

# Novelists' Ink

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

Volume 9, Number 8

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## ASK THE LAWYER: *Defining Libel*

Send questions to the NINK editor at  
LBryant316@aol.com (alternate addresses, see page 2)

**QUESTION:** I am in the process of writing a novel and I want to use an uncle of mine, who frankly was a real SOB, as a character in the novel. His traits and behavior were unique and would be just perfect for the antagonist. Do I have to worry about being sued for libel?

**ANSWER:** Yes. Individuals can be libeled in works of fiction as well as nonfiction.

First, let us define libel. Libel is the written publication of a false statement of fact that harms the representation of a living individual.

Because you are writing fiction, the distinction that the courts have made between public officials and public figures on the one hand and private individuals on the other is largely irrelevant. That is because the distinction has to do with knowledge of standards of care with regard to knowledge of falsity.

The first question I have is whether or not your uncle is still alive. The dead cannot be libeled. If he is alive, he must show that he has been damaged because others believe him to be the model for the antagonist and have ascribed the bad character traits and deeds of your antagonist to him.

Many novels are based in whole or in part on real events and real people. However, it is the job of the novelist to translate real events and individuals into fiction using the real events and individuals only as an inspiration for the creation of fictional characters and plot. Frankly, it is the lazy writer who finds himself or herself in trouble. It is important to sufficiently disguise the antagonist so that he is not identifiable as your uncle. Changes in name, physical description, geographical setting, job function or title, and events are ways to make an individual sufficiently unidentifiable. You should also be careful in disguising your uncle so that the disguises themselves are not defamatory. In

other words, if your uncle is tall, dark, handsome, and charming (if evil), disguising him as a short, ugly, nasty brute can in and of itself be defamatory.

When I review manuscripts for libel, invasion of privacy, and copyright concerns, authors are amazed at how relatively easy it is to sufficiently disguise real life individuals so as to make them available as models for characters, without destroying the integrity of the plot or character development in the novel. Please also remember that this is a matter which has very real financial consequences for you and should not be taken lightly.

A novel is not the place to get your revenge on your enemies. Living well as a successful novelist is the way to do that. If your uncle sues you and your publisher for libel (and he *will* sue your publisher because it has the deep pockets), your publisher will seek indemnification from you for the cost of defending your uncle's legal action. The subject of representations and warranties, indemnification, and author insurance will be discussed in future columns, but for now it is enough to say that using real individuals and real events in your fiction is legitimate, but only as a starting point in the creation process. A publishing attorney should be viewed as a resource and not an impediment in helping you achieve what you want in writing your novel.

— Alan J. Kaufman

Alan J. Kaufman brings to this column more than 25 years of publishing legal expertise and a thorough knowledge of the business of publishing. He has been a literary agent/attorney and most recently for 19 years was senior vice president and general counsel for Penguin Books. He currently practices law with the New York-based intellectual property law firm of Frankfurt, Garbus, Klein & Selz where he specializes in publishing and media, with an expertise in copyright, libel, licensing and contract negotiation on behalf of authors and packagers. For private, for-hire consultations, he can be reached by phone at 212-826-5579 and by fax at 212-593-9175.

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## PRESIDENT'S COLUMN

It's early July as I write this month's column and 9,200 auto workers at the Delphi Flint East and the Flint Metal Center plants have now been on strike against General Motors for about three weeks. The ripple effect of this strike has idled tens of thousands of workers in other companies and at other GM plants, and the cost to the company itself is being measured in millions of dollars per day.

I don't normally follow events in the labor market this closely, but for some reason or other this recent UAW action has intrigued me. Perhaps it's because a major labor strike that affects the entire nation is so rare these days. What's more common in my hometown is to open the business section of the newspaper and read that yet another company is having to relocate because it can't find enough workers to meet its needs. For those of us who came of age in the recession-plagued '70s—when Ph.D.s were vying for bartending jobs and filling out applications for the U.S. Postal Service—this is an amazing set of circumstances.

The economy is booming; inflation is virtually nonexistent. The unemployment rate in many areas of the country is statistically, if not literally, so low as to be unmeasurable. So why in hell would anyone go on strike?

Some interesting answers to this question came from documentary filmmaker Michael Moore, whose 1989 film "Roger & Me" recorded the pain that over 40,000 GM layoffs in the '80s caused to Flint, Mich. Late one night, I was channel-surfing and caught Moore being interviewed by Tom Snyder on CBS. Snyder asked Moore essentially the same question I would pose: Why?

Moore delivered a passionate and eloquent soliloquy on the subtext of the strike. He outlined the history of GM's relationships with the workers upon whose backs the company's success had been built. He explained that the workers had finally come to understand the shakeout of the late '70s and '80s and had accepted that companies had to downsize, get more efficient, and learn new ways of doing things, and that the process was going to be painful. Technology in the industry had changed; the market had changed; indeed, the world had changed. But the workers had adapted, and American autoworkers

### This Month from the President:

*Why would anyone  
go on strike?...  
ultimately it's a  
matter of trust...  
substitute novels for  
automobiles.*

**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.

### Missing NINK?

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Novelists, Inc., P.O. Box 1166  
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were once again the best in the world and American auto companies the envy of the industrial world.

Moore then went on to trace the recent history of the UAW's relationship with GM. In the latest labor contract signed several years ago, GM had made certain commitments—among others—regarding job security, especially a commitment to modernize the Flint, Mich. plants so that future generations could continue to make decent livings for their families and world-class automobiles.

And how had the company kept its promises? In keeping with a long history of animosity toward its own workers, GM upper management had secretly begun planning to close the very plants it had committed to keeping open. Somehow, the secret documents and plans for this move were discovered and union leaders learned of the company's plans. Subsequently, the current strike began.

Ultimately, Moore explained, the strike isn't over money issues. It isn't over pension and health issues, and it isn't even over the fate of two aging car plants. In the end, it's a matter of trust. The company had made a commitment and given its word, and then it had broken that word. And the men and women whose livelihoods and futures depended on that word, on that trust, felt unappreciated and betrayed and angry.

And, Moore added, it doesn't have to be that way. The Ford Motor Company hasn't had a serious labor action in something like 20 years. Ford upper management values its relationship with its workers and appreciates them, to the extent that when several companies that supply Ford with parts for its factories hired scabs, the President of FMC per-

sonally intervened and told the companies that Ford would not do any more business with them. This, Moore said, clearly demonstrates that Ford's style matches its substance. It doesn't just talk the talk; it walks the walk, and in doing so, has created a company where workers are as deeply committed to the company's success as the managers and the stockholders.

But not General Motors. In a time when company (read "shareholder") profits are at an all time high, and when upper management salaries seem to know no upper limits, the leaders of the largest company in the world have chosen to wring every last penny of profits out of its workers, no matter how many promises are broken and how much pain ensues.

It's enough to make anyone angry. As the interview continued, I found myself thinking more and more about what Moore was saying. I also found myself replaying the conversations I've had recently with my own colleagues and friends, many of them fine writers who've suffered personally and professionally as a result of the shakeouts and changes in our own industry. And yes, as a result of broken promises....

As the interview concluded, I had an epiphany of sorts. If you want to understand how the UAW workers at the Flint plants feel, what their reality is, just substitute novels for automobiles. Some of us are lucky enough to be published by Ford.

But plenty of us, however, get our contracts from GM.

— **Steven Womack**



## **NINK NOTES**

### **Elections Notice:**

#### **Proposed Slate of Officers for 1999**

President-Elect.....Carla Neggers  
Secretary.....Candace Schuler  
Treasurer.....Debbie Gordon

#### **Proposed Nominees for 1999 Nominating Committee:**

(alphabetical order)

Gwendolyn Johnson-Acsadi  
Becky Barker  
Marsha Bauer  
Dixie Browning  
Kathy Lynn Emerson

Roberta Gellis  
Tess Gerritsen  
Robin Lee Hatcher  
Sandra Kitt  
Harold Lowry  
Cathy Maxwell  
Teresa Medeiros  
Pamela Morsi  
Judy Myers  
Janice Davis Smith

As set forth in Article IX, Section 4 of the Bylaws, additional nominations may be made in writing if signed by the nominee and at least 10 active members who have not signed the nominations of any other person for the same position. Such nominations must be made by August 20, 1998. Mail all written nominations to Steven Womack, 120 Highland Villa Dr., Nashville, TN 37211.

# CAREER PLANNING: CHECKLISTS FOR WRITERS

By **MARGARET BROWNLEY**

Every writer dreams of success. For some success means a six-figure advance. For others, success means landing a movie option or a spot on one of the major bestseller lists. For the majority of writers, however, success can only be measured in small, yet tangible ways, such as a steady gain of readership or sales.

It's important to remember that no two careers are alike. It's a mistake to judge your career by another author's success. Each writer has strengths and weaknesses. Successful writers have managed to maximize their strengths and minimized their weaknesses. To do this, you must have a clear understanding of yourself, your work, and the business.

Whether your career is on the fast-track, in neutral or sliding downhill (circling the drain, anyone?), this evaluation will help you to take positive steps to keep your career going in the right direction.

## SUCCESS IS A JOURNEY, NOT A DESTINATION

Choose the one sentence that best describes your present journey:

- ☐ My sales (sell-through) improve with each book.
- ☐ Publishers approach me.
- ☐ I'm a known author who can name my price.
- ☐ My career is moving too slow for me.
- ☐ My publisher has big plans for me.
- ☐ My publisher's vision for me is too limited.
- ☐ I seem to be stuck in neutral.
- ☐ My career is on the skids.
- ☐ I'm perfectly content with my career at this time.
- ☐ I'm in a career rut because I don't have the self-confidence to make changes.
- ☐ I'm ready, willing and able to take the next step in my career.
- ☐ I'm positioned for success.

## STARTING AT THE GOAL LINE

Successful goal setting is a continuous, life-long process. It's important to set aside time on a regular basis to evaluate progress, make adjustments, and identify new goals. Here are the five "smart" components of successful goal setting:

Goals must be:

1. Specific.
2. Measurable.
3. Achievable.
4. Results-Oriented.
5. Time-Phased.

— *Julianne Fowler*

from "How To Get The Job  
You Want In Tough Times"

Write a one-line sentence that will describe what you would like to accomplish in your career in the next five years: \_\_\_\_\_

Make certain your goals have the five elements necessary for success. (**Fact:** people who put their goals in writing have a much higher success rate in reaching those goals than people who don't.)

## YOUR ACTIONS

What actions must you take today to accomplish your goals? Check all that apply:

- ☐ Work harder on my books/writing.
- ☐ Work at establishing a strong "voice" in my work, or a gimmick that will set me apart from the rest.
- ☐ Try my hand at a different kind of book. (Write a contemporary instead of a historical, perhaps.)
- ☐ Change publishers or start the

process of making other publishers aware of me.

- ☐ Change or obtain agent.
- ☐ Perhaps you need to "unplug" and remove yourself from all those writer links that cut into your time and energy.
- ☐ Learn to work better with the agent I have.
- ☐ Work toward becoming a lead author.
- ☐ Build name recognition.
- ☐ Work toward increasing sell-throughs. (Reaching booksellers and readers.)
- ☐ Discuss distribution problems with editor.
- ☐ Work toward increasing pre-sales. (Networking with distributors and book-buyers.)
- ☐ Write a more commercial book.
- ☐ Correct any weakness in writing.
- ☐ Gain cover, blurb, or title approval.
- ☐ Do more self-promotion or (if this is not your style) hire a publicist.
- ☐ Convince publisher to better promote me.
- ☐ Work on my personal style.
- ☐ Upgrade my equipment.
- ☐ Work on establishing a presence on the Net.
- ☐ Do more networking.
- ☐ Learn more about the business.
- ☐ Try to negotiate terms that will have the most impact on my career.
- ☐ Devote more time to my writing or career.
- ☐ Write more books.
- ☐ Take more time with my books.
- ☐ Become more mentally attuned to success.
- ☐ Learn to "kiss-up" more. (Sorry, but recent studies show that this is an important step in gaining success, if it's not too obvious or insincere.)
- ☐ Study market trends.
- ☐ Other \_\_\_\_\_

## Reality Check:

Given your talent, time, family

situation, health, age, ambition, level of energy and the present market, what do you estimate your chances of reaching your goal in the time allotted?

- |                                |                                |
|--------------------------------|--------------------------------|
| <input type="checkbox"/> 100%. | <input type="checkbox"/> 50%.  |
| <input type="checkbox"/> 90%.  | <input type="checkbox"/> 30%.  |
| <input type="checkbox"/> 80%.  | <input type="checkbox"/> Less. |

## **REINVENTING THE AUTHOR or WHAT TO DO WHEN THINGS GO WRONG**

The changing market, distributor mergers, current events, and other outside factors sometimes make it necessary for an author to “reinvent” him/herself by trying something new. Long-term success is often the result of this constant reevaluating and changing directions.

Author Ken Follett was forced to explore another avenue when world events circumvented the espionage books he’s known for. This resulted in his first historical.

Reinvention is not unique to the publishing field. People in all walks of life must constantly change and grow to accommodate the times. Actor Jane Seymour had to reinvent herself when production cutbacks brought her reign as “mini-series queen” to an end. Her career on the skids, she decided her image as an “English Rose” was no longer working for her.

A fickle public and the focus on family values forced Madonna to reinvent herself.

Many mid-managers, especially those in fields dependent on defense or aerodynamics, have had to reassess skills and change directions.

## **I'M NOT OUT OF BUSINESS TILL I SAY I'M OUT OF BUSINESS!**

Your publisher didn’t pick up your option book or discontinues your line. The print-runs and/or sell-throughs from your last book are holding you hostage and preventing you from being picked up elsewhere. The “perish trap” as Donald Maass calls it, is bigger than ever and no one is immune from falling into this dark pit. So what do you do if you’re mired in rejection hell?

First of all, don’t panic. As humiliating and discouraging as this is, this could be a wonderful opportunity

to write the book you’ve always wanted to write or to explore the full extent of your creative capacities. Now you have to leave your safety zone and try something new. For many writers, this could be the best thing that ever happened to them. The important thing to remember is that other authors have successfully overcome these problems, and you can, too!

First, take a deep breath and put a sign over your desk that reads: *They can't hold back a good writer forever!*

## **HERE'S WHAT NOT TO DO!**

▼ Don’t become angry or bitter. This stunts creativity. If anyone asks you how the writing is coming along, smile mysteriously, and they’ll think you have something wonderful going on that you can’t talk about.

▼ Don’t bad-mouth your publisher, editor, agent, the market in general, publishing in general, or anything else.

▼ Refrain from posting your woes on the Internet. This business is all about perception. Be your own spin doctor!

You do, however, have to make some tough choices and you might even have to resort (gulp) to some extreme remedies. These include:

▼ Changing your name and starting over.

▼ Replacing your agent.

▼ Changing genres.

▼ Changing the type of book you write. If you’ve written only historicals, maybe it’s time to try a contemporary.

▼ In the “old” days, category authors made the switch to single-title books. Now, single-title writers are switching to category. Try it.

▼ Reinvent yourself by writing a “bigger” book (bigger in scope, quality—everything!). A publisher might be more willing to take a chance on you if you write something totally different than your previous books (and of course, totally wonderful). If you write something different than what you generally write, your low numbers might no longer be relevant.

▼ Try writing the entire book, rather than just a proposal.

▼ Try alternative publishing avenues. Who knows where e-pub and all the rest are going to take us?

▼ Keep writing. That next proposal could be the magic one.

Finally, and this is a hard one, some writers have had to accept a lower advance than they generally received, just to get back in the groove. It’s something you and your agent should discuss.

Okay, so you skipped the last part because your career is going great-guns. So, what’s next?

## **WHAT, EXACTLY, IS YOUR VULNERABILITY QUOTIENT?**

One of the hardest things to do as a writer is to look objectively at one’s own work. The second hardest thing is to evaluate a career. We all tend to think we’re valued more or less by our publisher than is actually the case (according to recent studies, 95% of us think we’re above average!).

No one wants to believe that we’re one book or less away from having our career derailed. We’ve all allowed ourselves the luxury of denial at times and, if you’re happier not knowing what might be in store for you, feel free to skip this part. Those stout-hearted souls who are brave enough to persist will be adequately forewarned—and with appropriate action—rewarded. Give yourself five points for each one you check. Mark all that apply:

☐ My career is in high gear as long as my editor doesn’t retire, become pregnant, have a nervous breakdown, or change houses.

☐ My editor takes forever to make a decision on an option book.

☐ I write for only one line or one house.

☐ I can write only one kind of book and have never tried anything new.

☐ My numbers are dropping, but I hope things will change.

☐ I can’t be bothered with the business end of writing.

☐ Self-promotion? Are you crazy?

☐ Who cares about marketing trends? I want to write the books I want to write.

☐ I do not own my



# CAREER PLANNING

▶ ▶ ▶ ▶ *Continued from page 5*

pseudonym so if I change houses it'll be like starting over.

☐ It's difficult to get the chains to order my books.

☐ My publisher doesn't promote my books.

☐ I don't think much beyond the book I'm working on now.

☐ I've seen no increase in name recognition, career growth, or publisher support.

☐ I have no confidence in my work.

☐ Leave my comfort zone? Not on your life!

**5-10 points:** You're in good shape, but reevaluate every six months.

**10-20 points:** No need to panic, but you could be in trouble down the road. Time for some serious career planning.

**20-65 points:** Time to make some changes.

## WHAT DO YOU KNOW ABOUT YOUR PUBLISHER?

▼ Do your publisher's plans for you match the goals you and your agent have set?

▼ What limitations do you feel your publisher puts on your career?

▼ Is your publisher sufficiently stable enough to support long-term goals? (Is it for sale or having internal problems?)

## THE BIG QUESTION: IS IT POSSIBLE TO ACHIEVE YOUR CAREER GOALS WITH YOUR PRESENT PUBLISHER?

Yes, you know it is because you've seen evidence through one or more of the following. Check all that apply:

☐ My advances have improved and I have received other perks.

☐ My covers have shown a remarkable improvement. My name is above the title, and/or I've been given step-back or embossed covers.

☐ I have earned lead status (or advanced to the next level).

☐ My books are offered in dumps or front-of-store displays.

☐ My publisher takes out co-operative ads on my behalf.

☐ My publisher publicizes me and my books.

☐ I have been sent on author tours and introduced to key people.

☐ I have been asked to participate in special projects or book launchings.

☐ My publisher listens to my ideas.

☐ I have full cover/blurb/title approval (as opposed to input).

☐ My publisher manages to create a positive "buzz" in the industry.

☐ My print runs continue to increase.

☐ Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Looking over this list, write down at least one perk you expect to gain by the next book contract.

\_\_\_\_\_  
\_\_\_\_\_

How do you and your agent (if you have one) plan to achieve this goal? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## IT'S NOT LIKELY I'LL ACHIEVE MY CAREER GOALS AT MY PRESENT PUBLISHER AND HERE ARE SOME REASONS WHY:

☐ Print-runs are the pits.

☐ Poor covers.

☐ Little or no publicity.

☐ Poor editorial direction.

☐ Poor packaging (titles, blurbs).

☐ Poor distribution.

☐ Poor lay-down. (If it there's a delay between when your books show up in California bookstores and when they show up in Texas, you're not going to land on the bestseller lists.)

☐ Failure to send galleys to reviewers.

☐ Authors not given freedom to expand.

☐ Poor editor/publisher vision.

☐ No interest in developing in-house authors.

☐ Constant change of editors.

☐ Books scheduled too far apart.

☐ Company in a state of corporate confusion.

☐ Editor takes "forever" to decide on option books.

☐ No room at the top. (Publisher already has too many lead authors.)

☐ Publisher does not publish the kind of books I want or need to write to meet my goal.

Looking at the choices you marked, list the things YOU can control. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Looking at the things YOU have control over, pick one and write down what you can do starting today to initiate a positive change (Ex: If you've just lost an editor, write down what you must do to "resell" yourself and your book, and establish a working rapport with your new editor). \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## MIDLIST: IS IT A STEP IN THE RIGHT DIRECTION?

Many agents seem to feel that if an author has not gained lead status or has not shown significant gains in advances or other perks by the sixth or seventh book, the author could be stuck in neutral. However, in this tight market, it could take longer to reach your goals.

Many successful authors started in midlist. Some worked their way up to lead status; others changed houses before they could negotiate a lead position. When do you stay; when do you change? Here are some things to think about:

▼ How many books have you written for this publisher?

▼ Does your advance increase with each book?

▼ If you write category romance, you might not get an advance increase with each book. (If this is the case, what other indications do you have that you are moving up.)

▼ Does your publisher view you as a "midlist" author? (If so, this might be hard to change.)

▼ Is there "room at the top" with your particular house?

▼ Does your publisher groom "in-house" authors, or are outside authors brought in for special projects; for example, anthologies?

▼ Is your publisher excited about you and your work? (Editors can and do leave, so it's important to know that the house is behind you.)

▼ If you know in your heart you're going to have to make the BIG move, are you willing to take the risk?

▼ Are you preparing the way for the eventuality of a future move by keeping your name out there in front of other publishers? Doing appropriate networking? Keeping informed about changes at other houses?

### Reality Check:

▼ The advance on my last contract was:

- ☐ higher than I expected.
- ☐ lower than I expected.
- ☐ just about right.

(Some authors choose to accept a lower advance in exchange for other perks, such as more publicity).

▼ Did you negotiate royalty increases after so many books sold?

▼ What royalty percentage are you getting? (Anything less than 6% royalty rates will make it almost impossible for a book to earn-out, especially if you get a generous advance).

If either your royalties or advances are on the low side, check all the choices that might explain why:

- ☐ First time author.
- ☐ First time with this publisher.
- ☐ Agent failed to negotiate for more.
- ☐ Took less money to gain important perks that will help my career.
- ☐ Write in a genre that has a smaller readership. Ex: Regency.

☐ Book needed a lot of editing. First time authors.

☐ Book was different than my usual style.

☐ Wrote the book under a different name.

☐ Book was set in an era or location that's not considered "commercial enough."

☐ Previous book(s) had a poor sell-through.

☐ Numbers dropping. (This calls for some major changes; publishers say an author's numbers seldom go up once they begin to drop.)

Marketing trends. (Some midlist authors say their advances are dropping.)

☐ Publisher does not pay more.

☐ Reason unknown.

List three reasons why staying with your present publisher is good for your career: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

List three reasons why changing publishers at this time would be beneficial to your career (keeping in mind the risks involved): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

### Another Option:

Since it's not easy to switch publishers, especially in this tight market, perhaps your best option is to stay with your present publisher for now. You can prepare for the future by writing and marketing other books in your spare time. Just make sure you're not trying to market a book optioned by your present publisher.

### WHAT'S REALLY STANDING IN YOUR WAY?

It could be that your publisher is not the one holding you back. It could be you. Experts tell us that the "place" we are at any given time is the "place" we choose to be. If your

dream and your reality are in conflict, perhaps it's time to look inward. Check any (and all) author hold-ups that might apply:

☐ Low self-esteem.

☐ Fear of failure.

☐ Fear of success.

☐ Failure to turn bad things into good. (A bad cover can work to your advantage; for example, if the publisher tries to make it up to you on your next cover. It's happened!)

☐ Books not special enough.

☐ Have not taken the time to develop a unique voice.

☐ Afraid to make waves. (The good kid syndrome.)

☐ Afraid to change publisher, agent.

☐ Afraid to try something new.

☐ Feel trapped or forced into writing books that do not correlate with goals.

☐ Difficult to work with.

☐ Too nice; not willing to assert myself.

☐ Write too slow.

☐ Failure to prioritize career.

☐ Lack of writing time.

☐ Lack of family support. (Lack of husband's support was cited as the number one reason women give up career goals, according to a recent study.)

☐ Lack of a writer support system.

☐ Confused loyalties.

☐ Afraid to beat own drum.

☐ Burnout.

☐ Lack of market or business knowledge.

☐ Afraid to take chances.

☐ Procrastination.

☐ Lack of passion for what I'm doing.

☐ Failure on my part to make editor/agent aware of my strengths.

☐ Indecision. (Not sure what I want or expect from my career.)

☐ Lack needed information about the market, myself or the business to make wise choices.

☐ Have not learned to work with my editor or agent.

☐ Have not learned how to fully utilize the services/information that are available through professional organizations such as Novelists, Inc.

☐ Do not understand the importance of networking.

☐ Go to conferences without a plan and only talk to those ► ► ► ►

# CAREER PLANNING

▶ ▶ ▶ ▶ *Continued from page 7*

people I know.

☐ Have not taken the time to figure out the next step.

How do you prevent yourself from achieving your goal? List three positive steps you plan to take NOW to overcome the problem:

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## MARKETING YOUR STRENGTHS AND TALENTS

A publisher takes a chance on every book and author. A writer's job is to minimize the risks in the publisher's eyes. List your strengths (you might want to ask your agent and/or editor for input):

- ☐ A style of writing that is uniquely my own.
- ☐ Exceptionally good reviews.
- ☐ Reviews in publications other than fanzines. (*PW* is great).
- ☐ Savvy self-promotion where it counts.
- ☐ Editor excited about work.
- ☐ Agent excited about work.
- ☐ A unique job or background that a publisher could use to "sell" me.
- ☐ A book that is a "hot" topic.
- ☐ Special honors or awards.
- ☐ Passionate about what I'm doing.
- ☐ Have a knack for seeing new trends or coming up with high concept ideas.
- ☐ Have a keen sense of what readers want to read.
- ☐ Have a presence that attracts attention.
- ☐ Other \_\_\_\_\_

## WRITING ACHIEVEMENTS THAT CAN HELP MINIMIZE A PUBLISHER'S RISKS

Part of every writer's career plan should be to create a paper trail of

success. Make sure to keep your editor and agent informed of every good thing that happens to you. Send copies of newspaper articles, reviews—everything that suggests you are an up-and-coming writer.

## Reality Check:

Judging from my reviews, agent/editor in-put, fan mail, and my own assessment, my greatest strengths as a writer are:

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## THINGS YOU WISH WEREN'T TRUE

The best way to alleviate problems in your career is to face them head on and to arm yourself with as much information as possible. Every successful author has had one or more of the following problems and has successfully overcome them.

- ☐ Low sell-throughs or pre-sales on last book(s).
- ☐ Books without wide enough marketing appeal.
- ☐ Poor reviews on prior books.
- ☐ A less than enthusiastic editor/agent.
- ☐ Books require more editing than publisher willing to do.
- ☐ Deadlines not met.
- ☐ Orphaned books.
- ☐ Slow writer.
- ☐ Major rewrites.
- ☐ Writing not top priority.
- ☐ Bad packaging or cover on last book.
- ☐ Health or family problems that interfere with writing.
- ☐ Divorce or death in the family.
- ☐ Change of editors.
- ☐ Style not in sync with publisher.
- ☐ Publisher or line closed.
- ☐ Profit/loss statement on previous books cite a low profit margin.
- ☐ Print-run unrealistically high.
- ☐ Poor distribution or laydown.

National or world events can interfere with book sales. For

example, Princess Di's death, along with the UPS strike, made September 1997 a disastrous month for book sales, even for category books.

Remember, weaknesses are strengths carried to extremes.

## MARK THE TANGIBLE WAYS YOUR CAREER HAS SHOWN GAINS IN THE LAST YEAR

- ☐ Last royalty statement showed increased sales.
- ☐ Negotiated a better contract.
- ☐ Received a higher advance.
- ☐ Won a significant writing award.
- ☐ Increased request for speaking engagements suggest more name recognition.
- ☐ Landed an interview on TV or national magazine.
- ☐ Book made bestseller lists.
- ☐ Book picked-up by major bookclub.
- ☐ Published in hardback.
- ☐ Established important contracts.
- ☐ Went from midlist to lead.
- ☐ Asked to participate in special project.
- ☐ Agent receives inquiries from other publishing houses.

## INDICATIONS THAT PRESENT PUBLISHER DOES NOT VALUE WORK

- ☐ Written more than six books for this publisher without increase in advances or position or print-runs.
- ☐ Books are being scheduled further apart.
- ☐ Poor artwork.
- ☐ No publicity.
- ☐ Publisher takes forever to make decision on option books (a sign your numbers are iffy).
- ☐ Telephone calls are not returned in a timely manner.
- ☐ Rejection.
- ☐ Editor shows lack of excitement about new projects.
- ☐ Editor breaks promises.
- ☐ Editor shows no special attention to me during conferences.



## AGENTS

When things go wrong, it's great to have an agent who believes in you enough to work with you during both good and bad times. Mark the one sentence that best describes your present relationship with your agent:

- ☐ My agent believes in me and we have a wonderful working relationship.  
☐ My agent intimidates me.  
☐ My agent and I do not have the same vision for my career.  
☐ I do not have an agent, but I'm looking.  
☐ I don't see the value of having an agent.  
☐ I plan to change agents.  
☐ My agent isn't the greatest, but gets the job done.  
☐ My agent and I discuss my career goals and strategies at regular intervals of:

- ☐ Six months. ☐ Yearly.  
☐ On occasion. ☐ Never.

If you have not recently discussed your career goals with your agent, mark all the possible reasons:

- ☐ I have not made it clear to my agent that I wish to discuss goals.  
☐ My agent has resisted all attempts on my part to discuss career goals.  
☐ My agent is not adequately familiar with my writing abilities.  
☐ I do not have a clear enough picture in my mind where I want my career to go.  
☐ I take full responsibility for charting my own career with no help from my agent.

## TAKING THE BULL BY THE HORNS

Starting Monday, I will do the following to improve my career:

- ☐ I will call my agent and request the following changes in how we do business:

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- ☐ If the situation warrants it, I will call my editor and discuss the following concerns:

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In my next contract (and after I have armed myself with all information available), I will ask for the following items (always ask for more than you expect to gain):

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- ☐ To further achieve my goals, I will make the following commitments (based on what I now know is holding me back):

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## ENJOY THE JOURNEY

Celebrate who you are!

Although it's necessary to continuously evaluate goals and to steer your career in the right direction, an author who is too focused and too goal-oriented sometimes loses sight of the joy and fun of writing.

Celebrate every success no matter how small. Don't get caught in the "never enough" syndrome. If you are having fun, your readers will have fun—this is what creates the magic.

Take a moment and list all the things that are good about your career today. This is the foundation on which you will build.

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This is how I am going to celebrate my many successes this week:

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*NINK*

*Nominated for a Romantic Times Career Achievement award, Margaret Brownley has written for Topaz, St. Martin's Press, and Harlequin. Her sixth Topaz historical, Ribbons in the Wind, will be in bookstores November '98 and will be followed by Buttons and Beaus. She also has stories in several St. Martin's Press anthologies including "For The Love Of Chocolate" and "Flower Girl." Margaret credits her ability to write serious and humorous fiction to 35 years of marriage to the same man. George and Margaret have three humorous children, two hilarious grandchildren, and a serious cat.*



## Advocacy: Terms of Entanglement

Watch out for a dangerous clause in author-agent contracts, regarding the length and termination of the contract. This clause may read something like:

*"The term of this Agreement shall be for the term of copyright in the Work, including all the renewals and extensions thereof, or for as long as any compensation is received from the exploitation of the Work."*

Once the right for a book reverts back to the author, the author is free to let another agent represent the work. By signing a contract with the above clause in it, the author is potentially shackling herself to an agent for life plus 50 years. Many industry professionals advise you to strike that wording or don't sign the contract. A bad agreement with an agent is worse than not having an agent.

— Cathy Maxwell



# Tahoe '98

## The Check is in the Mail!

Greetings, fellow NINCers. With summer full upon us, the thought of a cool mountain retreat may sound pretty good to you. What a coincidence! I happen to know of a perfect getaway...

**FINDING THE FORM:** By now, you should all have a copy of the conference brochure and registration form for the Novelists, Inc. 1998 Annual Conference in your hot (sweaty?) little hands. If you haven't received it, please contact yours truly (see contact info in the NINC 1998 Conference Facts box).

**FILLIN' OUT THE FORM:** Right now it's the perfect time to fill out and mail your registration, before the August 31st late charge kicks in. (Don't say I didn't warn you!) And those of you who long for a little extra vacation time should note that the Hyatt's special conference rate takes effect two days before the conference and extends for two days afterward. Just be sure to request the Novelists, Inc. group rate when you phone for your reservations.

**FOLLOWIN' THROUGH ON THE FORM:** I'm not proud of this anecdote but it's true: a few years ago, I got my conference brochure in the mail, read it with avid interest, filled out the registration form...and set it aside, fully intending to write a check and mail it the next day. You guessed it—the “next day” finally came five weeks later, when it was almost too late.

Spare yourself the aggravation. Fill out the two-sided form, write the check, stamp the envelope, and **mail** that puppy. (Oh, and don't forget to pick up the phone and make your hotel reservations while you're at it.) Then sleep the sleep of the just, knowing that you've Done The Right Thing.

**STILL NOT CONVINCED?** You've seen the brochure. You've read about the great line-up of speakers and discussion topics. But what are we offering for the stressed-out, burned-out, worn-out part of you?

I'm glad you asked. The Hyatt Regency Lake Tahoe offers a staggering array of guest services at the hotel itself and in the surrounding area (some activities singly, some in groups) to fill your off-conference hours: tennis, golf, guided hikes, horseback riding, mountain biking, historic shopping tours in Truckee, hot-air ballooning, aerial tours, a variety of massage techniques, facials, body wraps, deluxe hand and foot treatments, and an on-site health club.

(Outdoor activities are held on a weather-permitting basis; tee times should be reserved well in advance.)

**AND ONE LAST THING....** As soon as you've Done The Right Thing, I have one last assignment for you that could make this the most enjoyable, rewarding and productive NINC conference ever. And no, it doesn't entail sending unmarked tens and twenties to your devoted Conference Coordinator. **Call your editor and your agent.** Let them know you'll be attending the NINC conference and that you really hope to see them there. Look at it from their point of view; wouldn't you be more apt to come if you were sure your authors were going to be present? So make sure they've received **their** copy of the conference brochure and registration form. And if they haven't (or if the Circular File has eaten it by mistake), please refer them to me. I'll be more than happy to see that they get one. After all, we've arranged for the Tahoe conference to be a marvelous party. All we need now are the guests!

— **Judy Myers, Conference Coordinator**



### NINC 1998 CONFERENCE FACTS

**PLACE:** Hyatt Regency Lake Tahoe Resort, North Shore, Incline Village, Nevada  
Phone: 702-832-1234

**DATES:** Thursday, October 15 through  
Sunday, October 18

**REGISTRATION:** Brochure and registration form  
will be mailed to members this month

**PRICE:** \$255 for members

**GUEST SPEAKER:** Catherine Coulter

**ROOM RATES:**

\$125/night: Single Room or Double Room  
\$250/night: 1-Bedroom Tower Suite  
\$275/night: 2-Bedroom Tower Suite  
\$325/night: 1-Bedroom Cottage  
\$425/night: 2-Bedroom Cottage

### QUESTIONS? CONTACT:

Conference Coordinator Judy Myers

E-Mail: NTN79A@prodigy.com

Phone: 916-721-6863

(Monday thru Saturday, 1-7 p.m. PST)

# Y2K

What is Year 2000 Compliance, and why is everyone talking about it? A basic, unscientific explanation is that at midnight on December 31, 1999 there are way too many automated timing devices that aren't guaranteed to change to the new date. The simplified reason for this is 40 or 50 years ago (pre-PCs) software standards were programmed to recognize two digits for the year place holders instead for four digits. The added fun to all this is 2000 is a leap year as well.

There's a lot of finger pointing going on about who's responsible now that we are facing the moment of truth with less than 1,000 days before the deadline. Friends "in the know" advise me about certain behavior at the stroke of midnight on that fateful New Year's Eve: don't be in an elevator or an airplane, make sure you have lots of extra cash at home and lots of gas for your car. I think we should all send copies of *The Day the Earth Stood Still* to those in charge of the banks and numerous manufacturers, just to get the point across more vividly.

What can people do to know what is and isn't compliant? There is computer software that checks the Operating system, BIOS, and Real Time Clock to determine if the computer is compliant. The two sites that have free testing software for downloading are: <http://www.righttime.com/> and <http://onmark.viasoft.com/fix-it/>. Unfortunately, there is no guarantee that newly purchased equipment is going to be fully compliant. That brand new Pentium still has to be checked. Yes, there are more problems with networked computers than a stand-alone PC, but if you have an automated clock in your PC, there is some cause for concern.

Recently I've been doing a Y2K audit at work. (Yes, really "in" people use the cute acronym.) One thing I found curious was that software can be passed as compliant without a test, yet hardware must have both a letter from the manufacturer and be tested to pass the audit. As we answered lots of redundant questions on the audit summary, there were a couple of revelations concerning what all had to be checked. It wasn't as simple as telling my System Administrator what hardware and software had to check or have required letters of compliance. The agency had many other problems that we have no control over—the ever popular third party vendor.

Besides the computers, software, fax machines, time clocks, and postage machines, we realized that we needed to know more about the publishers' and book jobbers' efforts with their compliance. Could we order books, receive them, and pay for them after January 1, 2000?

When we called Baker & Taylor about the electronic ordering system, they said they hadn't really thought about having to answer to their customers until the libraries began asking about B&T's internal accounting systems. Of course this got me thinking about not just library orders, but about

By **SALLY HAWKES**

authors getting paid. Harlequin's checks come from Switzerland; Signet's accounting department is in New Jersey somewhere. Not to mention several additional things we don't want to know about the chain of payment. Of course, what we really want to know is: Can the publishing houses pay the authors after January 1, 2000? Now that printing has become automated, are the presses going to run without a hitch? What do authors do about finding out about printing and payment?

Here comes the biggest question in this scenario. Do authors work together from organized groups to get answers to compliance by publishers or is each person going to have to do the dirty deed alone? From what I've been doing the past few months at my "day job," I suggest starting now, no matter if the authors are working alone or in a group. The timer on one of the web sites has a countdown—as of 10:50 a.m. on June 12 the count is one year, 202 days, eight hours, 15 minutes, and 28 seconds. As you read this, there's even less time. For more information, including Microsoft's and IBM's Y2K pages, here are links that have been set up from the State of Arkansas Y2K project: <http://www.dis.state.ar.us/y2k/y2klinks.htm>. Start looking now for your state's Y2K information links. *NIN*

*Sally Hawkes is Coordinator of Library Network Services for the Arkansas State Library. Writing as Sarah Hawkes, Sally Falcon, and Sarah Eagle, she is the author of 11 published novels in category, historical and Regency romance.*



## ONLINE

— Brenda Hiatt Barber :)

*Editor's Note:* Brenda is moving this month. The regular column will be back in September. Meanwhile, to subscribe to the NINCLINK, all you have to do is send an e-mail:

To: **Majordomo@ninc.com**  
Subject: Your-Ninc-Membership-Name (as it appears in the roster)  
Body: SUBSCRIBE NINCLINK Your-E-Mail-Address

Once subscribed, post messages to: [NincLink@ninc.com](mailto:NincLink@ninc.com)



And remember, send those great Web sites or online tips to [BrendaHB@aol.com](mailto:BrendaHB@aol.com) so she can share them with everyone else.



# EAST OF THE HUDSON

Ever since the Solstice, I find that I'm just bubbling with new ideas and positive insights. Either I have Seasonal Affective Disorder or I'm a Druid.

Maybe both. Anyway, here goes:

## TECHNOLOGY 1A

Sell your stock in Champion Paper. Electronic books are here. *The New York Times*, *Publishers Weekly*, and several other sources report that the first hand-held, paperless books will come on the market early in the fall.

First out of the box is expected to be Softbook, an electronic tablet with a leather cover. (I guess that's to help ease the transition.) The device has a video screen the size of a hardback book with what are described as a very user-friendly controls for flipping backward and forward through the several thousand pages of text Softbook can store.

The hand-held computer appliance (so called because it stands alone and does nothing except read text, unlike a personal computer that can perform as many functions as you have software to load) will sell for \$299 and will require a monthly subscription fee of \$9.95. That fee will provide you with access through a local telephone port to a number of public domain and special publications in the Softbook support library. Copyrighted material will be downloaded through the Softbook's built-in modem for a fee that presumably will be lower than the cost of a traditionally printed and distributed book.

Soon after Softbook is introduced, you'll have another choice: Rocketbook, which is smaller than its competitor (a pound and a half versus three pounds) but which must be inserted in a special cradle connected to a personal computer for purposes of downloading.

Rocketbook, which has connections to both Bertelsmann A.G., the publishing monster, and Barnes & Noble, the bookstore behemoth, can be downloaded from the Internet, presumably with any book that has been digitized. Like Softbook, Rocketbook's inventors claim to have arrangements with all major publishers, so readers will be able to plug in and play almost any book in print, but I have heard these claims before, so I'll remain a bit skeptical until I see how long it takes to pull *Gone With The Wind* through the keyhole of my 33.6 megabawd modem...

...or do I mean 33.6 gigawat? I don't know. I just know that the copper telephone cables running out here to the end of the network don't seem to be nearly as reliable as the ones that Bill Gates and Paul Allen have for their home office setups.

Anyway, the third e-book coming online (see how change corrupts the language) is called EB Dedicated Reader. Judging by the pictures I've seen, it projects two very sharp-looking pages at a time, onto two hinged screens, each of which measures 13.3 inches on the diagonal. The screen is said to have better resolution and contrast than the other units. The unit is also much more expensive, with an expected price somewhere either side of \$1,500.

The EB Dedicated Reader is not designed to compete with mass-market paperback, nor even with deep-discount hardbacks. Its developers see a market among professionals, people who can write off a chunk of the purchase price against taxes and who need compilations of up-to-date information in journal or digest form.

The EB product has the additional advantage of being able to ship its products via what is called the Portable Document Format, a file system that recreates "a paper document's layout and type styles on any computer screen," according to the *NY Times*.

In other words, the downloaded material looks not like a photocopied page from a book but like an Internet web page with glitzy graphics and lots of other multimedia touches.

There are lots of nuances to be sorted through before we writers see any of our words distributed via the Internet. I have a feeling that electronic books are just about where the personal computer business was when I bought our first word machine, an IBM DisplayWriter that used eight-inch floppy disks. That's right, friends, floppy disks were once eight inches across.

That was back in the days just before IBM introduced its own personal computer, when Big Blue was doing those crazy television ads with the Charlie Chaplin character, and about the time my son began bugging me to get him one of those new and revolutionary things called an Apple Macintosh.

Bill Gates, today the richest man in the world, was just a hyperactive nerd with a nasty, competitive nature back then, and that was a very long time ago, right?

Actually, it was just about fifteen years, to be exact. So before you dismiss electronic books, count backwards to the year you bought your first computer and see how quickly things have changed since then.

## TECHNOLOGY, 1B, THE DARK SIDE

Richard Curtis, the agent, had a thoughtful take on the implications of electronic publishing in a recent *Publishers*



*Weekly.* He suggested that writers and agents had best start girding right now for the Mother of All Wars, the coming battle with publishers over control of a writer's backlist.

Since the days of Johannes Gutenberg, writers have always maintained one theoretical advantage

in their relationship with publishers. Authors granted the printer/publisher the right to duplicate a work and to sell it to the mutual benefit of both parties, but if the publisher failed to perform—i.e., if an author's work went out of print—all rights reverted to the author.

But technology is changing all that, Curtis says. "With the advent of technology to print books on demand, a book may now be kept 'in print' in the digital memory of a publisher's computer, to be downloaded on a bookstore's premises at the stroke of a key in response to a consumer's order."

Curtis was mostly concerned with "on-demand" printing of the sort recently introduced by Ingram and other book distributors, but if electronic books like Softbook and Rocketbook catch on, the issue of on-demand printing will become moot because an author's work will become purely electronic, with no paper intermediary.

In other words, publishers wouldn't have to keep a backlog of copies in their warehouse in order to retain the right to publish an author's work. All they'll need is a digitized copy of the work, a few bytes of disc storage, and a modem to transmit.

Books will remain available forever, or, as Curtis puts it, "digital technology extends the term (of both copyright and grant-of-publishing rights clauses) to the author's death plus ten billion years."

That certainly changes the meaning of the term "deathless prose," and while authors may get an ego stroke from the idea of living forever, electronically, the same technology may eventually deprive writers of a lucrative source of income.

This is not a theoretical matter. Far from it. Many of you know about the battle over reversion of rights that went on between this writing household and a major publisher several years ago. Ultimately, the matter was resolved, and rights to a number of books were returned to us. Without going into details, I can tell you those rights have proven extremely valuable.

Repeat, EXTREMELY.

Curtis suggests that agents and authors will have to invent new contract language to cover the issue of electronic and on-demand publishing. Instead of granting open-ended licenses, authors may demand specific terms of years or, in the alternative, some form of minimum royalty or "rent," a publisher would have to pay to hold onto a book "after it has gone out of print in the traditional sense."

Ain't no such thing as an unmixed blessing, friends. Sorry.

## BOOK EXPO AMERICA

If you build it, they will come...

If you change the name, they'll come back.

Well, the independent booksellers and their allies changed the name of their national trade show from ABA to BEA, and some of the major publishers returned, although not with the lavish booths, super parties, and outrageous freebies that used to be the standard.

And even the new show offered no safe haven from the conflict indies have had to confront in the past few years.

For instance, almost the first thing the show-goers saw when they walked in the main entrance of Chicago's McCormick Place exhibit hall was a massive banner extolling Amazon.com, the online bookseller which is cutting into the sales of independent bookstores all over the world.

Then, too, covert agents from Barnes & Noble circulated through the crowds like guerilla marketers, distributing copies of a letter from B&N president Len Riggio. The superstore chain is being sued by the indies, and Riggio's missive, suggesting that the suit was ill-advised, apparently angered some of the American Booksellers Association faithful.

But the indies weren't the only folks who got bad news. Everybody who writes, sells, or reads books had to be disheartened by a survey suggesting our industry is, in the terms of economists, a mature one. Put another way, we ain't the go-go business we used to be. The survey, conducted by the Book Industry Study Group, revealed that:

Book sales were flat to lower last year. Adult book purchases were up by less than one percent, and the population grew by more than one percent, so the business actually lost a bit of ground.

Large chain bookstores continue to be the dominant force in retail sales, with 25 percent of all books purchased there. The independent bookstores lost more ground, with sales dropping 14 percent, to a new low of 17 percent of all sales.

Popular fiction accounts for one out of every two books purchased by consumers.

The heaviest book buyers, people with good educations, careers, and plenty of spendable income, bought fewer books than they did in 1996.

Those are grim notes for writers of our sort, as well as for independent booksellers, and I'd love to dig into them more deeply. But I can't, since I don't have the \$295 to buy a full copy of the BISG report.

I did, however, find something in their summary news release that was surprising. It turns out that the fastest growing segment of the book retailing business is no longer the superstore chains. Book clubs grew by 1.4 percent. *Book clubs now sell 20 percent of all books in the country and have vaulted over independent bookstores into second place among bookselling sectors.*

Book clubs sell more books than discount clubs, mass merchandisers like K-Mart and Target, and certainly more than the high-profile online booksellers like Amazon.com.

This confirms a trend I spotted earlier in the year, and suggests to me that writers have to be more aware of big club sales and their impact on royalty payouts





# EAST OF THE HUDSON

▶ ▶ ▶ ▶ *Continued from page 13*

and even on advances. Bertelsmann A.G., which is now the dominant force in our business, has staked a great deal of its future on its clubs, in much the same way that my local supermarket is using its individual consumer club membership lists as the key to marketing strategies for everything from wine to diapers.

Book clubs are fabulous ways of reaching niche audiences, particularly for mystery, science fiction, and romance genres. Club benefits are not free, though; the kind of computer-based marketing a publisher or club must do to define and reach a niche audience is expensive.

Club sales used to cut into regular retail sales, or so the reasoning went in the business. That was the justification for the nasty practice of requiring authors to split Literary Guild or Book-of-the-Month Club sales with the publisher. However, in the new environment of publishing, with many of the publishers peddling their products through clubs that they themselves own, those old rules seem to change.

I haven't seen a discussion yet that will help me decide whether the clubs are good for me, good for the publisher, or both. But they are a fact of life, a bigger fact every day.

## BFO OF THE MONTH

As I cogitated just now over book clubs and marketing, I was zapped with a Blinding Flash of the Obvious. I now know why the independent booksellers are upset by online booksellers and by book clubs as well: It isn't just a matter of business competition, but an intellectual fight, as well. Independent booksellers love to be the literary mavens of a community, telling people what to read and why to read it, often even how to interpret it. Now, more and more, that function is falling to a marketer's best friend, the computer.

Working at the speed of light, book club computers can track a customer's previous purchases and redesign sales pitches, like club catalogues, to play to those tastes. And online booksellers like Amazon.com can use hypertext hot buttons to lead mystery readers to other books they might like. For instance, people who like Patsy Cornwell's forensics detective, Kay Scarpetta, are guided online to Kathy Reich's first novel, *Deja Dead*. (Do you suppose Reich's publisher offered Amazon incentives for their help in equating Reich with Cornwell? Yes, my irony light is burning bright.)

The computer does the sorting and the leading and the instructing. The computer fills the role of an independent bookseller, guiding readers to worthy or enjoyable new books as surely as a priest guides sinners to salvation. No

wonder book peddlers are offended. They are being supplanted.

This situation is an illustration of one of the new sub-fields of computer marketing, the use of so-called software systems called "smart agents." Smart agents interactively learn the tastes and habits of a computer user by keeping track of, say, the user's visits to web sites and the travel itineraries he or she books through Internet travel agencies.

Some of these agents are pretty shifty. One outfit, Firefly, a company just purchased by Microsoft, keeps track of my tastes and then matches them with, say, my travel plans. The agent already knows that I like seafood, and then it discovers that I have just used an online travel agent to book a trip to Boston.

So just because it loves me, my computer suddenly generates a list of seafood restaurants in and around Boston, in case I should decide to get hungry the week I'm there. (Do you suppose those restaurants offered incentives to Microsoft? Uh huh, irony.)

I am charmed by the tailored attention I get from these smart agents, but I have to say that I'm more than a little bit uneasy about putting so much power in the hands of Microsoft. As a matter of fact, I'm beginning to suspect that the company has a real stake in controlling both agents and Internet access portals because it wants to profit by steering me exclusively toward restaurants, airlines, and web sites who tithe to Bill Gates.

That's what seems to be at stake in the marketing magic. In other words, Bill Gates and Bertelsmann/Barnes & Noble, etc., are all interested in guiding my tastes and selections in just the way my local independent bookseller has been guiding me toward "worthy" books over the years. The difference is that Bill Gates makes money while the bookseller gets off on shaping impressionable minds like mine and thus having influence on American culture.

But before any of us get too paranoid, we should realize that smart agents have limits. Such programs are not always as sophisticated and witty as humans; some aren't even as sophisticated and witty as your average Barnes & Noble clerk. For instance, I read the other day about an Amazon.com mystery review that suggested the villain of a mystery was the embodiment of the phrase "the banality of evil."

The Amazon search engine took that reference in its most literal sense and hyperlinked the mystery to an obscure treatise in political theory by Hannah Arendt, the woman who penned the term "banality of evil" to describe Adolph Eichmann. That link is what the old carnival



barkers used to call, "Close, but no cigar."

**WIN SOME, LOSE SOME**  
Kensington Publishing Corp. is always trying something new, it seems, reinventing itself in much the same way writers are having to do these days. According to recent stories

in *PW*, Kensington is moving more aggressively into health publishing as a lucrative niche.

The firm has also sold its Arabesque line, with romances tailored for black readers, to BET Holdings, which controls the Black Entertainment Television channel on many local cable and satellite TV systems.

Kensington will, at the same time, begin development of Encanto Romances, an English-Spanish operation that will publish four titles a month beginning this fall.

Carving another kind of niche in the romance field, Kensington says it will continue to publish a list of contemporary and historical romances which are priced under \$2 and sold to Wal-Mart on a non-returnable basis. (Wonder what the advance is on those puppies?)

Kensington didn't do so well, however, with inexpensive hardbacks. It is folding a line of 256-page books which retailed in Wal-Mart and Books-a-Million for \$5.96.

(I wasn't kidding last month when I said I was continually amazed at Walter Zacharius's ability to bob and weave. He may step on people's toes in the process, writers' toes included, but he never seems to stop moving and inventing.)

### NEW YORK, NEW YORK

The death last month of Alfred Kazin, one of the most powerful New York book critics in the last half century, generated several journalistic meditations on the sad state of intellectualism east of the Hudson.

An old colleague of mine, Josh Getlin of the *Los Angeles Times*, uncorked a long stem-winder (that's a newsman's term for a think piece that jumps more than two pages) about how New York used to rule the cultural life of this country with an iron hand. Kazin, along with lions like Norman Podhoretz, Nathan Glazer, Daniel Bell, and Irving Kristol, set the intellectual tone of the middle and latter part of this century. Now they are all dead or dying, and many, mostly folks in New York, think the world is the worse for it.

The piece reminded me of why I do this column, and made me realize why it may even get a little inbred in its antagonism toward Manhattan. I am 55 years old now and I have lived almost my entire life in an intellectual world that New York created. But the truth is I never understood what the hell they were talking about.

I was born and raised in rural Minnesota and I can still remember going to my grandmother's house on a 260-acre corn and alfalfa farm for visits.

The *New Yorker* magazine was a regular Christmas gift

from Gram's daughter, my Aunt Marva, who was the wife of a small-town dentist. Somewhere in the 1940s, Marva had been brainwashed into believing that all well-bred homes in America needed to read "Talk of the Town" every week.

I think I am the only person in the family, other than Marva, who ever tried to read the magazine. I know Gram and Grandpa didn't. They were farm folks, more at home with *Country Gentleman* or *Colliers*. But they kept the fresh issue of the *New Yorker* there in the parlor for appearances, and I think those appearances went deeper than trying to please their only daughter.

Actually, I never got very far reading the magazine either, but I did develop an early and unhealthy appreciation of the macabre cartoons of Charles Addams. The rest of the *New Yorker* lesson never took, nor did the Gospel according to the New York intellectuals. I certainly couldn't accept the idea that all smart things come from the other side of the Hudson. Or that American culture was monolithic and unitary.

Sometimes you have to live a while to figure out what it is that makes you react the way you do. I realize now that, as a writer, I've been resisting New York's pervasive influence since the day I asked my grandmother how come the *New Yorker* didn't have pictures like *Life* and *The Saturday Evening Post*.

"Oh, son, that's just the way folks do things yonder," she said. "Don't pay 'em any mind."

Good advice, Gram.

As long as you live in the country.

— Evan Maxwell

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

### New Applicants

Eileen Goudge, New York NY  
Peggy B. Morse (Peggy Moreland), Round Rock TX  
Jo-Ann Power (Ann Crowleigh), San Antonio TX  
Shirley Remes, South Elgin IL

### New Members

Leslie LaFoy, Goddard KS  
Linda Needham, North Plains OR  
Lisa Plumley, Chandler AZ

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## 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: [pappano@ionet.net](mailto:pappano@ionet.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	June 4	June 11	June 18	June 25
Madeline Baker	<i>Under a Prairie Moon</i> , Leisure	122			
Sandra Brown	<i>Fat Tuesday</i> , Warner Vision	5	2	6	9
Sandra Brown	<i>Unspeakable</i> , Warner			26n	26
Catherine Coulter	<i>The Target</i> , Putnam	120			
Kathleen Eagle	<i>The Night Remembers</i> , Avon	136			
Janet Evanovich	<i>Three to Get Deadly</i> , St. Martin's			189	141
Jill Gregory	<i>Never Love a Cowboy</i> , Dell			135n	133
Tami Hoag	<i>A Thin Dark Line</i> , Bantam	37	53	103	
Jayne Ann Krentz	<i>The Pirate</i> , Mira	83			
Debbie Macomber	<i>Nell's Cowboy</i> , Harlequin	45	44	95	
Anne McCaffrey	<i>Freedom's Choice</i> , Ace	107	136		
Anne McCaffrey, et al.*	<i>Acorna: The Unicorn Girl</i> , HarperPrism		169	119	118
Heather Graham Pozzessere	<i>Never Sleep with Strangers</i> , Mira			130n	
Mary Jo Putney	<i>One Perfect Rose</i> , Fawcett Gold Medal	143			
J.D. Robb	<i>Holiday in Death</i> , Berkley	70	114		
Nora Roberts	<i>Sanctuary</i> , Jove	17	26	36	58
Deborah Smith	<i>A Place to Call Home</i> , Bantam	68	104		
Antoinette Stockenberg	<i>A Charmed Place</i> , St. Martin's	123			

\* et al.: written with other author(s) who aren't members of Novelists, Inc.

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