Early and Often: Publishing’s New Rules of Reader Engagement
Court Approves DOJ’s Controversial E-Book Deal
Mass Book Digitization Lawsuits Switch Places
Seeing America: One Author’s Backroads Book Tour
I just received the Spring 2012 edition of the Authors Guild Bulletin and read the following: "George Whitman, who took over the Shakespeare and Company bookstore on the Left Bank in Paris from its founder, Sylvia Beach, died in December at the age of 98. The store was a hangout for James Joyce and Ernest Hemingway and many American literary wannabes."

This is incorrect. Sadly, George Whitman did pass away in December. He did not, however, take over Sylvia Beach’s Shakespeare and Company. He originally founded his own bookstore, Le Mistral, but later changed its name to Shakespeare and Company in the mid-’60s in honor of Sylvia Beach. By then Joyce and Hemingway had both passed away. Sylvia Beach’s store was located on the rue de l’Odéon in the 6th arrondissement and warmly welcomed both French and English-language writers including James Joyce, whose Ulysses she published. The current Shakespeare and Co. is on the rue de la Bûcherie facing Notre Dame. It’s now run by Sylvia, George’s daughter, and her partner David Delannet.

Sadly, too, Paris is also losing two of its greatly appreciated independent bookstores: The Red Wheelbarrow and The Village Voice. Both will be closing in July.

—Anne Marsella
Paris

Continued on page 39

Along Publishers Row

BY CAMPBELL GEESLIN

Centuries ago, the monks who made copies of texts all day sometimes added complaints in the margins of the manuscripts. A few of these are quoted in Lapham’s Quarterly and noted in The Guardian. One monk wrote, "Thank God, it will soon be dark."

Another noted: "Writing is excessive drudgery. It crooks your back, it dims your sight, it twists your stomach and your sides."

And a third: "Oh, my hand! I am very cold. I’ve written the whole thing: for Christ’s sake, give me a drink."

Complaints about sitting in front of a computer screen all day would come much later.

SUBS: Most newspaper sections devoted to books have faded from the scene, but they are being replaced, perhaps, on the Internet. Slate, on the first Saturday of each month, offers the "Slate Book Review" with author interviews, essays and multimedia pieces, as well as reviews. The Chicago Tribune has "Printers Row," a subscription section in both online and print versions that is about books, with author interviews and reviews. The New Republic has created "The Book." It reviews a new book almost every day of the week, publishes literary pieces from the magazine’s archive and aggregates other literary reviews. "The Millions," an online magazine with coverage of books, was created in 2003, and "The Los Angeles Review of Books" was founded last year.

Eric Banks, president of the National Book Critics Circle, told The New York Times that while online book reviews have helped make up for the loss of print reviews, they have not been able to fill the void completely. He said, "Those online sites have done a terrific job in providing book review coverage. But it’s a lot of ground to make up. You still lack the celebratory moment when a book gets reviewed in a pullout section of a newspaper."

TAP TAP TAP. A page 1 headline in The New York Times: "In E-Book Era, Rule for Writers Is Type Faster!"

In the past, successful authors of mysteries, thrillers and romances produced one book a year. Now their publishers urge them to turn out short stories, novellas or an extra full-length book each year. Best-selling author Lisa Scottoline told the Times, "It used to be that once a year was a big deal. You could saturate the market. But today the culture is a great big hungry maw, and you have to feed it."

Continued on page 22
**SUMMER 2012**

**Articles**

**Short Takes**  
Page 4

**One Book, 50 States: An Author’s Tour**  
*By Benjamin Busch*  
Page 6

**Publishers “Friend” Social Media**  
*By Andrea Bronson*  
Page 8

**Authors Guild Benefit**  
Page 11

**Baguettes and Bookstores: Why Can’t We Be More Like the French?**  
*By Elaine Sciolino*  
Page 12

**Federal Court, DOJ Brush Past E-Book Settlement Critics**  
*By Cynthia Cotts*  
Page 14

**Google Judge Grants Authors Certification; HathiTrust Motions Filed**  
*By Ryan Fox*  
Page 16

**Contracts Q&A**  
*By Mark L. Levine*  
Page 18

**Early Ray Bradbury**  
*By Jay Neugeboren*  
Page 38

**Departments**

*Along Publishers Row* .................. 2  
*Letter from the President* ............... 5  
*Legal Watch* .............................. 20  
*Members Make News* .................... 31  
*Books by Members* ...................... 32  
*Bulletin Board* ........................... 37

---

**About the Cover Artist**

Elwood H. Smith is an award-winning illustrator whose work has graced the covers and pages of *Newsweek* and *Forbes*, and appears regularly in *The New York Times* and *The Wall Street Journal*. He has also illustrated many children’s books.  
Last year Elwood was honored with a one man show at The Norman Rockwell Museum in Stockbridge, Massachusetts.
Amazon Acquires Avalon Books
Amazon Publishing has purchased Avalon Books, the two companies announced on June 4, the first day of BookExpo America. More than 3,000 of Avalon’s backlist titles—largely romance, mystery, and western theme books—will be added to Amazon’s growing collection. Many of the purchased titles will be digitized and released as e-books for the first time, though Amazon stressed that all Avalon books will continue to be made available to booksellers in print, as well.

Avalon, a family-run business, was founded in 1950. Prior to acquiring Avalon, Amazon Publishing purchased the backlist of Marshall Cavendish Children’s Books, in December 2011.

John Wiley & Sons Wins Suit Against File-Sharer
In June, John Wiley & Sons won a lawsuit against Robert Carpenter, who was found responsible for illegally posting a digital copy of the Wiley title WordPress All-in-One For Dummies on the file-sharing website BitTorrent. Carpenter, found guilty of copyright and trademark infringement, has been ordered to pay a default judgment of $7,000 in damages. The suit is one of several that Wiley has filed in recent months.

Wiley Selling Selected Assets
In other news related to John Wiley & Sons, the publisher is looking to sell off several of its assets, including Frommer’s, Webster’s New World, and CliffsNotes. The company will concentrate its attention instead on its lucrative For Dummies and scholarly lines. (Sales of Dummies’ 1,500 titles have passed the 200 million mark.) Mediabistro reported that “[t]he assets up for sale earned around $85 million last fiscal year.”

Google Ending E-Book Program for Indie Bookstores
Google will discontinue a program that enabled brick-and-mortar bookstores to sell e-books to customers for reading on smartphones, tablets and laptops, and e-readers. The program, launched in 2010, will come to a close at the end of this year, Google announced on April 5. Though the program did not meet the company’s expectations, the American Booksellers Association told The New York Times that more than 350 bookstores currently use Google’s platform to offer e-books to customers. The Times also quoted Emily Pullen, manager at the Los Angeles-based Skylight Books, who said that while e-book sales have been modest, the program allowed the store to give “customers something that they wanted and to be a part of . . . these changes in technology.”

The ABA is researching possibilities for a replacement system, noting in a statement to members that it had been doing so prior to Google’s announcement, given the risks of “relying too solely on only one vendor.”

Houghton Mifflin Files for Bankruptcy
On May 21, Houghton Mifflin Harcourt filed for Chapter 11 bankruptcy protection in the hopes of eliminating more than $3 billion in debt. According to documents, HMH voluntarily petitioned the court with a pre-packaged financial restructuring plan that would allow business to continue as usual, but with control of the company ceded to lenders. In late June, CEO Linda K. Zecher announced that the publisher had successfully emerged from bankruptcy with “less debt, a much improved balance sheet and capital structure and the financial strength to invest in new products and innovative digital education solutions.”

HMH, known for its textbooks, has a 14 percent share in the K–12 educational materials market. In recent years, local and state governments have cut funding that has typically allowed schools to purchase educational materials, thus reducing the demand for HMH’s publications.

U Missouri Press Resurrected Following Widespread Protest
In May, the University of Missouri’s president announced that the school’s 54-year-old publishing house, University of Missouri Press, would be shut down following the administration’s decision to cut off funding—$400,000 per year, according to Publishers Weekly. The decision prompted outrage from scholars, who set up a “Save the University of Missouri Press” Facebook page and circulated a petition asking the school to reconsider. In addition, the 10 editors of the Press’s Collected Works of Langston Hughes, a highly acclaimed 16-volume series, released an open letter, stating: “More than a local budgetary decision . . . this closing reduces significantly the intellectual quality of academic diversity in the United States; indeed, it impairs the very mission of the humanities.”

The decision would have left 10 employees out of work; funding for the Press would have been diverted to the implementation of President Tim Wolfe’s new fiscal strategy.

Happily, in July plans were announced to resurrect the Press with writer and Missouri Review editor Speer Morgan at the helm. The Press will publish 20–25 titles per year, Morgan told PW, working with four paid employees and five graduate student interns. “They don’t expect us to operate in the black,” Morgan noted, “But we will have the necessary resources to make the transition.” ✷
From the President

BY SCOTT TUROW

I’m pleased to announce that the Authors Guild is now welcoming self-published authors as members of our organization. Self-published authors who have earned at least $500 in writing income in the 18 months prior to applying for membership qualify to be associate members; those earning at least $5,000 qualify to be regular, voting members. This does not supplant our existing routes to membership—any writer published by a traditional American book publisher continues to qualify for membership, as do freelance writers who publish three articles, stories, or poems in broadly distributed periodicals in 18 months. (All current members remain members of the Guild.)

The Authors Guild marks its 100th anniversary this year. For ninety-seven or so of those years, being a professional book author, short-story writer, poet, or freelance journalist, with rare exception, meant convincing a traditional publisher to invest in your literary work. Now, for a growing number of writers, an alternative path is becoming viable: self-publishing digital and on-demand editions of their works through online vendors, including Amazon, Barnes & Noble, and Apple’s iBookstore.

As we discussed the membership criteria for self-published authors at our most recent board meeting, someone recalled that Robert K. Massie, when he served as Guild president, described our group as “the meat-and-potatoes writers’ organization.” He’s right. The Authors Guild deals with pocketbook issues for authors. This can cover a wide range of issues. For example, Bob Massie led a successful battle to fix a glitch in the 1986 Tax Reform Act that prohibited book authors from deducting their expenses as they were incurred. If you took advantage of this in April, you largely have Bob to thank for that.

For the most part, however, our pocketbook issues fall into three categories: fair contracts, effective copyright protection, and free speech (free speech is certainly a pocketbook issue if you’re an author). Our job is to look out for the interests of book authors and freelance writers, to make sure their contracts are as fair as they can be, and that copyright actually provides authors with marketable ownership rights, so writers have the opportunity to be appropriately compensated for their works. These are concerns for all professional writers, including those who make a part or all of their livelihoods by publishing their work themselves.

With the support of our members, we’ll continue to look out for the livelihoods of all professional authors.

As Guild members and readers of the Bulletin know, the Guild vigorously opposed the terms of the Justice Department’s settlement with the publishers Hachette, HarperCollins, and Simon & Schuster in its e-book pricing lawsuit. We believe the DOJ could have addressed the alleged collusion without sanctioning predatory e-book pricing and that the interests of professional authors suffered a serious blow when Judge Denise Cote approved the settlement.

In many ways, traditional booksellers present the last firewall to Amazon’s seizing control of bookselling as a whole (Amazon already dominates online bookselling, with an estimated 75 percent of the combined print and digital book market). Those booksellers will likely face increasing pressure as Amazon, if it holds true to form, chooses to sell the most popular front-list books from Hachette, HarperCollins, and Simon & Schuster at below cost and extract profits from readers seeking backlist books that aren’t on bookstore shelves. Competitors without Amazon’s deep pockets can’t play this game. This isn’t a fair business practice, and that the settlement permits it represents a monumental error by our government’s attorneys. We believe it’s the first time the Justice Department has essentially endorsed a predatory business tactic.

This is bad news not just for traditionally published authors, many of whom depend on physical bookstores to help promote their new works, but for self-published authors as well.

Aaron Shepard is a writer whose (self-published) books and blog focus on the ins and outs of self-publishing. In a recent blog posting [see www.newselfpublishing.com/blog/#DavidGaughran], he notes that Amazon hasn’t just “squeezed” the traditional publishers; it squeezes its own authors. “Amazon’s support of self-publishers has always been spotty, half-hearted, and thoroughly profit-oriented,” he writes. “Newbies are encouraged because they help build the Kindle Empire and pay hefty fees to receive publishing help from CreateSpace. Established authors are lured so Amazon can stop sharing revenue with their current publishers, as Amazon wants it all to itself.”

In fact, he continues, Amazon’s current royalty structure for self-published writers was developed as a response to the agency model that Apple introduced to the publishing industry: in the face of competition,

Continued on page 13
One Book, 50 States
A Modern Author’s Marathon

BY BENJAMIN BUSCH

Debut books don’t sell themselves. There are ways to make them easier to package, but something magical still has to happen during promotion. The center of gravity has shifted to online retailers and Internet advertising, and as publishers rush to innovate in a changing market, I decided to step back into the places that still sell books by hand.

While writing Dust to Dust, I did not follow many conventions. What I hoped the book would articulate about our individual and collective place in time required a new move in the genre of nonfiction memoir. Finding a successful commercial comparison would be a marketing challenge, and I worried that reviewers would enter the book’s pages with well-established expectations that my new structure would somehow have to overcome. It was clear that my book would not be an easily categorized product. When it arrived on shelves, my career in advertising began.

In recent years the publishing industry has lost much of its faith in traditional marketing techniques. Buyers are changing their habits, e-book sales rival paper, and online technology has modernized our relationship to commerce. As print-based book reviews draw less and less attention, bloggers are on the rise. Print ads and the author book tour are costs publishers see the least value in now. Instead, they are wading into the vast potential of the Internet and experimenting with social media platforms. The number of sales reps walking the beat has been severely cut, and publicity offices are working with skeleton crews, but their Twitter and Facebook posts are reaching more people than direct mailings ever did. Everyone in sales is scrambling, trapped between struggling brick and mortar businesses and online flea markets. Most industry adaptations are going from physical to digital.

Of course, this isn’t news to writers. It’s just how it is. Anyone who expects to sell a book now has to be an increasingly active member of the sales team. Given how few tools—beyond social media—were at my disposal, I looked to a tactic that few writers could pursue without the aid of a fully committed publisher: an expansive low-budget tour of independent bookstores across the country.

The initial plan was simple. Ecco offered me a generous eight-city book tour. Like all book tours, it targeted major markets and renowned independent stores, in hopes of attracting what national media we could. But, guessing that my book would be a slow burn, I worried that this kind of limited exposure would be too brief for the book to thrive. The media might give it some play, but without some unexpected celebrity endorsement, interest would likely flag. Instead, I asked Ecco to support my plan for a solo trek, which would give the book time to be discovered. We prepared for months, reaching out to independent bookstores along my projected route and locking down events. We scrolled the list in each city until a store manager or events coordinator accepted our offer to visit.

On March 17, I set out on a 48-state road trip to 197 events with a plan to cover Alaska and Hawaii by air in the winter. The first leg of my cross country Odyssey more or less resembled a typical book tour, with stops in Ann Arbor, Minneapolis, Iowa City, Chicago, Washington D. C., New York City, Baltimore, Boston, and a flight to Los Angeles. The second leg did not. The road campaign began in earnest in Bellingham, Wash. In return for Ecco’s support for such a long endeavor, I promised to keep expenses as low as possible. My economy was self-imposed, but I felt it to be a fair exchange for asking such a sustained favor of my publisher. I slept on couches, in the guest rooms of

Anyone who expects to sell a book now has to be an increasingly active member of the sales team.

Author Benjamin Busch is a veteran of two tours as a Marine officer in Iraq and three seasons playing undercover narcotics cop Tony Colicchio on The Wire. He is also a photographer and filmmaker. Dust to Dust is his first book.
friends or in the car, showered in truck stops, and checked into cheap hotels when I could discover no other options. I bought bulk foods and avoided restaurants. Gas would be the constant unavoidable cost, but most of the tour would be driven in a Prius, getting 45 miles to the gallon.

My thinking was simple. If I kept expenses stripped down and moved every day, I could make small personal splashes in multiple markets. If I could do this throughout the entire country, the ripples from each stop would eventually intersect and I would have touched all of America. I went to bookstores—and regions—that publishers lost sight of long ago. Many

---

My economy was self-imposed, but I felt it to be a fair exchange for asking such a sustained favor of my publisher.

I slept on couches, in the guest rooms of friends or in the car, showered in truck stops, and checked into cheap hotels when I could discover no other options.

---

had never hosted an author from a major commercial press, nor had they seen a publisher’s rep in years. I saw these outposts as friendly anchors. The objective of a bookstore is the same as that of a writer and a publisher. The purpose of reading in a bookstore is to sell your book to readers who turn up, but just as important is the chance to sell the book to the booksellers themselves, to give them a much deeper sense of the experience that is waiting for customers on their shelves. An audience of one gives me someone who will likely read the book and, if they like it, will recommend it. Word of mouth and hand-selling are the aspects of book marketing that an author’s presence can inspire directly.

Few established writers are interested in nomadic salesmanship. It interferes with writing. It can be exhausting. The immediate impact of an event is rarely apparent. We all know that after six weeks, the national press considers your book old news and that publishers will have moved on, as they must, to their next releases. But good bookstores exist because they have the support of their communities. I try to walk into every store with no expectations of an audience, no regional preconceptions. I hope for someone to come, to sit in a chair, and stay to the end. I’m selling my book and every copy that goes home with someone makes the journey I intended for it.

Since the tour began, I have spent just eight days with my wife and our two delightful daughters, and that is a cost that cannot be quantified. I have lived on highways for the last four months, but this path less taken is producing results. As I write this on July 16 in Tampa, Fla., I have met more than 2,000 readers, and that has been a true pleasure.

A week ago, still not halfway through my tour, I arrived at Parnassus Books in Nashville, Tenn. for my 80th event. Ann Patchett—a writer, one of us—rescued the store after an independent chain gave up its post in the city. As I set up for my reading, the President and CEO of HarperCollins happened to walk in, on a store tour of his own. It was proof that book publishers at the highest level remain aware of bookstores’ importance, and the value of paying them a visit. The digital age is upon us and that has as many advantages as frustrations, but in the end, if readers want to meet a writer, they’ll have to go to the bookstore. Let’s all go there together.
Publishing’s New Best Friends

BY ANDREA BRONSON

Traditionally, the only way an ordinary reader could crash BookExpo America, publishing’s annual trade show, was by waving a badge borrowed from someone in the business desperate to escape the craziness for a few hours.

This year, in one of several signs that publishing has finally caught on to the power of social media, BEA opened its doors to a select group of civilians designated as “Power Readers” on the third day of the fair, held at Manhattan’s sprawling Javits Center overlooking the Hudson River.

BookExpo limited the number of public attendees to 1,000, targeting dedicated bibliophiles with the help of invitations to purchase Power Reader badges ($45) sent out by the New York Public Library and several independent bookstores. Badge holders were given access on June 6 and went home happy with author autographs, bragging rights and a swag bag full of advanced copies of unreleased books from Random House, which sponsored the Power Reader program.

With more than 80 other companies offering giveaways from their booths or running contests for consumers, the message was unmistakable. “BEA has wanted to add a consumer element for a long time,” says Steven Rosato, BEA Event Director, “but it never made sense in the context of what was being transacted at BEA by the exhibitors and attendees.” A few years ago, they began arranging for authors attending BEA to appear at local stores and libraries, and put together some author programs at venues like the New York Public Library and Apple stores. When they saw the stats—roughly 170,000 unique visitors downloaded over 400,000 videos or podcasts of BEA author events, says Rosario—“We knew the time was now.”

At a time when the publisher-sponsored book tour is as rare as a typo-free first edition, publishers have discovered who their real friends are: readers, and the social media they navigate around the clock. “Everyone we spoke with was really energized about being there,” said Marisa Atkinson, Marketing and Publicity Associate at Graywolf Press. “These are, of course, extremely well-read people who have their finger on the pulse of what’s going on in the publishing industry, and it was great to be able to introduce them to our forthcoming titles several months before they would have had access to them in a bookstore or library.”

The influence of readers has become increasingly important in the process of marketing books: through social media and word of mouth, readers build buzz around books they love and, in doing so, drive sales. By inviting readers to events like BookExpo and by tapping into social media platforms, publishers and authors are finding new ways to promote books and interact directly with their fans.

The Author’s Role

Ira Silverberg, a former literary agent and editor, currently Director of Literature at the National Endowment for the Arts, said, “The retail marketplace has changed at a frantic pace. It’s been hard for publishers, let alone authors, to keep up with understanding how quickly things have moved along. The advent of the e-book; the changes in discount schedules; the DOJ case; the possibilities in the realm of self-publishing; it’s all quite a lot for a writer to take in. It used to be the job of the writer to simply write. Now it’s much more complicated—authors have taken on much more responsibility [for] promotion, publicity and the like.”

—Ira Silverberg

Andrea Bronson is the Marketing Communications Manager at the Authors Guild. Her favorite social media platform is Twitter, where she can be found at @AndreaBronson.
These days, marketing departments schedule training sessions, work closely with authors by phone and e-mail, and contribute content for authors’ various social media networks. They do not expect authors to know everything about the ever-changing digital world, and try to make educational resources available to them. Penguin Group’s The Penguin Press, for example, provides its authors with a questionnaire to determine each individual’s technological needs. Harper Books provides its authors with a roughly 70-page social media guide. Mark Ferguson, the Associate Online Marketing Director at Harper Books, recommends that authors get started building a platform early. Authors traditionally approach the publisher’s marketing department to find out how to get on Facebook and Twitter after turning in their final manuscript, typically three to five months before the book goes on sale. This, Ferguson explains, is not enough time to make an impact in time for the book’s publication date.

Ferguson also recommends that authors discover which social media tools they find “fun and interesting” to use, stressing the importance of developing both a unique voice and a community.

Marketing departments often brainstorm with technologically savvy authors—those who already have an established online presence—to determine how best to promote a new book using social media. Ryan Chapman, Marketing Director at Penguin Press, said he feels lucky to have authors who can teach him things, such as Nate Silver, who runs FiveThirtyEight Blog and has a book coming out with The Penguin Press this fall. Silver needed no social media tutoring, but he and Chapman worked in tandem to generate buzz beyond Chapman’s blog circle.

Marketing professionals were unanimous in emphasizing that they want their authors to be only as engaged with social media as they are comfortable with, and to stick to the single social media network they most enjoy, rather than try to maintain a presence across several platforms. Chapman warned that authors can spread themselves thin by constantly chasing the newest social media tool. “An author might feel like they’re doing a lot of work to be their own admin assistant or technology specialist rather than the person who’s communicating with the readers.” Chapman also cautioned against using a platform you do not understand or are not comfortable with, noting, “You don’t want to add noise.”

Logistically, because of the number of books pub-
lished in a season, publishers cannot continuously maintain social platforms for all their authors. Ferguson worked extensively with Elizabeth Haynes on her book *Into the Darkest Corner*, building a successful app for her Facebook page, but after three to four months, he explained, the marketing department had already shifted its focus to the paperback and to her next book. He said, "It's up to her to keep it alive because she's the only one who really can. She's the one who knows her readership. She's the one who knows the book she'll be writing next. She's the one who has the personality and the knowledge as an author to do it effectively and to not make it too promotional, and to make it personal, to do all the things that we believe make social media worthwhile."

**The Publisher's Role**

Publishers promote a book most heavily near its release date. One of the first things that Harper Books's Mark Ferguson does in preparation for a release date is pitch the book to an ever-growing list of book bloggers. This happens about three months in advance. For niche books, Harper Books reaches out to literary blogs and to blogs related to the theme of the book. "It's not just about the review they're posting on their blog," he explained, "it's about the community that helps us spread the word about books." By allowing a select group of interested readers to read the book in advance, the traditional buzz surrounding the release date—including published book reviews—can have a more substantial and lasting effect on the book's success.

Similarly, Graywolf regularly gives away galleys on Goodreads and occasionally through Facebook and Twitter. Marisa Atkinson said, "You can't underestimate the power of a great book recommendation from someone you know and trust. . . . We love getting direct feedback from winners once they've had a chance to read something they've won, and it's icing on the cake if that reader goes on to recommend that book to their family, friends, and book club."

The advent of e-galleys has made it easier and less expensive for publishers to fulfill requests for advanced copies. Ferguson said that Harper Books has had a great response to e-galleys. "Once people use the e-galleys they tend to not go back unless there's something they really want to hold and own." Some publishers distributed e-galleys at BookExpo by giving readers codes for their smartphones.

Most publishers maintain corporate accounts on the major social media platforms—Twitter, Facebook, Goodreads, Tumblr and Pinterest—as well as smaller individual accounts for each imprint. Marketing departments across imprints coordinate to publicize specific authors and books on the corporate accounts when they're seeking a major publicity hit. Chapman gave an example of how The Penguin Press coordinated its account with Penguin's corporate account during BookExpo to create early buzz for Zadie Smith fans. Corporate helped to live-Tweet Smith's speech at the BookExpo author breakfast and posted photos of her at the Penguin booth with Junot Díaz. The Penguin Press, Smith's publisher, picked up the content for their Tumblr, Facebook and Twitter accounts. The Penguin Press also took over Smith's Facebook page during the event, making sure her fans knew they "were here as representatives and were not speaking for her."

Each social media network appeals to a different audience, so publishers vary their content to appeal to specific demographics. "We definitely vary our content and voice for each of our social networks in order to best engage with those individual communities," said Graywolf's Atkinson. "Obviously on Twitter we need to keep things short and sweet, and it's time-sensitive. Twitter loves news items and links, so we'll often share reviews or link to interesting news stories, share photos, etc. Facebook has a bit more room to expand into dialogue back and forth between users, so we'll ask questions on our wall or encourage people to share with us what they're reading, etc. It's also a great outlet for sharing event listings. Goodreads has been a good forum for drawing out discussions about our books and is also a fantastic resource for direct feedback on our titles from readers via their reviews feature. We're just getting started on Pinterest, but as it's

*Continued on page 35*
Authors Guild Benefit Raises Money, Marks Centenary

The Authors Guild celebrated its 100th year at its 20th annual Benefit Dinner June 4 with low light, a full house and a lineup of unre- numerated humorists at the podium.

Calvin Trillin, dignified and brief, served as host. Writers Andy Borowitz, Patricia Marx and David Rakoff [see page 24] were joined by stage performer Sarah Jones in rejecting a series of famous works of literature in imagined letters from editors or readers. Borowitz put the kibosh on The Great Gatsby (“Let me begin by saying that The Great Gatsby is not the worst novel I have ever read. It is also not the best novel I have ever read. It is, however, the first novel I have ever read.”); Marx appraised The Odyssey with refreshing innocence (“P.S. Someone in the office wants to know if you’re related to Homer Simpson. P.P.S. Our marketing department loves that you’re blind. You might also want to develop leprosy.”); Rakoff raked On the Road (“You’re not the first person to have felt these things.”), and Jones took on three sacred texts—Portnoy’s Complaint, The Invisible Man and Elements of Style—in the serial guise of a lineup of cranky readers.

The black-tie event, held at the Edison Ballroom in New York, and supported by a broad cross section of the publishing industry, raises funds for the Authors Guild Foundation and the Authors League Fund. The Foundation educates authors about their rights and promotes the importance of writing, publishing, free speech, and copyright; the Fund helps professional writers in dire financial need, often due to medical emergencies.

Guild President Scott Turow gave a special welcome to booksellers who made it to the benefit while in town for BookExpo, adding, with a nod to current events, “I never guessed that among our antagonists would be the U.S. Department of Justice.”

Guild Executive Director Paul Aiken noted that it was the Guild’s centennial, from its origins as the Authors’ League of America in 1912. (The League divided its membership into the Authors Guild and Dramatists Guild in the 1920s.) Aiken called guests’ attention to the flip side of their place card, which bore a facsimile of Theodore Roosevelt’s membership application card. Roosevelt served as the League’s first Vice President, an excellent choice, in Aiken’s view. In Roosevelt’s last half-day in the White House, he signed the Copyright Act of 1909, which would remain in effect for seven decades. He also, Aiken pointed out, took pride in taking on monopolies, as the nation’s trustbuster-in-chief.

Left: Host Calvin Trillin; right: Authors Guild President Scott Turow with Katherine Neville.
The French Still Flock to Bookstores

BY ELAINE SCIOLINO

PARIS — The French, as usual, insist on being different. As independent bookstores crash and burn in the United States and Britain, the book market in France is doing just fine. France boasts 2,500 bookstores, and for every neighborhood bookstore that closes, another seems to open. From 2003 to 2011 book sales in France increased by 6.5 percent.

E-books account for only 1.8 percent of the general consumer publishing market here, compared with 6.4 percent in the United States. The French have a centuries-old reverence for the printed page.

“There are two things you don’t throw out in France—bread and books,” said Bernard Fixot, owner and publisher of XO, a small publishing house dedicated to churning out best sellers. “In Germany the most important creative social status is given to the musician. In Italy it’s the painter. Who’s the most important creator in France? It’s the writer.”

A more compelling reason is the intervention of the state. In the Anglophone book world the free market reigns; here it is trumped by price fixing.

Since 1981 the “Lang law,” named after its promoter, Jack Lang, the culture minister at the time, has fixed prices for French-language books. Booksellers—even Amazon—may not discount books more than 5 percent below the publisher’s list price, although Amazon fought for and won the right to provide free delivery.

Last year as French publishers watched in horror as e-books ate away at the printed book market in the United States, they successfully lobbied the government to fix prices for e-books too. Now publishers themselves decide the price of e-books; any other discounting is forbidden.

There are also government-financed institutions that offer grants and interest-free loans to would-be bookstore owners.

The contrast between the fate of English- and French-language bookstores is playing out in Paris these days.

Next month, after 30 years in business, the leading English-language Paris bookstore will close. For a generation authors like David Sedaris, Susan Sontag, Raymond Carver and Don DeLillo gave talks and readings at the store, the Village Voice, on one of the chicest streets of St.-Germain-des-Prés.

“When Stephen Spender gave a talk, Mary McCarthy was in the audience,” Hazel Rowley wrote in a 2008 essay on the bookstore. “One evening Edmund White introduced Jonathan Raban, with Bruce Chatwin among the audience.” But the Village Voice could not survive the deep discounting of Amazon and sellers of e-books.

The specter of loss hovered over a party there Saturday night, when hundreds of well-wishers crammed into the store and spilled out onto the narrow street to mourn its passing.

“I want you to know what a privilege it was to have you come and sit with me in my dark and cramped little den at the back of the bookshop, to chat, talk about books, about your own work and about the press, the writers,” said Odile Hellier, the founder and owner. “I will dearly miss those moments and can only hope that there will be another dark little den where I can sit and share ideas, and all the rest.”

It may have to be in a French-language bookstore like L’Usage du Monde across town in the heart of a gentrifying neighborhood of the 17th Arrondissement, which will celebrate its first anniversary in August.

The owners, Katia and Jean-Philippe Pérou, received grants from the National Center of the Book in the Culture Ministry and the Paris regional government and an interest-free loan from a group with the unwieldy name the Association for the Development of the Bookstore of Creation.

“We couldn’t have opened our bookstore without the subsidies we received,” Ms. Pérou said. “And we couldn’t survive now without fixed prices.”

Beneath the surface there are predictions that France is only delaying the inevitable, and that sooner...
or later market forces will prevail. Despite the appeal of the neighborhood bookstore 13 percent of French books were bought on the Internet in 2011.

An agreement that Google announced this month with the French Publishers Association and the Société des Gens de Lettres, an authors’ group, should allow publishers to offer digital versions of their works for

A study by the French Culture Ministry concluded that “Running a bookstore is a combat sport.”

Google to sell. Until now sales of e-books have lagged in France and much of the rest of Europe in part because of disputes over rights.

“We are in a time of exploration, trial and error, experimentation,” Bruno Racine, president of the French national library, wrote in his 2011 book, Google and the New World. “Many scenarios are envisioned. The least probable is certainly that of a victorious resistance of the paper book.”

A 59-page study by the Culture Ministry in March made recommendations to delay the decline of print sales, including limiting rent increases for bookstores, emergency funds for booksellers from the book industry and increased cooperation between the industry and government.

“Running a bookstore is a combat sport,” the report concluded.

One tiny operation determined to preserve the printed book is Circul’ivre.

On the third Sunday of every month this organization takes over a corner of the Rue des Martyrs south of Montmartre. A small band of retirees classify used books by subject and display them in open crates.

The books are not for sale. Customers just take as many books as they want as long as they adhere to an informal code of honor neither to sell nor destroy their bounty. They are encouraged to drop off their old books, a system that keeps the stock replenished.

“Books are living things,” said André Le Faou, one of the volunteer organizers, as she hawked a three-volume biography of Henri IV. “They need to be respected, to be loved. We are giving them many lives.”

---

French Publishers and Authors Society Enter Agreement with Google

After six years of litigation, Google has come to an agreement with the French Publishers Association and the authors’ group Société des Gens de Lettres, which sued the American giant for scanning books that were still under copyright as part of the Google Library Project.

The agreement resembles deals Google previously made with two major French publishers. Under the new agreement, the houses will retain control over what books may be scanned. Google will develop an online system for the publishers to offer digital editions of out-of-print books, for which Google will act as seller. Individual publishers may opt out of the arrangement or choose to make some but not all titles available. Both sides hailed the agreement as a way to boost France’s fledgling e-book market while following French copyright laws.

Some authors have expressed concerns about the deal, pointing out that most of the books scanned by Google were published under contracts that did not include digital rights. French authors lodged similar complaints earlier this year about a law passed in March that expanded the intellectual property code to allow for the creation—by the Bibliothèque Nationale de France—of a publicly accessible digital database for out-of-print and orphan books published before 2001.

---

From the President

Continued from page 5

Amazon raised its royalties from 35 percent to 70 percent for many authors. This is a perfect example of how healthy competition leads to good things for authors.

Unfortunately, the Justice Department’s settlement, by allowing Amazon to resume the predatory pricing that secured it 90 percent of the e-book market before the introduction of the agency model, seems certain to stifle competition. In the long run, all authors and all readers will lose if a single company dictates the terms of the literary market. That now seems more likely than ever.
Federal Court, DOJ Brush Past E-Book Settlement Critics

By Cynthia Cotts


Representatives of every niche of the publishing industry weighed in with more than 800 publicly filed comments on the proposed settlement, which will regulate the sale of e-books by the three publishers for two years. While the initiative had its champions, key players such as agents, mid-size book publishers and independent booksellers denounced it as everything from “profoundly ill-conceived” to the “overreaching” creation of a new “cartel.” Many believe that the settlement will allow Amazon to regain its monopoly of the e-book market and beyond, to the detriment of third parties, including consumers.

The controversy involved the antitrust lawsuit brought by the DOJ in April, in which it accused Apple and five of the six biggest book publishers of colluding to fix e-book prices. Simon & Schuster, Hachette Book Group and HarperCollins quickly settled, agreeing to pay a fine without admitting wrongdoing, while Apple, Penguin and Macmillan chose to fight the charges in court. All three deny illegally conspiring to fix prices.

The debate was over who gets to set the price of e-books—publishers or retailers. Until a few years ago, e-books were sold according to the wholesale model, in which the retailer bought a book from the publisher at a 50 percent discount, then set the price. In a series of 2010 agreements with Apple, which was preparing to release its e-book reader, the iPad, each of the defendants shifted to the agency model, in which the publisher sets the e-book price and the retailer receives a commission of 30 percent. Detecting collusion, the DOJ called for a return to the wholesale model, with added enforcement mechanisms to prevent publishers from setting the price of e-books.

Many critics who submitted comments found fault with the government’s analysis of the impact of the

If Amazon sells front-list e-books at a loss, can other bookstores compete? Should the Justice Department take this into account in settling a collusion case?

remarkable explosion of competition, with new publishers, self-publishers and retailer-owned publishers providing consumers e-books at lower prices than the agency publishers and taking significant market share from them in the process.”

Other fans of the shift to the agency model noted that it decreased the time between the release of a hardback and its e-version and triggered a slew of e-reader innovations, such as the introduction of color, backlit screens and audio/visual functions. Almost everyone who supported the agency model called it the best way to ensure the most choice for consumers in the long run.

Smaller publishing houses opposed the settlement because, they said, it will deprive them of viable alternatives to Amazon for distributing their books. The Independent Book Publishers, a group of mid-size trade publishers, told the DOJ that the settlement demonstrated “a lack of understanding of the Independent Book Publishers and, indeed, of the publishing industry as a whole.”

The group argued, with others, that the DOJ’s proposed method to limit discounting by retailers was “completely unworkable and unenforceable,” given the large number of individual e-book titles sold and

Cynthia Cotts is a New York-based writer and editor.
the fact that some retailers change the price of e-books several times a day.

Independent booksellers were equally vociferous in their opposition, arguing that the settlement was not in the public interest because it would put many of them out of the e-book business, thereby decreasing the volume and quality of titles on the market. While the agency model allowed independent booksellers to enter the e-book market, the ban might “significantly discourage new entry, and lead to the departure from the market of a sizable number” of indies, according to Oren Teicher, CEO of the American Booksellers Association, which represents independent bookstores.

Independent booksellers have long dreamed that the government would take on anticompetitive practices in the book business, according to William Petrocelli, co-owner of Book Passage, an independent bookstore in Corte Madera, Calif. When the DOJ “stepped in to facilitate the aggressive tactics of the worst monopolist the book business has ever faced,” says Petrocelli, they felt betrayed.

The “worst monopolist,” as the critics saw it, is Amazon, which they predicted would be the sole beneficiary of the initiative. The DOJ is “serving as a proxy for Amazon.com to the detriment of smaller competitors and with negligible benefits for consumers,” wrote Susan Novotny, the owner of Albany-based Book House. If Judge Cote were to approve the settlement, wrote the ABA’s Teicher, Amazon would likely “regain a monopoly share in the sale of e-books.”

Many critics pointed out that Amazon had close to a 90 percent share of U.S. e-book sales at the time the agency agreements were announced. As Apple attorneys wrote in a court filing tinged with sarcasm, Amazon’s erstwhile monopoly is what the government considers “robust price competition.”

On the contrary, critics said, it is the agency model that encourages competition. As lawyer/entrepreneur Bob Kohn pointed out in his comment, by the end of 2011, Amazon’s share of e-book sales had fallen to about 60 percent. Apple had gained 5 percent, while Barnes & Noble had gained 27 percent, due to the introduction of its e-book reader.

Many critics, including the Authors Guild, took a longer, historical view.

“Amazon has engaged in baldly anticompetitive practices for years,” Guild Executive Director Paul Aiken wrote in a letter cataloguing the company’s bullying tactics. “Its approach to destroying competition is sophisticated, data-driven, and endlessly creative.” (Read the Guild’s full letter at authorsguild.org/advocacy/articles/guilds-tunney-act-filing-to-the.html.) Similarly, Petrocelli cited multiple examples of Amazon’s anticompetitive behavior, including selling both the Kindle and e-books below cost and limiting the Kindle to run e-books sold by Amazon only.

Aiken concluded, “From Amazon’s perspective, the best competitor is one that never dares enter the field.”

The DOJ also heard from antitrust lawyer David Boies, who helped Barnes & Noble craft its response. Barnes & Noble has a stake in the litigation because it competes with Amazon for the sales of hardcover books, e-books and e-readers. The company argued that the scheme which sets up the DOJ as the regulator of e-book sales is “unnecessary” and “overreaching” and effectively creates a new book “cartel.” This “unprecedented effort” to make Uncle Sam a regulator, the company says, merits an “exacting review.”

Barnes & Noble acknowledged that the shift to the agency model increased its profits. But the company defended the legality of the model, which it called “the product of bilateral good faith negotiations,” and noted that it uses a similar model to distribute newspapers and magazines.

Barnes & Noble cited previous court cases that have recognized price-setting as pro-competitive, including the 2007 U.S. Supreme Court case Leegin Creative Leather Products v. PSKS. Writing for the majority in that case, Justice Anthony Kennedy noted that resale price maintenance (a/k/a price fixing) can sometimes “give consumers more options.”

In a chilling scenario, Barnes & Noble speculated that if the government has its way, soon books will be sold mostly online or by “stores such as Costco, Walmart and Target, which offer only mass-market selections.”

To be sure, the settlement had its fans, including Joe Konrath, who writes popular mystery books. In his comment, Konrath urged authors to support the wholesale model, because it brings them higher profits, and accused traditional publishers of inflating e-book prices.

“Amazon has not destroyed competition,” he wrote. “In fact, it is the only company encouraging it.”

For some, Amazon is synonymous with competition. But critics like Novotny believe that if the government was looking for a monopolist, it should have sued Amazon instead. ♦

Authors Guild Bulletin | Summer 2012
Mass Book Digitization Lawsuits—Google Stay Pushes HathiTrust to Fore

Authors Guild v. Google

The Second Circuit Court of Appeals has decided to review Judge Denny Chin’s certification of a class of U.S. authors, throwing into doubt what had been a significant victory for plaintiffs in the seven-year-old case. The appellate court has stayed further proceedings in the lawsuit, in which summary judgment motions had been filed, pending its review of the certification decision. That review is expected to take a year.

Judge Chin had granted the authors’ motion for class certification on May 31st and denied Google’s motion to dismiss the Guild as an associational plaintiff in the same ruling. The Second Circuit is not reviewing the denial of Google’s motion to dismiss.

The Authors Guild and representative authors filed a class action lawsuit in 2005, alleging that Google engaged in massive copyright infringement by scanning what is now more than 12 million in-copyright books from the stacks of major research libraries and publicly displaying “snippets” of these works for Internet search purposes. This copying is the cornerstone of the Google Books mass digitization project.

After conducting discovery, the parties began settlement talks in fall 2006 and filed a proposed settlement agreement two years later. When the proposed settlement met with objections, the parties reconvened and filed an Amended Settlement Agreement (ASA) on November 9, 2009, which was preliminarily approved by Judge Chin.

Objections were filed again. The Department of Justice raised concerns, and amici briefs were filed on both sides. After a fairness hearing on February 18, 2010, Judge Chin declined to approve the ASA in a ruling issued on March 22, 2011.

In 2010, the American Society of Media Photographers and its representational plaintiffs brought a similar class action, also charging Google with copyright infringement arising from the Google Books project. In its defense to both class action suits, Google argued that its copying amounts to fair use.

The May 31 ruling concerned Google’s motion to dismiss both “associational plaintiffs” (the Authors Guild and the American Society of Media Photographers) for lack of standings, and the authors’ motion for class certification.

In its motion to dismiss, Google challenged whether the two associational plaintiffs (the Authors Guild and the American Society of Media Photographers)—not having been injured themselves—have standing to represent individual authors and visual artists whose works have been copied without permission. Judge Chin held that the doctrine of associational standing does in fact allow the organizations to litigate on behalf of their members.

Courts will grant associational standing when (a) an organization’s members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires participation of individual members in the lawsuit.

Google did not question that the first two requirements were satisfied. So the associational standing issue hinged on whether either the claim or the requested relief “requires the participation of individual members in the lawsuit.” Is each injured individual’s participation necessary to properly resolve the case? No, said Judge Chin. Google argued that two fair-use factors—“the nature of the copyrighted work” and

Seven years in, Authors Guild v. Google is now on hold as an appellate court reviews the class certification ruling.
"the effect of the use upon the potential market for or value of the copyrighted work”—require an individualized inquiry, because different works require different treatment.

Judge Chin, however, pointed out that the proper inquiry focuses on "matters of administrative convenience and efficiency." Accordingly, he decided in the organizations’ favor, holding that here no individualized inquiry is necessary, because different types of works can be analyzed properly by classifying them in subgroups such as "fiction, non-fiction, poetry, and cookbooks" and then assessing the merits of the fair use defense as it applies to each sub-group. In a passage notable for its adulatory tone, Judge Chin wrote:

When Google copied works, it did not conduct an inquiry into the copyright ownership of each work; nor did it conduct an individualized evaluation as to whether posting “snippets” of a particular work would constitute “fair use.” It copied and made search results available en masse. Google cannot now turn the tables and ask the Court to require each copyright holder to come forward individually and assert rights in a separate action. Because Google treated the copyright holders as a group, the copyright holders should be able to litigate on a group basis.

Regarding class certification, Google argued that there is “a fundamental conflict between the interests the named plaintiffs seek to advance and the interests of absent class members.” Google supported this argument by presenting a survey in which 58 percent of authors approved of Google scanning their work for search purposes, and 19 percent feel they benefit financially from Google’s scanning. Judge Chin found the survey results unpersuasive, pointing out that “the survey did not ask the respondents whether they would want to be part of a lawsuit through which they might recover damages. Indeed, it is possible that some authors who ‘approve’ of Google’s actions might still choose to join the class action. Therefore, the court cannot conclude from the survey that the representative plaintiffs’ interests are in conflict with any subset of class members.”

The Second Circuit Court of Appeals will now review this decision. A schedule for that appeal has not yet been determined, but similar appeals have taken the court twelve months or longer to decide. While that review proceeds, the Second Circuit has stayed proceedings before Judge Chin. Lawyers for authors and Google had filed summary judgment motions and their initial briefs addressing the principal copyright issue presented by the case—whether Google’s mass book digitization project falls within the bounds of fair use.

Since final briefs and oral argument on these summary judgment motions will now have to wait, probably for another year, the first ruling on the key fair use issue is likely to be made by Judge Harold Baer, in *Authors Guild v. HathiTrust*. A report on that case follows.

**Authors Guild v. HathiTrust**

The Second Circuit’s stay of proceedings in the Google lawsuit has pushed the much younger companion suit, *Authors Guild v. HathiTrust*, to the forefront. This case arises from Google’s mass book digitization program. As part of the Google Books project, Google converted millions of copyright-protected library books into machine-readable digital files that were duplicated and distributed to university libraries and to HathiTrust, an online digital repository. Last fall the Guild—even with author groups from around the world, and 12 individual plaintiffs—brought copyright infringement claims against HathiTrust and five of these university libraries.

Unites States copyright law permits library copying in certain narrowly defined circumstances related mainly to preservation and patron requests. The plain-

**Judge Baer is now likely to have the first crack at deciding whether unauthorized mass book digitization is lawful.**

...tiffs contend that the wholesale, systematic copying of entire libraries engaged in by the defendants goes far beyond these limited exemptions, and that this mass digitization cannot be considered fair use.

Plaintiffs and defendants filed their summary judgment motions with Judge Harold Baer of the Southern District of New York on June 29 and presented their oral arguments on August 6. Judge Baer is expected to rule on the motions in October. He may find that one side or the other is correct in its view of whether the copyright law permitted the mass digitization, or he may find that a jury must consider some factual issues before he can reach a decision. The trial, if it comes to that, is scheduled for November.

—Ryan Fox  
Legal Intern
CONTRACTS Q&A

BY MARK L. LEVINE

Q. Can I change the agent’s clause in the proposed contract my publisher just sent me?

A. You certainly can.

The clause most publishers include in your contract is one that your agent has given them. If there are aspects that you want to change, you can certainly ask—even demand—that they be changed. The contract is between you and the publisher and, as a legal matter, your agent doesn’t have any say in it.

Although your agent’s consent to your changes aren’t required, it is prudent and helpful to discuss them with your agent first and explain why you want them and hope that s/he will agree. If the agent doesn’t agree with the changes (or if you are concerned that the agent won’t wholeheartedly advocate for them), you can contact the publisher yourself and insist on them. Literary agents are generally considered fiduciaries and, as such, should not refuse to convey your requests to the publisher (but the legal classification does not mean that your request must be presented enthusiastically).

Q. What changes would you suggest I consider making in a typical agent’s clause?

A. There are at least four.

1. Delete the word “irrevocable” if it applies to anything other than your agent’s right to receive its share of each check from the publisher, its right to receive royalty statements and the percentage designated as its commission. Among the matters that should not be irrevocable if included in the clause are the appointment of your agent, its right to receive a single check for the full amount and its right to bind you or act on your behalf. No responsible agent should object to this recommendation. If the phrase “coupled with an interest” appears in the section, delete it as well since, if it is used properly (which it rarely is; see my column in the Spring 2007 issue of the Bulletin), it implies that your appointment of the agent is irrevocable.

2. Delete the provision requiring the publisher to make all payments to your agent, which is then responsible for paying you your 85 percent after deducting its commission. Provide instead that the publisher issue two checks, one to you for your 85 percent and the other to your agent for its 15 percent.

3. Delete the language that authorizes your agent to give consents and otherwise act on your behalf on matters relating to the book and the contract. If you decide to ignore this recommendation, be sure that the authority granted is not irrevocable and that the agent’s right to act and give consents is expressly limited to “matters arising under this Agreement” and cannot be construed more broadly.

4. Since a designation as “agent” has broad legal implications—in general, an agent can contractually obligate the person who appoints it and, in certain circumstances, that person can be held liable for an agent’s acts—be sure “agent” is preceded by “literary.” Better yet, use “literary representative” instead.

My second and third recommendations run counter to established practice and, the second one especially, will likely elicit bloody howls from agents. The current practices—issuing a single check to the agent and allowing agents to make decisions for the author about a contract the author has signed and a book the author has written—are paternalistic, perhaps a vestige from the days when creative types and professional athletes were not generally believed to have the knowledge, ability or temperament to handle their own financial affairs or make intelligent business decisions.

In my opinion, there are no good reasons—from the author’s perspective—for these current practices. Who’s working for whom? Authors are intelligent, responsible people who are generally capable of handling their own money and making their own decisions. There is no reason for them to be acceding so readily to language the agents themselves have drafted for insertion in their clients’ contracts. Most publishers have no difficulty splitting payments into one check for 85 percent and another for 15 percent and allowing authors to decide for themselves questions related to their own book and contract.

Having payments from your publisher routed through the agent only delays your receipt of your money, an important consideration if you have bills to pay or when savings rates finally return to normal.

Direct payments to the author also eliminate any concern that a dishonest agent or a financially stressed honest one might delay paying you or perhaps not pay you at all. (Those cases, while rare, do exist.) They also eliminate the risk down the road of an agent dying or

Who’s working for whom? Authors are intelligent, responsible people who are generally capable of handling their own money and making their own decisions. There is no reason for them to be acceding so readily to language the agents themselves have drafted for insertion in their clients’ contracts.

having memory problems, or a company going bankrupt, with your payments getting tied up in proceedings involving executors, relatives, bankruptcy trustees or courts.

“Yes, but it’s always been done this way.” Not a valid reason.

Nor does issuing two checks eliminate the claimed benefits to the author of a single check paid to the agent. The agent can still review the royalty statements for accuracy. If the agent’s statement isn’t correct, the author’s won’t be either; if the agent’s check doesn’t arrive on time, the agent can be reasonably certain that the author’s check hasn’t either and notify the publisher. Besides, if you haven’t received an expected check, you’re more than capable of letting your agent know.

Agents who oppose dual checks are, in my opinion, shortsighted. Not only does the two-check approach enable authors to get their money quicker, but it will also save staff and accounting time for agents since they will no longer need to write checks to its authors every royalty period or need to compute, prepare, mail and file IRS 1099 forms every January. Authors will get their 1099’s directly from the publishers, as will their agents.

One further note: although I believe the two-check solution should apply to all payments from the publisher, including the advance, many agents may be concerned that authors will not, timely or otherwise, reimburse them for expenses validly incurred by the

agent on the author’s behalf that the author has agreed to reimburse. If that’s the case, that your agent doesn’t think you’ll pay it that relatively small amount, then—if you agree—you can provide in the contract that the two-check approach will start after the advance or the first royalty payments have been made.

Q. Can I change the agent’s clause in contracts I have already signed?

A. Any change in an existing contract must be agreed to by the parties to the contract, which is typically just you and the publisher. So if the publisher agrees, you should be able to change most anything in the contract so long as you don’t (i) lower the percentage your agent receives as its commission, (ii) alter the timing of its payments, (iii) change the types of payments on which the commission is payable or (iv) alter its right to receive a royalty statement. These are benefits in the contract that the agent relied on in performing its services. As a result, the agent is considered a “third-party beneficiary” of those provisions, which means its rights can’t be diminished without its consent. Since issuing two checks instead of one, as discussed above, doesn’t adversely affect those benefits, that can legally be done without the agent’s consent if the publisher agrees. Whether you can also make the changes recommended in points 1 and 3 will likely depend on the exact language in those provisions.

Q. My agent—it’s a one-person agency—is getting on in years. Any suggestions?

A. Whether your agent is acting as a solo practitioner, or as a corporation or limited liability company (LLC) owned by only a few people, you should ask your publisher to effect the two-check approach for payments if that is not already in your contract. You should also ask that all royalty statements, notices and requests for consents be sent to you at your own address as well as to your agent. As a courtesy, however, you will want to first discuss these requests with your agent. In the circumstances, your agent may well be willing (and perhaps even pleased) to make the request for you.

E-mail questions to QsAColumn@authorsguild.org. Questions are often edited for readability or to make them more broadly applicable.

The answers in this column are general in nature only and may not include exceptions to a general rule or take into account related facts that may result in a different answer. You should consult a lawyer for information about a particular situation. No question submitted, or answer provided, creates an attorney-client relationship with the column’s author. »
LEGAL WATCH

A Composer’s Bad Luck and Bad Timing

U.S. District Court for the Southern District of New York

When you want to bring a suit alleging copyright infringement, you can’t dawdle. There is a statute of limitations—under federal copyright law, you have three years to file your claim. But three years from when? From the time of the act of infringement, or from the time you find out your rights are being violated? Courts throughout the country have answered the question differently. Recently, the issue was taken up by the United States District Court for the Southern District of New York, when a television composer brought claims of copyright infringement against a hip-hop artist. The Southern District held that the clock begins running at the time of the infringement itself.

Jack Urbont, the plaintiff, has composed theme music for many famous soap operas, sitcoms and talk shows. Chances are you’ve heard his work. So had defendant Dennis Coles, better known as Ghostface Killah, a musician and former member of the Wu-Tang Clan.

In the 1960s Urbont wrote the “Iron Man Theme” for the television show The Marvel Men. Urbont actively protected the copyright in his work, renewing it in 1994 and taking action a year later when he believed Marvel was violating his rights. In 2000, Coles allegedly “copied verbatim” the sound recording and musical composition of the “Iron Man Theme,” using it on the first and last tracks of his album Supreme Clientele (titled, respectively, “Intro” and “Iron’s Theme—Conclusion”).

Urbont—not, apparently, a great hip-hop fan—first learned of the alleged infringement nearly a decade after the fact, in late 2009 or early 2010. Shortly thereafter, he contacted Coles and Sony Music. Urbont and the defendants entered into what is known as a “tolling agreement,” a sort of legal time-out that stops the clock on the statute of limitations while the parties assess the merits of the case and the plaintiff decides whether or not to pursue a claim. Pursuant to the tolling agreement, the statute of limitations stopped running on May 21, 2010.

The merits of the case looked good to Urbont. He filed a complaint against Sony and Coles in June 2011, asserting copyright infringement under both the federal Copyright Act and New York common law. Sony and Coles, citing the three-year statute of limitations, moved to dismiss the portion of Urbont’s claims stemming from acts of infringement prior to May 21, 2007 (three years before the tolling agreement took effect).

This much is certain: Under federal copyright law, a civil claim must be brought “within three years after the claim accrued.” But the parties wrangled over the interpretation of the term “accrued.” Which accrual rule is proper to apply in copyright infringement cases? That was the question the court faced. Urbont urged the court to apply the discovery rule. Under the discovery rule, a copyright infringement claim does not accrue until the plaintiff “knows or has reason to know of the injury that forms the basis of the claim.” A court applying the discovery rule would find that Urbont’s claims accrued when he learned of the infringement in late 2009 or early 2010, safely within his three-year window to bring a claim. Sony, on the other hand, sought application of the injury rule, under which a claim accrues “at the time of each act of infringement.” If Sony had its druthers, all acts of infringement occurring before May 2007 would be thrown out as untimely.

In setting out to determine which rule applied to Urbont’s infringement claims against Sony and Coles, the court looked first to precedent. But precedent, alas, was unavailing. Neither the Supreme Court nor the Second Circuit (both of whose authority binds the Southern District) had ruled definitively on the appropriate accrual rule for federal copyright infringement claims. Since 1992, though, the Second Circuit had applied the discovery rule in the copyright ownership (as opposed to infringement) context. And until 2004, district courts in the Second Circuit applied the discovery rule to both ownership and infringement claims.

In 2004, however, the Southern District changed course and began applying the injury rule in infringe-
ment actions. By doing so, the Southern District became something of an outlier; beyond the Second Circuit, the discovery rule reigns. The court pointed out that even though the Southern District applies the discovery rule in the context of copyright ownership disputes, this does not compel an identical application in the infringement context. There is a substantive difference between ownership and infringement claims, the court reasoned: “[w]hereas an ownership claim accues only once, each act of infringement triggers a separate claim for relief and thus a separate accrual period attendant to that claim.” This difference was significant enough to justify distinct treatment of the two types of claims; the apparent inconsistency in applying the discovery rule to ownership claims and the injury rule to infringement claims is, according to the court, no inconsistency at all.

The court next tried to glean the proper interpretation of “accrue” from the text and structure of the Copyright Act. A close reading revealed that the language of the act itself did not compel either party’s interpretation. Urbont urged application of the discovery rule based on the different shadings of language used in the Copyright Act’s criminal and civil statutes of limitations. While civil claims (such as Urbont’s) must be “commenced within three years after the claim accrued,” criminal actions must be “commenced within five years after the cause of action arose.” But Urbont’s argument held no water with the court. Judge Naomi Reice Buchwald consulted a dictionary definition of “accrue” and offered that, “if anything, the term suggests that the limitations period begins to run as soon as the plaintiff acquires the right to sue, regardless of the plaintiff’s knowledge of that right.” Additionally, the judge pointed to a passage in the legislative history of the Copyright Act suggesting that Congress did not intend the civil and criminal limitations periods to operate in different manners. Since the text and structure of the Copyright Act could not clearly determine the issue, the court looked to recent Supreme Court interpretations of accrual rules.

Here, the balance began to tip in the favor of Sony and Coles. In a 2010 case, the Supreme Court noted that “the discovery rule is an exception to the general limitations rule that a cause of action accrues once a plaintiff has a complete and present cause of action.” The Court went on to explain that the discovery rule was developed for cases of fraud, where “a defendant’s deceptive conduct may prevent a plaintiff from even knowing that he or she has been defrauded.” Other than in cases of fraud or concealment, the Supreme Court has recognized a discovery rule in only two contexts. Bad news for Urbont: Neither of those two contexts was copyright infringement. Far from it, in fact—the two cases were latent disease and medical malpractice. In contrast to the “self-concealing” contexts in which application of the discovery rule is appropriate, the court noted that acts of copyright infringement are “open and notorious in nature,” so application of the injury rule is proper in the copyright infringement context.

Also supporting application of the injury rule, the court reasoned, is the possibility of “equitable tolling” of copyright infringement claims. Under the principle of equitable tolling, the statute of limitations will not prevent a diligent plaintiff from filing a claim if that plaintiff did not discover the injury until after the expiration of the limitations period. Federal courts generally recognize this principle, so in the court’s view, “the possibility of equitable tolling, particularly for cases of fraudulent concealment, works in concert with the injury rule to create a sensible regime under which infringement claims accrue in a predictable and consistent manner and yet plaintiffs may be excused for ignorance of their claims if the defendants are culpable for intentionally concealing the existence of those claims.” Unfortunately for Urbont, he had withdrawn any claim for equitable tolling earlier in the litigation. The court’s decision to apply the injury rule

Legal Services Scorecard

From April 2 through July 20, 2012, the Authors Guild Legal Service Department handled 250 legal inquiries. Included were:

- 35 book contract reviews
- 5 agency contract reviews
- 12 reversion of rights inquiries
- 33 inquiries on copyright law, including infringement, registration, duration and fair use
- 8 inquiries regarding securing permissions and privacy releases
- 21 electronic rights inquiries
- 136 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

Continued on page 36
Along Publishers Row

Continued from page 2

Last year James Patterson (with the help of a few co-authors) produced a dozen books. This year he will publish 13.

Lee Child published a 40-page account of his fictional character Jack Reacher. Child told the Times, “Everybody’s doing a little more. It seems like we’re all running faster to stay in the same place.”

Literary novelists like Jonathan Franzen and Jeffrey Eugenides are not expected to speed up production. They can publish a new novel every decade and still count on high-profile reviews to promote it.

A letter to the editor, signed by Bruce Joshua Miller, a publishers’ representative, said, “Authors, if you want to end up on the toxic junk pile along with old e-readers and cellphones, then by all means produce that 99-cent prose as fast as you can! By the time the price drops to 55 cents, you will be a smashing success.”

HAH: Sinclair Lewis said: “When audiences come to see us authors lecture, it is largely in the hope that we’ll be funnier to look at than to read.”

LIFE AS FICTION: British novelist Julian Barnes tucks observations about writing into his fiction the way a chef adds an unexpected anchovy to a green salad. Here’s one from his novel Love, Inc.:

“What is needed [in a story] is a sense of form, control, discrimination, selection, omission, arrangements, emphasis ... that dirty, three-letter word, art. The story of our life is never an autobiography, always a novel—that’s the first mistake people make. Our memories are just another artifice: go on, admit it. And the second mistake is to assume that a plodding commemoration of previously feted detail, enlivening though it might be in a taproom, constitutes a narrative likely to entice the at times necessarily hard-hearted reader. On whose lips rightly lies the perpetual question: Why are you telling me this?”

Thomas Carlyle wrote: “A well-written life is almost as rare as a well-spent one.”

FAITH AND MUSIC: John Donatich, director of the Yale University Press, is the author of a debut novel, The Variations. PW said the novel “examines how the Catholic Church, faith, and classical music relate to the modern world.”

Asked by PW if the book was autobiographical, Donatich said, “I grew up in a devout Roman Catholic neighborhood in New Jersey, served as an altar boy, and was told that becoming a priest was basically the highest and noblest ambition any young man could have. Even though I wanted to live up to that standard, I was never that serious about it, and in any case, puberty, Nietzsche, and girls brought me down to earth.”

DO IT: Advice from the great editor Maxwell Perkins: “Just get it down on paper, and then we'll see what to do with it.”

ATLAS AT AMAZON: Biographer, editor and publisher James Atlas has joined Amazon to edit biographies.

The books are expected to be 25,000 to 40,000 words and will be released as e-books and in hardcover through Houghton Mifflin Harcourt.

Atlas told The New York Times that Amazon is “going to accomplish what is getting harder and harder to accomplish, and that is effective marketing and distribution. I think they’re going to be very aggressive about promoting [these books]. In this climate, with retail bookstores threatened, just to get your books out there has been frustrating. I know that Amazon itself has very benign intentions here.”

“Not everyone in the book world would agree,” The Times said, “Publishers tend to view Amazon as an aggressive competitor for their authors.”

WALK READING: Tessa Dare is author of a Regency-era romance, A Week to Be Wicked. PW asked her why the novel was dedicated “To all the girls who walk and read at the same time.”

Dare explained: “When I was a girl, my family moved frequently. Books were my refuge, my entertainment, my source of information on all sorts of topics ... in a way, they were my home. Whenever I felt lonely or uprooted, opening a familiar book gave me comfort. I would read through dinner, read through classes, read into the wee hours of the night, and yes, I even read while walking.”

AFFLICTED: Is it possible that some writers take up that line of work because they are stutterers? Francine du Plessix Gray, who admits that she was a child stutterer, mentioned the subject in an essay for The New York Review of Books.

Among authors who suffered from the affliction, Gray listed: Somerset Maugham, Lewis Carroll, Henry James, Edward Hoagland, Philip Larkin and John Updike. The only woman mentioned (other than Gray herself) was British novelist Margaret Drabble, who made a “public declaration of public silence.”

EXECUTIVE-AUTHOR: Olaf Olafsson’s office is in the Time Warner Center where he is an executive vice president for information and corporate strategy at Time Warner.

He is also the author of five
books, written in the last 12 years. His latest is Restoration, a historical novel.

Fred Berner is a film and TV producer who is working with Olafsson to turn his volume of short stories "Valentine" into a TV series. Berner told The New York Times: Olafsson "has an insanely good work ethic, turns things around quickly, and for someone who is supposedly this solid, Nordic persona, he writes women extremely well." Olafsson has a wife and three children.

His reputation at the office is that of a collaborator. But he admitted that, when it comes to writing, he likes being alone in a room where he doesn't have to reach consensus with anyone else. He likes playing God, at least when he is typing.

He told the Times, "You don't get much done around here by being autocratic or pontificating. But when I'm working on a novel, I pretty much call all the shots."

GRAY HONOR: The American Academy of Arts and Letters added Michael Chabon, Jonathan Franzen and Jhumpa Lahiri to its membership rolls.

Chabon, 48, said the color of his hair was the trigger. He told the Associated Press, "I knew that when the gray came in it was only a matter of time before my Augustness would be recognized."

BOOM: A publisher at Avon was quoted in The Guardian as saying that the phenomenal boom in erotica, as in the best-selling Fifty Shades of Grey, is attributed to "the growing acceptability of the genre and the discretion offered by e-books."

SPECIALITY: Guild member Ellen Perry Berkeley has written two books about domestic cats that have gone wild—the cats, not the books. One title is Maverick Cats: Encounters with Feral Cats.

Berkeley's books got the attention of a national organization, Alley Cat Allies. Their president said in their magazine, Alley Cat Action: "I can’t think of anyone who has done more to provide solid education about feral cats than Ellen."

SMUGGLERS: Tony Diaz, a novelist, is smuggling books by Latino authors into Arizona. An editorial in The New York Times said, "It’s a response to an educational mugging by right-wing politicians, who enacted a state law in 2010 outlawing curriculums that 'advocate ethnic solidarity,' among other imagined evils. That led to the banning of Mexican-American studies in Tucson's public schools last year."

One of the banned books is Sandra Cisneros’s The House on Mango Street, a book included on many school reading lists across the U.S.

Diaz said, "Arizona tried to erase our history. So we’re making more." On the way into Arizona, the "smugglers" held readings with "banned" authors at galleries, bookshops and youth centers. They planned to wrap some books in plastic and carry the "wetbooks" across the Rio Grande into Arizona.

FEARLESS: Toni Morrison, who went from an impoverished childhood to winner of the Nobel in Literature, spoke at Oberlin College. Her 10th and most recent novel is Home. She was asked by a student if she planned to write an autobiography.

She replied, "My publisher asked me to do it, but there’s a point at which your life is not interesting, at least to me. I’d rather write fiction." She had the contract for a memoir canceled. She said, "People say to write about what you know. I’m here to tell you, no one wants to read that, because you don’t know anything. So write about something you don’t know. And don’t be scared, ever."

PAST TENSE: Evelyn Waugh said he believed that "Only when one has lost all curiosity about the future has one reached the age to write an autobiography."

SENTENCES: Jhumpa Lahiri is the author of Interpreter of Maladies and Unaccustomed Earth. She wrote an essay for The New York Times entitled "My Life’s Sentences." A quote:

"The urge to convert experience into a group of words that are in a grammatical relation to one another is the most basic, ongoing impulse of my life. It is a habit of antiphony: of call and response. Most days begin with sentences that are typed into a journal no one has ever seen. There is a freedom to this; freedom to write what I will not proceed to wrestle with. The entries are mostly
David Rakoff 1964–2012

We learned of David Rakoff’s death on August 9, at the too young age of 47, with great sadness. Most of us at the Guild saw him last at this year’s Benefit, where he was one of four writers who rejected classic works of literature as part of the evening’s entertainment. David weighed in on Jack Kerouac’s On the Road in his mordantly philosophical way, his left hand tucked inside the pocket of his jacket.

David did us the favor of introducing Terry Gross and presenting her with the Authors Guild Award for Distinguished Service to the Literary Community at the 2011 Benefit, an invitation issued after we had run an excerpt from his most recent book, Half Empty, in the Spring Bulletin. It was about the unravelling of a writer’s day, the distractions and the illusions, the fleeting scraps of genius that materialize at the gym or the kitchen sink, then disappear without a trace the minute you sit down to write.

“Well into adulthood,” he wrote, “writing has never gotten easier. It still only ever begins badly, and there are no guarantees that this is not the day when the jig is finally up. “And yet, I don’t for a moment forget that this is not a life of mining coal, waiting tables or answering someone’s phone for a living.”

Though we hadn’t known it when we asked permission to run the excerpt, David had been a member of the Guild since 1998. We will miss him very much.

 quotidians, a warming up of the fingers and brain. On days when I am troubled, when I am grieved, when I am at a loss for words, the mechanics of formulating sentences, and of stockpiling them in a vault, is the only thing that centers me again.”

She praised a sentence written by James Joyce in a story “Araby.”

“The cold air stung us and we played till our bodies glowed.”

Lahiri’s comment: “This seems to me as perfect as a sentence can be. It is measured, unguarded, direct and transcendent, all at once. It is full of movement, of imagery. It distills a precise mood. It radiates with meaning and yet its sensibility is discreet.”

DEVILISH: Al Ross, 100, died in the Bronx in March. His cartoons appeared in The New Yorker for 60 years. He often portrayed scenes in the publishing world.

In one cartoon, an editor at his desk inspects a manuscript while the devil, standing at his shoulder, says, “Damn it with faint praise.”

WORKSHOPS: Steve Almond wrote an essay in the Sunday New York Times Magazine on “Why talk therapy is on the wane and writing workshops are on the rise.”

It included: “The beauty of the artistic unconscious is that it allows us to sneak up on our own intentions or to disguise them altogether. A few months before the end of Kurt Vonnegut’s life, a fan asked him to identify his central topic. As the author of 14 wildly inventive novels, Vonnegut might have cited the perils of technology or the corrosive effects of wealth or the moral tolls of war. Instead, he said: ‘I write again and again about my family.’”

WINNING TITLES: Cooking with Poo won a prize for having the oddest book title, The Guardian reported. The author is Saiyuud Diwong, whose nickname is Poo. Poo also is the Thai word for crab.

Titles that have won the prize in the past include Managing a Dental Practice the Genghis Khan Way, Bombproof Your Horse and Second International Workshop on Nude Mice.

FUNNY TALK: Colm Tóibín is the author of The Empty Family. In an essay he wrote for The New York Review of Books, he quoted Edmund White: “Because a novel—those words—is a shared experience, a clumsy sometimes funny conversation between two people in which one of them is doing all the talking, it will always be tighter and more luminous than that object called living. . . . Living all those days and years, the rushes; memory edits them; this page is the final print, music added.”

Tóibín follows that with “Thus what is on the page becomes a set of distilled metaphors; the novel is a way of dealing with who the author is not, who the author did not become, while using aspects of the author’s life; it can contain some of the details and outlines from life, or indeed life’s shape, but with new textures and contours, or a new ending, less random, more true to some dream, some ideal, something more fully imagined and oddly present than the life that the mere facts might imply or point toward.”

COMPETITION: Hundreds of children and teenagers are self-publishing books each year, and The New York Times considered an article about it worthy of page 1.

During the past five years, a growing number of self-publishing
companies that sell books online allow writers of all ages to become a "published author." The parents of Elizabeth Hines, a high school junior in Annapolis, Md., published her first novel, The Last Dove, recently. Her parents paid Xlibris $2,700. Her mother said, "self-esteem usually is not a bad thing for kids this age."

KidPub published 140 books last year and charged the authors $250. That pays for light copyediting, five printed copies, and the promise of distribution on Amazon.

The Times said, "Critics say it is wonderful to start writing at a young age, but worry that self-publishing sends the wrong message."

Novelist Tom Robbins asked, "What's next?" Kiddie architects, juvenile dentists, 11-year-old rocket scientists?... There are no prodigies in literature. Literature requires experience, in a way that mathematics and music do not."

LONG CAREER: At 96, Herman Wouk has written a new novel. The title is The Lawgiver, and it is a contemporary story about the filming of a movie about Moses. Wouk's first novel, Aurora Dawn, was published in 1947.

Wouk's editor, Jonathan Karp, told The New York Times that he had written his master's thesis on Wouk's novels and that this new novel about Moses has "remarkable vitality and depth." Publication is scheduled for the fall.

IF TEENS RULED: Chris Weitz, director of the movie The Twilight Saga: New Moon, is writing a trio of books for young readers. The first, The Young World, is due out in spring 2014. The publisher announced: "Chris Weitz offers a premise that is completely provocative and irresistible for teens. What if we ran the world?"

PANEL TALK: At a panel discussion held at the Wittliff Collection in San Marcos, Texas, novelist Elizabeth Crook (The Night Journal) was asked how she worked. She said, "When I'm writing, there is a sense of panic at the end of every chapter because I think, 'Oh, something's got to happen next. What's going to happen? Here's this blank chapter starting. What are they going to say? What are they going to do?' I have no idea."

Crook is at work on a novel about the Charles Whitman shootings from the University of Texas Tower in 1966.

Stephen Harrigan was also on the panel. His books include The Gates of the Alamo. He explained that he writes because "I've always liked stories. I've always liked literature or fiction or whatever with a plot... . I just want someone to tell me a story. I just like a plain ol' story."

FINALLY: For more than 25 years, Charlotte Rogan, 57, of Westport, Conn., did her writing in secret while her husband was at work and their triplets were at school. In April, her first published novel, The Lifeboat, came out to critical praise and a major article in The New York Times. She dismissed her first three novels as not particularly interesting, or not focused enough on plot.

A fifth novel, Security, was written while the family lived in Texas, and it is about a group of people trying to protect themselves behind the walls of a gated community. It was written during the George W. Bush administration.

Rogan told the Times that she was glad some of her earlier, discarded novels were never published. "You're busy and you don't sit there and stew about it," she said. "There were times when just the writing of it was enough."

GHOST: Kerry Zukus's first novel was The Fourth House. But he is also a ghostwriter of more than 40 books.

In an essay for PW, he explained how ghostwriting works: "I take jargon [from an expert] and make it understandable. This is not 'dumbing down.' I hate that phrase. It is 'universalizing.' You can be a genius expert in one field and totally lost in the jargon of another. This is not a measure of IQ. Writing is communication. I am hired by those who are often relatively poor communicators to those outside their field."

TRYING AGAIN: Cynthia Ozick's latest novel is Foreign Bodies. In an interview with The Guardian, she said, "In books as in life, there are no second chances. On second thought: it's the next work, still to be written, that offers the second chance."

BACKGROUND: Rachel Joyce spent 20 years acting with the Royal Shakespeare Company and writing plays for the BBC. Her first novel is entitled The Unlikely Pilgrimage of Harold Fry.

Joyce was interviewed by PW and said, "I'm sure that everything you do contributes to the sort of novel that you write. A lot of actors have an understanding of drama and a good ear for dialogue and also the rhythm of speech. Similarly, my sixteen years in radio drama has influenced me. You only have forty-five minutes for seven thousand words, to tell a story, so every scene has to have a point."

THE WINNER WASN'T: For the first time in 35 years, the jurors for the Pulitzer Prize failed to select a fiction winner. Sig Gissler, in charge of the Pulitzer selections for Columbia University, explained to The New York Times that a winner is usually selected in a two-step process in which a three-member fiction jury reviews hundreds of books, settles on three finalists and sends their recommendations to the Pulitzer board.

That board is made up almost entirely of journalists in the news business—with not a single literary
figure in sight. The Pulitzer board was described by Joel Conarroe, a former president of the PEN American Center, as "a group of individuals unlikely themselves ever to be appointed to a literary jury."

Gissler told the Times, "It's not meant to be a statement about fiction in general. It's just a statement that [no one book] was able to receive a majority."

Among those outraged enough to write an article for the Times op-ed page was Ann Patchett, author of State of Wonder (an eligible novel this year) and owner of a bookstore in Nashville. Her main complaint was that the literary world was deprived of its most important annual "buzz." Patchett concluded, "The Pulitzer Prize is our best chance as writers and readers and booksellers to celebrate fiction. This was the year we all lost."

ADVICE: Johanna Lindsey has published 49 novels and every one of them has been on a bestseller list. PW said that 60 million copies of her books have been sold. A recent best-seller is When Passion Rules.

She offered the following advice to new writers: "Put your heart into what you are writing. If you can't laugh at your own characters, or shed a tear for them, or even get angry at one of them, no one else will either."

MORE AWARDS: A week after the Pulitzer board failed to select a fiction prizewinner, Mayor Michael Bloomberg of New York City named a set of prizes called the N.Y.C. Literary Honors. They went to "living writers whose work and lives have been informed by New York City."

First recipients were Paul Auster for fiction, Roz Chast for humor, Walter Dean Myers for children's literature, Robert A. Caro for non-fiction, Marie Ponsot for poetry and Robert Silvers, the editor of The New York Review of Books, for "contributions to literary life."

OH: A comment by Elizabeth Fuller of Peterborough, N.H., was published in The New York Times. She wrote: "I was at a writing conference recently and met with an agent who asked if my novel was 'literary.'

"Doesn't everyone wish his or her work is literary? I asked. The agent told me, 'Of course not,' and looked at me as though I were crazy. Such is the state of American fiction."

FAMOUS NAMES: Two fantasy novels for young readers and written by Michael Tolkien are based on stories the author said were told to him by his grandfather, author of The Lord of the Rings. Titles are Wish and Rainbow.

Gerald Dickens, a great-grandson of Charles Dickens, will narrate the audiobook versions.

IT'S THEM: Linda Howard is author of a best-selling mass paperback, Prey.

She was quoted in PW: "I am not writing about me; I'm writing about these people that I know. When I meet them, I may not know anything about them; it may take me a while to even find out what their first names are. Usually I will know what they look like, and then each time I meet them in my head, I find out more and more about them, and then they start telling me their story, and then that's what happens. So it's not me; it's them. I'm always open to what they throw at me. I'm the medium; I'm not the cause of it."

BUSY WOMAN: A full-page ad in The New York Times celebrated the publication of Nora Roberts' 200th novel. Many of them have come out with J. D. Robb's name on them. The ad says that there are 400 million copies of her books in print.

As if writing several books a year weren't enough, Roberts and her husband, in 2009, opened a bed-and-breakfast, Inn Boonsboro, in Roberts's hometown of Boonsboro, Md.

PW said the inn has eight rooms, each named after literary lovers like Jane and Rochester and Nick and Nora. The Eve and Roarke room is named for characters in Roberts' own "In Death" series.

ABOUT BOOKS: Madeleine Albright, a former secretary of state, is the author of a new memoir about her childhood, Prague Winter. In an interview about the role of books in her life, Albright said, "The best book, like the best speech, will do it all—make you laugh, think, cry and cheer—preferably in that order."

As told by The New York Times, "What book would you require all heads of state to read?" Albright said, "The Art of the Impossible is Vaclav Havel at his deepest, wittiest and most eloquent."

REVENGE: When he was an editor at HarperCollins, Stuart Proffitt quit in protest because Rupert Murdoch ordered him to cancel the publication of a book that was critical of China. Murdoch had a business deal pending with the Chinese.

Now, Proffitt, an editor at Penguin UK, has brought out Dial M, for Murdoch, an expose by Tom Watson and Martin Hickman that was described in a Guardian review as "a tale of stupidity, incompetence, fear, intimidation, lying, downright wickedness and corruption in high places."

BOOK MUSEUM: Orhan Pamuk, Nobel Literature Prize winner, published a novel, The Museum of Innocence, in 2008. Now a museum with that name has opened in Istanbul. The New York Times said the museum's four floors have "a specific reference to the novel—each cigarette has supposedly been touched by Fusun, the object of the narra-
tor’s obsessive love—and, by extension, an evocation of the bygone world in which the book is set.”

The book is about Istanbul’s upper class in the 1970s. The author describes the novel as a love story, a chronicle of the efforts of haute-bourgeois Istanbul residents to define themselves by Western values.

BOOK BANNED: Brevard County in Florida has pulled the erotic novel Fifty Shades of Grey because “We view this as pornographic material.”

Other libraries told the publisher that there are “an extraordinary number of holds” on the three Shades of Grey novels. The New York Times reported that “at some libraries, more than 1,000 people were waiting in a virtual line for their turn” at the book.

In late May, the Hennepin County Public Library, which includes Minneapolis, had 2,121 waiting, up from 942 on April 9.

Robert J. Rus, with the Cuyahoga library in Cleveland, said they had bought 539 copies of the first book in the trilogy and still had 1,399 holds.

“Paul Bogaards, a spokesman for Vintage Books [the publisher] declined to provide sales figure for the trilogy but said millions had been sold so far,” the Times reported.

PARODY: Andrew Shaffer took only 10 days to write a parody of the erotic bestseller Fifty Shades of Grey. The result was a book deal. Shaffer, 33, is a critic of romance books, which he reviews for RT Book Review, a magazine. The title of his parody is Fifty Shades of Earl Grey.

Unlike the naïve heroine of Fifty Shades, Shaffer’s heroine is experienced and confident, The New York Times said. “Her lover, Earl Grey, smells like Coconut Lime Breeze body wash and has sexual proclivities that are shockingly tame.”

A BOOK IS A BOOK: Dwight Garner wrote an appreciation of the late Maurice Sendak (see Deaths at the end of this column) in The New York Times. Garner quoted a Guardian article in which the writer asked Sendak about electronic books.

Sendak replied, “I hate them. It’s like making believe there’s another kind of sex. There isn’t another kind of sex. There isn’t another kind of book! A book is a book is a book.”

MULTI-AUTHORS: “Stranger Than Fiction” was the title of an editorial in The New York Times about Long Island journalist Mike McGrady, who died in May. Back in the ’60s, McGrady was inspired to invite fellow journalists to contribute to a trash novel in the style of Jacqueline Susann and Harold Robbins.

The title was Naked Came the Stranger, and it became a bestseller in 1969.

The Times said the editing involved “cutting out words of more than three syllables, all symbolism, most character descriptions and 90 percent of all references to nature.”

That book, in turn, inspired Carl Hiaasen and Dave Barry and others to write Naked Came the Manatee.

NEW JOB: Sara Nelson, a former editor of Publishers Weekly and, most recently, book editor of O, the Oprah Magazine, has moved to Amazon as editorial director. A spokesperson told PW that Nelson “will be leading our editorial vision for books in print and the Kindle book stores on Amazon.com.”

BETTER TO APPALL: John Irving dropped back into circulation, promoting his latest novel, In One Person. One of his stops was at the Manhattan 92nd Street Y.

In answer to a question, Irving said that the worst advice for writers was Hemingway’s “boring, journalistic dictum: ‘Write about what you know.’” The New York Times said he added, “What a horrible limitation to impose on the novel or the play. ‘Don’t learn anything.’ Why don’t you just say that?”

Irving said that the best advice for writers came from Herman Melville: “Woe to him who seeks to please rather than appall.”

In a “By the Book” column in the Times Book Review, Irving was asked: “If you could meet any writer, dead or alive, who would it be? What would you want to know?”

Irving said, “There’s nothing I need or want to know from the writers I admire that isn’t in their books. It’s better to read a good writer than meet one.”

FLEMING BIO: Writers, for the most part, lead dull lives. Certainly an actor tapping on a typewriter or writing on a yellow pad has never provided lively movie material—not even a movie star playing Ernest Hemingway, who stood up while typing.

But Ian Fleming, author of the James Bond novels, was a commander in World War II and spent years in British naval intelligence and his playboy lifestyle was described in Andrew Lycett’s biography, The Man Behind James Bond.

A movie about Fleming’s life, based on that book, is set to go into production later this year.

Another bio film about Fleming, starring Leonardo DiCaprio, was announced in 2008, but The Guardian said that project remains in development.

E ONLY: Simon & Schuster has relaunched its Pocket Star mass market line as an e-book-only imprint.

PW said, “Pocket Star will continue to feature authors in popular genres in a mix of old and new titles, with most being new.”

BLOGGER: Mary Kay Andrews’s latest novel, Summer Rental, is a pa-
perback bestseller. Her real name is Kathy Hogan Trocheck, and she and her husband live in Atlanta. They have two grown children.

Andrews also writes a blog. After showing photos of second-hand items that have caught her fancy (including an old kitchen stove), she wrote:

“...now that I’ve had my junk fix, it looks like I have no choice but to get busy on the NEW TFB. For those of you that are new here, that means The Friggin’ Book. Which is actually how I make a living. But my publisher is pretty funny. They won’t actually pay me until I write the damn thing. Sigh.”

E-PLUS: Is Twitter some kind of new, gigantic book club? Jeff Howe thinks so and he’s an assistant professor of journalism at Northwestern University and the author of Crowdsourcing.

In an essay for The New York Times Book Review, Howe wrote: Twitter is not a threat, it’s an opportunity. “The format of books isn’t the only thing that’s changing—the entire reading experience is undergoing a shift. E-book publishers, at least, understand that their platforms allow readers to comment on the text and, significantly, enable them to see feedback left by other readers. Maybe the book isn’t dying, after all. It’s just getting a social life.”

STATS: A headline on an Internet article from The Guardian said: “Stop the press: half of self-published authors earn less than $500; comprehensive survey of DIY writers suggests that despite a few high-profile successes most authors struggle to sell.”

Romance writers’ e-books earned 170 percent more than their peers. Of their $10,000 average earnings, science-fiction earned 38 percent, fantasy writers 32 percent and literary fiction authors 20 percent.

The top earners were 68 percent female, and they turned out 2,047 words a day as compared to 1,557 words for their lower earning peers.

Self-publishers who had editing help made 13 percent more than the average, and help with the cover design upped earnings 34 percent more.

COLORFUL: What’s with blue? The color can describe a kind of jazz as well as depression. Now, suddenly, blue in various shades is turning up in books.

The flap of Jonah Lehrer’s best-selling Imagine: How Creativity Works asks, “Did you know that the color blue can help you double your creative output?”

Christopher Moore’s comic riff on French artists during the Impressionists’ years involves an ultra-marine pigment, a shade of blue that Van Gogh used in his paintings. The title of the novel is Sacré Bleu, a French curseword that plays off the color of the Virgin Mary’s cloak.

A best-selling novel for teens by Kristin Cashore has a narrator who early on stares at a blue horse shown on a wall hanging. The title of this “fog of secrets,” as The New York Times described it, is Bitterblue.

THE LISTENER: In the late 1930s Gertrude Stein was touring the U.S. and she gave a lecture to the U.S. students at Choate. The quote is from an article by Michael Kimmelman in The New York Review of Books.

Stein told the boys: “All my early work was a careful listening to all the people telling their story. . . . Really listen to the way you talk and every time you change it a little bit. That change, to me, was a very important thing to find out.”

ADVICE: A lot of attention at the beginning of summer went to Hilary Mantel and her Bring Up the Bodies, the sequel to her Booker-winning Wolf Hall.

A couple of years ago, Mantel told a master class at the Royal Society of Literature, “Don’t rearrange history to suit your plot. Make a virtue of the constraints of the facts, or write some other form of fiction.”

The New York Times Book Review quoted more Mantel advice: “Learn to tolerate strange worldviews. Don’t pervert the values of the past. Women in former eras were down-trodden and frequently assented to it. Generally speaking, our ancestors were not tolerant, liberal or democratic. Your characters probably did not read The Guardian, and very likely believed in hellfire, beating children and hanging malefactors. Can you live with that?”

READING: Carl Hiaasen’s latest book is for children. Its title is Chomp. In the Q. and A. column “By the Book” in The New York Times Book Review, Hiaasen said, “When I’m working on a novel . . . I try to read mostly nonfiction, although sometimes I break down and peek at something else. I’m probably biased toward contemporary fiction and satire because that’s what I enjoy most, which is natural when you’re coming from a journalism background. Vampires, wizards, dragon slayers—pretty tame stuff when you live in a place like Florida.”

When asked, “What’s the one book you wish someone else would write?” Hiaasen said, “I’m waiting for the day when Rush Limbaugh’s pharmacist writes a book.”

OPRAH RETURNS: Her endorsement of a book on her network TV show used to sell more than a million copies of it. When Oprah Winfrey gave up her popular afternoon talk show a couple of years ago, the book industry wept.

Now, on her cable channel, OWN, Winfrey has started up the book club again. Her first choice was Wild, a nonfiction book by Cheryl Strayed, published in March. The
book (and the revived TV book club) got a big plug on the cover of Oprah’s magazine. And Wild got a promotional sticker stuck onto its jackets.

E-book versions of selections include margin notes from Winfrey for her favorite passages.

Winfrey’s network show drew six to eight million viewers. Her Sunday night show on her own network has between a half million and two million viewers, The New York Times reported.

ROCK BAND KEY: Kathi Kamen Goldmark died on May 24 in San Francisco. She was well known in publishing as a shepherd to authors on book tours. In that job she learned that some of the most successful writers yearned to be rock stars.

With that in mind, Goldmark organized a band called the Remainders. Some of the musicians included Roy Blount Jr., Stephen King, Amy Tan, Scott Turow, Dave Barry, Mitch Albom and Barbara Kingsolver.

The band disbanded in June. Stephen King said it seemed prudent to shut down while some of the members could still remember the words to the songs.

Goldmark’s obit in The New York Times said that she was also the author of several books including And My Shoes Keep Walking Back to You (2002).

SHIELD: Ross Macdonald once wrote: “The walls of books around him, dense with the past, formed a kind of insulation against the present world and its disaster.”

FINDING GEMS: Science fiction guru Ray Bradbury died in June (see DEATHS), and The New York Times’s Michiko Kakutani wrote an appreciation. She said, “The greatest danger in Mr. Bradbury’s futuristic tales is not posed by aliens or robots, but by threats to creativity and art . . . and humanity’s own waning capacity for belief in the strange and miraculous.”

Kakutani ended her essay with a quote from the author: “All my life, I’ve been running through the fields and picking up bright objects. I turn it over and say, ‘Hey, there’s a story.’”

EARLY START: Tracey Garvis-Graves’s first novel is On the Island. It made the combined list of print and e-book bestsellers. The author lives in Des Moines, Iowa, with her husband and two children. She is heavily into blogging. On her blog, she lists 30 things about herself, including “I have horrible eye-hand coordination.”

In an Internet interview she said, “I prefer to write early in the morning. I get up at 5 a.m., take a quick shower, pour a giant cup of coffee, and power my laptop. I write until about 7:00 and then finish getting ready so I can be at work by 8:00. I also try to sneak in as much writing time as I can on weekends.”

She didn’t say what kind of job she has. Island was self-published.

She says the author who has influenced her most is Stephen King.

Her advice to writers: “You can’t edit a blank page so just get the words down . . . Write the book you want to read.”

THE CONVENTION: For four days every year, 20,000 or so authors, publishers, librarians and booksellers get together for BookExpo America (this June in New York), “wagering a guess on which books might take off this year,” The New York Times reported.

The article described how Amor Towles’s first book, Rules of Civility, became an unexpected hit after it was promoted heavily at last year’s convention, and independent bookstore salespeople pushed it to their customers.

Paul Slovak, the book’s Viking publisher, told the Times, “It was so passionately hand-sold by the independents. It really illustrates the power they have when they all fall in love with a book.”

The Times noted, “Independents saved some anger for major publishers, who are sometimes accused of not standing up to Amazon, the retailing giant.”

Richard Russo, a Pulitzer Prize winner and author of Empire Falls, spoke at an event called “Why Indies Matter.” The only applause he got was when he said, “What publishers need to do more than anything else is to find a spine.”

DEFROSTED: Poet Robert Frost once observed: “Like a piece of ice on a hot stove the poem must ride on its own melting.”

DOG TALK: Garth Stein is the author of a best-selling novel, The Art of Racing in the Rain. He lives in Seattle with his wife, their three sons and a dog.

In an interview on the publisher’s website, Stein was asked why he chose to tell the story from a dog’s point of view.

The idea first came, Stein said, from a Billy Collins poem.

Then Stein explained, “Using a dog as a narrator has limitations and it has advantages. . . . The limitations are that a dog cannot speak. A dog has no thumbs. A dog can’t communicate its thoughts except with gestures. The advantages are that a dog has special access: people will say things in front of a dog because it is assumed that a dog doesn’t understand. Dogs are allowed to witness certain things because they aren’t people and have no judgment.

“I was able to work with this idea a lot in terms of giving the reader a unique viewpoint into the action of the book . . . .”

YAWN: “Is Fiction Changing for
Better or Worse?" The New York Times asked in a headline in its editorial section. Matt de La Pena, author of Mexican WhiteBoy, wrote a reply. He explained, "We've grown terrified of sadness and self-reflection, and we actively avoid ideas that challenge. . . . It used to be okay to sit in this sadness. Great novels examined it. But today, in the era of pharmaceutical companies, the second we stop smiling we rush off to the doc for a happy-pill prescription. . . ."

The author concluded: "Franz Kafka believed a book should wake us up with a blow to the head, But we don't want our novels to do that anymore. If anything, we seek novels that will deepen our sleep."

---

DEATHS

Doris Betts, 79, died April 21 in Pittsboro, N.C. A teacher of English literature and creative writing at the University of North Carolina, Betts was the author of six novels and three collections of short stories. Beasts of the Southern Wild (1973) was a finalist for the National Book Award. Other titles included The Gentle Insurrection and Other Stories (1954), The Astronomer (1965) and The Ugliest Pilgrim (1973).

David Bowman, 54, died February 27 in Manhattan. He was the author of Let the Dog Drive (1992), Bunny Modern (1997) and a nonfiction title, This Must Be the Place (2001). He had just completed a novel based on the Kennedy assassination when he died.

Ray Bradbury, 91, died June 5 in Los Angeles. The sci-fi writer's books sold more than eight million copies. Titles include The Martian Chronicles (1950), The Illustrated Man (1951), The Golden Apples of the Sun (1953), Fahrenheit 451 (1953) and Something Wicked This Way Comes (1962).

Anna Teresa Callen, 86, died June 3 in Chieti, Italy. The teacher of Italian cooking in New York was the author of several books including The Wonderful World of Pizzas, Quiches and Savory Pies (1981) and Italian Classics in One Pot (1996).

Ernest Callenbach, 83, died April 16 in Berkeley, Calif. He was the author of Ecotopia (1975), which sold more than a million copies, and Living Cheaply With Style (1977). He was editor of Film Quarterly for 33 years.

Virginia Spencer Carr, 82, died April 10 in Lynn, Mass. She was the author of The Lonely Hunter (1975), Dos Passos: A Life (1984) and Paul Bowles: A Life (1999). She was editor of Flowering Judas, Katharine Anne Porter.

Dudley Clendinen, 67, died May 29 in Baltimore. The reporter was editor of The Prevailing South: Life and Politics in a Changing Culture (1988) and wrote Homeless in America in the same year. He shared a byline for Out for Good: The Struggle to Build a Gay Rights Movement in America (1999) and A Place Called Canterbury: Tales of the New Old Age in America (2008).

Charles Colson, 80, died April 21 in Falls Church, Va. The Nixon associate, Watergate felon and evangelical leader was the author of a memoir, Born Again (1976).

Henry Denker, 99, died May 15 in Manhattan. His first novel was I'll Be Right Home, Ma (1949). He wrote novels about doctors, lawyers, movie people and social issues. He wrote Broadway plays, radio scripts, and TV movies. He turned his novel Outrage! (1982) into a stage play and a TV movie.

Nora Ephron, 71, died June 26 in Manhattan. She was a novelist, journalist, blogger, playwright, screenwriter and movie director. She was noted for her sharp wit and humor, and her books included bestselling collections of essays. Titles were Wallflower at the Orgy (1970), Crazy Salad (1975), Scribble Scribble (1978), Heartburn (1983), I Feel Sad About My Neck (2006) and I Remember Nothing (2010).

Carlos Fuentes, 83, died May 15 in Mexico City. He wrote plays, short stories, nonfiction and novels. Novels included The Death of Artemio Cruz (1962), The Old Gringo (1985) and Destiny and Desire (2011). He was quoted: "One puts off the biography like you put off death. To write an autobiography is to etch the words on your own gravestone."


Angelica Garnett, 93, died May 4 in the south of France. The daughter of Vanessa Bell and niece of Virginia Woolf, Garnett was the last direct link with the Bloomsbury group. Garnett wrote a memoir entitled Deceived with Kindness: A Bloomsbury Childhood (1985).

Jean Craighead George, 92, died May 15 in Mt. Kisco, N.Y. She was the author of more than 100 fiction and nonfiction titles for young people. Julie of the Wolves (1972) won a Newbery Medal in 1973. Other titles include My Side of the Mountain (1959), On the Far Side of the Mountain (1990) and Julie's Wolf Pack (1997).

Bill Granger, 70, died April 22 in Manteno, Ill. He was a journalist who wrote 25 novels, some under the pseudonyms Joe Gash or Bill Griffiths. Titles include The November Man (1979); Public Murders (1980), which won an Edgar Award; and The Zurich Numbers (1984).


C. David Heymann, 67, died May 9 in Manhattan. He was the author of Ezra Pound, the Last Rover: A Political Profile (1976), and best-


Kenneth Libo, 74, died March 29 in New York. He was coauthor with Irving Howe of World of Our Fathers (1976), How We Lived 1880–1930 (1979) and We Lived There Too (1984).


Lewis Nordan, 72, died on April 13 in Cleveland. He was the author of four novels, three volumes of short stories and a memoir, Boy with Loaded Gun (2000). Other titles include Welcome to the Arrow-Catcher Fair (1983) and Wolf Whistle (1993).

Robert R. Rafferty, 82, died January 21 in Sun City Center, Fla. He was the author of two screenplays for children, nine fiction books and worked as a comedy writer for cartoonists. He also wrote the guidebooks The Lone Star Guide to the Dallas–Fort Worth Metroplex and Texas Coast: Discover Delights (1986).

Dora Saint, 98, died April 7 in Berkshire, England. She was the author of more than 30 books about the fictional villages of Fairacre and Thrush Green, beginning in 1955. “Miss Read,” a rural schoolteacher, was the fictional narrator.

Earl Shorris, 75, died May 27 in New York. Novels included The Boots of the Virgin (1968) and nonfiction titles include The Oppressed Middle: Politics and Middle Management (1981) and A Nation of Salesmen: The Tyranny of the Market and the Subversion of Culture (1994).


Reed Whittemore, 92, died on April 6 in Kensington, Md. The former poet laureate published Heroes & Heroines (1946), The Self-Made Man (1959) and The Feel of Rock: Poems of Three Decades (1982). Nonfiction titles include William Carlos Williams, Poet from Jersey (1975) and Against the Grain (2007).

Walter Wink, 76, died May 10 in Sandisfield, Mass. The theologian was the author of 16 books, including The Bible in Human Transformation (1973). ♦

MEMBERS MAKE NEWS

The 81st annual California Book Awards, sponsored by The Commonwealth Club, were presented at a ceremony on June 7 at the club's San Francisco office. Gold medal winners included Ralph Frammolino (and Jason Felch), Chasing Aphrodite: The Hunt for Looted Antiquities at the World's Richest Museum (Nonfiction) and Joanne Rocklin, One Day and One Amazing Morning on Orange Street (Juvenile). Silver medal finalists included Jonathan Lethem, The Ectasy of Influence: Nonfictions, Etc. (Nonfiction) and Peter Orner, Love and Shame and Love (Fiction).

The Eric Hoffer Awards for independent books are given annually to works of exceptional merit by academic, independent, small press and self-published authors. The 2012 winners included Margaret Morganroth Gullette for Agewise (Health) and Valerie Nienman for Blood Clay (General Fiction).

Mira Bartók received a 2011 National Book Critics Circle Award for The Memory Palace: A Memoir (Auto-biography). The National Book Critics Circle Awards were presented at a ceremony on March 10 in New York City.

Great Companies Deserve Great Boards, by Beverly Behan, was named Governance Book of the Year for 2011 by Directors & Board magazine.

The IEEE-USA, the organizational wing of the Institute of Electrical and Electronics Engineers, Inc., honored Beryl Lief Benderly with their award for Distinguished Literary Contributions Furthering Public Understanding of the Engineering Profession, for her article "Extra Strength," originally published in Prism magazine. Benderly is also the recipient of a Robert Bosch Stiftung Journalism Fellowship. All fellows will attend the 2012 Euroscience Open Forum, in Dublin.

The Pennsylvania Press Club presented Walter Brasch with the Lifetime Communicator of Achievement Award. The award, which is the Press Club's highest
honors, recognizes significant journalistic achievement and community service. It was presented at the organization’s annual dinner on June 3, in Gettysburg, PA.

Paula Caplan received the PROSE Award from the Association of American Publishers (AAP) for When Johnny and Jane Come Marching Home: How All of Us Can Help Veterans, named the best psychology book of 2011. The PROSE awards were presented at a luncheon ceremony during the annual conference of the Professional and Scholarly Publishing division of the AAP, held in February in Washington, DC.

The American Library Association presented the Boyd Award to P. T. Deutermann for his novel Pacific Glory. The award, which honors the best fiction set in a period when the United States was at war, carries a prize of $5,000 and a 24k gold-framed citation of achievement.

Joan Druett’s biography Tupaia: The Remarkable Story of Captain Cook’s Polynesian Navigator, received the New Zealand Post Book Award for non-fiction, sponsored by Booksellers New Zealand.

David Grinspoon has been named the First Chair in Astrobiology at the Library of Congress. He will be in residence for a year, starting in November 2012, while writing a book examining the choices facing humanity as it enters the Anthropocene Era.

Carolyn Hart will receive the Amelia Award at the 25th Malice Domestic Mystery Convention, in May 2013, in Bethesda, MD. The Amelia Award recognizes contributions to the traditional mystery novel.

Jason Haxton’s The Dibbuk Box was a finalist for ForeWord magazine’s 2011 Book of the Year awards, in the Body, Mind & Spirit category. Winners were announced at the American Library Association Conference and Exhibition in June.

The New England Outdoor Writers Association named Angling in the Smile of the Great Spirit, by Harold C. Lyon, Best Book of the Year in its 2012 Excellence in Craft Writing Contest. Winners in all categories were honored at the 70th annual meeting and awards luncheon in Oxford, Mass., on March 31.

John Moir received the Outstanding Profile Article award from the American Society of Journalists and Authors (ASJA). Moir’s article, “The Chameleon,” appeared in the Washington Post’s Sunday magazine. The award was presented at the ASJA’s conference in New York City in April.

Bull Canyon, A Boatbuilder, A Writer and Other Wildlife, by Lin Pardey, was one of five finalists in both the General Non-Fiction and Memoir categories of the 2012 Indie Book Awards.

Andrew Popper was named University Scholar/Teacher of the Year by American University in Washington, D.C. He also received the university’s 2011-2012 Egon Guttmann Casebook Award for Administrative Law: A Contemporary Approach.

Pauline Rogers received the 2012 Maggie Award from the Western Regional Publishing Association for “My Best Friend, the Camera,” a tribute to the Director Sidney Lumet originally published in International Cinematographer’s Guild Magazine.

BOOKS BY MEMBERS

Diedre Badejo: The African Union; 
Keith Baker: I-2-3 Peas; Kate Banks (and Peter Sís, illus.): The Magician’s Apprentice; 
Heather Barbieri: The Cottage at Glass Beach; 
Rick Bass: The Black Rhinos of Namibia: Searching for Surivivors in the African Desert; 
Paul Batista: Extraordinary Rendition; 
Marianne Berkes (and Cathy Morrison, illus.): Animalogy; 
Marianne Berkes (and Jeanette Canyon, illus.): Over in the Ocean: In a Coral Reef; 
Marianne Berkes (and Jill Dubin, illus.): Over in Australia: Amazing Animals Down Under; Over in the Forest: Come and Take a Peek; 
Andrew Blackwell: Visit Sunny Chernobyl: And Other Adventures in the World’s Most Polluted Places; 
Hendrik Booraem V: A Child of the Revolution; 
Judith Bowen: The Rancher and the Schoolteacher; 
Sandra Boynton: Are You a Cow?: Tickle Time!; 
Christine Brodien-Jones: The Scorpions of Zahir; 
J.P.S. Brown: The Track of the Jaguar; 
J.P.S. Brown (and Hank M. Azcona, illus.): Serpentine; 
J.P.S. Brown (and Billy Pat Brown, illus.): The Spirit of Dogie Long; 
J.P.S. Brown (and Curtis Ford, illus.): Steeldust; 
Lewis Buzbee: Bridge of Time; 
Meg Cabot: Underworld: Abandon, #2; 
Stephanie Calmenson (and Abby Carter, illus.): Ollie’s School Day: A Yes-and-No Book; 
Stephanie Calmenson (and Sachiko Yoshikawa, illus.): Oopsy, Teacher!; 
Rebecca Cantrell: A
City of Broken Glass; Alyssa Satin Capucilli (and Ariel Pang, illus.): Monkey Play; Anna Carey: Once: An Eve Novel; Cynthia Carr: Fire in the Belly: The Life and Times of David Wojnarowicz; Anna Harwell Celenza (and Don Tate, illus.): Duke Ellington’s Nutcracker Suite; Anna Harwell Celenza (and JoAnn E. Kitchel, illus.): Vivaldi’s Four Seasons; Tom Clavin (and Danny Peary): Gil Hodges: The Brooklyn Bums, the Miracle Mets, and the Extraordinary Life of a Baseball Legend; Andrew Clements (and Mark Elliott, illus.): About Average; Martha Collins: White Papers; Tess Collins: Helen of Troy; Claire Cook: Wallflower in Bloom; Elisha Cooper: Homer; Susan Coryell: A Red, Red Rose;

Julie Danneberg (and Caitlin Heimler, illus.): Money Paints a Day; Ellen Datlow (Ed.): The Best Horror of the Year, Volume 4; David Davis: Showdown at Shepherd’s Bush: The 1908 Olympic Marathon and the Three Runners Who Launched a Sporting Craze; Michael de Guzman: Melonhead; Melissa de la Cruz: Serpent’s Kiss; Larry O. Dean: Basic Cable Couples; Bruce Degen: I Gotta Draw; P. T. Deutermann: The Last Man; Eric Jay Dolin: When America First Met China: An Exotic History of Tea, Drugs, and Money in the Age of Sail; Bob Doppelt: From Me to We: The Five Transformational Commitments Required to Rescue the Planet, Your Organization, and Your Life; Frances O’Roark Dowell: The Second Life of Abigail Walker; William Doyle (and James Meredith): A Mission from God: A Memoir and Challenge for America; G. Y. Dryansky and Joanne Dryansky: Coquilles, Calva, and Crème: Exploring France’s Culinary Heritage: A Love Affair with French Food; Kate Duke: Ready for Pumpkins; Patrick Durantou: D’Hier et de L’Instant: L’influence philosophique dans l’oeuvre d’Anthonio Machado;


Nicole Galland: I, Iago; P. L. Gaus: Harmless as Doves; Kathryn Gay: Living Green: The Ultimate Teen Guide; Patricia Reilly Giff (and Diane Palmisciano, illus.): The Big Something; Patricia Reilly Giff: Hunter Moran Saves the Universe; Robert Goolrick: Heading Out to Wonderful;


Kristen Iversen: Full Body Burden: Growing Up in the Nuclear Shadow of Rocky Flats;

Jordan Jacobs: Samantha Sutton and the Labyrinth of Lies; Angela Johnson: A Certain October; Gregg Jones: Honor in the Dust: Theodore Roosevelt, War in the Philippines, and the Rise and Fall of America’s Imperial Dream;


and the Beast: The Only One Who Didn’t Run Away; Ben Mattlin: Miracle Boy Grows Up: How the Disability Rights Revolution Saved My Sanity; Robin Maxwell: Jane: The Woman Who Loved Tarzan; Philip McFarland: Mark Twain and the Colonel; Samuel L. Clemens, Theodore Roosevelt, and the Arrival of a New Century; Marilyn McFarlane: Sacred Stories: Wisdom from World Religions; Joseph McNamara: Love and Death in Silicon Valley; Brian Meehl: Suck It Up and Die; Ib Melchior: Fire for Effect; Zapppl!: Carolyn Meyer: Wild Queen: The Days and Nights of Mary, Queen of Scots, The Young Royals, #7; Eugene Mirabelli: Renato, the Painter; Arthur Mokin: Merihab; Donald Morris: Tax Cheating: Illegal—But Is It Immoral?; Walter Mosley: The Gift of Fire/On the Head of a Pin: Two Short Novels from Crosstown to Obliteration; Lisa Mullenneaux: Painters and Poets; Walter Dean Myers: A Star Is Born; Jan Myrdal: Red Star Over India: As the Wretched of the Earth Are Rising: Impressions, Reflections, and Preliminary Inferences

Victor S. Navasky (and Evan Cornog, Eds.): The Art of Making Magazines: On Being an Editor and Other Views from the Industry; Phyllis Reynolds Naylor: Emily and Jackson Hiding Out;

Susan Oleksiw: The Wrath of Shiva: An Anita Ray Mystery; Jennifer Ouellette (Ed.): The Best Science Writing Online 2012;


David Quammen: Spillover: Animal Infections and the Next Human Pandemic; Mary Quattlebaum (and Laura J. Bryant, illus.): Jo MacDonald Had a Garden;


Elizabeth Spurr (and Manelle Oliphant, illus.): In the Garden; Janyce Stefan-Cole: Hollywood Boulevard; Martha Bennett Stiles: Sailing to Freedom; Deanne Stillman: Desert Reckoning: A Town Sheriff, a Mojave Hermit, and the Biggest Manhunt in Modern California History; R. L. Stine: Wanted: The Haunted Mask; Jeff Stone: Phoenix; W. K. Stratton: Floyd Patterson: The Fighting Life of Boxing’s Invisible Champion; Patrick Suraci: Sybil in Her Own Words: The Untold Story of Shirley Mason, Her Multiple Personalities and Paintings; Frank Warren Swacker: Murder Trilogy;

Dustin Thomason: 12.21; Nancy Tillman: Tumford’s Rude Noises; Katherine Towler (and Ilya Kaminsky, Eds.): A God in the House: Poets Talk About Faith; Greg Trine (and Frank W. Dormer, illus.): Dinos Are Forever; Patsi B. Trollinger: Thrill in the ‘Ville: Terry Trueman: Life Happens Next;

Harlow Giles Unger: John Quincy Adams: A Life;

Rachel Vail (and Yumi Heo, illus.): Flabbersmashed About You; David Vann: Dirt;

Diana Wagman: The Care and Feeding of Exotic Pets; Jess Walter: Beautiful Ruins; Ellen Weiss (and Ali Arnold, illus.): I Love You, Little Monster; Rosemary Wells: Miracle Melts Down; Elie Wiesel (and Catherine Temerson, transl.): Hostage; Melissa Wiley: The Prairie Thief; Margaret Willey: Four Secrets; Chris Wiltz: Shoot the Money; Don Winslow: The Kings of Cool: A Prequel to Savages; Ben H. Winters: The Last Policeman; Stuart Woods: Blue Water, Green Skipper: A Memoir of Sailin Alone Across the Atlantic;

Jane Breskin Zalben: Mousstercipe; Gabrielle Zevin: Because It Is My Blood; Allia Zobel Nolan: Dog Confessions: Shocking Tales Straight from the Doghouse; Hugs & Kisses, God: From Kids Around the World; I’d Rather Be a Cat: The Official “Better Than Dogs” Cat Book; Whatever: Livin’ the True, Noble, Totally Excellent Life (A Faithgirlz title)
Publishing’s New Best Friends

Continued from page 10

mostly image-based this has been a great platform for sharing photos of author events or debuting new book covers.” Individual authors working without a marketing department can easily mimic this method of tailoring the message to the platform.

Paul Hochman, the Marketing Director of Social Media at St. Martin’s Press, said that as a publisher it’s very hard to prove sales, unless they are analyzing intent to buy or tracking sales in terms of promotions. However, he has “absolutely” noticed an increase in sales and retail interactions as a result of St. Martin’s social media initiatives.

Platform-by-Platform

Facebook: Hochman noted that St. Martin’s Press concentrates its efforts on Facebook, viewing it as their top “converting” social channel. Aiming to increase preorders, they built a content plan six months before the publication of Kristin Hannah’s novel Home Front. Using Hannah’s individual Facebook page, they ran a program similar to a pre-publication book club: though fans don’t yet have the book in hand, the author writes posts about characters and plot in order to generate conversation. Hochman explained, “The idea is to get your fans talking and investing so much they have to buy the book, and our pre-orders were through the roof.” In a short period of time, St. Martin’s Press increased the number of “Likes” on Hannah’s page from 12,000 to 60,000. When it was released, Home Front hit No. 1 on the New York Times Bestseller List. Hannah, it should be noted, does not use Twitter at all.

Similarly, Chapman at The Penguin Press is excited about Facebook Timelines, which have analytics that make it easy to share excerpts of books and supplementary materials, such as quizzes. Companies like Odyl and Shoutlet provide software to authors and publishers that make it possible to build apps that were previously too expensive for individuals to create. Hochman gave examples of two successful St. Martin’s Facebook pages: Mary Kay Andrews’s page created with Odyl, and the page for P. C. Cast and Kristin Cast’s House of Night series.

HarperCollins recently created a Facebook app called “Like to Read,” which allows users who “like” a book to see excerpts from that book. The more “likes” the book receives, the more excerpts HarperCollins releases. Harper Books decided to build the “Like to Read” app because they needed something “flashier, sexier, that integrated with other social media trends” to market Elizabeth Haynes’s recent thriller debut Into the Darkest Corner. They decided to take the opportunity with a campaign where they had money and focus to test strategy and built an application that they could adapt for any book with no additional costs.

Haynes initially had just 200 fans on her author page; she currently has more than 7,700. HarperCollins eventually recommended that she change the title of the page from her book title to her own name, since she intended to publish multiple books. Following a promotional period during which Harper Books posted on her behalf, Haynes now owns her page. Ferguson explained that it’s mutually beneficial for authors to have a powerful platform.

Twitter: Graywolf is a small, independent, nonprofit press, but it has one of the largest Twitter followings in the industry. Graywolf was an early adopter, joining in 2007. Five years later, it has nearly 145,000 followers. As Marisa Atkinson explains, “While Twitter is a great vehicle for promoting our authors and our books, and we certainly do use it primarily for that purpose, it’s also really important to us to join the conversations our community of readers are having about literature and publishing in general, and everything else.” Graywolf’s Twitter feed is overseen by Publicity Director Erin Kottke. “Kottke,” says Atkinson, “has a relaxed, funny and approachable voice and personality that allows our readers to feel like part of the wider Graywolf community, whether we’re chatting about a great new review that’s come in, a great event we attended, or the best movie we saw over the weekend.”

Atkinson concedes that their success is helped by the efforts of individual authors. When Graywolf pub-
lished a debut story collection by Alan Heathcock, *VOLT*, in 2011, the collection did very well in part because Heathcock had existing Facebook and Twitter followings, which allowed him to share reviews and missives from his book tour, and to answer questions from fans. Atkinson concludes that “it really helped to

**Authors shouldn’t worry too much about developing a huge following on the Web. Rather, they should try to connect personally and genuinely with their fan base.**

build a community of supportive and enthusiastic readers around the book. Any time there is a space for readers to get together and talk about books—whether in a bookstore or on a Facebook wall—it’s always a good thing, in my opinion.”

**Tumblr & Pinterest:** Tumblr and Pinterest are both blogging platforms that combine image and text, but they appeal to different reader demographics. Tumblr is suited to fiction, history, biography and news stories, while Pinterest favors design and picture books.

The Penguin Press prefers to use Tumblr, a micro-blogging tool that combines image, audio, text and video, and allows users to share one another’s posts. “Tumblr is addictively fun when it comes to finding quotes we love, says Chapman. “If I’m reading one of our books and I find something that seems especially poignant, I can put that up and see people instantly like it and re-blog it.” Chapman believes the Tumblr audience is oriented toward fiction, in particular. “They love the culture around fiction, so [you’ll find] quotes from their favorite books [and] people love posting multimedia, such as photos of their favorite writers at their desks or the type of typewriters they used.”

Pinterest is a scrapbook-like tool that allows users to bookmark—or “pin”—images and videos that they like to a “board” that other users can view and comment on. St. Martin’s Press has been using Pinterest to promote Emily Giffin’s new book, *Where We Belong*, by having the book’s characters “create” their own Pinterest boards. Similarly, Hochman said, St. Martin’s and Giffin were able to build a following on the Some-

thing Borrowed Facebook page around the time that the film based on Giffin’s book was released. Now they are encouraging fans of Giffin’s earlier books to engage in social media “events” for her new books.

**Building Buzz**

The consensus among social media and marketing professionals we spoke with was that authors should not worry too much about developing a huge following on the Web. Rather, they should try to connect personally and genuinely with their fan base. For example, Ferguson said of Harper Books, “We don’t have a huge Twitter following, but the following we do have we know has reached us for the right reasons. They care about books. We think about it less as trying to reach every consumer possible, more that we want to have the means to communicate with the people who are more influential than we are within certain consumer circles.”

Book lovers have more access than ever both to new titles and to their favorite authors. These connections can also be rewarding for authors, many of whom find, time and again, that the small window surrounding a new title’s release date is simply not long enough to reach the right readers. For those authors who have mastered the Web but approach new forms of social media with trepidation, take heart: As Chapman points out, “The most exciting part about working with anything digital these days is that possibility of finding the people who will love your books most”—an achievement that all writers, across genres, can agree is the ultimate goal. ♦

**Legal Watch**

*Continued from page 21*

meant that Urbont’s federal copyright claims occurring prior to May 21, 2007 were time-barred.

Application of the injury rule now seems to be the tendency in the Southern District. The Second Circuit itself, however, has yet to establish a bright-line rule governing the accrual issue. Until that day, it’s best to be vigilant and to pursue any infringement claims in the Second Circuit within three years of the act of infringement.

—Ryan Fox,
Legal Intern
Bulletin Board announces upcoming contests and prizes in all genres, in addition to fellowships and residencies. Because of the great number of potential listings, we provide only basic information here, and recommend that readers visit the websites of the journals or programs to read the detailed entry guidelines. Unless otherwise noted, dates provided are postmark deadlines.

Multiple Genres

The Commonwealth Club of California is accepting submissions for its annual California Book Awards for literature published in 2012 by authors living in the state. Awards are presented in several categories; first prize in each category is $2,000; runners up will receive $300. No entry fee, but six copies of the work must be submitted with the entry form. Deadline: December 14, 2012. Visit commonwealthclub.org/bookawards for updates on the 2012 deadline and cash prizes. Contact: The Commonwealth Club of California, Attn: The California Book Awards, 595 Market Street, San Francisco, CA 94105. BookAwards@commonwealthclub.org.

Nonfiction


The Drum Literary Magazine—an audio-only online publication—is accepting submissions of essays that focus on the theme of transgression, awarding $1,000 and $500 to the first- and second-place winners, along with publication in the form of downloadable mp3s. Entry fee: $10. Deadline: October 31, 2012. Visit drumlitmag.submitable.com/submit for more information or to submit your work online. Contact: editor@drumlitmag.com.

Each year, the Columbia Journalism School and the Nieman Foundation co-administer the J. Anthony Lukas Prize Project Awards. The J. Anthony Lukas Work-in-Progress Award of $30,000 is given to aid the completion of a significant work of nonfiction on a topic of American political or social concern. The J. Anthony Lukas Book Prize of $10,000 is given to a book-length work of narrative nonfiction, published in 2012, on a topic of American political or social concern that exemplifies the literary genre, commitment to serious research, and social concern that characterized the work of the award’s namesake. Application fee: $50. Deadline: November 16, 2012. Visit bit.ly/nc3PUp for details. Contact: Lisa S. Redd, Associate Director, and Laura G. Tejeda, Administrative Assistant, Columbia University Journalism School, 2950 Broadway, New York, NY 10027. (212) 963-7996. lt2026@columbia.edu.

Fiction

In 2013, the National Book Development Council of Singapore—in conjunction with SingTel Singapore—will bestow the first SingTel Asian Picture Book Award for an unpublished picture book with a distinctly Asian theme. The winning author and illustrator will each receive 5,000 Singapore dollars (approximately $4,000 US). Entrants may be of any nationality and reside in any country. No entry fee. Deadline: December 31, 2012. Visit www.bookcouncil.sg for submission details. Contact: National Book Development Council of Singapore, Geylang East Public Library, 50 Geyland East Avenue 1, Singapore 389777. info@bookcouncil.sg.

Poetry

The Poetry Society of America (PSA) sponsors several awards, some open to PSA members only and several open to non-members, including the George Bogin Memorial Award for a selection of four or five poems; the Robert H. Winner Memorial Award for a mid-career poet who has not had substantial recognition; and the Louis Hamer Memorial Award for a distinguished poem in the surrealist manner. Awards range from $250 to $2,500. No entry fee for the above awards. Submission timeline: October 1—December 22, 2012. Visit poetrysociety.org/psa-awards_gdln.php for full details. Contact: Brett Fletcher Lauer, Managing Director & Awards Coordinator, Poetry Society of America, 15 Gramercy Park, New York, NY 10003. (212) 254-9628; brett@poetrysociety.org.
Ray Bradbury
A Young Writer's Tale
BY JAY NEUGEBOREN

A working writer to the most literal of ends, Ray Bradbury published a memoir about his early infatuation with science fiction, and his coming-of-age as a writer, in the June 4 science fiction issue of *The New Yorker*, one day before his passing from this world on June 5, at the age of 91. But 67 years ago, at the beginning of his career and before he had published his first book, getting his work published was not as easy as it later became.

In 1945, Martha Foley selected his story, “The Big Black and White Game,” published that year in *The American Mercury*, for inclusion in *The Best American Short Stories*. To her surprise, however, she received a telegram from Bradbury in which he stated that under no circumstances would he ever allow a story of his to be printed in her anthology. Foley, who was editor of the annual *Best American Short Stories* from 1943 until her death in 1977, and who had published an early

To her surprise, [Martha Foley] received a telegram from Bradbury in which he stated that under no circumstances would he ever allow a story of his to be printed in her anthology.

story by Bradbury (perhaps his first; there are several claimants) when she was editor of *STORY Magazine* in the '30s, was puzzled, and mentioned the telegram to a New York editor who knew Bradbury. A few days later she received a second telegram from Bradbury, stating that he had changed his mind, and that it had

Ed: We confess to a double bumble on this one; first in not triple-checking a claim reported in the New York Times obituary of Whitman that Beach had expressed the wish that Whitman rename his store Shakespeare and Company, a claim that appears to have a single source, unreachable as we went to press; second in not spotting the unintended conflation of the two stores implied by the line “The store was a hangout for James Joyce and Ernest Hemingway.” The original Shakespeare and Company was indeed a place both writers frequented, and as Noel Fitch Riley explores in detail in Sylvia Beach and the Lost Generation, Beach was crucial to the publication of Joyce’s Ulysses. But neither Joyce nor Hemingway was alive when Whitman renamed his bookstore in 1964. If any hanging out was done at Whitman’s Shakespeare & Co., it would have to have been spectral.
### 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? (check one)

- [ ] Support and advocacy efforts
- [ ] Legal services
- [ ] Health insurance
- [ ] Site-builder and other Web services
- [ ] Other __________________________

Writers may qualify on the basis of being book authors or freelance journalists. **Book authors** must have been published by an established American publisher. A writer who has a contract with an established publisher for a work not yet published may join as an associate member. A contract with a vanity press does not qualify a writer for membership in the Guild. **Freelance journalists** must have published three works, fiction or nonfiction, in a periodical of general circulation within the last eighteen months.

<table>
<thead>
<tr>
<th>Book(s)</th>
<th>Title</th>
<th>Publisher</th>
<th>Year</th>
<th>Field/Genre</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freelance articles</td>
<td>Title</td>
<td>Publisher</td>
<td>Mo./Year</td>
<td>Subject</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please enclose a check for your first year’s dues in the amount of $90 payable to “The Authors Guild” or charge your Visa or MasterCard.

Account # __________________________ Expiration Date ___ / ___ Amount: $90

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

Bulletin, Summer 2012