

Belly-Up

BY RICHARD CURTIS

Note: The following is the chapter on bankruptcy in Richard's book, This Business of Writing, published by E-Reads.

This piece, originally published in *Locus*, the trade magazine of the fantasy and science fiction field, was written after the shocking bankruptcy of a paperback publisher in the 1990s. I had hoped that authors and agents would apply the lessons and act to change the bankruptcy provisions of publishing contracts. However, they didn't, and now we are faced with another bankruptcy, that of iBooks. Perhaps this time author organizations will force a revision of bankruptcy language in book contracts.

Richard Curtis

AGENTS DON'T LIKE TO ADMIT THAT there are events beyond their control, and I

suspect that is why I have never written more than superficially about such contractual matters as forces majeures (acts of God), and bankruptcy. Such events serve only to reaffirm our human frailty and fallibility, our total helplessness before the awful natural and business convulsions that occasionally devastate the microcosmic world of book publishing. How easy it is to deny that they could ever happen, or that there is anything we could do about them anyway. I am able to rationalize my omission of these subjects by telling myself that in the course of my career in the book business, I have never seen a publisher invoke fire, flood, strike, hurricane, insurrection, or war as an excuse for screwing up a book, nor have I or my clients ever been burned by the bankruptcy of a publishing house.

Yet, anybody who works in this business long enough knows that sooner or later Murphy's Law will clutch us by the throat, and whatever terrible things can happen will, perforce, happen. These tired old eyes have seen booming markets dry up overnight, seemingly omnipotent chief executive officers of great publishing houses fired ignominiously, and corporate acquisitions, mergers, and divestitures undertaken as casually as cards tossed in a low-stakes poker game.

For instance, some years ago, at the very apogee of the gothic novel boom, Avon, the leading publisher of the genre, announced that it was terminating its gothics program. Snap! Just like that. Writers, agents, and Avon's competitors were floored. It was not as if the market had begun to decline. Anybody who wanted to make a small fortune in those days had but to take anything vaguely resembling a gothic formula story and slap on it a cover of a filmily clad girl looking apprehensively over her shoulder at a fog-shrouded mansion with a light burning in one window. We were all the more

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President's Voice

Novelists, Inc.

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Summer fun: grist for the mill

I suspect I'm not the only one who has trouble sitting at the keyboard during the summer months. So many things other than writing beckon to me this time of year: gardening, walking, sports, vacations, outdoor home projects, reading out on the deck. On a beautiful day, the last thing I want is to be stuck inside my office staring at a computer monitor for hours on end.

Of course, as writers, we have it much better than your average cubicle worker (with apologies to our members who are both writers and cubicle workers!). Our schedules frequently offer enough flexibility to allow us to escape outside when the weather is nice, or at least to tote the laptop out onto the deck to write. But I would argue that getting away from the writing to enjoy other parts of life – and yes, there are other parts – can be a good thing, not only for our own mental health, but for our writing. I often work through sticky plot problems while walking through the woods or deadheading my roses, and other, less routine activities may spark whole book ideas or turn out retroactively to be research for a scene I'll write later.

Take vacations. Instead of grousing that a trip to Disney or the beach is cutting into your writing time, look for ways to use it in your writing. Maybe your hero likes to wind surf or kayak. Here's your chance to find out what those activities are really like (even if you choose not to indulge in them yourself). Or maybe your heroine was traumatized as a child when she was lost for several hours in a theme park. Pick up ideas on what she would have seen, heard and felt that still affect her in the present. Not only might you be able to write off part of your trip expenses as research (if you document things well) but by reducing the guilt over "not working" you'll have a lot more fun on your vacation.

It works both ways. There's no rule that says research can't be fun, so let your characters do things you've always wanted to do, to give you an excuse to do just that. Or, the writing itself may suggest cool vacations or summer activities you wouldn't have thought of otherwise. For example, I'm working on a women's fiction novel with a scuba diving heroine, which inspired my husband to suggest a beach and diving vacation, from which we just returned. Not only was it fun and relaxing, but I came up with a few more ideas for the book, and I'm already picking out which underwater pictures I'll use on my website if — when — it sells.

Since I've now mitigated any last vestige of guilt by working my vacation into this column, I can move on to Ninc business. We're continuing to move forward on as many fronts as we have volunteers for. You may have already noticed the website's new look and all the useful information and links we've added. Look for that trend to continue, as Ginger Chambers is chock full of ideas. The Board voted for Ninc to join the Book Industry Study Group (see www.bisg.org) which will give us access to reams of useful industry research. You'll be seeing the results in future issues of NINK as well as on the website. The Outreach Committee

is working on a spiffy new logo for Ninc, as well as a design for business cards that everyone can easily keep on hand to give out to prospective members, in addition to our recently updated brochures. As I said last month, our goal is to make Ninc as valuable as possible to its members, and we're always open to more suggestions. Post on Ninclink or email any Board member (addresses are in the masthead to the left) with your ideas.

And now, if you'll excuse me, I think I'll start planning my next summer vacation. Hmm. Maybe I should have my heroine take an underwater photography course . . .

— Brenda Hiatt Barber :)

News from ninc.com

The Members Only page of the Novelists, Inc. website is undergoing reconstruction. Hopefully, by the time you read this, it will be finished. If you can, take a moment from your busy day and have a look. Our aim is to increase the valuable information available to members, and make that information easier to locate. If the page isn't finished, it will be soon. New additions include: *NINK*/ninc.com in Partnership, Golden Oldies from *NINK*, The Wisdom of Ninclink and Book Business Blogs.

Ginger Chambers, Website Committee Chair

How Much Are You (or Your Publisher) Willing to Pay?

Is \$94,000 too much? How about \$28,000? \$19,000? That's what the London Times reports that WH Smith,

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Borders, and Waterstone charge publishers *per week* to place books on their recommended reading lists in the key shopping weeks leading up to Christmas. Publishers who don't pay, find themselves left off the lists. WH Smith sells between 30% to 40% of the popular fiction in the UK prior to Christmas. The Publisher's Association pronounced that 70% of publishers' promotional

budgets are spent on this type of "below-the-line" advertising. The author of the article, Libby Purves, wonders why more book critics don't question this practice instead of accepting this trend that appears to be "squeezing out new writers, and truncating the careers" of others. http://www.timesonline.co.uk/newspaper/0,,176-2200275_1,00.html

"Bits" Compiled by Sally Hawkes

INTRODUCING.....

The following authors have applied for membership in Ninc and are now presented by the Membership Committee to the members. If no legitimate objections are lodged with the Membership Committee within 15 days of this NINK issue, these authors shall be accepted as members of Ninc:

New Applicants:

Deloris Lynders (*Delilah Devlin*), Boerne TX Jordan Summers, Scottsdale AZ Tracy Anne Warren, Abingdon MD Carrie Weaver, Chandler AZ

New Members:

Robyn DeHart, Cleveland TN Rachel Gibson, Boise ID Fiona Gillibrand (*Fiona Brand*), KeriKeri, New Zealand Marianna Jameson, Stamford CT Mary Jernigan (*Elle James*, Myla Jackson), Rogers AR Sandra Kleinschmit (Samantha James, Sandra James), Salem OR

Ninc has room to grow...
recommend membership
to your colleagues.
Prospective members
may apply online at
www.ninc.com.

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situation so that he or she and his or hers would not be adversely affected.

baffled because it was said that the head of Avon at that time killed the program simply because gothics bored him, which was like the Secretary of the Treasury announcing that he is bored with the presses that mint money. But that's what happened, and it left the paperback market in chaos and countless writers and agents floundering around on the wilder shores wondering where their livings were going to come from.

Or, take what happened after Harcourt Brace, the trade and textbook publishing giant, acquired Pyramid Books, an independent and minor paperback house that had suddenly found itself on the map with the huge success of John Jakes's Kent Family Chronicles. Harcourt changed Pyramid's name to Jove, replaced most of its staff, and poured millions and millions of dollars into acquisitions and selfpromotion in a bid to make it the number one paperback company in the industry. Then, one Monday, the editor in chief and a number of other key editors were given until the end of the day to collect their personal effects and leave the building, and not long afterward Iove was unloaded on what was then MCA's Putnam-Berkley entertainment complex. The upheavals created by these transactions were so immense that few of us had the experience of dealing with anything remotely like it, and the toll on writers, agents, and the industry at large was incalculable. A lot of authors cried, "Do something!" to their agents, but I can think of scarcely anything an agent might have done to predict or control the

In recent years we have witnessed similarly seismic events. In the space of six or seven months during the mid-eighties, for example, the publisher of Bantam replaced the publisher of Pocket Books, then hired the publisher of Berkley, who quit a couple of months later and presently replaced the publisher of Avon, whereupon the editor in chief of Avon left and was replaced by the editor in chief of Pinnacle. The turmoil caused by these churnings cannot be described. Nor can the harm done to authors be mitigated by the efforts of even the most powerful agents in the business. You just stand there, mouth agape, and watch the majestic unfolding of events. Then you come in when the dust has settled and do what you can to pick up the pieces.

And then, also in the mideighties, we witnessed the collapse of a paperback publisher. For many years, Pinnacle Books was a marginal paperback house publishing routine genre books. It was then acquired by an investment group and the old management and editorial staff were replaced by a smart and enthusiastic team that expanded the firm's editorial vision, spent money to acquire better authors and properties, and marketed its books shrewdly and aggressively. Within a year or so the results were dramatic. Sales began to soar and Pinnacle was the hot shop in the industry, a genuine major-league contender. But there were serious problems underlying the successes. The company had expanded so explosively that its cash flow couldn't keep up with demand. Furthermore, as was alleged to me by people close to the situation, Pinnacle's parent company had to "borrow" some of Pinnacle's working capital to cover deficits or corporate acquisitions elsewhere in the conglomerate.

For many of us, the first crack in the structure appeared when a number of Pinnacle's checks bounced. As restitution was made shortly thereafter and cash started to flow again, most of us who'd been touched by that chilly wind accepted Pinnacle's reassurances that the situation was temporary and order would soon be restored. In midsummer, however, agents and authors demanding overdue payments were told that there just wasn't any money. By August the crisis had deepened. Key employees quit or were let go. Inquiries yielded a sketchy but frightening picture of Pinnacle's parent company allegedly using the publisher's accounts receivable to pay off corporate obligations that had nothing to do with Pinnacle. By the end of August the disaster was all but complete. Matters were turned over to the firm's attorneys and the last of Pinnacle's staff was forced to abandon ship.

This was a tragic event. When a paperback publisher goes out of business, there is none to replace it. Mass-market publishers are simply too expensive to create easily from scratch. The loss of a competitor is bad for publishing and worse for authors. The fewer publishers there are, the less flexibility there is in prices and terms available to writers. As if they didn't have it bad enough.

The possibility of an actual

bankruptcy sent agents and authors scurrying to their contract files to examine the pertinent provisions of their agreements with Pinnacle. Almost all book contracts contain language to the effect that if a publisher goes or is forced into bankruptcy, takes advantage of any bankruptcy statutes, or assigns its assets for the benefit of creditors, the author is entitled to get his rights back automatically. Examination of the boilerplate of Pinnacle's contract confirmed the existence of such a provision. Specifically, Pinnacle's contract stated that:

If (i) a petition in bankruptcy is filed by Publisher or (ii) a petition is filed against Publisher and is finally sustained or (iii) a petition for Arrangement or Reorganization is filed by or against Publisher and an order is entered directing the liquidation of Publisher in bankruptcy, or (iv) if Publisher shall make an assignment for the benefit of creditors, then Author may, at Author's option, terminate this Agreement by written notice and, thereupon, all rights granted herein shall revert to Author.

Well, that was a relief. Although we still weren't sure what would become of any royalties Pinnacle might owe, at least there was no question about the procedure for getting our rights back. All we had to do was wait for an announcement that Pinnacle had filed for bankruptcy (or find out for ourselves by sending a lawyer to federal bankruptcy court, where bankruptcy petitions must be filed). Then we send a notice terminating the contract. Right?

Imagine our shock when we learned that the bankruptcy provisions of publishing contracts are, essentially, unenforceable.

I consulted with a lawyer friend of mine, Michael A. Gerber,

then professor of law at Brooklyn Law School and now a dean there, who had published a book about bankruptcy, and he cited provisions in the federal Bankruptcy Code that invalidate the bankruptcy termination clauses of contracts. It turns out that book contracts are regarded by Congress as assets comparable to the furniture, typewriters, and light fixtures of a publisher. Section 365(e) (1) of the Code stipulates that an executory contract (that's what you have) may not be terminated just because your publisher goes into bankruptcy. And it doesn't matter whether or not your book has yet been published-it's the contract that counts as an asset.

The reason the law takes this position is that if a company is trying to reorganize in order to work things out with its creditors, as it may do in some bankruptcy cases, its rehabilitation may be hampered if you yank your contracts away. Those contracts are, after all, a key source of potential revenue for a company trying to get back on its feet. Even if a company is not attempting merely to reorganize but is completely liquidating, the law still regards the earning potential of your contracts as an asset to which all creditors have some claim. Thus, you may not get your rights back if the company elects to assume the benefits and obligations called for in your contract. There is some saving grace in all this in that the company cannot keep you dangling interminably. In a liquidation case, the company must decide whether to assume or abandon the contract within sixty days of filing. In a Chapter 11 (reorganization) case, there is no hard-and-fast deadline, but the bankruptcy court may impose one at your request.

So, contrary to the black-andwhite language of your publishing contract, if your publisher chooses to take advantage of this provision of the Bankruptcy Code, you're up the creek, at least for a while. Fortunately, few publishers who get into financial trouble go bankrupt because there is usually another publisher waiting in the wings to take it over. A publisher's backlist may continue generating income for anybody who takes it over, and because most creditors of a publishing company (such as banks, printers, distributors, and the landlord) are incapable of generating income from the publishing of books, sooner or later they will conclude that it makes good financial sense to turn over to a publisher the contracts the creditors control. That is precisely what happened in Pinnacle's case. Electing not to file for bankruptcy, Pinnacle sent a notice to all interested parties stating that it had signed an agreement in principle with the parent company of Zebra Books to take over the imprint. This meant that Zebra would be able to publish certain Pinnacle books under contract or on the Pinnacle backlist.

Back to their contract files scurried the authors and agents, where they confirmed that Pinnacle, like every other publisher, has provisions in its contract permitting it to assign that contract to anyone of its choosing without the author's permission. Some agents and authors are able to modify that clause in negotiations so that a publisher cannot assign the rights without the author's express permission, but most publishers resist that modification, for the freedom to assign is an extremely important one to them, more important at least than it is to authors, for whom it is seldom a deal-breaker. However, even if your contract prohibits your publisher from assigning your rights without your permission, that prohibition would be invalid in a bankruptcy situation under the Bankruptcy Code, according to Professor Gerber.

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Actually, the assignment of your contract to another publisher might be the best thing that can happen to you if you are worried that your books may be tied up for years in bankruptcy litigation or seized by some creditor who doesn't know a copyright from a coffin nail. For one thing, before a publisher can assume or assign a contract, it must pay you any royalties it owes you, or at least provide you with assurances that they will be paid. Moreover, if your contract is assigned, at least there is someone you can talk to, someone who will keep your book in print and generate some income for you.

That, however, might not necessarily have been the case if Zebra's original plan for taking Pinnacle over had gone through, for the notice Pinnacle sent out stated that the money Zebra generated for Pinnacle would not be paid directly to authors, but rather would go into an escrow account controlled by Pinnacle and its "secured creditor." A secured creditor is someone who has extended credit that is secured by some kind of collateral. In this case, that secured creditor appears to be the bank to which Pinnacle's owners allegedly pledged the publisher's accounts receivable. Authors are not secured creditors. If a secured creditor intercepts revenue that otherwise would have flowed to the company and eventually to you the author, then that secured creditor is under no obligation to satisfy the claims of the unsecured ones. Of course, a judge might be most sympathetic to your plea for return of your rights and royalties, for it is clear that an author is a lot more helpless in situations like this than is a bank or a printer. But a judge is under no legal compulsion to grant an author's plea.

At length, no longer capable of fending off its creditors, Pinnacle filed for bankruptcy under the Chapter 11 provisions of the federal bankruptcy law, meaning it was seeking protection by the federal government while it reorganized and formulated a plan to repay its debts and restore business. It took almost two years, from autumn of 1985 through summer of 1987, for the company to get its act together. It did make a deal with Zebra, which proceeded to review the entire Pinnacle list to decide which unpublished manuscripts it would bring out, which backlist books it would reissue, and which properties it would release to the original copyright owners and under what terms it would do so.

As I said at the outset, agents don't like to admit that there are things they are powerless to control, but I must tell you that bankruptcy appears to be one area where little

TYPICAL BANKRUPTCY CLAUSE

17. Termination upon Bankruptcy and Liquidation

If (a) a petition in bankruptcy is filed by the Publisher, or (b) a petition in bankruptcy is filed against the Publisher and such petition is finally sustained, or (c) the Publisher makes an assignment for the benefit of creditors, or (d) the Publisher liquidates its business for any cause whatever (but expressly excepting from each of the foregoing provisions any reorganization proceeding by or against the Publisher under the United States Bankruptcy Act or any similar state statute) then, the Author may

- (1) revoke the Publisher's right to publish the Work if it has not then been published;
- (2) require that the Publisher cease further publication of the Work but if the Work has been published then the Trustee, Receiver or Assignee shall be permitted to sell those copies of the Work already printed or actually in the process of being printed;
- (3) revoke such other rights granted to the Publisher under this Agreement which have not then been exercised or otherwise disposed of by the Publisher;
- (4) and thereupon all rights granted by him hereunder shall revert to the Author together with any existing property originally furnished to the Publisher by the Author or at his expense but subject to any contract, sale, license or other disposition of any rights, uses or property in the Work which the Publisher has made or granted prior thereto.

an agent does by way of negotiating contractual language is going to help if your publisher goes belly-up; and once it does, little that an author, agent, or lawyer does will help if the bankrupt firm and its creditors don't want to cooperate with you. My best advice is, first, to move like lightning once you or your agent get the feeling your publisher is in serious trouble, demanding a reversion of your rights and/or settlement of whatever financial obligations the publisher has to you. Put short deadlines on your demands and send official letters stating that owing to failure of your publisher to comply with the terms of his contract with you, you consider that contract canceled. Second, make a horrid pest of yourself in the hope that your publisher will decide life is too short to do combat tooth and nail with a crazy author.

One author did just that in the Pinnacle case and did win his rights back, but at a terrible cost because of the onerous terms of his settlement and the cost of hiring a lawyer—and you will need a lawyer. But if there isn't that much value in your books to begin with, the cost of hiring a lawyer to rescue them may not be justifiable. It's frustrating as hell, maddening in fact, but there you are. And that's just bankruptcy. I haven't even mentioned how helpless we are before acts of God. But I think I'll wait until a tidal wave demolishes HarperCollins, Random House, or Simon & Schuster before attempting to write about that. Given Murphy's Law, you may be reading my remarks about that sooner than you think. A

Editor's Note: Clearly, a publisher's bankruptcy represents supremely complicated issues for authors. We hope to run more articles on this complex topic in future newsletters.

Bits'n'Pieces

Microsoft Steps into Online Book Market

Windows Live Book Search will be searchable in the not too distant future. Books from University of California and the University of Toronto libraries, with 34 million volumes and 15 million volumes respectively, provide the collection. Books no longer under copyright will be digitized to allow access.

Tale of Two Bookstores

After adjusting its last quarter sales figures, Borders Group announced it was eliminating 90 corporate positions. These cuts were not in-store positions, but at the company's headquarters in various departments ranging from IT to merchandising, as well as regional human resources, and field distribution. A few buyers and vendor liaisons were included. Sales projections for the coming year did not change the single digit increases for its superstores.

During the same period, Barnes and Noble's annual shareholders meeting was held in New York City. Chairman Len Riggio commented on competitive factors in the business including online retailers, the proliferation of used books, large retailers, and regional chains. B&N's success as a chain was ascribed to their ability to set up stores as cultural centers, where people like to spend time. Author events will continue to have a key place in building consumer interest.

The Continued Price of Too Much Success

Apparently the favorable verdicts for Dan Brown in two United States Federal Courts, and the British High Court of Justice, hasn't satisfied Lewis Perdue's champion, Seth Mnookin. *Vanity Fair's* cover story in June reexamined the Perdue case that Mnookin first covered in *Newsweek* in 2003. This new account includes mysterious emails to Perdue that Perdue claims were from Brown's wife. One interesting new detail that came out in the article: the recent court case between Perdue and Brown was actually Doubleday suing Perdue to clarify that no copyright infringement had taken place. Like the two authors of *The Holy Blood and the Holy Grail*, Perdue is expected to pay the legal fees for the case.

What exactly is a platform?

A recent article in the *NY Observer* covers yet another buzzword—platform. This may or may not be on the mark, but it *is* a piece that gives the average author something to think about. Do you have to have some sort of agenda or specific demographic in your background to be considered a viable commodity?



Recapping the Magic:

Intrigue and Information from the World of Publishing: Daisy Maryles & Bette-Lee Fox

BY DEBRA MULLINS

One of the most informative workshops for me at the recent Ninc conference was the talk given by Daisy Maryles of Publishers Weekly Magazine and Bette-Lee Fox of The Library Journal on the state of the book buying market and libraries today.

State of the Market

In the first half of the session, Daisy Maryles focused on how the book selling market is changing to meet its consumers. Books are in competition with technology these days. Everyone has a cell phone and a DVD player, maybe also an iPod, or a PDA. Most of the country owns more than one personal computer or laptop, and the internet is the place to be. In the face of these technological distractions, there has been a drop in adult readership.

Publishers are starting to use more and more online means to promote books. They are selling books online, and promoting email newsletters and discussion boards. Some are even accepting submissions electronically. E-publishers continue to grow as an accepted medium. Amazon.com has become one of the largest accounts for publishers today.

Because of the huge importance of the internet in everyday life, a well-maintained website is a key selling tool for an author.

Publishers are also focusing on

audio books. Random House even has plans in the works to deliver audio titles via cell phone in the near future. Also, graphic novels are very hot these days, as there seems to be a consumer need for visual stimulus. This medium is attracting younger readers.

Despite all the technology, there is no fear that paper books will fade into the background. More books are being printed every year.

Where are people buying books?

25% - Bookstore chains (B&N, Borders, etc.)

50% - Independent booksellers

10% - Online

10% - Price clubs such as Costco and Sam's Club

10% - Discounters such as Target or Walmart

Daisy also talked about some of the trends over the past five years. Some facts to note:

Nonfiction sells more strongly than fiction overall.

Women's fiction, romance, and romantic suspense account for more than 50% of the mass market best sellers published.

In 2005, women's literary fiction was down, but memoirs were doing very well.

Brand names are the best way of getting on the lists. The opportunity is there.

Some changes to come, which Daisy feels will affect the business in the next five to ten years are:

Publishers selling online,

Amazon.com Print On Demand, Google and Yahoo book search.

Daisy's best advice for success: work hard and write the best book possible, because the bar has been raised.

Library News

Bette-Lee Fox provided some very interesting information on libraries and their fiction buying habits. Budgets are back up in the average library, and a good 50% of that budget is usually spent on fiction! Libraries are trying to address what their patrons want... and that seems to be entertainment. Circulation for genre fiction in both mass market and trade paperback has exploded.

With the tendency for research to be done online these days, libraries find that their reference book transactions are down. book clubs have grown, and librarians find themselves advising readers who are looking for books to read. Directing readers to new material can even be done online now.

Some of the genres of fiction that have become very popular with library patrons are mystery (cozy is on the upswing), Christian fiction, and romantic inspirational fiction. Science fiction is somewhat volatile. The numbers are good, but like mystery, they tend to vary based on locale.

Many science fiction readers are moving to graphic novels, which is generating huge interest in library patrons, as well as attracting

younger readers. Another popular genre is urban lit, which is hip, gritty stuff from African American writers with attitude. Audio books are also very much in demand.

So, if romance is the top seller in stores, how is it that mystery is the top genre being checked out of libraries?

Unlike other genres, not all libraries catalog their romances, which means that these libraries are unable to determine the true popularity of romance by library patrons. By cataloging romances, and tracking accurate transaction numbers, librarians could increase their budgets; however, in many libraries, romances are circulated informally, as opposed to other types of fiction such as mystery or science fiction, which must be formally checked out to be borrowed.

Another point that affects the numbers for romance in the libraries is the habits of the average romance reader. While romance readers always come back to read more romance, they also tend to be impatient, and buy their books the first week the book comes out. They tend not to wait for the book to come back into the library.

Romances are getting racier these days. The lines between erotic romance and erotica are blurring. The tendency of a library to buy the more erotic romances depends on locale and the tastes of the individual community. Paranormal is very big now, and libraries are responding to this.

Romance authors might be interested to know that *The Library Journal* does a romance column six times a year. The magazine keeps librarians up to date on the latest in romance and also encourages the cataloging of romances in libraries.

Libraries are constantly trying to promote fiction with such tools as the library's website, which contains reviews, email alerts, and the ability to reserve a book from home. They are always looking for other services to bring people into the library. Local book clubs and online book clubs are two examples.

There has been a serious rise in library book clubs. Women's book clubs outnumber men's, and the books discussed are not necessarily literary. Most of clubs focus on popular fiction. People seem to want community, so they gather together to discuss a common book.

Does circulation affect whether or not the library will buy the author Yes, that and patron demand. If an author would like to approach a librarian about buying the author's book, a good way to start is with reviews. Reviews are key for librarians, and it is also a good idea to bring the book into the library to show the librarian. Email alerts offer another viable approach. The American Library Association sells lists of librarians. This might prove a valuable sales resource, since libraries buy books, but never return them!

Most interesting was a dialogue on how libraries outside the United States operate. In the United Kingdom, Australia and Canada, money is allocated by the government to pay authors when their books are bought by libraries, or checked out by library patrons. In Canada, the author is paid when the book is bought by the library. The amount paid depends on how many copies have been purchased. In the United Kingdom and Australia, the author is paid each time a book is checked out.

Some authors have heard a rumor that publishers are pulling back from printing in hard cover and going to trade paperback. Bette-Lee believes that trade is probably the best format so far for publication. Trade paperbacks tend to have longer shelf lives, and a better price than hard covers. Publishers use the hard cover as a way to start the buzz, and then expect to see the sales on the paper edition of a book.

Debra Mullins is the author of nine historical romances for Avon/HarperCollins. Her most recent book was Scandal of the Black Rose, which came out in February 2006. Deb lives in New Jersey and is getting married in September of this year.

Bits'n'Pieces

Mary Higgins Clark Award

Longtime Ninc member Karen Harper received the Simon & Schuster/Mary Higgins Clark Award for Dark Angel. award is given annually at the Edgar Awards for the book most closely written in the Mary Higgins Clark tradition. It is presented by Clark herself. The award includes a Baccarat cut glass inscribed book, and honorarium from S&S. Nominations are chosen from books sent to the MWA Edgar Awards® Committees for Best Novel, Best First Novel, and Best Paperback Novel.

New Orleans Public Library Help

In an effort to restock the shelves after Katrina, the New Orleans Public Library is asking for any and all hardcover and paperback books suitable for people of all ages. The staff will assess which titles will be designated for its collections. The rest will be distributed to destitute families or sold for library fundraising.

Please send your books to: Rica A. Trigs, Public Relations New Orleans Public Library 219 Loyola Avenue New Orleans, LA 70112

http://nutrias.org/~nopl/ foundation/katrinafound ationdonation.htm

Independent Bookstores: Making the Connection

BY FRAN BAKER

Publishers—be they big New York houses or small presses—don't do publicity. They don't have the time and, in many instances, they don't have the money for PR campaigns. So if authors want their books to have a longer shelf life than cottage cheese, they need to promote those books themselves.

One worthwhile opportunity that many authors miss is that of the independent bookstores. Most of these bookstores belong to one of the nine regional booksellers associations, which offer a unique and powerful combination of national influence coupled with regional strength and knowledge. Together these nine associations provide access to over 2,150 independent bookstores across the country.

Here are some ideas on how to connect with them.

First, visit your individual regional association's website and gather member information. (See below to find your regional association.) Once you have the contact information in hand, call, write or email the bookstore owners/book buyers and ask if you can send bookmarks or postcards of your cover to be distributed to readers. If you live close to a store, walk in with a handful of goodies and ask to meet the owner. You might even team up with authors in other regions and share the information each has gathered. And given the rising cost of postage, you might also consider a joint mailing to the bookstore owners/book buvers.

Another thing you can do is find out the deadline for your regional association's newsletter and send information about upcoming releases for possible inclusion. Better yet, ask your publisher to consider placing an ad in either the association's newsletter or seasonal catalog. The worst thing your publisher can say is "no." And given that these regional ads aren't too terribly expensive, they might say "yes." Or they might agree to split the cost with you. By their geographic nature, these catalogs provide essential exposure for regional authors whose titles do not appear in other nationally produced catalogs.

A third avenue you might explore is attending your regional trade show. (See the confirmed-as-of-thiswriting regional trade shows calendar at the end of this article.) You don't have to go to the expense of renting an exhibitor's booth, but do plan to pass out postcards, bookmarks or full-color flyers, with your book's cover and information to everyone you meet. And make sure you meet everyone, especially those allimportant wholesaler and distributor's reps. In addition to business meetings, these shows also provide well-attended social occasions usually featuring speakers—so that offers another chance for you to connect with the bookstore owners. One caution about these trade shows: details vary by association, so contact your association directly to request more information and registration materials.

If you do an autographing at an independent bookstore, be sure and ask if the regional association has a website where author appearances are listed. Then make sure your name, book title, store, and city are on that list. While you're at it, add a link from your website to the inde-

pendent bookstore, and ask them to reciprocate. If you write science fiction/fantasy, mysteries or children's books (three of the indies' favorite genres), ask the bookseller to nominate your book for the BookSense list. Even if you don't make it into the top ten, the notice will reap free publicity for your title. Last but not least, ask if your association ever takes a booth at book festivals in the region. They might be delighted to have a local author put in an appearance.

Finally, sign up for your regional association's newsletter. They're usually delivered via email, and can be read at your leisure. And if you have something interesting to say-about your book, about your experiences as an author, about your reception by the independent bookstores—write a short editorial and submit it to your regional association's newsletter. Be sure to include a thank you to the independent booksellers who have been particularly helpful, and don't forget to close with your book info. Oh, and ask booksellers if they'd like to be included in your email newsletter. You could be pleasantly surprised at how many say "yes!"

Regional Booksellers Associations

The nine regional booksellers associations in the United States are not-for-profit trade associations established to support and promote independent retail bookselling in their respective geographic areas. Each association is a separate entity, with its own membership criteria. While they are not chapters of the American Booksellers Association,

the regional associations work closely with the ABA to support independent booksellers nationwide.

All of the regional associations have websites and email addresses to facilitate communication with members and others in the publishing industry. The websites vary in content, but they're all designed to provide information about programs

and activities for their members, the book industry and the interested public. Some of those programs and services include monthly newsletters, seasonal catalogs that reach as many as six million readers, promotional programs, bestseller lists and book awards. They also have mailing lists for rent to qualified publishers and vendors.

Fran Baker is the author of ten novels and hundreds of articles, and owns Delphi Books. While she admits she's ignoring the downside of independent bookstores—namely, used books and the "snob factor" regarding popular fiction—she believes that authors are perfectly capable of deciding for themselves which booksellers they wish to contact.

Regional Booksellers Associations

Great Lakes Booksellers Association (GLBA); Michigan, Ohio, Indiana and Illinois; www.books-glba.org; Jim Dana, Executive Director or Joan Jandernoa, Associate Director, 208 Franklin – POB 901, Grand Haven, MI 49417; phone 616-847-2460; fax 616-842-0051; email jimd@books-glba.org or joanj@books-glba.org.

Midwest Booksellers Association (MBA); Illinois, Iowa, part of Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Upper Peninsula of Michigan; www.midwest booksellers.org; Susan E. Walker, Executive Director or Kati Gallagher, Assistant Director, 3407 W 44th Street, Minneapolis, MN 55410; phone 612-926-5868; fax 612-926-6657; emails us an @midwestbooksellers.org.

Mountains & Plains Independent Booksellers Association (MPIBA); Arizona, Colorado, part of Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, Wyoming; www.mountainsplains.org; Lisa Knudsen, Executive Director, 19 Old Town Square, Suite 238, Fort Collins, CO 80524; phone 970-484-5856; fax 970-407-1479; email lisa@mountainsplains.org.

New Atlantic Independent Booksellers Association (NAIBA); Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, part of Virginia; www.newatlanticbooks.com; Eileen Dengler, Executive Director, Reading Enterprises or Doreen Killard, Executive Assistant, 2667 Hyacinth Street, Westbury, NY 11590; info@naiba.com.

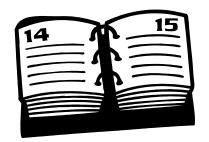
New England Booksellers Association (NEBA); Connecticut, Maine, Massachusetts, New Hampsire, Rhode Island, Vermont, New York; www.newenglandbooks.org; Rusty Drugan, Executive Director or Nan Sorensen, Assistant Executive Director, 1770 Massachusetts Avenue #332, Cambridge, MA 02140; phone 617-576-3070; fax 617-576-3091; email rusty@neba.org or nan@neba.org.

Northern California Independent Booksellers Association (NCIBA); California, most of Nevada; www.nciba.com; Hut Landon, Executive Director, The Presidio, 1007 General Kennedy Avenue, POB 29161, San Francisco, CA 94129; phone 415-561-7686; fax 415-561-7685; email office@nciba.com.

Pacific Northwest Booksellers Association (PNBA); Alaska, Idaho, Montana, Oregon, Washington; www.pnba.org; Thom Chambliss, Executive Director or Brian Juenemann, Marketing Director or Jamie Passaro, Executive Assistant, 317 W Broadway, Suite 214, Eugene, OR 97401-2890; phone 541-683-4363; fax 541-683-3910; email info@pnba.org.

Southern California Booksellers Association (SCBA); Southern California, part of Nevada; www.scbabooks.com; Jennifer Bigelow, Executive Director, 301 E Colorado Boulevard, Suite 501, Pasadena, CA 91101; phone 626-793-8435; fax 626-792-1402; email office@scbabooks.com.

Southern Independent Booksellers Alliance (SIBA); Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, part of Virginia; www.sibaweb.com; Wanda Jewell, Executive Director, 3806 Yale Avenue, Columbia, SC 29205; phone 803-779-0118; fax 803-779-0113; email wanda@sibaweb.com.



Regional Trade Shows Calendar

2006

2007

September 8-10 (Fri, Sat, Sun) SIBA, Orlando FL September 14-17 (Thurs, Fri, Sat, Sun) MPIBA, Denver CO September 15-17 (Fri, Sat, Sun) NEBA, Providence RI September 16-17 (Sat, Sun) NAIBA, Valley Forge PA September 28-30 (Thurs, Fri, Sat) MBA, St. Paul MN

October 6-8 (Fri, Sat, Sun) GLBA, Dearborn MI October 6-8 (Fri, Sat, Sun) NCIBA, Oakland CA October 12-14 (Thurs, Fri, Sat) PNBA, Portland OR October 21 (Sat) SCBA, Los Angeles March 15-17 (Thurs, Fri, Sat) PNBA, Portland OR

September 19-21 (Wed, Thurs, Fri) PNBA Bellevue WA September 27-30 (Thurs, Fri, Sat, Sun) MPIBA, Denver CO September 28-30 (Fri, Sat, Sun) GLBA, Schaumburg IL (Chicago area)

September 28-30 (Fri, Sat, Sun) SIBA, Schaumburg IL (Chicago area)

October 5-7 (Fri, Sat, Sun) MBA, St. Paul MN

Bits'n'Pieces

Bridgerton Trilogy Has Electronic Epilog

Avon ventures into electronic publishing with two exclusive epilogues to Julia Quinn novels. It's in His Kiss: the 2nd Epilogue and The Viscount Who Loved Me: the 2nd Epilogue sell for \$1.99 each, and will precede the sale of On the Way to the Wedding, which will be released approximately three weeks after the e-books. Avon believes romance readers are high end online users. This experiment is a means of connecting to that group. Promos included e-mailings to subscribers of Avon's online newsletter, Quinn's own blog, and e-retailer announcements. http://www.observer.com/20060605/20060605_Sheelah_Kolhatkar_pageone_newsstory3.asp

Today's Shopping List-Shoes, New Dress, Chick-lit

Alternative advertising markets are springing up for book signings. DKNY is promoting chick-lit in stores, taking advantage of the free product placement in chick-lit novels, that range from mentions of shoes to perfume. [Thanks to Lorraine Heath for mentioning this article on the Ninclink.]

http://www.usatoday.com/life/books/news/2006-06-07-fiction-fashion_x.htm

Stay in Touch with Ninc online.

Visit the website at www.ninc.com. Join the neverending e-conversation—for members only—by joining Ninclink. If you have questions, email moderator Brenda Hiatt Barber at BrendaHB@aol.com

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"It is ok to cry today, Lynn."

My horoscope, the one with "my name substituted here," has given me permission to cry today. I wasn't sure how I felt about that. Like a recent *Baby Blues* comic strip I'd read, when you get a free certificate to have a cry or a tantrum, it takes the fun out of it. Now it's likely that every Virgo who reads this horoscope will be out there on the streets crying all over themselves, and everyone else in the vicinity. Who knows, people could start crying in sympathy. Before you know it, we could have an epidemic.

So I went out the door today, ready to cry at the drop of a hat, preparing to jam it into my schedule, like a conference call, so I could readjust my "being." The first thing that happened was a woman ran her loaded grocery cart over my foot when I stopped to peer at the orange peppers. The woman was only focused on jerking her crying son to her side, instead of looking out for pedestrians. Since the harassed mother of three looked ready to cry herself, I kept my mouth shut, figuring she was a Virgo and in her full-fledged, bad-good experience. I limped out of the store.

I headed downtown for a business meeting, which had an unexpected positive outcome, so no tears there. I went back to my office and sat down to go through my mail. Ah, a letter from an editor. Given my recent track record, I thought this would be my chance. I got some tissues so I'd be ready. Breathing deeply (a concept that is more difficult at the moment since I was just diagnosed with pneumonia that I've been walking around with for months) I opened the envelope.

Yep, a rejection! I read the letter through, but actually found myself understanding some of her points. It's difficult to cry in circumstances like that, since the editor who takes the time to point out reasons for the decision indicates an interest in you the writer separate from the project. Instead, I sent her thanks for taking the time to review the project so completely, and promised to send my next suitable idea.

That evening, as I suddenly sank into a funk, (which could have had more to do with the wine I'd been drinking than my rejection) I sent a pathetic email to my cheerleading friends, declaring that I'm no longer any good as a writer (ignoring the fact that I write and sell my writing every day as part of my media work). I have no ideas, I've forgotten all of the grammatical rules, and I have to face it—I suck! I sent it off, and sat looking at the computer screen as one lone tear ran down my cheek. I wasn't sure it counted, but I embraced it anyway.

Then I remembered what else the horoscope had said. I must experience the bad or the sad so I can be open to receiving the good, and let these two powers settle in my "being." First, you have to open yourself to the experience, and let it happen, so you can understand what it means and then deal with it. But more than anything, you need to believe you really can "soar with the eagles," just as the horoscope said.

Tearless now, and feeling rather profound, I took two aspirin and went to bed. Hopefully all other Virgos did the same.

Lynn Miller



The Care and Feeding of the Girls in the Basement . . .

BY BARBARA SAMUEL

Celebrating Power: The Braid of Business, Art, and Sturdiness

An acquaintance of mine called one afternoon to thank me for writing a particular column. I thanked her for thanking me, as one will, and we chatted a little longer. She said she hoped I wasn't bothered by the discussion about the newsletter on the email loop. "What discussion?" I asked, all blinking innocence.

"Oh, dear," she said. Because writers are cats, and I admit I'm worse than most, and I'm sure she knew I'd do exactly what I did do: I headed out to the internet to research the discussion. Which took some time, and then I worried that it must be really awful, this discussion.

And yet, I'm a member of this organization, too. And it's not like it's easy to hurt my feelings. I'm a writer, for God's sake. I have to deal with publishers. Fans determined I should be who they wish me to be, and not someone else, and other fans who want precisely the opposite. Readers who freaked when I wrote an adulterous heroine. Kirkus. I have to face the blank page day in, day out. There was nothing a few writers could do to hurt me. And despite my airy-fairy artist ways, which perhaps creates an illusion that I'm a soft, fragile sort of female, the truth is, I'm nearly entirely Irish by background—not a race that has survived by a lot of weeping and fainting. I'm about as fragile as a buffalo.

And when I signed on to read the discussion, I discovered I was right. Despite the fact that it got a bit heated and nervous there, the discussion itself is very healthy. What do we want? From the newsletter? From the conference? What do you want?

While I'm not one of the original members, I have belonged to Ninc off and on for at least a decade, probably more. It was a lot more focused on insider information back then, but you know, that was before the internet took over our lives, too. Networking had to be done in an entirely different way in those dark ages. "East of the Hudson" was a great, great column, and I read every word of it, but I wonder if the same column could be written now. I doubt it could, for a lot of reasons, not the least of which is how much the business is changing. The horrible truth is —and I've said this before— I'm not sure even New York knows what the hell is going on with publishing. (But if anyone thinks they could replicate it, by all means, I wish you would do it.)

Another thing that has changed is the information channels that were once very hierarchal and secret are no longer. I can find out anything I want in about twenty minutes, an hour on a tough day. I know someone who knows someone who knows someone. I ask my agent, my editor, my friends in the business. If I need to know

something delicate (the sorts of things that used to show up on those infamous Inside Pages of the newsletter of olde), I'll email one of a small circle of writers who all have a lot of power and time in the business. Much like our once beloved privacy, the days of secrets are largely over. Communication methods are too fast and sophisticated.

For me, personally, there isn't enough room in my head for all the information that comes flooding in on a daily basis. I don't need more information, I need less. Despite my sturdy buffalo nature, I do tend to get a bit high strung at times, and too much information just makes me nervous and frozen.

That's me. You might need something else.

We all need a balance of business information, artistic inspiration, and sturdy strength to keep us going. The mix shifts over time, with the market and with the events of our own lives. A writer in the early stages of her career, or at a point of transition, will want more business information, both facts and figures and methods of running the business of a writing career. A writer recovering from a traumatic life event, or one who has been writing for 20, 30, 40 years might want more inspiration. According to how well those needs are met, you have a sense of strength.

We're all seeking power.

One of my teachers is an Apache-Latina curandera and medicine woman. She recently she invited me to come speak to a group of women who are going on a vision quest. Now, Katherine is very important to me, and I would never, ever refuse a request from her, but I was intimidated, trying to imagine what I could say to that small group of women.

A vision quest is not an easy undertaking. (There are many ways of doing them, of course, according to the nation, and until recent times, it was entirely a male undertaking.) It's five grueling days on Indian land in northern Arizona, which is not the most hospitable environment, especially in mid-June. It's a desert. There are snakes and coyotes and bears, and blistering sunlight and cold night winds. There are cacti to bite you, and things rustling in the brush you don't want to know about. The quester must be alone for five days with a tent and a fire and her own thoughts and dreams and challenges.

To survive and thrive during that time, the student needs practical support: a good sleeping bag and a drum to stave off loneliness and call the spirits; training in desert living; food, a hat, good shoes, support. She must also have many months of mental and spiritual preparation, songs to sing when she's terrified at midnight on the second day, a dance of loneliness for the afternoon of the third, a rattle to scare away dark things.

At the end of that five days, if she's done the internal preparation, she will emerge with a greater sense of herself and her purpose in life, which will go unshaken even when the outside world challenges it and buffets it, and tries to turn her back to its subverting ways.

When I considered what to say to those women to help prepare them, I thought about the voice classes I've been teaching. Over and over and over again what happens to a writer is a blow from outside. Something undermines her confidence, and sense of rightness in what she's doing. The market wants her to don clothes that don't fit, and she doesn't know how to get what she wants wearing clothes that are right for her.

I deal with wounds in those classes, and it's my only goal to create a safe place for the battered girls in the basement to begin to speak and let their own songs flow out. I want to help them to have courage, a drum to pound at midnight, and a rattle to shake fiercely at the evil spirits and a sense of their own being and where they belong. Most of us need that encouragement over and over in our careers.

So I spoke of inner strength to those women, the inner strength to stand up to external pressures and be true to themselves and the lives they wanted. Katherine has prepared them spiritually, and they are preparing themselves materially, to survive in practical ways.

As writers, we absolutely need business information: facts and figures about what's selling and what's not, what tricks are working for others, how to market and build the most compelling web page, and how to get our work into the hands of the readers who need it. We must have that information, or we fail. Is a blog the way to go (ask Jenny Crusie or the Squawkers—I'd say both are working out pretty freaking well)? Do we need to be talking more about the alternative presses? And my most pressing question: what about the digital revolution? What's going on there? How is it going to affect me?

But I'm not the person who is going to address those issues. I know who I am, and what my function is here: to lend a little courage if I can. Perhaps, on my very best days, lend some inspiration. I do the same thing as a novelist. I hold out my hand to someone in trouble and say in a quiet voice, "This woman made it through what you're going through. You can do it, too."

If your function, your way of being, is to clear-sightedly gaze at the facts and figures, the business world; if you're someone who sees what's going on and knows how to back it up and bring it to us in a way that makes sense; if you're a reporter who likes tracking down good stories, then we need you, too. Bring what you do, see, want to the organization.

Oh, and just in case you were about to say, "I don't have time," please. I'm writing three columns, keeping up a website, teaching online classes, teaching at conferences six or eight times a year, and in the past 14 months, I've written two romances, one action-adventure,



Celebrate... Power

• one fantasy novella, and a full-length women's fiction. If I can do it, honey, so can you. Help throw your influence and intelligence and knowledge into this organization.

We need you. We need me. We need all of us.

Barbara Samuel's Lady Luck's Map of Vegas is a 2006 Rita finalist. She's having a hard time focusing on anything to do with business because her suitcase is open on the floor and she's taking the Girls to Europe for a major artist's date they've earned by working so damned hard this year. Visit her web page at www.barbarasamuel.com

SAVE THE DATE Ninc is going SoCal

San Diego March 14-18, 2007 The US Grant Hotel

A preview of the plans for the Novelists, Inc. 2007 Conference in San Diego is just a click away on www.ninc.com!!! And while you're there, take a few moments to view the beautiful and historic US Grant hotel, learn about the nearby Gaslamp Quarter and see the variety of attractions San Diego has to offer.

See the photos of *Ninc in New Orleans 2006...* with special thanks to Pat Roy and her camera On the Ninc home page (www.ninc.com)



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