

N I N K

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How do I love thee, Kindle. Let me count the ways...

BY JULIE KENNER

I'll admit it. I'm a semi-geek. Semi, in that I do not yet own an iPod, but I had a Psion back in the day. (Those of you who don't remember the Psion, or never saw one, well you missed out. A palmtop computer before palmtops were cool, with an actual—albeit tiny—keyboard, it always attracted attention when I pulled that puppy out at conferences.) I also had an iPaq (Compaq's answer to the Palm) for a while. Still do, actually, though it's sitting collecting dust in a to-be-eBayed box.

Though I stopped using it once I quit the day job, the one thing I loved to do with my iPaq was download books from <http://www.Gutenberg.org> (the original *Tarzan* adventures, anyone?). In my pre-child days, my husband and I spent many happy hours in movie theaters, and before the show, we'd read. Him on old-fashioned paper, me reading old fashioned books on my new-fashioned gadget. After the iPaq's banishment-to-a-box, I missed having a book in my purse everywhere I went. But not enough to deal with syncing the gizmo, getting the software for my new computer, and on and on and on.

So, yes, when I first saw the ad for Amazon's Kindle—an eBook reader that uses Whispernet technology to send books to the device (no computer needed!), I was intrigued. (Okay, I was lustful.)

I was also bowled over by the price.

After calling up my accountant and hearing those lovely "yes, it's a business expense" tones, I decided that maybe the price only edged up to insanity without actually crossing the line. By that time, however, the Kindle had sold out and the notation at Amazon.com indicated that the wait was long, long, long.

Not being the patient sort, I popped over to eBay to investigate the situation, surprised to find that it wasn't as bad as I thought. Yes, I ended up spending about twenty dollars more than had I waited, but I had my Kindle within a few days. And oh, yes, a relationship was born. I highly recommend this little critter. As a reader, it's a huge thrill to have books at my fingertips, where ever and whenever. As a writer, the Kindle is a fabulous tool for storing research material, keeping up with the market, getting story ideas through blogs, and storing your own material for safekeeping or review. And as an added bonus, it's just plain fun to have.

Upsides

So here's a rundown of what I see as the specific upsides to the Kindle. (I should say that any eBook reader might have many of these; I don't know. To me, the primary beauty of the Kindle lies in the fact that you don't have to hook it up to a computer to get your books.)

1. You don't have to hook it up to a com-

Continued on page 6 ▶

INSIDE

<i>President's Voice: Meet the VJL</i>	3
<i>Volunteer Jobs List</i>	4
<i>Why the Ninc Conference in St. Louis</i>	
<i>Is the Place to Be</i>	5
<i>What I Learned on the Other Side</i>	8
<i>Ask the Lawyer: Q&As on Legal Issues</i>	10
<i>Writing is Taxing: It's a Small World</i>	11
<i>The View from Here: The First Money I Spent</i>	
<i>On My Career</i>	13
<i>Bulletin Board</i>	15

Novelists, Inc.

FOUNDED IN 1989

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If you have questions regarding Novelists, Inc., please contact a member of the Board of Directors.

2008 Board of Directors

President: Laura Resnick 9250 Deercross Parkway, Apt. 2-D Cincinnati OH 45236 513-793-2987 LauraNincBox@aol.com	Treasurer: Ruth Glick 10594 Jason Ct. Columbia MD 21044-2242 301-596-5210 ruthglick@prodigy.net
President-Elect: Kasey Michaels 3230 Flatrock Dr. Whitehall PA 18052-3069 610-432-1370 kcmia@aol.com	Newsletter Editor: Cindi Myers 302 Yum Yum Tree Ln. Bailey CO 80421 303-816-6394 CMyersTex@aol.com
Secretary: Charlotte Hubbard 3913 Rustic Lane Jefferson City MO 65109-9148 573-634-8114 cmhubbard@embarqmail.com	Advisory Council Representative: Pat Rice 15222 Strollways Dr. Chesterfield MO 63017-7756 636-778-0075 price100@aol.com

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Central Coordinator:

Tonya Wilkerson, Varney and Assoc.
Novelists, Inc.
P.O. Box 2037
Manhattan KS 66505
Fax: 785-537-1877
ninc@varney.com

Website: ninc.com

Address changes may be made on the website.

For members without Internet access, send changes to the Central Coordinator.

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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. For further information or to recommend eligible writers, contact:

Membership Chair Holly Jacobs
P.O. Box 11102
Erie PA 16514-1102
or email HollyJacobs1@aol.com

New Applicants:

Naomi Lester, Victoria British Columbia
Jackie Kramer, Tulsa OK
Julie Whitesell, Catoosa OK
Jacqueline Hawley, Cambria Heights NY
Marianne Gilmore, Kent WA

New Members:

Candace Irvin, Conway AR
Benjamin Miller, Acton MA
Deidre Knight, Madison GA
Sharon Linnea, Warwick NY
Cynthia Keller, Richfield MN
Joseph Nassise, Phoenix AZ
Simone Elkeles, Buffalo Grove IL
Pamela Palmer, Herndon VA
Cheryl Arguile, Foothill Ranch CA
Sally Moore, Cincinnati OH
Clea Simon, Cambridge MA
Stephan Chambers, Providence RI
Patricia Sargeant-Matthews, Columbus OH
Serena Robar, Maple Valley WA

Ninc has room to grow...

Recommend membership to your colleagues.
Prospective members may apply online at ninc.com.
Refer members at ninc.com. Go to Members Only,
"Member Services" and click "Refer a
New Member to Ninc."

Take Ninc brochures to conferences. Email Holly
with your mailing address and requested
number of brochures.

Ninc Statement of Principle.

"Novelists, Inc., in acknowledgment of the crucial creative contributions novelists make to society, asserts the right of novelists to be treated with dignity and in good faith; to be recognized as the sole owners of their literary creations; to be fairly compensated for their creations when other entities are profiting from those creations; and to be accorded the respect and support of the society they serve."

Meet the VJL:

Volunteer work is remarkably like writing in at least one respect: A surprising number of people mistakenly think that the hard work, perseverance, and shoulder-to-the-wheel sweat is the easy part, and coming up with good ideas is the hard part. So that those of us engaging in doing it must surely be in need of ideas from people not doing it.

Actually, er... no.

Those of us doing it often have more ideas for the work than we will be able to implement in this lifetime. Good ideas are not our problem. We do not have a shortage of those.

As a writer, what I have is a shortage of how many words I can write in a given day, week, or month before my brain shuts down in exhaustion and my aching hands demand a break.

As Novelists, Inc. president, what I have is a shortage of volunteers to do some of the work.

Hence, the new experiment we're trying this year in Ninc, the Volunteer Job List (VJL), the first edition of which is printed in this issue of *NINK*. The VJL lists various volunteer positions open in Ninc, with a brief description, and tells you whom to contact if you're interested in helping out (or not necessarily "interested," but perhaps just grudgingly willing—we're not proud).

The VJL was suggested by Ninc member Mary Kilchenstein—so, hey, it's not as if I don't listen to members' ideas when they're good ones. When the Board heard about this suggestion, we realized it could be (we hope) a solution to the age-old Ninc problem: How can we find people to do these volunteer jobs we've got open?

Until now, the primary method of solving this problem has been for the six Ninc Board members to think of whom they know who might do it. While we have found many excellent volunteers this way over the years, the "Who Can We Think Of?" method nonetheless has obvious limitations.

So the purpose of the Volunteer Job List is to inform the entire membership—including those of

you whom we six Board members don't know well enough to victimize personally—about the various "job openings" in Ninc.

Maybe you'd like to get more involved in Ninc but don't know how. Maybe you're not entirely unwilling to volunteer, but you're afraid that if you admit this to a Board member, you'll instantly get sucked into doing something you hate worse than sin, death, or political pundits. Maybe you're under the amusing delusion that Ninc volunteers are "insiders" and you have to "know someone" to be involved. (This is only true in the sense that, if we don't know you, you're safe until we *do* know you, because we lack a system for filling our job slots—until NOW!) Maybe you're simply *dying* to volunteer but have no idea whom to contact. Or maybe you've never once considered volunteering... but will, if you see a cogent listing in the VJL for a job that you think sounds interesting, fun, or within your skills set (ex. writing simple sentences in English).

Hence, from this day forward, until time itself comes to an end (or at least until some future Board discontinues it), the VJL will appear quarterly in *NINK*, notifying you, our heroic members, of what job vacancies lay within Ninc's mysterious jungle interior, where only the brave dare to tread.

(You call tell I'm a fantasy writer, can't you?)

The VJL will also appear monthly on Ninclink, and be posted and updated regularly on Ninc.com.

And speaking of Ninc.com, we're revitalizing, reorganizing, and redesigning the website 2008-2009, and we're looking for members who'd like to be part of this glorious adventure into the unknown! See the VJL for details.

— **Laura Resnick**

Premier VJL on page 4 ►

Ninc Volunteer Jobs List

Calling All Volunteers!

Welcome to the Volunteer Jobs List. We'll be posting on both Ninlink and in the Newsletter with big jobs, small jobs, just right jobs for every one of you. Take a look, figure out what sounds like fun, and dig in!

Mary Glazer

► Job title: Blog Coordinator, Website Committee

Description: Oversee the new blog planned for the "public pages" of Ninc.com. This will include scheduling guest bloggers, such as industry professionals, past and future Ninc conference speakers, and prominent publishing figures. Previous experience working with blogs preferred, but not essential.

Contact: Pati Nagle, Website Co-Chair: nagle1@pgnagle.com

► Job title: Website committee member (multiple positions open)

Description: Committee members will choose or be assigned to a subsection of the public pages of the website. They will monitor and update these pages on a regular monthly or quarterly schedule. **NO TECHNICAL SKILLS NECESSARY.** We have a web programmer to whom needed changes will be reported. Most of these jobs will be light work, a way to contribute to Ninc while at home, in your pajamas, on your own time, with just a few hours each month. It's also a great way to get to learn more about Ninc, its projects, its members, and its contacts!

Contact one or both of the Website co-chairs:

Ginger Chambers, Co-chair (members-only pages): gingerchambers@sbcglobal.net
Pati Nagle, Co-chair (public pages): nagle1@pgnagle.com

► Job title: NINK archivist(s)

Description: We're looking for someone to create an index of *Nink* articles, 1994 through the present, of *NINK* articles, features, and columns, referenced by subject matter, title, and author. After its completion, the index will be updated monthly. It will be kept on Ninc.com and will be accessible to all members. Its purpose will be to make it easier for *NINK* editors to keep track of what has been covered in *NINK* and how long ago it was last covered, and also to make it easier for members to locate past *NINK* articles they want to access. At least one volunteer needed; possibly several.

Contact: Laura Resnick: lauranincbox@aol.com

► Job Title: Ninc Outreach Volunteers

Description: The Outreach Committee needs a few more volunteers to help expand membership in Ninc.

Contact Person: Charlene Teglia, chair, Ninc Outreach Committee: charlene@charleneteglia.com

► Job Title: Digital Rights Management committee member

Description: Help research DRM and formulate recommendations for Ninc members

Contact: Tricia Adams, chair, Digital Rights Management Committee: tricia@triciaadams.com

Business Briefs

Compiled by Sally Hawkes

Has AuthorHouse given in to Amazon? Author Solutions, parent company of AuthorHouse and iUniverse, isn't giving a yes or no answer on whether they have given in to Amazon's announcement concerning exclusive use of BookSurge for print-on-demand titles. Instead the following statement has been released:

<http://authorsolutions.com/position.html>

Why the Ninc Conference in St. Louis is the Place to Be

I may hold the all-time record for Novelists, Inc. conference attendance—I've been to every one.

Coming from an acknowledged introvert who hates crowds, hides behind potted palms, and avoids most conferences as if they were the Titanic, this statement reveals way more than I ought to admit.

I have also, in some form or another, been on the inside of years of arguments over whether Ninc ought to do retreats or business-style programs, whether spring or fall is better, whether we ought to go to New York every year or every three years or visit Mars to be different.

As long as it's a Ninc conference, I say yes to all of the above. I've heard Mars is lovely in spring time.

Let's state this frankly: Ninc is my posse. I spent twenty years living in the hinterlands of nowhere, and the next fifteen years moving from place to place. I know people across the country and beyond, but it's very hard to develop a group of friends when you're constantly on the move or not in sync with your environment. But once I discovered Ninc, I found a home where people understand me—even when I declare I explode electronics by touch.

Although I had never personally met anyone before my first Ninc conference, I was hooked the moment I entered the door and got drawn into the middle of a brainstorming session with some of the biggest names in the business—because we're all writers, no matter how many books we've sold. And once you've plotted how to kill someone in Central Park with a hat pin, you're bonded forever.

Over the years the conference has had marvelous speakers and programs—and occasionally some less marvelous speakers but certainly memorable enough to provide dinner table fodder for years. We've visited a spectacular spa in Santa Fe, the Riverwalk in San Antonio, and even trekked by train, boat, and plane to a hideaway in Connecticut. (Be very glad we're making it easy in 2009! At the center of the country, St Louis should be accessible to everyone. And it's probably one of the cheapest airports around.)

I've learned about collaging, brainstorming, promo-

tion, and royalty statements, laughed at Resnick's theatrics, cringed at FBI and weapons programs, joined in the discussion that made *PW* realize romance was a huge market deserving review. I've met the editors of most publishing houses, as well as the personnel at *PW* and Authors Guild. After all these years, I'm on a first name basis with a frightening number of industry professionals—thank goodness for name tags!

In other words, this nobody from nowhere has a name a lot of people in our business recognize—even if they can't remember why. <G>

But for me, the absolute best part of Ninc conferences, the reason I keep going back, is meeting up with the many friends I've made over the years, as well as making new ones. I can travel to any conference anywhere in the country and still pal with people I've met through Ninc. Writing may be a lonely business, but it doesn't have to be a friendless one.

Ninc has been a support group for writers going through death, divorce, or marriage. (Just ask Denise Dietz Wiley and Gordon Aalborg. Deni and Gordon married at the Vancouver conference with Ninc members as their guests!) We're there when the royalty statements are bizarre and the behavior of our agents even more freakish. We can get together once a year to examine and explore not only the industry, but what's happening to us personally, and come away reassured that we're not in this game alone.

Besides that, it's fun! I'm not brave enough to explore New York City's comedy clubs on my own, but traveling with a group of others to watch Edith Layton Felber's stand-up comedian son was a hoot. Where but in St Louis will you taste toasted ravioli from the Hill and "concrete" from the Ted Drewes frozen custard stand on Route 66, in the company of a group of writers trying to work calories into their next book?

So if you've been longing to escape from your narrow world into a larger one, or retreat from your wide world into a comfortable niche of fellow writers—take it from an experienced conference-goer: Ninc is the place to be.

— Pat Rice

How do I love thee, Kindle

Continued from page 1 ▶

puter to get your books (just in case you missed that the first time I said it). With the Kindle technology, if there is cellular service in the area, the Kindle connects and downloads the book within seconds. Even if you have something on your computer that you want to put on the Kindle (say, the file of your own manuscript), you still don't have to connect the device to your computer. Instead, just email the document to your Kindle (the manual tells you how to set up the email address) and *poof*—a few minutes later there you have it.

If you have a thing for USB cords, you *can* connect manually and save the ten cent charge for the email. In that situation, though, you can only upload documents that are in a Kindle-readable format—.AZW (Kindle's proprietary format), MOBI, .TXT, and .PRC).

Documents in other formats, such as .DOC, .HTML and .PDF must be emailed, as they are converted to the Kindle format in transit. Even then, though, you can save yourself the ten cents by emailing to your free Kindle email account (also set up through the initial set-up process) and *then* using your USB cord to transfer. (There are some formats that can't be converted, but so far I haven't had a problem finding reading material.)

Although the manual states that PDF files don't necessarily convert and are "experimental," I've had no major issues. The more complicated the document, the less of the formatting will remain, but even screenplays, with their funky format, have come through quite clean.

2. Instant gratification. I'm a fan of the *In Death* series, for example. And when I realized a new one was out, I had it about three seconds after my realization, at home, at midnight, without even having to leave the house. Finish a book in bed, and you're still not sleepy? No problem. Just download another and snuggle in for an all-night reading session. (This is also a downside as, yes, these books do cost money. And, hey, sleep is a good thing.)

3. The Kindle can read Microsoft Word files. Now, this may sound like a duplicate of Item 1, above,

but it's not. Yes, the document must first be converted, but once it is, you can stock your Kindle with your own work (I'll take a manuscript in progress to Starbucks on the Kindle, along with my Neo for the pages I'm working on that day, referring back to my previous chapter or synopsis as need be). You can also upload your critique partner's manuscripts and any manuscripts that editors or other authors have emailed to you for cover quote purposes.

4. The Kindle makes a great memory trigger. If you're like me, you walk into a bookstore, see the books on the front table, and want to buy at least half of them. And, if you're like me, your checking account can't handle that kind of overload. But if I don't buy them right then, I'll forget about them. Enter the Kindle. I can go to the online store, put in the title, and download a sample.

Now the sample is on the Kindle and I won't forget about the book. When I'm ready to read, I can either download the whole thing or find a copy at a brick and mortar store.

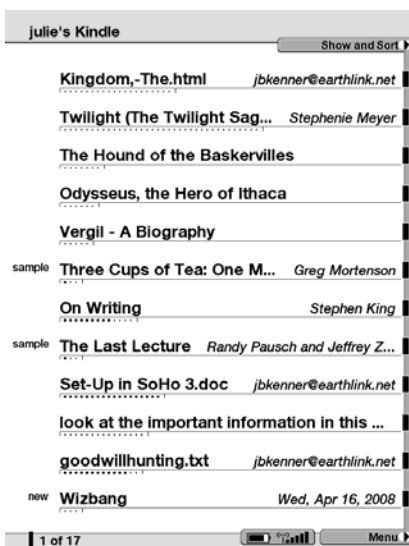
5. With a little work, you can put information you've found on the Internet on the Kindle for later review. I'm a fan of a particular writing column, and the author offers the html columns as text downloads. Download. Email. Poof! It's on the Kindle. That's easy. If the download option weren't there, I *could* copy the text to a Word file, and email that file with the same results.

6. You can annotate files on the Kindle, or highlight sections. I find this to be useful when commenting on my critique partner's

work, if I've found a story idea in a blog I want to remember, if I run across a turn of phrase I think is clever—you get the idea.

7. There are oodles and oodles of public domain and Creative Common licensed works available for download, already in the Kindle format. My favorite site is <http://www.manybooks.net>, which has most of the books from Gutenberg.org in Kindle format, and many titles added daily.

8. The pages are easy to read and the font size can be increased or decreased. No, you can't tell



Screen capture of Julie's index page 1

what “book” page number you’re on, but there is a bar on the bottom that tells you how far you are into a book or document. When you stop reading, the device stays on that page even without a bookmark.

9. Fun stuff and gizmos: Yes, I’m a sucker for extras, and there are a lot, many of which I haven’t discovered or explored (though if you search Google for Kindle Easter eggs and secrets, all sorts of things pop up that techie types have found). The device includes Minesweeper, which is not a thrill for me, as I’ve never played, but is a nice perk for some, I’m sure. Alt-T tells you the time. You can upload JPGs, albeit in black and white (and even include them as a screensaver). I hear it has a GPS tracker, but I haven’t managed to make it work (and I’m usually pretty clued-in to where I am, anyway). There’s also an MP3 player if you like to listen to background music as you read.

My favorite perks are Kindle Now Now and the Experimental Internet browser. Kindle Now Now lets you send a question to a real live person. Within a reasonable amount of time, you get an answer back! (I tested it by asking about an actress in *Blade*. Pretty cool!)

The Internet browser is a nice feature, but it’s not actually for surfing (doesn’t do Java, for example). I’m certain it’s not as convenient as an iPhone or Treo or other web-based phone, but since I don’t own one of those, it’s nice to have that little extra on my Kindle. And, yes, I figure if I’m ever stranded and my cell phone is dead and a stalker is after me, I can email a friend or the cops. (Yes, I know, but I’m a writer; I think about these things.)

10. A selection of blogs and newspapers are available at your fingertips. This is a feature I love, not only because it keeps me informed (assuming I read the things) but also because I get great story ideas reading some of the quirkiest blogs. And, yes, I know I could read them for free, but when I’m at my computer, I really need to be writing. This way, I can read the headlines while waiting in the school pick-up line for my daughter.

11. The built-in screen savers are beautiful. Okay, that sounds stupid, but I really do like looking at them. Clearly I’m still in that rose-colored glasses phase of the relationship.

So that’s a list of things I love. And you know what? One of the downsides about being a writer is the decreased time for reading. Since I got my Kindle, I’ve squeezed in more books, more reading time. It’s just easy. And it’s made me realize how much I’ve missed burning through books for pure pleasure.

Downsides

Of course, there are downsides, things I hope that Amazon fixes or adds in the Kindle v2. None of these, however, make me regret my purchase.

1. Here’s my number one pet peeve: There’s no way to truly organize your material. I’ve added an SD card for memory and have a bazillion books, columns, blogs, screenplays, and documents on my Kindle. Seventeen pages of index, actually, that can basically only be sorted by title or last read (or sub-organized by “periodical” or “book”). I would love it if I could create folders such as “research,” “novels,” “screenplays,” “personal,” or whatever. It would make finding what I want so much easier. Amazon, are you listening?

2. Naming files can be an issue. If you buy a book through Amazon, it comes with the proper name. If you email yourself a file, it comes with the name you gave the file. But if you download a book from another site, sometimes you get a bizarre title. I, for example, have a document entitled “look at the important information in this.” Um, yeah. Whatever. Would be nice if I could rename it so that I didn’t have to open it to remember what it is.

3. The Next Page button is very sensitive. This one actually doesn’t bug me that much, though I’ve read a lot of complaints. If you keep the Kindle in its little book cover and turn the screensaver on before closing the cover, then it’s rare that you’ll accidentally hit the next page bar.

4. There is no built-in light. Now, I don’t actually want a backlight. The screen and the electronic ink is fabulous. But the booklight they recommend for the Kindle is clunky. I would have liked for the Kindle to be half an inch taller with a built in device that pops up when you want and swivels to light the screen.

5. Touch screen and image capture. This one is really reaching, but I would love a “notepad” feature to scribble my annotations. The keyboard is nice, but tiny, and typing is slow. How much better it would be to scribble notes to myself with a stylus!

6. The MP3 player is a waste. You can’t tell it which songs to play, and it starts over from the beginning if you turn it off. It’s truly only for background music while you’re reading. (Now, I’m not talking about Audible format audiobooks. The Kindle plays those properly, and the built-in speakers aren’t too bad (and there’s a headphone jack, too). The actual MP3 player is in the “experimental” section of the Kindle, along with the Internet browser and the Now Now feature.)

So that’s it. Or the high points, anyway. All in all, a worthy device, at least to me. Worth around four-hundred dollars? That will differ from person to person. To me, yes. It’s a toy and a tool. I’m still having a blast with my Kindle, and don’t expect the fun to end anytime soon

Julie lives in central Texas, where she spends way too much time reading on her Kindle. The fourth book in her demon-hunting soccer mom series, Deja Demon, will hit shelves in July.

What I Learned on the Other Side: Publisher-Authors Help Their Authors Help Themselves

This article originally appeared in the April 2007 issue of *Publishing Trends* (<http://www.publishingtrends.com>). Reprinted with permission.

You could call them secret shoppers. Like the plain-clothes informants who check out department stores for a lapse in customer service, publishers who slip on authors' shoes return from their writing experience armed with anecdotes and tips that market research can't divine. What many intelligencers see shocks them. Even thirty-year publishing veterans see their industry in a new light after sitting on the other side of the desk. Adrian Zackheim, Publisher of *Portfolio* and *Sentinel*, said, "I was used to looking down the other end of the telescope, and writing [*Getting Your Book Published for Dummies*] made me understand why authors 'don't get it.'" And Bill Rosen, one time Executive Editor of *Free Press* and author of the forthcoming *Justinian's Flea* (Viking), said, "I learned how painful the process can be when you're not part of it. It's frustrating to think you know what's going on and then wonder how they got from there to here."

Though people in every department guide the author through the publishing process (and some, such as Penguin, even provide a nuts-and-bolts pre-pub booklet), many publisher-authors are still surprised at how unnerving it can be. "[The process gave me] a deeper empathy when working with authors on our list. I could much better understand their anxieties, especially when being reviewed," said Jacqueline Deval, EVP and Publisher at Hearst as well as author of *Publicize Your Book* (Perigee) and the novel *Reckless Appetites* (Ecco). "Until it is your own work on the line, it is hard to appreciate what a blood sport publishing is," confirmed Star Lawrence, Editor-in-Chief of Norton and author of *The Lightning Keeper* (HarperCollins). "I might once have made the analogy between a devastating review and losing at paint-ball: it's messy, it stings, but tomorrow is another day. I wouldn't be so quick to say that now, either to myself or to an author."

For John Glusman, VP and Executive Editor of *Harmony*, however, his turn as an author taught him that the job can, and should, be done on time. "It has made me more sympathetic, but also more demanding as an editor," he said. With three growing children and taking no

more than vacation time off from his demanding editorial position, Glusman carved time to write whenever he could "on weekends, in elevators, waiting in line at the grocery store" to deliver *Conduct Under Fire* (Viking) just two months past deadline.

On the other hand, no amount of self-discipline or dedication could help Amanda Vaill, former Executive Editor at Viking, when writing both her books *Everybody Was So Young* (Houghton Mifflin) and *Somewhere* (Broadway). During her editorial tenure, backloading payment to incentivize manuscript delivery from authors was standard, but, as an author, it backfired, and she found herself having to take time out from writing her books to write magazine articles just to pay the bills. And she commented, "the cost of money is not huge and there are production savings that never get passed on to the author," she said. Publishers, en garde!

Despite the pitfalls and pains of the writer's life, for those accustomed to working behind the scenes in one of the most complicated and arguably thankless industries, suddenly being center stage has got to feel pretty good. When Diane Gedymin, publishing veteran now at iUniverse, saw her first book *Get Published!* (iUniverse) displayed at Barnes & Noble, the primeval rush of ownership compelled her to pick it up, just to hold it. After a fellow browser struck up a conversation, Gedymin found herself humbly signing her first autograph.

Herewith an articulated primer for you and your authors of ten things you think they know but probably don't (and that you should remind them, ahem, along with yourself):

1) Get to know the business. Zackheim put it this way: you wouldn't go to London without booking a flight or a hotel or reading a guidebook, so you can't expect to enter the world of publishing without preparation. Deval concurred, "authors have to understand the business they're in—the business of publishing. They can't wait for the publisher to tell them how to get involved. They need to be proactive early on. I knew that before becoming an author, but becoming one absolutely reinforced that knowledge." Help your authors help themselves. For a general guide of what to expect and where to begin asking questions, have your authors consult our annotated list of resources on the PT website.

2) Master your own domain. John Glusman's

“newly minted author ego was damaged” when Viking declined to share the cost of a website. But after seeing how conductunderfire.com extends the reach of his book and facilitates feedback from readers, he knows the initial outlay of the author is rewarded later on. “A website is absolutely essential to certain books and the author must be involved in keeping the site up-to-date,” he said. When Glusman was about to go on the air for a radio interview, the interviewer confessed the book hadn’t arrived in time for him to read. After a quick look at excerpts and reviews on the website, the interviewer got a good feel for what the book was about and they had one of his best interviews to date. (Policies differ: Doubleday built and subsidized Jane Isay’s site—see below.)

3) The power of the podcast. Literary agent and former HarperCollins editor Craig Nelson was skeptical about podcasting, but at Viking’s urging, he participated in one when his biography, *Thomas Paine*, came out last year. “As it turns out,” said Nelson, “they were right and I was wrong, since Thomas Paine in fact triggered a lot of blogger attention, going on for months and months after pub, to the point where I had to set up Google Alerts to keep track of them all.”

4) “Ride the Big River.” Amazon is not just a force to be reckoned with, but one to be harnessed, and authors can explore and exploit it with little to no help from publishers. Steve Weber, online bookseller and author of *Plug Your Book* (forthcoming from his eponymous press), confirms that “the balance of power is shifting to book readers, and away from gatekeepers like professional critics. Online book reviews by ‘amateurs’ are crucial now, especially for new authors.” In his book, Weber lauds the new Amazon ad network Clickriver which is geared exclusively toward Amazon shoppers. Weber said, “The keyword suggestion tool is its strongest feature. For example, if you were compiling keywords to advertise a book about ‘bread baking,’ Clickriver would suggest author names, title phrases, and other words and phrases that customers have used to search for books about bread. You can be fairly sure that the objective of the search was to find a book, very possibly with the intention of making a purchase.” Just as the recent *Wall Street Journal* article cautioned, Weber warned against the Amazon Bestseller Campaign. The outlay is big and the benefits mostly minimal.

5) Blog til you can blog no more. Blogging isn’t the time-intensive, all-consuming activity many publishers fear it is. Gedymin pointed out that it’s, in fact, one of the most flexible marketing tools out there for authors. Updateable at all hours of the day and night, blogging keeps your name, your book, and your expertise in search engines. Weber gives tips to aspiring author-bloggers in his book, one of them being to set up a

Google Alert to deliver topical news on your book’s subject, giving you fodder for blogging.

6) Mark your calendar. After several years of receiving calls from radio stations around the country in the weeks leading up to Mother’s Day, editorial consultant and writer Michele Slung and author of *Momilies: As My Mother Used to Say* (Ballantine) hired her own PR agency to book phoners to promote her book, which was a mass market (and now a trade) paperback. Twenty years and more than a million copies later, *Momilies* is still in print. “Books are like boats on a calm sea” said Slung, “they can get launched with a puff of wind, but they need a steady breeze to keep going.” This fall, Slung will help re-promote her latest book, *A Treasury of Old-Fashioned Christmas Stories* (Carroll & Graf), which was published last year.

7) Target the right audience. Tom Woll thought his book, *Publishing for Profit* (Chicago Review Press, revised ed. 2006) had a clearly defined target audience: small to mid-size publishers, presumably American. But Woll was surprised by the wide reach of the title. Aspiring publishers from all over the world got in touch with him and he parlayed the enthusiasm into seven foreign language editions.

8) Give publishers a run for their money. Ostensibly, the writer’s job is to write and the publisher’s job is to publish, but in reality, for a title to do well these days, all sides have to do substantially more than what’s expected. Years of dealing with the “my publisher should have done this for me” attitude from authors didn’t make Glusman immune to the sentiment himself. Most publishers-cum-authors admitted the amount of time and effort that goes into publishing a single book shocked them and the effort required of the author even more. “Authors who adopt the view that publishers are going to publish their book without a great deal of care and supervision [from the author] are gravely mistaken,” said Zackheim.

9) It’s not who you know, it’s who you know who knows your book. If the successful salesperson’s mantra is “always be closing,” the author’s can be “always be talking about your book.” When Roxanne Coady, founder of R. J. Julia Booksellers in Madison, CT, mentioned her book *The Book that Changed My Life* (Gotham) to bookselling compatriots at Powell’s, they invited her to be a guest blogger at their website. The cyber exposure led to more stints at other bookstore blogs. Likewise, Diane Gedymin uses every chance she gets to tell willing listeners about *Get Published!* and even hands out free copies at speaking engagements. And if the thought of real life networking sends your reclusive authors running back to the safety of their garrets, they can now do it virtually on (all together now!) MySpace. It’s working for Josh Kilmer-Purcell and The Memoirists Collective who have carefully and successfully

Cont on page 12 ▶

Q&As on Legal Issues

This month, NINK is pleased to debut a new column by Attorney Robert Stein in which he answers legal questions of concern to writers. Mr. Stein has over three decades experience in publishing. He has served as legal counsel for Random House, Simon and Schuster, and Warner Brothers. As an attorney with Pryor Cashman, LLP, he represents authors, literary agents, book publishers, and others in publishing negotiations and disputes.

Q: My publisher won't split payments without my former agent's consent, and the agent has consistently refused to consent. I'm unhappy about this since, although the money has not yet been mishandled, the paperwork has been misplaced or late more than once—so I'm always anxious about the checks. Therefore, my question is: While he continues to refuse his consent, is there anything I can do to get my paperwork and my money out of my former agent's hands?

A: Assuming that the agency clause in your contract with the publisher entitles the agent to receive all payments on your behalf, and that neither your contract with the agent (if you have a contract with the agent) nor the agency clause in the publisher's contract reserves the right for you to receive payments directly from the publisher, then the short answer is "no," at least until such time as you are able to prove malfeasance by the agent serious enough to persuade a court to terminate the agent's right to receive all payments.

Publishers will on occasion agree to split payments notwithstanding an agent's objections (even without an explicit contractual right of the author to receive payments directly from the publisher), but generally only in the very rare cases where the Publisher considers the author to be more important to the publisher's economic interests than is the agent. If the reverse is true, it is very unlikely that the publisher will risk the ire of the agent in order to assuage the unproven concerns of its author, particularly since the publisher knows that authors sometimes receive loans from their agents which the agents expect to recoup from the authors' shares of the publisher's payments.

Q: Given the proliferation of new technologies, such as e-publishing and print-on-demand publishing, what contractual language would you recommend to specify what we used to know as a book being "out of print" and therefore eligible for reversion?

A: The exact language would of course vary according to the paragraph used by the publisher, but the important idea to get across in the language is:

"For the purposes of this paragraph, the Work shall be considered in print only if it is available for sale in the United States in a full-length English-language edition through regular trade channels, and at least _____ hundred (_00) units in the aggregate are sold at full price in the two (2) consecutive accounting periods immediately preceding the Author's request for a reversion of rights, and it appears on Publisher's "re-order form" or such other listing of titles available for ordering, or if a contract for its publication by a sublicensee of Publisher for publication in a full length edition in the U.S. through regular trade channels within twelve (12) months is outstanding and publication actually occurs within such twelve (12) months."

Q: If I'm basing a novel on current events, what are the legal parameters for using still-living real-life individuals involved in those events as characters in the novel, or basing fictional characters on those persons?

A: The relevant areas of law are defamation (libel) and invasion of privacy. Basically, if any of your characters are identifiable as real-life individuals, whether due to similarity in name or other identifying characteristics, those characters should not act in any way which (i) if not provably true of the underlying real person, would tend to cause damage to the real person's reputation; or (ii) would reveal private and embarrassing facts about the real person.

There are at least two cases in which authors flouted the standards described above, and got away with it because sympathetic judges held that no one could ever believe the depiction of the character to be true of the underlying person. **Cont on page 16** ▶



WRITING is TAXING

It's a Small World, After All

With a global economy and the ease of travel these days, our world seems to be shrinking. Writers cross borders to promote their work, often giving talks or classes for which they earn a fee. Some writers even move to foreign countries on a temporary or permanent basis, perhaps working a “day job” there while they also write. Novels are translated into numerous languages and books are shipped to a variety of countries or are available by download in e-format to anyone anywhere in the world who has a computer and an Internet connection. Thus, many writers earn royalties from sales in foreign countries.

But when a writer lives in or earns income in more than one country, the question arises—which country gets to tax the person's income?

Generally, a country has the right to tax its citizens, regardless of where in the world they actually live. A country can also tax anyone living or working within its borders, regardless of whether the person is a citizen or not. Lastly, a country can impose taxes on income earned from sources within the country, such as royalties earned on book sales in the country, regardless of where the recipient of the income lives. When a person is a citizen of one country but lives in, works in, or receives income from another, he or she may be subject to taxation in both countries. However, it would be unfair for the person to suffer double taxation on the income.

Fortunately, many countries have entered into treaties protecting taxpayers from double taxation. The treaties vary from country to country. Generally, however, the treaties provide that residents or citizens of foreign countries will be taxed at reduced rates or be exempt from tax on income received from sources within the taxing country. Most treaties are reciprocal, meaning the same rules apply to taxpayers in each country. Some tax authorities require an individual claiming treaty benefits to obtain a certification from the other country's government that an income tax return was filed in the other country. Such a lack of trust! Tsk. Tsk.

An example of a treaty is the United States-Canada Income Tax Treaty. Under the terms of that treaty, in-

come earned from personal services performed in the U.S. by Canadian residents is exempt from tax if:

- ◆ the person does not have a fixed base regularly available to them in the U.S. for performing the services,
- ◆ the income is less than \$10,000 for the year,
- ◆ the Canadian resident is present in the U.S. for no more than 183 days during the calendar year, and
- ◆ the income is not borne by a U.S. resident employer or by an employer having a permanent establishment or fixed base in the U.S.

The treaty is reciprocal, applying equally to Yankees and Canucks, so U.S. residents working in Canada are entitled to the same exemptions on income earned north of the border.

Similar tax benefits are available to our amigos in Mexico, our mates in Australia, and our comrades in Russia. Our frozen friends from Iceland get cheated out of a day, being allowed in the U.S. only 182 days rather than 183. That's what they get for measuring time under the metric system.

The theory underlying these treaties is, in essence, if a person comes to the country, earns only a nominal amount of income, and does not work for an employer with a permanent connection to the taxing country, why hassle him?

Special exemptions apply to income earned by professors, teachers, and researchers. For instance, foreigners who work in the U.S. as professors, teachers, or researchers, are, in many cases, entitled to an exemption from U.S. tax for up to two years. So if you are a smarty pants, you don't have to pay as much tax, thus enabling you to buy more pairs of smarty pants.

Internal Revenue Service Publication 901 “U.S. Tax Treaties” provides a quick summary of tax treaties between the United States and other countries. IRS Publication 519 “U.S. Tax Guide for Aliens” and Publication 54 “Tax Guide for U.S. Citizens and Resident Aliens Abroad” may also be useful. Writers living or working in other countries should consult that country's tax office for guidance. ▶

Foreign Earned Income Exclusion.

Treaties aren't the only way to reduce or avoid double taxation. U.S. citizens and resident aliens may be entitled to claim a "Foreign Earned Income Exclusion." The U.S. exclusion rules allow these taxpayers to exclude up to a specified amount per year (i.e. \$87,600 in 2008) of income earned in a foreign country from their taxable income. However, to be entitled to the exclusion, the taxpayer must have been a resident of the foreign country for the entire tax year or have been physically present in the foreign country for 330 days in a consecutive twelve-month period. Form 2555 must be filed to claim the exclusion and, with limited exceptions, the form must be filed by the filing deadline, including extensions.

Sorry, folks. Unless you were performing services at the U.S. Naval base at Guantanamo Bay, time spent in Cuba in violation of U.S. travel restrictions doesn't count, nor is income from Cuba excludable under these rules. Don't claim the exclusion for Cuban income or you'll find yourself with some 'splaining to do.

Foreign Tax Credit or Deduction.

Even if your income is taxable in two countries, in many cases you can claim a credit or deduction for taxes paid to the other country. For instance, if you have a U.S. income tax filing requirement, you can generally claim either a credit or deduction for taxes paid to a foreign government. It's usually better to claim a credit since a credit will offset your tax liability dollar for dollar, while a deduction merely reduces your tax liability in an amount equal to the credit multiplied by your marginal tax rate. For example, if you paid \$100 in foreign taxes and are in the 25% tax bracket, a deduction would reduce your taxes only by \$25, whereas a credit would reduce your taxes by the full \$100.

Got a tax question? E-mail Diane at Diane@dianeobrienkelly.com. Your question might be addressed in an upcoming issue. For further tax tips, check out the "Tax Tidbits" page on Diane's website:

<http://www.dianeobrienkelly.com>.

What I Learned on the Other Side

Continued from page 9 ▶

cultivated a group of engaged friends. Barry Eisler, as a guest editor on *Buzz, Balls, and Hype* (see [Ink Slingers chart](#)), wrote a particularly insightful thread about MySpace as a business tool.

10) Be relentless, but not obnoxious. "It's important to be aggressive, but respectful of people's time. You're not alone as an author," said Gedymin. As

our publisher-authors discovered, even the most seasoned vet has to ask a few questions when put in the bewildering position of the author. Jane Isay, former Editor-in-Chief at Harcourt, said that before writing *Walking on Eggshells*, she "didn't realize how narcissistic and weird and needy you become. The whole world revolves around your book." If she'd learned this earlier in her career, she would have spoken to her authors differently, she said. "Maybe I would have told them to take up tai chi or some other meditative practice." ▲

Business Briefs

Editorial Staff Changes at Harlequin: Dianne Moggy is now Vice President, Overseas Editorial Strategy and Development, a new position created in Harlequin's strategy to fortify the overseas markets for their Single Title and Series Publishing programs. Dianne is also taking over Global Subrights Sales. • Randall Toyne moves up to Vice President, Series Editorial, expanding his current work with Harlequin, Silhouette, and Mills & Boon series with increased responsibility for Kimani and Gold Eagle. • Margaret Marbury has been promoted to Director of Single titles, reporting to Loriana Sacilotto, to be responsible for Single Title Acquisitions and Strategy, covering MIRA, HQN, RDI, Luna, Spice, Steeple Hill, and Feature and Custom Publishing.

Hardcover ARC from Touchstone/Fireside: The August debut novel of Irina Reyn, *What Happened to Anna K.*, gets special treatment and is getting results according to executive v-p and publisher Mark Gompertz. This is Touchstone's first hardcover ARC, but another Simon & Schuster division, Atria, provided 3,000 hardcover ARCs for Jennifer Weiner's *Certain Girls* in December. The ARCs are marked "Special Advanced Readers Editions" and have no bar codes. There may be more in the future.

The View from Here

By Susan Wiggs



The First Money I Spent on my Career

You start your writing career alone. Sure, there might be an agent involved, an editor and publishing house, but after the verbal agreement, after you've told your significant other, your cat, your family, your friends and critique groups—the dust settles. That's when you sit down and say, Damn. I sold my novel. That's usually the moment when you realize you're alone. You've done this thing, achieved this lifelong goal, and now you're on your own. Yes, you now belong to the vast publishing industry, but who's looking out for you, and you alone?

You can align yourself with a tribe of like-minded people—NINC, RWA, SFWA, MWA, and so forth—for fellowship, support, and to trade war stories. You can join a group that gives out prestigious awards. But there's only one organization that works consistently and collectively to aid writers.

It's the Authors Guild. Yes, I know what you're thinking. A stuffy, boring organization that sends you four printed bulletins a year, and the occasional email. And they're not known for being all that genre-friendly. They have events you'll probably never attend. Membership is expensive, and its sliding scale of dues feels punitive—the better you do, financially, the higher the cost of belonging.

But still—I'm telling you to join. When I sold my first book (unagented, for a pittance), one of the first things I did was join the Authors Guild. I was a young wife and mother, and writing that check for the dues wasn't easy, not when there were other things I needed, like groceries and diapers. I did it anyway, because as ignorant as I was back then, I understood that there might come a time when I would need the Guild. It's like buying flood insurance. You hate spending the money, and your house will probably never be destroyed in a flood, but on the off chance that it might, you'd better be prepared.

Why is the Authors Guild on my mind? I spent some time recently with the current president, [Roy Blount, Jr.](#), and I was reminded once again how very much the art and craft of writing is the same for us all, regardless of genre. Nearly a century old, the Guild has been the voice of working writers. What does it do? It's not sexy. It

won't help you plan a career or brainstorm a plot. It won't commiserate with you over a rejection or celebrate a big success. What it will do is work on things like federal tax laws. Back in the day, there was a proposed "tax reform" that would have required us to amortize our earnings over each book. Can you imagine the book-keeping nightmare? It was the Authors Guild that a) pinpointed the glitch and b) successfully lobbied to change the law so we can deduct expenses the year they're incurred. See, not sexy, but it averted a record-keeping disaster.

Lately, the Guild offers new website-building and hosting for \$6 per month. That's not a typo. That's a way to justify the dues, right there. And once you get your book contract in the mail, the Guild's legal department will review it, free of charge. They're real lawyers, too, and they're available to help a writer who is having a dispute with a publisher or agency. When you see your material offered for free download on some sketchy website, they'll help you deal with it. There are other major benefits you won't get from any other group, but I won't go on about them. That's another thing about the Guild—the high profile of its [officers and board](#), which currently includes people like Judy Blume, Mary Higgins Clark, Michael Crichton, Sarah Vowell...to name-drop a few. This is important because these are writers who've received a high level of success and recognition in their careers, and they still deem an advocacy group important.

And no, I won't be getting a free toaster oven for recruiting members. You can find out all you need to know by checking out the AG web site [here](#).

So far, my house has never been flooded. But if it ever does, I've got my sandbags ready.

Everyone's a Winner

Switching gears now—here's a pep talk aimed at midlist and series writers. That's where most of us started. So we all know that there are few things as frustrating as putting your heart into a book, giving

the story the best you've got, only to have the book languish in the midlist. Maybe the poor thing suffered from a weak cover. Very likely, there wasn't much in the way of promotion and marketing. Even if the critics loved it, sales might have been modest or worse.

But here's the thing. No honest effort you put into a book is ever wasted. *Every Book Matters*. Maybe your story didn't find a big readership this time out, but one of these days, if you keep getting stronger and moving up the ladder, that little, ignored, underpublished midlist book might get a second chance at life. Once you find your footing as a lead author with a publisher, that publisher is going to want more books from you. They're probably going to want a book every six months.

That's where the old, maligned backlist comes in. These titles can be repackaged—maybe updated or even revised—for your new, big readership. If you're not a fast writer, the older titles can fill the gaps and promote the frontlist. Everybody wins—the author, the publisher, and all those happy new readers.

So it's not just every book that matters. It's (sorry about this) your record-keeping. New deals on old books can only happen if you have all your ducks in a row.

What should you be doing now?

Request reversion on all your old titles. It's simple housekeeping. Even if you don't have a publisher that is hot for your backlist, do it anyway. We've all seen it—a working writer might be just one book away from a big hit. So even if the proscribed amount of time hasn't passed, give it a shot. You never know. If you've moved on to a different publisher, and the book hasn't been out in a while, the publisher might simply revert it to you. This is the one time in your career when being under the radar is a good thing.

This is just what happened to me on four separate occasions. I had some books that were born under a bad sign. I had some of the last "Avon Ribbon Romances" ever published. I published one book with Paperjacks,

which maybe two or three of you remember. Then there was a trilogy with Tor and six books in the now-defunct HarperMonogram line. All in all, I had twelve books and a novella floating around.

And here's the thing. Those were the best books I had in me at the time. I put as much blood, sweat, and tears into those stories as I do my current books. Even when I knew a book had been orphaned, or was part of a failing line, or I still gave it my all. And when I moved on, I asked the original publishers for reversions. Not seeing any particular goldmine in those books, the publishers simply surrendered the rights. Now, years later, these books are getting a new lease on life—new covers, placement on a new publisher's list, new advances, and royalties.

So give the books you're writing everything you've got. Write each book as if it's going to go out with a million-copy print run. And—this is important—keep good records. In order to offer out-of-print titles to your new publisher, you're going to need all the contracts with not just the publishers, but the foreign imprints and former agents. The new publisher needs to know these rights are free and clear. I went through not just three publisher changes, but three agent changes as well. I'm proud to tell you that I managed to track down all the paperwork in order to make this happen.

It's the oldest truth in publishing: *Every Book Matters*. It's the one thing that's always in your control. Keep records, keep your head down, keep working, and ask for your rights back.

Need a sample reversion of rights request letter? If you're a member of the Authors Guild, they'll help you with that.

Susan Wiggs has a summer of reissues coming out this year and, if things go well, for years to come. Her current book on the shelves is The Horsemaster's Daughter, a reissue from Mira Books.

Business Briefs

Indiana Law Suit: American Booksellers Foundation for Free Expression is partnering with Media Coalition and the ACLU to file a court challenge to the Indiana statute which requires booksellers to register with the state for selling "sexually explicit" materials. Unregistered booksellers could be fined \$250 if they sell what the Secretary of State considers adult content. The challenge wants a law that would require retailers to submit their inventory lists to the Secretary of State's Office declared unconstitutional.

Harlequin Down Again: First quarter reports for 2008 have Harlequin sales down 11.8% and operating profits off by 15.2%. Internet and digital sales aren't countering lower North American retail returns or the falling direct-to-consumer sales. Torstar hopes for some growth in 2008, but will depend on the strength of the U.S. retail economy for the rest of the year.

Ninc Bulletin Board

COMPILED BY NANCY J. PARRA

Want to get more involved in Ninc? Check out the Volunteer Job List on page 4 in this issue of *NINK* which will also start appearing monthly on Ninclink and at Ninc.com.

Ninc has a brand new promotional brochure.

Going to a conference? Giving a talk to a writers group or library? Ask Outreach Chair Charlene Teglia (charlene@charleneteglia.com) to send you a bundle of Ninc brochures to pass out! Let's get the word out there about Ninc, which has the highest density of professional achievement of any fiction writing organization.

A big thank you to everyone who has signed up to receive *NINK* electronically. If the majority of our membership converted to eNINK, the organization could save over \$10,000 every year in postage and paper costs—not to mention spare a lot of trees. This leaves more money for content and programs. Last month's free sample let you see some of the benefits of eNINK—earlier delivery, color pictures, hot links, and eNink extras, including Eric Maisel's exclusive new series on creativity and addiction. Remember, you don't have to read the newsletter online—you can print it out to take with you and read in your favorite comfy chair. You can print only the pages you want to save. Go www.ninc.com, log in to the members only pages, go to your profile, and click the box for eNINK delivery. And thank you!

OUTREACH: If you're interested in a light workload that will make a big contribution, consider joining the Outreach Committee, which is focusing on encouraging more writers to join Ninc. Contact Outreach Chair Charlene Teglia: charlene@charleneteglia.com.

Ninc has a group to discuss insurance issues for writers. Contact price100@aol.com to join in on the discussion.

Want to find a bargain? Check out our Discounts Program at Ninc.com.

Did you know? Ninc offers a Critique Group at <http://groups.yahoo.com/group/NINKcritique> For writers willing to critique and discuss the critiquing process contact price100@aol.com

Is your favorite novelist a Ninc member? If not, then be sure to invite that writer to join Ninc! Applications accepted online at Ninc.com.

Ninc members with a publishing-related legal problem are eligible to apply to the Ninc Legal Fund. Go to Ninc.com for details and an application form.

We're being preserved for posterity! The official Novelists, Inc. Archive can be found in the Department of Special Collections at Hale Library, Kansas State University.

Have you recently changed your email address, literary agency, mailing address, phone number, or pen name? Don't forget to update your Member Profile at Ninc.com!

Have you joined NINCLINK? NINCLINK is the email list-serve for Novelists, Inc., a place of lively discussion and a great way to get to know your fellow Nincers. For instance, recent threads have looked at Google Books and Bookcrossing, the merits of website contests, and what spouses can do to occupy themselves while the rest of us are enjoying the Ninc conference in New York. To sign up and join in the discussion, send a blank email to NINCLINKsubscribe@yahoogroups.com

ASK the **LAWYER**

Continued from page 10 ▶

However, I would not recommend relying on that expectation... lawsuits are frightfully expensive and not all judges can be expected to let the defendant off so easily.

There are special cases of notoriety in which one can, with relative safety, exceed the usual standards; for an example, I strongly recommend Susan Brownmiller's 1989 book, *Waverly Place* (for which I served as counsel to the publisher, Grove Press). The book was inspired by the death of little Lisa Steinberg, and the abuse of her mother, Hedda Nussbaum, and was written and published before the trial and conviction of lawyer Joel Steinberg. The foreword of that book is the very best disclaimer I have ever seen.

Q. For authors using nonfiction books and current events resources in their fiction, what are the ramifications of the verdict in the lawsuit brought against Dan Brown by the authors of *Holy Blood Holy Grail*?

A. First and foremost, avoid great success at all costs... nothing brings plaintiffs out of the woodwork like a potential gold mine. Why sue over a few dollars when you can instead sue someone who has tens of millions of dollars with which to pay legal judgments?

Second, be generous in your attributions... I was consulted just last week by an author who felt slighted by another author who had apparently used facts taken from

my prospective client's nonfiction books as the basis of a successful novel, without in any way acknowledging the source of those facts. While the cliché refers to "a woman scorned," I don't think women are nearly as sensitive to slights as is an author whose work does not receive the attribution he or she deems appropriate.

The simple fact is that facts are generally not protectible. The Supreme Court did away with the "sweat of the brow" theory of copyright infringement, making it very, very difficult to protect published factual information. Unless a "borrower" takes a slew of facts that had been carefully selected and organized in a non-obvious way, and uses them in the same or very similar way, there is no legal recourse for the original author.

There may well be recourse in academia, where non-attribution of "borrowed" material is considered plagiarism. But plagiarism, as opposed to copyright infringement, is not actionable at law.

Advice given in this column is general and brief, and is not based upon a thorough review of facts and considerations in any given instance. You should consult an attorney in depth if you need personal legal advice.

For more information about Robert Stein, visit his website, <http://www.pryorcashman.com/attorneys-119.html>

To submit a question for this column, email to CMyersTex@aol.com.

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