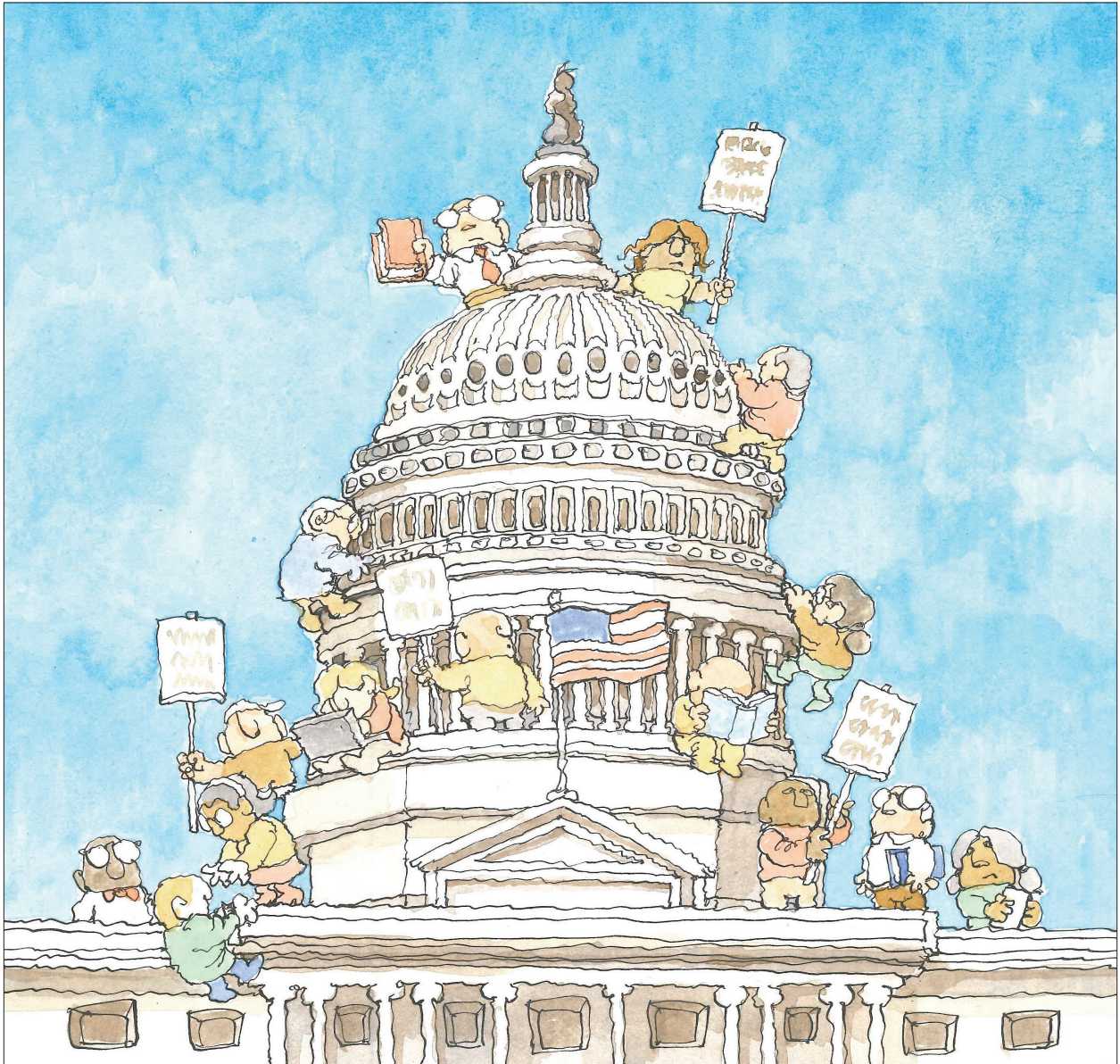


# AUTHORS GUILD

Summer 2016 **BULLETIN**



**The Guild Storms the Hill in Behalf of Authors**

**Tales of the DMCA: Pirates Still Ahoy**

**News From D.C., BEA, AWP, and the UK**

**Tips from Top Agents and Independent Bookstores**

**Suzanne Collins Honored at Authors Guild Benefit**

---

# From the President

## "Where Does All the Money Go?"



Photo by David Ignaszewski

BY ROXANA ROBINSON

*On June 13, Guild president Roxana Robinson delivered the keynote address at a conference sponsored by Publishing Perspectives and held at New York University's Kimmel Center. The title of the conference, Rights and Content in the Digital Age, took aim at a subject that affects "every writer on*

*the planet."* With Ms. Robinson's permission, we reprint a slightly edited and shortened version of her address here. The full text can be found on our website: [authorsguild.org](http://authorsguild.org).

As you all know, the Internet was started by the government, and the World Wide Web by a scientist. Neither was a commercial concern, which in part explains the strange hybrid world that we know today. If the Internet had been started by the telephone company, we'd all be used to paying for it. But because it was originally a free system, a general belief has arisen to the effect that everything intangible on it should be somehow free. "Information wants to be free" has become a kind of mantra.

Of course, the Internet is nothing like a free system. It's highly commercial, and the source of astronomically large sums of money—just not for the people who provide the content. So where does all the money come from, and where does it go?

Ten years ago the Authors Guild sued Google. Google had taken 20 million books, both in and out of copyright, and scanned them without the permission of the writers. Google then used them for its own commercial purposes, without compensation. (The lawsuit concluded in April, when the Supreme Court chose not to review an appeals court decision in Google's favor.)

Google argued that, though it has appropriated the whole text, it shouldn't be charged with using it all, since it only shows limited parts to the public. But Google does use the entire text for its own commercial purposes: to enrich its language database, for translation purposes, and for its search engine. Google claims that it hasn't damaged the authors whose work it's appropriated since it puts "Buy" buttons near the texts. But suppose I'm a harried and impecunious graduate student writing a paper on *Anna Karenina*. I'm focus-

ing on the fact that Tolstoy's sister committed adultery, had an illegitimate child and considered divorce and suicide. I search for recent biographies of Tolstoy and find a new one on Google Books: *Tolstoy: A Russian Life* by Rosamund Bartlett. I type in the word "divorce" and scan the text. Google gives me 14 occurrences, and when I click on one of them, it gives the whole page, as well as the whole page in back and the whole page in front. In fact, the available pages go on and on, offering far more material than I need. So I'm certainly not going to buy the book. I take notes on this passage and click off. Rosamund Bartlett—despite having written an excellent, well-received book, which may have taken years to research and write—receives nothing from this use of it.

The Authors Guild did a survey of writers' incomes since 2009. This showed a drop of 30 percent for writers with over 15 years' experience, people who have made writing a career. This isn't just because of Google Books, of course. There are other ways for the customer to gain access to a book, without a penny going to the writer. Let's look at Amazon.

Suppose you decide to buy a copy of my most recent novel, *Sparta*, which came out in 2013. Chances are that you'll buy it on Amazon. The company offers a new paperback copy for \$12.98. Also a new copy for \$4.33. You can buy a used paperback for \$0.01. Probably you won't choose to buy the more expensive copy. Why would you? You'll buy the cheaper one.

But how can a new copy be sold for so little money? That new copy is probably one that the publisher sold off to make room in the warehouse. If a book's sales slow down and the publisher needs the space, it may sell copies at a deep discount to make room for other books. Many contracts have clauses that will allow the publisher to pay no royalties under these circumstances. So the publisher gets paid, and the middleman (in this case that kindly and book-loving site "Turnpike Liquidators") will get paid. And, of course, Amazon will get paid. Only the author will receive nothing for this sale of the new book she wrote.

These cheap new books, which Amazon posts on the same page as more expensive new ones, will of course cannibalize the sales of the expensive ones. Publishers know this, but they do it because they want some money now, instead of no money now or maybe some money later. So those cheap books flood the market, and every time a customer chooses one of them instead of the more expensive one, the author loses royalties.

I asked the editor of a Big Five publishing house how he felt about this juxtaposition, and if he thought

*Continued on page 6*

# S U M M E R 2 0 1 6

## THE AUTHORS GUILD BULLETIN

### President

Roxana Robinson

### Executive Director

Mary Rasenberger

### Editor

Martha Fay

### Assistant Editor

Nicole Vazquez

### Staff Writer

Ryan Fox

### Copy Editors

Hallie Einhorn

All non-staff contributors to the *Bulletin* retain copyright to the articles that appear in these pages. Guild members seeking information on contributors' other publications are invited to contact the Guild office.

Published quarterly by:

The Authors Guild, Inc.

31 East 32nd Street

7th Floor

New York, NY 10016

The *Bulletin* was first published in 1912 as *The Authors League Newsletter*.

## OVERHEARD

"Where is human nature so weak as in a bookstore?"

—Henry Ward Beecher

## ARTICLES

Advocacy: News from the Hill.....9  
By Ryan Fox

### Tales of the DMCA

DMCA Safe Harbors & the Notice-and-Takedown Regime:  
Update and Member Perspectives ..... 11

On Copyright and Kewpie Dolls ..... 12  
By Damon DiMarco

Copyright Matters ..... 13  
By Hillary Johnson

Book Business Blues: A Transatlantic View..... 15

The Authors Guild 24th Annual Benefit..... 16

Authors Guild Makes a Splash at AWP ..... 18

Q&A with the Guild's Newest Staffer ..... 20

Agents' Roundtable: Tips for Making a Match..... 21  
By Ryan Fox

The Story Behind *Kafka's Son*; or, Does Persistence Pay?..... 25  
By Curt Leviant

BEA 2016: Four Days, Three Panels..... 27

I'm Published! Now What? ..... 39  
By Jeffrey Copeland

Writers, Take Warning: Things You Should Know  
Before You Sign the Contract ..... 41  
By Jessica Friedman

Annual Meeting..... 53

## DEPARTMENTS

From the President.....2

Short Takes.....4

From the Home Office .....7

Legal Watch..... 43

Notable Deaths..... 46

Members Make News ..... 47

Books by Members..... 48

## ABOUT THE COVER ARTIST

Kevin Sanchez Walsh is a freelance artist and longtime contributor to the *Bulletin*. He can be reached at [kswradiographic@gmail.com](mailto:kswradiographic@gmail.com).

Copyright © 2016 The Authors Guild, Inc.

---

# SHORT TAKES

## Book Sales in 2015

The numbers are out: Nielsen Books & Consumers released its 2015 U.S. Book Industry Year-End Review in May, and the Association of American Publishers and the publishing consultancy Codex Group have also reported on last year's book sales. Capturing headlines was Nielsen's finding that coloring book sales have increased from one million in 2014 to an astonishing 12 million in 2015, as adults have fully adopted the hobby. Audiobook sales are also way up, 40 percent higher in 2015 compared to 2014.

E-book sales are down 13 percent, with e-books making up just 24 percent of the market in 2015 compared to 27 percent in 2014. For e-book buyers, the percentage who read on smartphones rather than on dedicated e-readers or computers almost doubled, to 14.3 percent. Readers' preference for the Kindle is waning, from 30 percent of e-book buyers to 21 percent.

*The New York Times* reported that Codex found that "only 13 percent of 18- to 24-year-olds primarily read e-books these days, compared with nearly 30 percent of 55- to 64-year olds." Nielsen also found gains in children's board books, which the company attributed "to adults' desire to read physical books to their children rather than using digital devices," according to *Publishers Weekly*. The figures suggest that young adult readers, long expected to turn fully to digital reading, are sticking with print, and that parents are working to sustain a connection to print for their children as well.

## Backlist E-royalties Challenged in Lawsuit Filed Against S&S

On May 19 a class action lawsuit was filed against Simon & Schuster, alleging that the publisher has been underpaying authors for e-book

sales. At issue is the question: When a reader buys an e-book, is it purchased or licensed? Licensed uses are paid at a much higher rate than sales, with authors generally receiving a 50 percent royalty, compared to only 25 percent for e-book "sales."

The lawsuit states that e-books written by Sheldon Blau, MD, and other authors were not actually "sold" to readers, but rather distributed under "licenses," and so a 50 percent royalty should have been paid. By considering these transactions "sales" instead of "licenses," the suit alleges, S&S has been underpaying its authors.

Complicating the case, reports *Publishers Weekly*, is the fact that a book named in the complaint, Blau's *How to Get Out of the Hospital Alive*, was published in 1998 by a division of Simon & Schuster that is now owned by Wiley—and Wiley is not named in the suit. Further, during the book's lifetime at S&S, it was never published electronically. For these reasons, the case seems unlikely to proceed against S&S.

If the case is refiled with Wiley named as defendant, the underlying issue—whether an e-book transaction is a sale or a license—could have big implications for many older contracts. Book contracts signed in recent years are unlikely to be affected, though, because current publishing contracts tend to clearly identify e-book transactions as sales.

## Rise of Short-Form Books Presents New Opportunities for Authors and Publishers

Bestselling author James Patterson is launching a new book line this year called "BookShots," *The New York Times* reported. Little, Brown, an imprint of Hachette Book Group, will publish about 21 books between June and the end of the year, all shorter than 150 pages and retailing at under \$5 per title.

Patterson's goal is to compete

with other forms of entertainment. According to a recent Pew Research Center survey, about one in four adults hasn't picked up a book in the past year. The program, in this way, is reminiscent of Amazon's Kindle Singles series, a curated list of short e-books. Kindle Singles, which pays authors as much as 70 percent of a book's proceeds, has provided authors with a new marketplace for novellas, long-form reporting, memoir and science writing, among other categories.

BookShots will launch in bookstores and in the usual audio and digital formats, but the ultimate aim, Hachette CEO Michael Pietsch told the *Times*, is to get BookShots into less-than-traditional retail outlets. Due to their small size, Pietsch foresees a time when BookShots are available at a supermarket checkout lane. The *Times* speculated whether BookShots might even revive what was once an important segment of the publishing market: the dime novels and pulp magazines that could be found at any drugstore in the late 19th and early 20th centuries.

Patterson and a team of authors overseen by him will produce a wide variety of fiction, including mysteries, science fiction and thrillers. Other writers will produce romance titles for the line. Nonfiction and current event-based nonfiction titles will begin appearing later in the year. Patterson is hardly a stranger to cowriting; it's what has enabled him to write the dozen or so titles that appear under his name annually. He's even sponsoring a competition for aspiring writers, the winner of which will coauthor a book with Patterson.

## Trump v. Bezos

The publishing industry briefly found an ally in Republican presidential nominee Donald Trump in May, when the businessman (and author) said that "Amazon is get-

ting away with murder, tax-wise,” in reference to the company’s long-time avoidance of paying sales tax in many states. The company now collects taxes on sales in 25 states.

Trump also accused Amazon founder and CEO Jeff Bezos of “using *The Washington Post* for power, so the politicians in Washington don’t tax Amazon like they should be taxed.” Bezos purchased *The Washington Post* in 2013.

Matthew Yglesias, writing for Vox.com, fact-checked Trump’s statements. “The biggest problem with Trump’s theory,” he wrote, “is that Amazon is actually lobbying on the other side of the issue. It wants Congress to change the law to make it *easier* to force Internet retailers to pay taxes, not harder.” He added, “Amazon is so big that most big states are *already* making it pay taxes, while smaller companies are still able to get away with nonpayment.”

Melville House cofounder and copublisher Dennis Johnson reacted to Yglesias on the popular blog Moby Lives: “Yglesias doesn’t dwell on his own observation that Amazon had to be *made* to do so in those 25 states. Nor does he note that 25 states means that Amazon is collecting taxes in only half the country—and it’s worth gazillions of dollars to keep it at that.”

It’s a good bet that the two writers would agree that Trump’s focus on Amazon had something to do with the *Washington Post*’s plan to publish a critical biography of him, *Trump Revealed*. Now the book is out, 431 pages long, document heavy, and serialized in the daily paper and open-sourced online. “Don’t buy, boring,” said the subject.

### Hong Kong Booksellers, Continued

The saga of the five missing Hong Kong booksellers, reported in our last issue, has taken several new and mysterious turns. In March, three of the detained men reappeared.

Booksellers Cheung Chi-ping and Lui Por returned to Hong Kong, where they asked police to close their missing persons cases. Lee Bo returned later that same month, telling news outlets, “It was my personal act. I have never ‘been kidnapped’ or ‘disappeared,’ nor have I been coerced or bribed.”

In June, Lam Wing-kee, who was the manager of Causeway Bay Books, returned home as well, making headlines by speaking openly about his experience. “For five months,” he told reporters, “I was locked in a room of . . . less than 300 square feet. I lost my freedom. If we remain silent, if I myself—being the least vulnerable among the five booksellers—remain silent, Hong Kong will become hopeless.”\*

On June 18, Lam led a protest march to raise awareness of his treatment and the importance of freedom of expression in Hong Kong. Thousands of people—estimates range from 1,800 to 6,000—marched through the streets, ending at the liaison office in Beijing.

The three other men who have been released have challenged Lam’s story, but Lam told the *South China Morning Post* that he believes they are being threatened into silence. As of press time, Gui Minhui, a Swedish national who in January had confessed to violating probation in a fatal drunk driving accident, is the only bookseller who remains in custody.

### World Intellectual Property Day

April 26 was World Intellectual Property Day, so named by the World Intellectual Property Organization (WIPO), the United Nations agency created in 1967 to encourage creative activity and promote the protection of intellectual property around the world. The group argues for “a balanced and flexible intellectual property system” that ensures that creative workers are paid, “so they can keep creating,” according

to their website. This year, WIPO’s efforts focused specifically on “the future of culture in the digital age.”

Some activists on the “copyleft”—those who argue for more openness within copyright laws—used the day to make the opposite case: that expanding the public domain will stimulate creativity and productivity. Using #WorldIPDay, Julia Reda, a member of the European Parliament belonging to the German Pirate Party, tweeted: “I’m trying to #ReadAnneDiary on #WorldIPDay but unharmonised #copyright will not allow me #FixCopyright.” She included a link to a website arguing for *The Diary of Anne Frank* to be placed in the public domain.

That particular work is at the center of a fight over European copyright protection laws. In much of Europe, works fall into the public domain 70 years after the author’s death. Because Anne Frank died in 1945, her writing should have entered the public domain on January 1, 2016, but the Anne Frank Fonds, a foundation created in 1963 by Anne’s father Otto Frank, claims copyright in adaptations by Otto Frank and Mirjam Pressler.

Canadian author John Degen, who serves as executive director of the Writers’ Union of Canada, found Reda’s tweet absurd. He responded: “Why not buy a copy of the book? Just a thought.” He then walked to a local bookshop, purchased the book, and mailed it to Reda. He told a Canadian news radio program, “I’m not sure there’s a more accessible and more available book in the world than the diary of Anne Frank. I wanted to prove that to [Reda] by walking 10 minutes from my office and buying it for her.”

Reda, for her part, swiftly blocked Degen on Twitter.

(For more on European copyright battles, see page 43.) ♦

\*Translation as given in *The New York Times*, June 17, 2016

---

## From the President

*Continued from page 2*

the publishers could do something to stop it. He said, "There is nothing publishers can do about Amazon. Nothing."

That's because Amazon has a virtual monopoly on book sales. It dominates the market so completely that it has managed to drastically lower the price of books across the board. In Europe, by the way, there are laws against discounting books at all. This means that publishers can set the price of a book according to their own costs. Amazon, by offering books at a deep discount, forces the price of books down. And because of Amazon's market domination, publishers are helpless against it. The one time they tried to fight Amazon they were punished by the court. Publishers are helpless here, and writers even more so.

So Google Books has drained royalties from books in copyright, and Amazon has drained revenues from book sales. Writers' incomes are declining at a frightening rate: this isn't a sustainable model. The idea that writers will write, whether they're paid or not, is absurd. The only writers who can afford to work without pay are hobbyists. The notion of creators providing content for nothing is supported by the nonsense phrase "information wants to be free." This by itself is just as meaningless as saying "mathematics want to be caught." It has nothing to do with the ownership of intellectual property.

Of course, the Internet and e-commerce are enormously profitable to some—just not to content creators. The ones who make the profit are the aggregators—entities that amass content and make it available to the public.

*The Huffington Post* was sold for \$218 million, but not a penny of that went to the writers who created its valuable content. Without their content, the site was worth nothing. But writers weren't paid, because of this notion that the Internet is free.

Google, in its defense against our suit, claimed that compensating the authors would have been prohibitively expensive for the company. Their solution was to pay them nothing. According to our 2015 income survey, about half the writers who responded would be living right around the poverty line if they depended solely on their writing incomes. Google, by contrast, made \$76 billion in revenues last year. So we need to think about whether or not this arrangement is fair, or sustainable.

"Disruption" is another favored term used to describe what has taken place in the publishing world as the result of electronic changes. Disruption is seen as good for the old-fashioned publishing houses; but the tech companies don't want any disruption in their own systems. Google, Amazon and HuffPo strenuously resist alterations that anyone else wants to make to the publishing landscape.

The Internet has brought a tsunami crashing down on the publishing world. In many ways this has been exciting and exhilarating: we've been swirled, churned, turned upside down and hurled into the future. There are lots of new ways to approach publishing, and to present writing to the world, and the Internet plays a huge part in our future.

But in order to continue to bring new ideas to the fore, we need to remind ourselves of what copyright stands for—ownership of property; whom it will benefit—our country; and how to protect it—by strengthening the laws. At this point, we at the Authors Guild hope all of you in the audience are bringing these issues to the attention of our national legislators. We're counting on them to protect these precious qualities: access to ideas, freedom of speech, and the right to ownership of our own intellectual property.

Copyright was created, and written into the Constitution, in order to protect writers from precisely the situation we find ourselves in now. Without copyright, anyone could decide to publish my book and sell it and keep the money. The Founders believed that writers were necessary to a democratic society, and they wanted them to be free to profit from whatever value they created.

Because writers—good, serious writers—*won't* write no matter what. They have to pay the mortgage, and if writing won't let them do that, they'll do something else. And as a society we can't afford to lose our good, serious writers. They are essential.

Expressive language is the one thing technology cannot create. Only writers can produce ideas and deliver them through words. So technology needs writers. It can't afford to starve them into oblivion.

We all need writers. It's through writers that we understand the world. We read the news, we read history, we read novels and essays and poetry. We depend upon writing that is serious and responsible, that requires time and energy and commitment to produce. A vital democratic society needs writers; we need them to voice our opinions and report our news; to remember our history, imagine our future and bear witness to our human experience. Writers are essential to all our lives. ♦

---

# From the Home Office

Dear Authors Guild Members,



With a decade of litigation behind us, we at the Authors Guild have had the opportunity to reflect on how the Guild can best serve its members in the coming years. As you all know, the publishing world has changed dramatically in the last decade and the Guild's focus needs to shift as well, in order to meet new challenges.

In 2005, less than 3 percent of American book sales were in e-book format; today that number is 23 percent in terms of sales dollars, 40 to 50 percent in terms of books sold in all formats. We are down to five major publishing houses, a source of concern for many in the business, at the same time as we see an explosion of new ways of publishing. About 20 percent of gross e-book sales in 2015 came from independently- or self-published titles, with over half a million books being independently published. Indie publishing is now common, with a significant number of authors, including many who are long established, choosing to publish some of their work through indie channels. New forms of distribution have evolved as well, including subscription services, library e-lending, open access, discount sites such as BookBub, and the robust "used" book market on Amazon we know so well. In 2005, Amazon controlled about 40 percent of the online market for books; today it controls about 70 percent.

The question we have posed to ourselves in the office—and have asked you to help us answer—is what new services and information the Guild needs to provide to help authors keep up with the continually changing publishing landscape. In so doing, we thought it might be helpful to look back at our history and how the Guild has evolved since its founding.

The Guild—originally known as the Authors League—was founded in 1912 as a trade organization for authors. The first issue of the *Bulletin*, published in 1913, included a statement of the League's purpose:

SEC. 1. To procure adequate copyright legislation, both international and domestic.

SEC. 2. To protect the rights and property of all authors, whether engaged in literary, dramatic, artistic or musical composition.

SEC. 3. To advise and assist all such authors in the disposal of their productions and to obtain for them prompt remuneration therefor.

SEC. 4. To disseminate information among authors as to their legal rights and remedies.

It was affirming to see that our fundamental mission has not changed in the intervening decades. But the types of services members need have indeed changed over time. In the teens and twenties, few authors had agents. The Authors League often negotiated directly with publishers on behalf of members, and the League had a manuscript-reading bureau. One woman, Miss Viola Roseboro, provided comments on the manuscripts submitted. Needless to say, the membership was not as big then.

The Guild was involved in shaping amendments to the copyright law from the start, and it still is. In the early days, we fought hard to ensure that authors did not forfeit copyright protection when their articles were published in periodicals, and we succeeded. Today we are fighting for stronger protections against online piracy, for reasonable fair use laws and for a small claims court that would make it possible for authors to ensure that their infringement claims are enforced without having to spend hundreds of thousands of dollars on legal fees.

Recently, I ventured out to our storage facility in Queens with a summer intern, Paige Bigley, and volunteer Alec Linden (full disclosure—my son), and we searched through a couple hundred musty old boxes of files from the Guild's earliest days. What a trove of wonderful, albeit crumbling, documents! In one letter, Rex Stout, the Guild's former Membership Chairman, writes to William Faulkner: "Don't you think you should be a member of The Authors Guild of the Authors League?" That was the entire letter—one sentence, and, lo and behold, Faulkner did join. We found century-old litigation files for cases we had brought on behalf of authors as well as publishing agreements we negotiated directly with the publishers. There were boxes and boxes of manuscripts sent to the Guild for proof of date of creation, manuscripts submitted for vetting, and correspondence with American literary greats about agreements they were negotiating or disputes they were in the midst of fighting. We will be applying for a grant to digitize these files in the near future, so that they can be more easily accessed for research.

As a history buff, I had a lot of fun going through those files, despite the dust, the 90-degree July heat and the lack of AC. Of greatest interest to me was how similar the work of the early Authors League was to the work

---

of the Authors Guild today. Though the particulars are different, the challenges are in many ways the same.

More than a century later, we continue to review contracts and advocate for fair contract terms for authors vis-a-vis publishers; we are as active in the courts and on the Hill as ever, as we continue to fight for fair copyright legislation for authors. We still provide our members with essential information about the pub-

---

**One thing we've heard from a large number of members is that you need information: about new forms of publishing; about how to self-publish; how to find an agent or a publisher that specializes in your genre or subject matter; how to market and use social media in ways that work for you; how to supplement traditional publishers' editorial and marketing efforts, and many more traditional issues, such as finding and working with agents, connecting with bookstores, and preparing for speaking engagements. . . . We are listening, and are busy building a trove of practical content for both new and experienced authors.**

---

lishing industry through the *Bulletin* as well as on our website and via electronic newsletters. But the issues we take on have changed as much as the kind of information and services we provide. We no longer edit manuscripts; but we build and host websites.

In our recent online newsletters (which are emailed to you bi-weekly or so), we have asked for your input on what types of services and information are most relevant to you now. One thing we've heard from a large number of members is that you need information: about new forms of publishing; about how to self-publish; how to find an agent or a publisher that specializes in your genre or subject matter; how to market and use social media in ways that work for you; how to supplement traditional publishers' editorial and marketing efforts, and many more traditional

issues, such as finding and working with agents, connecting with bookstores, and preparing for speaking engagements. Many of you have also asked for more ways to connect locally.

We are listening, and are busy building a trove of practical content for both new and experienced authors. We are also investigating several new services that we might add to our member offerings, including a speakers' bureau, a list of vetted self-publishing platforms, offering members discounted ISBN numbers for independently published titles, and a notice and takedown service for removing pirated copies of your work from the Internet.

We've also just launched two new categories of *non-voting* membership for "student writers" and "emerging writers," so be sure to tell your friends, students and protégées. A student writer is anyone studying writing at any level from college on and for 5 years thereafter; an emerging writer is simply someone who is pursuing the art of writing and has demonstrated a serious commitment to it. Our goal in serving these new categories of Guild members is to make sure these writers are as prepared as possible for the realities of the publishing business *before* they publish their first book. We're compiling plenty of helpful information on our website to serve this purpose, including guides and resources for self-published authors, practical tips for hiring designers and editors, resources for freelance journalists and translators, and much, much more.

We promoted these new categories at the AWP Conference in Los Angeles this April, where the Guild was a Literary Partner. At AWP we also produced three amazing panels (see page 18), a feat we managed to repeat at BookExpo America in Chicago the following month (see page 27). Since the last issue of the *Bulletin*, we've also conducted seminars or given talks at the Virginia Festival of the Book, The Muse and the Marketplace Conference in Boston, the Copyright Society of the USA Annual Meeting, and the Canadian Writers' Summit, to name a few.

We've also redoubled our advocacy efforts, meeting with members of Congress and working with the Copyright Office on a range of issues that affect writers these days, many of which you can read about in this issue. We have been equally busy on diverse free speech issues, from the banning of books on student summer reading lists, to the arrest and persecution of journalists in Turkey, to an Idaho law prohibiting hidden recordings in agricultural facilities and a certain presidential candidate's practice of barring press.

We continue to hold meetings with all types of publishers regarding the outdated standard publishing

*Continued on page 51*

---

# News from the Hill

In late April, Authors Guild president Roxana Robinson, former president Scott Turow and executive director Mary Rasenberger headed to DC to participate in a panel with the Congressional Creative Rights Caucus and take part in a series of meetings with lawmakers about much-needed copyright law reforms, as well as the urgent need to combat Amazon's anticompetitive conduct and book distribution dominance. We're already seeing some progress.

## Creative Rights Caucus (CRC) Panel

At the panel discussion, cosponsored by the Guild and the CRC—a bipartisan group of lawmakers dedicated to protecting the rights of creators—Ms. Robinson and Mr. Turow discussed the challenges and potential benefits of being an author in today's digital environment.

Representatives Judy Chu (D-CA) and Doug Collins (R-GA) introduced the panel, emphasizing the important role that professional authors and books play in our culture, and the need to preserve authors' ability to be paid for their work in the digital age.

## Copyright Issues

On that same trip, after meeting with staff members of four senators to push for antitrust action against Amazon and request that the Senate join with the House Judiciary to take up Copyright Office modernization and certain copyright law reforms, Guild representatives sat down with several members of Congress and Ms. Rasenberger to discuss issues on the House's current copyright law agenda. High on the Guild's legislative priorities list is the establishment of a copyright small claims court—a venue where copyright disputes can be resolved fairly, efficiently and, most importantly, cheaply, without the hassle and expense of filing a lawsuit. The typical copyright infringement lawsuit costs a minimum of \$150,000, making it impossible for most authors and other creators to enforce the rights they have. There has been some progress on that issue recently.

## Small Claims Bill

On July 14, Representative Hakeem Jeffries (D-NY), a member of the House Judiciary Committee, introduced a bill entitled the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2016, which would establish an accessible and efficient forum to

resolve "small" copyright claims. The legislation, cosponsored by Representative Tom Marino (R-PA), would allow individual authors to protect their intellectual property rights without having to file expensive and complicated federal lawsuits.

The Authors Guild has been advocating for a small copyright claims court since 2006, when the organization testified before the House Judiciary Committee about the need for such a venue, citing an Authors Guild survey that revealed that most authors do not have effective access to the courts for many of their copyright infringement claims. Threats to authors' copyright incentives have increased since that time—



in large part because of increased digital book piracy and courts' reluctance to enforce digital rights—but so have the Guild's efforts to establish a small claims court. The Guild has been working with Representative Jeffries's office on this proposal for several months. The proposed bill deals with many of the difficult issues that the creation of an effective small copyright claims tribunal raises.

The problems the CASE Act addresses have long vexed authors, especially those without the resources to pursue federal copyright claims. The costs of obtaining counsel and maintaining a copyright cause of action

in federal court effectively preclude most individual copyright owners from being able to vindicate their rights and deter continuing violations. Frequently, authors seek to put an end to infringements that are causing a relatively small amount of economic damage. In such cases, the prospect of a recovery that is likely to be dwarfed by the cost of the suit itself dissuades some copyright holders from bringing suit. This means that many individual authors have rights without a remedy—in other words, no real rights at all.

“On an individual level, the inability to enforce one’s rights undermines the economic incentive to continue investing in the creation of new works,” said Mary Rasenberger. “On a collective level, the inability to enforce rights corrodes respect for the rule of law and deprives society of the benefit of new and expressive works of authorship.”

The proposed bill is based largely on draft legislation developed by the Copyright Office in its 2013 report on copyright small claims, a document prepared after holding public hearings and soliciting written comments from individual authors, industry groups (including the Authors Guild), publishers, technology companies, scholars and other stakeholders. The bill would establish a Copyright Claims Board consisting of three copyright claims officers to be appointed by the Librarian of Congress and two copyright claims attorneys to be appointed by the Register of Copyrights. The board would be implemented pursuant to regulations adopted by the Register of Copyrights and would be located at the Copyright Office. Participation in the tribunal would be on a voluntary basis and would not interfere with either party’s right to a jury trial.

“We thank and congratulate Congressmen Jeffries and Marino for introducing this important piece of legislation,” said Ms. Rasenberger. “The Authors Guild strongly supports this bill. The legislation will finally provide authors with a means of enforcing their rights. Federal court litigation is unaffordable to most authors and other creators, and so they have been left with unenforceable rights. We look forward to continuing to work with Congress to ensure that the legislation creates a tribunal that is accessible, navigable and fair to authors—without them having to hire lawyers. . . . Too many authors have been left without real remedies for too long.”

## Other Developments

In other legislative developments, Representative Bob Goodlatte (R-VA), chairman of the House Judiciary Committee, released a statement on World Intellectual Property Day (April 26, if you’re curious) underscoring his commitment to copyright reform and to proposing legislation in areas where consensus is likely. One of those areas, we hear, is Copyright Office modernization—to provide the office with the funding and technology it needs to effectively and efficiently serve authors and other creators in the digital age—legislation the Guild has been actively lobbying for in recent months. And on April 14, Representative John Lewis (D-GA) introduced the Artist-Museum Partnership Act, a bill that would allow tax deductions for charitable contributions of “tangible literary and

*Continued on page 14*

## Former General Counsel Jan Constantine Departs the Guild

April 29 marked the end of an era as general counsel Jan Constantine left the Guild after more than a decade in that position. Her tenure coincided with the Guild’s landmark copyright infringement litigation, *Authors Guild v. Google*. She began working for the Guild on October 2, 2005, a week after the suit was filed; she left a week after the Supreme Court declined to hear the case.

Ms. Constantine was hired by the Guild’s late executive director Paul Aiken, and she became a lively and spirited presence in the Guild’s offices. She saw the Google litigation through 30 months of settlement talks, a proposed settlement agreement,



an amended settlement agreement, a federal district court trial, an appeal to the Second Circuit Court of Appeals, and the ultimately unsuccessful petition for Supreme Court review of the Second Circuit decision. She also managed the estates administered by the Guild and oversaw the daily work of the legal department.

On behalf of its more than 9,000 members, the Authors Guild thanks Jan Constantine for more than a decade of plucky and steadfast commitment to sustaining authorship as a viable twenty-first century profession. We wish her the very best.

# Tales of the DMCA

## DMCA Safe Harbors & the Notice-and-Takedown Regime

The Digital Millennium Copyright Act (DMCA) provides “safe harbors” to protect online service providers (OSPs) from copyright infringement liability for user-posted content—provided they cooperate with copyright holders to police and prevent infringement on their sites. The law was adopted in 1998, when Congress was concerned that liability for user-posted infringements might slow tech-sector growth. Safe harbors are sound in theory, but, as the Guild argued in comments submitted as part of the Copyright Office study, they “have been interpreted by the courts in a manner that leaves individual creators with no recourse against online piracy”—no recourse, that is, except the notoriously frustrating and ineffective notice-and-takedown process.

Each time a standard front list e-book is pirated rather than purchased through a normal retail channel, its author forgoes what would have been nearly \$2 in royalties. This spring, the Copyright Office hosted a series of public roundtable discussions on the effectiveness of the safe harbors. The first set of sessions was held May 2 and 3 at Manhattan’s Thurgood Marshall U.S. Courthouse. Authors Guild executive director Mary Rasenberger participated in these roundtables, as did Guild members Damon DiMarco and Hillary Johnson. (See pages 12–13.)

A second set of discussions for West Coast stakeholders was held at the James R. Browning U.S. Courthouse in San Francisco on May 12 and 13, where Authors Guild Council member T. J. Stiles, who won his second Pulitzer Prize earlier this year (for *Custer’s Trials: A Life on the Frontier of a New America*), spoke about the very real costs of even a small amount of piracy:

To small creators, the DMCA seems designed to fail. Putting the burden on individuals to police the entire Internet is absurd. The cost of piracy in direct terms (i.e., lost sales) is hard to measure, of course, but given the small absolute size of the market for certain works, even a very small amount can be devastating. . . . [E]ven after the Pulitzer, the total sales of my newest book (as of last week) are just 38,000 copies. Merely a few hundred pirated copies equals a mortgage payment, a few months of health insurance, etc. Then there are the opportunity

costs, the lost time from searching and sending out takedown notices. . . . [P]ublishers are authors’ business partners, not employers, and the support they provide on the piracy front varies widely. Penguin Random House has a centralized takedown-notice service, and works with services like Digimarc, but small presses and self-published authors have to take on the load themselves. Even in my case, I spend perhaps 20 minutes a day finding pirate sites that host my books, copies hosted on Google Docs, and videos on YouTube that advertise free downloads of my books on pirate sites. It’s all time that is lost to creating.

On the other side of the chasm, the online service providers tended to argue that notice-and-takedown is working well for creators, or complained about the burden of receiving “defective” takedown requests.

---

**Each time a standard front list e-book is pirated rather than purchased through a normal retail channel, its author forgoes what would have been nearly \$2 in royalties.**

---

Damon DiMarco expressed his dismay at their position: “I went [to the roundtables] to make it clear to representatives of the federal government that, from an author’s perspective, Internet piracy is hurting our industry, destroying the incomes of middle-class authors and eviscerating the time-honored notion that copyright can protect intellectual property,” he said. “Now imagine my shock when I found myself seated with representatives from multibillion-dollar conglomerates, some of whom stated that e-book piracy isn’t a problem, and that any attempts to stop piracy would infringe on their freedom of speech. I couldn’t make that up if I tried.”

## How Courts Interpret the DMCA to Favor the Tech Sector

A subsequent roundtable session explored courts’ interpretation of the DMCA, particularly the legal battles that have been waged over what type of knowl-

---

edge or awareness of infringement should render an OSP ineligible for safe harbor protection. Representing the Authors Guild, Mary Rasenberger argued that courts require such specific knowledge of infringement that OSPs effectively get a free pass for enabling and profiting from user-posted infringements, while content owners are left with the notoriously ineffective notice-and-takedown system as their only recourse. At the heart of the DMCA is a bargain that was struck between copyright owners and service providers so that creativity could be free from piracy on the Internet and so Internet service providers' potential secondary liability for infringing content posted by their users wouldn't cripple innovation. The OSPs' free pass, Ms. Rasenberger noted, removes any incentive for OSPs to cooperate with rights holders to combat piracy; in fact, since the knowledge of infringement could lead to liability, many OSPs avoid policing their sites.

## Individual Creators Left Behind

The shortcomings of DMCA Section 512 are particularly acute for individual creators, who are affected by piracy on the same scale as corporate copyright holders, but who lack the resources to combat it effectively. Many publishers, record companies and film studios have the resources to outsource notice-and-takedown operations and to negotiate filtering or other arrangements with OSPs, either directly or through the services they hire. Independent authors do not even have access to these imperfect solutions.

At a session exploring how voluntary agreements between content owners and OSPs could help solve the piracy problem, Ms. Rasenberger noted that, while voluntary agreements are well and good, the reality is that, to date, individual creators have been left out of the bargains struck between OSPs and major content corporations. Maria Schneider, an award-winning composer, enumerated the ways the DMCA has promoted the interests of Internet corporations over those of individual artists. "Do we want a culture that's controlled by one company?" she asked.

## Next Step

As the Copyright Office continues its study, the next part of the process will likely offer stakeholders the chance to submit comments in response to those made at the roundtables. The Guild will be participating in the reply round and will be sure to keep the interests of individual creators at the heart of the conversation. As T. J. Stiles noted of the San Francisco roundtables, "the most heartbreaking stuff came from the musicians, small labels and indie filmmakers. New releases

being massively pirated within minutes—minutes—of release, and they get no return on their efforts to fight it. One filmmaker broke down and cried describing how he lost his life savings within a couple of days of release. Story after story like this."

## On Copyright and Kewpie Dolls

BY DAMON DiMARCO

Friends, we've got trouble.

As you probably know, Internet piracy of books and other media has skyrocketed. Raise your hand if you've had your copyrighted materials inappropriately monetized. I sure have. In fact, a while back, I programmed Google Alerts to ping me each time a free link to one of my books was posted to the Web—which is why my e-mail account now sounds like a boardwalk arcade game.

PING! Lookee here! A pirated copy of [Insert Title]. PONG! It's a pirated copy of [Insert Another Title]!

At present, Internet pirates post at least 40 links to my stolen work per month. What can I do about it? That depends.

If the pirates post a book I've done with, say, Penguin Random House, I'm in luck. Big publishers can afford to contract Internet security firms. I log in to their author portal, submit the offensive link(s) and voilà! The links get removed . . . usually. They'll reappear in a couple of days, but hey—life is a treadmill, right? At least for a few hours, I can rest easy knowing my royalty stream is protected. Sort of.

But what about books I publish with smaller houses? Since they can't afford Internet sentinels, the burden falls on me to submit a Digital Millennium Copyright Act (DMCA) notice. Which is sort of like saying, "Oh, you nasty pirates! Pretty please stop selling those books you stole from me!"

Internet piracy of e-books and other media has become a grand example of economic disparity. The current system only protects intellectual property when wielded by those who can afford protection. Please note that the Mafia runs on the same dynamic.

So imagine how excited I was when, recently, I was selected to represent authors at the Section 512 roundtable hearings held by the U.S. Copyright Office. I went to make it clear to representatives of the federal government that, from an author's perspective, Internet piracy is hurting our industry, destroying the incomes of middle-class authors and eviscerating the time-honored notion that copyright can protect intellectual property.

Now imagine my shock when I found myself

---

seated with representatives from multibillion-dollar conglomerates, many of whom stated that e-book piracy isn't a problem—and that any attempts to stop piracy would infringe on their freedom of speech. I couldn't make that up if I tried.

I had no idea that certain entities want Internet piracy to continue. Why? Suppose you're an Internet service provider whose profits are tied to the scale of

---

**Suppose you're an Internet service provider  
whose profits are tied to the scale of  
Web traffic. . . . Would you care that  
authors' books are getting stolen if your  
profits were soaring? No, you'd hire  
lobbyists to ensure the status quo.**

—Damon DiMarco

---

Web traffic. A bigger, richer Internet means you have bigger, richer coffers. Would you care that authors' books are getting stolen if your profits were soaring? No, you'd hire lobbyists to ensure the status quo.

For these reasons and so many more, the current DMCA policy places authors in an existential game of Whac-a-Mole. Take one copy of your work down, three more pop up. Repeat, repeat, repeat. Meanwhile, our industry's ecosystem withers from the bottom up. If the powers that be were this lax in enforcing instances of car theft, stock market fraud and homicide, we'd all be riding bicycles, impoverished or dead.

Grim news from the trenches, I'm sorry to say. But that's pretty much all that I took away from my meeting with the powers that be.

Now please excuse me. My e-mail just pinged. I have to go plead with more pirates.

## Copyright Matters

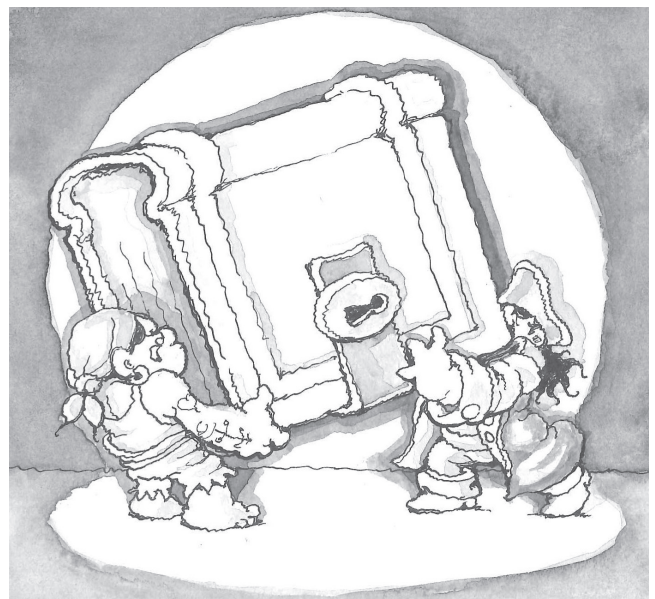
BY HILLARY JOHNSON

In 1996, Crown published my book *Osler's Web*, a 726-page narrative about the federal government's failed response to an outbreak of a brain disease known today as myalgic encephalomyelitis (ME). I researched the story for nine years, interviewing hundreds of sci-

entists, public health officials, doctors and patients, unearthing in the process an extraordinary trail of government malfeasance in the realm of this life-obliterating illness. Two federal investigations ensued upon the publication of *Osler's Web*, each of them confirming the facts as I had laid them out in the book.

The Internet was a distant rumor in the years I worked on *Osler's Web*. By 1996, however, it was coming into its own. During my book tour, I sat before a computer in the tiny storeroom of a Berkeley, CA, bookstore and typed responses to "live" questions from hundreds of members of a large Southern California patient group. Benign, even helpful, I thought. It never occurred to me then that the Internet would become a monstrously efficient facilitator of intellectual property theft, copyright infringement and plagiarism of published works, including the story I had spent a decade crafting.

In the 20 years since, *Osler's Web* has become less a work of literature than a kind of Wikipedia entry from which multitudes have felt free to cherry-pick, rewrite or re-edit to post somewhere on the Internet. Every paragraph or page of *Osler's Web* posted to Facebook



or an amateur's blog has received the benefit of Internet immortality, and every instance seems to embolden someone else to go further. Books based on my text began to appear, written by writers who followed the identical narrative, apparently in the belief that occasional word changes and revised sentences would suffice to stave off accusations of plagiarism.

Repetitive and steady acts of vandalism on *Osler's Web* over time have had the effect of severing my byline from my "unique and hardly inevitable narra-

---

tive,” as one intellectual property attorney described my work in a letter to someone who was about to plagiarize the book. As many writers know, a fact cannot be copyrighted, even if it was you who discovered that fact; but “creative expression,” which would include the “unique and hardly inevitable” narrative I created in *Osler’s Web*, is protected by copyright.

Today, those who are interested in the subject of ME know a lot of what’s in *Osler’s Web* whether they’ve read it or not, because the book’s story lines now have the quality of being in the public domain—about one hundred years prematurely—as a result of copyright violations. New works are being written that cite the

---

**The Internet was a distant rumor in  
the years I worked on *Osler’s Web*. . . . In  
the 20 years since, *Osler’s Web* has become  
less a work of literature than a kind of  
Wikipedia entry from which multitudes  
have felt free to cherry-pick, rewrite or  
re-edit to post somewhere on the Internet.**

—Hillary Johnson

---

infringers of my work as their sources instead of me. A visual metaphor for the process would look like one of M. C. Escher’s dizzying prints.

Everyone with a Facebook account or a blog seems to think he knows how to interpret fair use, though this interpretative analysis more often amounts to a self-serving “I think it’s fair” than to the complex considerations copyright judges weigh in formulating legal judgments and awarding damages. Over the years, experience has taught me to expect outrage, profanity and threats when attempting to communicate one-on-one with infringers. One infringer threatened to sue me for defamation for asking her to take down excerpts from *Osler’s Web* she had posted on Facebook; she claimed I had damaged her reputation within the now quite large (two to four million Americans) ME “community” by suggesting she was engaging in copyright infringement.

In 1998 the DMCA was created as a bargain between “content creators” and the online service providers whose users post infringing content: service providers wouldn’t be held liable for user-posted in-

fringements they weren’t aware of and hadn’t encouraged, and creators would receive an “easy” way to have infringing content removed through the notice-and-takedown system. But my experience suggests that for independent writers and other “content creators” the only real protection is having significant disposable income to hire intellectual property attorneys. (Prince comes to mind.) Even then, it’s an uphill slog. Currently, an attorney I’ve hired is seeking a response from an Australian website administrator who displays about 12,000 words of *Osler’s Web* on her website—quoted material that people feel free in turn to cut and paste from her site to their Facebook pages and thence down the rabbit hole. The infringer has ignored my lawyer’s requests.

The years I spent writing *Osler’s Web* impoverished me; years passed before I recovered financially. Maybe that’s why the “information needs to be free” anti-copyright movement is so hard for me to fathom and why the ease of piracy afforded by the Internet is so distressing. Should writers, many of whom make huge investments of time and energy in the attempt to uncover the great injustices in our society, be expected to remain passive when their hard-won “content” is sliced, diced and doled out in incoherent snippets by Internet gadflies? Must they be slammed as Luddites when they protest? It’s so basic: Who will discover the information of the future and fashion into comprehensible narratives? Will immersive reporting that wears out the shoe leather go the way of the manual typewriter? Has it already? ♦

---

## News from the Hill

*Continued from page 10*

scholarly compositions” (e.g., manuscripts), among other things.

On the Amazon front, we received a positive sign from the White House in April, when President Obama issued an executive order designed to increase competition in all areas of the economy. The order directed every executive branch department and agency to seek out anticompetitive behavior and exclusionary conduct within its ambit, identify actions it can take to increase competition, and report back with specific recommendations for action. Naturally, we’re hopeful the order will turn a few searchlights on Amazon’s anticompetitive conduct in the publishing industry. In the meantime, a group of senators with whom we’ve been speaking has agreed to look into the issues as well. ♦

---

# The State of the Book Business: A Transatlantic View

It's been over a year now since the Authors Guild launched the Fair Contract Initiative. During that time, our explorations of the inequities found in many standard book contracts have prompted wide-ranging reflection on the state of book publishing—in the United States, naturally, but also in countries around the world. The international aspects of the push for fair contracts were largely the result of the efforts of our partners overseas. On May 23, two of those partners—Nicola Solomon, head of the U.K.'s Society of Authors, and Siobhan O'Connor of the Writers' Union of Canada—joined Authors Guild executive director Mary Rasenberger in New York to discuss the state of book publishing around the world. The panel, "The State of the Book Business in the U.S. and Abroad: A Transatlantic View," was presented by the Authors Guild Foundation.

## The View from the U.S.

Mary Rasenberger opened the conversation by pointing to the Guild's 2015 member income survey, "The Wages of Writing," which revealed that since 2009, incomes have decreased 30 percent for full-time writers and 38 percent for part-time writers. This income decline, Rasenberger argued, is the result of "a confluence of factors": evaporating royalty streams for course packs and excerpts, the "information wants to be free" mind-set, an increase in digital piracy, consolidation within the traditional publishing industry, and Amazon's retail dominance, among other things.

Nonetheless, Ms. Rasenberger observed, the digital disruption has opened doors for authors and enabled a potential shift in power: it's now up to authors to decide how to publish their work and whom to partner with in the publishing enterprise. There's even evidence of a willingness among traditional publishers to rethink the boundaries of the book contract. As a potential silver lining, she pointed to a recent deal between a midlist author of fiction and a well-regarded independent publisher that gave the publisher a five-year license for print rights (publishers usually snatch print rights for the "duration of copyright"—the life of the author plus 70 years) and a 50-50 profit split on print royalties.

As Ms. Rasenberger outlined the many pitfalls of today's standard publishing agreements, however,

it became clear that such forward-thinking arrangements are the exception, not the rule. She spoke in detail about several of the unfair terms the Fair Contract Initiative takes aim at: out-of-print clauses that don't let authors reclaim their rights when a publisher stops actively selling a book; noncompete clauses that restrict an author's ability to write and publish; and "advances" that aren't paid in advance of publication.

## "Exposure" in the U.K.

Addressing the state of the publishing business in the U.K., Nicola Solomon revealed some startling similarities between the decline in writers' incomes in the U.S. and in the U.K., where professional authors' earnings have dropped 29 percent since 2005. This development is thrown into relief by the fact that, as Solomon pointed out, the job of author remains the single most desired occupation in Britain, according to a 2015 survey.

Despite that gloomy backdrop, Solomon focused on what the Society of Authors has been doing to make the situation better for authors, including its C.R.E.A.T.O.R. campaign for legislation to address un-

---

**Earnings of professional authors have dropped 29 percent in the U.K. since 2005. At the same time a 2015 survey showed that the job of author remains the single most desired occupation in Britain.**

---

fair contract terms; a public campaign to ensure that writers are paid for their participation in literary festivals; and a push to secure translators and illustrators credit for their contributions to a book's success.

Solomon concluded her presentation on a droll note, protesting against those who insist that writers should write for free because it gives them "exposure" by pointing to a dictionary entry for that word: "the state of having no protection from something harmful; the action of placing oneself at risk of financial losses."

## From Canada: A Cautionary Tale

Siobhan O'Connor, of the Writers' Union of Canada, reported that authors' incomes in Canada have fol-

*Continued on page 52*

---

# Authors Guild Benefit 2016

*There are some good books that are only for adults, because their comprehension presupposes adult experiences, but there are no good books which are only for children.*

—W. H. Auden

The Authors Guild held its 24th Annual Benefit at Capitale on the Bowery in New York the evening of May 25, honoring Suzanne Collins, the author of *The Hunger Games* trilogy and *The Underland Chronicles* series, with its Award for Distinguished Service to the Literary Community. It was the first time the Guild has presented the annual award to a YA author, and Ms. Collins's eloquent acceptance confirmed that the honor was much deserved.

Author and former Guild president Roy Blount Jr. presided over the evening's ceremonies, which paid tribute to young adult literature and to several authors in addition to Ms. Collins. The entertainment began

with a performance called "The Hunger Games in 10 Minutes," performed by Stephen Durosaiye and Tavan Thomas, students at Bronx Prep, and 2015 National Speech & Debate Champions.

In introducing Ms. Collins, David Levithan, author of *Boy Meets Boy*, addressed criticism of the violence in her work. "Children dying in books is not a problem," he said. "Children dying in real life is a problem. That is why we need the truth tellers who are also storytellers and the storytellers who are also truth tellers."

After accepting the award, Ms. Collins, who described herself as an "Army brat" fascinated by war as a child, said "I write for kids because . . . I think the concepts of war—the realities, the politics, the ethical ambiguities—are introduced too late to children. These stories are written with the hope that if the whole idea of war were presented to people at an earlier age, we would have better dialogues going on about it."

Ms. Collins was followed by three distinguished authors of books for young readers—Norton Juster, Rick Riordan and Andrea Davis Pinkney—each of whom spoke about why they write for young people.

Mr. Juster, author of *The Phantom Tollbooth*, and a practicing architect throughout his career, made the



Photo by Richard Koek

Authors Rick Riordan, Norton Juster, honoree Suzanne Collins, David Levithan, and Andrea Davis Pinkney.

## Sidney Passes the Torch

The name “Sidney Offit” is virtually synonymous with the Authors Guild and its sister organizations. Sidney—author of novels for adults and young readers, as well as two memoirs, including *Memoir of the Bookie’s Son*—joined the Authors Guild in 1961. He was voted onto the Guild Council in 1971, under president Herbert Mitgang. He quickly became one of the organization’s most active members, recruiting writers to join the organization, participate in panels, write for the *Bulletin*, and otherwise support the Guild’s work. He also happened to be an emcee of the highest order, charming, self-deprecating, and generous.

In 1972 Sidney was a founding member of the Authors Guild Foundation, along with Saul Bellow, John Hersey, Madeleine L’Engle, James A. Michener, Toni Morrison, Elizabeth Janeway, and Barbara Tuchman. He served as the president of its Board of Directors for more than 20 years, stepping down earlier this year, but remains active in collateral positions: as vice president of the Authors League Fund, as an Ex Officio member of the Guild’s Council, and as a member of the Authors Guild Foundation Board. He continues to teach writing at The New School, which recognized him with a Distinguished Teaching Award in 2001.

The Guild honored Sidney for his long service to the Foundation at the Authors Guild Dinner in May, where he was presented with a custom-bound volume of reminiscences from his many friends and colleagues. Among them was Nick Taylor, Sidney’s successor as president of the Authors Guild Foundation, who wrote of his predecessor’s “legacy of generosity.”

“It’s a Southern kind of generosity that fits with his Baltimore roots,” said Taylor. “It’s modest and

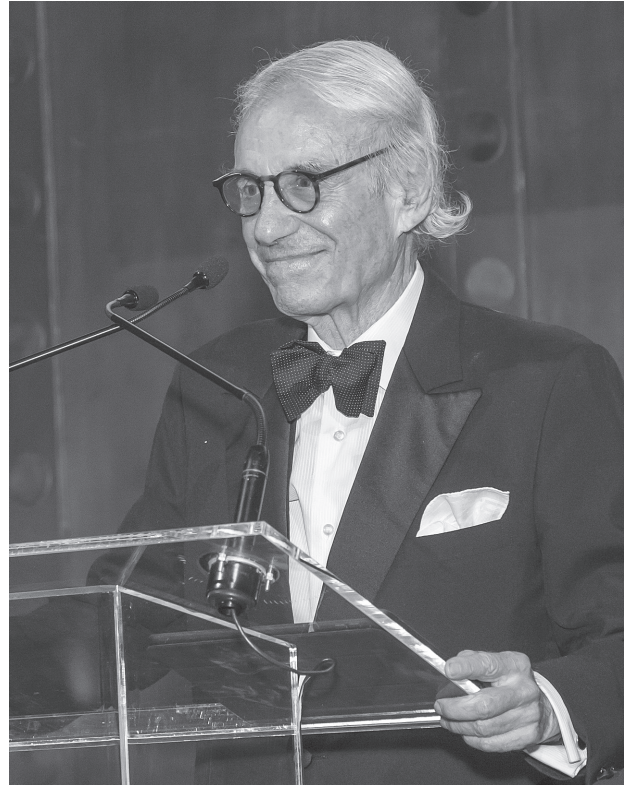


Photo by Richard Koek

courtly. It doesn’t call attention to itself. He certainly doesn’t call attention to it. But it inspires generosity in others. It inspires service.”

“After my half-century of association with the Guild, Foundation, and Authors League Fund,” Sidney told us, “my warmest memories are of bonding friendships with writers (members!) and staff. You have my gratitude and cheers. Onward with good deeds for our literary community!”

point that children are “seriously underestimated” in terms of what adults think “they can understand, what they feel like and how they connect with us.”

Mr. Riordan, best known for the *Percy Jackson and the Olympians* series, said “Why is writing for kids important? I don’t have to look very far to see the reason. In this room, there are a lot of people who have shaped my life and the lives of my children.”

Ms. Pinkney, author of over 20 books, including *Bird in a Box*, and winner of a Coretta Scott King Award, spoke of the power of books to reach those who may need them most: the young, the marginalized, those who feel invisible among us.

The Authors Guild Dinner, held annually since 1993, is the principal fund raising event of the Guild’s year. It benefits both the Authors Guild Foundation, which conducts advocacy and education to support and protect the profession of writing and welfare of writers everywhere, and the Authors League Fund, which has provided vital financial support to authors and dramatists in need for almost 100 years.

At this year’s dinner, the Guild honored Sidney Offit, who served as president of the Foundation for more than 20 years and paid tribute to former executive director, Paul Aiken, who passed away in January after a valiant battle with ALS. ♦

---

# Authors Guild Makes a Splash at AWP Conference

**T**he Guild stepped up its participation at the annual Association of Writers and Writing Programs Conference & Bookfair by becoming a Literary Partner for the first time at this year's event, held in Los Angeles March 30 to April 2. AWP is now the biggest literary conference in North America, with 550 events, 800 exhibitors, and 12,000 attendees coming together this year. Attendees include writers, publishing professionals, students and professors who gather together from all over the world to network and discuss contemporary literature.

Staff members representing the Guild at the conference included Mary Rasenberger (executive director), Sandy Long (chief operating officer), Andrea Bronson (senior marketing communications manager), Jan Constantine (general counsel) and Ryan Fox (editorial director). As a Literary Partner, the Guild hosted three panels and a social networking event. We also manned booth #907, answering questions about Guild advocacy efforts and member services.

## AG Members & Friends Cocktail Reception

We kicked things off on Wednesday evening with a cocktail reception at Caña Rum Bar, on West Olympic Boulevard. Nearly one hundred Authors Guild members, author friends and publishing industry professionals mingled over crafted rum cocktails and enjoyed a taco bar on the outdoor patio.

## Author as Entrepreneur: How to Build Your Writing Business

On Friday the Guild hosted a panel that explored pretty much everything a writer needs to know to succeed in today's competitive publishing marketplace, from contracts to taxes, marketing and publicity. Panelists included AG Council member and author Michelle Richmond (*The Year of Fog, Hum*); Lauren Cerand, a literary publicist whose 2016 clients include the Windham-Campbell Prizes and Daniel Handler/Lemony Snicket; Jan Constantine; and Jason Dravis, a leading agent for bringing books to film, among them *The Hunger Games* and *The Invention of Hugo Cabret*. Mary Rasenberger moderated the discussion.

Ms. Richmond talked about the importance of in-

teracting with readers through various platforms. She keeps her readers engaged between publications by sharing a free short story, a book excerpt or news about the industry on her website, and they return the favor by buying her books when they are released. She advised writers to stay active in whatever branch of social media most appeals to them and to support other writers.

Lauren Cerand offered advice on how authors can work most successfully with their publicists and what they should expect publishers to provide in terms of marketing and publicity. She said that agents are looking for authors with a clean manuscript ready to show and a platform. She defined a platform as "your ability to talk directly to the people who might buy your book and read your work without the intervention of the media." A platform could be a mailing list, regular speaking engagements, a blog, a Twitter account or a role in an organization, whether as an active volunteer or a member of the board. Ms. Cerand encouraged authors to "invest in yourself every day as a creative professional and really think about your market and

---

**A platform is "your ability to talk directly to  
the people who might buy your book and read  
your work without the intervention of the  
media."**

**—Lauren Cerand, literary publicist**

---

where your readers are," and "not to be shy about viewing your publishing relationships as collaborations."

Jan Constantine made a presentation on the Guild's Fair Contract Initiative, launched early last year to improve standard publishing contracts. She encouraged authors to treat their writing as a business, to keep their eyes open to the terms and conditions in their contracts and to be aware of their contractual obligations and those of their publishers. Ms. Constantine urged authors, including agented authors, to read all agreements carefully, to negotiate terms and to get their rights back when they become available to ensure their works are fully exploited.

Jason Dravis advised his audience, "Forget about what Hollywood is looking for. We're going to mess it up on our own. The job of an author is to write the best book possible. Write a book about a character that

---

we can all care about, a place that's unique, a situation that's unforgettable. Write a book that's like butter. Because the better the book is, the more success [agents] have in being able to place it." He also reminded authors how important it is for them to retain their film and television rights.

## From Page to Screen: Exploring Successful Adaptation with Industry Insiders

Authors today have more opportunities than ever to bring their works to the screen, but the complexity of the process has increased exponentially. An AG panel

---

**Forget about what Hollywood is looking for. . . . The job of an author is to write the best book possible. Write a book about a character that we can all care about, a place that's unique, a situation that's unforgettable. . . . Because the better the book is, the more success [agents] have in being able to place it.**

—Jason Dravis

---

held the last day of the conference brought together authors whose works have been adapted; producers and agents who select, sell and develop books for Hollywood; and industry executives (HBO, Lionsgate) who oversee that dicey and laborious journey. The panel was moderated by Guild Council member Nicholas Weinstock, a partner with Ben Stiller in the production company Red Hour.

Bret Easton Ellis shared his experiences of having four of his books—*Less Than Zero*, *American Psycho*, *The Rules of Attraction* and *The Informers*—turned into mainstream films. Having written both novels and screenplays, Mr. Ellis believes that there is a significant difference between the two forms. He said that he writes his novels to be novels, not necessarily to have cinematic elements. He has optioned his books for the money, without expecting them to be made into films, and for the most part, he said, he has been disappointed in the adaptations. "Really good books [usually] make bad movies, because really good books are about consciousness, sensibility, style. Usually, potboilers make great movies. I look back to the '70s with

books like *The Exorcist*, *Jaws*, *Carrie*, *The Godfather* . . . potboiler bestsellers that have a momentum in terms of narrative drive. . . . Often great pieces of fiction don't have that." Mr. Ellis also said that in film, the director is important, but in television, the writer is the star. Television writing relies on exposition and "unpacking scene after scene," which allows a writer more space to write than film.

Gillian Bohrer, former co-president of production & development at Lionsgate, helped bring the *Divergent* and the *Twilight* series to the screen, as well as the cult favorites *Warm Bodies* and *The Perks of Being a Wallflower*. She used her experiences adapting *Twilight* to illustrate how faithful to the book a studio needs to be when the author and their audience are passionate about the material. "To a large extent," she said, "we are there to give the audience of that book a movie experience of the book, so they're very straightforward adaptations." She also noted, "For a movie, you need to have a beginning and an end, but for a TV show, you don't want there to be an end."

Jill Holwager Gillett, a television and packaging agent, has been involved selling and packaging shows such as *True Detective*, *Olive Kitteridge* and *The Leftovers*. She said that in the current book-to-TV business, a book has to be enormously successful to be considered for adaptation. She said that agents are looking for "larger than life characters that we haven't seen before" and in TV, for "worlds that we haven't seen before." Because television depicts an "ongoing world," they are looking for clear and unique author voices and a big, carefully crafted world. There needs to be a clear potential to create many varied stories for each show. Many successful writers just sit down and write an adaptation of their book or an original script without waiting for a commitment from a studio. Better yet, Ms. Gillett said that many of the people working at studios are book lovers who are willing to work with authors directly.

David Levine, senior vice president at HBO, oversees the company's drama programming, including adaptations such as *True Detective*, *Game of Thrones* and, while it aired, *True Blood*. "To me," he said, "if it's really about a world, it's a television show. If it's really about a story, it's a movie."

Mr. Levine said he had to leave the movie business because he felt he needed to take a book and "find the simplest way at it. Our sense of television is that it's just another authored form." Films require people to leave their homes, buy tickets and experience them in a limited time, whereas television allows people to stay at home and enjoy a story that unfolds over time. "The privilege for me," he said, "is that if I were a

*Continued on page 51*

---

# Picking Up the Pace

## *The Authors Guild's New Fund-Raiser Has a Plan*

*Waddy Thompson, who joined the Guild in April, interviews himself.*

### **What was it that attracted you to working for the Authors Guild Foundation?**

First of all, I'm an avid reader. Books have always been important to me as a way to learn about and experience things beyond my immediate world. This was especially true growing up in a very small town, but it remains true today. I'm looking forward to discovering new writers through the Guild to add to my reading list.

More important, the Guild's mission resonates with me on a personal level. I am the author of a book myself. When my book was published (*The Complete Idiot's Guide to Grant Writing*, Alpha Books, 3rd edition, 2011), I was totally naïve about contracts and rights. I wish I had known then what I've learned since I started work at the Guild! And last, I'm no stranger to the literary world, having worked for Poets & Writers in the late '90s.

### **What exactly is the Authors Guild Foundation? Does it have a lot of money?**

As a professional membership association, the Authors Guild, although a nonprofit, is not eligible to receive tax-deductible donations, so the Authors Guild Foundation was created to support the Guild. The Foundation has two purposes: (1) to raise and receive contributions to support the work of the Guild and (2) to conduct programs that benefit all authors. The word "foundation" is misleading in this case. The Foundation does not have a lot of money and must raise funds from the public every year.

### **What's your role at the AGF?**

My title is managing director, and the position includes some oversight of public programs, but my

major responsibilities lie in ensuring that the AGF (and, by extension, the Guild) has adequate financial resources. That's another way of saying "fund-raising."



---

**What can members do to help keep the Guild strong? Get your writer friends to become members.**

—Waddy Thompson

---

### **How do you see the potential for fund-raising for the AGF?**

The field is wide open! The Guild has been around for 104 years, but during that time it has only needed to do a minimum of fund-raising, having been supported by members' dues, various fees and royalties. There is a lot of untapped potential from every source: foundations, government agencies, corporations and, of course, individuals.

### **What's changed? Why is there suddenly such a need for contributions?**

In 2001, membership dues covered 64 percent of the Guild's expenses; in 2015, they covered just 30 percent. Additionally, just as changes in the distribution and use of books have affected the income of writers, so too have they affected income for the Guild. For example, in past years we received as much as \$2 million for non-title-specific royalties collected from international rights organiza-

tions. This year, we expect them to bring in less than \$400,000. During the same period, our expenses rose from \$1.2 million to \$3 million. You can see that for us to remain a forceful advocate for authors and provide a high level of member services, we must develop new sources of income.

### **What can members do to help keep the Guild strong?**

First, get your writer friends to become members. The more of us who stand together, the stronger we become. Not only will the additional income from dues help, but the greater the number of members we can claim, the more impressive we look when we apply to funders. Second, make the Guild an equal with the other charities you support. Even modest donations add up. You can make donations online or by mail, and starting in August, you can set up recurring monthly donations, too. If you have any questions about donating, you can always call me directly at (212) 594-2167. I look forward to working with you. ♦

---

# Agents' Roundtable

## *What Agents are Really Looking for from Authors: Frank Talk from Three Pros*

*This interview, conducted by e-mail in April 2016, was inspired by a panel discussion moderated by Authors Guild Editorial Director Ryan Fox at the Virginia Festival of the Book in Charlottesville, VA, on March 19, 2016. It has been edited for space and approved by the three agents who participated, David Forrer, Eric Myers, and Regina Ryan.*

**Ryan Fox, Authors Guild:** I'd like to begin by asking you each to talk about the kind of books you specialize in, and, more broadly, why agents end up specializing in certain types of books to begin with?

**David Forrer, InkWell Management:** Like many agents, I represent a range of authors and books—fiction, from very commercial to very literary, and non-fiction, including narrative, memoir, biography and humor. Some agents tend to be stronger in certain areas depending on their personal taste and experience.

**Eric Myers, Dystel & Goderich Literary Management:** I specialize in YA and middle grade fiction, adult suspense thrillers and adult nonfiction. I think most of us specialize in the kind of material that we feel most comfortable with, that appeals to our personal taste and that we feel we would have the best luck selling to publishers.

**Regina Ryan, Regina Ryan Books:** I look for books of significant nonfiction that bring something new to the table. I focus mainly on adult titles, but do represent a very select group of juvenile nonfiction projects as well. It's an eclectic list that reflects my interests, which are broad and varied—from women's issues, to natural history (especially birds and brain science), to parenting, to food and travel, to music, business, psychology, history and sustainability. And more! Check my website: [reginaryanbooks.com](http://reginaryanbooks.com).

**What do you look for—in both a book and a writer—when deciding whether or not to partner with an author?**

**FORRER:** I ask myself whether I'm confident that I'm the best agent to represent this author's work. And I ask myself if this is a person with whom I want to have a long-term professional relationship.

**MYERS:** For a nonfiction writer, a solid platform is essential these days, as is recognized expertise in that particular subject. Anybody who wants to can write a manuscript on a particular subject or theory, but if that person is not considered an expert in the matter, or is not, for example, a professor on the subject who is affiliated with a known college or university, a publisher will likely not be interested. For fiction, I look for authors who not only have a strong individual voice, but who also are far enough along in the process that their manuscript is very close to being ready to send to publishers—writers who will not need coddling, hand-holding and guidance through draft after draft until their novel is in decent shape. That's not to say I'm not a nurturing agent—I like to think I *am*—but our time, as you can imagine, is limited.

**RYAN:** I look for a fresh idea, good writing, a strong sales hook and a market that is clearly defined and reachable. Like Eric, I look at an author's credentials (why he or she is someone to listen to on the subject), platform (the ability to deliver readers and book buyers—very important) and degree of savvy about the business and his or her cooperative spirit (i.e., the understanding that he or she will have to do a lot of the publicity for the book).

**What qualities should an author be looking for in an agent?**

**FORRER:** Is the agent truly enthusiastic about my work, and does the agent have a plan for starting and maintaining my literary career?

**MYERS:** I think authors should make sure the agent is really simpatico, *gets* their work and what they are trying to say. And frankly, they should be looking for an agent who is able to give some tough love when a reality check is needed. That's not always a pleasant part of the process for either party, but without it, necessary and beneficial change might not occur.

**RYAN:** Honesty, passion for the project, knowledge of the business.

**What makes for a good query letter?**

**FORRER:** For a novel: a one line opening hook (the Hook), one paragraph summarizing the plot (the Book) and a few lines about the author and what he or she brings to the table in terms of promotion (the Cook). For nonfiction, the most important thing is for the author to establish him/herself as the best person to write the book. I want to be able to "see" the book in my head. Is it really book-worthy or a magazine piece?

**MYERS:** For me, a good query letter doesn't go too far beyond a single page, double- or single-spaced. It

should include enough of a premise that I can get a sense of the plot, without spoilers, so that I'll be intrigued. And no matter what your own biography is, and whether it's impressive or not, I like a brief paragraph that tells me a bit about who you are and what you've done in life. As a stickler for spelling and grammar, I'd suggest that even the best writers have their query letter vetted by a few folks with a good sense of this, because if the query letter is full of spelling and grammar errors, it's a good indication that the manuscript will be as well, and that's a turnoff. Remember that one missing or misplaced comma makes me have to go back and read the sentence again to figure out what you meant to say. And if you've got that type of error in nearly every sentence, that means it will take me twice as long to read your query letter and therefore twice as long to read the manuscript. To me, that's a red flag.

**RYAN:** A letter that quickly gives the sales hook for the book (the single selling sentence that expresses what the book is and why it will appeal to its market); plus, the author's credentials vis-à-vis the subject (why he or she is someone I should pay attention to on the subject), the market he or she is trying to reach, and the author's platform (including previous books and sales).

#### **What else can an author do?**

**RYAN:** Be savvy: show that you understand the business, as well as your role in the publication process. Be courteous. Refer to a comparable title that has done well. Perhaps mention a book the agent has represented that you admire.

**When you get a good query letter and you're intrigued by an author's writing, what do you look for next? Another way to ask this would be: What can authors do—other than writing well—to make themselves appealing to agents?**

**FORRER:** The most appealing thing to me is when another author—preferably a current client—has read



---

**The worst thing an agent can do is to send out a half-baked manuscript. I always work with the author until we both feel the manuscript is ready to share.**

**—David Forrer, Inkwell Management**

---

the book and tells me that I must read it immediately because it's that good.

**MYERS:** I'm always attracted by authors who indicate that they know how the process of being a writer works—what is demanded, the sheer amount of dedication and time it takes first to write a manuscript, then find an agent, then wait while the agent has the book on submission. That waiting game can be a rough one, and I appreciate any understanding an author will be able to give me.

**RYAN:** I look at the author's sample material and make my final decision based on that. Other than that, I agree with Eric 100 percent. Anything the author can do to show how cooperative, enthusiastic, appreciative and nice he or she is, goes a long way.

**After you decide to partner with an author, do you usually work with him or her on the manuscript, or just start sending it out to publishers?**

**FORRER:** The worst thing an agent can do is to send out a half-baked manuscript. I always work with the author until we both feel the manuscript is ready to share.

**MYERS:** It's rare that I have no suggestions to make about a manuscript. But for me to want to take on a debut novel, the manuscript really has to be about 90 percent there in terms of its viability and its polish. If it's still very much a work in progress, then it's not yet time for the author to be seeking an agent.

**RYAN:** I find I often have to help the author reshape the proposal to be a strong selling document. This may involve some editing and guidance on my part or, if it needs a lot of work and I think the author needs a great deal of help—say, if the author isn't a professional writer but a scientist or psychologist—I'll recommend that the author work with an experienced book editor under my supervision. The same is true for the sample material. It all has to be as perfect as possible.

**When you do start sending a book to publishers, what considerations go into putting together a strat-**

---

**egy for where to send it and in what order? Do you consult with the author when putting together the submission strategy?**

**FORRER:** I usually do this when I'm talking to an author about representation so he or she knows how I would position the book. Good comparable titles are important as well as the recent track record of potential editors and publishers. To me, a publishing deal is really a partnership—which publishers will make the best partners?

**MYERS:** The major consideration is which editors at which houses are going to respond, based on the books they have acquired already. And if the manuscript is really a hot one, you're going to want to take it first to the major houses that are able to offer the best advances and more marketing muscle. I'm absolutely open to strategizing with the author on this, as the author may have some good suggestions and, if the author has been to writers' conferences and workshops before, may have made good contacts with acquiring editors who liked their work and have shown them some encouragement. Those, of course, would be editors worth approaching.

**RYAN:** I draw on my knowledge of what interests or passions certain editors have and/or what they've told me they are looking for. I check Publishers Marketplace for sales to publishers—to see what editors have bought recently that might suggest they are looking for a book like this. I consult my colleagues in the Agents Roundtable—a group of 11 experienced agents who have banded together in a consortium to share information, wisdom, services and strategies. I may consult other agent friends, as well. When I have my list, I make a multiple submission as a rule—starting with the publishers that have the best terms and good publishing track records in the book's subject area. If the author has connections or ideas, it's a big plus, and I'm happy to have them.

**What makes for a successful pitch to a publisher?**



---

**I look for a fresh idea, good writing,  
a strong sales hook and a market  
that is clearly defined and reachable.**

**—Regina Ryan, Regina Ryan Books**

---

**FORRER:** When you know exactly what they're looking for and can present them with enough info to "sell" the book to their colleagues.

**MYERS:** I try to make my pitches strong and pithy, direct and to the point—just the way I like query letters to come to me. Of course, it helps if I have something to pitch that is very much of the moment, or in the national consciousness in some way, as that will give the pitch an attractive timeliness.

**RYAN:** A first-rate, polished proposal is key with nonfiction. It has to display not only the rationale behind the project but the author's abilities as a writer who is capable of organizing and presenting complex information, and who writes well. It's important to remember that the proposal is also a sales piece and, thus, should have a sales handle to start with, bulleted sales points, an overview, a section called "The Market" (who you hope to reach with your book and how to reach them via organizations, newsletters, magazines, etc.), a section called "About the Author," one called "Author's Platform" (the ability to reach the market) and a section on competitive titles, including and, most importantly, comparable titles from the last few years that have sold well.

There should be a table of contents as well as an annotated table of contents that not only indicates the contents of each chapter (and shows that the author has thought the book through completely), but also tit-

illates the publisher with descriptions that make one want to read the book. In other words, it should not be a straight outline, such as what a writer might use as a blueprint to write the book, nor should it be the text of the book. Publishers want to see at least one, and preferably two, sample chapters attached to the proposal.

**If you don't mind generalizing, what are you looking for in a publisher?**

**FORRER:** A good track record with similar projects and deep in-house enthusiasm for the book they're acquiring.

**MYERS:** It would be easier to say what I'm looking for in an acquiring editor, as that's who I'll really be dealing with. I prefer ones who respond quickly to e-mails, for one thing. That's not always a given, as you can imagine the sheer number of e-mails these editors have to cope with. And, of course, I prefer editors who deal sensitively with authors, and have an understanding of an author's needs. (And *that* often involves speedy responses as well!)

**RYAN:** I look for publishers who work hard to sell their books, ones who respect authors and ones who have a decent contract. I look for publishers with a sales force that knows how to sell the type of book I am trying to place. Finally, I look for an editor who is really enthusiastic about the project, who gets it.

**What are publishers looking for in books that they may not have been looking for 10 years ago?**

**FORRER:** Big literary novels that they can make into bestsellers—for example, *All the Light We Cannot See*.

**MYERS:** Isn't everybody looking for The Next Big Thing? And if I knew what *that* was, I'd probably be answering you from my palatial estate in the Bahamas right now. Sometimes it's easier to know what they are *not* looking for any longer. In the YA realm, for example, the trend has been away from vampires, paranormal romances and the supernatural to more reality-based stories, usually in a contemporary setting. In the field of adult non-fiction, I recently went to a huge number of publishers with a great proposal for a memoir by a woman who had spent four years teaching in a rough inner-city school. There have been many similar books in the teacher-memoir genre, but her writing and her point of view offered a fresh and surprising perspective. Most publishers agreed on this, but they turned it down, citing the fact that there were already so many teacher memoirs on the market, and that lately they were not selling all that well.

**RYAN:** I think there is a lot more interest in science for the general public and, in particular, natural history. Also in living the simple life—you would think this trend was over, but it's not. Parenting seems to be back



---

**For fiction, I look for authors who not only have a strong individual voice, but who also are far enough along in the process that their manuscript is very close to being ready to send to publishers.**

—Eric Myers, Dystel & Goderich  
Literary Management

---

as a desirable category, after having been a hard sell for quite a long time because there were just too many books on the subject.

**What are publishers looking for in authors that they may not have been looking for 10 years ago?**

**FORRER:** I think more editors are looking for fresh and unusual voices, but it's hard for them to justify those acquisitions in-house.

**MYERS:** They are looking for authors who know how to take the bull by the horns and promote themselves. That means coming in with a strong social media platform. The more Twitter, Facebook and Instagram followers you can demonstrate, the more attractive a prospect you will be.

**RYAN:** They look for the author's ability to partner with the publisher in reaching the book's audience, in promoting and selling the book. This is now pretty much a requirement.

**With the changes to the publishing ecosystem since 2008 or so, have you noticed changes to either the quantity or quality of books being published? How about to the publishers themselves?**

**FORRER:** The big publishers are all chasing the same big books and not taking chances on some of the smaller books and authors who might grow over time.

**MYERS:** The merging of Penguin with Random House, reducing the Big Six to the Big Five, was disconcerting, as is the shutting down of a number of imprints, or the merging of them with other imprints. Acquiring editors with whom we have cultivated relationships over the years are now suddenly finding themselves out of a job, with no security and few prospects. We have yet to see how all of this will affect forthcoming books. But we're standing by, a bit uneasily.

**RYAN:** Right after the 2008 downturn, publishers were cutting their advances and their lists drastically. Lists seem to have grown again and are now about the same, as far as I can tell, but advances are still way down. Also, publishers have fewer editors as well as

*Continued on page 26*

---

# The Story Behind *Kafka's Son*; or, Does Persistence Pay?

BY CURT LEVIANT

Here's the backstory. It involves three tiny parallel digits. In 2007, my fifth novel, *Diary of an Adulterous Woman*, which got terrific reviews in the United States, was published in France. After star billing in the French press, where critics compared *Diary* to *Madame Bovary*, *Lady Chatterley's Lover* and *Anna Karenina*, my novel became a bestseller. Soon other European publishers were clamoring for translation rights. In December, a leading French magazine chose *Diary* for its "Twenty Best Books of the Year" list and one of the seven best novels. Based on this, in 2008, my French editor, Samuel Brussell, accepted *Kafka's Son* in manuscript.

Set mostly in Prague, *Kafka's Son* depicts an American documentary filmmaker who looks for traces of Kafka in the magical city and finds one surprise after another, including a man who claims to be Kafka's son; the beadle of the famous thousand-year-old synagogue, where the legendary golem sleeps; an energetic old man named Mr. Klein; and the lovely young woman in the blue beret.

Also in 2008, my American agent, Jack Scovil, began submitting the novel to American publishers and gathering rejections.

But in France, *Kafka's Son*, published in 2009, was gathering reviews a writer dreams about. During a national television interview, the host hailed *Kafka's Son* as "a work of genius." Two well-known critics called me "an heir to Kafka." A third wrote that I created "a mythical and fascinating Kafkaslovakia." One Paris daily said *Kafka's Son* is a "great novel, a fantastic tale in the manner of Kafka." Another stated that it was "written with the genius of a Salman Rushdie," and that Leviant keeps the reader in suspense until the final page."

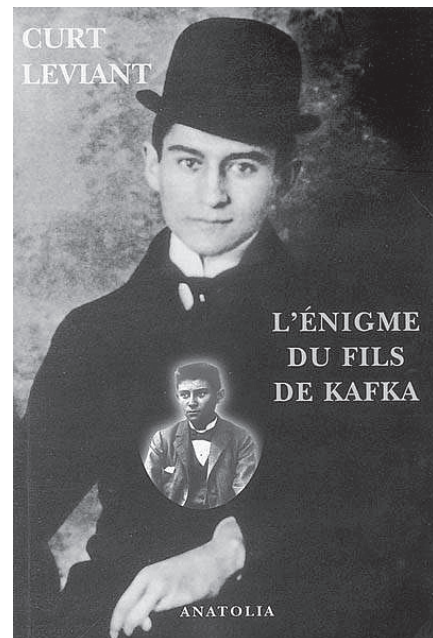
We thought these French accolades would surely clear the path for us in the U.S. However, the nonacceptances kept growing—46 by the end of 2009.

Another agent would have given up after two years. But Jack Scovil didn't waver for a moment. He said, "We will yet find an editor who will love your book as much as I do."

Jack's warmth, optimism and generosity of spirit—a *mentsh* if ever there was one—was one of two sustaining pillars during years of disappointment. The

other, those French reviews. When I felt low—by now, 70 turndowns—I would take out that folder, revel in joy for a moment and ask myself: Can a book so good in France be so bad in America? But that's what America thought, for by January 2012, after four years of submissions, I already had 92 rejections. Ninety-two? There weren't that many publishers in America. The gleeful imp of rejection was creating publishing houses that didn't even exist.

Then, suddenly, in February 2012, Jack Scovil died. I was heartbroken. He was a rare human being who radiated grace, kindness and steadfastness. Out of deep respect and affection for him, I dedicated my next book, *Zix Zexy Zstories*, to Jack's memory. This one I had placed myself, for Jack's agency had stopped handling fiction. (I still don't have an agent. Are there any Jack Scovil clones out there?)

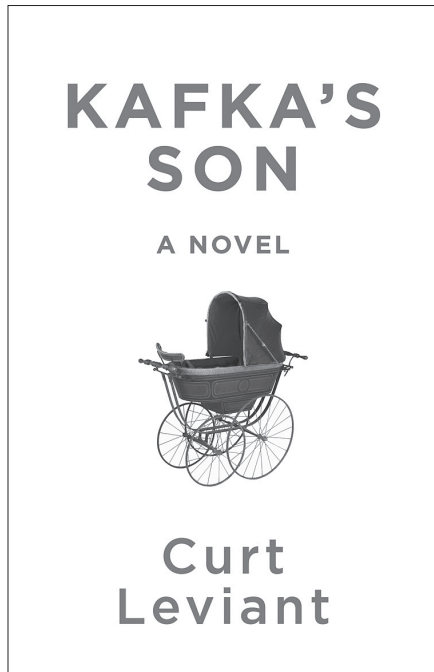


Now I started my own campaign, sending interested editors *Kafka's Son* with all the golden French and other reviews. These included praise by Saul Bellow, Elie Wiesel and American and European critics who had compared me to Calvino, Borges, Kundera, Joseph Heller, and Nabokov.

But nothing helped. Soon 99 publishers—note the new synonym for rejection—hadn't taken *Kafka's Son*. I even wrote to one of America's premier authors, noting that we both shared the same Spanish publisher. But he politely declined to provide a blurb.

Yet, despite 100 rejections, I persisted. At 110—in April 2014—just when I thought I was running out of publishers, I had an idea.

Since a forthcoming Wayne State University Press anthology would include one of my stories, I called the editor, Kathryn Wildfong, to ask if she'd like to look at *Kafka's Son*. She said yes but cautioned, "We've stopped accepting fiction." I sent the manuscript anyway, with reviews—and hope. Two weeks later Kathy phoned: she loved the book—oh, that surge of heart!



but the no-fiction policy held firm. Then, just as the life stuff within me was ebbing, she added, "Would you mind if I sent *Kafka's Son* with my recommendation to Dzanc?"

Delighted, I thanked her. Dzanc, I learned, was an innovative, literature-loving publisher, founded by Steve Gillis and Dan Wickett in Michigan. The days passed on a turtle's back. Would 111 be a magic number?

Three weeks later, in May 2014—in the seventh year of submissions—Steve wrote: "We love *Kafka's Son*! Everyone at Dzanc was drawn to the story, the style, the heart and soul of your world. We would indeed love to publish *Kafka's Son*. . . . Congratulations on a masterful job of writing!"

Dear Jack Scovil: I hope you're looking down and seeing your prophetic words.

Publisher 111.

Those three tiny parallel digits. Totemic, *n'est-ce pas*?

Curt Leviant is the author of *Kafka's Son* (February 2016), *King of Yiddish* (Livingston Press, December 2015) and two new novels still waiting for suitors.

---

## Agents' Roundtable

*Continued from page 24*

fewer staff members in departments like contracts, publicity and so on. Everyone is overworked and things take longer, much longer!

**What's the most important advice you could give a first-time author seeking an agent?**

**FORRER:** When an agent says "no," he/she means "I don't think I can sell this book." It doesn't mean that the book isn't publishable—we're often wrong about that—and it doesn't mean that the agent has any constructive criticism to offer. When an agent says "no," just move on. And keep writing!

**MYERS:** If you don't have any contacts in the industry, make use of such sites as [www.agentquery.com](http://www.agentquery.com) and [www.publishersmarketplace.com](http://www.publishersmarketplace.com) (the latter charges a fee). Search through these to find out what agents are out there, what genres they are looking for, and how

---

**When an agent says 'no,' he/she means**

**'I don't think I can sell this book.'**

**It doesn't mean it's unpublishable . . .**

**Just move on. And keep writing!**

**—David Forrer**

---

they'd like you to approach them. And reach out far and wide; don't go after one agent at a time and wait for a response. Do be prepared to exercise patience. Things rarely move swiftly in this business, despite the handful of stories you hear about a debut novel being immediately pounced upon by agents and publishers.

**RYAN:** Read a lot of good query letters and proposals in the many books that are out there. Educate yourself on what is required and expected of an author. Find out what is selling in your topic area and what actual sales have been (check Amazon's bestseller lists to get an idea; talk to booksellers). Be courteous and respectful of an agent's time (very important!). Use good grammar. Check spelling. Be brief. Get to the point. Lead with your strongest suit (e.g., you are a published author or are well-known in the field or are on the lecture circuit or have a million followers on Twitter.) ♦

---

# Book Expo America 2016: Four Days, Three Panels

Last year, the Authors Guild launched its Fair Contract Initiative at Book Expo America in New York. This year, we observed the Initiative's one-year anniversary at BEA in Chicago with a follow-up panel held the first morning of the convention. Titled "Rethinking the Standard Publishing Agreement," the panel was moderated by Mary Rasenberger, who led a contingent of Guild staffers to the event for the strongest showing of the Guild in many years.

"Rethinking," summarized below, was one of three panels we mounted at this year's event. "Education for Authors: How to Work Successfully with Independent Bookstores," was presented May 13, and is summarized here as well; "Authorship in the Digital Age," was held May 12, with three bestselling panelists sharing their experiences of publishing before and since the digital revolution, Barbara Freethy, Joe Konrath and Scott Turow. An edited version of the full panel begins on the following page.

## Rethinking the Standard Publishing Agreement

The idea behind the panel was simple: to provide a public forum showcasing the range and depth of the industry-wide conversation sparked by the Fair Contract Initiative. The panel convened experts from across the industry to discuss whether today's publishing contracts are fair to authors. Moderated by Mary Rasenberger, the panelists were Michael Pietsch, CEO of Hachette Book Group; Morgan Entekin, president and publisher of Grove/Atlantic; and Jonathan Lyons, a literary agent and lawyer.

The conversation touched on the author-publisher relationship, the division of profits between the two, and rights reversion, among other things. The most notable takeaway, however, occurred during a discussion of the near-standard e-royalty rate of 25 percent net, which authors and agents believe is unfair given the lower production costs associated with e-books. The talk branched off into earnest speculation among the panelists about whether a flat royalty rate—across all formats and for the lifetime of the book—might emerge and solve the problem. No agreement was reached then and there, but the flat royalty rate issue was subsequently addressed in two *Publishers Weekly* articles and is the subject of a column by Ms. Rasenberger in the July issue of the *IBPA Independent* magazine.

## Education for Authors: How to Work Successfully With Independent Bookstores

"The digital revolution was supposed to kill independent bookstores," began Richard Russo, moderator of the Guild's third BEA panel, "Education for Authors: How to Work Successfully with Independent Bookstores." Vice president of the Authors Guild, and author of the new novel *Everybody's Fool*, Russo

---

**"The digital revolution  
was supposed to kill independent  
bookstores. Instead, we've seen  
a resurgence, though not without  
significant casualties."**

**—Richard Russo**

---

continued: "Instead, we've seen a resurgence, though not without significant casualties." The panel, co-sponsored by the Guild and the American Booksellers Association, provided the authors in attendance with practical guidance on how best to collaborate with bookstores before, during and after in-store events like readings, talks, and signings.

One refrain of the event was that authors should take a golden-rule approach to bookseller relations. "We are your partners in selling books," said Sarah Bagby, owner of Watermark Books & Café in Wichita, Kansas. "If you support the bookstore, it comes back around." The booksellers on the panel (in addition to Bagby, they included John Evans from Diesel in Oakland, Mitchell Kaplan from Books & Books in Miami, and Margie Scott Tucker from Books Inc. in San Francisco) also advised writers on reading attire ("see what the other kids are wearing"), the social graces ("introduce yourself to the frontline staff"), comportment ("respect yourself as an author—be proud of what you've done") and the virtues of moderation ("don't show up drunk").

For more tips on bookstore etiquette, see page 39.

## “Authorship in the Digital Age”

The high point of the Guild’s BEA experience this year was the panel we organized on life as an author in the digital age, during which an all-star cast of successful authors—Barbara Freethy, Joe Konrath and Scott Turow—traded publishing experiences in an extended conversation moderated by Jon P. Fine.

Barbara Freethy is a *New York Times* bestselling author of novels ranging from contemporary romance to romantic suspense and women’s fiction. Traditionally published for many years, Barbara turned to self-publishing in 2011 and has since sold over 6 million copies of her 49 books. Twenty of her titles have appeared on the *New York Times* and *USA Today* bestseller lists. In 2014, she was named the Amazon KDP Bestselling Author of All Time. In 2015, she forged a groundbreaking partnership with Ingram Publisher Services to move beyond print-on-demand and sell and distribute her print books into retail stores, thereby breaking down the last barrier to print for indie publishers.

Scott Turow is the author of 10 bestselling works of fiction, including *Innocent*, *Presumed Innocent* and *The Burden of Proof*, and 2 nonfiction books including *One L*, about his experience as a law student. His books have been translated into more than 40 languages, sold more than 30 million copies worldwide and have been adapted into a full-length film and 2 television miniseries. He frequently contributes essays and op-ed pieces to publications such as *The New York Times*, *The Washington Post*, *Vanity Fair*, *The New Yorker*, *Playboy* and *The Atlantic*. Turow is an Authors Guild Council member and served as president from 1997 to 1998 and from 2010 to 2014.

Joe Konrath, one of the first authors to successfully self-publish e-books, was also among the first to be published by Amazon Encore, Amazon Crossing and Kindle Worlds. Prior to the e-book revolution, Konrath sold 10 thriller novels to legacy publishers. The books underperformed, he fought to get his rights back, and they’ve since gone on to sell several million copies worldwide. His blog, *A Newbie’s Guide to Publishing*, has been the catalyst for thousands of authors to choose the indie path. [www.jakonrath.com](http://www.jakonrath.com)

Moderator Jon Fine is a former director of author and publishing relations for Amazon.com in support of its global activities in traditional, digital and independent publishing, now focused on helping authors, publishers and other members of the creative community navigate the changing media landscape. Prior to Amazon, Mr. Fine served as VP and associate general counsel for Random House, Inc.; as senior media counsel at NBC; as counsel at King World Productions for *Inside Edition* and other reality-based programming; and as litigation associate at Debevoise & Plimpton, where he focused on copyright, libel, Internet and media-related matters. He loves stories and books and working with the people who create them.

---

**JON FINE:** I’m here representing the Authors Guild with what I think is a terrific opportunity for authors who are trying to figure out how to create a career. We have three wonderful panelists, whose stories we hope will illuminate the many and ever evolving paths to success as an author. I’d like each of you to spend a few minutes talking about your path, where you are

today and where you hope to be. Barbara, let’s start with you.

**BARBARA FREETHY:** I started out in traditional publishing about twenty years ago. I write romance and suspense and straight contemporary romance novels. At the time, there were only a couple of houses that published the kind of books I wrote. Life was pretty

---

slow through those years. You could publish only once a year, maybe once every two years. I had some pretty good publishers. I worked with four out of the current Big Five over the years. I had some pretty good publishing experiences. I was a lead title at times. I also had some of what the publishing world likes to call “glitches,” such as books not getting into bookstores. Over the years, I’ve had my ups and downs, peaks and valleys. I learned that very few people have a rocket ship ride to the top. If you did, you’re super lucky. I had a pretty successful, probably upper midlist-level career. I thought I was poised for greatness many times, but it didn’t quite happen.

In 2011, things were not going well for me at my publishing house. I had another one of those glitches, where books weren’t getting into Barnes and Noble. I had seen the numbers going down, and I had a kind of epiphany—that I needed to take control of my publishing career. I had some college debt to pay off for my kids, so in addition to really wanting to take charge of things, I was very motivated financially. The e-book world had just opened up, and luckily, I had a few books that I had reclaimed my rights to. Over the years, as I moved from one publisher to another, I had asked for my rights back in the hope that I would sell them somewhere else, though no one ever wanted them. So I was very lucky to have a couple of books to launch with. Back in 2011, there were no resources for self-publishing. Big Joe [Konrath] was a little before me, so I was reading his blog and some others on how to get started. I learned how to do everything myself. I learned how to format. I watched video tutorials on Photoshop. I had to do it trial and error and figure out my brand. Funnily enough, I learned that once I put water on my covers, sales just took off incredibly. So now lakes, rivers, waterfalls . . .

**FINE:** Take note.

**FREETHY:** You have to find your brand as you go. I was really excited when retailers opened up opportunities for authors to publish directly. I’m a big proponent of publishing everywhere the readers are, and I have done really well. The first book I self-published hit number one on *The New York Times* back in 2012. It was shocking because it was the first book of mine ever to hit the *Times*, ever to hit number one. My publisher at the time was shocked, dismayed and didn’t even want to talk to me about it. In fact, she said, “I don’t know if we can put that on your next book. We’re not sure yet.”

I went through the stigma of self-publishing in the very beginning, but I just kept selling. I’ve sold over six million books in the last four years through self-publishing. So, it’s been a great ride. It’s a fantastic



---

**It’s a fantastic time to be a writer, whatever path you choose. . . . There is so much choice now for authors. But what I really like is that I can be in touch with my readers now. The more middlemen you put between you and your readers, the less control you have and generally the less money you make.**

**—Barbara Freethy,  
author and Amazon KDP  
Bestselling Author of All Time**

---

time to be a writer, whatever path you choose. There are so many opportunities for authors. There is so much *choice* now for authors. But what I really like is that I can be in touch with my readers now. The more middlemen you put between you and your readers, the less control you have and generally the less money you make. So I’m a big proponent of getting to my readers directly and publishing what they want. I want them to be able to buy my books everywhere they can buy them. In the last year I signed a deal with Ingram

---

to place my print books in stores across the country. That was another first, for an indie author to break through that last barrier in the world of publishing. So I think more opportunities are opening up every year, and whatever you want to do, there's a lot of choice.

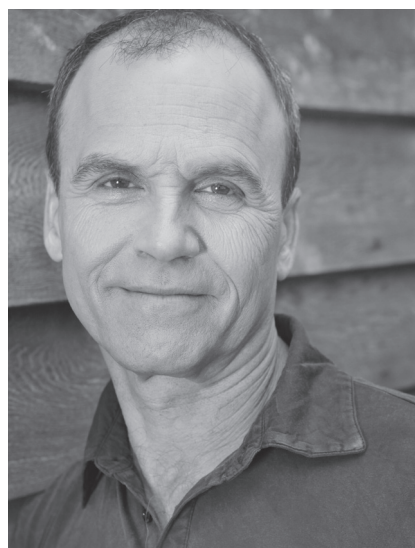
**FINE:** Thanks, Barbara. Scott?

**SCOTT TUROW:** I'm Scott Turow, and I want to say one thing to start: I'm a former president of the Authors Guild, and I think the Guild's position is often misperceived. We have one goal, which is to see the writing life survive. And to see authors be able to support themselves through their writing. Period. We're not pro or against physical books, e-books. Joe and I, for example, have disagreements about Amazon, but it's only about whether it's good or bad for the writing life over the long haul. At the age of 67, I am a product of what was regarded as the traditional system. I published *Presumed Innocent* in 1987 and was hailed as an overnight success, which ignored the fact that I had been writing for 20 years.

**FINE:** I loved *One L*.

**TUROW:** Right, well, I'll get to *One L* in a second. I had gone to college with the ambition to be a novelist. Gone out to Stanford as a writing fellow. These were good years in some ways, bad years in others. And ultimately, because I didn't want to be an academic, I went to law school. And as I frequently say, the great break of my literary career was going to law school. I ended up with a contract to write a book about my first year in law school, which was *One L*, and I suffered some of the hazards of publishing that Barbara was talking about. As it happened, the editor who had bought *One L* was out of favor with the senior leadership of his publishing house. They wanted to fire him, and they didn't want the books he had bought to succeed—*One L* being one of them. So when reorders came in for this nonfiction book about my experience as a law student, they didn't want to reprint it. I had the experience of having my publisher basically trying to suppress sales of my book, which is not something that happens in the self-published model. So I'm sensitive to both sides of this.

I became an assistant U.S. attorney here. I wrote on the morning commuter train. I finally left the U.S. Attorney's Office, took a summer off from the law and finished *Presumed Innocent*. It was actually the fourth or fifth full-length novel that I had written. They'd all been rejected by New York publishers. Again, I'm on the side of authors, period. *Presumed Innocent* changed my life, and it took me on an incredible rocket ship ride. It established me as a quote, unquote "brand-name" author, and I have published 10 more novels



---

**I am a product of what was regarded as the traditional system. I published *Presumed Innocent* in 1987 and was hailed as an overnight success, which ignored the fact that I had been writing for 20 years.**

**—Scott Turow,  
author and Authors Guild  
Council Member**

---

since. I shouldn't actually claim that the last one is published yet, since I'm just finishing the manuscript. You know, I'm like everybody up here. The three of us have one thing in common, which is that we have been very lucky and very successful. And for each of us, whatever model you're talking about, there are literally hundreds of people who have not been as fortunate. I publish with Hachette. I have wonderful publishers who have supported my work through 12 books. My last contract with them did not even tell them what the book was going to be about, although my editor would sound subsequently alarmed when I said that it was going to be about the international criminal court, The Hague. And she's like, "That's not in the United States. Is it?"

---

So, I have had every benefit that you can have from the traditional publishing model, and I still think if you could choose, that would be the right choice. To have a publisher who supports you, does your marketing, does your advertising, provides really excellent editorial input. That's a great thing for authors, and I don't mind dividing the spoils. The one caveat I should add, though, is that I have a daughter, Eve Turow Paul, MFA in creative writing, who told me while she was in graduate school, "Dad, none of my friends think they're going to be able to earn a living as a writer." She does. But her book, *Generation Yum*, was independently, or directly, or self-published, whatever you want to call it. And because she was writing about the food world, it was probably more successful than it would have been had it been published by one of the handful of brick-and-mortar publishers who came that very close to publishing it. Her life is a really interesting model. And it's gone very, very well for her. So as I said at the start, I don't think one way is right and one way is wrong. I care about authors being able to make a living. Period.

**FINE:** Thank you, Scott.

**JOE KONRATH:** Well, I pretty much agree with Scott.

**FINE:** Oh come on, guys.

**KONRATH:** If I had to pick something I didn't agree with him on, it's when he mentioned choice. You know, if I had a choice to win the lottery, I would take that.

But it's not a choice. The vast majority of authors out there—we don't get that invitation to the big show. If we're lucky, we get a big boilerplate contract, which is not on very favorable terms. And that is often for your life plus seven years. Barbara was very lucky to get her rights back. I had to fight for my rights back. But, getting back to what they were both saying, you have to get lucky. You have to keep at it. And we all do agree—we want you to succeed. We want you guys to be more successful than we are. We want to see you up here next year, talking about your journey.

To talk about my journey a little bit, I graduated from college in 1992. I knew I wanted to be a writer, and I wrote a book and got rejections. And then I wrote another book and got rejections. And wrote another book and got rejections. I did this nine times. I wrote nine novels that together got five hundred rejections. I could not make a dime off of this. Finally I wrote book number ten, and I got a six-figure advance for three books, which broke down to about \$30,000 a book. So it wasn't even really quit-your-day-job money. My spouse was still working while I was doing this *writing* thing. I was treated very well by my first publisher. I had really no

complaints about them. Yes, there were problems. Like Barbara, I had a book that wasn't released to one of the big chains until a month after it came out. That really hurt sales. I had editors leave, and my series was dropped. Right after I signed my second three-book deal, my publisher decided they no longer wanted to publish mysteries. So my series was just abandoned. One of the problems with the legacy contract that I signed was a "no compete" clause, which is something that you have to watch out for. No compete meant that I couldn't write anything for anyone else, so my first publisher had my one book a year. They only wanted one book a year, and I wasn't making nearly enough money to support my family on that. So if I wanted to write more than one book a year, I had to go with a pen name. I wound up with three different pen names, trying to juggle three different major publishers, getting stuff out there and keeping food on the table. But again, extremely lucky to have that because I was one of tens of thousands of authors who never even got those opportunities. While I'm cruising along making . . . maybe my best year during those years was a \$45,000 year. Again, great money compared to what most people are getting, but still constantly worrying about bills and still not being able to reach the fans that I wanted to reach because of distribution problems, and because I couldn't consolidate under one name. I was three different guys—which was great for my wife. She got to sleep with three guys.

None of them were successful, so she slept with three losers is what she did.

So Amazon comes along and invents this e-book reader. A lot of people give me unwarranted credit for knowing that this e-book boom and the self-publishing boom were going to happen. They're wrong. I was just as clueless as anybody. But remember earlier when I was telling you about those nine books that I couldn't sell? I had those. And I thought, "Well, I'm publishing traditionally. And Amazon has this Kindle thing and apparently you can put your books up on it." So I put these books up for \$0.99—I was making \$0.30 a pop—and I thought this isn't going to be income. This is just a way to lead readers to my real books, the ones that were traditionally published, that were available in bookstores. The first month I did this, I put a couple of titles up, and I made \$1,500. And I thought, "*That's my mortgage payment*. This is odd. I did not expect this to happen." So I started publishing some more stuff, and I started raising the prices a little bit. And Amazon had a little issue with Apple, and they wound up matching Apple for agency pricing on a 70 percent royalty, which means my royalties jumped from 35 percent to 70 percent in e-books. And then I was making \$80,000 a month.



---

**Don't confuse goals with dreams.**  
**I can have a dream to be Scott Turow**  
**(but) I never will be. . . . Self-publishing**  
**is a goal. . . . You finish your book.**  
**You get a good editor. You get a**  
**good cover. You make sure the book**  
**kicks ass. And you can do it.**

—Joe Konrath,  
author and blogger of  
*A Newbie's Guide to Publishing*

---

And . . . again, luck, guys. I was in the right place at the right time.

**FINE:** But you worked yourself into the right place at the right time. Give yourself some credit.

**KONRATH:** No, a lot of luck is being prepared for it. Scott was writing on the train every day, and boom, he hit the right book at the right time. Barbara, the same thing. She went the traditional route. She tried it herself. She realized that everybody wants to look at rivers? Is that the secret, really?

**FREETHY:** Water. Water.

---

**KONRATH:** Water? Everybody wants to look at water, and boom. Number one bestseller. There's no blueprint for this. You just have to keep at it and work your butt off until you get to wherever you want to be and know what your goals are. I want to talk about goals briefly before I turn it back over to Jon. Don't confuse goals with dreams. I can have a dream to be Scott Turow. I never will be. There's only one Scott Turow. He's it. You can never hope to get—well, you can hope for it, but hoping to get his deal and his career is not the same thing as actually setting goals, which are things that nobody else has to say yes or no to. So when we talk about self-publishing, self-publishing is a goal. You can do it. You finish your book. You get a good editor. You get a good cover. You make sure the book kicks ass. And you can do it. It is a goal. Writing a thousand words a day is a goal. Becoming Joe Konrath or Barbara Freethy or Scott Turow is not a goal. That's a dream.

And really, really don't confuse the two. I've got a good friend, Blake Crouch. I just walked into BEA and saw that he's got a four-story banner hanging right over the registration desk for *Dark Matter*, which is being given away free today at one o'clock. His dream came true there. He got the seven-figure deal. He got the huge push from a publisher. But you can't go after that unless you have the opportunity available to you. And it's wonderful to say yeah. If you're given that choice, absolutely take that choice. There's absolutely nothing wrong with that. Go for it. That's the best deal you can possibly get. Your publisher is going to do wonders for you. But we're not all offered that.

**FINE:** Thank you, Joe. It's interesting, each of you talked in broad terms—Scott with a little more specificity—about what your list looks like and where it exists and how you're handling all your individual titles. Could each of you talk a little more—I think this applies primarily to Barbara and Joe—about the paths you are using. Are they traditional? Are they just independent? Who is publishing your books? Are you doing hybrid work? Things of that nature and how they intersect.

**FREETHY:** I am totally indie now. I'm not hybrid. I do still have some six books locked up with a publisher that I'll probably never see back in my lifetime. But going forward, I'm definitely all indie. It's not just the money, which is fantastic. I have to say, I have made about a hundred times more in indie publishing than I made in traditional publishing, and I wasn't paid that poorly there. But the 70 percent royalty rate is just very difficult to beat in digital books. So for me, that's a big part of it. But it's also control. There are no trends in the world of digital publishing. When you're in print, you're very connected to the three or four national

---

book buyers and what they want to put in the stores because of limited shelf space. In the digital world, there is no limited shelf space. So people say to me, "Are you writing what's hot?" I say there are readers for everything. Of course things go up and down, but there's definitely a much broader world of books in digital. You can write anything. When I first self-published, I was doing romantic suspense. I had been dropped by a publisher because they told me romantic suspense was dead. Those were the first books I self-published that did phenomenally well. They weren't dead. They were just dead for a particular group of buyers at that moment in time.

So one of the really great benefits of being indie is that you have flexibility. You can adapt. You can write beyond the lines. I always wrote between the lines. They didn't know how to cover me. I was kind of decimated by the cartoon cover—back in the day, when everyone had a cartoon cover and I didn't.

So there's a lot more leeway and flexibility. Of course, there are great traditional deals out there. I have friends who do really well in traditional, and I would never tell them, "Don't do it." Indie publishing is a lot of work. We talked about a lot of luck but it's a lot of work as well, because you are the publisher. You are wearing every single hat. I go write my book, and then I have to be the marketing expert, and the advertising expert and do the formatting . . . or I have to at least oversee the formatting and the editing and all the other different hats I'm wearing. So if you're not the kind of person who wants to really run a business, that's something you need to consider before you decide to go indie.

**FINE:** If offered, would you take a traditional deal now?

**FREETHY:** No, probably not.

**FINE:** So there's no amount of money that you would . . . ?

**FREETHY:** No one's offered me an amount of money that I would say . . .

**FINE:** Twenty-five million dollars.

**FREETHY:** Then okay, I would do it. Joe's going to pay me 25 million. Alright!

**FINE:** Somebody tweet that.

**FREETHY:** I haven't heard an offer yet that would make me want to switch.

**KONRATH:** What Barbara said about control really resonates with me. I give the Authors Guild proper due when it comes to their new contract initiative.

They know that publishing contracts are one-sided, and they don't like that. And that's great. And they're informing publishers that we really don't like this. Some of the clauses in standard publishing contracts that are very one-sided are the option clause, which means you can't really shop your next book around. The publisher that has your latest book is going to have the first shot at your next book. The non-compete clause, which I told you about earlier. The whole idea that the publisher can keep rights for an indefinite period of time is obscene to me. The rights deals I've done—I've done some things with Amazon Crossing, where they're translating my books into different languages—are all for set terms. They get it for seven years, or for nine years, and then the rights revert back to me. That is a very big deal. We can talk about intellectual property. I know that Scott likes to talk about that, too. Copyright is yours, okay? You don't have to run and register your book as soon as you write it. It's definitely a good idea to do that, but once you write something, this is your book. You never really sell your book. You sell the rights to your book, so somebody can do something with it. They can publish it in English in North America, or worldwide. Or in German or in French or Spanish. Film rights, audio rights or whatever. I've found that the tighter the control I have over my rights, the more money I generate.

**FINE:** Can you talk to me a little about how your books are being published these days? You mentioned that you're working with publishers on translations.

**KONRATH:** Sure. I've had books with Hyperion, Hachette and Ace, which was Berkley I believe. I'm allowed to say that I parted amicably with them. That's all the non disclosure agreement allows me to say, but between you and me, it was not easy to get the rights back, however amicable it was. It was a very difficult, fun thing to do. How's that?

It is very tough to get your rights back. Publishing contracts are very hard to break, so know what you're in for when you sign a contract. Currently about 80 percent of my stuff is indie-published, and I sold a lot of rights to audiobook publishers. I sold a lot of foreign rights. And Amazon does have a couple of my novels in North America and other countries. Tibet.

**FREETHY:** Alright!

**FINE:** Scott, do you want to talk a little bit about how you manage your rights? How engaged are you with that aspect of it?

**TUROW:** I think that everyone has to be conscious of the fact that no one cares as much about your books as you do. I have a wonderful agent, Gail Hochman,

---

who has been my agent since before *Presumed Innocent*. She's one of my dearest friends, and she certainly looks out for my business interests in a remarkably vigilant way. But as much as I love and trust her, I still try to acquaint myself with the overall pattern of what's happening. Hearing Joe talking about copyright brought me back to this law school model that you were taught in property class, that property represents a so-called bundle of sticks. That's a great way to think of the rights that you can sell, so long as you hold on to your copyright. You can assign the copyright for certain purposes. You can license it for certain purposes, like for foreign languages. You want to hold on to the derivative rights, which is much more difficult when you get into the film world, where they want to acquire everything that can possibly happen on film with a particular book. I've always been lucky that I've been able to hold on to my characters, so that they're mine and not the studio's. But you know, you've got to be conscious of the options, whether you're lucky enough to be financed by a traditional publisher, or you're doing the kind of work that Barbara talked about. You're never just going to be able to say, "Oh you guys take care of it." I certainly don't.

**FREETHY:** I totally agree with what Scott just said, that no one cares about your book as much as you do. For me, that led to indie publishing—that's what I came to realize. It's really hard to give away that control. I do sell foreign rights to publishers because that's difficult to do on my own.

**FINE:** Scott, you mentioned Gail Hochman, who is a great agent. Tell me, Barbara and Joe, a little bit about how agents do or don't play a role in your work.

**FREETHY:** I've had many agents over the years. My nightmare is when they'd all get into the same elevator with me at a conference.

But it'd be really fun . . . Yeah, no, they're all great, and they were all great at various times in my career. I was never sorry I made the moves. Never sorry I went to them. But because I'm totally indie and I'm not trying to sell to New York, I don't have an agent currently. I do have an agent who was nice enough to just sell my foreign rights for me, because that's difficult to get into. Never say never, but I just don't need one at the moment.

**KONRATH:** If you can get an agent, get an agent. But you don't necessarily need an agent, at least when you're starting out. Because of Amazon and other platforms, we now have the opportunity to reach an audience without needing that particular type of gatekeeper. I'm not saying a gatekeeper is completely useless. I love my agent, and my agent still brings in

money for me. An agent is sort of like a really good hunting dog. You can hunt without the dog, and you can still do okay. But the dog kind of brings more game to you. Getting a good agent is something you're going to want to do down the road, because your agent can reach foreign publishers. I mean how many of

---

**I love my agent, and my agent still brings in money for me. An agent is sort of like a really good hunting dog. You can hunt without the dog, and you can still do okay. But the dog kind of brings more game to you.**

—Joe Konrath

---

you know who publishes romance and suspense in Czechoslovakia? Your agent probably does, or knows somebody who knows, and they're worth the money. An agent should be bringing you in enough money to cover her 10 or 15 percent, whatever the agreement you have with her is. I love my agent, I use my agent, my agent continues to bring in money for me. But I don't think it's as necessary as a lot of new writers think to get an agent in 2016.

**TUROW:** I think for those who want to break down the walls to New York, agents at least profess to play a curatorial role. If you have an agent who is respected by publishers it probably makes it easier to get an editor to read a manuscript when it comes in. Getting the agent, though, is really difficult. The one thing I sit here thinking about, and it's always the issue when we talk about the traditional model of publishing, is whether it will survive not simply digital competition or things like Amazon, but—being completely honest—will publishing survive publishers? They constantly make the wrong judgments about authors, about marketing techniques. They're trying to do their best, but they have done a good job over the years of being tone-deaf and face-blind. So that's a whole separate threat. And I remember having an argument, within the last 10 years, with one of my publishers, and I said, "You know, you don't even know who reads my books." And he was very proud of himself, and said, "Well no other publisher does either."

Amazon knew. Amazon could tell you all about them. They weren't going to share that information with the publishers, and the publishers have no lever-

---

age to demand it. But that kind of stuff is not helpful for authors.

**FINE:** I want to pick up on something that Barbara said at the beginning, which is this sense of opportunity. I've seen it as well. I've been lucky enough to talk to literally thousands of authors at conferences over the last few years, and I've been able to chart a growing sense of optimism, I think, as the opportunities and paths have increased. The flip side of that is, as I've always tried to emphasize, you know, being a writer, even with these new opportunities, has never been a fast track to riches. Barbara highlighted the fact that with this control comes a great deal more work outside the business of putting words on paper. Each of you is on your own path. What are the challenges that you face today? One thing I've found over the last few years is that fewer and fewer traditional publishers are actually editing authors' books. So even in a traditional path, a lot of the things you would look for from a traditional publisher are no longer available. This is not true across the board, but many writers still have to find editorial help on their own, in a way that's very similar to what Joe and Barbara have to do. Can you talk a little bit about those various challenges?

**TUROW:** I'll jump in on that one, because this is definitely true. Traditional publishers now deliver less of what, in theory, makes traditional publishers worthwhile, to a greater number of authors. In other words, they put more and more authors on the sink-or-swim model. They give them very, very limited editorial advice. They spend nothing on marketing and think about it almost as much as nothing. And I constantly get into this fight with friends in publishing. I say, "You guys don't seem to realize you're killing yourself."

**FINE:** Nobody has made the opportunities for Amazon more possible than traditional publishers.

**TUROW:** Absolutely.

**FINE:** To put a little structure around it, I always thought of a traditional publishing deal as having four legs to it: an up-front investment, which can be incredibly important; editorial work, to make the book as good as it can be; marketing, to reach audiences that you could not reach otherwise; and then distribution, getting the books in all the places they should be. The first and last legs, I feel publishers continue to do, though the lack of diversity in distribution should be troubling to them, given Amazon's strength in that area. But editorial and marketing are two legs that seem to have been sawed off the table. Scott, you emphasized even though you're going the traditional route, you have those challenges. Barbara, Joe: Do you

want to talk a little bit about what makes you wring your hands every day?

**FREETHY:** To speak to Scott's point, one of the greatest ironies for me was that in traditional publishing, they forced me to learn how to do all my own social media. I mean, I was sent e-mails that said, "Get a Facebook page. Get on Twitter. This is what you need to do." So I actually had to learn all that when I was with a traditional publisher. So I kind of laugh when people tell me they're going to go to a traditional publisher to get marketing, because they're really not unless they're at the top of the list. The one percent of the list get a lot of everything. But midlist and down, you're going to be out there doing your own social media. So I do exactly the same thing to promote my own books now that I did when I was with a traditional publisher.

I also want to comment on the retail partnerships, because it's really important to me how great the retailers have been as partners to writers. I wouldn't have had my success without that direct relationship with retailers. They say that you and your publisher are partners, but I was always prohibited from talking

---

**I remember having an argument,  
within the last 10 years, with one of my  
publishers, and I said, "You know,  
you don't even know who reads my books."  
And he was very proud of himself, and said,  
"Well no other publisher does either."**

**—Scott Turow**

---

to any kind of retailer or distributor when I was with a publisher. When I went indie, I discovered I could talk to retailers and realized that, hey, we both actually have the same goal. We both really want to sell books. My books. So now I can go to a retailer and say, "What can we do? Do you have a promo? I'll lower my price, because hey, I can do that." I don't have to go to a committee of people and ask if I can lower my price. I can lower my price, or I can get in a promo, or I can write an extra bonus edition for anything they want to do. So I've been able to create this great relationship with the retailers—and I definitely think the indie world would not be anywhere near as successful without its retail partners, who have been very democratic in helping

---

authors come up. Of course, I worry about the huge competition. There's, you know, four million books on Amazon now or something. Certainly there are a lot more writers in the pool. The competition is better than when I started. That was the get-rich-quick era, when everybody thought they could make money really fast because they could just download a book with a bad cover and make some cash. Those days are long gone. That was probably a six-month moment in time. But that's true of all publishing. The glory days are always somewhere else. Every time, it's like, "Oh it was really good ten years ago. It was really good five years ago." I never seemed to hit it at the right moment.

**FINE:** You seem to be doing okay now.

**FREETHY:** I'm doing okay now. I did have a little bit of that great window of time. But I think it's still really, really good. E-book sales are strong and continuing to grow. We're seeing the younger generation of readers reading on their phones and every other possible way. I think we're going to continue to see people reading in all different kinds of formats and length. So my goal is just to stay flexible. Stay adaptable. Keep thinking about what's next. Don't rest on what happened and what was good two years ago, but what am I going to do next? What kind of innovations are coming? Because I think that's going to continue to keep propelling the whole industry.

**TUROW:** One of my frustrations has been with traditional publishers' not being able to leverage the advantages that they have. So, we still don't have in this country the obvious universal license, so that somebody buys a book, gets a physical copy, gets a digital copy, gets an audio copy, and with software that allows, literally, wherever you are, that book, it'll appear on your portable device, on your handheld; if you get in the car, it will be queued up and ready to play on your media player.

**FINE:** You have to pay twice to do that now.

**TUROW:** At least twice. And you know, if publishers had figured out how to do that, they would have had an enormous advantage.

**KONRATH:** In 2007, Scott, I was invited to speak at Google. It was called the Google Unbound Convention. This was before e-books and right before Amazon released the Kindle. They weren't called e-books yet. No one was using the term e-books. They invited me down because I knew a lot about self-promotion. I knew more than my publisher did. And when I finally did land a publishing deal, I really, really, really wanted to keep it. So I learned all I could about how to reach readers. And one of the ways to reach read-



---

**I always thought of a traditional publishing deal as having four legs to it: an up-front investment . . . editorial work . . . marketing . . . and then distribution. The first and last legs, I feel publishers continue to do . . . But editorial and marketing are two legs that seem to have been sawed off the table.**

**—Jon Fine,  
moderator**

---

ers was this new burgeoning social media thing. How many of you are one of my MySpace friends? MySpace . . . but seriously, that's what Google wanted me to talk about: how to get MySpace friends and how to reach people who are looking for you. One of the things I said was, "I don't understand why with the hardcover you're not getting a free digital text CD," because there weren't downloads yet. I called it a digital copy of the book, because no one was using the term e-book. This was in New York in 2007. I took the subway over. There were four people reading on their phones and

---

one person with a newspaper. I said, “I think these digital books are going to be a thing,” and they all went “Huh? Huh? Digital, huh? No, we publish paper. We kill trees.” That was the attitude then.

**FINE:** This has been terrific, but we have only a few minutes left, and I want to give the audience an opportunity to ask questions. I see a hand over there.

**AUDIENCE MEMBER NO. 1:** First of all, thank you. I really appreciate what all of you have said. I don’t have a question per se but an observation. You missed a category, self-publishing, which is closer to traditional publishing than it is to indie publishing. I just published my first book with a self-publisher, and it’s been my worst nightmare. I’m going indie.

**FINE:** I think the comment points to the fact that anytime there is a revolution, you’re going to see individuals and organizations pop up to take advantage of it. What you’re seeing over the last few years, and some of these organizations are terrific, are companies that are helping folks who want to go indie self-publish, handle some of these—the cover design, the editorial. You sign up with them, often times you pay them money, and they provide you with these services. Unfortunately, there has been a litany of bad stories around that. That really is the natural extension of what we used to call “vanity publishing,” which existed before self-publishing and the ability to just upload your book on your own. It is unfortunate to hear about your experience, but I think you’re right. There still is a terrific opportunity out there.

**KONRATH:** There’s an old saying I remember from when I was getting started, and it’s “Money flows towards the writer.” If you are going an independent route, yeah, you are going to wind up paying for proofreading, and you’re going to wind up paying for editing, and you’re going to wind up paying for cover art.

**FINE:** And you should. Because you want the book to be as good as it can be. It’s competing against the best books.

**KONRATH:** Absolutely. But, as Scott said, make sure you know how many sticks you’re giving away in order to do that. If you want to sign with a traditional publisher and are getting a smaller percentage from them for doing all that work or because they have incredible distribution, Jon is right. If you want to reach the most people possible, you sign with one of these big publishers that has a huge booth here at BEA. But if you just want to reach some readers, you can do that without these big publishers—and you still hold on to your bundle of sticks. And never ever give away your bundle of sticks for services, an editing service, a print-

ing service, a proofreading service, for cover art. Those are your sticks. You keep the sticks. You give those people money. You keep your sticks, and make sure that you know what you’re signing at all times.

**FINE:** There are resources online. The Science Fiction and Fantasy Writers of America has a Writer Beware column that highlights some of the challenges that you could face when you go out on your own but with one of these services.

**AUDIENCE MEMBER NO. 2:** So what are the three or four feasible changes that traditional publishers should make in the next year or two to make things better for authors? And for themselves, for their survival?

**FINE:** Well put.

**TUROW:** I talked about universal licensing earlier. Publishers can make themselves blue in the face telling you why it can’t be done instead of trying to think their way around it. E-book royalties are a scandal, quite frankly, and if the antitrust division of the Justice Department was going to get involved in any aspect of the publishing business, they chose the wrong target. The fact that every major publisher has a 25 percent of the net e-book royalty, which represents roughly half of what the royalty would be on a physical book, and that they stick to it, relentlessly in the case of midlist and lower authors, is scandalous. And my contract says the same thing.

**FINE:** As a lawyer at publishing houses and then at Amazon for many years, I can report that there is remarkably little variation amongst the agreements. One of the pitches I continue to make is that publishers have a real opportunity—and Amazon took advantage of this when they started Amazon Publishing—to differentiate themselves and use the contract as a marketing tool. Some of these terms are important aspects of the potential to do that.

**FREETHY:** I want to comment on pricing, too. In recent months, we’ve seen e-book pricing going up to \$15 and \$16 to protect the print price. I understand why they want to do that, because they are worried about print, because print is all for New York publishing. That is what they’re the best at, that’s where they make their money. But I think it’s a huge problem for them, and I think when they say that e-book sales are going down, I think that’s why. Because they’re pushing it down. I don’t see that happening with people pricing their books at \$5.00, \$6.00, \$7.00, or \$8.99. But when you’re getting up to \$15 or \$16 for an e-book . . .

**FINE:** You might as well buy the hardcover.

**FREETHY:** Yeah, well, I think that’s the plan.

---

**FINE:** I'm going to ask for one more question, and then I want to leave time for each of the panelists to give 30 seconds of parting advice. Can we get one more question?

**AUDIENCE MEMBER NO. 3:** As to getting your rights back for film and television, in a contract, what is a fair amount of time for that? I know yesterday the Authors Guild recommended 18 months. I'm in Los Angeles. Eighteen months is just talking to people, getting your book in the door. So what would be a fair amount of time in the initial contract on getting those rights back?

**TUROW:** Are you talking about a deal with an option?

**AUDIENCE MEMBER NO. 3:** Yes, for film and television. An option deal.

**FINE:** I think that's harder. I think the reversionary interest that you guys were talking about yesterday focused on those rights that publishing houses generally pick up. Every author has a different experience in terms of selling their rights to the publisher, and the publisher selling those rights in turn. One of the things we tried to do at Amazon was create a structure whereby if we had rights that we hadn't used, that were lying fallow, whether they were translation rights or otherwise—and I can't speak to whether the agreement looks this way now—you could come back to us and ask for them back after two or three years. And usually there would be an opportunity for us to figure out how to do it if we could, or we would give them back. Whether it's 18 months, or whatever time you can specify, I think that lights an appropriate fire, and incentivizes publishers to do the work they're signing on to do, but also preserves the author's ability to get his sticks back.

**TUROW:** One of the current unfairnesses is that all publishing contracts tend to have clauses that say, you know, you can have your rights back if the book has been out of print. But publishers then say, well, but you know, it's available in print-on-demand. So you can sell two copies a year and therefore the book is still in print. This is one of many issues where the Guild has been fighting standard contract language, and that's one of the reforms that would be significant if publishers actually wanted to be fair to authors. Publishers, if they want to survive, have to make publishing inviting for a much greater family of authors than they do right now.

**FINE:** This is one of the great things about the revolution-slash-evolution of the past few years, is it really has forced publishers to think more carefully about how they treat their authors. But it's still a very

slow process, as I think everybody out here will agree. Joe, did you want to add something?

**KONRATH:** Anything is negotiable, if you're willing to walk away from the deal. The one in power in any kind of negotiation is the one who's willing to walk away from it. If they say they want it forever, or they're not even going to discuss giving you the rights back for three years, don't sign with them. Don't sign that deal. Go someplace else. I really like Scott's sticks analogy. You need to hold on to your sticks, people.

**FINE:** And here's the thing. You do have those opportunities now, and you didn't have them, say, ten years ago. In fact, I'll close with this. I think it was 2009, Joe, that you and I shared a stage at BEA, maybe 2010. It was one of the first times that self-published authors, independently published authors, were at a function like this. It's been remarkable to see over the last seven years how much things have evolved and how many things have not sufficiently evolved. As we closed out that session, I asked each of the panelists, including Joe, to offer their key advice to writers as they moved forward. So I will leave you each to your 30 seconds . . .

**FREETHY:** My advice is don't be scared. Self-publishing is not as scary as you might think. I'm seeing people spending \$20,000 and thinking they're self-publishing, but they're not. They're using a scammer. So I would just say, don't be scared. Be in control. You're in charge. This is your book, and whatever relationship you're in with a publisher or a retailer, it's an equal relationship. It didn't used to be, but it is now. It's equal. So, speak your piece.

**TUROW:** My advice is that I don't know anyone who has succeeded in the arts, including the three people who are sitting here, without being able to take a punch. You've got to be able to get up off the canvas and write another book. Every book makes you better. If you really want it, then you have to keep at it.

**FINE:** Joe?

**KONRATH:** Don't write shit!

**FINE:** Yeah! That's what I was waiting for. That's what you said in 2010. And that is a touchstone. That is so important. Opportunity doesn't necessarily equate with competence.

**KONRATH:** Also, I'll add to that, since it's been a couple of years since then. Watch what you sign. Really watch what you sign.

**FINE:** Thank you, everybody. This has been great. Enjoy the rest of the conference. And thank you to the Authors Guild. ♦

---

# I'm Published! Now What?

## *An Author's Guide to Creating Successful Book Events, Readings, and Promotions*

BY JEFFREY COPELAND

One of the greatest milestones of a writer's life is when word comes that a piece long worked on—often with blood, sweat and tears thoroughly mixed together—will be published. It does not matter if the work is published by a mainstream publisher or self-published through one of the many e-publishers/e-retailers. What matters most is the creative effort has found a home and will be available for others to read and enjoy—a culmination of all the background research, composing, revising, editing, and formatting. The pure joy and overwhelming euphoria, the satisfaction of accomplishment (add drum roll and fireworks here) all come together to make the experience one never to be forgotten. This period of practically floating on air all too soon gives way as hard reality sets in, typically in the form of the question: "I'm published! Now What?"

The "Now what?" that follows is often the most important consideration of all. The "Now what?" is the long road to achieving successful book readings, events and promotions. These are the life blood of any new publication, and without these, your hard-earned work can quickly wither and die on the bookshelves. Basically, this is the age-old question: "If a tree falls in the forest and no one is around to hear it, does it still make a sound?"

In fact, there is a lot an author can do to make sure the work "makes a sound," starting with a healthy dose of self-promotion and the sage advice of bookstore event coordinators with years of experience.



---

**There is a lot an author can do to make sure the work "makes a sound," starting with a healthy dose of self-promotion.**

—Jeffrey Copeland

---

### Self-Promotion 101

Unless a book has incredible advance sales or the author is very well known (and many times not even then) bookstores are not going to contact an author to do a book event.

How then, do you get yourself into the stores? The answer is self-promotion. You must take the initiative by contacting bookstores directly and inquiring about the possibility of doing an event.

- First, send a short query letter or email to the Event Coordinator.
- Express your interest in doing an event.
- Be specific about what kind of an event you have in mind: a reading, a signing or a special presentation.
- Explain why the event would be beneficial to the store and/or the local community.
- Ask the event coordinator to contact you to discuss the possibility of an event and provide your full contact information.
- If you don't hear back within a few weeks, I recommend a follow-up call. You can remind the coordinator of your earlier correspondence to break the ice and move to a conversation about doing an event.

This method won't always result in an invitation but it will let the bookstore know that you and your book are out there, and the coordinator might have suggestions about other venues/groups in the area that you might approach.

### A Word from Our Sponsors: Advice from Bookstore Event Coordinators

From the initial planning stages through the events themselves, perhaps no other group has the range of insight into what authors do to create successful appearances than bookstore event coordinators. What follows are voices of experience, offered by event coordinators from independent bookstores around the country.

---

Suzy Takas, The Book Cellar, Chicago

From my experience, authors who have the best success at readings talk about their book and writing process but do not spend a ton of time reading the actual books. The conversation should intrigue us to read the book. A peppy, vibrant speaker always helps.

Candy Purdom, Anderson's Bookshop, Naperville, IL

The authors who conduct successful events share a taste of their books, but do not tell *everything*. The best ones give information about how the book came to

---

**I would discourage most authors from  
reading for longer than five minutes. . . .  
It's shocking how dramatically sales of the  
author's book will drop  
if the event lasts longer than 45 minutes.**

**—Stephanie Schindhelm,  
Boulder Book Store, Boulder, CO**

---

mind and how they approached writing it. Also give some teasers to spark interest, not unlike what movies do with trailers or TV shows do to entice viewers to tune in. If a reading is to be done from the book, it can't be too long. Maybe two short passages. And they are willing to engage with the fans and take questions for a period too. The author/program can take 30–40 minutes, with questions. It should be wrapped up in an hour and then the book-signing line begins.

Jeremy Garber, Powell's Books, Seattle, WA.

The #1 thing authors can do prior to an event or a reading is to focus their energies on securing an audience. While bookstores often do their own promotion of upcoming events, social media is an invaluable tool for authors to reach both established fans and new ones. .. While traditional media remains important (review coverage, event listings, etc.) the role of social media cannot be overstated.

Kris Kleindienst, Left Bank Books, St. Louis, MO

Authors who have successful events contact their local friends and family in ample time with an event invitation and encourage their friends and family to support the event by purchasing their book *at the hosting store*.

The most successful authors don't have a party first

with all those named above at someone's house or restaurant and give everyone the book.

The most successful also tweet, post on Facebook, and provide information about the event on their own website. They also link to the bookstore's e-commerce website on their own site so that people can purchase the book online. They DO NOT steer people to an Amazon page.

Pam Grange, Kepler's Books, Menlo Park, CA

My number one piece of advice: Don't give away the ending (fiction) or your conclusions (nonfiction). I've seen this done way too many times. Authors must, first and foremost, entice listeners to buy the book.

Maryelizabeth Hart, Mysterious Galaxy Bookstore, San Diego, CA

First, not all authors read well. Author, know thyself.

Shorter readings are better 95 percent of the time. Authors should practice the introductory material to the piece they are selecting to read, not improvise, which often includes rambling and hesitation.

Stephanie Schindhelm, Boulder Book Store, Boulder, CO

I would recommend reading a little from the book, so people can hear your words in your own voice, but I would discourage most authors from reading for longer than five minutes. The only author I've seen who could do this was Neil Gaiman.

We have found . . . that the best time-frame for a presentation is a 30-minute presentation and a 15-minute Q&A, followed by a signing. It's shocking how dramatically sales of the author's book will drop if the event lasts longer than 45 minutes.

Gretchen Treu, A Room of One's Own Bookstore, Madison, WI

Show up early and be patient and friendly with the staff! Many would simply not believe how poorly authors treat those who work at bookstores.

Plan ahead! Contact potential bookstores at least two or three months before your book is released. . . . Be prepared to handle book sales on a consignment basis if you are from a tiny publisher or are self-published. ♦

---

Jeffrey S. Copeland is the author of *Inman's War*, *Olivia's Story*, *Shell Games*, and *Ain't No Harm to Kill the Devil*. Mr. Copeland has conducted national and international book readings, events, and promotions for over thirty years. He lives in Cedar Falls, Iowa, and has been a member of the Authors Guild since 2011. This piece is adapted from *I'm Published! Now What?*, Paragon House, 2016.

---

# Writers, Take Warning

## *Things Every Writer Should Know Before Signing a Book Contract*

BY JESSICA FRIEDMAN

**U**nder the publishing agreement you signed for your latest book, you are most likely responsible for any legal claims that might arise out of it. Among other things, you “represent and warrant” to the publisher that the book won’t defame anyone, won’t invade anyone’s right of privacy and won’t tell readers to do things that are dangerous. You also agree to indemnify the publisher, which means to pay the publisher’s legal fees if anyone claims that your book *does* do any of these things. If a claim goes to trial, you could be on the hook for your legal fees and your publisher’s, not to mention damages if you lose—a lot of money either way.

If your book is a work of nonfiction, a memoir, or a novel based on real events, and it is being published by a large or medium-size publisher, it probably will go through a prepublication review, or a “libel vet.” An attorney who represents the publisher will read the book, identify legal risks and work with you to remove or change the relevant text to minimize those risks. This process can reduce the risks of a suit, but it also comes late in the game—sometimes too late to fix certain problems that the publisher considers deal-breakers. If that happens, the publisher is entitled to pull the book and, depending on your contract, demand that you pay back your advance. Rather than waiting for the prepublication review to identify and correct potential legal problems, you should try to anticipate and avoid them before you start to write and while you’re writing. Here are some things for you to think about.

**Libel and privacy.** Not all potential libel and privacy claims are obvious. Watch out for separate statements



Jessica R. Friedman has practiced literary property, copyright and trademark law in New York City since 1989. She has been named as a Super Lawyer® for the New York Metro Region for the last five years. More information about her practice is available at [literarypropertylaw.com](http://literarypropertylaw.com). © 2016 Jessica R. Friedman

that, taken together, create a risk of a libel claim. For example, let’s say you say in chapter 1 that you were staying at an ABC Hotel during a recent trip to Brooklyn, and you say in chapter 4 that at three o’clock in the morning during your stay, the hotel lobby was full of prostitutes. Even though you are not identifying the hotel as an ABC Hotel in chapter 4, since you identified it that way in chapter 1, you are inviting a claim by the ABC Hotel company about what goes on, or does not go on, in its lobbies at three o’clock in the morning.

Also, avoid “throwaways.” These are statements that do not add anything to your narrative but raise a

---

**You may need to disguise certain characters in order to reduce the risk of a libel or privacy claim. . . . Changing someone’s name from Jean to Jane is almost certainly not enough. The point is to make changes that will prevent a reader from saying, “That woman sounds just like that investment banker I know in San Francisco.”**

---

big red libel or invasion of privacy flag. For example, if in a biography of X, you mention that once in high school, X went on a date with Y, who was a victim of child abuse, and Y is never mentioned in the book again, the description of Y as a victim of child abuse is a throwaway.

You may need to disguise certain characters in order to reduce the risk of a libel or privacy claim. Memoirs about abuse or violence present a special challenge: since the events that are most likely to give rise to a defamation or invasion of privacy claim are crucial to the story, the *only* way to reduce the risk of a claim is to disguise the characters. Changing someone’s name from Jean to Jane is almost certainly not enough. Choose a name that starts with a different letter, has a different number of syllables and sounds different. Change your character’s profession, location and physical profile as much as you can within the framework of your story. Camouflaging an investment banker as a mortgage banker is probably not enough, but recasting her as a lawyer might work. If possible, try to set the story somewhere that will prevent read-

---

ers from identifying the real location—the farther away, the better. If your story took place in northern California, don't just move it to Los Angeles. Move it to another state entirely. The point is to make changes that will prevent a reader from saying, "That woman sounds just like that investment banker I know in San Francisco," or "Those people sound just like that family that lived around the corner from us in San Antonio."

**Negligent publication.** If you're writing a how-to book, you want to do everything possible to avoid a claim for negligent publication, which means giving advice that, if followed, could hurt readers and result in a lawsuit against you and the publisher. If the book is based on your own experience (as opposed to investigative research), make that clear to the reader. Don't recommend that your readers do something that would violate any laws or even website terms of use.

**Releases and permissions.** Under the typical publishing agreement, it is the author's responsibility to obtain and pay for interview and photo releases. The time to obtain a release is when you conduct the interview or take the photo. If you wait until the reviewing lawyer says you need it, you may find that even subjects who initially said they would sign releases are no longer willing to do so; or you may find that someone is willing to sign a release only on the condition that you give him the right to approve the sections of the manuscript that mention him. (One of the biggest mistakes an author can make from the publisher's point of view is to give someone the right to approve the manuscript.)

The release you use should give you the rights you need. For example, if you are an academic author, a university release form that talks only about publication of your work as "scholarly research" does not give you the right to use the results of your research in a trade book. Be especially careful with "canned" release forms that you find online. One popular online photo release form prohibits the disclosure of any personally identifying information about the photo subjects. That may be fine, or it may create real problems for you down the line, if for example, you have your heart set on captions that name the quirky and interesting people in your photographs. Going back to photo subjects for additional permissions may not be possible within the constraints of the book's production schedule, and your editor may not appreciate finding out at the last minute that you need to revise a great deal of material because you obtained the wrong kind of release.

Unless your publishing agreement provides otherwise, it is also your responsibility to obtain and pay for permission to use third-party material. Bear in mind

that publishers' practices with respect to the review of permissions agreements differ. Whatever permissions you submit may be reviewed by editorial, contract or other staff, instead of by the legal department, unless there is a question about the proper interpretation of a permission form, and the primary responsibility for ensuring the adequacy of the form is yours in any case. Make sure up front that you can afford the permission fees for the number of copies your publisher plans to produce in your first few print runs. If your book is successful, you don't want to have to go back to the rights owner for permission to print more copies. Also,

---

**Unless your publishing agreement provides otherwise, it is also your responsibility to obtain and pay for permission to use third-party material. . . . Make sure up front that you can afford the permission fees for the number of copies your publisher plans to produce in your first few print runs.**

---

make sure you and your publisher can use the material in all the media in which the publisher plans to publish. Be wary of forms that allow you to "use" third-party material, without specifying what "use" actually means. Also, it's useful to know up front whether the rights holder has any special restrictions that could affect your publisher's exercise of the rights you've granted in your publishing agreement.

Even if you are republishing material you yourself have published somewhere else, you need to be sure you have the right to do that. Many an author assumes that she owns the rights to stories she previously wrote for a newspaper or magazine, only to discover during the prepublication review that she does not and that she must now seek permission from her earlier publisher. Sometimes that's no problem, but other times it can be a real hassle. (Also, don't assume that because you think it's fair for you to use certain material, your use constitutes "fair use" under copyright law; "fair use" is a specific defense to infringement that requires consideration of four specific factors and whatever other factors the court deems appropriate.)

To avoid problems with both releases and permis-

*Continued on page 52*

## Rewriting History? A Look at Past and Present Disputes as Holocaust-Era Books Enter the Public Domain

This year, a number of culturally significant books from the Holocaust era enter the public domain in Europe. While copyright is rarely ever a straightforward issue, iconic books from opposite ends of the moral spectrum—including *Anne Frank: The Diary of a Young Girl* and Adolf Hitler's *Mein Kampf*—may give rise to additional political, historical, and legal quandaries long after the copyright terms of the original texts expire.

*The Diary of a Young Girl* is a collection of writings the teenage Anne Frank composed while she and her family were in hiding during the Nazi occupation of the Netherlands. There are, in fact, two versions of the diary, the second being a revision Anne herself made to the original, adding new parts and omitting others. Anne died in 1945, most likely of typhus, in the Bergen-Belsen concentration camp to which the family had been moved after capture. Her father, Otto Frank, the only member of the family to survive, prepared a manuscript that drew on both of Anne's two versions, and was published in the Netherlands in 1947.

In his will, Otto Frank bequeathed the original diaries to the Netherlands Institute for War

Documentation, which is authorized to publicize the diaries but not to display them publicly. The copyright on the book is held by the Anne Frank Fonds [Foundation] in Switzerland, which Otto Frank set up in 1963. Under European Union copyright law, authors' rights expire seventy years after death, meaning the copyright to the diaries was to have ended January 1, 2016.

In November 2015, however, the Anne Frank Foundation asserted that Otto Frank was coauthor of the diary. The Foundation claimed that Frank had "created a new work" through "editing, merging, and trimming entries from [his daughter's] diary and notebooks and reshaping them into a 'kind of collage' meriting its own copyright." If the argument prevails, it would extend the copyright to the end of 2050, seventy years after Otto Frank's death.

Some believe that giving Otto Frank co-authorship rights undermines Anne's legacy. As French lawyer

---

**In November 2015, the Anne Frank Foundation asserted that Otto Frank was coauthor of [his daughter Anne's] diary. . . . If the argument prevails, it would extend the copyright to the end of 2050, seventy years after Otto Frank's death.**

---

### Legal Services Scorecard

From February 20 through August 10, 2016, the Authors Guild Legal Services Department handled 468 legal inquiries. Included were:

- 119 book contract reviews
- 21 agency contract reviews
- 21 reversion of rights inquiries
- 47 inquiries on copyright law, including infringement, registration, duration and fair use
- 13 inquiries regarding securing permissions and privacy releases
- 6 electronic rights inquiries
- 241 other inquiries, including literary estates, contract disputes, periodical and multimedia contracts, movie and television options, Internet piracy, liability insurance, finding an agent and attorney referrals

Agnés Tricoire commented in *The New York Times*, "if you follow [the Foundation's] arguments, it means that they have lied for years about the fact that it was only written by Anne Frank." Otto Frank's 1947 prologue to the *Diary* states that the book contains *mostly* her words, and during his lifetime he never claimed to be a coauthor. His words (and silence) on the question of authorship seem to contradict the Foundation's claim.

The Foundation maintains that it is trying to protect Anne Frank by preventing inappropriate exploitation of her work. Citing a history of Holocaust deniers who challenged the diary's authenticity, they claim that the integrity of the diary would suffer if it were used without strict oversight. Critics of the Foundation's position include the Anne Frank Museum in Amsterdam—

---

until recently a longtime ally of the Foundation—which had planned to mount a multi-media version of the diaries once the copyright had expired. The museum and other critics view the Foundation’s attempt to extend the copyright term as overreach.

### **The Goebbels Case**

Another collection of diaries from the Holocaust, by Nazi propaganda minister Joseph Goebbels, also enters the public domain this year. *The Goebbels Diaries* is a voluminous compilation of Goebbels’ handwritten entries and later, typed entries dictated to his employees. Toward the end of the war, the entries were re-copied for safekeeping, and a typed manuscript was locked in a vault. When the manuscript was assembled by the project’s editor, Elke Fröhlich, she divided the work into three distinct sections. The diaries were published in Germany in 29 volumes between 1994 and 2006. Several volumes have been published in English.

Since 2010, the estate of Joseph Goebbels has been demanding money from Random House for its use of significant excerpts of the diary in a biography written by Peter Longerich, *Goebbels*. Cordula Schacht, the daughter of Hitler’s minister of economics and the owner of the copyright to Goebbels’ diaries, argues that she is legally entitled to royalties.<sup>1</sup> Schacht

---

**Random House is the first publishing house to refuse to pay for the use of Goebbels’ diaries.**

**While the publisher initially agreed to pay 1 percent of the net retail price to the estate, it later contended that to pay the heirs of a war criminal for his work would be “immoral.”**

---

also reportedly refused Random House’s proposition to donate the royalties to a Holocaust-related charity. Random House is the first publishing house to refuse to pay for the use of Goebbels’ diaries. While the publisher initially agreed to pay 1 percent of the net retail price to the estate, it later contended that to

---

1. On May 1, 1945, one day after Hitler committed suicide, Goebbels and his wife poisoned their six children with cyanide, then killed themselves.

pay the heirs of a war criminal for his work would be “immoral.” In July of last year, a Munich district court ruled against Random House, which plans to appeal through Germany’s Federal Constitutional Court.

Though the copyright term expired at the start of 2016, the political consequences remain important. “If you accept that a private person controls the rights to Goebbels’ diaries,” said Longerich, the author of the Goebbels’ biography, “then—theoretically—you give this person the right to control research.” He added: “In this case, we are dealing with the daughter of a cabinet colleague of Mr. Goebbels. This is an absolutely unacceptable situation. It’s a question not only of morality, but of professionalism for a historian.”

### ***Mein Kampf***

Adolf Hitler’s *Mein Kampf* trails its own Pandora’s box of copyright issues. Dictated by Hitler to Rudolf Hess during Hitler’s imprisonment following the failed Munich Putsch in 1923, the autobiography outlined his childhood, his political ideology, and his future plans for Germany. The original German text has been translated into many languages. In 1939, Houghton Mifflin published an abridged English translation that critics claimed sanitized the true meaning behind Hitler’s plan by excluding some of the anti-Semitic passages.

American journalist (and later U.S. Senator) Alan Cranston first read *Mein Kampf* in the original while a foreign correspondent in Germany. In 1939, he came across the Houghton Mifflin version in Macy’s book department and bought it out of curiosity. The book was slimmer than he remembered, and he soon realized why: it was a condensed, whitewashed version of the original; moreover, Hitler was receiving forty cents in royalties per copy sold. Using the Houghton Mifflin version, the original German version, and a second English version, he produced his own translation of *Mein Kampf*, which he sold for ten cents on newsstands, pledging that all of the profits would go to help refugees from the Reich.

In 1939, lawyers representing Hitler sued Cranston for copyright infringement in Connecticut. Cranston argued that Hitler was legally “stateless” when he wrote *Mein Kampf*, as he had lost his Austrian citizenship in 1918 for serving in the German army during World War I and did not obtain German citizenship until 1932. The judge ruled in favor of Hitler and halted publication. By that time, Cranston’s version of the book had already sold half a million copies and the truth was “out.”

Since Hitler’s death in 1945, the German state of Bavaria has owned the copyright to *Mein Kampf*, and prohibited reprints of the book in Germany. This has

---

not stopped distribution of innumerable editions of the book elsewhere, in many languages, in bookstores and online. The book has been a post-war bestseller in Turkey, and North Korean dictator Kim Jong-Un reportedly gives the book to his top officials for them to study its “leadership skills.”

With *Mein Kampf* entering the public domain, the

---

**Since Hitler’s death in 1945, the German state of Bavaria has owned the copyright to *Mein Kampf*, and prohibited reprints of the book in Germany. This has not stopped distribution of innumerable editions of the book elsewhere, in many languages, in bookstores and online.**

---

expectation is that a new wave of editions will be forthcoming. While there are concerns about historical revision, many believe that republication can serve a critical academic purpose. Indeed, the Institute of Contemporary History recently published an annotated version exposing the “lies, half-truths and vicious tirades” of the book in January.

When literary works enter the public domain, writers are free to use them to create something new. But even when their legal status is settled, questions of moral accountability will no doubt remain.

—Tiffany Hu, Legal Intern

## **Supreme Court Clarifies Standard for Attorneys’ Fees in Copyright Cases**

In its second ruling in *Kirtsaeng v. John Wiley & Sons, Inc.*, the Supreme Court clarified its standard for awarding attorneys’ fees in copyright litigation. Holding that judges awarding attorneys’ fees must look to the reasonableness of the losing party’s position, the Court’s decision ensures that copyright holders will not be penalized for bringing reasonable cases they happen to lose.

This decision is part of the same case in which the Supreme Court in 2013 held that Supap Kirtsaeng had not violated copyright law by selling English-language textbooks imported from Thailand in the United States. After winning, Kirtsaeng petitioned the Court for \$2 million in attorneys’ fees from Wiley, the plaintiff in the original case, to cover his legal expenses. Citing an

unclear standard for awarding attorneys’ fees in copyright cases, Kirtsaeng suggested his own, which would favor awarding attorneys’ fees where the lawsuit “resolved an important and close legal issue.” This time, the Supreme Court sided unanimously against him.

Writing for a unanimous Court, Justice Elena Kagan saw no reason to saddle Wiley with Kirtsaeng’s legal fees. Its lawsuit had not been unreasonable. Invoking the purpose of the Copyright Clause—“to promote the progress of science and useful arts”—her opinion concluded that the prospect of legal fees should not deter copyright holders from defending their creative property. Instead, judges awarding legal fees should consider a series of factors, including the objective reasonableness of each party’s case.

The standard the Court adopted, Justice Kagan reasoned, honors the purpose of the Copyright Clause because “it both encourages parties with strong legal positions to stand on their rights and deters those with weak ones from proceeding with litigation.”

Although the Court recognized the importance of the first *Kirtsaeng* opinion, it found Kirtsaeng’s proposed standard for awarding legal fees antithetical to the purpose of copyright law. Awarding legal fees to a victorious party whose suit resolves a major ques-

---

**The Court ruled that awarding legal fees to a victorious party whose suit resolves a major question in copyright law would “enhance the penalty for defeat.”**

---

tion in copyright law would “enhance the penalty for defeat.” In a setting where many corporate copyright holders are risk-averse and where many independent and individual copyright holders lack the resources necessary to file federal copyright claims, which can cost hundreds of thousands of dollars, Kirtsaeng’s standard would almost certainly discourage copyright suits that might otherwise take place.

By rejecting Kirtsaeng’s proposed standard in favor of one that embraces objective reasonableness, the Court has assured that attorneys’ fees will not function as a disincentive to authors who see a legitimate threat to their work and choose to take action. Though it leaves the matter of determining what exactly constitutes an objectively reasonable suit to the courts, the

*Continued on page 59*

# IN MEMORIAM

**William Bast**, 84, died May 4, 2015, in Los Angeles. He was the author of *James Dean: A Biography* and wrote for numerous television shows including *Perry Mason*, *The Outer Limits* and *Hitchcock Presents*.

**Adolf Born**, 85, died May 22 in Prague. He illustrated more than four hundred children's books, including many by Czech author Miloš Macourek.

**Anita Brookner**, 87, died March 10. She was a prize-winning author of 24 novels including *Leaving Home*, *Strangers* and *Hotel du Lac*, for which she won the 1984 Booker Prize.

**Chen Zhongshi**, 73, died April 29 in Xi'an, Shaanxi, China. He was best known for his novel *White Deer Plain*.

**Pat Conroy**, 70, died March 4 at his home in Beaufort, SC. He was the author of 13 books, including *The Great Santini*, *Beach Music* and *The Prince of Tides*.

**John M. Cummings**, 65, died January 27 in Albany, NY. He was the author of *The Heist* and *The Emerald City*.

**Alice Denham**, 89, died January 27 at her home in New York City. She was best known for her tell-all memoir *Sleeping with Bad Boys: A Juicy Tell-All of Literary New York in the 1950s and 1960s*, but she also wrote several novels and a second tell-all, *Secrets of San Miguel*, about expats in San Miguel de Allende, Mexico.

**Muriel Dimen**, 73, died February 14 in New York City. She wrote and edited numerous books and papers, including *Sexuality*, *Intimacy*, *Power* and *With Culture in Mind*.

**Jenny Diski**, 68, died April 28, in Cambridge, England. She was the author of 18 books including *Rainforest* and *Apology for the Woman Writing*. Her final work, a memoir

## Authors Guild Members

William Bast  
William Brooke  
Mary Coddington  
John M. Cummings  
Alice Denham  
George Dickerson  
Muriel Dimen  
Daniel Grotta  
Marion Hodgson  
Robert B. Jackson  
Sandra Moran  
Jean Thesman

*Guild members who learn of a fellow member's death are encouraged to let us know, as we sometimes don't receive notice from family members until much later.*

entitled *In Gratitude*, was published in the UK a week before her death from cancer.

**Katherine Dunn**, 70, died May 11, at her home in Portland, OR. She wrote extensively on professional boxing, but was best known for the novel *Geek Love*.

**James Cross Giblin**, 82, died April 10 in New York City. He was an award-winning writer of nonfiction for children. His books include *The Boy Who Saved Cleveland* and *Did Fleming Rescue Churchill?*

**Barbara Goldsmith**, 85, died June 22 at her home in Manhattan. A philanthropist, magazine editor and co-founder of *New York* magazine, she was the author of the 1980 bestseller *Little Gloria . . . Happy at Last*, about the 1934 custody battle over Gloria Vanderbilt; also of *The Straw Man*; *Johnson v. Johnson*; *Other Powers: The*

*Age of Suffrage*, *Spiritualism and the Scandalous Victoria Woodhull*; and *Obsessive Genius: The Inner World of Marie Curie*.

**Martin Gray**, 93, died April 25 in Ciney, Belgium. He was the author of 12 books, including *For Those I Love*, one of three books translated into English.

**Daniel Grotta**, 71, died December 13 in Pennsylvania. He was the author of *J. R. R. Tolkien: Architect of Middle Earth*, a biography and more than 1,500 stories.

**Jim Harrison**, 78, died March 26 in Patagonia, AZ. He was the author of more than 30 books of fiction, non-fiction and poetry, including *Legends of the Fall*.

**Marion Hodgson**, 94, died March 24 in Wichita Falls, TX. A special features writer for the *Fort Worth Star-Telegram*, she was also the author of *Winning My Wings*, recounting her experiences as a Woman Airforce Service Pilot.

**Robert B. Jackson**, 89, died February 12 at his home in Woodbury, CT. He was the author of numerous children's books, including *The Remarkable Ride of the Abernathy Boys* and *Earl the Pearl*.

**Imre Kertész**, 86, died March 31 at his home in Budapest. Winner of the 2002 Nobel Prize for Literature, he was the author of *Fatelessness* (*Sorstalanság*), *Kaddish for an Unborn Child* and *The Pathseeker*.

**Gillian Mears**, 51, died May 16 at her family's home in New South Wales, Australia. She was the author of *The Mint Lawn*, *The Grass Sister* and, most recently, *Foal's Bread*, her first novel in 16 years.

**Sandra Moran**, 46, died November 7. She began her writing career as a reporter for *The Topeka Capital-Journal* and the *Lawrence Journal-World* and

---

published three novels: *Letters Never Sent*, *Nudge* and *All We Lack*.

**Erwin "Mick" Nathanson**, 88, died on April 5 at his home in Laguna, CA. He was best known for *The Dirty Dozen*, on which the 1967 film of the same name was based.

**Louise Rennison**, 64, died February 29 in Brighton, England. Known as the "Queen of Teen," she was the author of many young adult nov-

els, including *Angus, Thongs, and Full-Frontal Snogging*, which was the first in the series *The Confessions of Georgia Nicolson*.

**William Rosen**, 61, died April 28 in Princeton, NJ. In addition to his 25 years as editor and publisher at Macmillan, Simon & Schuster and the Free Press, he was the author of *The Third Horseman*, *Justinian's Flea* and *The Most Powerful Idea in the World*.

**Jean Thesman**, 86, died January 21 in Lynnwood, WA. She published over 40 books under her own name or a pseudonym, including *New Kid in Town* and *In the House of the Queen's Beasts*.

**Yang Jiang**, 104, died May 25 in Beijing. She was the first to translate *Don Quixote* into Chinese. She also published the novels *We Three* and *Baptism*. ♦

## MEMBERS MAKE NEWS

On April 13, the American Booksellers Association announced the 2016 Indies Choice and E. B. White Read-Aloud Award winners. **Lauren Groff's** *Fates and Furies* won Adult Fiction Book of the Year. **Garth Risk Hallberg's** *City of Fire* was an honoree in that same category. **Erik Larson's** *Dead Wake: The Last Crossing of the Lusitania* was nominated for Adult Nonfiction Book of the Year. **Ian Falconer's** *Olivia* was inducted into the Picture Book Hall of Fame. **Richard Russo** won the Indie Champion Award, bestowed upon those who have demonstrated the strongest personal commitment to foster and support the mission and passion of independent booksellers. **Dave Eggers** and **Louise Erdrich** were Indie Champion finalists.

The Story Circle Network announced the winners of the 2014–15 Sarton Women's Book Awards. **Susan Marsh** won in the category of Contemporary Fiction for her novel *War Creek*. **Julie Weston's** *Moonshadows* was a finalist in the Historical Fiction category.

The 2016 O. Henry Prize short stories were announced in May. **Wendell Berry** won for "Dismemberment," originally published in *The Threepenny Review*; **Sam Savage** won for "Cigarettes," originally published in *The Paris Review*; and Frederic Tuten won for "Winter, 1965," originally published in *BOMB*. The stories will be featured in the annual anthology, due out in September.

PEN America announced the winners of their 2016 awards on March 1. **Toni Morrison** won the PEN/Saul Bellow Award for Achievement in American Fiction, given to a distinguished living American author of fiction. **John Schullian** won the PEN/ESPN Lifetime Achievement Award for Literary Sports Writing, given to a writer whose body of work represents an exceptional contribution to the field.

The Pulitzer Prizes were announced on April 18. **T. J. Stiles** won the Pulitzer Prize for History for *Custer's Trials: A Life on the Frontier of a New America*. **Margaret Verble's** *Maud's Line* was named a finalist for the Fiction prize.

**Edmond G. Addeo** won the Chaucer Award for his historical novel *Uzumati: A Tale of the Yosemite*.

*Cuba's Baseball Defectors: The Inside Story* by **Peter C. Bjarkman** won the SABR (Society for American Baseball Research) Baseball Research Award.

**Eva Flynn** won the 2016 IPPY gold medal in the Adult Fiction E-book category for *The Renegade Queen*, a historical novel about the meteoric rise of Victoria Woodhull, the first woman to run for president of the United States.

*All the News I Need* by **Joan Frank**, won a 2016 Juniper Prize for Fiction, a literary prize series coordinated by the University of Massachusetts Press and the University of Massachusetts MFA Program for Poets and Writers. The novel is slated for publication in 2017.

*The Best of Gival Press Short Stories* edited by **Robert L. Giron** won the 2015 Great Midwest Book Festival award for Compilations/Anthologies. The collection contains the work of 11 award-winning authors.

**Karen Hunt** received the 2015 New Millennium Writings Nonfiction award for "Reflections from Istanbul," an excerpt from her childhood memoir, *Into the World*. Her essay "Why I Choose to Remember My 50th Blood-Bath of a Birthday Instead of Trying to Forget It" was an editor's pick in the 2015 edition of *Pooled Ink*.

**Mindy Lewis's** essay entitled "Our Little Jewish Girl" was awarded *New Letters'* 2015 Dorothy Cappon Prize

---

for Best Essay; it will appear in the Winter 2016 issue of *New Letters*.

**John Mackie** has been inducted into the Dick Tracy Hall of Fame. The honor is given to writers who had a distinguished career in law enforcement and then went on to pen notable police-related stories. Mackie was highly decorated by the NYPD and wrote *Manhattan South*, *Manhattan North*, *East Side*, *West Side* and *To Kill a Queen*.

The MacDowell Colony will present **Toni Morrison** with the 2016 Edward MacDowell Medal, a lifetime achievement award recognizing artists who have made a significant contribution to the culture of the United States. The award was presented on August 14.

**Katherine Hall Page** received the Malice Domestic Award for Lifetime Achievement, given in recognition of a significant body of distinguished work in the Malice Domestic genre, defined on the award site as mysteries “best typified by the work of Agatha Christie” that “contain no explicit sex or excessive gore

or violence.” The award was at the Malice Domestic Convention held April 29–May 1.

**Fiza Pathan’s** *Amina: The Silent One* was named one of *Foreword Reviews’* 2015 INDIEFAB Book of the Year Award finalists. It was also a solo medalist winner in the E-Book General Fiction category of the 2015 New Apple Book Awards. Pathan’s *Raman and Sunny: Middle School Blues* was a silver medal recipient of the Mom’s Choice Awards in the category of Young Adult Fiction.

**R. L. Stine** won the 2016 Chicago Tribune Young Adult Literary Award, presented at the annual Printers Row Lit Fest, held June 11–12. His book *The Little Shop of Monsters* received the Children’s Choice Book Award in the Kindergarten to 2nd Grade category.

**Elizabeth Strout’s** *My Name Is Lucy Barton* was long-listed for the 2016 Baileys Women’s Prize for Fiction. **John Whittier Treat’s** *The Rise and Fall of the Yellow House* was named a Lambda Literary Award finalist in the category of Gay Fiction. ♦

## BOOKS BY MEMBERS

**Sherman Alexie** (and Yuyi Morales, Illus.): *Thunder Boy, Jr.*; **R. W. Alley**: *Clark in the Deep Sea*; **Steven J. Alvarez**: *Selling War: A Critical Look at the Military’s PR Machine*; **Christopher Andersen**: *Game of Crowns: Elizabeth, Camilla, Kate, and the Throne*; **Paul Dale Anderson**: *Deviants*; **Athena Andreadis**, Ed.: *To Shape the Dark*; **Kathi Appelt** (and Alison McGhee): *Maybe a Fox*; **Linda Ashman** (and Jane Dyer, Illus.): *All We Know*; **Stevanne Auerbach**, Ed.: *My Butterfly Collection: On the Wings of the Butterfly*; **Avi**: *The Most Important Thing: Stories About Sons, Fathers, and Grandfathers*; *School of the Dead*; **Steven Axelrod**: *Nantucket Grand*;

**Lawrence Balter**, Ed. (and Catherine Tamis-LeMonda, Ed.): *Child Psychology: A Handbook of Contemporary Issues* (3rd Edition); **Russell Banks**: *Voyager: Travel Writings*; **Michael Thomas Barry**: *In the Company of Evil: Thirty Years of California Crime, 1950–1980*; **Nora Raleigh Baskin**: *Nine, Ten: A September 11 Story*; **Rick Bass**: *For a Little While*; **Mary Batten**: *Baby Orca*; **Mary Batten** (and Beverly Doyle, Illus.): *Aliens from Earth: When Animals and Plants Invade Other Ecosystems* (Revised Edition); **Joseph Madison Beck**: *My Father and Atticus Finch: A Lawyer’s Fight for Justice in 1930s Alabama*; **Louis Begley**: *Kill and Be Killed*; **Lauren Belfer**: *And After the Fire*; **Mike Berenstain**: *The Berenstain Bears: Mother’s Day Blessings*; **Marianne Berkes** (and Cathy Morrison, Illus.): *Over on the Farm*;

**Miranda Beverly-Whittemore**: *June*; **John Pratt Bingham**: *Hangtown*; **Carol J. Binkowski**: *Opening Carnegie Hall: The Creation and First Performances of America’s Premier Concert Stage*; **Tom Bissell**: *Apostle: Travels Among the Tombs of the Twelve*; **Peter C. Bjarkman**: *Cuba’s Baseball Defectors: The Inside Story*; **Annette Blaugrund**: *Thomas Cole: The Artist as Architect*; **Win Blevins** (and Meredith Blevins): *Stealing Fire*; **Roy Blount, Jr.**: *Save Room for Pie: Food Songs and Chewy Ruminations*; **Susan Breen**: *Maggie Dove*; **Alida Brill**: *Dear Princess Grace, Dear Betty: The Memoir of a Romantic Feminist*; **Paul Brodeur**: *The Scout’s Account: In the Shadow of the Mayflower*; **Joanna Brooks** (and Alex Cooper): *Saving Alex: When I Was Fifteen I Told My Mormon Parents I Was Gay, and That’s When My Nightmare Began*; **A. C. Burch** (and **Madeline Sorel**, Illus.): *A Book of Revelations*; **Rex Burns**: *The Better Part of Valour*;

**Stephanie Calmenson** (and Puy Pinillos, Illus.): *Look! Birds!; Look! Fish!; Look! Flowers!*; **Elisa Carbone** (and Jen Hill, Illus.): *Diana’s White House Garden*; **William Carlsen**: *Jungle of Stone: The True Story of Two Men, Their Extraordinary Journey, and the Discovery of the Lost Civilization of the Maya*; **Eric Stener Carlson**: *Muladona*; **Sean Carroll**: *The Big Picture: On the Origins of Life, Meaning, and the Universe Itself*; **Marsh Cassady**: *99 Ways to Release Your Creativity; The Tracks of Time*; **Jerome Charyn**: *A Loaded Gun: Emily Dickinson for the 21st Century*;

---

**Jaime Clarke:** *Garden Lakes*; **Susan Cohen:** *A Different Wakeful Animal*; **Martha Collins:** *Admit One: An American Scrapbook*; **Craig K. Comstock:** *Enlarging Our Comfort Zones: A Life of Unexpected Destinations*; **Richard Conniff:** *House of Lost Worlds: Dinosaurs, Dynasties, and the Story of Life on Earth*; **Alan Cook:** *Good to the Last Death*; **Elisha Cooper:** *Falling: A Daughter, a Father, and a Journey Back*;

**Melissa de la Cruz** (and Lele Pons): *Surviving High School*; **Phillip DePoy:** *Cold Florida*; **Annie Dillard:** *The Abundance*; **Eric Jay Dolin:** *Brilliant Beacons: A History of the American Lighthouse*; **David Duchovny:** *Bucky F\*cking Dent*; **Olivier Dunrea** (and Will Hillenbrand, Illus.): *Me and Annie McPhee*; **Patrick A. Durantou:** *L'Autre; Histoire de la philosophie Grecque de Thales a Proclus; Jours d'approche*;

**Louise Erdrich:** *LaRose*; **Pamela Erens:** *Eleven Hours*; **Miriam Erick:** *Take Two Crackers and Call Me in the Morning*;

**Ellen Feldman:** *Terrible Virtue*; **Annabelle Fisher** (and Natalie Andrewson, Illus.): *The Secret Destiny of Pixie Piper*; **Sue Fliess** (and Sarah Beise, Illus.): *Calling All Cars*; **Sue Fliess** (and Claire Keane, Illus.): *A Fairy Friend*; **Cate Folsom:** *Smoke the Donkey: A Marine's Unlikely Friend*; **Janet Fox:** *The Charmed Children of Rookskill Castle*; **Ian Frazier:** *Hogs Wild: Selected Reporting Pieces*; **Russell Freedman:** *We Will Not Be Silent: The White Rose Student Resistance Movement That Defied Adolf Hitler*; **Judith Freeman:** *The Latter Days*; **Helen Frost** (and Rick Lieder, Photog.): *Among a Thousand Fireflies*; **Abby Frucht** and **Laurie Alberts:** *A Well-Made Bed*; **Toni Fuhrman:** *One Who Loves*; **Alan Furst:** *A Hero of France*;

**Kathlyn Gay:** *Activism: The Ultimate Teen Guide*; *Buried: Too Much Garbage*; **Kristina Gill** (and Katie Parla): *Tasting Rome: Fresh Flavors and Forgotten Recipes from an Ancient City*; **Jennifer Gilmore:** *We Were Never Here*; **Krystyna Poray Goddu:** *A Girl Called Vincent: The Life of Poet Edna St. Vincent Millay*; **Judy Goldman** (and Susan Batori, Illus.): *Kopecks for Blintzes*; **Annette Gordon-Reed** (and Peter S. Onuf): *"Most Blessed of the Patriarchs": Thomas Jefferson and the Empire of the Imagination*; **Meredith Gould:** *Desperately Seeking Spirituality: A Field Guide to Practice*; **Chris Grabenstein** (and James Patterson and Kerascoët, Illus.): *Jacky Ha-Ha*; **Karlin Gray** (and Christine Davenier, Illus.): *Nadia: The Girl Who Couldn't Sit Still*; **Joshua M. Greene:** *Swami in a Strange Land: How Krishna Came to the West: The Biography of A. C. Bhaktivedanta Swami Prabhupada*; **Amelia Grey:** *Wedding Night with the Earl*; **James Gunn:** *Transgalactic*;

**Andrew Hacker:** *The Math Myth: And Other STEM Delusions*; **Tara Haelle** (and Emily Willingham): *The Informed Parent: A Science-Based Resource for Your Child's First Four Years*; **Jane Hamilton:** *The Excellent Lombards*; **Nigel Hamilton:** *Commander in Chief: FDR's Battle with Churchill, 1943*; **Robie H. Harris** (and Nadine Bernard Westcott, Illus.): *Who We Are!: All About Being the Same*

*and Being Different*; **John Hart:** *Redemption Road*; **Louise Hawes:** *The Language of Stars*; **Lorraine Heath:** *The Earl Takes All*; **W. Nick Hill:** *Blue Nocturne*; **Joan Holub** (and James Burks, Illus.): *Itty Bitty Kitty and the Rainy Play Day*; **Hillary Homzie:** *Queen of Likes*;

**Molly Idle:** *Flora and the Peacocks*; **Ed Ifkovic:** *Cold Morning*;

**Steven James:** *Curse*; **Susan Jaques:** *The Empress of Art: Catherine the Great and the Transformation of Russia*; **Cindy Jensen-Elliott** (and Mary Peterson, Illus.): *Dig In!*; **Rebecca L. Johnson:** *Masters of Disguise: Amazing Animal Tricksters*; **Timothy J. Jorgensen:** *Strange Glow: The Story of Radiation*; **Jacqueline Jules** (and Helen Cann, Illus.): *Feathers for Peacock*;

**Fred Kaplan:** *The Secret History of the Cyber Ward*; **G. Brian Karas:** *On the Farm, At the Market*; **Leslie Karst:** *Dying for a Taste*; **Kim Kavin:** *The Dog Merchants: Inside the Big Business of Breeders, Pet Stores, and Rescuers*; **Nancy Davidoff Kelton:** *Finding Mr. Rightstein*; **Emmet Kennedy:** *Abbé Sicard's Deaf Education: Empowering the Mute, 1785–1820*; **Ronald Kidd:** *Dreambender*; **Eric A. Kimmel** (and Erin Camarca, Illus.): *Rattlestiltskin*; **Stephen King:** *End of Watch*; **Jeff Kleid:** *Networking with the Cards You Are Dealt*; **Stephen Krensky** (and Amelie Graux, Illus.): *We Just Had a Baby*;

**Eric Laster:** *Static*; **Con Lehane:** *Murder at the 42nd Street Library*; **Betsy Lerner:** *The Bridge Ladies*; **John Leslie** (and Carey Winfrey): *Hail to the Chief*; **Julius Lester** (and Carl Angel, Illus.): *The Girl Who Saved Yesterday*; **Jonathan Levi:** *Septimania*; **Phillis Levin:** *Mr. Memory & Other Poems*; **Laura Levine:** *Murder Has Nine Lives*; **Eunice Lipton:** *A Distant Heartbeat: A War, a Disappearance, and a Family's Secrets*; **Sylvia Liu** (and Christina Forshay, Illus.): *A Morning with Grandpa*; **Sally Lloyd-Jones** (and Jen Corace, Illus.): *Baby Wren and the Great Gift*; **Kristine A. Lombardi:** *The Grumpy Pets*; **Lisa Ann Long:** *Hot in Hellcat Canyon*; **Lisa Lutz:** *The Passenger*; **Jim Lynch:** *Before the Wind*;

**Shirley MacLaine:** *Above the Line: My Wild Oats Adventure*; **Kristen-Paige Madonia:** *Invisible Fault Lines*; **Geoff Manaugh:** *A Burglar's Guide to the City*; **Susan Marsh:** *Cache Creek: A Trailside Guide to Jackson Hole's Backyard Wilderness*; **Joseph Mazur:** *Fluke: The Math and Myth of Coincidence*; **Kimberly McCreight:** *The Outliers*; **Emily Arnold McCully:** *Clara*; **Michael McGarrity:** *The Last Ranch*; **Terry McMillan:** *I Almost Forgot About You*; **Laura Krauss Melmed** (and Jing Jing Tsong, Illus.): *Before We Met*; **Lynn C. Miller:** *The Day After Death*; **Pat Miller** (and Vincent X. Kirsch): *The Hole Story of the Doughnut*; **Jacquelyn Mitchard:** *Two If by Sea*; **Flo Morse:** *The Story of the Shakers*; **Lisa Moser** (and Gwen Millward, Illus.): *Stories from Bug Garden*; **Walter Mosley:** *Charcoal Joe*; **Marissa Moss:** *America's Tea Parties: Not One but Four! Boston, Charleston, New York, Philadelphia*;

---

**Radine Trees Nehring:** *A Portrait to Die For*; **Alyson Noël:** *Unrivaled*; **Matthew Norman:** *We're All Damaged*; **Elizabeth Nunez:** *Even in Paradise*;

**Stephen O'Connor:** *Thomas Jefferson Dreams of Sally Hemings*; **Roxane Orgill** (and Francis Vallejo, Illus.): *Jazz Day: The Making of a Famous Photograph*; **Margaret Overton:** *Hope for a Cool Pillow*; **Lisa Owens:** *Not Working*;

**Katherine Hall Page:** *The Body in the Wardrobe*; **Daniel Paisner** (and Ron Darling): *Game 7, 1986: Failure and Triumph in the Biggest Game of My Life*; **Richard Panchyk:** *Baseball History for Kids: America at Bat from 1900 to Today, with 19 Activities*; **T. Jefferson Parker:** *Crazy Blood*; **Bethanne Patrick, Ed.:** *The Books That Changed My Life*; **Ann Patty:** *Living with a Dead Language: My Romance with Latin*; **Gene Perret:** *New Tricks for Old Dogs*; **Gene Perret** (and Linda Perret): *Mother Always Knows Best at Least According to Her: 175 Jokes for the Only Angel Who Carries a Whisk*; *Old Age Is the Absence of Youth and a Lot of Other Things: 175 Jokes for People Who Think Napping Is a Hobby*; **Nathaniel Philbrick:** *Valiant Ambition: George Washington, Benedict Arnold, and the Fate of the American Revolution*; **Eileen Pollack:** *A Perfect Life*; **Andrew F. Popper:** *Sunrise at the American Market*; **Ellen Prager** (and Antonio Javier Caparo, Illus.): *Stingray City*; **Maureen Pratt:** *Don't Panic!: How to Keep Going When the Going Gets Tough*; **Douglas Preston** (and Lincoln Child): *Beyond the Ice Limit*; **Cathryn J. Prince:** *American Daredevil: The Extraordinary Life of Richard Halliburton, the World's First Celebrity Travel Writer*; **Annie Proulx:** *Barkskins*;

**Rani:** *India's Unsurpassed Cuisine: The Art of Indian Curry Cooking*; **D. C. Reep** (and E. A. Allen): *Kiss'd*; **Dian Curtis Regan** (and Robert Neubecker, Illus.): *Space Boy and the Space Pirate*; **Frederic C. Rich:** *Getting to Green: Saving Nature: A Bipartisan Solution*; **Robert D. Richardson:** *Nearer the Heart's Desire: Poets of the Rubaiyat: A Dual Biography of Omar Khayyam and Edward FitzGerald*; **Cynthia Riggs:** *Bloodroot*; **Candace Robb:** *The Service of the Dead*; **Peter Rock:** *Klickitat*; **Charlotte Rogan:** *Now and Again*; **Anne K. Ross:** *Beyond Rain Man: What One Psychologist Learned Raising a Son on the Autism Spectrum*; **Susan L. Roth** (and Cindy Trumbore): *Prairie Dog Song: The Key to Saving North America's Grasslands*; **Susan Goldman Rubin** (and Roy Lichtenstein, Illus.): *Roy's House*; **Douglas Rushkoff:** *Throwing Rocks at the Google Bus: How Growth Became the Enemy of Prosperity*; **Richard Russo:** *Everybody's Fool*;

**John Sandford:** *Extreme Prey*; **April Pulley Sayre** (and Kelly Murphy, Illus.): *The Slowest Book Ever*; **William S. Schaill:** *Death of a Siren*; **Holly Schindler:** *Spark*; **Cathleen Schine:** *They May Not Mean To, But They Do*; **Bob Shacochis:** *Kingdoms in the Air: Dispatches from the Far Away*; **Walter Shapiro:** *Hustling Hitler: The Jewish Vaudevillian Who Fooled the Fuhrer*; **Laura Shovan:** *The Last Fifth Grade of Emerson Elementary*; **Susan Silverman:** *Casting Lots: Creating a Family in a Beautiful, Broken World*;

**Norma Simon** (and Sarah S. Brannen, Illus.): *All Kinds of Families* (40th Anniversary Edition); **Paul Singh:** *The Great Illusion: The Myth of Free Will, Consciousness and the Self*; **José Skinner:** *The Tombstone Race*; **Jane Smiley** (and Lauren Castillo, Illus.): *Twenty Yawns*; **Dinitia Smith:** *The Honeymoon*; **Dominic Smith:** *The Last Painting of Sara de Vos*; **Lachlan Smith:** *Panther's Prey*; **Lee Smith:** *Dimestore*; **Richard Smoley:** *How God Became God: What Scholars Are Really Saying About God and the Bible*; **Iris Smyles:** *Dating Tips for the Unemployed*; **William Stadiem** (and Simon de Pury): *The Auctioneer: Adventures in the Art Trade*; **Nathan Stoltzfus:** *Hitler's Compromises: Coercion and Consensus in Nazi Germany*; **Pat Street** (and Eric Brace): *You're Pulling My Leg: 400 Human-Body Sayings from Head to Toe*; **Patrick Suraci:** *SYBIL: Menyingkap Kisah Kepribadian Majemuk*; **C. M. Surrisi:** *The Maypop Kidnapping*; **Elizabeth Swados:** *Walking the Dog*;

**Holly Thompson:** *Falling into the Dragon's Mouth*; **Katherine Towler:** *The Penny Poet of Portsmouth: A Memoir of Place, Solitude, and Friendship*; **Calvin Trillin:** *Jackson, 1964: And Other Dispatches from Fifty Years of Reporting on Race in America*; **Camilla Trinchieri:** *Seeking Alice*; **Dawn Tripp:** *Georgia: A Novel of Georgia O'Keeffe*; **Anne Tyler:** *Vinegar Girl*;

**Myron Uhlberg** (and Ted Papoulas, Illus.): *The Sound of All Things*; **Lisa Unger:** *Ink and Bone*; **Elizabeth Upton** (and Henry Cole, Illus.): *Maxi the Little Taxi*;

**Shawn Vestal:** *Daredevils*;

**William T. Walker:** *Betrayal at Little Gibraltar: A German Fortress, a Treacherous American General, and the Battle to End World War I*; **Kate Wars:** *Catalyst: Decay Chains*; **Larry Watson:** *As Good as Gone*; **April Halprin Wayland** (and Katie Kath, Illus.): *More Than Enough*; **Cynthia Weill** (and Rubí Fuentes and Efraín Broa, Artists): *Animal Talk: Mexican Folk Art Animal Sounds in English and Spanish*; **Robert Weintraub:** *No Better Friend: A Man, a Dog, and Their Incredible True Story of Friendship and Survival in World War II* (Young Readers Edition); **Kenneth Weisbrode:** *The Year of Indecision, 1946: A Tour Through the Crucible of Harry Truman's America*; **Michael Wex:** *Rhapsody in Schmaltz: Yiddish Food and Why We Can't Stop Eating It*; **Paula Whyman:** *You May See a Stranger*; **Juan Williams:** *We the People: The Modern-Day Figures Who Have Reshaped and Affirmed the Founding Fathers' Vision of What America Is*; **Darryl Wimberley:** *A Seeping Wound*; **Sister Mary Winifred:** *Following the Path of Life: Companions on the Way; More Cats of Sanctuary House*; **Emily Winslow:** *Jane Doe January: My Twenty-Year Search for Truth and Justice*; **Vicki Oransky Wittenstein:** *Reproductive Rights: Who Decides?*; **Ellen Wittlinger:** *Local Girl Swept Away*; **Stuart Woods:** *Family Jewels*; **Michele Wucker:** *The Gray Rhino: How to Recognize and Act on the Obvious Dangers We Ignore*; **Deborah Zemke:** *Bea Garcia: My Life in Pictures* ♦

---

## From the Home Office

*Continued from page 8*

agreements we laid out in our Fair Contract Initiative. These meetings have enabled us to advance the conversation towards more creative solutions to the problems inherent in these agreements. Soon we'll extend the scope of the initiative to explore freelance agreements and self-publishing terms of service.

Meanwhile, our web services team is busy finalizing an updated version of Sitebuilder, our member website-building platform. Exciting improvements include increased flexibility as to where members can add content to their sites, the ability to add larger image files, and a built-in tool to add text formatting and links without having to know HTML. All themes in the redesign will be inherently mobile-friendly, resulting in better display and search results. A limited pilot will be available soon.

As we work to provide new services, we are also working hard to raise money so that we can keep your dues down. As you are aware, we had to finally increase our basic annual dues last year for the first time in 25 years from \$90 to \$125. While we realize it was a big increase and a hardship for some of you, the actual cost per member is approximately \$300 (and if we had raised dues just to keep pace with inflation, the basic rate would be at \$175 now). As such, dues cover only a portion of what we need to keep the lights on. At the same time, our income from foreign royalties, which we have relied on for over two decades, has dropped precipitously, creating new challenges. Needless to say, we need to find new ways to raise money and do more with less—and we are.

We have begun to seek grants to cover some of our program costs, and we recently launched a major fundraising campaign led by Waddy Thompson, the new managing director of the Authors Guild Foundation. Waddy has worked for a number of distinguished nonprofits in his 30-year career, including Poets & Writers and the Whitney Museum of American Art, and comes to us from the InterSchool Orchestras of New York, where he was executive director. [See page 20.] The Foundation, the Guild's not-for-profit arm, will be taking on a new expanded role, mounting more programs and directing its ap-

peal to a broader audience of readers and supporters, with a bigger and more diverse board that includes professionals with expertise in finance, marketing, and the arts.

There's lots more to come this fall, so stay tuned. In the meantime, as always, we'd love to hear your feedback on our services and advocacy. Feel free to send me an e-mail anytime at [mary@authorsguild.org](mailto:mary@authorsguild.org).

Warmly,

Mary Rasenberger  
Executive Director

---

## Authors Guild at AWP Conference

*Continued from page 19*

movie exec still, I probably would not have been able to buy the books I have worked on."

### Authors Live: Peter Ho Davies, Joyce Carol Oates and Roxana Robinson

Peter Ho Davies, Joyce Carol Oates and Roxana Robinson closed the conference on Saturday night with featured readings and a conversation, cosponsored by the Guild, Ecco Books, and Kundiman. Davies read from his forthcoming novel *The Fortunes*, about Anna May Wong, Hollywood's first Chinese movie star. In a comedic Q&A, Ms. Oates interviewed herself about writing and being a writer. Authors Guild president Roxana Robinson read from *Sparta*, her novel about veterans returning home from Iraq. Noreen Tomassi, director of the Center for Fiction in New York, then engaged the three authors in a discussion about their sources of inspiration and their reading and writing practices.

The Guild will once again partner with AWP in 2017 for AWP's 50th anniversary celebration. The conference will be held at the Walter E. Washington Convention Center and Washington Marriott Marquis in DC from February 8 to 11. We hope to see many of you there. ♦

---

## Writers, Take Warning

*Continued from page 42*

sions, *before you start writing the book*, ask your editor to connect you with a lawyer in the publisher's legal department. The publisher's lawyer may be able to provide you with sample release and permission forms and review your prior publishing agreements (assuming they're not confidential) to see if you need permission to reproduce your own work. Publishers with a legal staff are often glad to provide that kind of help, but keep in mind that the publisher's lawyers (and any outside counsel retained by the publisher) represent the publisher, not you. They cannot do everything that an attorney of your own could or would do. That means that if your publisher's lawyer gives you a release or permission form, it's for illustrative purposes; it's unlikely that the lawyer will have the time to revise the document to suit your personal preferences. And even if you do use a form that the publisher gave you, you are still responsible for the representations and warranties that you have made in your publishing contract.

**Facilitating the prepublication review.** It may help the lawyer conducting the prepublication review if you can provide the following documents and information along with the manuscript for review:<sup>1</sup>

- A list of people named in the book who are deceased
- A list of people who have given releases
- Copies of those releases
- A list of changes you made for the purpose of disguising characters
- The name of anyone who is likely to object to publication

But be forewarned: some lawyers won't want this information in writing, and some editors may not know what to do with such a list if you send it along without being asked. See if the editor can put you in touch with in-house counsel directly, so that you are not guessing about what will expedite the legal review process and what might cause additional problems or delays.

You may not agree with some of the ways in which

---

1. If your publisher requires that permissions go through the legal department, then permissions should be on this list also.

the attorney doing the prepublication review interprets statements in the book or with all of the changes that the attorney recommends. But the goal is to prevent lawsuits against you and the publisher, and most publishing contracts require authors to cooperate in the legal review, so it's to your advantage to be as open-minded and flexible as possible.

There is no way to guarantee absolutely that no one will assert a legal claim based on something in your book. But taking the steps described above can go a long way to reducing the risk of that happening. ♦

---

## The State of the Book Business

*Continued from page 15*

lowed a downhill course much like that in the U.S. and U.K., with incomes dropping 27 percent since 1998. While much of this may be due to the familiar confluence of factors, Canadian authors face an additional threat: a 2012 law that extended fair dealing (Canada's equivalent of fair use) to mean that use of copyrighted works for education does not infringe copyright. The Supreme Court of Canada, O'Connor pointed out, has interpreted the law to mean that incidental copying of one or two pages to supplement instruction would be covered by the educational fair dealing exception.

That sounds harmless enough, but following that decision, Canada's Association of Universities and Community Colleges published "fair dealing guidelines" that were widely adopted. The guidelines claim that up to 10 percent of a copyrighted work—including entire chapters, entire short stories, entire articles and entire poems—can be made use of freely in an educational context. As a result, Canadian authors' licensing incomes have been crippled. The year 2013 saw a 27 percent decrease in K–12 book sales. A publishing industry study predicts a \$30 million loss per year to Canadian content producers.

In response to the question of how things ended up this way, O'Connor answered, "Relentless lobbying and really bad math." And the way forward? "Relentless lobbying and *accurate* math," she said. A test case has been filed to push back on the fair dealing exception for education, O'Connor said, and the Writers' Union continues "to work with government to find a way forward to ensure that writers are paid and that schools have access to high-quality texts written by and for Canadians." ♦

---

# Annual Meeting Report

The Authors Guild held its annual meeting on March 15, 2016, at Scandinavia House in New York City. Guild president Roxana Robinson called the meeting to order.

## President's Report

Ms. Robinson opened her president's report with a welcome to members and a summary of business during "a year of great challenges." She cited the ongoing suit against Google<sup>1</sup>; our push for an antitrust investigation of Amazon; the filing of an amicus brief in support of Apple; our stepped-up efforts to "deliver the message to Congress that writers have almost reached the status of endangered species"; and, most poignantly, after a noble two-and-a-half-year battle with ALS, the death of our longtime executive director, Paul Aiken.

Ms. Robinson called attention to the Guild's 2015 survey on authors' earnings, which revealed a steep decline in author income. The organization has experienced a substantial loss of income as well; with the rise of piracy, revenues the Guild has been receiving from copying and lending rights in Europe since 1995 have diminished considerably. As a result, the Guild has had to shift some priorities and will be focusing more on fund-raising than in the past.

At the same time, Ms. Robinson said, Executive Director Mary Rasenberger and the Guild staff have been extraordinarily active and productive. "We have gone to Washington to speak to our representatives; we have appeared before the National Booksellers Association; we've been participating in meetings, panels, and conferences about copyright; we've written op-ed pieces for *The Wall Street Journal*; we've been on *PBS NewsHour* and *Bloomberg News*, on national panels, sitting for interviews, giving our position to the world." She went on to point out, "One of the great things about being in a writers' organization is that there is always somebody who is ready to talk."

President Robinson noted that over the last decade, the publishing industry has undergone a major paradigm shift in which the aggregation of content continues to shift money from the creative side to the marketing side. The Guild is pushing for licensing agreements that would ensure that aggregator site rev-

enues are shared with the creators whose work generates money for the site.

Ms. Robinson closed by thanking members for their support and emphasizing that the Guild exists to support their needs and interests. She then asked for and received approval of the minutes of the 2015 annual meeting. The next order of business was the appointment of the tellers and inspectors. Staff Attorney Michael Gross served as teller and inspector for the balloting. Ms. Robinson then turned the floor over to Executive Director Mary Rasenberger.

## Executive Director's Report

Ms. Rasenberger began by seconding Ms. Robinson's assessment of the year just concluded—challenging, eventful, but also fruitful. "Paul Aiken was a force of life," she said, "but his spirit lives on at the Guild." She congratulated the Guild's staff, who have more than

---

**"We have gone to Washington to speak to our representatives; we have appeared before the National Booksellers Association; we've been participating in meetings, panels, and conferences about copyright; we've written op-ed pieces . . . been on PBS NewsHour and Bloomberg News, on national panels, sitting for interviews, giving our position to the world . . . One of the great things about being in a writers' organization is that there is always somebody who is ready to talk."**

**—Roxana Robinson**

---

risen to the occasion, doing more work with fewer resources in the past year, and then introduced them by name.

Ms. Rasenberger reiterated the importance of the Guild's mission: "We are the only organization that works day in and day out to protect all American authors, to defend the rights of authors in court and in Congress, and to advocate for fair compensation for authors—all of which are increasingly under at-

---

1 The Supreme Court had not yet declined to hear the Guild's appeal.

---

tack.” Opponents of rigorous copyright protection, she noted, “say ‘writers will write anyway.’ That’s like saying somebody likes to bake, so when they open a bakeshop, why does anyone need to pay for the cookies and cakes?”

Such thinking, Ms. Rasenberger said, “is destructive for both our writing culture and for society as a whole. The Founders put copyright into the Constitution because they recognized the need for an independent class of authors who can support themselves with

---

**Opponents of rigorous copyright protection  
“say ‘writers will write anyway.’ That’s like  
saying somebody likes to bake, so when they  
open a bakeshop, why does anyone need to pay  
for the cookies and cakes?”**

—Mary Rasenberger

---

their writing in a free market, without the support of government or academia or a patron. They understood that to develop a strong culture of ideas and literature, you need people who can devote themselves to their craft.” In the current climate, where everyone can post their work on the Internet, the expectation that words are free has grown. Big tech makes use of writers’ work for free, “under the auspices of fair use—or just because they can.” One of the challenges at the Guild, she added, is not just to remind “people, readers, authors, Congress, the public at large of the importance of protecting copyright and the right of authors to get paid. . . . We also need to remind [them] of the importance of books to the culture.”

Ms. Rasenberger next addressed the issue of author incomes: As reported in our 2015 survey, full-time authors’ incomes are down 30 percent, part-time authors’ incomes are down 38 percent and sustaining a full-time career in writing has become impossible for all but a handful. The causes of this decline in income are complex, but some are identifiable, and the Guild is fighting on all fronts to reverse the tide. We are lobbying in Washington, DC, and in court, pushing hard against the choke hold that Amazon has on the book industry, fighting unfair contract terms in publishing agreements and challenging the “information wants to be free” mind-set. The message we have been trying to get across with the Google Books case, said Ms.

Rasenberger, is that writing is not just information and it does not come free. Authors have a fundamental right to get paid for the work they produce.

Ms. Rasenberger noted that *The Washington Post* and *Publishers Weekly* have covered the Google case extensively. Ms. Rasenberger and Ms. Robinson have done interviews with NPR, and Ms. Robinson and Council members Richard Russo and T. J. Stiles have all written op-eds on this subject recently. Ms. Rasenberger encouraged members to spread the word on the importance of the case as well, for the future of authors and copyright.

In addition to the Google suit, the Guild continues to push back against Amazon’s outsize share of the publishing market. In January, several Council members spoke on a panel in Washington, DC, hosted by the New America Foundation, about their personal experiences with Amazon. Several antitrust lawyers and experts in price discrimination laws weighed in on the dangers and consequences of Amazon’s behavior. The Guild also met with the Department of Justice, and in December, in collaboration with the American Booksellers Association and Barnes & Noble, we filed an amicus brief in the e-book price fixing case, *U.S. v. Apple*. On March 7, the Supreme Court declined to hear that case.

Ms. Rasenberger spoke about the Guild’s pursuit of legislative support on issues of copyright and book pricing, in which the Guild has sought help from several senators, including Senator Al Franken, who has criticized Amazon, Google and others for overreaching.

In terms of copyright reform, it looks as if Congress likely will not be undertaking the wholesale reform some expected, but rather addressing a limited number of issues in a more tailored fashion. The Guild has met with members of Congress on a number of priority issues, including piracy and the establishment of a small claims court for copyright infringement, which has some chance of being passed in the next few years. We are also pushing for a collective licensing solution for the mass digitization of out-of-print works, and for more rigorous enforcement of notice-and-takedown requests on the part of Internet service providers, to ensure that infringing work stays down.

We continue to advocate for an independent Copyright Office. Currently, the Copyright Office is part of the Library of Congress. Separating the two would allow the Copyright Office to bring its technology into the 21st century. Two different reform bills have been introduced: one would establish an independent Copyright Office outside the Library of Congress; the other would keep the Copyright Office within the Library of Congress while giving it greater operational autonomy. We’ve also lent our support to free

speech initiatives around the world and have called on President Obama to end the book embargo against Cuba: access to books is a fundamental human right.

Ms. Rasenberger talked next about some of our new projects and programs. In February 2015, we launched our redesigned website, and we've increased our social media presence on Twitter and Facebook. Our Twitter following is up 3 percent since last year; our Facebook "likes" are up 50 percent. We have increased the number of events and panels we hold outside New York, so that members around the country can meet with one another and with Authors Guild staff, and we are in the process of setting up regional Authors Guild Facebook pages so members can communicate and organize their own meet-ups locally. Ms. Rasenberger encouraged members who have not yet created an account on the AG website to set up their profile pages and access the members-only portal. She also announced that two new, non-voting member categories, for emerging writers and students, had just been approved by the Guild Council. Both groups will have access to the members-only portal on the website, as well as to some other Guild services. (See box, page 58.)

Over the past year, we have been transitioning our Back-in-Print program from its former platform, iUniverse, to Open Road. (Members who choose to remain with iUniverse can.) Ms. Rasenberger noted that the transition is an upgrade as well: Open Road is not just scanning existing editions, but creating new, reformatted editions, resulting in greater quality. So far about two hundred titles have been transferred, and once the process is complete, we will begin bringing in new titles.

We've undertaken a number of behind the scenes office improvements as well. The Authors Guild currently hosts about 2,300 websites, 2,100 of them built on our platform. An upgrade to SiteBuilder, scheduled to launch by the end of the year, will include new templates, more features, greater flexibility and a more user-friendly editing system. We also have a new e-mail system and a new video conferencing system, we are reviewing and upgrading our membership renewal process, and we are in the midst of scanning all of our paper files. "It's a huge undertaking," Ms. Rasenberger said, "but real estate in New York is very expensive, and we figure we better put people there instead of paper."

Although we increased dues last year, they cover only a third of our operating expenses, as costs have increased across the board. A search is under way for a new development director who would also work with the Authors Guild Foundation's new board, headed by recently elected Nick Taylor. This year's benefit, our major fund-raising event, is scheduled for May 25 at



*Executive Director Mary Rasenberger, President Roxana Robinson and former President Nick Taylor, now president of the Authors Guild Foundation.*

Capitale in New York, with Suzanne Collins, author of *The Hunger Games*, as the honoree (see page 16).

Ms. Rasenberger concluded her report by quoting Samuel Johnson: "'The chief glory of every people arises from its authors.' Let's not forget that."

Ms. Robinson then opened the floor to questions from the audience. In response to several questions on digital piracy, Ms. Rasenberger said that we would be sending out a survey on the subject in the near future, asking members about their experiences with takedown notices. She noted that we would be filing comments with the Copyright Office on piracy issues by the end of the month, and stated that we have been in discussions with organizations that help authors and publishers with takedown notices (see page 11). In response to a question on collective licensing, Ms. Rasenberger explained that it is a way of facilitating mass licensing that is widely used in Europe. Had such a system been in place a decade ago, she pointed out, Google, for instance, could have gone to the registry and licensed these books, which would have helped our fair use case.

While ballots were being collected, Roxana Robinson called on General Counsel Jan Constantine for her report.

## General Counsel's Report

Ms. Constantine opened with a review of recent legal activities, starting with the petition for certiorari we filed with the Supreme Court in the Google case on December 31, 2015. On February 1, 2016, seven amicus briefs were filed in support of our appeal, by author groups, creator groups, publisher groups, international organizations, the Copyright Alliance, the

---

Copyright Clearance Center and the American Society of Journalists and Authors. Google's brief in opposition was filed on March 1, and our reply brief had been filed just that morning, March 15. Ms. Constantine reminded the audience that the odds for our appeal being accepted were low—the Court accepts just 70 to 80 cases out of the 9,000 or so that are submitted each term.

Ms. Constantine reported that the electronic database class action lawsuit *In re Literary Works in Electronic Databases Copyright Litigation*, filed in 2000, is still pending. On February 18 of this year, the class counsel posted a detailed status report. The bottom line is that claims disputes need to be resolved before payments can be made, and the class counsel now predicts that payments will be paid for uncontested claims by the end of 2016.

Ms. Constantine then reviewed the course of the Guild's Fair Contract Initiative, which was launched at Book Expo America in May 2015, with the goal of opening a conversation within the industry about out-of-date, unrealistic and unfair clauses in publishing contracts. The campaign was rolled out in 10 installments, from May 2015 to March 2016, each examining a different clause. On January 5, the Guild published an open letter to publishers asking to meet with them and begin a dialogue with the aim of making it possible for professional writers to continue to make a living in the digital age. The Guild invited other author organizations around the world to do the same and has had very encouraging responses. In Ireland, the Irish Writers Union has met with the publishers organization to discuss contract terms and how they could be made more author-friendly. The Society of Authors in the U.K. is meeting with individual pub-

lishers and members of Parliament in hopes of generating interest in some kind of statutory commitment to a fair contract. In addition, Mary Rasenberger and Ms. Constantine have been meeting with publishers large and small, both academic and trade.

Ms. Constantine gave a brief report on Legal Services, one of the Guild's most valued services. Over the past year, staff attorneys handled more than 1,100 queries, primarily contract reviews and copyright inquiries. She also announced that the Model Trade Contract had been revised and that an updated edition could be seen on the members-only section of the website. The Guild is also developing a Model Trade Contract for translators and a "robust" self-publishing research guide.

Ms. Constantine reminded members about the Authors Legacy program, encouraging them to consider bequeathing money or copyrights to the Authors Guild. As an example, she mentioned the estate of Syd Hoff, the author of the *Danny and the Dinosaur* books, whose bequest to the Guild has proven extremely valuable. HarperCollins is currently using the series as a showcase for its I Can Read books, and the 35-word books are hugely popular in Southeast Asia and China, where they are being used to teach English to adults and children. She reminded members of our media liability insurance partner, for which we issued 52 new policies and 42 renewals in 2016, and urged them to take advantage of the Guild's many webinars and telephone seminars, on taxes, estate planning, contracts 101, and web services. She closed her report with an update on the Authors Registry, which has distributed \$28 million to authors in the U.S. since its inception in 1995, including more than \$5 million in the past year.



*Annual Meeting, Scandinavia House, 2016*

---

The floor was reopened to questions. Two members asked for talking points on our Google suit. After explaining the four factors of fair use and how they apply to the Google case, Ms. Constantine directed the audience to the Google Q&A on the website for a crib sheet on the ten-year old suit. She and Ms. Rasenberger responded at length to a variety of other issues, including e-book royalty rates and whether publishers have suffered losses comparable to those of writers.

Ms. Robinson then introduced Guild Treasurer Peter Petre to present the financial report.

## Financial Report

Mr. Petre reported that the Guild was approaching the midyear mark for the 2016 fiscal year. The Guild's budget has for the last several years held steady at about \$2.5–\$2.7 million. The Guild's income derives from three sources: member dues, royalties collected from overseas sources, and fees from services. As overseas royalties diminish, Mr. Petre said, we must find ways to replace that income through increased fund-raising—"something we had the luxury of not having had to do for some years, but we're going to get good at it really fast." In the meantime, he reported, "we've managed to amp up a lot of the work we've been doing—advocacy is booming, litigation is booming, services are booming and the website has been completely overhauled. So from an operating standpoint, we're doing our job."

As reported previously, the organization has been running at a deficit for the last few years and is currently \$375,000 in the red. Thanks to economizing measures this year, however, we are looking at a lower deficit this year and hope to break even in 2017, assuming our income from the Authors Coalition remains constant. If fund-raising picks up, we will be well in the black. In closing, Mr. Petre said that the Guild welcomes any kind of support or contribution members can make to the cause, whether through direct fund-raising or in legacy referrals. In the meantime, he said, "just keep paying your dues, please, and we'll keep doing our job."

Roxana Robinson then introduced former Guild

president Nick Taylor, who succeeds Sidney Offit as president of the Authors Guild Foundation, the official fund-raising and educational arm of the Guild. In an "extremely brief report," reflecting the fact that he had been elected just the previous week, Mr. Taylor said he aims to recruit more prominent authors and philanthropists to join the board, with the immediate goal of raising the Guild's visibility, alongside that of PEN and other creative organizations, "to make sure that writers can do their work."

Ms. Robinson then called upon the teller and inspector for the voting results. The proposed slate of Council members was returned, with 940 votes being cast. The results were that Roxana Robinson was re-elected president, Richard Russo was re-elected vice president, Peter Petre was re-elected treasurer and Daniel Okrent was elected secretary. Three new Council members were also voted in: Steven Levy, Susan Orlean and Ayelet Waldman.

Steven Levy is a longtime journalist and author who focuses on technology. Since 2014, he has been the editor in chief of *Backchannel*, a tech publication on the Medium platform. He is the author of seven books, including *Crypto*, which won the grand e-Book prize at the 2001 Frankfurt Book Festival.

Susan Orlean is a journalist and author. She has been a staff writer for *The New Yorker* since 1992. She was a 2004 Nieman Fellow at Harvard University and has been awarded an honorary doctor of humane letters from the University of Michigan and a Guggenheim Fellowship in Creative Arts/Nonfiction.

Ayelet Waldman is the author of six books, including *The New York Times* bestseller *Bad Mother: A Chronicle of Maternal Crimes, Minor Calamities, and Occasional Moments of Grace* and the novel *Love and Other Impossible Pursuits*, which was adapted into a film called *The Other Woman*. Her essays and profiles have been published in *The New York Times*, *The Washington Post* and many other publications.

After asking if there was any new business and finding there was none, Ms. Robinson thanked all of the members who had turned out, extended an invitation to join the staff for refreshments and adjourned the meeting. ♦

## Two New Membership Categories for the Authors Guild

The Authors Guild is pleased to announce the creation of two new categories of membership: Student Membership and Emerging Writer Membership.

### Student Members

Student Membership is open to all students who are enrolled either part-time or full-time in any college or university undergraduate or graduate program. The annual fee is \$35.

Student members receive e-mail alerts and are invited to participate in seminars and members-only events. They have access to the members-only portal on our website, which includes a Member Resource List, digital copies of the Authors Guild *Bulletin* and the Model Trade Contract, an archive of past seminars, and more. Student members are invited to post their writing-related events to the Events calendar.

Student members can renew their membership for up to five years after graduation. Once they become eligible for full membership, they can upgrade to Regular or Associate status and receive legal and web services.

### Emerging Writer Members

Emerging Writer Membership is open to unpublished writers who are actively working on a manuscript or other writing projects. In addition to all the services student members receive, emerging writers have access to our website building tools and other web services. The annual fee is \$100.

Emerging Writer members can upgrade their membership to Regular or Associate once they are eligible, entitling them to legal services, such as contract reviews and advice on legal questions.

|                                  | <b>Full Membership</b> | <b>Membership-at-Large*</b> | <b>Associate Membership</b> | <b>Emerging Writer Membership</b> | <b>Student Membership</b> |
|----------------------------------|------------------------|-----------------------------|-----------------------------|-----------------------------------|---------------------------|
| <b>Seminars &amp; Events</b>     | ✓                      | ✓                           | ✓                           | ✓                                 | ✓                         |
| <b>Member Resource List</b>      | ✓                      | ✓                           | ✓                           | ✓                                 | ✓                         |
| <b>Member Profiles</b>           | ✓                      | ✓                           | ✓                           | ✓                                 | ✓                         |
| <b>Back in Print</b>             | ✓                      | ✓                           | ✓                           | ✓                                 | ✓                         |
| <b>Media Liability Insurance</b> | ✓                      | ✓                           | ✓                           | ✓                                 | ✓                         |
| <b>Model Trade Contract</b>      | ✓                      | ✓                           | ✓                           | ✓<br>(digital only)               | ✓<br>(digital only)       |
| <b>The Bulletin</b>              | ✓                      | ✓                           | ✓                           | ✓<br>(digital only)               | ✓<br>(digital only)       |
| <b>Web Services</b>              | ✓                      | ✓                           | ✓                           | ✓                                 |                           |
| <b>Legal Services</b>            | ✓                      | ✓                           | ✓                           |                                   |                           |
| <b>Voting</b>                    | ✓                      |                             |                             |                                   |                           |
| <b>Annual Dues</b>               | \$125                  | \$125                       | \$125                       | \$100                             | \$35                      |

\*Literary agents, heirs, trustees, attorneys and accountants who represent authors.

## THE AUTHORS GUILD, INC.

### Officers

President: ROXANA ROBINSON

Vice President: RICHARD RUSSO

Treasurer: PETER PETRE Secretary: DANIEL OKRENT

### Council

AMY BLOOM  
ALEXANDER CHEE  
MATT DE LA PEÑA  
JENNIFER EGAN  
PETER GETHERS  
JAMES GLEICK  
ANNETTE GORDON-REED  
NICHOLAS LEMANN

STEVEN LEVY  
JOHN R. MACARTHUR  
STEPHEN MANES  
DANIEL OKRENT  
SUSAN ORLEAN  
DOUGLAS PRESTON  
MICHELLE RICHMOND  
CATHLEEN SCHINE

HAMPTON SIDES  
T. J. STILES  
MONIQUE TRUONG  
PEG TYRE  
RACHEL VAIL  
AYELET WALDMAN  
NICHOLAS WEINSTOCK  
MEG WOLITZER

### Ex Officio and Honorary Council Members

ROGER ANGELL • ROY BLOUNT JR. • BARBARA TAYLOR BRADFORD • ROBERT A. CARO • SUSAN CHEEVER  
ANNE EDWARDS • ERICA JONG • ROBERT K. MASSIE • VICTOR S. NAVASKY • SIDNEY OFFIT  
MARY POPE OSBORNE • LETTY COTTIN POGREBIN • JEAN STROUSE • NICK TAYLOR • SCOTT TUROW

### Advisory Council

SHERMAN ALEXIE, JUDY BLUME, LOUISE ERDRICH, CJ LYONS, FREDERIC MARTINI

MARY RASENBERGER, Executive Director

MARTHA FAY, Bulletin Editor

*The Authors Guild, the oldest and largest association of published authors in the United States, works to protect and promote the professional interests of its members. The Guild's forerunner, The Authors League of America, was founded in 1912.*

The Authors Guild • 31 East 32nd Street, 7th Floor, New York, NY 10016  
(212) 563-5904 • fax: (212) 564-5363 • e-mail: [staff@authorsguild.org](mailto:staff@authorsguild.org) • [www.authorsguild.org](http://www.authorsguild.org)

---

## Legal Watch

*Continued from page 45*

second *Kirtsaeng* decision should be lauded for the stability it creates amidst the confusion unleashed by its predecessor.

But while this most recent ruling represents a promising legal turn, more can be done to empower individual and independent copyright holders, especially given the prohibitively expensive costs of litigation. That's why we're supporting the creation of a small claims court for copyright infringement. Such a court would greatly expand authors' access to the courts, give them real remedies and empower them to protect their literary property and reinforce their rights.

—Myles Osborne, Legal Intern

The Authors Guild, Inc.  
31 East 32nd Street, 7th Floor  
New York, NY 10016

PRST STD  
US POSTAGE  
PAID  
YORK, PA  
PERMIT #200

## Membership Application

Mr./Ms. \_\_\_\_\_ Pseudonym(s) \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_ E-mail \_\_\_\_\_

Agent name \_\_\_\_\_ Agency \_\_\_\_\_ Agent phone ( ) \_\_\_\_\_

How did you become interested in joining the Guild? (check one) ☐ Invitation ☐ Writing journal \_\_\_\_\_

☐ Referred by \_\_\_\_\_ ☐ Other \_\_\_\_\_

What is your primary reason for joining? ☐ Support and advocacy efforts ☐ Legal services ☐ Health insurance

☐ Site-builder and other Web services ☐ Other \_\_\_\_\_

Qualifying writers include book authors and freelance journalists. **Book authors** published by an established American publisher and self-published **writers** who earned at least \$5,000 in writing income as a book author or freelance writer in the 18 months prior to applying for membership are eligible. Writers earning at least \$500 in writing income in the 18 months prior to applying for membership may qualify for acceptance as Associate members of the Authors Guild. **Freelance journalists** must have published three works, fiction or nonfiction, in a periodical of general circulation within the last 18 months.

| Book(s) | Title | Publisher | Year  | Field/Genre |
|---------|-------|-----------|-------|-------------|
| _____   | _____ | _____     | _____ | _____       |
| _____   | _____ | _____     | _____ | _____       |

| Freelance articles | Title | Publisher | Mo./Year | Subject |
|--------------------|-------|-----------|----------|---------|
| _____              | _____ | _____     | _____    | _____   |
| _____              | _____ | _____     | _____    | _____   |
| _____              | _____ | _____     | _____    | _____   |

Please enclose a check for your first year's dues in the amount of \$125 payable to "The Authors Guild" or charge your Visa or MasterCard.

Account No. \_\_\_\_\_

Signature \_\_\_\_\_ Expiration Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Amount: \$125

**Mail to:**  
The Authors Guild  
31 East 32nd Street, 7th Fl.  
New York, NY 10016