these from presses large and small.***

On my more exalted days, I think of myself as an independent film maker. Or a really cool alternative band that has formed its own label in the wake of the economic shifts affecting the music industry similar to those in the publishing industry. Most days, however, I think of myself as a cable station.

The comparison is apt. Lately, I've been watching more cable than I used to. Sure, I still watch a show here and there on the networks, but mostly it's Comedy Central and the USA channel. Yes, I'm a *La Femme Nikita* fan. And, yes, I'm making an analogy to my reading habits. I find that I'm reading more different kinds of books from different kinds of presses than I used to. This wide grazing reflects my current interests, surely, but it also reflects the obvious fact that all of us have more available to choose from these days in terms not only of our leisure reading, but also of all our leisure-time activities.

According to a report in the August 24 *New York Times*, in the last ten years, of the hours spent, per person, using mass media: network watching is down, cable watching is up, listening to recorded music is up, home video watching is up, newspaper and magazine reading are slightly down—and *books seem to be holding their own*. The numbers say that individuals devote about 100 hours a year to books, and although many of them are also logging onto the Internet these days, the time spent online amounts to only eight hours a year.

In 1983 there were about 500 small presses. Today there are more like 10,000. The book industry has taken notice. Ingram, in association with the Publishers Marketing Association, has just begun a program that allows publishers with fewer than 10 titles to be stocked by them on a trial basis. Although Barnes & Noble itself is a corporate behemoth, it is definitely small-press-friendly. In the pie chart of B&N's sales, only 25% comes from the bestseller lists. The other 75% derives from the sale of one or two copies of a title, and these from presses large and small.

Lucky are the writers among us who, in writing what they write best, create books that earn them places on the bestsellers lists and displays in the front of Barnes & Noble. I've loved many of their stories and been inspired by their careers, but the one thing I've always

envied about their success is that their writing lives seem so *assured*. What is satisfying to me now is that the technological and economic conditions are in place for me to have that same assurance in my own writing life. It's now within my control to bring my vision to the page and to find my readers, however many there may be. Call it an effect of maturity and/or middle age, but I confess that, as a writer and reader of popular fiction, I have ceased accepting a definition of "popular" in terms of the numbers of copies a book must sell in order to satisfy the bottom-line needs of a commercial publisher.

The very moment at which the large corporations seem to be taking over the world is, in my opinion, the perfect time to begin thinking small again. To put what I'm doing in bumper-sticker terms: I'm thinking globally and acting locally.

### How To Decide

If you're considering studio publishing, the first step is to decide whether you have a story that you truly believe: a) is worth more than is being offered for it; b) has a potential audience that the commercial publishers believe is too small or too difficult to reach; or c) is worth reprinting, if it is a story that has already been published but didn't receive the packaging and marketing it deserved first time around. Only you can determine how much your writing is worth to you in terms of dollars, so I will address the question of potential audience.

A perfect example of an audience that is ready-made but too small to be profitable for the big guys these days is the Regency romance. From the studio publishing point of view, Regency readers have two marvelous traits: They are loyal and voracious readers of Regencies, and they have high self-identification as Regency readers. Because of this, Regency writers as a group are well positioned to market their studio-published Regencies individually or collectively to this already-established audience.

Other possible ready-made markets include all genre series (mystery, science fiction, fantasy, Western) with relatively small but loyal readerships. Also, stories which address issues of interest to a specific subsection of the population—any family circumstance, disease/disability, sporting interest—that commercial publishers do not traditionally target can be effectively niche-marketed by studio publishers. For instance, stories with a martial arts focus supposedly have "no market" from the commercial publisher's point of view. However, studio publishers should be >>>

# Studio Publishing: How To

(Continued from page 7)

aware that there is a “niche” of 50 million Tae Kwon Do practitioners.

A difficult audience to reach is one that is not ready-made. (Duh!) Let’s grant that you’ve written a story that meets the quality of your commercially published work, but let’s say that it doesn’t fall into an easily-identifiable category. Then let’s say you round up various readers whose opinions you trust and who you can be sure will give you honest feedback. A dozen of those readers rave about the story, but a half dozen editors turn it down because “the story just doesn’t work.” It may well be the case that both groups are right. A commercial publisher might realistically deny that 100,000+ readers are going to respond to this story as readily as they would to another manuscript sitting on the editor’s desk. Now, it doesn’t mean there isn’t an audience for your story, even an audience of potentially 100,000+. It only means the commercial publisher isn’t going to risk the marketing time and money finding it.

Another good bet for studio [re]publication is that wonderful book you wrote a few years ago that got fabulous reviews but the cover from hell and the worst sell-through of any of your titles. We all have books that did not receive the packaging and marketing treatment they deserved first time around, and they long for more worthy lives as studio publications. So do those titles of ours which we know are in demand, but not enough demand to qualify for backlist reprinting by a commercial publisher.

In sum, studio publishing works well for: a) stories with a small, but ready-made market (whether identified or not by commercial publishers); b) your very quirkiest, most compelling, best written story that doesn’t fall into a ready-made category; and c) the “odd book out” that sits on your shelf and asks for a second life.

## Ten Practical Steps

If you decide that your manuscript is worth studio publishing, the next steps are entirely practical:

1) If you are reprinting an already published book and want your copyright back, first check your contract for the date it reverts to you (the clock starts ticking from the date of signing), then write a letter to the Director of Business Affairs or Administrator of Contracts/Copyrights. You don’t need more than one sentence which includes the title of your book, the date the contract was signed, and a reference to the reversion clause. Rights revert to you for free—unless your agent does it for you.

2) If your manuscript is not yet copyrighted because it

***There is no ideal publishing format, and you must decide which format will appeal most to your target audience.***

has never been published, you will want to get your copyright registration forms from: Copyright Office, Library of Congress, 101 Independence Avenue S.E., Washington, DC 20559-6520; phone 202-707-3000. The registration fee is \$20. You must send a nonreturnable photocopy of the complete manuscript.

3) You will want to decide what to call your studio. You may even wish to incorporate. You can do this the expensive way by hiring a lawyer. Or you can do this the cheap way by going to Office Depot and getting the Do-It-Yourself Kit for Incorporation for \$20. Incorporation fees vary from state to state. I incorporated last year, and in North Carolina it costs \$100. I also pay a yearly \$10 fee to the North Carolina Secretary of State for filing my annual report.

You do not need to rush into incorporation. Most of the tax advantages you might once have had by incorporating are gone now because they are available to you in your status as a self-employed person; and since incorporating entails some extra tax work, you might not want to bother with this step at the beginning, especially since you don’t really need to.

I incorporated because it was one way (though not the cheapest or easiest way) of streamlining the financial situation in my household with respect to my venture. I am actually enjoying learning the small business corporate ins-and-outs, since I am committed to my enterprise.

4) You will want to get your ISBN (International Standard Book Number). You get your forms from: R.R. Bowker, 121 Chanlon Road, New Providence, NJ 07974; phone 908-665-6770; fax 908-665-2895.

The fee is \$175. I thought that was a bargain until I learned that the service was free until about 1985, meaning that all the big guys got it for zip. When you receive the registry log of your first 10 ISBNs, you will also receive information on how to get listed in Books In Print and how to get the bar code you will eventually have on the back cover of your book.

5) You will want a Library of Congress number. This number bears no relationship to copyright protection or to your ISBN. Librarians like to have LOC numbers, and there is no fee for this. Write: Cataloging in Publication Division, Library of Congress, 101 Independence Avenue S.E., Washington, DC 20540-4320.

6) You will want to find a book designer. I found a local designer who works full-time for Algonquin Books in Chapel Hill, North Carolina, and who did my job free lance. (Chapel Hill is next door to Durham, where I live.) I was very pleased with her work.



She taught me a lot about the book production process, and she encouraged me to learn a high-end desktop publishing program as an investment in my future. Adobe PageMaker costs about \$580, and version four of QuarkXpress should be out soon. The old version cost \$750. The learning curve on these program is severe. Figure six months and a course at a tech college. My local Durham Technical Community College charges about \$70 for a one-semester desktop publishing course.

7) You will want to find a book manufacturer. North Carolina is full of small book manufacturers, so I was able to shop around locally. Or you can get quotes off the web. Check out: [www.lithoquoter.com](http://www.lithoquoter.com)

8) You will want a state retail and wholesale license. In North Carolina, a one-time retail license costs \$15, and the wholesale license costs \$25 annually. As a retailer, I can sell to individuals and must charge sales tax on any individual in-state sales I make. As a wholesaler, I am allowed to make sales to other retailers. As a wholesaler, I do not charge sales tax to my retailers, and I do not pay sales tax to my book manufacturer, since the sales tax per book will be charged at the eventual retail point of sale.

9) You will want an accountant, or you will need to learn to do your taxes yourself. Turbo Tax software sells for \$25 to \$30 and is generally on sale January through May. My decision to enjoy learning about corporate taxes was born the day I received the bill from the accountant who prepared my 1996 corporate state and federal returns.

10) You will want to know whether your state charges inventory tax or not, which may influence how many books you choose to print and what month you go to press. North Carolina does not charge inventory tax, so I could print more rather than less any time during the year I wanted without being worried about paying tax on any unsold books at the end of the year.

That's pretty much it.

When a fellow writer asked me what publishing manual I used to do this, I had to laugh! Even though I've spent a lifetime in books, it didn't even occur to me to find a book on the subject of publishing. Or, perhaps, because I've spent a lifetime in books, I just figured out what I needed to do when I needed to do it.

The whole process is much, much easier than I would ever have imagined, probably because I imagined it would be difficult. So if you're expecting it to be easy, you may well find it hard. I've had many experiences with the book production process as a writer, and I didn't really encounter any surprises in this same process as the producer.

If you do not wish to take my autodidact's word for all of this, you can try: *The Self-Publishing Manual* by Dan Poynter, Para Publishing, \$19.95; or *The Complete Guide to Self-Publishing*, 3rd edition, by Tom and Marilyn Ross, Writer's Digest Books, \$18.99. Poynter also has a Web site: [www.ParaPublishing.com/books/para/344](http://www.ParaPublishing.com/books/para/344)

In fact, I do not recommend that you take my autodidact's word for all of this. LaRee Bryant and Patricia Wynn Ricks, both Sploopers, give thumbs up to the Poynter book and especially to the Ross book. I should also mention that

I cheated. I hired my book designer to be my production manager. I figured the cost of her service would save me the equivalent amount in any number of mistakes I could make, and I am sure she saved me from many. Also, since I viewed the production of my first book as my coursework for my unofficial MBA, I figured her costs simply as part of my tuition. I will receive my degree when I break even, and I will be in business when I turn a profit. (More on that in the third installment.)

The questions to ask yourself right now are: How do you see yourself developing as a writer in the next five years? What is the annual income you project for yourself in five years? Where do you think the book industry will be in five years? Where do you think the industry will be *next* year?

## Studio Publishing Costs

As you see, it is possible to get going on less than \$500, excluding the purchase of desktop publishing software. Starting from scratch, I put my legal and administrative act together and was ready to produce a book in under six weeks.

The costs of producing your book depend entirely on the publishing format you choose, the quality of the materials you put into it, the length of your book, and the size of your print run. Since everyone's needs will be different, I will mention some expense categories and price ranges to serve as guidelines only.

## Book Design Expenses

*Cover Design.* This can cost you anywhere from \$500 to several thousand dollars. This is one job that is definitely *not* Do It Yourself. Have your book cover designed professionally. You can get excellent results with \$500. Even twice and three times that much can be well worth it.

Your back cover will also include the bar code. If you go through the bar code service, each film square costs \$35. The software "barcode anything" is now available and sells for \$300. The bar code is crucial.

*Interior Design.* \$0 if you have your own desktop publishing program. Otherwise, it could go as high as \$2 per page.

*Typesetting.* If your manuscript is not on disk, you can expect to pay around \$6.50/page to get it on one.

*Editing and Copy-editing.* These expenses will vary according to your skill level as a writer and the speed and experience of the editors you hire. Budget several thousand dollars for this, and be happy when you pay less when the brilliant editors you hire know just what to do in the shortest possible time to make perfect your tightly plotted, brilliantly written manuscript.

*Cover Art.* If your cover designer integrates art work that s/he did not create, you can also expect to pay a one-time license fee for the use of that art work. Prices vary, but think in terms of several hundred dollars.

The whole book, interior and exterior, will eventually end up on a disk which you will send straight to the book manufacturer.

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## Book Manufacturing Expenses

Here is where you will incur the majority of your costs and make the majority of your choices. The choices include: publishing format (e.g. hardback, trade paperback, petite hardback, mass market paperback), trim size (finished book width & height), paper quality, and cover treatment (e.g. 3-color, 4-color, embossed (raised) lettering, foiled lettering). Sploopers have compiled quite a number of quotes from manufacturers around the country, so go to this [NinLink](#) loop for more precise information.

As a point of reference, let's take the costs of producing a 300-page trade paperback. Printing 3,000 copies on 50# paper (high quality) with matte lamination on a 3-color cover should cost under \$3/book. If you want embossed and foiled lettering on the cover, add another 30 cents/book. The manufacturing costs can go up to \$4/book for a run of 1,000 and down to \$1.50 and lower for a run of 10,000. These figures are for high-end prices on materials that are of better quality than are found in the typical New York trade paperback.

There are plenty of book manufacturers, and *you must shop around*, because prices can vary by as much as \$1.50/book.

Note: Hardcover and trade paperbacks are desirable because they avoid the problem of stripping. Even if a small press has a no-stripping policy, bookstores are so used to doing it that they automatically strip mass-market-sized books. On the other hand, hardcovers and trade paperbacks are undesirable because of the price. Some librarians are particularly unhappy with trade paperbacks because they feel it necessary to permabind them, thereby adding to the expense. (To improve your library sales, you can always offer to bear the permabinding cost yourself.) The petite hardback is a publishing innovation and seems to be doing well, but I know of some booksellers who have refused to order them.

Conclusion: there is no ideal publishing format, and you must decide which format will appeal most to your target audience.

With a conventional book manufacturer, the turnaround time from submission of the disk to finished product on your doorstep is about four weeks, but plan more realistically in terms of six weeks. During that time, you will review the blue lines, which are similar to page proofs, and you will see a match print of the book cover, which is a pretty close approximation of how the finished colors will look. Delays can occur if: a) you decide to adjust the cover colors; b) you choose a feature such as foiled lettering that your manufacturer may have to outsource; or c) the manufacturer experiences his own production problem.

You'll also need to reckon a couple hundred dollars for shipping costs from the manufacturer to your door. Ship-

ping costs vary according to how big your order is, where they are being shipped from, and how quickly you need them.

Book manufacturers are popping up around the country who can print, bind, and ship smallish print-runs (200 to 10,000) in as little as 16 hours from receipt of electronic page files delivered, say, via *America Online*. These manufacturers are responding to the fact that their customers tend to need their books either right away or in three months. I cannot think of a situation where I myself would be operating on the right-away schedule. What I really want is access to print-on-demand technology, so that the book is printed only when the order for it comes in.

## Book Warehousing Expenses

These should be \$0. A print-run of, say, 3,000 books will come in about 50 60-book cartons approximately 1' x 1' x 1½' which is an easy size to store here and there. Unless you live in a very small apartment, warehousing should be the least of your problems.

## Book Marketing Expenses

You already know about these expenses, and they are not fundamentally different for you as a studio publisher than they are for you as a commercial writer. Unless your commercial publisher is footing the bill for your marketing (in which case you aren't considering studio publishing anyway), you are already spending your own time and money for web promotions, snail mailings, and travel to book signings and conferences.

The only new expense here might be if you decided to send out bound galleys for review to such outlets as *PW*. Bound galleys are expensive and can run from over \$20 for 10 copies down to around \$8 for 50 copies. Some reviewing outlets, such as *Library Journal*, do accept finished books from small publishers, when sent close to the pub date.

Your home office expenses don't necessarily change, either. As part of the costs of doing business as a self-employed writer, it is likely that you already have a second (and third) telephone line, a separate business checking account, a PO box, an e-mail account, and a web page. You may eventually consider investing in an 800 number, but that is probably down the line.

## Now For The Hard Part: Marketing and Sales

The first lesson many of us learned in this business was that writing the book is the easy part. In studio publishing, it's the same. Producing and manufacturing a book is the easy part. Now, selling the darned things ....

When you start out, you will be selling your books one order at a time, sometimes one book at a time. I have found that aspect of selling both a big pain and more fun than I

would have expected. The paperwork is annoying, but the directness of my contact with booksellers is exhilarating. Individual personality must play a part here. In my case, I never would have predicted that I would enjoy the individual selling so much. It's great to talk shop with so many knowledgeable people!

Your marketing and sales strategies will be dictated by the interlocked decisions you have made involving: a) the publishing format of your book; b) the price range it falls into; and c) the target audience. You will need to decide the exact price during the production end of things, because it will be printed on the cover and/or on the bar code film. You might also choose to have a genre category printed on the spine.

For my first studio book, *Swept Away*, I chose a trade paper format, and my designer went for a distinctly non-mass-market romance look which would appeal to men as well as women. I priced it at \$12.50, and I am (surprised/relieved to be) finding my target audience of readers, both male and female, who (may not even know that they) are looking for a popular read in a "literary fiction" format.

The commercial industry rule of thumb for cover price is: cost x 5. If your book cost \$2 to produce, then you charge \$10. There is clearly a lot of leeway here. The profit margin you choose is entirely up to you. The profit margin you receive depends on where and how you sell your book.

**Bookstores.** They take 30% - 40% of cover. If you price a trade paperback at \$10, you will sell it to the bookstore for \$6 to \$7. If the book costs you \$2 to produce, you will make \$4 to \$5 profit per book through bookstore sales. Local-author-friendly independents tend to take 30% and pay on a 30-day basis. Superstore chains take 40% and pay on a 90-day basis.

At the moment, I am marketing to bookstores primarily in North Carolina, although I do have my books in a few independent bookstores around the country. I am also pursuing the college campus bookstore market. The Gothic Bookshop at Duke University has always stocked my books in their smallish romance section. However, when I put *Swept Away* into the store manager's hands a few months ago, he said, "Oh, yes, I'll make an order for this, and I think I'll display it in the window." That was one of my first indications that I was on the right track with choice of my publishing format. My local Barnes & Nobles have also done very well for me, and they, too, have responded well to the format.

**Distributors.** When I began, I decided that the first middleman I would disintermediate (besides the publisher, that is) was the distributor. I figured that dealing with distributors would involve too much time and paperwork for too little potential return for a studio type like myself. I have rethought my position and invite you to check out [www.ingrambooks.com](http://www.ingrambooks.com). I also recently signed on with the on-line distributor, [www.allbooks.com](http://www.allbooks.com). This is a start-up

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company targeting all booksellers, but it sees its mission as primarily providing support service for independent booksellers.

**Public Libraries.** Some libraries pay full cover price, while others expect a 30% discount. I have been actively engaged with the public library system for over five years, and the focus of my marketing effort is on the public libraries in the southeast. North Carolina librarians have been unusually supportive of popular fiction in general, and I have benefited greatly from their support.

**Mail order.** Sales from your personal mailing list and your Web site are similar to catalog companies which charge full price, plus shipping and handling. Direct mail is, of course, the best deal for the studio publisher. You may wish to investigate accepting credit card orders, and you do that through your bank. Unfortunately, the low cost-per-item of individual book sales may not make credit card orders cost effective for you. It so happens that I was lucky enough to receive secured credit card ordering capability free-of-charge through per-

sonal friends of mine who own a large Web site (mediafinder) to which my Web page is linked. The credit card option also facilitates international transactions, especially since I, as do all of us, have readers in places such as Australia, Canada, and England.

**Non-traditional outlets.** Creativity counts, and we're the creative ones, remember?

Local gift shops like to stock local writers. They are also willing to negotiate discounts. If your book has a particular setting, especially one that appeals to tourists, you can market it in that location. *Swept Away* is a romance/comedy/adventure set in the 17th-century Caribbean, and a travel company in North Carolina which stocks travel books, maps, and novels set in touristic locations is hand-selling *Swept Away* to all their cruise customers. I hope it is a very cold winter. I am also marketing it as a textbook to university instructors who teach courses in romance and/or popular fiction. I traded my History of English Coursepak for a classroom order for *Swept Away* with a former graduate student now teaching in Pennsylvania.

My point is that we all have different contacts in the bookselling world and different angles we can exploit to our advantage. One of the most promising developments for the future of studio publishing lies in the creation of groups of individual studio types who come together for maximal market presence and the most efficient use of individual resources.

The Authors Studio, a newly-formed organization within Novelists, Inc., is a community of multi-published writers of popular fiction with similar-enough writing visions and different enough readerships to make it worth our while to pool our marketing efforts.

We are currently working on our

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# Studio Publishing:

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publishing and sales plans for 1998.

## The Bottom Line

If you print 3,000 copies of a book that costs \$3 to produce and price it at \$10, you need to sell 900 copies at full price to break even. If you sell the next 2,100 copies, your profit could be as high as \$21,000, if you sell all of them at full cover price.

The questions are now straight-forward: How large an audience do you realistically think you can find for your work? What book(s) are you burning to write for which you are sure there is an audience, but no editor in New York is interested? How willing are

you to establish your own distribution pipeline for the long-term future? What dollar figure makes the time and effort of selling a studio book worth it to you in comparison to what you now earn from your commercial books given your current self-promotional efforts and expenses? What do you consider to be the ideal balance between satisfying the needs of your writing vision and satisfying the needs of your household's finances? What do you see as the future of print technology?

The questions may be straight-forward, but the answers certainly are not.

I'll sum up my own bottom line in the third and last installment. *NINK*

*In September 1998, Julie Tetel Andresen will publish a hard-back, illustrated edition of The Blue Hour, the first in a series of reincarnation romances, under the Helix Books imprint. She can be contacted at [jtetel@duke.edu](mailto:jtetel@duke.edu) or [www.helixbooks.com](http://www.helixbooks.com).*



## EAST OF THE HUDSON

*Editor's Note: The Editor has given Evan Maxwell a short (short) vacation of his having been evicted from his house—and his computer—by floor refinishers and other hard-working types who were laboring to make his house temporarily unlivable. He swears he'll be back next month, more crotchety than ever and rarin' to go. In the meantime, Laura Resnick has stepped into the breach with an account of her short-lived stint of looking at this business from a bookseller's perspective.*

## DISPATCHES FROM THE FRONT

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



While some people might think that writing fantasy novels wherein each manuscript weighs more than a Christmas turkey and running the infamous Novelists Inc. conference (as well as moving, studying zoology in night school, and trying to match my grandfather drink-for-drink at my

cousin's bat mitzvah) would keep a girl busy, last year I somehow felt that my life lacked sufficient challenge; so I decided to work part-time at a bookstore during the Christmas season. (Actually, I needed some pocket money, since my next check wasn't due until June and it's not as if the publisher would pay me on time anyhow.)

Since I hadn't held a day job in at least eight years, I attached my writing resume to the job applications I filled out at eight (count them: *eight*) local superstores.

The two independents I applied to included a book test as part of their standard application. You know: Name That Author!; or Name That Book!; or at least Name That Section of the Bookstore!

*These*, I figured, were my kind of places. One sent me a form rejection. And the other sent me a form rejection after I called twice asking if they had considered my application yet.

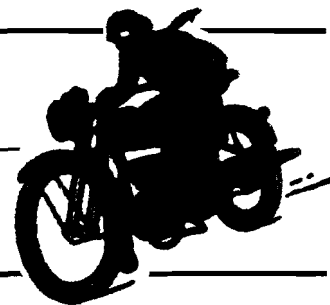
Of the six remaining superstores (all chain stores), only one (a Barnes & Noble) ever even contacted me—even though at least two other stores had been displaying billboards specifically seeking job applicants. I guess writers need not apply.

However, that Barnes & Noble store (where the most difficult question on the job application was: Have you ever been convicted of a felony?) cheerfully hired me on a part-time temporary basis and began training me in the fine art

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# DISPATCHES FROM THE FRONT

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of selling books to the public. And here, in an exclusive report for my fellow novelists, are a few things I learned out there in the trenches:

(1) If you're working as a clerk in a bookstore, no one there, whether co-worker or customer, will *ever* believe that you're a professional writer; not even if you've got a book on the stands at the time. They will also assume that you're lying (at best) or obsessively delusional (at worst) if you tell them you know, have eaten with, have hosted, have stayed with, have fought with, have worked with, or have vacationed with any of the authors whose books you happen to be selling.

(2) Selling books is hard work. My feet hurt so much that I blew my first paycheck on a pair of orthopedic shoes. My right wrist got so strained from hefting heavy tomes that I had to put my brace on every day, something I usually only do when slouched at the keyboard 10 hours a day during deadline fever. I logged more daily miles than a triathlete, running around that vast warehouse of a store chasing down elusive titles for impatient customers. My left ear got a phone rash from all the time I spent with dial-in shoppers. And after two weeks of trying to function in fluorescent lighting, I started seeing things (either that, or Humphrey Bogart really *was* in the ladies room).

(3) Not all grandmothers are as sweet as mine were. Indeed, the most demanding, aggressive, and insatiable bookstore customers are invariably grannies trying to buy gifts for their grandchildren (some of whom they either don't know or don't like). For an innocent new bookseller like myself, entering the children's section of a superstore was sort of like what's-her-face going to Manderley.

(4) The Real Money is not in fiction (unless your book gets into Oprah's club). During those long days and nights at my cash register, I discovered that if I want to achieve my long-term goals (i.e. to have a big seaside villa and a much younger lover in the south of France) by the time I'm forty, then I need to eschew popular fiction in favor of writing a non-fiction self-help book which promises that purchasers will become thinner, richer, more sexually fulfilled, and more spiritually aware within thirty days through a process which will require no more than ten minutes per day without sacrificing any comfort zones. Compared to such books, which I couldn't seem to keep restocking fast enough, December's *New York Times* bestselling novels were virtual wallflowers.

(5) A lot of bookstore customers should have been drowned at birth. To be fair, I scarcely ever noticed the greater percentage of normal people who simply bought

books and left. No, *I* remember the dozens of customers who thought that if they described a book for me ("I think it's thin, and kind of pale blue"), I'd have no trouble figuring out which of our 130,000 or so books they meant. *I* noticed the customers who phoned in and mistook me for a personal servant: "Now, go back to that other book you had in your hands a few minutes ago, and read me the back of that one again."

*I* remember the people who mistook me for a reference librarian: "What do you mean you don't know where the annual Columbus Pow-wow is held? Can't you look it up somewhere for me?"

*I* remember all the people who thought I was inept for not knowing which Sue Grafton novel their mother had already read or which author wrote the book they'd heard about on the radio the other day: "That book about, um... you know."

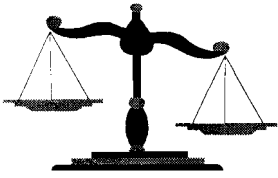
(6) Books about divorce, an event which used to bring disgrace upon a family, are now in the Self Improvement section.

(7) People working in bookstores love books. They care about books. They love to read, they love to hand sell, and they work hard—for far less money than they deserve. On the other hand, some of them do not put away their dirty dishes after lunch.

The hours were long, the books heavy, the work frequently tedious, the customers occasionally unreasonable, and the work a lot less satisfying than writing (though it paid better). I had expected that being surrounded by all those books would be a temptation I couldn't resist, that I might well wind up squandering my hourly earnings on the stock. But you know something? After a week or so, those tens of thousands of books just looked like merchandise to me, nothing more: ordinary goods which I had to sort, dust, carry, shelve, reshelve, sell, exchange, replace, and pick up all day long.

Everything else I learned during my sojourn into the jungles of bookselling will be revealed in my upcoming tell-all non-fiction bestseller, *How to Be a Richer, Thinner, More Sexually Fulfilled, and More Spiritually Aware Bookseller in 10 Easy Lunchtime Lessons*.

*Having survived her foray into the frontlines of book-selling and her stint as NINC conference coordinator and chief flagellant, Laura Resnick is still writing for a living.*



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## Advocacy Column: *Plagiarism*

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*Our answers to this column's topic are from author and attorney Sallie Randolph, whose law practice is focused on the representation of writers. She is a member of the New York Bar Association, the Author's Guild, and the American Society of Journalists and Authors (ASJA). She also writes a monthly column for ASJA on legal matters.*

### **Q: What exactly is plagiarism? Is it different from copyright infringement?**

A: Plagiarism is basically a broad academic concept, while copyright infringement is a specific legal one. Plagiarism is the inappropriate use of someone else's ideas, writings, or research without proper attribution. It is not illegal, however, unless it rises to the level of infringement, which is the unauthorized copying, distribution, or publication of substantial portions of the exact expression of someone else's protected writing.

### **Q: How do the courts determine if an author has been plagiarized?**

A: The courts generally don't decide a question of plagiarism unless it arises in a suit for defamation, breach of contract, or injury to reputation. If, for example, a professor's employment is terminated because she plagiarized the work of another academic in violation of the terms of her employment contract, the court might need to decide if plagiarism had, in fact, taken place.

Federal courts interpret the Copyright Act (Article 17 of the United States Code) to decide an issue of copyright infringement. Copyright suits can only be brought in federal courts because the copyright law is a federal statute. This is called federal question jurisdiction. The copyright law spells out exactly what constitutes infringement and names certain defenses to infringement, such as fair use and consent.

It is up to the infringed party to bring suit, prove the infringement, and show financial damage. Infringement is fairly easy to prove when the work is duplicated exactly and distributed without permission. In cases where the charges of infringement are based on the strong similarity of two works, such as in the recent case of Nora Roberts and Janet Dailey, the courts consider such factors as the alleged infringer's access to the copyrighted material, the degree of similarity, the percentage of material infringed, and the economic impact of the infringement.

By law, copyright protection is vested in the creator of a work at the moment the work is "fixed in a tangible medium of expression." It is not necessary to register a copyright with the US Copyright Office, but registration is a pre-requisite for filing an infringement suit. Registration

can be made any time after creation of the work, but there are some significant advantages (statutory damages and attorneys fees) if the work was registered within three months of publication.

### **Q: Are there options available to the plagiarized author other than the court system?**

A: A lawsuit should always be a last resort, so, yes, the plagiarized author should always attempt to resolve the problem in other ways. Often the threat of exposure is enough to stop unethical, although technically legal, academic plagiarism. For infringement, the author should first register the copyright, if that hasn't been done already. At the same time, the infringed author should send a strongly worded cease and desist letter that demands that the infringement stop. It might also be appropriate for the infringed author to demand payment for unauthorized use of copyrighted material. Only after such attempts to resolve the problem have been tried should an author consider filing suit.

We thank Ms. Randolph for answering our questions and have added her name to the Advocacy Committee's list of professionals. She can be reached at 160 East Niagara St., Tonawanda, NY 14150 (716) 693-5669 or by e-mail at [SallieRandolph@compuserve.com](mailto:SallieRandolph@compuserve.com).

We also appreciate the American Society of Journalists and Authors putting us in contact with Ms. Randolph. By the way, the ASJA sponsors "Contracts Watch," a free list-serve that updates freelancers twice a month on the latest contract developments as well as news releases sent on behalf of the Authors Registry and other ASJA coalition partners.

ASJA has been on the leading edge of the controversy concerning electronic copyrights. To subscribe to Contracts Watch, e-mail [ASJA-MANAGER@SILVERQUICK.COM](mailto:ASJA-MANAGER@SILVERQUICK.COM). Subject is CONTRACTS WATCH and in text type JOIN ASJACW-LIST.

If you have questions you wish addressed in this column, send them to Cathy Maxwell, 14216 Chimney House Road, Midlothian, VA 23112 804-744-3376 or e-mail her at [cmaxwell@bellatlantic.net](mailto:cmaxwell@bellatlantic.net).

*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.



## ONLINE

If you ask someone who's been online for awhile what they consider the most negative aspect of e-mail, the response is likely to be, "Spam." No, not the canned mystery meat. In Internet parlance, spam is unsolicited junk e-mail, which seems to be afflicting subscribers to most e-mail providers, large and small.

So, a few tips to help you keep your e-mailbox relatively spam-free: First, if your server allows you to block e-mail from specific domains (a domain is what follows the @ in an e-mail address), you can check the headers of the junk to figure out who the worst offenders are and block them.

AOL, for one, has recently improved its mail-blocking options, allowing you to block ALL Internet mail EXCEPT those domains you specify. Many people have found this can cut spam to a trickle. Of course, you risk forgetting to "okay" your mother's ISP, but you can add it back after her first irate phone call.

Another step you can take is to faithfully forward the spam you receive to the postmaster of the offending domain. This is tedious, but it usually results in the spammer losing their account, since nearly all legitimate servers have a no-spam policy in place. If all of this sounds like just too much work, you still have two options.

You can just delete all the spam as it comes in (preferably unread) or you can block ALL e-mail for a few days. Yes, you'll have to resubscribe to NincLink and any other listservs and send explanations to your online friends, but this tactic is very effective in drastically reducing junk e-mail received—for a month or two, anyway.

Security is another concern for those who spend a lot of time online. Not only are there some nasty viruses out there (re-read my February '97 column for specific cautions and tips) but now there is increasing concern about "cookies"—bits of data imbedded in your hard drive by various Web sites, which track where you go on their site, and perhaps elsewhere on the Web. Many people consider this an invasion of privacy at best, and some cookies are downright harmful (though most are not). If this worries you, check to see if your browser has a "no cookie" option (Netscape and AOL for Windows do, among others). Another solution is to download Cookie Pal, shareware from Kookaburra Software, which blocks cookies automatically. It's available for Windows users at [www.kburra.com](http://www.kburra.com) for \$15.

Finally, while I'm on the negatives, this via Marj Krueger: "Internet Maven/Author Michael Banks passes on the following warning: be sure your JavaScript is turned OFF before surfing to any new sites. There's a glitch in it that pranksters can use to open your browser/computer to all sorts of dirty tricks, including locking your browser to a porn site.

For more details and current updates on Web gotchas, readers can visit his page at: <http://w3.one.net/banks/psycho.htm>, where they can see safe demonstrations of the dirty tricks, and learn a lot about how to avoid the problems."

Okay, enough scary stuff! Here are a few GOOD Web sites to check out: [www.chinet.com/~laura/titles.html](http://www.chinet.com/~laura/titles.html) has a wealth of information on English titles and order of precedence, for historical writers. And if you're going to a strange city (for a book-signing or whatever), try <http://maps.yahoo.com/yahoo/> where you can get a street map to any U.S. location simply by typing in the address. Amazing!

Finally, you can go to [www.bookwire.com/pw/daily/](http://www.bookwire.com/pw/daily/) to subscribe to *PW Daily for Booksellers* by filling out the form there. (You may have to make up a bookstore name, but they don't seem to mind.) Judith Bowen has told us about fascinating stories posted there lately, to include one on Bookscan, which may revolutionize the way our sales are tallied, and one on Ingram's new print-on-demand system, Lightning Print.

Nearly everything above grew out of recent discussions on NincLink. Some other topics we've dissected include health insurance for writers, publishers' accounting systems, legal definitions of copyright infringement, and reversion of rights. On this last subject, one NincLinker got rights back from Zebra well before her contract mandated reversion. As another observant NincLinker pointed out, the Authors Guild Bulletin, Fall 1997, has a boxed item on page 15 urging authors to reclaim whatever rights they can, as the growth of electronic distribution may make those rights very valuable—which means publishers may soon become reluctant to release them.

Remember, to subscribe to NincLink, all you have to do is send an e-mail:

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If you run across anything in your Internet travels you think belongs in this column, please send it to me at [BrendaHB@aol.com](mailto:BrendaHB@aol.com). See you online!

— Brenda Hiatt Barber :)







## 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>**

Members who write under pseudonyms should notify Marilyn at any of the above “addresses” to assure their listing in “Fast Track.”

Member	Title	Nov 6	Nov 13	Nov 20	Nov 27
Sandra Brown	<i>Tidings of Great Joy</i> , Bantam		184	96	112
Stella Cameron	<i>Wait for Me</i> , Warner		112n		
Julie Garwood	<i>Come the Spring</i> , Pocket		25n	45	70
Iris Johansen	<i>Long after Midnight</i> , Bantam		87	62	80
Susan Johnson	<i>Taboo</i> , Bantam		118n	89	125
Joan Johnston, et al.	<i>Lone Star Christmas</i> , Silhouette	131			
Jayne Ann Krentz	<i>Deep Waters</i> , Pocket		57n	53	82
Judith McNaught	<i>Remember When</i> , Pocket	93	143		
Nora Roberts	<i>The MacGregor Brides</i> , Silhouette	12	24	43	61

Et al.: written with other author(s) who aren’t members of Novelists, Inc.

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