

N I N K

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After You're Gone Estate Planning for Writers

BY M.J. MCATEER

Estate planning is generally approached with all the enthusiasm brought to a root canal or an extended vacation with the in-laws. Too often, it is handled via the ostrich method—in other words, not handled at all—even though dying intestate leaves a mess for the near and dear.

Writers, of all people, should not hide their heads in the sand—if for no other reason than to avoid clichés. But, really, they should face up to the inevitable because, for many, their most valued asset is their work. Most hope their work will be their legacy. Unless a writer leaves behind a directive concerning his or her literary estate, that work can be altered, exploited, or neglected once the writer is no longer around to protest.

Those hard-earned royalties? Instead of supporting the local library, as envisioned, they might instead make it possible for detested cousin Brad to switch from Bud to single malt.

The rights to the image of Suzanne, the protagonist from that heartfelt, coming-of-age novel? They might be sold off to an advertiser who will use Suzanne's likeness to market zit cream.

And that unpublished story cycle, which could be so brilliant if it only got into the hands of the right editor? The son-in-law might decide it is taking up too much room in the back bedroom and send it off to recycling on the *q.t.*

Nancy J. Cohen has made sure that nothing of this sort will happen to her work. The author of 14 published novels, including nine installments in her Bad Hair Day mystery series, has set up a creative property trust to handle her literary estate.

This trust covers all rights to the South Floridian's "writings," which are defined to include "books, manuscripts, novels, scripts, treatments, stories, poetry, dramas, journals, characters and plot lines, series ideas, or any

other fiction or nonfiction, whether published or unpublished."

It also designates who will receive any royalties or other monies generated by her work (definitely not a slacker cousin Brad).

The trust further leaves instructions for the disposal of the physical materials related to Cohen's writing. They are to be donated to the Ray and Pat Browne Library for Popular Culture Studies at Ohio's Bowling Green State University (see sidebar on donation of papers).

Cohen's trust is specific about the right to use her name and likeness, too, including on Websites or blogs. Until 1994, this provision was not something routinely covered in wills. But that year, the courts heard the case of *Andrews v. United States*.

V.C. Andrews had been the creator of several series of popular gothic thrillers; her most famous novel was *Flowers in the Attic*. After her death in 1986, Andrews' estate hired a ghostwriter to continue the franchise. This ghost subsequently sold more books than Andrews ever had and was pulling down million-dollar-plus advances for the estate. Seeing this, the fed- Continued on page 6 ▶

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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.

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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:

Brenda Schetnan, Albuquerque NM
Julia Templeton, Battle Ground WA
Leah Cutter, Seattle WA
Sandra Madden, St. Johns FL
Donna MacMeans, Westerville OH

New Members:

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

No Rest for the Wicked

Here's some of what we're working on in Novelists, Inc.:

Ninc-Tekno Anthologies projects:

As part of the agreement we made with packager Tekno Books last year to collaborate on anthology projects that would benefit Ninc and its members, fiscally and with market exposure, we've compiled and are marketing a set of nonfiction books about the business and craft of writing, using the articles and essays that Ninc members provided in response to our (repeated) calls for material. Once there is a sale, we'll know what we can pay contributors to the books.

(Note: Any contributor who doesn't like the terms will be free to withdraw his or her work from the project. Participation in a Ninc anthology is an opportunity, not a requirement.)

In September, we'll start working on our first fiction project with Tekno. More about that later this year.

If you have an idea for a Ninc anthology project, send a cogent proposal to the wise and gorgeous Anthology Committee chair Lillian Stewart Carl at solifrax@sbcglobal.net.

For more information about the Ninc-Tekno collaborative relationship and how the details of it work, particularly with regard to Ninc members who participate in the books, you can find this information at Ninc.com.

Speaking of which...

Ninc.com

We're redesigning, reorganizing, and revitalizing the website, which project will be spread over the course of 2008 and 2009. Our goal is to make the site more user-friendly, a more valuable tool and resource for Ninc members, and a better platform for attracting new members to Novelists, Inc. If you're interested in participating (no technical expertise needed), contact the charming and glamorous co-chair Ginger Chambers (gingerchambers@sbcglobal.net), in charge of the "Members Only" pages, or the delightful and sexy co-chair Pati Nagle (naglel@pgnagle.com) in charge of the "public" pages.

Ninc By-laws

Later this year, the Board will propose the first Ninc by-laws revision in about five years. The primary change we want to make is to alter the current requirement that we hold an *annual* conference. While Ninc *may* continue to hold a conference every single year, the existing by-law prevents Boards even from exploring alternative possibilities, such as holding conference once every 18 or 24 months.

There will be a couple of other proposed changes (ex. we'd like you to be able to vote electronically in future, if you choose), but that's the most substantial one.

In order to pass, a by-laws revision proposal requires that two-thirds of Ninc's members participate in the vote. This is the hardest part of passing a by-laws revision: just getting enough members to vote *at all*.

In hopes of succeeding, we'll be including the by-laws revision ballot with your membership renewals this year. As of today, I officially start begging you to please, *please*, PLEASE take 30 seconds to vote on the by-laws, when you renew your membership at the end of the year.

Electronic Delivery of NINK

More Nincers have switched over to e-NINK, and we're delighted! Let's review: Your annual dues do not even cover the cost of producing NINK in hardcopy.

This is due to the steadily (no, *rapidly*) rising costs of printing, paper, and postage, combined with the small size of Ninc, which keeps our per-unit cost high.

The more members switch to e-NINK, the more money gets freed up for NINK content (what a concept!) instead of being invested in hardcopy format.

As you may have noticed when we sent the May e-NINK to the entire membership, so that everyone could get a taste of it, e-NINK has full-color production and it now also has more content than hardcopy NINK. This isn't to punish and deprive those of you still sticking with hardcopy; it's because we can **AFFORD** to provide better production values and more content in electronic format.

To switch to e-NINK, log onto Ninc.com and update your member profile. ▶

Outreach: Size Matters

Ninc will lose its Authors Coalition funding, which accounts for a significant portion of our operating budget, if our membership numbers fall below 500. (We're currently hovering around 600.) Additionally, fresh faces and new ideas are vital for the continued vitality of any organization.

Also, with more members come more dues revenue, more volunteers, more conference attendees, more contributors to *NINK*, more contributors to Ninc anthologies, more people with obscure and arcane knowledge participating in Ninlink discussions, more people who aren't smart enough to say "no" when someone asks them to serve as Ninc president...

So *more* is good.

With that goal in mind, the Outreach Committee is working on plans and projects to get the word out about Ninc and encourage more multi-published novelists to join us.

Committee chair: The lovely and adventurous Charlene Teglia at charli@charleneteglia.com.

Digital Rights Management (DRM)

The future is here! And I can't understand a word of it!

To help befuddled people like me, the Ninc Digital Rights Management Committee is working on a glossary of DRM terms, so that we can understand what's being said in the 21st Century. They'll also work on developing useful answers to questions like, "Help! I'm being pirated! What should I do?"

Committee chair: The brave and beautiful Tricia Adams at triciawriting@gmail.com.

The Legal Fund

The Novelists, Inc. Legal Fund, conceived and implemented by my predecessor Pat McLaughlin, has celebrated its first anniversary. Many of you had the opportunity to see Legal Fund manager David Bruce Wolf in person at our conference in March. He's a prominent literary attorney and very enthusiastic about working with Nincers. If you have a legal problem arising from your writing career, the Ninc Legal Fund will pay for you to consult with Wolf for up to two billable hours, so you can explore your legal options and obligations.

Two legal hours may not solve your problem, but it will certainly give you a lot of information and advice you didn't have beforehand, at no expense to yourself or your family. This is a service of Ninc.

For more information about this program, go to Ninc.com.

(Note: The application process is *not* so the Board can judge the merit of your case. We don't do that. It's just so the Board can verify that the legal problem in question arises from your career as a writer, rather than from, say, your next neighbor suing you over a sewage mishap.)

By the way, David Bruce Wolf has an exquisite sense of humor. I know this for a fact, because he laughed at my jokes in New York.

— Laura Resnick

Business Briefs

Compiled by Sally Hawkes

E-catalogs Are on the Rise? HarperCollins announced in May it would go to an online catalog and have it ready by summer 2009. Hachette Book Group USA should have its online catalog ready by the end of 2008. While Simon & Schuster currently provides both print and online catalogs, the publisher hasn't made any plans to go exclusively electronic. Random House says an e-catalog is an "ecopriority" soon, but nothing definite. A telling comment comes from Public Affairs; when a rep visits an account it isn't about two terminals, but two people having a conversation with the catalog for referral. (Apparently they can't read it on the screen at this point, but must have a print copy.) Yet Candlewick Press says they have a dynamic relationship with teachers and librarians with their online catalog. The online efforts also allowed them to develop additional guides and downloaded activities for clients. Booksellers, however, are reported as reluctant to adapt to an electronic format. It will be interesting to see a report on online publishers' catalogs two or three years from now.

B&N Mobile vs. Amazon TextBuyIt: Start polishing up your texting skills as <http://www.bn.com/mobile> joins Amazon Textbuyit (<http://tinyurl.com/34u8oq>) to allow purchases from smart phones or BlackBerries. "Callers" can check on store locations and events as well as track their orders.

You Can Do “Just One Thing” For Conference 2009

In the vein of “many hands make light work” (for everybody), our prez-elect, Kasey Michaels, has given us all part ownership in St. Louis—inviting us all to join the party and sign up to do “Just One Thing” as we head toward the Sept. 30 – Oct. 4, 2009 conference. Hey, we’re all working writers, with deadlines, distractions, families, and busy lives. A chairmanship might daunt the best of us, but we all can manage “Just One Thing.” Is Kasey a genius, or what?

First off, we’ve divvied Conference Chair duties between two of us—Leslie LaFoy is your “Nuts ’n’ Bolts” point person, handling the hotel, meals, registration, roomies, all the physical deeds of putting on the conference, and Karen A. Katz (Tintori) is your “People Person,” inviting and working with the editors, agents, publishers, speakers, press, bookstores, media, and all of you!

Here’s our list of “Just One Thing” availabilities in no particular order—and remember, many of these JOT’s don’t happen until next year. We’ll be updating as the conference comes together and we notice other ways for you to “own” St. Louis. So, peruse away, let us know what you’re good at, what you’d like to do for 2009. And please, if you don’t see a job you think we need to post, tell us what it is—or even better, offer to do it as your “Just One Thing.”

Leslie’s Nuts ’n’ Bolts Crew—Leslie LaFoy’s assistants in both planning and on-site supervision regarding things that just plain have to “work,” so that the conference is an enjoyable, stress-free experience for everyone.

Karen’s People Person Posse—Anyone who wants to help contact, invite, and assist editors, agents, and other publishing personnel concerning the conference.

Munchie Table Nazi (paraphrasing Seinfeld for lack of a better title)—one for each such opportunity we provide; someone who makes sure the coffee pots don’t run dry, Kasey doesn’t eat all the good cookies, etc.

Workshop Potty Patrol—Someone to check two or three times a day and report if it’s time to call for some housekeeping help (Oh, on the male side, either one of you guys volunteers, or you’re on your own). Small job? Yup.

Unless you’re the one caught in the stall without the toilet paper...

Speaker Escorts—Someone to make sure special invited speakers get to the right workshop room at the right time and aren’t left to wander the hallways on their own throughout the conference. We’ll need several of these er, um, babysitters.

Proofreader—Another set of eyes to look over any and all conference materials before they are printed. Late breaking news: Sylvie Kurtz has already grabbed this Just One Thing—plus volunteering for two more jobs. Thank you, Sylvie!

Press Release Writer—Anyone good at PR? And, wow, the job comes with a proofreader—how great is that!

Clydes (thus named because Kasey always calls anything or anyone she has no name for a “Clyde.” But in this case, hey, it sort of fits!)—Folks to make sure the place name cards are changed after each workshop, make sure the people at the podium have fresh water, pads of paper, pens, and that the microphones still work. If you want to help keep the speakers watered and wired for one or more workshops, let us know. And, yes, Clydes get to pick which workshops they want to work on a first shout-out, first assigned basis.

Workshop/Nightowl Moderators—You already know this one. Introduce the speakers/topic, have a question or two ready to start the action and, in general, keep the crowd from getting too rowdy. So you don’t miss a session you are dying to attend, you also get to pick your moderator slot from the list of workshops.

Workshop topics—What have you never seen/heard in a workshop that you’d like to see/hear? Here we are, your own personal Clydes. Send us your ideas: llafoy@earthlink.net, ktinti@aol.com

Workshop Presenters—Have an idea for a workshop you’d present, alone or with other Ninc members or your editor or whomever you think

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Literary Estate Planning

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eral government successfully sued to get its share, arguing that an author's name and likeness are taxable assets separate from the author's output.

The firm of Philip R. Farthing, a Virginia attorney, represented the Andrews estate in the landmark case. Is a person's name an asset?" Farthing asks rhetorically. "The court said 'yes.' "What is it worth and how do you value it? That was part of the spitting contest we got into," he says.

Farthing says it is important to nail down the value of the so-called right of publicity before a person dies. "Fair market value," he explains, "is assessed on the day a person dies, and that is what is taxable."

That may never be an issue for the Cohen estate, but "always be prepared" isn't a motto just for Boy Scouts. Jan F. Constantine, general counsel of the Authors Guild, says Cohen's careful foresight is commendable. The most important issue in literary estate planning is "control," Constantine says, and being as specific as Cohen has been in creating a trust or will is crucial to control.

As much as possible, a writer's will or trust should not leave anything vague, Constantine continues. Among other things, a trust or will should spell out how exactly royalties should be divided among beneficiaries, what restrictions, if any, should be placed on the use of the author's name or work and what should be done with unfinished or unpublished manuscripts. No one wants to pay the lawyers to fight it out," she says.

A case in point is what is happening now with the literary estate of American short story icon Raymond Carver. Carver's widow, Tess Gallagher, wants to publish unedited versions of 17 of her husband's stories that originally appeared in the 1981 collection "What We Talk About When We Talk About Love." The publisher, Knopf, which holds the copyright, strenuously objects to any reissue.

The story collection was a breakout hit for Carver and much admired for its minimalist style. That style, however, at least in part, was attributable to Carver's editor at Knopf, who heavily edited and cut the stories. Both the widow and the publisher now claim to be channeling what the dead author would have wanted done with his work.

"I just think it's so important for Ray's book, which has been a kind of secret, to appear," Gallagher told the *International Herald Tribune*.

"I would rather dig my friend Ray Carver out of the ground," said Gary Fisketjon, one of Carver's editors at Knopf, in response to the widow's wishes.

The moral of this story—edited or unedited—is not to leave the fate of one's literary estate to the interpretation of others.

Although the creation of a will or creative property

trust can cost as much as \$3,000, depending on the amount of customizing that must be done, Constantine says it can be much less of a bank-breaker if the author is willing to do the legwork before going to a lawyer. Cohen, for example, drafted her trust after gathering materials from the Authors Guild <http://www.authorsguild.org>, the Romance Writers Report http://www.rwanational.org/cs/become_a_member/romance_writers_report, and Ninc <http://www.ninc.com>. She then delivered the draft to her family lawyer, who made it all, well, legal.

That may not be a bad approach, even if money is not an issue. Jennifer Jordan McCall is a California trusts and estate attorney and the author of *Tax Issues for Authors*. She says that most lawyers are not versed in "the tax issues related to the intangible assets of intellectual property"—and to find a qualified attorney can take some digging. She recommends consulting *Chambers and Partners*, <http://www.chambersandpartners.com>, which lists the top lawyers in 175 countries, and *Martindale-Hubbell* <http://www.martindale.com>, which has peer-reviewed ratings of lawyers. Word of mouth is also a tried and true method of locating an attorney.

Once the will or trust is drawn up, the choice of an executor is crucial. Some writers, like Cohen, opt not to have a separate executor for their literary estate. Cohen named her husband to handle everything.

Others writers, such as Lillian Stewart Carl, have a special executor just to handle the literary estate. Carl, author of 15 mystery/romances, does not have a creative properties trust, but she revised her will to include a provision that names one of her sons as her literary executor. "He has worked in the publishing business," Carl says, and that makes her more comfortable because he has familiarity with issues such as translation rights and secondary rights. Her son also would know whom in the business to notify at her death, Carl says.

California lawyer McCall says an executor "who would have familiarity with the [publishing] system is a good choice for literary executor. "An artistic adviser has a different set of skills," she says. But McCall also "likes the idea of using a relative or friend for the job. "You want someone with good judgment and common sense and honesty, someone who will go the extra mile. If need be, that person can hire experts."

Fulfilling the duties of literary executor can take longer than writing a first novel, because works of fiction and non-fiction can remain under copyright for many decades. Given the demands this puts on a literary executor's time, McCall recommends remuneration for these services be stipulated in the will.

All this good advice from the experts really can be whittled down to another cliché, best avoided in your own work, of course: "Where there is a will, there is a way," so make sure that you have that way clearly marked for your heirs. ▲

Literary Estate Planning: Giving As Good As You Get

The care and storage of literary papers—including notes, correspondence, journals, and manuscripts—can overwhelm heirs. Even those with good intentions might lack the expertise or ability to store such perishable materials properly. An alternative is donation.

By bequeathing your papers to an educational institution or library, you can rest (relatively) assured that they will live on long after you're gone, most likely in an acid-free, climate-controlled environment. And donation of papers isn't just for critic's darlings and blockbuster authors, either: Midlist authors may also contribute.

Many colleges and universities collect papers from their alumni; others concentrate on the region in which they are located. Some specialize in certain genres or subject matters; some do all of the above.

Brown University, for example, is interested in materials from both its alumni and from Rhode Island residents. Another area of interest for Brown is American literature.

The special collections at the university's John Hay Library include almost the entire imprint of certain literary presses, such as St. Martin's and Unicorn. The library also houses the papers of individual authors, one of the most famous being Providence native Howard Phillips (H.P.) Lovecraft. Since acquiring a trove of Lovecraft's papers, the library has sought to include the work of other writers who similarly blend horror, fantasy, and science fiction.

The collecting protocol is quite informal. "I usually have a conversation with people about the nature of material in our collecting area, says Rosemary L. Cullen, curator of Brown's American Literature and Popular Culture collection. She says she is working on several cartons of material from two authors right now.

When approached by authors of a genre such as Westerns, which is generally outside the library's area, Cullen says, "We point to another institution."

Like most institutions that accept papers, Brown does not require that a financial bequest accompany the physical materials, but, a monetary remembrance from the author, naturally, is always gratefully accepted.

Bowling Green State University's Ray and Pat Browne Popular Culture Library is another institution with a particular interest in American authors, especially those in the romance and suspense genres. Its collection includes mystery writers such as Marcia Muller and Bill Pronzini and romance

specialists such as Susan Elizabeth Phillips, all of whom are still writing. (Note: You don't have to be dead to donate.)

"I don't know any other institution that does this," says head librarian Nancy Down about Bowling Green's collection of romance fiction. She adds that the Ohio university seeks materials "that illustrate the writing process," such as research notes, drafts of manuscripts, letters from editors, even fan mail and cover mockups.

Nancy J. Cohen, the author of nine mystery novels, has mailed pounds of material to Bowling Green, without needing to travel there from her South Florida home. Negotiations with Down were handled long-distance.

Cohen is convinced that her decision to donate is the right one, and she plans more mailings to Down. "This is better than my family trashing everything when I am gone," she says. "Now, my materials are going somewhere they will be valued. This gives me longevity."

A WORD ABOUT TAXES

The IRS allows authors who donate their papers to deduct only the cost of creating them—i.e., paper, printer ink, CDs, etc.—although collectors may deduct the fair market value of such materials. A bill before Congress, the Artist-Museum Partnership Act, would bestow on writers the same tax benefits now enjoyed by collectors.

To voice support for this bill, visit:

http://www.authorsguild.org/news/literary_papers_tax.htm.

RESOURCES

For nuts and bolts on donating, check with the Society of American Archivists: <http://www.archivists.org/publications/donating-familyrecs.asp>.

To find an institution that might be interested in your papers, see the WorldCat Website, which can point you to nearby locations, such as libraries, that have copies of the Directory of Archives and Manuscript Repositories in the United States: <http://www.worldcat.org/oclc/16984463>

For information on Brown University's special collections: http://www.brown.edu/Facilities/University_Library/collections/colldev/subjects/amciv.html

For information on Bowling Green State University's special collections: <http://www.bgsu.edu/colleges/library/pcl/>

—M.J. McAteer

Meet Ninc in St. Louis—2009

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would make a great panelists? We're all ears. No huge formal application, outline, PowerPoint or 3-D overhead slides necessary to apply, just tell us your idea in an email and let's see where it goes.

Special Needs Point Person—Initial contact person for members needing special diets, wheelchair access, etc.

Name Badge Prep—A person to assist in printing out those easy-to-read, large-lettered name badges.

Goodie Bag Stuffers—Party-hearty in the President's suite the night before the conference while loading up schedules, giveaways, etc, for attendees.

Registration Desk—Be the first friendly face conference attendees encounter as you sign people in and give them their goodie bags. No pay, but the hours are flexible.

Transportation—Arranging transportation for a speaker, for two speakers, being in charge of the whole travel thing—tell us what you want to do

St. Louis Restaurant Point Person—We'd love for one person to make reservations and stay in contact with chosen off-site restaurants as needed, put out the sign-up sheets for lunches and dinners, and make sure each hostess has attendee info. Which brings us to...

Hosts/hostesses for the sign-up meals—Lunch and Dinner host/hostesses, a redux of our NY fun, so everyone gets to mix and mingle at meal time in groups of 10-12. You pick a restaurant, folks sign up, you play tour director, and away you go. And, yes, there will be a Yahoo Loop pre-conference, so you can sign up early for your favorite restaurant.

Roommate Coordinator—In charge of the Yahoo loop for roommates (a shout-out to Brenda Hiatt Barber, who will be creating all our nifty Yahoo loops to keep registered conference-goers posted on various conference topics!).

Ride Share Coordinator—In charge of the Yahoo loop for matching up members from similar locales who are interested in sharing the drive to St. Louis, and members wishing to share cab rides from/to the airport. FYI—At least four states are close enough to Saint Louis that a car pool Yahoo Loop should get lots of action! Trains, planes, automobiles—we'll talk about them all on this loop.

Bring a pet/mascot to Saint Louis—Whether coming by car, bus, rail, plane, or on horseback, take a photo of your favorite team mascot doll, stuffed state animal or any cuddly stuffed furry friend of your choice as you two set out from home, more photos of your travels, and then a group photo in Saint Louis before we deliver all these lovely, well-traveled snugglies to a local pediatrics ward. A fun job to coordinate!

Goodie Bags Gurus—Obtaining freebies and giveaways if you've got an "in" somewhere or anyone you can blackmail. Like that.

Off-site Tour Sign-Up Coordinator—Eileen Dreyer and her St. Louis gang will come up with ideas, pass along info to this person for organizing tours, possible sporting event tickets, etc., for those who want to see some of the city, and for those who feel the need to dump some of their family somewhere for a few hours. St. Louis is a family city, perfect for combining the conference with some family time (so please pardon the word "dump," but you know what we mean).

Pre-Conference Forensics Day Coordinator—Will work with Marci Evanick, Conference Registrar, on overseeing registration and the attendees for this Special Admission, Can't Miss It, all-day pre-conference workshop. Rumor has it there may be a murder!

St. Louis Bus/Cab/Van/Transportation Point Person—Depending on how many off-site things we wish to do, we'd like one person in contact with any transportation we might need to hire.

Carmine's Point Person—Someone to coordinate with Carmine's (who'll be feeding us at the Drury) in relationship to the setting up, use, and cost of a private bar in one of our very own meeting rooms—and, Eileen suggests, also responsible for finding folks eager to decorate the room with – book covers? Light-up leis? Full-size cut-outs of Brad Pitt or Angelina Jolie? Anything goes! (After all, if it's OUR bar...). Rumor on this one is that Eileen will, upon request, sing Danny Boy for us all!

Idea people: What are we forgetting? What don't we know we need?

Twenty years of Ninc, folks, and we want to head into the twenty-first with the best damn conference ever!

Cover To Cover

By Lou Aronica



Becoming Omnidirectional

Book publishing can be a confounding business for writers. You tend to have an unusually large emotional stake in what you've created, you often feel distanced from the critical decisions involving the fate of your work, most of the people who make those decisions have never read a word you've written, and your success or failure often rides on the whims of a handful of booksellers with whom you are not allowed to converse.

Writers can be confounding to publishers as well. They expect too much. They deliver too erratically. They don't understand the mechanics and the economics of the business. They follow their muses and suddenly decide to write for an entirely different market and they're just too damn creative.

As someone who has made a living both as a publisher and as a writer, I can appreciate the frustrations each have with the other and I can understand why it's so difficult to alleviate these frustrations. My goal in this column is to try to help make the other side of the industry seem a little easier for my Novelists, Inc. colleagues to understand. I would also do this for my publisher colleagues, but they haven't asked. And they aren't nearly as nice to me as you are. I mean, all they do is compete with me and offer me less for my books than I deserve. You, on the other hand, write prose that makes my heart soar. Really, it's no competition. And, again, they haven't asked.

I believe the key to success in any business is having an "omnidirectional" perspective. (To be honest, I can't actually say this is the key to success in any business. For instance, I have no experience in the sheet metal manufacturing business. For all I know, it might be best to have a unidirectional perspective on sheet metal manufacturing. However, I think that in a vast majority of businesses this omnidirectional thing could be very helpful.) What this means is that your ability to see the industry in which you operate from all sides is critical to finding your place within it and ascending quickly. As an example, I always believed that the reason I did well as a publisher was that I spent a good deal of time with writers trying to understand what was important to them and a decent

amount of time with financial people trying to understand what was important to them (beyond the obvious in both cases). What success I've had as a writer comes largely from how well I understand how book publishing works from the inside. That and the fact that I have a large extended family.

My message in all of the pieces I will write for this column is a simple one: your success is your responsibility. Some things are out of your control, of course, but you have enough within your control to make a considerable difference in how far you go as a writer. This is true whether you're a relative newcomer or a fixture on the *New York Times* list.

First, let's look at how much of the load you can reasonably expect your publisher to carry.

One part is editorial, though this is going to vary dramatically from house to house. There are many excellent editors in the industry and if you're lucky enough to be associated with one of them and smart enough to pay attention, you will get invaluable assistance in the development of your novel. On the other end of the spectrum are the editors who think they know how to write your novel better than you do, but that's a subject for another column. At the very least, though, the publisher is responsible for making sure the prose is clean, confirming that you've spelled all proper names correctly, and ascertaining whether there really is a train station in that town where the train is supposed to arrive at 7:32 every morning.

Another publisher responsibility is positioning and packaging. It's your publisher's job to create a marketplace context for you for booksellers and readers. No, none of us enjoys being pigeonholed, but people who might be interested in buying your book need to know whether it fits into their interests. If a publisher positions a book properly, the accounts know where to place it in the store (yes, of course, in the hands of greeters who sell it to every customer who enters) and the book calls to potential readers. A big part of this, obviously, is giving you a jacket/cover that helps sell your book. Ideally, your publisher will ask for your input on this, but

they have the necessary expertise here and, most importantly, a much closer connection to the accounts. I think there's no part of the publishing process where I'm more inclined to say, "Let them do their jobs" than this. Yes, I know the horror stories. I think I was even responsible for a few of them (never intentionally, no matter what anyone ever tells you!). Again, we'll discuss this at length in a future column.

The other two responsibilities are unequivocal: manufacturing and distribution. They make the books, they get them on the shelves, and (with some rare exceptions) they take full financial responsibility for doing both. Really, if they can't do that, what's the point?

That's it. Anything your publisher does for you beyond this is gravy. It could be a rich and nuanced gravy like the one Tom Colicchio serves with his short ribs or it could be the lumpy thing my sister made with the Christmas turkey one year that we still haven't forgiven her for.

An example of the former might be the huge marketing campaign with the special presentation to the major accounts and the leather-bound first edition when your book hits the bestseller list. It tastes great, you remember it forever, and it enhances your life.

The latter might be a light box at the BEA—it doesn't really accomplish much, but it helps you choke down the turkey that, honestly, anyone should know shouldn't stay in the oven for nearly that long.

The point I was making with that overextended gravy metaphor is that, aside from the aforementioned publisher tasks, the rest falls into your lap.

This means that career development is your responsibility. Your publisher might have very strong opinions about where your future books should take you and you should give these opinions very serious consideration (except if they suggest that you abandon your current path to write a series of novels about famous clowns. Never take that advice).

At the end of the day, though, publishers can cut bait whenever your contract is completed. They will never have the same level of investment in your future that you have. Therefore, it's up to you to decide what kinds of books you want to write, how you want to write them, how often you want to deliver them, and what kind of promise you want to make to your readership with those books. There is no right or wrong way to do this, but some ways are considerably more productive than others are.

Actually, now that I think about it, some ways probably are just flat-out wrong. In a future column, I'll discuss these (both the productive ones and the wrong ones) at length.

Marketing is also your responsibility. This wasn't always the case and it's not even true 100% of the time

now (as those recipients of the Tom Colicchio short rib campaign know).

But if you rely on your publisher to do your marketing, you're likely to be disappointed with the results. This isn't because publishers are terrible marketers (though some—okay, most—okay, nearly all—of them are); it's because their resources are limited.

Publishers sink a big piece of their available marketing money into keeping the trains running: creating selling materials, proofing jackets and covers, mailing review copies, etc. They rarely have the money to advertise (and never have the money to advertise effectively) and don't have the human resources available to do the kind of grass roots marketing that works well for books.

The best marketing money a publisher can spend on you is for co-op. If you want more marketing than that (and you should, unless you have a very large extended family like some people we know), you're going to have to do it yourself. Again, we'll talk about how to approach this in a future column.

Obviously, being a career writer requires much more than writing talent. Many of you will probably find this notion frustrating, but that's a little bit like being frustrated that you can't be 35 for the rest of your life or that whipped cream isn't a fat-free food. Denial isn't helpful here.

Omnidirectional is.

Omnidirectional means knowing what your editor is contending with in-house. It means understanding how a publisher makes money and how it determines success or failure on a book project. It means having a clear sense of what goes on at an editorial meeting, a cover conference, a pre-sales meeting, a sales conference, and at a sales call and what you can do to help these things go better. It means realizing what an agent can and cannot do for you and how to distinguish between a good agent and a bad agent. It means knowing how publishers calculate what they can offer you in a contract and what is and is not negotiable. It means knowing how booksellers make money. It means having a grasp on all of this while at the same time being wildly creative in your writing and developing a distinctive signature for yourself.

It isn't easy. But it also isn't nearly as overwhelming as it might sound here. As we go through these columns together, I hope you'll see that it's all very manageable.

I realize this first column has done little more than suggest to you what I'm going to talk about in the future. You did get that cool gravy metaphor, though, so I assume it wasn't a complete waste for you. I have my own thoughts about which subjects to cover in my next few columns, but I'd love to know which subjects are most important to you.

Email me at laronica@fictionstudio.com and let me know. ▲

Q&As on Legal Issues

Q: *In the June issue of NINK, you noted that if the agency clause in a publishing contract entitles the author's (former) agent to receive all payments on the author's behalf, and if the former agent refuses to consent to split payments, then this situation will remain unchanged "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." Can you give some examples of what might conceivably constitute such malfeasance?*

A: Most obvious: if the agent receives money from your publisher, or from other licensees, and does not pay your contractual share (usually 85%, sometimes 80%) to you when contractually (either by the agency clause in your publishing contract or by a separate written agreement between the agent and yourself) required to do so.

Less obvious (and some agents may be unaware of this): agents' entitlement to share indefinitely in the author's royalties derives not just from the rights sales they made previously on the author's behalf, but also from their responsibility to provide future services to the author with respect to the given book and to the licenses previously made. In order to continue receiving royalties on a deal previously made by that agent, the agent must be willing and able to provide further services in connection with that license if and when required. If the agent also claims the right to make further deals on behalf of the author in connection with the book, the agent must make reasonable efforts to do so.

Q: *Can you briefly explain Creative Commons licensing and its relevance, if any, for novelists?*

A: Creative Commons is a US non-profit corporation which was formed in 2001 in order to create and promulgate a series of license forms (<http://creativecommons.org/about/license/>) which copyright owners could use to allow third parties to use copyrighted material (whether text, music, photos, etc.) without the necessity of negotiating and entering into individual licenses. The licenses permit use without compensation to the copyright owner, and tend to be much less restrictive than full copyright protection. There are sev-

eral different license forms, each of which sets forth different requirements.

A list (probably a partial list) of content which has been made available subject to Creative Commons licenses may be found at http://wiki.creativecommons.org/Content_Curators.

I have never had cause to do a comprehensive study of the various Creative Commons license forms, and have not done so. However, given the contractual provisions of most traditional publishers' contract forms, which require that the publisher have the full rights to use all third-party materials (such as illustrations or poetry or song lyrics) included in or with the manuscript, including the right to include same in advertising or promotion, and given the limitations on use inherent in those Creative Commons licenses I have reviewed (for instance, the requirement of attribution to the original author, and the lack of an explicit right to excerpt and use small portions of the original work), I would be very, very reluctant to rely upon a Creative Commons license as the basis for including third-party text or illustrations in a manuscript intended for publication by a traditional publisher ... it is simply impossible to ensure that the publisher will abide by the limitations of the license form (and, if the publisher does not do so, the Author is stuck by the publisher's contract form with the liability to the original author for breach of the Creative Commons license form, and possibly also for copyright infringement).

— Robert Stein

Robert 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.

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.



WRITING is TAXING

Thanks to the Economic Stimulus Act of 2008, there's no better time to splurge on equipment for your writing business. So go out and buy that super-powered laptop you've had your eye on or replace that wobbly wooden desk chair with one that's more cushy for your tushy.

Two new tax provisions will allow you to claim more of the cost of depreciable property as an expense in 2008, thus saving you taxes. The first provision modifies the Section 179 expense provisions while the second allows for increased depreciation.

Section 179 Expense. In many cases, Section 179 of the Internal Revenue Code allows a taxpayer to deduct in the year of purchase the cost of depreciable property purchased for business use. This "Section 179 expense" does not apply to real estate, heating or air conditioning systems, and certain other property, however, and is subject to a couple of limits. First, the amount of the Section 179 deduction is subject to a maximum annual limit. The recent changes in the law dramatically increased the annual limit, doubling it from \$125,000 in 2007 to a whopping \$250,000 in 2008. Before the recent changes, the limit was scheduled to increase to only \$128,000. Thanks, Congress! Second, taxpayers can claim the Section 179 expense only up to the amount of net income from their business.

If your taxable income from your writing is more than the amount you spent on eligible property for your business, bully for you! You can deduct the entire cost of the property in 2008, so long as the cost doesn't exceed \$250,000 and your total eligible Section 179 property purchases don't exceed \$500,000. (If you're spending more than \$250,000, what the heck are you buying? A diamond-studded pen for book signings?)

Depreciate in '08. While writers with substantial income may benefit from the Section 179 deduction, writers who suffer a slump in 2008 and earn little income or suffer a loss will benefit little or not at all. But Congress has thrown these people a bone, too. Or should I say a bon-us? As in bonus depreciation!

To encourage capital investment, the Economic

Let's Go Shopping

Stimulus Act contains a provision allowing a taxpayer to claim an additional 50% depreciation on top of any Section 179 expense and regular depreciation. When computing the regular depreciation deduction, the depreciable basis of the property must be reduced by the bonus depreciation claimed.

The bonus depreciation applies to most tangible property and off-the-shelf computer software acquired and placed in service in 2008. Unlike the Section 179 deduction, there is no requirement that the taxpayer earn an offsetting amount of income in order to claim the bonus depreciation. Thus, the bonus depreciation can be used to generate a net loss for the business, which will offset other income claimed on the writer's tax return and thereby reduce the writer's net taxable income and income taxes.

Now for the caveats. The bonus depreciation does not apply to property subject to a binding sales contract entered into before 2008. For instance, if you ordered a computer on December 31, 2007, you cannot claim bonus depreciation even if the computer was not actually delivered to you and paid for until 2008. Drats! Also, like the Section 179 expense, the bonus depreciation does not apply to real estate or HVAC units. Doesn't that just burn you up? Also, if you dispose of the property during 2008 or convert the property from business to personal use during the year, you cannot claim bonus depreciation. Lastly, the new rules change the amount of depreciation that can be claimed for automobiles. Writers claiming the standard mileage rate (which includes most of us) won't be affected by the new depreciation rules for cars, so I won't go into detail on those rules here. However, a quick head's-up to those few who claim actual expenses for their cars—be sure to consult the IRS website or your tax pro for more details about the revised depreciation limits.

Opting Out. I know what some of you rebels are thinking. What if I don't wanna? Can the IRS make me claim the bonus depreciation?

Nope, it can't. You are not required to claim the bonus depreciation. If you elect

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The View from Here

By Susan Wiggs



Live from LA... It's the BEA

So here's my field report, a set of random observations of the Mother of All Book Shows, posted as they happen throughout the weekend (May 28–June 2). I typed them quickly on my handy-dandy eeepc (more on that below).

Still true: People in LA are hotter across the board than normal people. They just are. From the “LA-based crew” that is so happy to serve me wherever my travels take me, to the barista in the Starbucks on Figueroa, they are all gorgeous in their size-zero Gucci Genius jeans. I, a happily married old lady, keep drooling and swooning over bartenders, DJs, and doormen every time I turn around. Oh, and people in LA have peeps and posses. Nobody goes anywhere by themselves

A friend told me never compete with Ted Danson for a taxi—you'll lose.

Favorite LA-moment story: When A Certain Editor was striding down the street, she noticed the entire city street was eerily deserted. A hooded, bearded man called out to her but in true New Yorker fashion she ignored him...until he managed to point out that they were trying to shoot a commercial...

Amazing hotel alert—by going AWOL from the convention, my editor and I found the most interesting and seductive hotel in LA—Hotel Figueroa. It's like stepping into a Moorish palace—the Alhambra or Casablanca.

Great place for lunch—Zucco's. Try the pizza with butternut squash, prosciutto, and feta.

The BEA is in top form this year, although regulars point out that it's less well-attended than when they hold it in New York or Chicago. Maybe attendees are out enjoying the perfect LA weather, cool and dry in the morning and evening, breezy sunshine all afternoon. What's not to like about a convention that's all about books? Making books, selling them, publicizing them, selling them in all possible formats (known and unknown), collecting them, reading and reviewing them.

The convention center in downtown LA is festooned

with banners. The biggest is the James Patterson banner the size of a billboard, which covers the outside of the main hall and is visible for miles. Inside, there are huge banners for huge books. If you've reached a certain level, you get a banner that's probably 20x40 feet, hanging in the entry way—Ted Turner looking like the Marlboro Man, a big Baldacci thriller, Debbie Macomber's book with a great tagline “Four women. Twenty wishes.”

The booths all feature backlit posters of cover art, ARCs, a steady supply of bottled water, and hard candies. I catch up with writer friends I love but almost never get to see—Linda Lael Miller, Heather Graham, Kat Martin, Carla Neggers, Ridley Pearson, Catherine Lanigan (who remembered I once came to one of her signings pushing Elizabeth in a stroller; Elizabeth just got engaged), Brenda Novak, Brenda Jackson...They all get more beautiful as the years progress. At least we wear cooler clothes. We talk about books and book tours (thumbs down from most of us), pub schedules, cover art, travel in Ireland, and the eternal, inexhaustible topic—getting the writing done. So far, I'm sad to report, no one has revealed The Secret.

The RWA booth is its usual warm, friendly self, with free totebags and books by members to give away.

The publishers' booths are busy with signings, meetings, and giveaways. I meet the team of book people from Safeway stores; they were from the corporate headquarters in Pleasanton, CA. Wonderful folks who love to sell books in the grocery store. Erasmus said, “When I get some money, I buy books, and if there is money left over, I buy food.” Think how thin we would all be! I learned my September hardcover will be in a bestseller slot in the chain when it comes out. I love making lists before there's a book. The ultimate self-fulfilling prophecy.

A sales rep told me the Books-a-Million buyer loves the cover of my upcoming book. Once again, affirmation that a great package is a huge incentive for buyers. Another gorgeous cover that stands out—*Safe Passage*, a memoir of escaping the Nazis (I'm a sucker for books like this). ▶

Other account buyers visit the booth—Amazon, Costco, Newsgroup, Ingram. Librarians in droves—love these folks. Two guys from Shelf Awareness stop by. Lots of enthusiasm from them. A team from *Publishers Weekly* needing water, stat. Andy Cohen, president of Grade-A Productions, stops by to chat about his hit movie, *Untraceable*, with Diane Lane, and his new project based on Terry Brooks’s Magic Kingdom series.

I meet with my publicist and PR people from my publisher, and learn *Just Breathe* is getting some cool promotion, including ads on ferryboats in Seattle. Washington State Ferries just started doing transit ads and this is a big deal. We talk about book groups, print ads, glossy magazines, newspaper reviews, online everything. There’s a postcard with a reading group guide that looks fantastic.

The children’s book publishers always have the fun booths. Toys, cupcakes, you name it. I always feel sorry for the booths with no people, like the Cultural Exchange of Lebanon. I sit down and enjoy a bottle of water with them, but I am clearly not the droid they’re looking for.

Books Books Books

- ◆ Favorite concept book: *Pat the Husband* patterned after the children’s classic “Pat the Bunny”
- ◆ Most enthusiastic reps: Brilliance Audio—they love their audio books so much.
- ◆ Most hotly anticipated new book: *Love Matters* by Delilah, a syndicated radio host. I knew I was going to like Delilah. Like most other parents on the planet, I used to have to force myself to stay awake while waiting for my teenaged daughter to get home from her weekend outings. In order to keep the imagination from going overboard, I used to listen to Delilah’s soothing voice and music choices on the radio. She was my Friday and Saturday night comfort fix. And now she has a book. I’m thinking it’s a lot higher on my list than the Miley Cyrus book.
- ◆ Most massive hit du jour: *Twenty Wishes* by Debbie Macomber.
- ◆ Hottest middle-grade children’s book at the show: *Fortune’s Magic Farm* by Suzanne Selfors.
- ◆ Hottest debut novel: *Oxygen* by Carol Cassella.
- ◆ Anti-climactic “reveal”: the cover art for the next Stephenie Meyer book. It’s a chessboard, not as much of a showstopper as the first three.

New Rule: Do not wear your adorable pink Gabriella Rocha heels on the mirror-slick convention hallway floors. (AKA the “what were they thinking?” floor surface) ’Nuff said.

I have a chute signing with ARCs of my September

book, with my perfectly-dressed-in-polka-dots editor. She gets to hear 40-umpteenth people say, “Oooh, my mother loves your books!” Big crowds for Ridley Pearson & Dave Barry, Lois Lowry, Sherman Alexie...

Huge lines in the booths for Michael Connelly, who patiently signs at Hachette for a long time. Barbara Walters looks exactly like she looks on TV although she is tiny. TINY. Her line was probably the longest I saw.

Brooke Shields is so beautiful I doubt she’s human. Kirk Cameron still hasn’t grown up.

I find Anne Rice in the Knopf booth so I can give her and her sister Karen a *Just Breathe* ARC. The book is dedicated to Anne’s other sister Alice, who was in my first critique group. She was my mentor and friend for 25 years. She passed away in November and *Just Breathe* is dedicated to her. Anne looks lovely and it’s a short, emotional conversation.

Then on to the hotel bar for a kir royale made with a hibiscus blossom in champagne, and little nuts in a crispy wasabi crust. Finally, up to my room to write write write. Deadlines wait for no woman.

The Harlequin party was the best ticket around, as always. This was held in a seriously creepy and elegant venue, the [Park Plaza Hotel](#), which is not actually a hotel at all. It’s sort of like the set of *The Mummy* with incredible art deco period detail, long empty hallways, grand staircases to nowhere, sleepy guards, marble entryways. I know beyond a shadow of a doubt that it’s haunted. I love this place so much I would marry it. There were tiny, doll-like cigar girls passing out cigars and chocolate. It is startling to see your favorite jock sales rep kicking back on the loggia with a big fat stogie, lemme tell ya.

Best. Party. Dress. Evah.: the silvery pale gray dress worn by Harlequin vp Lorianna Sacilotto. OMG. She looks like your favorite Barbie doll, the one you used to save all the best prom dresses for.

Best-dressed author at the party: Heather Graham, in a shimmering ombre ballgown.

Most chic authors anywhere: a tie. Catherine Coulter and Kat Martin.

Best ride: I was transported back to the hotel in a shiny black urban assault vehicle driven by a driver named Chardonnay, who told me she used to drive the HumVee limos. She gave it up because she didn’t like driving “a buncha drunks with too much money, actin’ a fool.” I gave her a massive tip.

Parting Observations: My taxi fare to the airport cost more than my first-class upgrade.

Speaking of first class, I’m sorry, but my Inner Girl says it’s totally worth it.

Travel tip: If your seat mate on the plane is chatty and you want to be left alone with all your delicious ARCs, simply tell him you’re a

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Ninc Bulletin Board

COMPILED BY NANCY J. PARRA

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@yahoo.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.

You asked for it, you got it! The new super-duper log-in on Ninc.com. You can Log In with your email address and change your password any time you want.

To Log In to the website, use either your Ninc Membership Number or your e-mail address. Remember, the only email address we have for you is the last one you gave us.

To Change Your Password, click on the "Change Your Password" link found on the Members Only main page, under "Member Services." It will take you to the pertinent spot to make the change.

To Change Your Email Address, simply correct the information in the appropriate area of "Update Your Membership Profile," which is also linked under "Member Services."

If you've forgotten your Ninc Membership Number or your Password, Request an ID/Password reminder and an email will be sent INSTANTLY to your email address with the needed information.

To sign up for e-NINK, go to <http://www.ninc.com>, log in to the members-only pages, go to your profile and click the box for eNINK delivery. And thank you! If the majority of our members sign up for eNINK, Ninc can save \$10,000 a year—more money for great content and programs.

The 2008 Roster is done. Members can download or access the roster any time through the website.

<http://www.ninc.com>

Want to find a bargain? Check out our Discounts Program at [Ninc.com](http://www.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](http://www.ninc.com).

Ninc members with a publishing-related legal problem are eligible to apply to the Ninc Legal Fund. Go to [Ninc.com](http://www.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](http://www.ninc.com)!

The View from Here

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proctologist and you have to study your lecture notes on probes. If you can say this with a straight face, it will probably shut him down.

Final note (for geeks only): This entire report was prepared on the ASUS eeepc 4G surf which I just bought for about 300 bucks at <http://www.TigerDirect.com>. I picked this retailer because for an extra \$11 or so you get the option to return the thing anytime for any reason for free (avoiding the dreaded shipping and restocking fees). However, I'm happy to say I don't plan to get rid of this adorable little thing any time soon. Why? Let me count the ways. 1. Linux, not Windows. 2. OpenOffice, not Word. 3. Firefox, not Internet Explorer. 4. A battery that lasts longer than a plane ride. 5. It's shock proof, immune to dropping, bumping, and other forms of abuse.

WRITING is TAXING

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not to claim the bonus depreciation, though, you must attach a written statement to your return notifying the IRS you are electing not to claim it.

In cases in which a writer shows little or no income in 2008 and expects the unfortunate trend to continue for several years, it may be best to simply go ahead and claim the bonus depreciation on his or her 2008 tax return. However, in cases in which the writer expects to have significant net business income in 2009 and later years, it may be better to forego the bonus depreciation in 2008 and claim the regular depreciation deductions against the income in future years. Here's why. If claim-

(See note above re: high-heeled sandals on slick floor). 6. A normal-sized power cord instead of one that weighs an extra pound or two. 7. It does other stuff you'll like, such as sticky notes, Google Documents (something else to love from Google), and it plays music and movies (tiny speakers don't offer great sound quality but there's a headphone outlet). And here is the real reason I'm sold. 8. This thing is approximately the size and weight of my copy of *Water for Elephants*. As I was packing my bag, I realized I didn't have any sort of carrying case at all for it, and the thing fit in a little 6x9 bubble envelope. So if you hate lugging a laptop, try the eeepc. The petite keyboard takes some getting used to, but it beats a BlackBerry or mobile phone. My verdict—a superb compromise between a heavy, powerful laptop and a handheld device.

Weary conventioner Susan Wiggs is going to make her deadline this month, or die. Watch this space.

ing the bonus depreciation in 2008 generates or increases a loss from your writing business, the loss will offset the writer's non-business income and reduce income taxes only. But if the writer can use depreciation deductions in later years to offset income from his or her writing business, the writer will reduce both income tax and self-employment tax. More savings, more fun!

Got a tax question for Diane? Email her 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>.

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