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

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“Advertising dollars that used to go to the *Times*, that used to go to the *Atlantic*, that used to go to the sources that are actually producing the articles that we read?... those advertising dollars have left those sources and they’ve gone directly to Facebook and Google.”

*Richard Russo*, *Who Owns the Word, Part I: Journalism*, November 15, 2018 (see p. 49)
BOOKSELLER EXTRAORDINAIRE: QUELLE ANNÉE!

“The publishing world made headlines in 2018,” the Washington Post reported in December, “and not always by design.”

Or, as Variety phrased it: “President Donald Trump may not be much of a reader, but he’s been a gift to book publishers.” The market research company NPD Group found that sales of political books were up by 25 percent by September, the same month that Business Insider counted fifteen books about the Trump administration that were published in 2018.

There were also, of course, books by James Comey, Anita Hill, Michelle Obama, and Bill Clinton, who co-authored The President is Missing with James Patterson. Politics and publishing intertwined again when American Media, Inc., publisher of the National Enquirer, hit the news again and again with its “catch-and-kill” practice.

The Post’s “not always by design” review of 2018 also discussed the wave of writers and media figures who were drawn into the spotlight following #MeToo-inspired reports of misbehavior.

The year 2018 ended with the news that Margaret Atwood was writing a sequel to The Handmaid’s Tale, the book and TV series considered by many as a “defining dystopian text for the current time,” according to the Post.

And as 2019 dawned, yet another selling title landed in bookstores, Team of Vipers: My 500 Extraordinary Days in the Trump White House by former staffer Cliff Sims. The first-time author’s career got a generous boost from Trump, whose negative Tweet about Sims pushed the book from number 12 on Amazon’s bestseller list to number 6 within a matter of hours.

JOURNALISM’S SHRINKING NUMBERS

Newspapers and media companies have been steadily contracting in recent years, with mergers, budget cuts, and layoffs becoming increasingly familiar features of the industry. January, however, was a particularly painful month: The Huffington Post, Yahoo, and AOL—all owned by Verizon—as well as BuzzFeed and Gannett, owner of USA Today, and many local newspapers, announced significant layoffs. Altogether, about 1,000 people lost their jobs.

Journalists spoke up on Twitter and elsewhere, announcing job losses, promoting colleagues in need of work, and analyzing the reasons for the layoffs. In an interview with NPR’s “All Things Considered,” New York Times media reporter Edmund Lee pointed to insufficient advertising income as a major factor. Even large media companies cannot compete with the behemoths Facebook and Google, he explained: “The BuzzFeeds and the Vices and the Vox Medias of the world—their audiences pale in comparison.” An advertising-based business model is no longer sustainable, he said, predicting “big mergers” in the near future.

At Slate, Mike Pesca cautioned against assigning blame to “fake news” or missteps by individual journalists, which tend to get disproportionate attention. Like Lee, he pointed to the Facebook-Google “duopoly,” citing a Pivotal report that found these two companies “control almost three-quarters of digital ad dollars.”

Many communities will be affected by the Gannett cuts, with layoffs at the Dallas Morning News, Indianapolis Star, Knoxville News Sentinel, The Tennessean, and New Jersey’s The Record, among others. And since local reporting informs the national discussion, the loss will surely be felt more widely.

Columbia Journalism Review highlighted, in particular, the layoffs of veteran Dallas Morning News reporters who cover immigration, energy and the environment, and Hispanic immigrant communities. Their on-the-ground reporting is irreplaceable. (See the Guild’s February 6 statement on the layoffs, p. 7.)

MAGAZINE INDUSTRY STILL IN FLUX—FROM TOP TO BOTTOM

News of Quad Graphics’ purchase of LSC Communications may not have drawn the attention of most writers, but journalist and business executive Tony Silber raised concerns about the union of the two largest American magazine printers. In a November 1 Forbes column, Silber reeled off a list of defunct magazine printers, all of them shut down in the last
fifteen years, and highlighted other indicators of the magazine industry’s poor health.

Wholesalers have evaporated, with 180 companies operating in 1995 and only two today. Newsstand magazine sales are dropping at alarming rates. Publishers continue to consolidate, with two major mergers in 2018: Meredith’s acquisition of Time Inc. and Hearst’s purchase of Rodale. Silber offered no solutions, but he warned that new technology companies are unlikely to save the industry: “They view magazine media as among their potential verticals rather than jumping in as fully committed providers.”

“[T]he pain is being shared widely, both downstream and upstream from the publisher,” Silber reported, and Quad Graphic’s purchase of LSC Communications should serve as a reminder that the magazine industry is still in transition.

Californian dissidents and journalists can be declared a freelancer. While the ruling in Dynamex Operations West Inc. vs. Superior Court of Los Angeles was intended to prevent employers from reclassifying certain types of workers as contractors as a way to avoid providing them with the same benefits and opportunities as full-time workers, the ruling has had unintended negative consequences for those workers who are legitimate freelancers and who wish to have the option to remain independent contractors.

Journalist Randy Dotinga, who serves on the board of the American Society of Journalists, reported to the Authors Guild: “We’re hearing that journalists across the state are losing work because of this case. Reuters has stopped using freelancers in California because of the ruling, and the president of the Society of American Travel Writers tells me that his group’s California members—and he himself—will soon lose significant work because a New Jersey-based company is afraid of the effects of the Dynamex case.”

The Authors Guild joined forces with Dotinga and other journalists and organizations to lobby the new California state legislature to clarify the rules so that legitimate freelance journalists can continue to work as freelancers if they choose. Legislation is being drafted by the California State legislature to enact the decision into law, and the Guild is working with the group to draft an acceptable carve out.

Panorama Project

The Panorama Project is a major research program studying the impact of public libraries on book sales, the first of its kind. Funded by the digital distributor OverDrive, the Panorama Project is led by a council of representatives from publishers, booksellers, and libraries. The program will aggregate and analyze data from all corners of the industry, with three areas of focus: book discovery, author/brand development, and retail sales.

Panorama Project’s first report was released on November 29, 2018. The “Community Reading Event Impact Report” analyzed OverDrive’s Big Library Read campaign, a library-led “global e-book club.” The campaign addressed in the report was held in April 2018, with participants reading Jennifer McGaha’s debut, Flat Broke with Two Goats: A Memoir.

The report found that the program was financially significant for the author and her publisher, Sourcebooks. During the 15-day campaign, Flat Broke with Two Goats was viewed 5.6 million times in public library digital catalogs around the world and had 130,000 checkouts; its Amazon Kindle sales rank soared from below 200,000 to 7,833; more than 13,000 Goodreads members added the title to their bookshelves; and the book’s sales skyrocketed, by 818 percent for the e-book and 201 percent for the print edition. Sales remained high after the campaign ended.

Panorama Project will continue monitoring sales to understand the long-term impact of the campaign. In time, their reports should provide a more refined understanding of how exactly the nearly 15,000 participating libraries made the campaign a success.

The Guild is working with OverDrive on a potential portal for authors to see which libraries have licensed digital copies (e-books or audiobooks) of their books and how many.

The Future Library

Scottish artist Katie Paterson has founded the Future Library, an artistic project that began with the planting of 1,000 spruce trees in a protected forest north of Oslo, Norway. The trees will grow until 2114, when they will be used as the paper supply for a collection of 100 books.

Paterson and her fellow trustees are inviting writers to contribute unpublished books in any genre or language. These works are given to the Future Library in a Handover Ceremony, described by the New York Times Style Magazine as “a modest ritual” featuring a performance by a Norwegian folk singer.

Given the surfeit of gloomy prognoses for print, trees, and the books they make possible, the project stands out as a particularly optimistic 21st century investment. Let’s hope it pays off. Aq
You’ve probably heard that the Authors Guild last year conducted the most comprehensive survey of author earnings in recent memory—which is to say that we spent a lot of money and effort confirming something you already know: It’s getting harder and harder to make a living by writing books.

We surveyed our membership (thank you, if you filled out the daunting questionnaire) and the members of fourteen other writers organizations. The result, our 2018 Author Income Survey, can be consulted at authorsguild.org/2018incomesurvey. It’s a big basket of bad news. The question is, what are we going to do about it?

The answer is this: We’re going to begin a national campaign in support of a Public Lending Right in the United States.

Here’s something interesting that will come as a surprise to most Americans. Thirty-five countries—including the United Kingdom, every country in Europe, Canada, Israel, and Australia—support their authors with cash payments from the national government in compensation for the free library lending of their books. Over the past half-century, all these nations have established systems of Public Lending Right. That’s an awkward and somewhat opaque term, so for now let’s just use initials: PLR.

PLR recognizes two fundamental principles: the need for society to provide free access to books, and the right of authors to be remunerated for their work. These principles should not be in conflict. The Authors Guild believes in both. We plan to work with the nation’s libraries to create a system that will benefit authors and libraries alike. The Authors Guild Council considered the issue at our meeting in December and voted unanimously in favor.

If you’re a longtime Guild member and your memory extends to the ancient past, you may think you’re experiencing déjà vu. You’re right. The Guild fought a version of this battle almost forty years ago, when the idea of PLR was relatively new. At our annual meeting in 1980, we invited Lord Willis, visiting from the U.K., to describe the new British system to our members. “I particularly wish to stress that paying authors for library loans is not a charity,” he said, “it’s a right: a payment for the service of borrowing an author’s work.” Robert Caro, Barbara Tuchman, and Anne Edwards were among the well-known authors who championed the cause. Preliminary bills were introduced in both houses of Congress. Eventually, in the Reagan era, the effort died.

But overseas the evident justice and utility of PLR systems has persuaded country after country. Last year our counterparts in the U.K., the Society of Authors, led a successful effort to extend their program to include e-lending. Beginning July 1, authors became eligible for payments for library lending of their e-books and audiobooks. More than 22,000 authors there receive payments of up to £6,600 a year—a modest sum, but enough to make a real difference in some writers’ ability to sustain a career.

The systems for handling the data collection are mostly already in place, so the costs should be negligible, but in any case, they must not be borne by the libraries. The maximum payment to any one author would be capped: the idea is not to reward J. K. Rowling (no offense, Joanne) but to provide some much-needed help for midlist authors.

The idea of creating a new government entitlement program may seem insanely ambitious—and we all see the
Since all civilized countries of the United States does not—and will not, ever. Our national bibliophobia is about as old as Dutch elm disease, and as lethal.”

Gore’s cynicism was legendary, and it was often justified. I think we can prove him wrong this time. We’ve still got more bibliophiles than bibliophobes.

Our earnings report finds that more and more authors are forced to subsidize their books with secondary sources of income, and that some naïve readers increasingly expect them to work for free. These are dangerous trends. Authors make a vital contribution to education, to literacy, and to the shared culture on which our society rests. Impoverishing authors threatens to impoverish that culture.

We welcome your comments, dear members. And we’re going to need your help and support.

This letter is also a farewell: My term as president has come to an end. It has been an honor for me to serve the Authors Guild in a time of change for the profession of authorship as well as for our organization. I’ve been with the Guild so long that I remember when our fiercest and most powerful adversaries were publishers. If only that were still true. Instead, the threat to authorship—and it is a grave threat indeed—comes from large interests that have colonized the online world, gaining financial and political power while exploiting the work of individual writers.

Authors are accustomed to working in solitude. When I wrote my first book, I had no thought of joining a community. But it turns out that I have joined one after all. Thank you all for helping to build and sustain this Guild, dedicated to preserving the writing life and defending the rights of creators.

— James Gleick

The Authors Guild
FROM THE HOME OFFICE

Dear Authors Guild Members,

As most of you know, Authors Guild President James Gleick stepped down from that role at our annual members’ meeting on March 12. On behalf of the entire Authors Guild staff and Council, I would like to give Jim a huge thanks for his two years of selfless dedication to the Guild and its causes, and for his passionate and intelligent leadership during a period of time that has often been trying for the nation’s writers and journalists. Jim has been incredibly generous with his time and has worked relentlessly on behalf of the Guild’s members to ensure that we achieved our goals. He is personally responsible for the success of our biggest initiatives these last two years. In particular, we could not have conducted the author income survey and report, launched the new online communities, or extended our online reach as far as we have without him. I am especially grateful for his willingness to write or punch up our statements and blog posts—often on a moment’s notice—adding his insight, clarity of vision and passion (not to mention his prodigious writing skills). Thank you, Jim!

By now, you have likely seen our 2018 Author Income Survey. I would like to thank all of you who participated in it.

The survey showed that median author incomes are at new lows (see p. 47), but amid all the bad news, we can report some good news. Many authors have increased their incomes from "writing-related" sources other than royalties or advances. Also, the number of authors who self-publish or publish “independently” is on the rise and those authors’ median incomes are almost twice what they were five years ago.

One goal of the survey was to learn how best to align our work with today’s authors needs. Where we see income sources drying up, we want to determine why and what we can do to salvage them; and to the extent new opportunities exist, we want to let you know how to take advantage of them.

The survey also tells us that we should press ahead with our advocacy efforts in Congress and continue to pressure publishers to increase authors’ revenue share. Among our major legislative initiatives, as described in “Legislative Priorities” (p. 41), is a call for a public lending right. We will soon launch a campaign to keep remainders and other low- or no-royalty-bearing books out of the Amazon reseller market, to minimize the use of deep-discount sales (which pay lower royalties) and to make royalty statements more transparent, in keeping with our new model contract terms (forthcoming this spring).

We are continually working to improve our educational offerings, and we welcome suggestions for new topics or programs. New this year is an eight-part series on marketing called “The Age of the Storyteller,” which you can find on the website. Next, we hope to roll out several programs that will identify additional sources of writing-related income, such as coaching new writers, editing and television script writing. Whatever the challenges to making a living writing books these days, the need for good storytelling and writers’ skills will never go away; if anything, the demand for well-conceived and well-written stories is increasing. We want to make sure authors, and not just their intermediaries in publishing, are positioned to profit from these trends.

One of my secret pleasures at the Guild is working late into the night in the quiet of the empty office and taking a break to play ball with my dog, Simon. We wander the long corridors, which are lined with an eclectic collection of books accumulated over more than a century: books that members have sent in over the years, books about copyright and related legal topics, books for which generous authors bequeathed their copyrights to the Guild, and plenty of books about the publishing industry.
Late one night recently, I noticed a couple of books on a bottom shelf that I had never seen before. Both provided some interesting perspective on the profession of writing.

The first was American Authors and Books: 1640 to the Present Day—the “present day” at the time being 1962, updated from the 1943 original—by W. J. Burke and Will D. Howe, augmented and revised by Irving Weiss (Crown Publishers). The book is first an encyclopedia of “all American authors and books,” and “secondarily about as many other aspects of American literature writing and publishing, as could be treated in a handy one volume format.” What is remarkable is that the authors felt confident that they had documented—in 834 pages—all American authorship and publishing to that date. You could not fit the titles of the one million—plus books published last year in a single book.

The next book I pulled out was The Author’s Empty Purse and the Rise of the Literary Agent by James Hepburn (Oxford University Press, 1968). While it is primarily a history of literary agency, it is also incidentally a history of how authors have been financially disadvantaged in the industry since the earliest days of publishing. Literary agency arose in large part to help protect authors from unscrupulous publishers, and Hepburn describes the various forms of publishing agreements that were used from 1710, when authors were first given copyright, through the late 1800s, when agents became more common and the royalty system began to dominate the business. Surprisingly, there were quite a few different models for publication:

1. The author’s copyright would be sold outright, which meant that if a book was unexpectedly successful the publisher profited, but not the writer.

2. The publisher pays an up-front fee and a new sum with each new printing (generally about 1,500 copies were made per printing). John Milton had a contract for Paradise Lost that gave him a meager £5 up front, with an additional £5 for each subsequent printing. When he died shortly after the second printing his publisher went on to make a considerable fortune. His heirs? Not a penny.

3. An author would presell subscriptions to a book and then hire a publisher as a service provider to fill the orders, with the author keeping most of the profits.

4. In an arrangement much like vanity publishing or self-publishing today, the author would hire a publisher to print the book, without the guaranteed subscriptions, and would keep most of the profits to himself.

5. A fifty-fifty agreement: like today’s hybrid publishing, the author and the publisher split costs and profits.

Hepburn concluded that even if “the question of literary agency has been answered by history, another question remains unsolved—the one that people thought literary agency would solve: the plight of the author.” Despite the ways that literary agents have improved things for authors, “authors remain poor.” And that was in 1964.

Throughout the twentieth century, the standard payment method for trade authors was the royalty system, with advances of varying value. Today’s new business models, though they don’t work for all authors or all books, do offer more options and potentially more opportunities. It turns out that some of these “new” business models are not so new after all and that the ingenuity and determination of authors is alive and well—a silver lining to a long history of struggle.

—Mary Rasenberger
Executive Director

Authors Guild Statement on Journalist Layoffs

“The recent cuts in digital media journalist jobs follow a long trend of newsroom layoffs, which is a crisis that affects us all. The quality of news suffers, as do journalists. Like the newspapers and print magazines that came before it, BuzzFeed will need to rehire reporters and editors as freelancers, forcing them to work for less pay and without health insurance and other benefits. In the U.S., newspaper jobs declined by 60% between 1990 and 2016. The Authors Guild is working to ensure that freelancers are paid a livable wage, are given protections under the law, and have access to affordable healthcare coverage and other benefits (which employers and not the government provide in the U.S.); otherwise, the most experienced journalists will have no choice but to transition to other careers. The Authors Guild is committed to elevating the issue of authors’ ability to sustain viable careers to the national stage.”
Q&A: D.T. MAX

Everybody’s life as a writer is different. That’s how it should be.

Interview by Isabel Howe


IH: You’re a book author and magazine writer, but you also worked as an editor. Is that correct?

DTM: The first five years of my career right after college were spent as an editor. I began at Washington Square Press, which is a part of Simon & Schuster. And then I was an editor at Houghton Mifflin for about a year.

Washington Square Press is a paperback house, so we did a lot of reprints of quality fiction. At Houghton Mifflin I was involved in paperbacks and finding new hardcovers.

IH: How did working in publishing inform your approach to writing?

DTM: I don’t think it informed my approach to writing if we’re talking about words on the page. I certainly got an inside look at how editors think, how publishers think. The extent to which publishing is an art, the extent to which it’s more a business. What a really good editor does and how important that is to an author.

I don’t think the industry has fundamentally changed, although this was the late ’80s. The biggest innovation has been BookScan. BookScan gives information to authors and agents and competing publishers that they didn’t have at that time, when they were dependent on the publisher of a book for sales data.

My time certainly was informative and I still carry what I learned with me.

IH: Did it help to have been an editor when you shifted to writing full-time?

DTM: One thing to remember is that I didn’t publish my first book until 2006. I spent a lot of years entirely in the magazine world, at which point my
memories of being an editor were pretty faded. In the intervening years I reviewed a lot and I wrote a lot of feature magazine pieces, but I wasn’t chomping at the bit to get a book out. I just think I never found anything I was committed to enough that I wanted to spend the amount of time you have to spend on something to make it a book. Maybe I thought also I just didn’t have the chops. I was not graced with a long attention span at the time.

I started my writing career writing about publishing. I took the literal knowledge I had from publishing and applied it as a journalist. I was the publishing columnist for The New York Observer and for Variety in the early ’90s, and then I branched out from there.

IH: How long did The Family That Couldn’t Sleep take from conception to publication?

DTM: It began as a New York Times Magazine piece in 2001. I had a very good agent who immediately said to me, “This could be a book.” It’s this gothic story of an Italian family that has an inherited insomnia—it sounds like fiction.

I had grown accustomed to the length of magazine pieces and to their content, their pacing. What I didn’t know at that point was how you turn a magazine piece into a book. Even though I had read hundreds of books, I had to start looking at them in a whole different, analytic way.

I had also mostly edited and pursued fiction, so I wasn’t an editor who had a deep experience in nonfiction, even though that’s the writer I became. I’d never really thought about how a book is constructed. How each chapter has to move the idea forward, and sometimes you can swerve and take the idea sideways, but you always have to keep your reader with you. I learned all of that writing The Family That Couldn’t Sleep. At the start it was really nearly a tabula rasa. Almost anything could go into that book as long as it lived somewhere within a triangle defined by mad scientists, human mortality and stranger-than-fiction diseases. There’s a chapter on whether humans were ever actually cannibals, which is actually open to doubt. There’s a chapter on diseases in sheep that are precursors to the insomnia the family has. Beef is big and so are weird facts about sleep.

What I’ve said about writing a book is that you un-pave all the things you pave over when you write a magazine article, all the rabbit holes you knew the constraints of the article precluded you from exploring. When you write a book, you can allow yourself to fall down those holes, explore them, and if you’re lucky, make it back out before your reader abandons you to check her e-mail.

IH: So something that might be a paragraph in the magazine article can be a whole chapter in the book.

DTM: Totally. And that’s the best way to write a book, I think. Well, a best way.

IH: Your agent suggested turning the article into a book. Was your approach more flexible than if you’d originally conceived of the idea as a book, not an article?

DTM: What was useful to me about having an agent is that an agent is somebody who is working on your behalf and on his or her behalf in a very defined way. It’s a unique relationship for a writer. I found that really helpful. My agent, Elyse Cheney, was looking for projects for me and knew how to do that in a way I didn’t.

IH: When did you get an agent?
I’d had agents before I signed with Elyse—kind of starter agents—but Elyse approached me after I wrote an article in 1998 about Raymond Carver and how Gordon Lish had aggressively edited his earlier stories. It was an article that got a lot of readers. And, actually, still gets readers—it’s 20 years old now, which in human years would be something like 140. Sort of dog-life math in reverse.

The Lish-Carver battle was in some ways a perfect story, and very much a publishing story, too. You just couldn’t read it passively. What transpired was so…so raw. Suffering writer meets predatory editor? Or mediocre talent shot into the literary firmament by brilliant Svengali? It still makes people take sides. Some are on Lish’s; probably more people are on Carver’s. And I, of course, was on the side of the article. The energy and the conflict between them made the story really unusual. I just had to get out of the way. And so Elyse and I met at that point.

We kicked ideas around for a few years. I was happy writing magazine pieces. I liked the rhythm of it, I liked the connection to editors, an area in which I’ve been super-lucky. My editor still is the fellow who helped me find my way on the Carver-Lish article, Daniel Zalewski at *The New Yorker*. Magazine editors are quite different from book editors.

When the time came to do a book, the first editor who bought it, Robert Jones, died very soon after I signed. It was taken over by Daniel Menaker, who was at HarperCollins and then went to Random House. He brought me with him. I really felt quite loved by that gesture. He told me, “I have children that I’ve adopted; I know what it is to adopt.” I was taken with that statement. He adopted me.

**IH:** Can you expand on the idea that a writer’s relationship with magazine editors is different than with book editors?

**DTM:** A book editor is concerned with all sorts of things a magazine editor doesn’t generally have to be concerned with, like marketing and cover art, which are not, I think, central concerns for a magazine editor. Not all book editors are concerned at a granular level with the text, though mine have been. But there are some who are more impresarios. Years ago, Seymour Lawrence was one. I used to work with him at Houghton Mifflin. He had this gift for lifting writers onto the front page of the *Times Book Review* but I don’t think he edited them per se.

I became a staff writer for *The New Yorker* after almost 20 years of writing. I’ve written for any number of magazines, including a dozen that have since gone out of business: *Manhattan, inc.* *New York Women, Connoisseur*. We’ll call them the honorable dead. You know the line from the poem, “I had not thought death had undone so many”? More or less that. The magazine industry is much contracted, especially in the areas where I’ve worked. The book industry seems to have adjusted much better to the electronic era. I don’t know why, but it’s impressive. The number of books that still come out is just remarkable.

**IH:** You wrote an acclaimed biography of David Foster Wallace. What was it like to delve into another writer’s personal and professional life?

**DTM:** Everything I do comes out of a personal connection. As I write in the last chapter of *The Family That Couldn’t Sleep*, I have a genetic condition that made me feel connected to people who have genetic issues. Not remotely similar but to use the Wallace Stevens’ line, “The natives of the rain are rainy men.” Most of us know what it is to have a bit of precipitation fall on us. I know I do.

I always felt like Wallace was a more intense version of who I was—of who many, many writers are. He was a quixotic figure, because his life was certainly flawed; he was always aspiring to be better and purer in ways that most of us don’t have the time or inclination to aspire to. I very much took that to heart when I was researching the book. It wasn’t an arm’s-length study at all. He was a guy who inspired me in my behavior. I think most of us revert to the mean in the end, but for a while I was trying to behave as David Foster Wallace tried to behave in the world.

Not that either of us had that much success. There’s a wonderful phrase in one of his essays where he talks about how he wants to be more than just a shrewd, self-preserving animal.
That was something I had up on the wall but, well, the tape dried out eventually. But it’s still in my head.

It’s easiest to write about subjects that present their own energy. And he obviously did, because of the intensity with which he presented himself and tried to negotiate in the world.

IH: Would you write about a writer again?
DTM: I’d absolutely do it again. I’d certainly write another biography of someone who had that much of a grip on me. You have to see what nature provides for you when you write nonfiction. Unlike with fiction, you can’t ideate the world beforehand. You’ve got to see what the tide left on the shore.

When I was a child, I was an avid shell collector. I lived in the Bahamas with my family for a year. I remember going out every morning to see what the storm had thrown up on the beach. I think in some ways being a nonfiction writer, especially when you’re looking for articles or books, is not entirely unlike that. You walk the beach, you look down and sometimes…

IH: Have you had a writer-mentor?
DTM: You know, I never did. There’s that long-term relationship with my editor at The New Yorker that’s absolutely central to my success as a writer. But that came a little bit later in my career. My first years were on my own.

For many years I wrote for a lot of different places. I enjoyed the variety, I enjoyed trying on different voices: the voice of a business magazine, the voice of a women’s magazine, the voice of a literary reviewer. That was more my kind of thing. It was only later that I became interested in the world where writers read each other’s stuff before publication, where we learn from each other.

The whole community of writers is an amazing community. A friendship with another writer is a wonderful relationship to have—I think I would have benefited from them, been a better writer, had I had them earlier.

I didn’t go to journalism school either. I’m kind of a self-taught person. I think of my work as an endless education. The perfect graduate school, where just when you get frustrated with a subject, you leave it for another one. I definitely don’t have a specialty and I very much like it that way.

I just came back from the city of Prato, in Italy, where I wrote a piece about the Chinese garment industry. [The New Yorker, April 4, 2018.] Before that I wrote on computational science. I enjoy projects where you don’t know much and then you know a lot.

IH: What motivated you to join the Authors Guild Council?
DTM: I’m interested in the economic life of authors. Not just mine, but everybody’s. I think everybody has felt the sources of funding and creative opportunities narrowing with the years. I’ve been an Authors Guild member since the ’90s. Always wrote my check and thought, “Good thing
we have the Authors Guild.” Because we don’t have a union, there’s really no one who’s looking out for the weird grab bag of people who are authors in America.

I’ve spent a lot of time in other countries, especially South American countries and Europe, and I’m aware that especially in the nonfiction field, American authors are in a unique position. We have a market, we have editors who are interested in our work, we have agents who want to represent us, and we have significant possibilities for income—which is not true everywhere. In many countries, being an author is an avocation, practically. I desperately don’t want that to be the way this country goes.

I wanted to join the Council in order to be, let’s say, present and useful in whatever way I can be. I don’t have a “thing,” or an issue. I want to learn. People are doing very good work at the Authors Guild and have been for a long time.

There are a lot of issues for writers. Freedom to write, inclusion, our own personal efforts towards excellence—all very, very important. I can’t emphasize how important enough, but none of it really works without a robust economy around us, unless writing is going to become something professors do on the side or an avocation for the upper-middle class. If it’s going to be vibrant, if it’s going to be varied, if it’s going to matter and we’re going to be able to take risks, there has to be a sound economic ecosystem around us. That’s something that matters deeply to me.

**IH:** The Authors Guild Council is unusual in that it is composed of the same community it serves: professional writers.

**DTM:** There’s something exciting and democratizing about authors controlling their own fate and working together. That’s what’s special about the Guild: it’s us. I like that idea, because we spend so much time alone.

Everybody’s life as a writer is slightly different. That’s as it should be. David Foster Wallace wrote a famous essay called “Consider the Lobster,” basically about the cruelty of killing [lobsters] out of the whim to eat something tasty. But one of the embedded ideas in his essay is that we are also the lobster. So substitute “writer” for “lobster” and you have the reason for being for the Authors Guild: we have to consider ourselves. I connect economic freedom and creative freedom very closely. There’s more than one way to wind up lunch.

It was eye-opening to me to be in countries, including European countries, where there’s no strong tradition of funding nonfiction; therefore there is no tradition of nonfiction. America and England are unique in boasting a history of well-funded nonfiction both in magazine and book form. I think that’s connected to a healthy democracy. Nonfiction that’s accurate and fully funded and adequately researched, all of which depends on a sound economic model that works for all parties, strengthens democratic culture.

I’m sitting here with a copy of Mark Bowden’s book, *Hue 1968*, about the Tet Offensive. It’s, what, 600 pages? The world has moved on from this moment, but he, through the magic of being an adequately funded nonfiction writer, has gone back and looked at things that none of us will ever have time to look at and created a story that has a lesson for us today. This book could not have existed without the economic model that made it possible. I don’t know how many years this book must have taken him. Somebody had to pay for everything in his life while he was doing it. And it has to also work for the publisher and the bookstores and websites that sell books and everybody. The libraries, the schools.

The way I see it authors are not important people individually—99 percent of us pass unremarked-upon in the street. I certainly do. But as a group, no one does more to make people stand up and take notice. Stalin, who knew us enough to fear us, called us the engineers of the human soul. And I think of the Authors Guild as a place for a cross section of us to get together to make sure the machine’s running well.

Isabel Howe is Executive Director of the Authors League Fund, a sister organization to the Authors Guild that provides emergency aid to professional writers. She is a regular contributor to the Bulletin.
If you read about the “Cocky” case in our blogs,¹ you know that the Authors Guild and the Romance Writers of America teamed up to stop a romance author from claiming and enforcing a monopoly on the use of the word “cocky” in romance titles. What can you do to make sure that you pick a title that you can claim as “yours” and that isn’t likely to result in a trademark infringement claim against you?

For purposes of this article, a “trademark” is a word, phrase or slogan² that indicates that product comes from a certain source and, therefore, is of a certain quality. When we talk about a series title, the source of the “products,” i.e., the books, is usually the author, while the concept of “quality” refers to intangible literary characteristics of the books, such as the characters, the geographical setting, the subject matter or even the style of writing. (Think of the Junie B. Jones children’s series.) It also may just mean an association with other literary or creative properties. For example, if there were a series of children’s books called *The Lion King*, then the “quality” conveyed by the series title would be the themes and characters associated with the movie of that name.

If someone has “trademark rights” in a series title, that person has the exclusive right to use that series title for books, at least for a particular kind or genre of book, such as fiction books for children, in a certain geographical territory, such as the United States. You cannot claim trademark rights in the title of a single book. If you apply to register a particular name or phrase as the title of a series, the U.S. Patent and Trademark Office (PTO) will not register that mark without evidence that it has been displayed on more than one book. Two books, however, can constitute a series for this purpose.

The legal purpose of trademarks is to protect consumers by helping them distinguish among various products in the marketplace. When

¹ [https://www.authorsguild.org/industry-advocacy/can-trademark-title](https://www.authorsguild.org/industry-advocacy/can-trademark-title)

² [https://www.authorsguild.org/industry-advocacy/quantumgate-son-of-cockygate](https://www.authorsguild.org/industry-advocacy/quantumgate-son-of-cockygate)

A logo can also serve as a trademark.
Company A sues Company B for trademark infringement. Company A is concerned about protecting its profits; it doesn’t want to lose customers to Company B. But at the same time, by stopping Company B from using its trademarks, Company A is protecting consumers from being confused about whose products they are actually buying. (More on this below.)

Not every word or phrase can serve as a trademark. For example, a word or phrase that “merely describes” the subject matter, a feature of your series, or your intended audience, such as “The Baby Boomer Diet,” will not be recognized as a valid trademark for cookbooks, and you cannot stop others from using it. The same is true of a word that is commonly used in the relevant industry so that it is not capable of serving as a distinct identifier. One of the grounds for the decision in the “Cocky” case was the fact that the word “cocky” is commonly used as a descriptive term in the titles of romance novels to refer to characters in those books. A descriptive or common term can serve as a trademark, however, if you can prove that consumers have come to identify a certain descriptive term with your product (in this case, your series), or in the language of trademark law, that the term has “acquired distinctiveness” or has come to have a “secondary meaning.” For instance, TV GUIDE is obviously merely descriptive of a publication that provides television listings, but that name has come to be identified with one particular publication.

Proving that a series title (or any other trademark) has “acquired distinctiveness” is not easy. First, you must show that you have used that title for a long time; that you have spent substantial amounts of money to promote the title; and that you have made substantial sales of the series in your target market. Courts also look for other evidence of reader recognition, such as customer surveys or unsolicited media coverage of your books. Compiling this evidence can take hundreds of hours, and it can cost a fortune for your attorneys to prepare the data for submission to the court. If “acquired distinctiveness” looks like the only way you will be able to keep others from using your series title, you’re better off choosing another one to start with.

If you want a series title you can prevent others from using, your best bet is to use a totally arbitrary or fanciful title, such as the name or title of a fictional character in the series (The Clifton Chronicles), the name of the fictional world in which the stories are set (Discworld), a key setting or part of the storyline (The Magic Tree House and The Magic School Bus), the name of a fictional phenomenon or force in the books (The Stormlight Archive), or a line from a work that you quote in the series (His Dark Materials, which is a reference from Paradise Lost). Or, if you want the title to give prospective readers some clue to the books’ contents, choose one that suggests the subject but requires some thought on the reader’s part, such as On the Field With for a series about athletes.

Once you’re satisfied that you’ve chosen a title that is capable of functioning as a trademark, you need to think about whether that title is going to infringe someone else’s trademark. Trademark A infringes Trademark B when (1) Trademark B was in use first, and (2) consumers who see Trademark A on items are likely to be confused into thinking

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3 The PTO refused to register The Baby Boomer Diet as a trademark for a series of cookbooks on the grounds that the word “diet” referred to the books’ subject matter and the phrase “baby boomer” referred to the audience. Trademark use and trademark registration are not the same thing, but an explanation of the difference is beyond the scope of this article.
that those items come from the same source as items with Trademark B. If I pick up a can labeled Coke, I want to be sure that it is really a can of Coke and not a can of copy-cat cola. In the case of book series titles, the question is whether someone is likely to be confused into buying a book in your series because she thinks that she is buying a book from another series. To put it another way, when a young reader or her parent buys a book that shows the name Magic Tree House, she wants to know that she is getting a book in the children’s book series written by Mary Pope Osborne. Someone also might be confused into thinking that your series is related to a TV or online series with a name that is similar to your proposed title. If your books are for children, and there happens to be a collection of toys with the same name as your proposed series title, parents seeing your books may think that the books are associated with or are endorsed by the toy manufacturer. If your book series title resembles the title of a movie, consumers may think that your series books are movie tie-ins. And so on. The fact that so many companies have multiple business segments, so that many unrelated products may come from the same source, complicates the problem. On the other hand, if you want to use the hypothetical name Down the Drain as the title of a series about how people waste money, even if there is a plumbing company by that name, that is such an unrelated business that there is almost certainly no likelihood of confusion.

Whether there is a “likelihood of confusion” depends on several factors. One, not surprisingly, is whether the two titles create the same “commercial impression.” Do they look the same, have the same meaning or sound alike, even if they are not identical? Slight differences in spelling are not enough to avoid potential consumer confusion. Neither is the fact that your title appears in one font and the other title appears in a different font, or the fact that your title includes a graphic element. Also relevant is how similar the two series—or your series and the other product line—are in terms of subject matter, target audience and style.

Other criteria are the “strength” of the first-used title (how long it has been used and how much it has been promoted); whether you intended to copy the title of the earlier series or other products; whether consumers in the relevant market are sophisticated enough to be able to tell the difference between the two titles; and whether, to the extent that there is some difference in subject matter or target market, the first user of the title intends to “bridge the gap” by publishing a series of books like yours—or if we are comparing a series title to other products, whether the first user intends to start publishing books at all.

Even if your proposed series title doesn’t infringe someone else’s trademark, it still may “dilute” that trademark. Trademark dilution occurs when someone uses a mark that someone else is using for entirely different goods or services, but the second user’s use of the mark tends to weaken the mark’s distinctive cachet. For example, use of the mark Tiffany & Co. for a low-priced pizza chain would dilute the famous Tiffany mark for jewelry, even though no one would actually think that the jewelry company had anything to do with the pizza chain.

The most effective way to avoid such conflicts is to have a trademark lawyer conduct a full trademark search, which will tell you whether names similar to your proposed title are being used elsewhere or if they’re covered by registrations or applications in the PTO, or by state registrations or applications. If any such marks do turn up, your trademark lawyer can tell you whether they actually raise problems and, if so, how to proceed. It is not enough to run an Internet search or check the PTO online database, although the reasons why are beyond the scope of this article. (There are services that will claim to clear the rights to a trademark for a very low fee, when they are doing only the most cursory search and only for identical titles. The trademark applications filed by many of these services are often defective as well.)

At the end of the day, it is best to err on the side of caution when adopting a series title. Even though you may be able to make a good argument about why confusion or dilution is not likely, your life will be a lot easier if you don’t have to pay a lawyer to make that argument on your behalf.
11 Over 70: Writers Who Persevere

By Barbara DeMarco-Barrett

Every year—more like every month—one of those annoying lists comes out: “20 Under 40,” “30 Debut Novels You Must Read,” “17 Debut Authors.” I groan and think: What about older writers?
Writers over 40 tend to be my favorites. This could be because I’m closer to 60 than 50, or it may be because older writers are better writers. (Ouch.)

In Journal of a Solitude, May Sarton—who wrote dozens of books, including poetry, fiction, children’s books and nonfiction into her early eighties—quotes Humphry Trevelyan on Goethe: “It seems that two qualities are necessary if a great artist is to remain creative to the end of a long life: he must on the one hand retain an abnormally keen awareness of life, he must never grow complacent, never be content with life, must always demand the impossible and when he cannot have it, must despair.”

Despair is a common theme in many writers’ lives, but that despair is usually linked to fears of growing older and losing one’s mojo, or losing the interest of agents and publishers, or the ability to generate a living from writing.

Yet, many writers prove that writing works for the long haul and is suited to the marathon runner: Alice Munro, Toni Morrison, Margaret Drabble, Edna O’Brien, Russell Banks, Joyce Carol Oates, Isabel Allende, Roger Angell, Cormac McCarthy. McCarthy achieved cult status in his seventies with No Country for Old Men and The Road. Stan Lee, creator of Marvel Comics, who died last November at the age of 95, kept going till the very end. Margaret Atwood redefined herself and her work in her mid-seventies when The Handmaid’s Tale, published in 1985, reached the small but powerful screen in 2017. (The sequel to the novel will be published in September 2019.)

Some writers don’t even get started until they are past retirement age. Harriet Doerr launched her literary career at age 73 with the National Book Award-winning novel Stones for Ibarra and continued writing for almost 20 years.

Those pesky debut author lists irk me almost as much as the question I get from friends who are thinking about retiring or have retired: “When do you plan to retire?”

I’m sure I look befuddled when I say something like: “Writers and artists tend to go until they can’t go on any longer” or “Retirement is for people who don’t love their jobs. I love my job.” They settle down for a minute, but like a cell phone solicitor, they’re back, this time with, “You should think about planning.”

Alas, planning’s never been my forte. Fortunately, many writers who’ve gone the distance persevere and offer hope along the way.

**Retirement**

I’m gratified by writers who are as annoyed by the question of retirement as I am. Los Angeles poet Donna Hilbert, author of a new collection, Gravity, is one.

“One of the most annoying questions I field from non-writers is ‘Are you still writing?’” says Hilbert. “Might as well ask if I’m still breathing. As a poet, the product of my effort might not be apparent, but it’s ongoing, with the same joy of discovery as when I began to think of myself as a writer and will continue as long as I can hold a pen.”

For many, the work continues—even, perhaps, with a bit less pressure and stress. Award-winning writer Lynne Sharon Schwartz says she never considered retiring. Two of her books came out last year and she’s preparing a collection of her recent stories and essays, several of which were published in the Best American Stories and O. Henry Prize Stories series. She also teaches at Bennington Writing Seminars.

“I’m sure I could find plenty to do [if I retired],” she says, “but writing and pursuing my career is really the only activity I care deeply about.”

For some, a variation on retirement might be the lessening of the pressure of deadlines imposed by a publisher or by oneself.

Novelist Sue Miller says, “I can’t imagine wanting to stop writing, though I can imagine the wish to be free of a deadline. So perhaps ‘retirement’ for me might be the sense that I don’t necessarily need to try to publish what I’m working on, that it can be a private fictional puzzle.”

**Ageism**

Ageism is a topic that’s hard to avoid in any line of work, in the arts, and in every aspect of our culture.
Claire Roberts, founder of Global Literary Management, also in New York City, says, “In taking on a client, the most important thing for me is how I feel about the author’s work. If the manuscript is strong, if I can see the readership for it and if I know editors who would love the book too, those are the key elements for me. Older writers have many books successfully published, and I would never dismiss a work out of hand due to the author’s age.”

Los Angeles literary agent Betsy Amster concurs: “I never consider an author’s age when I take them on. It can be hard to keep authors’ careers going over time because publishers make so many decisions based on their sales track, which often trends down. I don’t think that should stop anyone though!”

A changing industry

One of the upsides—and I suppose downsides—of a long career is having a front row seat to the changes in the publishing business. “Publishing has utterly changed,” says Paul Theroux, who published his first novel in 1967 at the age of 26, and his most recent, Mother Land, in 2017. “I remember when it was hardly a business, more a series of friendships—
CERTAINLY, WE’VE ALL BEEN AWARE OF WRITERS WHO WE WISHED HAD STOPPED EARLIER...BUT THERE ARE ALWAYS WONDERFUL EXCEPTIONS TO THE RULE—PENELOPE FITZGERALD COMES TO MIND INSTANTLY.

Paul Theroux adds, “After publishing four novels I applied for a Guggenheim and was turned down. I applied again a few years later and was turned down again. I was dismayed but I learned a valuable lesson: a writer does not really need a Genius Grant or a fellowship, or a position in a university, and indeed may for various reasons be impeded by such things. I have never gotten any free money. If you write well, and keep at it, and occasionally resort to reportage, you can make a living. Many writers fail for obvious reasons—because they write badly or are bereft of ideas. The one-book author often complains to large audiences of how hard it is to write a second book. Does it not occur to that person that he or she has nothing to say?”

Sue Miller doesn’t think writing necessarily gets better with age. “Certainly, we’ve all been aware of writers who we wished had stopped earlier, the later work seemed such a falling off. But if you’re a writer, what are you to do? (Though Roth seems to have enjoyed the not-writing of his last years.) But there are always wonderful exceptions to the rule—Penelope Fitzgerald comes to mind instantly.”

Patricia Bosworth says, “I believe you can keep going as a writer if you think you have something more you want to say, something you long to share. I. B. Singer once said, ‘The more memories you have, the more you have lived.’ Right now I’m researching a book about racism and sex and politics just before the Cold War and the time I lived through and observed as a little girl. This excites me, keeps me going. It’s the most challenging, complicated, difficult project I’ve ever tackled. I like to think I’ll be able to pull it off because I am a slightly better writer, and yes, I am wiser, too.”

Improving with age?

“Many writers have only one book in them, no matter what their age,” says Vicky Bijur. “I know of fiction writers in their late seventies who make a decision not to continue publishing novels, even if a publisher would buy them, because they feel they are no longer at the top of their game.”

Paul Theroux adds, “After publishing four novels I applied for a Guggenheim and was turned down. I applied again a few years later and was turned down again. I was dismayed but I learned a valuable lesson: a writer does not really need a Genius Grant or a fellowship, or a position in a university, and indeed may for various reasons be impeded by such things. I have never gotten any free money. If you write well, and keep at it, and occasionally resort to reportage, you can make a living. Many writers fail for obvious reasons—because they write badly or are bereft of ideas. The one-book author often complains to large audiences of how hard it is to write a second book. Does it not occur to that person that he or she has nothing to say?”

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Redefining the writerly self

Hilma Wolitzer, a self-proclaimed late bloomer, has lately found herself writing poems.

“They’re a lot shorter than novels, but not really easier,” she says. “Some have been published and others not. I hadn’t dealt with rejection for
ages and waiting six months to hear about a poem at 88 isn’t easy...I don’t think I have the same frenetic energy that stoked my early work (or some of those handy nouns), but I’m still awakened at night sometimes by the lines of a poem.”

Other changes have to do with productivity and energy.

“Having just finished a novel,” says Sue Miller, “I can say that I was aware of it taking more conscious concentration, more willed attentiveness to the whole, than has been the case in the past. And it certainly took longer to write than I’ve been used to taking.”

In the last decade Lynne Sharon Schwartz has also started publishing poetry and has three collections out. The nature of her short stories has changed. “It seems a new voice has emerged,” she says. “Not exactly surreal but somewhat removed from reality—an ironic, skeptical and wryly comic voice. I love this new development; it feels like a kind of freedom. As if now that I don’t have to establish a reputation, I can do whatever I like, explore and experiment.”

Some writers are busier than ever. At 80, Beverly Lowry is often on the road. She’s working on her 11th book, “a nonfiction book requiring interviews, courthouse and library archival research, travel. I just returned from a 350-mile each way trip to various locales in Mississippi... I work hard to keep in shape both physically and mentally, so that I can do what I most want to do, which is deeply think and write and think.”

After illustrator Ed Sorel’s 25-year association with The New Yorker ended, he turned his attention to books.

“I still regard myself as essentially an artist, but one who sometimes writes. Mary Astor’s Purple Diary landed me on the front page of The New York Times Book Review, with a rave from Woody Allen. That encouraged me to continue writing for adults. I’m now at work on a memoir that will reproduce some of my political satires and will also expose some of the criminal activities of the last 13 presidents. I’m fortunate to have Ann Close, my long-time editor at Knopf, still on hand to help me. I also do a monthly page in the Times Book Review called ‘The Literati.’ Yes, I’m 90. And, yes, I intend to continue to write and draw. If my children ever found out that I didn’t have any more deadlines, they’d ask me to take their children off their hands for a day. No thanks.”

And then there is his friend Jules Feiffer, who also turned 90 this winter, and whose overlapping careers as a cartoonist (Village Voice and Playboy), playwright (Little Murders), screenwriter (Carnal Knowledge) and children’s book author turned out to be an extended tune-up—proof that your creative life can get better with age and blossom in unexpected ways. In his eighties, when his hearing was increasingly a problem and “the notion of doing more theater touched on the ridiculous,” he moved to Long Island and started writing a three-volume noir graphic novel, fulfilling his childhood dream of becoming a professional cartoonist. The first volume made The New York Times bestseller list. A few months ago, The Tablet, an online lefty Jewish magazine, offered him a regular spot as a cartoonist: Feiffer’s American Follies.

“It’s as much excitement as I’ve had in a very long time,” he says. “In my dotage, everything I’ve been doing is more exciting than anything I’ve done in a very long time, and it’s all very accidental. I’ve lived a life of entire improvisation and it’s a wonderful life.”

Barbara DeMarco-Barrett is a writer in Southern California. She is the host of Writers on Writing on KUCI-FM and teaches at Gotham Writer’s Workshop. Her work appears in USA Noir: Best of the Akashic Noir Series and her book, Pen on Fire: A Busy Woman’s Guide to Igniting the Writer Within is in its 11th printing.
HYBRID PUBLISHING: WHAT YOU NEED TO KNOW

Self-publishing gives authors far more control over the publication of their books—but it comes with a lot more responsibility.

By Umair Kazi

It is increasingly common for authors to ask themselves whether they would be better off publishing a particular book on their own or moving to self-publishing altogether. The inability to sell a book to a publisher, bad contract terms, disagreements with an editor, low royalties and delays in receiving royalties, or the runaway success of an acquaintance’s self-published book—any number of factors can cause authors to think about taking matters into their own hands. Given these and other reasons, self-publishing can make a lot of sense. Authors, after all, have exclusive rights to their works, the fruits of their labor. Why shouldn’t they be the ones making decisions about the life of their books instead of corporations? Why should they suffer rejections, wait months or years for their books to come out, share their income or chase past-due royalty checks? Self-publishing gives authors far more control over the publication of their books—but, as anyone who has self-published knows, it also comes with a lot more responsibility and work than traditional publishing.

If writing a book can take over an author’s life, publishing it and getting it into the hands of readers doubles the drain on one’s financial and personal resources. Self-publishing authors must lay out the text and images, hire copy editors, proofreaders and cover designers—or perform these tasks themselves in order to get their manuscript ready for print. They must choose one or more entities to create e-book and print-on-demand (POD) files and distribute the book. Authors who want a high-quality print book must find printers and distributors, pay warehouse fees and, of course, taxes. Once that is all accomplished, authors have to market the book themselves, send out review copies and manage e-mail blasts and social media campaigns—all before the book’s launch. After publication comes the process of managing returns and keeping track of invoices. Authors who publish only e-books can avoid some of these tasks, but e-books create their own unique challenges, such as ensuring
formatting and device compatibility and policing for piracy. It’s no wonder that authors overwhelmingly choose to sign traditional publishing contracts.

But authors today now have a middle road as well, collectively known as “hybrid publishers.” Despite skepticism from some corners of the publishing world, the number of hybrid publishers is growing because of a demand from authors that traditional publishers are unable to meet. These new author-subsidized publishing models allow authors greater say in editorial and publishing decisions and offer much higher royalty rates, effectively occupying the space between pure self-publishing and traditional publishing. Unlike traditional publishers, they do not pay advances and they require the author to pay part (often half) of the up-front costs. The model is more of a partnership where both parties share the costs and profits equally. Such publishing arrangements are an especially attractive alternative for authors who are juggling writing with a day job and who have little time to devote to the many tasks involved in self-publishing.

Because many hybrid publishers are relatively new to the market, there have been reports of bad actors trying to take advantage of authors, and it has been hard to know which hybrid publishers are trustworthy and will provide the most support.

As a result, earlier this year, the Independent Book Publishers Association (IBPA), with input from the Authors Guild, issued a set of criteria for hybrid publishing—the first of its kind in the industry. These criteria were developed with the goal of harmonizing and setting concrete standards for publishing’s newest sector, and inspiring confidence among authors interested in hybrid publishing who might otherwise be deterred by the uncertainty and risk. The criteria also serve to draw clear distinctions between hybrid publishing and the various author-subsidized publishing models commonly known as “vanity publishing,” which allow anyone to publish as long as they pay the costs. For instance, one IBPA criterion requires hybrid publishers to have a clearly defined editorial mission and submissions vetting process, policies that vanity publishing lacks. Another states that hybrid publishers must publish under their own imprints and assign their own ISBNs. By aligning hybrid-publishing practices with traditional publishing, the risks to authors will be reduced and the quality of books published this way improved. Indeed, some hybrid publishers act as traditional publishers in every way, aside from the cost- and profit-sharing model.

The first thing to request from a hybrid publisher is a list of every service they provide and the cost of each to you. Sometimes, they will tell you that costs will depend on the length of the book, the number of images, if printed, the type of paper, etc. Make sure you get as close an
estimate as they can provide and a list of every cost you will be responsible for. Once you have a clear understanding of costs, ask for the contract. The Authors Guild legal department has created a checklist, which we share with members during their negotiations with hybrid publishers, to help them decide whether the publisher is right for them. Not infrequently, we see hybrid publishing contracts from new publishers that contain major red flags. These include:

1. **A perpetual, or lifetime, grant of copyright and/or termination clauses that make it very difficult for authors to end the contract and get their rights back.** Hybrid publishing agreements should have a fixed term with an option to extend. They should never be perpetual.

2. **Overreaching by asking for the right to exploit the work in other formats, especially in high-value media such as film, television, multimedia, character, world or merchandising.** Series writers should be especially cautious of any terms that allow the publisher to create “derivative” content. This could be a way for a predatory publisher to capture rights in characters or setting and exploit them without restriction. Also, you should always retain the audiobook rights, unless you believe the publisher is your best bet for exploiting them.

3. **Unclear payment terms and hidden service charges.** Hybrid publishing contracts should define clearly what the service charges are and if any deductions from royalty income will be taken. Authors should keep in mind that “net proceeds” from a book commonly means sales income less taxes and discounts. Make sure the definition of “net proceeds” is clearly understood and watch out for any definitions that include additional deductions, such as commissions, credit card transaction fees, etc.

4. **A royalty share of net proceeds lower than 50 percent.** In general, the more responsibility the publisher takes for marketing the book the lower the royalty becomes, but you should still try to keep your share of the net proceeds at 50 percent or higher. If the publisher has promised to do marketing and you have agreed to more up-front costs or a lower royalty on the back end as compensation, make sure that the contract includes a detailed list that clearly defines the activities the publisher has agreed to undertake and discuss how those activities will pay off. A general to market promise is not enough.

An author’s dilemma about whether to take the hybrid publishing route neither begins nor ends with the contract. Even with strong contract terms, you will want to make sure that the publisher delivers the quality it promises at the start, when it is trying to get your investment. In this regard, there’s no more important resource than the author community itself. The Guild keeps a record of complaints we receive about all types of publishers, including hybrid presses, so you can always contact us with questions about a certain publisher’s reputation. There are also numerous blogs and online communities—including the newly launched AG Member Communities—where you can seek input and guidance from other authors about their experiences. The author-investment aspect of hybrid publishing does make it riskier than traditional publishing, but with research and the right guidance, you can separate the wheat from the chaff and put your book in trustworthy hands.
**Why We Oppose Morals Clauses in Book Contracts**

The Authors Guild objects to publishers’ new and increasing use of so-called “morals clauses” — or “morality clauses” — in book contracts. These contract provisions allow publishers to terminate a contract, and may even require an author to repay portions of the advance already received, if the author is accused of immoral, illegal or publicly condemned behavior. Publishers insist they need the clauses to protect themselves in the event an author’s reputation becomes so tarnished that it will hurt sales. But most of these clauses are too broad and allow a publisher to terminate based on individual accusations or the vague notion of “public condemnation” — which can occur all too easily in these days of viral social media.

The ambiguity and subjectivity of these clauses (see samples below) make them ripe for abuse. Publishers should not have sole discretion to decide whether accusations are true. And if the accusations are false, the publisher should not subject the author to termination. Publishing houses should perform due diligence and determine whether the book and its author fit their objectives before entering into agreements.

Broad morals clauses give publishers yet another unfair way out of a contract when they decide they don’t want to publish a book for any number of reasons.

The moral conduct of an author is not germane to the author’s fulfillment of the contract; nor should it be a basis for termination, much less returning the advance. The author’s side of the bargain is to deliver the book promised in a timely manner, not to uphold any unspecified standards of behavior.

What constitutes behavior “subject to widespread public condemnation,” “moral turpitude” or similar terms used in these clauses varies widely and often has as much as anything to do with a nation’s current sociopolitical climate. Before McCarthyism came to an end in 1954, it destroyed the careers of a significant number of writers, filmmakers, artists, academics and other left-leaning intellectuals.

In 1990, before the courts declared such pledges unconstitutional, the National Endowment for the Arts, bowing to pressure from cultural conservatives, mandated that grant applicants had to sign “obscenity pledges,” promising not to use public funds to create works of a morally questionable nature. Now publishers apparently want the ability to terminate authors’ contracts for failing to predict how their words will be received by a changing public. This is a business risk like any other, yet publishers are attempting to lay the risk solely at the feet of authors.

Worst of all, morals clauses chill free speech. A writer at risk of losing a book deal is likely to refrain from voicing a controversial opinion or taking an unusual stand on an important issue. Women writers and writers of color, already potential trolling targets, may choose not to speak out in their own defense for fear of drawing Internet fire that might result in a contract termination. The voices and opinions of those who are already most at risk of being silenced are put at even greater risk by these overbroad clauses. They give the publisher the power to police an author’s behavior and speech.

In the rare instance when an author has been convicted of an illegal act or has publicly admitted to immoral behavior so deleterious that it compels the publisher to end its relationship with the author, other provisions exist that allow for the termination of a book contract.

* Sample Morals Clauses from Current Publishing Agreements

“In the event that Author is publicly accused of the violation of law, the infringement or invasion of the rights of any third party, inciting infringement or invasion of third-party rights by others, or is otherwise accused of libel, slander, or defamatory conduct, or any other conduct that subjects, or could be reasonably anticipated to subject Author or Publisher to ridicule, contempt, scorn, hatred, or censure by the general public or which is likely to materially diminish the sales of the Work, Publisher may terminate...”

“Publisher may terminate... if Author’s conduct evidences a lack of due regard for public conventions and morals, or Author commits a crime or any other act that will tend to bring Author into serious contempt, and such behavior would materially damage the Work’s reputation or sales.”

“Publisher may at any time prior to publication choose not to publish the Work if past or future illegal conduct of the Author, inconsistent with the Author’s reputation at the time this Agreement is executed and unknown to Publisher, is made public and results in sustained, widespread public condemnation of the Author that materially diminishes the sales potential of the Work. Should Publisher elect not to publish the Work pursuant to this section, Publisher shall give the Author timely written notice of such decision, all rights in the Work shall revert to the Author, no further advances shall be payable, and the Author shall not be required to repay any sums paid to date.”
ARE MORALITY CLAUSES IMMORAL? AN AGENT’S PERSPECTIVE

As a literary agent I’ve never felt the need to perform a background check on my clients. But the growing appearance of so-called morality clauses in publishing contracts has made me wonder if I should be investigating whether my authors have ever been accused of domestic abuse or sexual molestation or driving while intoxicated or shoplifting. Authors who don’t believe that’s their publisher’s or agent’s business should read their latest book contract. Unfortunately, your personal life is becoming our business—or could be if a publisher terminates your contract for a violation of the morality provision. Some clauses might require a full refund of all advances.

How did this intolerable situation arise?

Morality clauses were created by publishers to address situations where authors under contract are the subject of accusations of criminal or scandalous conduct that the publishers believe will damage their reputation and/or harm their ability to profitably sell the authors’ books. They were seldom found in contracts until recently, when social media made public accusations more common. Publishers realized that nothing in their existing contract boilerplates gave them a clear way to terminate a contract if an author’s reputation was damaged in a manner that would negatively affect the sales of the book.

The clauses devised by various publishers differ in often significant ways, with some far more stringent than others. What they all have in common is the publisher’s right to terminate a contract in its sole discretion if actions or alleged actions of the author lead to public condemnation.

Here is an example of such a clause, which may help us identify some of the problems inherent in them:

In the event Author is publicly accused of an act of moral turpitude (substantiated by the preponderance of evidence, a court decision, or Author’s own admission), a violation of any Federal law or any other conduct which subjects or could be reasonably anticipated to subject Author or Publisher to public ridicule, contempt, scorn, hatred or censure, or could materially diminish the potential sale of the Work, Publisher will have the right to terminate this agreement upon written notice to Author of the public disclosure of such conduct or alleged conduct. Publisher will have the right to demand from Author and receive payment within thirty (30) days of the demand, a sum equal to all advances paid to Author under the terms of this Agreement that have not been recouped by Publisher prior to said termination.

What’s Behind Morality Clauses?

From the viewpoint of publishers, the provision is ostensibly designed to put authors on notice that their misdeeds can harm their reputation, cost them money or even destroy their career. All of which is true. But it also gives publishers another way to get out of the publishing contract, because the addition of morality language provides the publisher with remedies for conduct that do not have a valid place in the contract.

In short, we are talking about the application of legal sanctions to moral transgressions, though there is seldom any relationship between the performance of a book and the character of its author.

Defining Immorality

If the language of morality clauses were as highly detailed as that of criminal codes, and if the burden of proof approached the level of a court trial, agents might not have as much concern as many now do. But a close reading of many of the provisions offers no assurance that publishers need to be diligent in applying them. For example, scarcely a word or phrase in the above example carries an objective, concrete meaning. To agents trained to scrutinize contractual language, phrases like “moral turpitude,” “ridicule,” “contempt,” “scorn,” “hatred” and “censure” beg for definition. But they beg in vain. “Violation of any Federal law?” Which of the tens of thousands—or is it hundreds of thousands?—of statutes are we talking about?

Even such legalisms as “preponderance of evidence,” “court
decision” or “author’s own admission” can be ambiguous. Tell-all memoirs, for instance, are often dependent on admissions of shocking conduct, and indeed publishers often encourage authors to make the kinds of revelations that sell more books but also tend to provoke strong objections and even outrage by offended readers. And, of course, it is not uncommon for sales of a book to be boosted by allegations of its author’s moral turpitude.

Finally, in the sample clause quoted above, the publisher not only has the right to terminate a contract on the basis of “public disclosure” of detrimental conduct but even disclosure of alleged conduct. One does not have to be an eminent jurist to find such vague language disturbing and potentially dangerous.

To the extent the clauses are based on “immoral” conduct, moral values are both inherently subjective and defined by community standards. But which community? For every interest group there is an opposite interest group. What may arouse scorn among black people may not offend others; what gay people find hateful may be a matter of indifference to some straight people. When you boil it down to its essence, a publisher’s decision to cancel or withdraw a book on the grounds that the author has given offense to somebody or subjected himself or herself or the publisher to “ridicule, contempt, scorn or censure” may too often boil down to yielding to whoever yells the loudest, whether the accusation has been verified or not.

Some morality clause prohibitions may make sense for authors writing for religious publishers, where moral codes (based, for instance, on the Ten Commandments) are, understandably, more explicit. But for those writing for the general trade book market, the idea of a publisher being able to terminate a contract based on its claim of a breach of moral standards raises grave First Amendment and other Constitutional issues.

The potential for abuse of this process is unsettling, for it gives publishers an easy way to cancel contracts about which they have second thoughts. If, for instance, the first book of an expensive multi-book contract flops, an allegation of immoral behavior by the author could make it easier to break the contract for the remaining books. The mere existence of a morality clause is a form of intimidation whose dampening impact cannot be underestimated, for it may be the first step down the slippery slope of self-censorship, publisher censorship or political censorship.

**Solutions**

The advent of the 24-hour news cycle and the rise of social media have substantially raised the incidence of charges—whether true or false—against public (and indeed private) figures, including authors. Because publishers have deep pockets, they are big targets for lawsuits or for pressure by aggrieved parties to terminate contracts or recall published books. So it’s no surprise that there has been an increase in the use of morality clauses and in publisher resistance to efforts to completely eliminate them from agreements. But I hope I have made it clear that as things stand, authors are in genuine jeopardy of being victimized by the hasty or irresponsible application of those clauses. As policing author behavior is a non-starter for agents and publishers, the logical course is to negotiate with publishers to modify the egregious features I have cited. The language must be revisited and every term scrupulously defined so that publishers and authors may both feel reasonably protected.

—Richard Curtis

**Richard Curtis** is a literary agent, author and author advocate. He is a former president of the Association of Authors’ Representatives.
The Harper Lee case highlights the need for authors to plan for the disposition of their property rights.

Harper Lee and Estate Planning for Authors

By Edward M. McCoyd

Harper Lee, the author of *To Kill a Mockingbird*, has made headlines during the past few years regarding decision-making over her works late in her life and after her death. The press coverage raises issues relevant to other writers as they consider the handling of their books and other copyright-protected properties after they pass away.
Go Set a Watchman

In 2015, 55 years after the publication of To Kill a Mockingbird, and when Ms. Lee was 89 years old, her second novel, Go Set a Watchman, was published. Although marketed as a sequel to Mockingbird, Watchman is actually a first draft of Mockingbird that Ms. Lee wrote in the 1950s. Watchman’s emergence created shock waves in the literary community, given its starkly different representation of Atticus Finch, the attorney who fights against racial injustice in the Great Depression-era rural American South in Mockingbird. In Watchman, he is portrayed as a segregationist when he is an older man.

The release of Watchman drew public scrutiny of Tonja B. Carter, an attorney who represented Ms. Lee during her lifetime, and who has handled the author’s estate following her death in 2016. Some wondered if Ms. Carter had pressured the elderly Ms. Lee into allowing the novel’s publication.

Harper Lee’s Literary Estate

In any case, Ms. Carter has been an active steward of Ms. Lee’s literary legacy. She helps run a non-profit organization created by Ms. Lee during her lifetime. It presents a theatrical version of Mockingbird in Monroeville, Alabama, the novelist’s hometown, each year. The estate also approved a graphic novel adaptation of Mockingbird by Fred Fordham that was published by HarperCollins in October 2018 and is planning the establishment of a Harper Lee museum and related attractions in Monroeville.

On the protective side, Ms. Carter filed litigation in 2018 against a theater production company to which Ms. Lee had licensed stage rights to Mockingbird in 2015. The lawsuit sought a declaratory judgment from a federal court in Alabama, charging that the version of Mockingbird that Aaron Sorkin had written for the play would violate a requirement in the licensing agreement that the play not derogate or depart in any manner from the spirit of the Ms. Lee’s novel nor alter any of its characters. In May, the estate and the production company announced that they had settled their dispute, and that the production would proceed on schedule, and it opened on December 13, 2018.

Unsealing of Last Will and Testament

Ms. Lee executed a will in February 2016, eight days before she died. Following Ms. Lee’s death, Ms. Carter persuaded the local probate court where Ms. Lee had lived to seal the will from public access, based on the author’s desire for privacy.

Typically, a deceased person’s will becomes a public document once it has been filed in court with a request that it be probated, i.e., its validity established and the executor named in the will authorized to collect any property the deceased person (the “decedent”) has left behind; to pay any outstanding taxes, expenses, and debts; and to distribute the remaining assets to beneficiaries as directed in the will.

The New York Times sued to overturn the sealing of the will, on the grounds that wills filed in probate courts in Alabama are typically public records. The estate relented, the will was made available, and the Times and other media outlets reported on its contents extensively.

Ms. Lee’s Estate Plan

The will made reference to a trust called the Mockingbird Trust, created by Ms. Lee five years earlier. The Times reported that the will was what is known as a “pour-over will,” providing that any property remaining in the estate of the “testator”—the person making the will—be added to the trust after her death. It also reported that the intellectual property rights to Ms. Lee’s novels were granted to the trust.

The Times story stated that, according to the court file, Ms. Lee’s closest living relatives at the time of her death were a niece and three nephews (Ms. Lee never married or had children), and that these four individuals were to receive an undisclosed portion of the estate as beneficiaries of the trust.
Finally, the *Times* reported that Ms. Lee’s will named Ms. Carter as executor of the estate generally, and that Ms. Carter was given significant authority to manage Ms. Lee’s literary properties. The will also provided for Ms. Carter to receive compensation for her role in handling the estate.

**Authors Take Note**

The Harper Lee case highlights the need for authors to plan for the ultimate disposition of their unique property rights in the event of their incapacity or death. This article is intended to provide an outline of the matters they should consider and implement in doing so.

**Trusts, Wills, and Other Methods of Transferring Property**

Unlike a will, whose provisions are carried out after the person making the will dies, some trusts can be set up to manage and distribute a person’s property during his or her lifetime. Such trusts are known as “lifetime trusts” or “inter vivos trusts.” A person can also direct through a will that “testamentary trusts” be created and funded with estate assets after the individual’s death.

While probated wills can be viewed by the public, lifetime trusts are private contracts not available for public examination. In New York State, a lifetime trust is created through a written and signed agreement between the person who places her property into the trust (the “grantor”), and at least one trustee. In some cases, the grantor may also be the trustee.

In addition to naming a trustee or co-trustees to manage the property in the trust, the trust agreement names one or more persons or entities (such as a charity) as “beneficiaries” of the trust. The grantor can be the sole beneficiary of the trust. There may also be multiple beneficiaries. The trust agreement lists specific powers of the trustee, such as to invest assets in the trust, sell or rent real property, hire accountants and other experts, and take additional steps to protect the interests of the trust beneficiaries.

A trust agreement will also provide direction regarding the trustee’s distribution of trust assets, such as periodic distributions of income or principal to one or more beneficiaries during specified time frames or for certain purposes. (Many of these trust provisions have significant income and estate tax implications, the details of which are beyond the scope of this article, but which should be discussed with tax professionals.)

Again, by way of example, in New York State a grantor who sets up a lifetime trust can be a co-trustee of the trust as well as the sole beneficiary. Lifetime trust agreements often name the grantor as beneficiary until death, at which time one or more other individuals—such as a spouse and or children—will themselves become the beneficiaries either of outright distribution, or ongoing management and distribution, of the trust income and property. A successor trustee will also be named, especially if the grantor is the only trustee at the time of death.

Neither a will nor a trust is inherently better for directing how property is to be handled and distributed after a person dies. The preferability of methods for end-of-life planning vary based on the individual circumstances, needs, and wishes of the person creating her estate plan.

Oft-cited advantages of trusts include privacy, avoiding probate, sheltering assets from estate or income tax, Medicaid planning purposes, or protection from creditors or estranged spouses. In addition, a trust may provide for a person’s own care if the person eventually becomes incapacitated and unable to effectively manage her or his own property and affairs (when making a will people often grant someone a power of attorney simultaneously, for the same purpose).

On the other hand, a will is often a simpler and less expensive method of implementing a client’s wishes for the disposition of assets, literary or otherwise, after death. Although a probate proceeding can become drawn out and costly if any of the surviving family members contest the validity of the will, most probates are uncontested, with the court validating the will and empowering the executor to begin collecting the estate property.
within a relatively short period of time. Even when a will is contested, the court can quickly authorize preliminary letters to the nominated executor to enable him or her to collect and sell estate assets and take all other steps necessary to administer the estate, short of making distributions to beneficiaries, while the probate contest is pending.

In Surrogate courts in New York State, the fee to file a probate petition is modest in relation to the size of the estate. The maximum filing fee is $1,250, which applies if the value of the assets passing under the will exceeds $500,000. While a portion of estate funds are applied to hire an attorney to represent the executor, lawyers also need to be paid to assist in the administration of a living trust, often during the grantor’s life, and after the grantor’s death as well. Similarly, just as an executor named in a will is often entitled to be paid commissions out of estate funds, a trustee of a trust is typically paid trustee commissions out of the trust principal. In other words, trust and estate costs do not vary significantly except in certain circumstances which need to be explored with competent legal advice.

Assets can also be passed on to others absent a will or a trust, such as where two people own property jointly with “rights of survivorship,” giving the surviving person complete ownership when the other joint owner dies, or where an owner of a bank or brokerage account, insurance policy, or other asset designates a “paid-on-death” beneficiary to take ownership or proceeds when the first owner passes away. These transfers take place outside of probate, since they happen automatically rather than pursuant to a will.

Whether wills or trusts, or both, are utilized, estate planning is a complex and highly specialized area, with numerous tax and other implications to take into account, all of which should be discussed with an attorney.

**Literary Executors and Trustees**

Authors need to consider their writings and intellectual property, in addition to their other property, when doing their estate planning. A key step in this process is naming an individual, ideally with some degree of publishing expertise, to administer the author’s copyrighted works after the author’s death.

A properly drawn will usually grants extensive powers to the executor to carry out his or her duties as a fiduciary of the estate. Typical among these would be the power to take whatever steps are necessary to collect the deceased person’s property, manage and preserve a decedent’s business assets during the administration of the estate, and sell any assets as needed, in the executor’s discretion, to pay estate obligations and make distributions to beneficiaries. Specific powers are granted to trustees of lifetime or testamentary trusts as well.

If you are an author and make a will, you can name a co-executor to take on the role of administering your intellectual property rights. You can also name a co-trustee for this purpose for any trust you create that will hold intellectual property rights to your works.
You can empower this co-executor or co-trustee (known as a “literary executor” or “literary trustee”) to issue licenses for the use of your work; collect royalties under your book publishing agreements and other intellectual property licenses; exercise any contractual rights to terminate copyright licenses; make determinations regarding any unpublished manuscripts or other writings you may have left behind, such as whether to enter into agreements for their publication, or to ensure that they are not published; and manage online properties like a website or Facebook page dedicated to you as an author. If you have set up a lifetime trust during your lifetime, the literary executor you name in your will would presumably be the same person acting as the literary trustee of your lifetime trust.

To guide or instruct your literary executor or trustee on matters over which you’ve opted not to give complete discretion, you can provide a list of specific instructions or preferences in the will or trust agreement. You should also include a list of all of your works, and contact information for associated agents, publishers, and licensees.

**Granting Your Copyright Interests**

If you place your copyrights to your works, including the rights you have under your book publishing and other copyright licensing agreements (such as the right to receive royalty payments), into a trust by way of an assignment to the trustee, the trustee will administer this trust property on behalf of the trust beneficiaries. If you have a will, you may assign your remaining copyright and contract rights outright to specific individuals you name as beneficiaries in the will, or you may grant these items to a trust previously created or created in the will itself.

**Redirection of Royalty Payments**

In New York State, a court that approves a will for probate issues “letters testamentary,” which authorize the executor to administer the decedent’s estate in accordance with the will. The executor may order certificates from the court stating that the letters have been issued. These certificates are then submitted to financial institutions and others in possession of a decedent’s assets, so that the assets may be turned over to the estate.

When a publisher is notified that an author whose work it publishes has died, the publisher may ask for one of these certificates of letters testamentary, to satisfy itself of the executor’s authority either to collect royalties under the agreement or to identify the surviving family member or other person to whom the publisher should pay the royalties going forward.

Similarly, the court will issue letters of trusteeship to the trustee of a trust created under a will (a testamentary trust). If the author’s literary estate is to be managed by a testamentary trustee, the trustee will obtain certificates of letters of trusteeship to submit to the publisher in requesting that royalty payments be paid to the trustee, who will in turn deposit them into the trust and administer them for the benefit of the beneficiary or beneficiaries, as directed by the trust provisions set forth in the will. The court does not issue letters of trusteeship for trustees acting under trusts created during the lifetime of the decedent (inter vivos or living trusts). Trustees of inter vivos trusts can act without needing a court certificate to prove their authority to manage trust assets.

Authors can also specify directly in their publishing agreements the individual who, following the author’s death (if the contract is still in force), will take over the agreement and collect future royalty payments.

**Digital Assets**

One other area that deserves an author’s attention is his or her digital assets. During the two-year period prior to his death in 1990, the great musical composer Leonard Bernstein began writing his autobiography, using a word-processing program on his personal computer. Mr. Bernstein reportedly saved the work in a password-protected...
file, and since his death, no one has ever been able to access it.

Nowadays, digital technologies are widely used for everyday activities such as posting to social media; taking and storing photos; communicating via e-mail and text messaging; sharing documents; paying bills; engaging in banking and stock trading; booking travel and accumulating airline mileage points; and keeping personal notes. Authors may use digital programs for additional professional tasks, including writing manuscripts, maintaining websites, blogging, and otherwise marketing themselves and their books.

When creating your estate plan as an author, you will want to be sure to make specific provisions governing all of these types of “digital assets.” Any will or trust you create or power of attorney you grant should contain a “digital assets clause” giving the executor, the trustee, or the person you designate as your “agent” through a power of attorney (each of these are also known as the “fiduciary”) express power to collect and access your computerized devices and all content and data stored on them, as well as your internet-based accounts and associated data. The will, trust, or power of attorney should also explicitly grant the fiduciary the power to access the content of your e-mails, which may be critical for gaining access to your other online accounts (such as with banks, etc.).

Without these express written authorizations, a fiduciary may not be able to access your digital assets without violating certain federal and state laws governing privacy and computers and electronic data. Providers of internet-based services may also be unwilling to provide the fiduciary with access to a decedent’s account without the issuance of a court order ensuring that the provider can do so without violating the law.

In addition to providing the fiduciary with clear legal authority to access your digital assets, you will want to take steps to ensure the fiduciary’s technical access, such as by providing a separate document containing your user names, passwords, and answers to security questions. Furthermore, you should leave behind specific instructions regarding which digital assets you want preserved, any digital assets you want deleted (such as for privacy reasons), and whether you direct that certain items pass on to specific people (such as someone you specifically want to maintain your literary website).

Authors will sometimes leave their physical papers (like unpublished writings) and certain other personal items to an archive at a library or institution. You might also consider directing that printed copies of some of your electronically-stored communications and documents that you have created be provided to such archives after your death. Realistically, you should anticipate the possibility that the designated recipient will decline to accept them, in which case alternate provisions for the disposition of these items should be made.

Conclusion

With thoughtful planning, authors can provide for their literary property to be administered in accordance with their wishes after they pass away, ensuring that the fruits of their lifetime work as writers are carried forward in the way they intend.

Ed McCoyd practices law in Garden City, New York and is of counsel at the trusts and estates firm McCoyd, Parkas & Ronan LLP. He previously worked in the legal departments at McGraw-Hill Education and the Association of American Publishers, and as Director of Legal Services at the Authors Guild. He can be reached at emm@mprlawyers.com or (516) 877-7000.
One of the nation’s leading newspapers is attempting an unprecedented rights grab, according to its writers. In the midst of contract negotiations with its newsroom staff, the Los Angeles Times, purchased last year by biotech billionaire Patrick Soon-Shiong, has proposed that its journalists, as a condition of employment, cede control of any books or other creative works made outside of their daily journalistic duties.

The Los Angeles Times Guild, a trade union representing some 400 newsroom staffers, has called the proposal “a new low in the newspaper industry,” pointing out that no other major newspaper has such strict copyright restrictions. “If we have a book idea related to our work,” according to the Times Guild, “the company wants unfettered power to claim control over whether it gets written, who owns the copyright and what we might get paid for it.”

We understand the pressures newspapers are under to meet the bottom line in today’s highly competitive media environment, but seeking to profit at the expense of employees’ independent creation is simply shameful. The law is well established that works created outside of the scope of employment are not “works made for hire,” and the rights to those works belong to their authors. It is particularly concerning coming from an industry leader, as other news media may be tempted to make comparable grabs for journalists’ book rights.

Journalists are already suffering. They have taken the brunt of the decline in newspapers’ revenue in recent years, with many losing their jobs due to newspaper closures and layoffs (the number of newspaper jobs has plummeted by a staggering 60% since 1990) and forced to work on a freelance basis for less pay and no benefits. Requiring that staff writers turn over rights to their books on top of this is an underhanded way of capitalizing on the difficult straits that so many truly great journalists find themselves in. The Los Angeles Times Guild has demonstrated the necessity in empowering journalists through collective bargaining,
since individually journalists may not be able to refuse the LA Times predatory demands.

Without a doubt, many great books have been written by journalists based on stories they researched as reporters. But the research, writing, and—most of all—the expression that a writer puts into the work produced for a newspaper versus a book could not be more distinct, and the LA Times’s unreasonable conflation of the two and its demand to seize rights conflicts with the most basic principles of copyright law. A newspaper has no more right to books written by its journalists than it has over facts or ideas generally. Even worse, it raises serious free speech concerns for a newspaper to take control over what stories can be written as books.

“The LA Times must drop this egregious demand,” said Authors Guild president James Gleick. “A newspaper is meant to nurture its writers, not treat them as indentured servants. This ill-conceived power play is an assault on authorship.”

The following letter was sent to the owner of The Los Angeles Times on February 27, 2019.

Dr. Patrick Soon-Shiong  
Owner and Executive Chairman  
The Los Angeles Times

Dear Dr. Soon-Shiong:

A newspaper is meant to nurture its writers, not treat them as indentured servants. So it is with great alarm that the Authors Guild received word, via the February 13 statement released by the Los Angeles Times Guild, of your paper’s unprecedented and shameful attempt to control any books or other creative works made outside of your employees’ daily journalistic duties.

We understand the pressures newspapers are under to meet the bottom line in today’s highly competitive media environment, but seeking to profit at the expense of employees’ independent creations is simply disgraceful. The law is well established that works created outside of the scope of employment are not “works made for hire,” and the rights to those works belong to their authors. Particularly alarming is the desire to control what is written by your employees as it violates the free speech rights of journalists.

As the nation’s largest and oldest society of professional authors, on behalf of our 10,000 members—and on behalf of all authors and journalists, who depend on their copyrights to be able to continue their vital and necessary work—we stand with the Los Angeles Times Guild and urge you to drop this egregious demand.

Sincerely,

Mary Rasenberger  
Executive Director, The Authors Guild
LEGAL WATCH

* FOX NEWS NETWORK PREVAILS IN THE TVEYES CASE

In February 2018, the Second Circuit Court of Appeals handed down an opinion in *Fox News Network, LLC v. TVEyes, Inc.*, a closely watched and long-awaited case regarding the fair use of copyrighted works. The court found that TVEyes’ practice of copying, indexing and showing its clients clips of up to 10 minutes of Fox News’ programming did not constitute a “fair use” of Fox News’ copyrighted material. TVEyes promptly filed a petition for review by the U.S. Supreme Court, which was denied in December 2018. This means that the Second Circuit’s decision stands. While the case concerned the copying and distribution of television and radio programming, it is significant for clarifying theso-called “transformative use” test of fair use analysis for the rest of the copyright community. The court’s interpretation of “fair use” has been steadily expanding for more than a decade, especially when the use has been deemed a “transformative” one, such as in our lawsuit against the Google Books search service.

**Was Fox News’s content “transformed”***?

TVEyes is a search engine for broadcast media that is licensed to professional and corporate clients. Its business model is to record all programming from approximately 1,400 radio and television stations and make that programming searchable by its clients via a text-based search system (by using closed-captioning transcripts). When a client enters a search term, the search engine displays a list of clips that contain the term, and the client is able to watch any of the clips in question, which can be up to 10 minutes each. There is no limit to the number of clips clients can watch, nor to how many times any one clip can be watched. Interestingly, TVEyes had tried to license Fox News’ content, but when it couldn’t reach an acceptable deal, it decided instead to use the content without a license and without paying any fees. Meanwhile, TVEyes charges its clients a license fee of $500 per month for the content.

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LEGAL SERVICES SCORECARD

From 5/1/2018–2/1/2019, the Authors Guild Legal Services Department handled 985 legal inquiries. Included were:

- **233** Book contract reviews
- **51** Agency contract reviews
- **51** Reversion of rights inquiries
What’s fair about “fair use”?
From most perspectives, this situation looks pretty unfair for the content creators, such as Fox News, who did not authorize the use. However, the first court to look at the case, the district court, held that most of what TVEyes was doing—with the exception of enabling clients to download and send clips by e-mail—was fair use under the Copyright Act. More specifically, the lower court found that TVEyes’ indexing and excerpting of news programming was a “transformative use” and that it was necessary for TVEyes to copy all of Fox News’ programming to accomplish this purpose. The court also found that there was no resulting market harm to Fox News.

In the aftermath of Authors Guild v. Google
Disagreeing with the lower court, the Second Circuit found that while TVEyes’ use of Fox News’ content was “slightly” transformative, it was not a fair use—contrary to recent case law that has often conflated the two analyses. Although the service offered by TVEyes provided a benefit to its clients, it also made practically all of Fox News’ content available to TVEyes subscribers and as such interfered with Fox News’ market for the content. By contrast, in Authors Guild v. Google, the Second Circuit deemed Google’s digitization of thousands of books into a text-searchable database to be a fair use. In that case, Google only showed its users the three lines around the search term and imposed various limits to make sure its service was not used to read whole books; TVEyes, however, provided subscribers access to all of the content copied to create a database with very few limitations or safeguards to prevent abuse. Limiting clips to 10 minutes was no help since most of the news segments were shorter than that. Further, the fact that TVEyes’ clients included multiple government agencies, congressional offices, journalists and companies showed that there was a need for this kind of service. By providing this service without a license from Fox News, TVEyes was depriving Fox News of a potentially important and profitable licensing opportunity.

Is it a win for creators?
Contrary to common misconception, creators are in favor of fair use. It allows our culture to flourish by making sure that creators can build upon that which came before. However, if the fair use doctrine is taken too far, it threatens these principles and the very livelihood of creators, who depend on the ability to use their works as they please, license the rights to develop and use them to others, and create derivative works. This is what happened in the Authors Guild v. Google case. The lower court’s finding of “fair use” in the TVEyes case was a clear example of the kind of overreach that authors feared after that decision. Fortunately, the Second Circuit saw the light here and agreed that a use that is called “transformative” only because it adds a search engine component to the works can indeed be harmful. This decision marks an important step toward resetting the balance to ensure that copyright law does what it is supposed to do—protect artists’ ability to benefit from their work and ensure that creators will keep on creating.
“Controlled Digital Lending” or “CDL” is a recently invented legal theory that allows libraries to justify the scanning (or obtaining of scans) of print books and the e-lending of those digital copies to users without obtaining authorization from the copyright owners. This past October legal scholars issued a position statement1 on CDL and an accompanying white paper, the culmination of several academic meetings on the subject. The statement and the paper argue that it is fair use for libraries to scan or obtain scans of physical books that they own and loan those books through e-lending technologies, provided they apply certain restrictions akin to physical library loans, such as lending only one copy at a time (either the digital copy or the physical copy) and only for a defined loan period.

A couple of dozen organizations, including Internet Archive, as well as a number of academics and academic librarians, are listed as having signed the position statement. Several major library systems, including the California State University libraries and the Boston and San Francisco public libraries, are signatories and apparently already rely on CDL to e-lend scanned copies of books.

Recently, Internet Archive’s Open Library has started rejecting notices sent by Authors Guild members asking that unauthorized digital copies of their books be taken down, saying that their e-lending system “operates consistently with the ‘Controlled Digital Lending.’” There are two problems with the justification. First, although Internet Archive managed to convince the State of California that it is a “library,” as a website open to the whole world, it is not a library with a defined user base in any traditional sense. Second, copyright law does not support the practice of even traditional libraries offering unauthorized scans of books to its users on an e-lending basis, despite the patina of legality in the white paper. In other words, it’s a theory being pushed by powerful advocates, not protected practice or law.

CDL relies on an incorrect interpretation of copyright’s fair use doctrine to give legal cover to Open Library and potentially to outright piracy—CDL users scanning books without permission and lending those copies via the Internet. By restricting access to one user at a time for each copy that the library owns, the proponents equate scanning and creating digital copies with physically lending a legally purchased book. Although it sounds like an appealing argument, the CDL concept is based on a faulty legal argument that has already been rejected by U.S. courts.

In Capitol Records v. ReDigi, the Second Circuit Court held that reselling a digital file without the copyright holder’s permission is not fair use because the resales competed with the legitimate copyright holder’s sales. It found that market harm was likely because the lower-priced resales were sold to the same customers who would have otherwise purchased new licenses. In this regard, the court emphasized a crucial distinction between resales of physical media and resales of digital content, noting that unlike physical copies, digital content does not deteriorate from use and thus directly substitutes new licensed digital copies.

The same rationale applies to the unauthorized resale or lending of e-books. The practice of allowing libraries to digitize and circulate copies made from physical books without authorization, when the same books are available or potentially available in the digital market, directly competes with the market for legitimate e-book licenses, ultimately usurping a valuable piece of the market from authors and copyright holders.

CDL’s supporters tout their theory as a way to make more readily available older books from the twentieth century that are in libraries’ stacks but not (yet) available in electronic formats. They argue that some of the books may be orphan works—out-of-print books whose authors or authors’ heirs cannot be located—a specious argument that can only be made with a straight face.

1 https://controlleddigitallending.org/statement
2 https://www.authorsguild.org/industry-advocacy/authors-guild-supports-marrakesh-treaty-implementation-act/
by someone who has no idea how to find authors or publishers. The Authors Registry is able to find approximately 90 percent of authors of out-of-print books in approximately 30 minutes. True orphan works do exist, but they are a small minority. Yet the drafters of the white paper claim that if a book is “unavailable in the digital marketplace,” no one has any plans “for [its] revitalization in modern formats”—as though authors somehow lose interest in their older books, even at times when they might need income from those books the most. CDL’s proponents seem to be completely, and willfully, ignorant of the large and growing markets for e-books of older works, whether they are self-published by the author, by publishers like Open Road and Rosetta who specialize in such books, or by authors reselling reclaimed rights to traditional publishers.

**CDL would decimate author earnings from e-book licensing**

CDL’s threat to author incomes and the e-book market is two-pronged: 1) the unauthorized scanning and e-lending of books previously published only in physical formats usurps the market potential for new e-book versions; and 2) in a CDL world, libraries would no longer pay for e-book licenses (which are, for good reason, more expensive than consumer editions), but simply digitize print books from their collection, depriving authors and publishers of important licensing income.

If realized, Internet Archive’s plans to expand Open Library broadly to all libraries would eventually decimate the market for library e-books, put a massive dent in the e-book market in general and usurp authors’ rights to bring their older works back into the market.

**We need to stop this nonsense!**

So-called “innovations” like CDL serve to spread the misperception that authors and public libraries are on opposing sides of copyright law, which is simply not the case. Most librarians respect authors and copyright law, and they want authors to be able to keep writing. The vast majority of authors, for their part, support and love their libraries and want libraries to own and circulate their works. But authors need to be compensated for their work like everyone else. Trade book authors don’t get salaries or other fixed compensation; copyright is their only currency. Open Library and other CDL proponents’ failure to understand the importance of respecting authors’ copyrights is backwards thinking hidden under a false veil of progressivism. We must stop this Controlled Digital Lending nonsense in its tracks.

The Authors Guild has proposed licensing solutions that would make those older not-yet-digitized works readily available, but the tech sector and many in the library sector have refused to work with us on any such proposals, even to engage in a pilot program. If Internet Archive and its followers truly want to provide Internet access to those books, it can easily create solutions to do so while respecting authors’ rights—namely, it could license them. We have drawn the roadmap for mass licensing of books, starting with the Google Books settlement and followed by our proposal to the Copyright Office to launch a pilot to create a collective licensing system for mass digitization of out-of-print books, along with a platform that would allow authors to license their books directly to libraries. None of these proposals would be hard to achieve if those who want to provide broader access were willing to do it legally.

**MARRAKESH TREATY IMPLEMENTATION ACT**

On October 11, the Marrakesh Treaty Implementation Act, which the Authors Guild supported, was signed into law. The legislation will ensure that copyright users with disabilities have increased access to printed materials (such as books) that are available in “accessible formats”, and will implement changes to U.S. law to bring it into accordance with the Marrakesh Treaty. Its passage also encourages us to be optimistic about other copyright modernization legislation that the Guild has been working to advance, such as the Register of Copyrights Selection and Accountability Act and the Copyright Alternative in Small-Claims Enforcement (CASE) Act.

**Offer Your Support**

If you haven’t already, please sign our letter to Internet Archive’s Open Library and other proponents of CDL to let them know that CDL infringes the rights of authors and demand that they respect those rights. Access to books should not come at the expense of those who create them.
As the nation’s leading advocate for professional writers since 1912, the Authors Guild works to protect and advance authors’ interests by fighting for effective copyright protection, fair contracts, freedom of expression and freedom of the press. The Authors Guild has a rich history of working with Congress and the Copyright Office on issues that affect writers, and we look forward to continuing to do so in the 116th Congress.

Our 2018 Author Income Survey, the largest survey of traditionally published, self-published and hybrid-published writers ever conducted, revealed a median annual income for all authors from all writing-related activities of $6,080—down 42% (from $10,500) since 2009. Respondents who identified themselves as full-time book authors earned a median writing income of only $20,300—half of which came from books and half from other writing-related activities such as speeches, teaching, journalism and the optioning/licensing of film rights. (These median figures do not include the 20% of authors who earned no writing income in 2017.) This means that many authors now earn below minimum wage on an hourly basis, despite having very high levels of education: 52% of the respondents have graduate school degrees, and 86% earned a bachelor’s degree.

The Authors Guild is committed to exploring ways, including through legislative action, to help working writers make a living wage. We believe that a diversity of voices and perspectives is critical to our democracy, that literature is essential to the long-term health of American culture, and that it helps define who we are as a nation. These goals can only be achieved by protecting authors’ rights to benefit from their work.

As the Guild’s president James Gleick has said, “When you impoverish a nation’s authors, you impoverish its readers.” Our legislative priorities aim to correct some of the imbalances that have allowed major corporations to grow their profits at the expense of authors’ work. Unfortunately, U.S. copyright law no longer works the way it should to incentivize and protect authors so that they can keep creating. We need Congress’s help to fix those problems if this nation is to retain a professional class of talented, trained and experienced writers.

The Authors Guild will continue to work on the following two legislative initiatives this year and expects them to finally pass into law:

**ONGOING COPYRIGHT-RELATED LEGISLATION**

1. **CASE Act: Small Copyright Claims Tribunal**
   The cost of obtaining counsel and maintaining a copyright infringement lawsuit in federal court effectively prevents most individual copyright owners from bringing lawsuits to deter theft of their work. Thus, most individual authors have a right without a remedy. For more than a decade, the Guild has advocated for a copyright small-claims court that would provide copyright owners with a low-cost alternative to seek redress from those who violate their copyright. We worked closely on the bills introduced in the prior two Congresses and look forward to working with the 116th Congress on the reintroduction of the CASE Act to ensure it is passed into law.

2. **Register of Copyrights Selection and Accountability Act/Copyright Office Modernization**
   The Copyright Office was placed in the Library of Congress in 1870, so that the library could use the
copyright registration deposits to build its collections. At that time, copyright industries played a relatively small role in our economy. Today, however, industries such as publishing, music, film, television, software and web content, which rely on copyright protections, contribute $1.3 trillion to the U.S. gross domestic product, accounting for 6.85% of the U.S. economy; and it is no longer necessary to house the Copyright Office in the library in order for deposits to be transferred to it.

The Guild supports the reintroductiion of the Register of Copyrights Selection and Accountability Act, which would make the Register of Copyrights a presidential appointee, with the advice and consent of the Senate. The President of the United States would select the appointee from a list of individuals recommended by a panel of congressional leaders and the Librarian of Congress. Ultimately, we would like to see the creation of a truly independent Copyright Office that would function similarly to the U.S. Patent and Trademark Office. Independence is needed to allow the Office to represent all copyright stakeholders, to advocate for a sufficient budget and upgrade its woefully inadequate technology, and to make manifest the growing importance of copyright to America’s economy and culture.

**NEW COPYRIGHT-RELATED LEGISLATION**

1. **Strengthening Laws Against Online Piracy and Clarifying the Safe Harbors Under the DMCA**
   
The Digital Millennium Copyright Act’s (DMCA) “safe harbors” for internet service providers (ISPs) have turned into an exploitable gold mine for corrupt online enterprises. The Guild believes that U.S. copyright law must provide meaningful protection and enforcement against the widespread online piracy of books and journals that robs authors of income. To achieve this, we believe the requirements that ISPs must meet to benefit from the safe harbor from liability provided by Section 512 of the DMCA should be clarified, whether by clear statements in the legislative history or by amending the statute to provide that ISPs that foster infringement on or through their services and profit from it (including profits generated through increasing the value of their service) can still be held liable. Some court decisions have allowed ISPs to profit from infringement and have given them no incentive to cooperate with rights holders other than through complying with notice and takedown procedures, a wholly ineffective and unaffordable means of addressing piracy for most individual creators. Legislative clarification would provide guidance at the national level.

2. **Early Termination of Copyright Grants for Out-of-Commerce Works**

   **Under standard publishing agreements, publishers take exclusive book rights for the full term of copyright (the current term is the duration of the author’s life plus 70 years), subject to copyright termination rights under the law and often to reversion rights under the contract, which allow the author to reclaim the book rights if the book goes “out of print.” The definition of “out of print” varies widely, and publishers often refuse to give authors their rights back, or drag their feet when authors try to re-release their books through other means. When publishers refuse to revert rights, even when they are no longer commercially exploiting a book, authors lose potential income and the public loses because the book is not available for purchase.**

   With book earnings as low as they are today, many authors are seeking ways to supplement their incomes; one important way of doing so is to republish out-of-print works. Self-publishing platforms now allow authors to do that easily and cost-efficiently. In light of “the unequal bargaining power of authors,” Congress enacted Section 203 of the Copyright Act of 1976 (and Section 304, which applies to pre-1978 works) to give all creators and/or their heirs a chance to regain their rights 35—40 years after publication. While this law is useful, 35 years is far too long to wait to reclaim rights that the publisher often abandons just a handful of years after publication. It prevents authors from keeping their works in circulation by republishing or reworking the content. The Authors Guild advocates for an amendment to Section 203 that would allow authors and other creators to terminate grants 10—15 years after the grant was made if the assignee/licensee has not commercially exploited the work within a year or more. An amendment to the law is necessary because of the unequal bargaining power of authors and publishers.

3. **Collective Licensing for Out-of-Print Books**

   Most books published in the U.S. after 1923 are still protected by U.S. copyright law but are no longer “in print,” and relatively few early twentieth-century books have been issued as e-books. While most of these books remain important and relevant today, and some include crucial information, public and university libraries tend to be the only places where print copies of such works remain available. Yet today’s readers, and particularly researchers, may not be consulting or reading...
them because they prefer the access and convenience of e-books, the texts of which can often be scanned and searched electronically for particular terms or concepts, allowing readers to go directly to specific pages.

In response to that reader preference, supporters of schemes such as Controlled Digital Lending (CDL) argue that libraries should be entitled to digitize and provide access to these books online without having to obtain permission. Online platforms and libraries suggest that the transaction costs are too high for authors to be contacted individually, and their supporters and allies argue that digitizing, publicly displaying and distributing books should therefore be “fair use” under the copyright law (under the misconception that older books have no value to the copyright owner).

In fact, getting permission from authors is neither difficult nor prohibitively expensive. When transaction costs are higher than the value of copyright licenses, Congress has been willing to step in and create statutory licenses and/or licensing bodies. The Authors Guild advocates that establishing a collective licensing program for out-of-print book rights would allow authors, publishers and other rights holders to be compensated at a reasonable rate, paving the way for a true digital library, where full books could be viewed—all without having to negotiate and obtain licenses on a case-by-case basis.

### FEDERAL SUPPORT FOR LITERATURE AND LITERACY

#### 1. Creation of a Federally Funded Public Lending Right

To ensure that authors and other creators can survive in the current economy, Congress should adopt a federally supported Public Lending Right (PLR), such as exists in every other developed nation. PLR provides authors with micro-payments for library loans of their books, reinforcing the principle of “no use without payment.”

PLR could be managed and administered by the Institute of Museum and Library Services (IMLS) and supported by federal funds. Under such legislation, the author of a book would receive a small payment each time a user borrowed one of the author’s books from a library. The amounts paid out under PLR systems are miniscule in proportion to federal spending, and yet are hugely important to authors, helping them to continue to write as a profession.

#### 2. Increased Funding for Libraries and the Arts

The Authors Guild advocates for increased funding for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Services, each of which contributes to the development and support of writers and literature, so crucial to our nation’s long-term economic and cultural health. The literary arts are especially important as they promote literacy, teach empathy and thoughtful analysis, and spark discourse—essential characteristics of a democracy. Literary works serve as the basis of many other forms of storytelling—theater, film, television and games. Still, our nation’s total funding of the arts and humanities is a tiny fraction of what other developed nations spend, especially on a per capita basis.

It is equally important to support public libraries because libraries advance literacy and lifelong learning and serve as a source for deep and innovative research. Indeed, libraries are the primary way many Americans are introduced to the literary and other creative arts and educate themselves.

#### 3. Income Averaging Under Tax Law

Before the 1986 Tax Reform Act, authors were permitted to income-average when filing their returns. Many book authors earn income mainly in the form of advances, which comes in big chunks. An advance received in one year often serves as a writer’s income for several years, but it is taxed at a higher rate, resulting in a large tax “hit” for the year it was paid out. Income averaging is the fair way to tax those whose incomes vary significantly from year to year, and it should be restored.

* **ANTITRUST EXEMPTIONS**

**Collective Bargaining by Authors**

The main reason authors, freelance writers and other content creators do not have a union (unlike TV writers, screenwriters and full-time journalists) is because under current law, only employees are permitted to unionize and bargain collectively with their employers. While retaining copyright matters greatly to authors, their inability to bargain collectively puts them at a tremendous disadvantage, given the vast disparity of power between individual authors and traditional publishers and other book distributors. The Guild hopes to carve out an exception to the law to allow independent authors to join together to bargain with publishers and other book distributors in a way that will benefit the industry as a whole.
Latest 
Author Income 
Survey Shows 
Business 
of Book Writing 
in Crisis

The Guild’s newly released Author Income Survey reveals that writing-related incomes fell to historic lows, with a median income of $6,080 in 2017, which is down 42% from the 2009 incomes that were reported in the Guild’s 2015 survey. Earnings from book income alone fell even more, declining 21% to $3,100 in 2017 from $3,900 in 2013 and just over 50% from 2009’s median book earnings of $6,250.

Drawing on the responses of 5,067 traditionally published, self-published and hybrid-published authors from 14 writing organizations, the income survey of working writers was the largest ever conducted in the United States, establishing a benchmark for the future.

Other key takeaways:

- Self-published writers nearly doubled their incomes since 2013, though overall they still earn just 58% of what traditionally published authors earn. Self-published romance and romantic suspense writers earned almost five times more than authors in the next highest-earning self-published genre category, mysteries and thrillers: $10,050 vs. $1,900.

**Underlying Causes for Income Declines**

The blockbuster mentality of traditional publishers—granting celebrity writers massive advances and marketing them wildly at the expense of working writers—certainly plays a role in overall author income declines. Lower royalties and advances for midlist books, including extremely low royalties on an expanding cohort of deeply discounted books and a 25% of net e-book royalty also are contributing factors, especially for literary writers.

Many books are now available royalty-free in a variety of electronic uses, including unauthorized classroom course packs, Google Books and Open Library, all claiming fair use, which erodes author incomes. Meanwhile, Amazon’s market dominance as both publisher and seller puts pressure on all publishers to lower book prices. Increased competition from the Kindle Unlimited program and the massive number of books that are sold cheaply as new by Amazon resellers right alongside the publisher’s copies—with resellers often even claiming he “buy box”—intensify the pressure. Amazon has done authors a service in creating an easy-to-use self-publishing platform, but since it controls approximately 85% of the self-publishing market and has non-negotiable terms, it is able to extract more of the price of the book than it would if there were any real competition.

**Why the Data Matters**

The Authors Guild is committed to protecting authors’ traditional income sources and advocating for new business models that ensure that writers, and not just intermediaries, profit from the author’s work.

Survey data helps us and our participating organizations to better align our advocacy and author education efforts with reality. Until recently, writers who realized significant publishing success generally could afford to devote their days to writing more books. That’s no longer true for many full-time writers, especially literary ones. From a policy perspective, we should ask what impact this may have on the quality of books moving forward. We will use the data to help authors envision new ways to earn money from their books and to find other sources of income compatible with writing. An upcoming white paper will take a deeper look at the various datasets and analyze what the data means for the future of book writing.

**To review full survey results and the list of participating writing organizations, please visit our website at authorsguild.org.**
Writers on the Brink: The Current Economics of Authorship

On November 13, the Authors Guild hosted a panel discussion, “Writers on the Brink: The Current Economics of Authorship,” at Scandinavia House in New York City, which was streamed live via videoconferencing for Guild members who couldn’t attend in person. The panel focused on the economic challenges that authors face regarding the long-term viability of book authorship in today’s publishing climate and what it means for the authors of tomorrow. The discussion opened with a presentation of the latest survey results on authors’ incomes in the U.S., Canada and the U.K. To read the full transcription of this panel, please visit authorsguild.org/writersonthelbrink.

“THE ONE TIME IN HUMAN HISTORY WHEN A WRITER WAS GUARANTEED TO MAKE A LIVING WAS BEFORE GUTENBERG.”
Panelists

Nicola Solomon, Chief Executive of the Society of Authors; Siobhan O’Connor, Associate Director of the Writers Union of Canada; Peter Hildick-Smith, President of Codex-Group LLC; Richard Nash, Publisher and Digital Media Strategist. Moderator: Mary Rasenberger, Executive Director of the Authors Guild

U.S. Statistics

While the final results from the Guild’s 2018 Author Income Survey were not available at the time of the panel, Mary Rasenberger reported that initial data revealed that the mean income for American authors had fallen 42 percent in the past decade. At the same time, self-publishing is very much on the rise, with mean incomes in that slice of the market almost doubling; it has become an increasingly large part of the overall author income landscape. Read the final survey results here.

U.K. Statistics

Nicola Solomon provided a summary of the high-level data from the author income survey recently conducted in the U.K. Just 13.7 percent of U.K. authors earn their income solely from writing, down from 40 percent 12 years ago. Median author incomes were also down approximately 40 percent. When adjusted for inflation, full-time writers earned approximately £18,000 in 2005, £12,500 in 2013 and £10,500 (about US$13,500) in 2017. The majority of the published authors surveyed reported an annual mean income from writing of just £3,000 in 2017 versus £4,000 in 2005, and that they could afford to spend 50 percent or less of their time writing as a result. Many indie writers reported paying as much as £3,000 to publish their work, yielding zero profitability.

Canadian Statistics

Siobhan O’Connor reported on the results from the Writers Union of Canada’s 2108 survey, appropriately titled “Diminishing Returns, Creative Culture at Risk.” The average net income for professional writers in 1998 was Can $16,464. In 2014, net income fell to $13,390, and the latest survey shows that by 2017 it was down to $9,380. That’s a 78 percent drop over 20 years, and even more strikingly, a 27 percent drop over the past three years.

Moreover, writers’ incomes are not just dropping fast, but are now far below what Canadian workers in the information and cultural sectors earn, far below the median Canadian income and even below the poverty line.

The Writers Union survey also looked at where authors’ income primarily comes from. Traditional royalties remain the driving force, augmented by corporate and government writing, as well as freelance writing. Income from self-publishing continues to be a significant source of income, as does the public lending right, which pays authors when readers access their work from a public library. Royalties for the educational use of copyrighted texts are way down, however, because of misinterpretations of Canada’s 2012 Copyright Modernization Act, which created an exception for educational use. Almost all educational institutions have refused to pay fees for photocopying since the exception was enacted, which has led to litigation that is still on appeal in the court system.

What’s Driving the Decline?

Self-publishing is clearly having a huge impact on author incomes, if for no other reason than that there are more books on the market today than ever before. In 1985, approximately 35,000 books were published in the United States. In 2007, the year the Kindle came onto the market, more than 300,000 titles were published. Bowker, the company that issues the ISBNs that allow publishers and indie authors to sell their books in the United
States, reported that more than one million books secured an ISBN in 2017, and that’s just a partial count; not all self-published books have ISBNs.

And yet, despite the boom in the quantity of books published, industry data shows that the total number of book units sold in the U.S. has essentially remained flat over the past five years. Supply clearly exceeds demand, resulting in less revenue per author.

Richard Nash expanded on this most recent drop, pointing out that it has been going on for about 1,500 years. “The one time in human history when a writer was guaranteed to make a living was before Gutenberg, when the mere fact of being literate was so remarkable and scarce that you were guaranteed a roof over your head and food simply because you could read and write, and in a certain sense, it’s been going downhill ever since.”

Peter Hildick-Smith noted another major influence on the economic fate of contemporary authors—namely that 50 percent of all book units in the U.S. are sold through Amazon’s multiple channels, even as the Kindle Unlimited subscription service continues to divert readers to lost-cost reads. Up 20 percent in just the last year, Kindle Unlimited subscriptions have captured much of the potential fiction sales that AAP stats report traditional publishers have lost.

Given that no publisher can survive without Amazon these days, and that Amazon continues to pressure publishers to push prices ever lower while raising the marketing fees to make those books discoverable, something has to give. That something has turned out to be author income. Piracy and expanded fair use, particularly in the education sector, also continue to hijack author royalties.

So What’s an Author to Do?

In light of these challenges, what business models exist for writers apart from traditional publishing or self-publishing? How can writers make real money from their skills aside from book sales? What can be done to get more people reading?

Nash spoke of the market glut and the opportunities for writers to retrain, describing the kinds of jobs that are doing okay in an era of increasing automation (editing); not-so-okay (telemarketing and the law); and great (yoga and other recreational therapies). Hildick-Smith reported that the Authors Guild’s recent survey also identified a wide range of other “writing-related” activities that authors are now engaging in, including speaking, teaching, coaching and ghostwriting.

The panelists agreed that journalism, a once reliable and respectable source of extra income for many authors, is now hanging on for dear life and has little to offer authors in a fast-shrinking market. Today’s authors are forced to be more entrepreneurial than their predecessors.

Solomon described the Society of Authors’ successful campaign to ensure that authors are

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*Nicola Solomon, Chief Executive of the Society of Authors, U.K.*

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*See https://www.authorsguild.org/industry-advocacy/authors-guild-statement-on-journalist-layoffs/.*
Nash remarked that in the U.S. and other heterogeneous societies the subsidy model does not work as well: “The more the taxpayer doesn’t look like the people who might be getting money, the less likely it is that society will subsidize them.”

Solomon noted optimistically that “new, smaller publishers...have been coming up with new, exciting things, and that’s where the British government is going to start to concentrate,” and that “authors on the whole are really quite inventive in what they can do.”

Public opinion plays a big role as well, Solomon added. “It’s about making people realize how the economics work, so that they know what it is they’re paying for [as they] make buying choices. The same way that consumers make fair trade and ecological buying choices for food, we need to educate people to make fair trade buying choices for books.”

The panel concluded with a discussion of the many technological innovations being tested now, including the New York Public Library’s successful release of Alice’s Adventures in Wonderland and other classics in Instagram format. One of the Big Five publishers recently issued a Snapchat novel, and a very interesting start-up called Serial Box is presenting weekly serial reads, loosely modeled on television programming. Such innovations may not involve buying a physical book, but they make reading much more current and fluid for the younger audiences who are publishing’s future and authors’ best hope.

Right now, just one in five adults in the U.S. reads more than 12 books a year. The publishing industry, Hildick-Smith noted, caters mostly to that 20 percent of readers, but if we hope to capture the other 80 percent, we need to publish more books for occasional readers. Statistics show that if we don’t capture early readers between the ages of five to twelve, we lose them and never get them back. That’s a price neither authors or potential readers should have to pay. We need to make reading both more fun for children and a more regular event, using our talents and imagination to ignite an early love of books and a new generation of readers.

paid speaking fees at literary festivals, where entrance fees are often charged. O’Connor added that teaching in Canada’s university creative writing programs has become an important source of income for many authors, and that the Writers Union is seeking funding to set up a National Writers Lab, to bring the best writing, publishing and tech people together to explore new ways of looking at and using today’s technology.

Because the U.K. produces more books per capita than any other country—and exports a third of them—both government and business interests have a significant economic incentive for supporting writers. Over the next few years, the U.K. Arts Council will be devoting a significant sum of development funding to exploring how best to develop stronger reading audiences, how to help writers connect more directly to readers and how to reach a wider range of audiences. Given that just one in three British children owns a book, that is a significant issue.

The U.K. devotes £46 million annually to support literature (in a country of 60 million people), a sum that Solomon had considered miserly until she learned that the U.S. contributes a mere $1.5 million or so to support American authors, and a fraction of the standard benefits—such as free health care—that are available in the U.K. The U.K. also distributes £6 million a year in public-lending-right royalties and £50 million in photocopying payments to authors. On the other hand, Solomon added, if one compares the U.K. to France and other parts of Europe, where authors get sick pay, pensions and other employee benefits, the U.K. looks quite mean.

O’Connor reported that overall, the Canadian government distributes Can$300 million for the arts (a sum that was doubled just last year), that authors can count on Canada’s universal and free health care and that they can claim tax deductions if their incomes are less than Can$60,000. Canada also has income averaging, which gives authors the option to spread an advance or other income over several years, an option that U.S. authors lost a couple of decades ago.
Who Owns the Word?

The future of writing as a profession and the question of the economic survival of writers were the joint subjects of a multi-part series presented at the New York Public Library in partnership with the Authors Guild. Novelist and Guild vice president Richard Russo served as moderator and prompt.

The series’ first panel, Journalism, which was held on November 15, 2018, explored the rapid decline of local and regional journalism over the last two decades: the mergers, the sell-offs, the communities left high and dry, the stories untold, the scandals unreported, the experienced journalists laid off—and the efforts being made preserve the profession. Three months later, a large new wave of reporters—most of them digital—had been cut loose as well.

Panelists for the evening included Bill Grueskin, an alumnus of The Wall Street Journal and the Miami Herald, now professor at the Columbia Journalism School; Liesl Schillinger, a critic and translator whose work has appeared in The New York Times, the Los Angeles Times, the Los Angeles Review of Books and The New York Review of Books; and the scholar Will Slauter, associate professor at Université Paris Diderot and the author of the recent Who Owns the News?: A History of Copyright (Stanford University Press, 2019).

Russo opened the panel by reading some statistics on today’s journalism crisis and questioning whether the public’s access to facts and news is in jeopardy:

* According to a Pew Research report, total advertising revenue for the newspaper industry was $18 billion in 2016, down two-thirds from $49 billion in 2006.
* At the same time, Google and Facebook controlled 85% of the share of global online advertising revenues. The two companies shared 25% of total media advertising revenues, with Google controlling 18% and Facebook 7%.
* Circulation is down sharply. Total weekday circulation for U.S. daily newspapers fell to 35 million, while total Sunday circulation declined to 38 million—down from well over 60 million from the 1960s through the 1990s—to the lowest levels since 1945.

Falling revenues mean that papers have to make cuts—or fold. Many smaller cities have been left with no local coverage, while major newspapers, including The New York Times, The Wall Street Journal and the Los Angeles Times, have gone through a series of layoffs in the last decade or so. They pay ever fewer people, and they pay them less.

The primary driver of this crisis has been the shift of advertising dollars from the creators of news—newspapers, magazines, television and radio reports—to the new primary distributors of news (i.e., Facebook and Google). The online platforms do not give a fair cut to the sources of the news they profit from posting, and they are slowly starving the real news industry out of business. Panelists also discussed the role that advertisers, Facebook and Google play in determining who reads what, as well as the lower barriers to entry for journalism that benefit new ventures, while diverting eyeballs from traditional outlets. The tsunami of fake news and the White House’s attacks on traditional media have exacerbated the crisis.

* You can find the video for the Journalism panel and Part II of the Who Owns the Word series, Book Publishing on the Authors Guild website. Visit authorsguild.org/eventarchive and scroll down to the The Writing Life section to view.

**MEMBER NEWS**

* **BOOKS BY MEMBERS**

Carol J. Adams: Protest Kitchen: Fight Injustice, Save the Planet, and Fuel Your Resistance One Meal at a Time; David A. Adler (and Sam Ricks, Illus.): Kick It, Mo!; David A. Adler (and Anna Raff, Illus.): Light Waves; David A. Adler (and Edward Miller, Illus.): Squares, Rectangles, and Other Quadrilaterals; Emily Stier Adler: Being Grandma and Grandpa: Grandparents Share Advice, Insights and Experiences; Sarah Albee (and Ko Chin, Illus.): AleXander Hamilton: A Plan for America; Alice Sparberg Alexiou: Devil’s Mile: The Rich, Gritty History of the Bowery; Barbara Allman: The Most Influential Women in STEM; Mindy Aloff: Dance in America: A Reader’s Anthology; Diana Altman: We Never Told; Laurie Halse Anderson: Shout; Mary Angela: A Very Merry Murder; John Annerino: In the Chasms of Water, Stone, and Light; Jerry Apps: Cold as Thunder; Simple Things: Lessons from the Family Farm; Ascher/Straus: The Other Planet (30th Anniversary Ed.); Linda Ashman (and Chuck Groenink, Illus.): William Wakes Up; Ken Auletta: Frenemies: The Epic Disruption of the Ad Business (and Everything Else); Avi: The Button War: The End of the World and Beyond; Deborah Baker: The Last Englishmen: Love, War, and the End of Empire; Rick Bass: The Traveling Feast: On the Road and at the Table with America’s Finest Writers; Thomas A. Bass: The Spy Who Loved Us; Marion Dane Bauer (and Eku Holmes, Illus.): The Stuff of Stars; Tania Bayard: In the Presence of Evil; In the Shadow of the Enemy; Ann Beattie: A Wonderful Stroke of Luck; Ron Belak: Fly Fishing Colorado’s Backcountry; Bibi Belford: Another D for DeeDee; Hava Bromberg; Ben-Zvi: We Who Lived: Two Teenagers in World War II Poland; Perle Besserman: Kabbalah: The Way of the Jewish Mystic; The Kabbalah Master; Marian Betancourt: A Woman’s Work: The Storied Life of Esther Morris, the World’s First Female Justice of the Peace; Marcia Biederman: Popovers and Candlelight: Patricia Murphy and the Rise and Fall of a Restaurant Empire; Betty G. Birney: Life According to Og the Frog; Peter C. Bjorkman: Kabbalah: The Untold Story; B. L. Blair: Dead in a Pickup: Leah Norwood Mystery #3; Lucy Jane Bledsoe: The End of the World; L. A. Blum: Little Girl Leaving: A Novel Based on a True Story; Karen Blumenthal: Bonnie and Clyde: The Making of a Legend; John R. Brockstoe: White Fox and Icy Seas in the Western Arctic: The Fur Trade, Transportation, and Change in the Early Twentieth Century; Elizabeth Bodien: Oblique Music: A Book of Hours; Dave Boling (and Ann Warner and Curt Warner): The Warner Boys: Our Family’s Story of Autism and Hope; Betty Bolte: Veiled Visions of Love; Jennifer Boudinot (and Lindsey Moore and Mark A. Gore, Photog.): Viva Mezcal: Mixing, Sipping, and Other Adventures with Mexico’s Original Handcrafted Spirit; Rosalind Brackenbury: The Last Love Letters of Henri Fournier; Miss Stephen’s Apprenticeship: How Virginia Stephen Became Virginia Woolf; Paris Still Life; Kelsi Bracmort: Simone Visits the Museum; Barbara Taylor Bradford: Master of His Fate; Dustin Brady (and Jesse Brady, Illus.): Robots Revolt; Maureen Brady: Getaway; Belle Brett: Gina in the Floating World: A Novel; Cynthia Brian: Be the Star You Are! Millennials to Boomers Celebrating Positive Voices in a Changing Digital World; Growing with the Goddess Gardener; Marlene Targ Brill: Dolores Huerta Stands Strong: The Woman Who Demanded Justice; Marlene Targ Brill (and Michael Garland, Illus.): Diary of a Drummer Boy; Marlene Targ Brill (and Michael Sayre, Illus.): Picture Girl; Martha Brockenbrough: Unpresidented: A Biography of Donald Trump; Martha Brockenbrough (and Brian Won, Illus.): Cheerful Chick; John Brockman: Possible Minds: Twenty-Five Ways of Looking at AI; Josie Brown: The Housewife Assassin’s Horrorscope; Joseph Bruchac: Two Roads; Leslie Bulion (and Robert Meganck, Illus.): Superlative Birds; Robin Burcell (and Clive Cussler): The Gray Ghost; Lucy Burdette: Death on the Menu; Carolyn Burke: Foursome: Alfred Stieglitz, Georgia O’Keeffe, Paul Strand, Rebecca Salsbury; Marcia Butler: Pickle’s Progress;
Jamie Cat Callan: Parisian Charm School: French Secrets for Cultivating Love, Joy, and That Certain je ne sais quoi; 
Theresa J. Canada: Desegregation of the New York City Schools: A Story of the Silk Stocking Sisters; 
Chris Cander: The Weight of a Piano; 
Alyssa Satin Capucilli (and Tom Knight, Illus.): Bone Soup: A Spooky, Tasty Tale; 
Anne O’Brien Carelli: Skylark and Wallcreeper; 
Jacqueline Carey: Starless; 
Eric Carle (Ed.): What’s Your Favorite Bug?; 
Angelica Shirley Carpenter: Born Criminal: Matilda Joslyn Gage, Radical Suffragist; 
David Carson: Spirit Clans: Native Wisdom for Personal Power and Guidance; 
Mary Kay Carson: Alexander Graham Bell for Kids: His Life and Inventions; 
The Tornado Scientist: Seeing Inside Severe Storms; 
Weird Animals; 
Dewey Cassell (and Jeff Messer): Mike Grell: Life Is Drawing Without an Eraser; 
Bryan Cassiday: Force of Impact; 
Unhinged: Tales of Madness and Horror; 
May-lee Chai: Useful Phrases for Immigrants; 
C. S. Challinor: Upstaged by Murder; 
Diane Chamberlain: The Dream Daughter; 
Jerome Charyn: In; 
Diane Chamberlain; 
Jerome Charyn; 
Diane Chamberlain: Madness and Horror; 
May-lee Chai: Of Impact: Unhinged: Tales of Madness and Horror; 
May-lee Chai: The Shape of a Hundred Hips; 
Andrew S. Curran: Diderot and the Art of Thinking Freely; 
Cathy Curtis: Alive Still: Nell Blaine, American Painter; 
Peter Curtis: Cafe Budapest; 
Clive Cussler (and Boyd Morrison): Shadow Tyrants; 
Clive Cussler (and Graham Brown): Sea of Greed; 
Susan Smith Daniels: The Genuine Stories; 
Edwine Dantcicat (and Shannon Wright, Illus.): My Mommy Medicine; 
Jane Darden: When a Purple Rose Blooms; 
Sharon S. Darrow: She Survives; 
Tom Flynn: Medium & Healer; 
Michael A. Davi: PrivileGED: Experiences from My Unusual 40-Year Career with One of America’s Most Iconic Companies; 
Fiona Davis: The Masterpiece; 
Margaret Leslie Davis: The Lost Gutenberg: The Astounding Story of One Book’s Five-Hundred-Year Odyssey; 
Nancy Raines Day (and Cornelius Van Wright, Illus.): Hoorade Day; 
Nancy Raines Day (and Allison Black, Illus.): Pirate Jack Gets Dressed; 
Nancy Raines Day and Michael Emberley, Illus.: Baby’s First; 
Scott Decker: Recounting the Anthrax Attacks: Terror, the Amerithrax Task Force, and the Evolution of Forensics in the FBI; 
Michael de Guzman: The Boy from Somewhere Else; 
R. Kate Deimling: Painting the Dream; 
Lulu Delacre: Rafi and Rosen: Pirates!; 
Melissa de la Cruz: 29 Dates; 
Matt de la Peña: Carmela Full of Wishes; 
Heather Demetrios (Ed.): Dear Heartbreak: YA Authors and Teens on the Dark Side of Love; 
Phillip DePoy: Icepick; 
Jacqueline Diamond: The Case of the Desperate Doctor; 
Hannah Carmona Dias (and Dolly Georgieva-Gode, Illus.): Beautiful, Wonderful, Strong Little Me!; 
Hannah Carmona Dias (and Brenda Figueroa, Illus.): Dazzling Travis: A Story About Being Confident & Original; 
Lisa Doan (and Natalie Andrewson, Illus.): Chadwick’s Epic Revenge: P. F. Donato: Operation D3; 
Bill Double: Charles E. Hires and the Drink That Wowed a Nation: The Life and Times of a Philadelphia Entrepreneur; 
Marcia Douglas: The Marvellous Equations of the Dread; 
Bill Doyle (and Sarah Sax, Illus.): Titanic; 
Sarah Smith Ducksworth: Moments in the Chimes of Time; 
Olivier Dunrea: Ruby and Rufus Love Water; 
Patrick A. Duranton: Free and Obscure: Oeuvres Philosophiques; 
Christine Marie Eberle: Finding God in Ordinary Time; 
Daily Meditations; 
Dave Eggers (and Shawn Harris): What Can a Citizen Do?; 
Blake Ellis and Melanie Hicken: A Deal with the Devil: The Dark and Twisted True Story of One of the Biggest Cons in History; 
Charles Harrington Elster: How to Tell Fate from Destiny: And Other Skillful Word Distinctions; 
Susan Middleton Elya (and Ana Aranda, Illus.): Our Celebración!; 
Susan Middleton Elya (and Maria Mola, Illus.): Mama Papaya and Her Amigos Play Dress Up; 
Rosemary J. Erickson: Serial Killers and the Aftermath; 
Caroline Eubanks: This Is My South: The Essential Travel Guide to the Southern States; 
Julie Falatko (and Ruth Chan, Illus.): The Great Indoors; 
Julie Falatko (and Charles Santoso, Illus.): No Boring Stories!; 
Julie Falatko (and Colin Jack, Illus.): Two Dogs in a Trench Coat Start a Club by Accident; 
KJ Fallon: Coffee for One: How the New Way to Make Your
The Conversations Never End: All Members Discussion

On any given day—Saturdays, Sundays, holidays included—Guild members who have questions about royalties, fair use, film rights or ghost writing, are in search of a copy editor, an illustrator, a libel lawyer or just a defensible excuse to procrastinate—click on the morning email of the Guild’s All Members Discussion and start scrolling down the list of topics.

“Who can recommend a publicist?”
“Is it ok to use a newspaper clipping from 1985 in a book?”
“Any self-published true crime writers? Need advice!”
“Writing someone else’s memoir.”
“Pitching a Sequel.”
“Is it time to nationalize Amazon?”

Each new topic launches a fresh thread, which stays live as long as members keep posting to it. Conversations spark, run for a day, or a week, or a month before they slip into the archive, a few clicks away and eminently browse-able. If you are looking for information on agents, getting your rights back, or using a real-life setting for a novel, you can easily search prior posts in the archive, using the search option at the top right on every page.

Occasional visitors can catch up on posts they missed, reading quickly through a discussion chain that may have run over the course of a few days, or a month. The range of topics is vast—from “Do You Have a Writing Room” and “Trouble With Your Plot?” to “Looking for Thriller / Mystery Writers in Ft. Myers, Florida.” Also apparently inexhaustible and often unique. Where else is someone going to invite you to share your thoughts on “Fads and Fashions in Punctuation”?

Aside from the “Introduce Yourself” thread that accompanied the site’s launch, the thread that has drawn the most responses so far is member Bobi Martin’s mid-November post announcing that she wanted “to start a new community for those of us who are writing picture books, middle grade, or young adult books.” Sixty-nine members responded, and the thread ran for two months. In response to the overwhelming interest the Guild is opening a new sub-community for the three related genres. New Life for Old Classics, started by Bill Kimberlin in late December, launched a weeks-long discussion on the subject of how long copyright should run, in which members engaged in an extended and often enough heated philosophical debate that Mary Rasenberger weighed in mid-discussion with a “gentle reminder to keep things polite and chill.”

More typically, a thread runs a day or two or three—a problem is resolved, a connection made, and a new topic is waiting in the wings.

What the Guild’s newest initiative has quickly confirmed is that writers are indeed a community. Its members are in possession of a wide range of skills, experiences and resources, are eager to engage and to share what they know. As we went to press, more than 418 separate threads had been launched, with many more to come.
Souls; Caroline Leech: In Another Time; Karen Leggett Abouraya and Susan L. Roth: Malala Yousafzai: Warrior with Words; John Lescroart: The Rule of Law; Ron Leshnower: Fair Housing
Haiku: Learn About the Law Through Verse / With Illustrations; Suzannah Lessard: The Absent Hand: Reimagining Our American Landscape; Curt Leviant: Katz or Cats: Or, How Jesus Became My Rival in Love; Anna Levine (and Chiara Pasqualotto, Illus.): All Eyes on Alexandra; Debbie Levy (and Jo Ann Allen Boyce): This Promise of Change: One Girl’s Story in the Fight for School Equality; Marc Levy (and Daniel Wasserman, Transl.): The Last of the Stanfields; Amy Lillard: Kappy King and the Pickle Kaper; Kappy King and the Pie Kaper; Julie Lindahl: The Pendulum: A Granddaughter’s Search for her Family’s Forbidden Nazi Past; Elinor Lipman: Good Riddance; Sandra Darer Littman: Anything but Okay; Sally Lloyd-Jones (and David Litchfield, Illus.): Hats Off to Mr. Pockles; Barry Lopez: Horizon; Lydia Lukidis (and Andre Ceolin, Illus.): The Broken Bees’ Nest; D. P. Lyle: Sunshine State; Maryann Macdonald: Rosa’s Animals: The Story of Rosa Bonheur and Her Painting Menagerie; Maryann Macdonald (and Mandy Sutcliffe, Illus.): The Little Dancers: Showtime!; Mary Mackey: The Jaguars That Prowl Our Dreams: New and Selected Poems 1974 to 2018; Kerry Madden-Lunsford (and Emily Sutton, Illus.): Ernestine’s Milky Way; Susan Mallery: Why Not Tonight; Thomas Mallon: Landfall; Howard Mansfield: The Habit of Turning the World Upside Down; Leonard S. Marcus: 100 Years of Children’s Book Week Posters; The ABC of It: Why Children’s Books Matter; Helen Oxenbury: A Life in Illustration; Sandra Markle: The Woolly Monkey Mysteries: The Quest to Save a Rain Forest Species; David Martin (and Lori Richmond, Illus.): Skelly’s Halloween; David Martin (and David Walker, Illus.): Peep and Ducky: It’s Snowing!; Jacqueline Briggs Martin (and Larry Day, Illus.): Bim, Bam, Bop… and Oona; Patti M. Marxsen: Jacques Roumain of Haiti: A Life of Resistance; Bobbie Ann Mason: Patchwork; Alice Mattison: Conscience; Mary Maxwell: Oral Lake; Stacy McAnulty (and Joanne Lew-Vriethoff, Illus.): Love; Stacy McAnulty (and Deborah Hocking, Illus.): Soccer Expert; Gary McAvoy: And Every Word Is True; Sarah McCoy: Marilla of Green Gables; Lisa McCubbin: Betty Ford: First Lady, Women’s Advocate, Survivor, Trailblazer; Brian McCullough: How the Internet Happened: From Netscape to the iPhone; Emily Arnold McCully: Min Makes a Machine: She Did It! 21 Women Who Changed the Way We Think; Gerald McFarland: T. T. Mann, Ace Detective; Michael McGarrity: Residue; William J. McGee: Half the Child; Erin McGraw: Joy; Jay McInerney (Ed.): Wine Reads: A Literary Anthology of Wine Writing; Robert McParland: Bestseller: A Century of America’s Favorite Books; John McPhee: The Patch; Barry Meier: Pain Killer: An Empire of Deceit and the Origin of America’s Opioid Epidemic; Brad Meltzer (and Josh Mensch): The First Conspiracy: The Secret Plot to Kill George Washington; Michael Mewshaw: The Lost Prince: A Search for Pat Conroy; Carolyn Meyer: Girl with Brush and Canvas: Georgia O’Keeffe, American Artist; Eugene L. Meyer: Five for Freedom: The African American Soldiers in John Brown’s Army; Randy Susan Meyers: Waisted; Caroll Michels: How to Survive and Prosper as an Artist: Selling Yourself Without Selling Your Soul; Jacquelyn Middleton: Until the Last Star Fades; Jack Miles: God in the Qur’an; D. Patrick Miller: How to Be Spiritual Without Being Religious; Louise Miller: The Late Bloomers’ Club; Laura E. Mize (and George S. LeMieux): Florida Made: The 25 Most Important Figures Who Shaped the State; Heather L. Montgomery (and Kevin O’Malley, Illus.): Something Rotten: A Fresh Look at Roadkill; Alison Moore: The Pre-War House and Other Stories; Debbie Moore: Carolina Catch: Cooking North Carolina Fish and Shellfish from Mountains to Coast; E. J. Moran: Shadow Crimes; Elizabeth Mosier: Excavating Memory: Archaeology and Home; Walter Mosley: John Woman; Marissa Moss (and Jeremy Holmes, Illus.): The Eye That Never Sleeps: How Detective Pinkerton Saved President Lincoln; Laura Mullen (Transl.) (and Veronique Pittolo): Hero: Pam Munter: As Alone as I Want to Be; Claire Rudolf Murphy: Martin and Bobby: A Journey Toward Justice; JuliAnne Murphy: Cat Chase the Moon; Catharine H. Murray: Now You See the Sky; Vita Weinstein Murrow (and Julia Bereciartu, Illus.): Power to the Princess; G. Neri: Grand Theft Horse; GennaRose Nethercott: The Lumberjack’s Dove; Lesléa Newman (and Amy June Bates, Illus.): Gittel’s Journey: An Ellis Island Story; Valerie Nieman: Leopard Lady: A Life in Verse; To the Bones; Barbara Novack: A Certain Slant of Light; Idra Novey: Those Who Knew; Susan Oleksiw: Below the Tree Line; Maria Leonard Olsen: 50 After 50: Reframing the Next Chapter of Your Life; Trish O’Sullivan: Chakra Wisdom: Healing the Mind of Negative Thoughts, Feelings, and Beliefs with Meditation, Yoga, and the Traya Process; Nell Irvin Painter: Old in Art School: A Memoir of Starting Over; Gigi Pandian: The Alchemist’s Illusion; Sara Paretsky: Shell Game; Therese Park: Returned and Reborn: A Tale of a Korean
Children and a New Profession
The Secret Lives of Battered War
Puddle Mankiller: The Life of Wilma (and Linda Kukuk, Illus.): Wilma's of Walt Disney; (and John Pomeroy, Illus.): In the Instant After David Quammen:r; Disaste American Babies Showman Saved Thousands of The Strange Case of Dr. Couney: of the Universe and a Guide to the Secret Power Tree: A Radical New History of Life
The 2019 Carnegie Medal for Excellence longlists were announced on October 2, 2018. **Tayari Jones**’s *An American Marriage*, R.O. Kwon’s *The Incendiaries*, Walter Mosley’s *John Woman*, Anne Tyler’s *Clock Dance*, and Elizabeth Winthrop’s *The Mercy Seat* were longlisted in the category of Fiction. Alexander Chee’s *How to Write an Autobiographical Novel*, Anna Clark’s *The Poisoned City*: Flint’s Water and the American Urban Tragedy, Susan Orlean’s *The Library Book*, and Tara Westover’s *Educated* were nominated in the category of Nonfiction.

The Firecracker Awards for independent and self-published literature announced their finalists in April 2018. Helen Benedict’s *Wolf Season* was nominated in the category of Fiction. Kenny Fries’s *In the Province of the Gods* was nominated in the Nonfiction category.

The National Book Awards were announced on November 14, 2018. Sigrid Nunez’s *The Friend* was named a finalist in the Fiction category. Lauren Groff’s *Florida* was named a finalist in the Fiction category. **Tayari Jones’** *An American Marriage* was longlisted for Fiction, David Quammen’s *The Tangled Tree: A Radical New History of Life* was longlisted for Nonfiction, and Elizabeth Partridge’s *Boots on the Ground: America’s War in Vietnam* was longlisted for Young People’s Literature.

The National Book Critics Circle Awards finalists were announced on January 22. **Nell Painter**’s *Old in Art School: A Memoir of Starting Over* and **Tara Westover’s* *Educated: A Memoir* were nominated in the Autobiography category. **Jane Leavy’s* *The Big Fella: Babe Ruth and the World He Created* was nominated in the Biography category. **Robert Christgau’s* *Is It Still Good to Ya?: Fifty Years of Rock Criticism*, 1967-2017 was nominated in the Criticism category. **Luis Alberto Urrea’s* *The House of Broken Angels* was nominated in the Fiction category.

The National Endowment for the Humanities announced the recipients of their Public Scholar grants, intended to “promote the publication of scholarly nonfiction books for a general audience.” **Tom Dunkel, Natalie Dykstra, Robert Kanigel, Susan Schneider, and T.J. Stiles** were among the 22 recipients.

The 2019 PEN America Literary Awards finalists were announced on January 24. **Tara Westover’s *Educated: A Memoir* was nominated for the PEN/Stein Book Award. Alexander Chee’s *How to Write an Autobiographical Novel* was nominated for the PEN/Diamonstein-Spielvogel Award for the Art of the Essay. Joshua Rivkin’s *Chalk: The Art and Erasure of Cy Twombly* was nominated for the PEN/Bograd Weid Prize for Biography. Eliza Griswold’s *Amity and Prosperity* and **Bernice Yeung’s* *In a Day’s Work* were nominated for the PEN/John Kenneth Galbraith Award for Nonfiction.

**Jane Leavy’s* *The Big Fella: Babe Ruth and the World He Created* was nominated for the PEN/ESPN Award for Literary Sports Writing. **PMH Atwater’s* *A Manual for Developing Humans* was the Nautilus Book Awards Silver winner in the category of Body-Mind-Spirit Practices. **Christa Avampato’s* *Emerson Page and Where the Light Enters* won a Nautilus Book Award for Young Adult Fiction.

**Bibi Belford’s* *Crossing the Line* received the Christopher Award. The prize is awarded to work which “affirms the highest values of the human spirit.”

**Mary E. Carter’s* *I, Sarah Steinway* was a finalist for the National Jewish Book Award in the category of Debut Fiction and the winner of the New Mexico-Arizona Book Award in the category of Religious Book.

**Judith Cody’s* “Metamorphosis of the Conqueror” and related poems were quarter-finalists for the Pablo Neruda Prize in Poetry. They are from the author’s unpublished manuscript, *The Metamorphosis Notebooks.*

**R. Scott Decker’s* *Recounting the Anthrax Attacks: Terror, the Amerithrax Task Force, and the Evolution of Forensics in the FBI* was awarded the Book Excellence Award for True Crime. It was also longlisted for the 2018 Journey Award in Narrative Nonfiction and Memoir.

**Melissa Febos** was named the winner of Lambda Literary’s inaugural Jeanne Córdova Prize for Lesbian/Queer Nonfiction. The award honors “a writer committed to nonfiction work that captures the depth and complexity of lesbian/queer life, culture and/or history.”

**Caroline Fraser’s* *Prairie Fires: The American Dreams of Laura Ingalls Wilder* won the 2018 Pulitzer Prize for Biography.

**Dan Georgakas** was honored at the New York City Greek Film Festival for his extensive writing about and promotion of Greek film in America.

**Leigh Grant’s* manuscript *Mask of Dreams* was awarded the 2017 Chanticleer Book Reviews Grand Prize for Romantic Fiction and Women’s Fiction Grand Prize from Chanticleer Book Reviews Writing Competition. It was also shortlisted for the Chaucer Awards, a different division for pre-1750s historical fiction in the same competition.

**Lauren Groff**’s *Florida* was named a finalist for the Kirkus Prize for Fiction and a finalist for the 2018 Story Prize.

**Margaret Morganroth Gullette** was honored with the Florence Denmark Award for Contributions to Women and Aging from APA Division 35, the Society for Women in Psychology.

**Margaret Harmon’s* short story “Welcome to BrightLook!” was a Runner Up in the WOW! Women on Writing Spring 2018 Fiction Contest.
Manu Herbstein’s unpublished manuscript Rosie Was a Dawdler won the 2018 African Writers Award in the category of Children’s Literature. Danny Johnson’s The Last Road Home was awarded the 2017 Sir Walter Raleigh Award for Historical Fiction. Allen Klein’s Secrets Kids Know…That Adults Oughta Learn received the 2017 Best New Book Award from the Association for Applied and Therapeutic Humor. Victor LaValle’s The Changeling was shortlisted for the 2017 Shirley Jackson Award in the Novel category.

Jan Maher’s Earth As It Is has been named a 2017 Foreword Indies Award finalist in the LGBT category.

Randy Mason’s Falling Back to One won the 2018 Next Generation Indie Book Award in the category of First Novel (over 80,000 words).

Tom Miller won the New Mexico-Arizona Book Award for Cuba, Hot and Cold in the category of Travel Book.

John Moir’s article, “A Kindness While Dying,” received the First Place Award for Feature Article from the 87th Annual Writer’s Digest Writing Competition. The article, which was published in Catamaran Literary Reader, also received the Opinion/Op-Ed Honorable Mention in the 2018 ASJA Writing Awards.

Barbara Novack’s poetry collection A Certain Slant of Light was a Finalist for the 2017 Blue Light Press Poetry Prize.

Joanne Oppenheim’s The Knish War on Rivington Street won the 2018 Guides of New York Apple Award for Outstanding Achievement in Fiction and was named a 2018 Sydney Taylor Notable Book for Young Readers by the Association of Jewish Libraries.

Philip F. Palmedo’s Roland Palmedo: A Life of Adventure and Enterprise won the 2018 ULLR Award for an “outstanding contribution to skiing’s historical record” from the International Skiing History Association.

Sasenarine Persaud received the 2018 Dharmic Arts & Humanities Award from the Hindu American Foundation at its annual gala in Tampa, Florida on November 17, 2018. The award recognizes “significant contributions towards enlightening and educating others through many inspiring literary works of dharmic values and traditions.”

Randall Platt’s The Girl Who Wouldn’t Die was a finalist for the 2018 Washington State Book Award in the category of Books for Young Adult Readers.

Mary Louisa Plummer’s A Two-Spirit Journey, co-written by Ma-Nee Chacaby, received the Oral History Association’s Book Award for Outstanding Use of Oral History and the Alison Prentice Award for Best Book on Women’s History in Ontario from the Ontario Historical Society.

E. Annie Proulx has been named the winner of the 2018 Library of Congress Prize for American Fiction, which “honors an American literary writer whose body of work is distinguished not only for its mastery of the art but also for its originality of thought and imagination.”

Marcie Rendon won the 2018 Pinckley Prize for Crime Fiction for her debut novel Murder on the Red River. The novel was also a finalist for the 2018 SPUR Award in the category of Best Contemporary Novel. http://www.pinckleyprizes.org

Albert Russo was the winner of the 2018 Book Excellence Award for Gosh Zapinette!: The First Ever Series of Global Jewish Humor. He also won the 2018 UNICEF Award for his poetry.

Diane Saxton’s Peregrine Island was the 2017 Winner of the New York City Big Book Award for Mystery and winner of the 2017 National Indie Excellence Award for Regional Fiction: Northeast. It received a Bronze Award for U.S. Northeast Fiction from the Independent Publisher (IPPY) Book Awards and was named a Distinguished Favorite in Literary Fiction by Independent Press Awards. It was a finalist for the following: Best Book Awards in General Fiction for Fiction, Literary Fiction, and Mystery & Suspense; the International Book Awards for Literary Fiction; the National Indie Excellence Award for Fiction; and the Reader Views Literary Award for Adult Fiction.

Sherry Shahan’s essay “The Boat” was chosen as a notable essay in Memoir Magazine’s 2018 #MeToo Essay Contest.

Deborah Shlian’s Silent Survivor won First Place in the Royal Palm Literary Award from Florida Writers Association and is a Finalist for 2018 Best Book.

Renate Stendhal’s Kiss Me Again, Paris won the 2018 International Book Award in the category of LGBTQ: Nonfiction.

Deanne Stillman’s Blood Brothers won the 2018 Ohioana Award in the category of Nonfiction.

John Whittier Treat was awarded the 2018 Christopher Hewitt Award for his short story, “The Pond.” It appeared in the August 2018 issue of A&U MAGAZINE.

Jesmyn Ward’s Sing, Unburied, Sing won the 2018 Indies Choice Book Award for Fiction and was shortlisted for the 2018 Dayton Literary Peace Prize.

Carl Watson’s Kid Clay received the Best in Texas Association of Authors’ 2018 Texas Book Award for Historical Fiction/Young Adult. It also received Serious Writer Inc.’s Maxwell Medal for Children’s/YA.
Douglas Wells’s How We End Up was named a Finalist in the 2018 International Book Awards in the category of Fiction: Literary. J. Craig Wheeler’s Supernova Explosions (co-written by David Branch) won the 2018 Chambless Writing Award from the American Astronomical Society.

James Mikel Wilson’s Churchill and Roosevelt: The Big Sleepover at the White House won the 2018 Author Academy Award in the Historical Fiction category.

Laura Zubulake’s Slay the Dragon was named a finalist in the 12th Annual National Indie Excellence Awards in the category of New Fiction (2018).

* IN MEMORIAM

Russell Baker, 93, died January 21 at his home in Leesburg, VA. He began his career as a reporter for The Baltimore Sun, did time for them in London and joined The New York Times in 1954, covering the White House. In 1962, he began writing a thrice-weekly column for the Times, “Observer,” and kept at until his retirement in 1998. He was awarded the Pulitzer Prize for commentary in 1979 and then again in 1982 for his autobiography, Growing Up.

Anthea Bell, 82, died October 18. The long-time English translator of the French comics series Asterix, Bell also translated W.G. Sebald’s Austerlitz and Stefan Zweig’s novellas from the German, Wladyslaw Szpilman’s memoir The Pianist from the Polish and Hans Christian Andersen’s tales from the original Danish.

Harlan Ellison, 84, died June 28 at his home in Los Angeles, CA. The science fiction author and winner of eight Hugo Awards was best known for his novella, A Boy and His Dog, which was later adapted into a 1975 film.

William Goldman, 87, died on November 16 in New York City. He was the author of the novel The Princess Bride and the screenwriter of Butch Cassidy and the Sundance Kid and All the President’s Men.

Donald Hall, 89, died June 23 at his home in Wilmot, NH. He was appointed the 14th Poet Laureate of the United States by the Library of Congress in 2006. A prolific poet, he also wrote children’s books, essay collections, works on the writing craft and memoirs.

Betty Miles, 90, died July 19 at her home in Shelburne, VT. She was the author of over 25 books for children and young adults, including What Is The World?, Around and Around Love and The Real Me. She was a writer and editor for the Bank Street Readers, a member of Feminists on Children’s Media and a plaintiff in the Authors Guild suit against Google.

V. S. Naipaul, 85, died August 10 at his home in London. The author of A House for Mr. Biswas, A Bend in the River and A Free State was awarded the Nobel Prize for Literature in 2001.

Mary Oliver, 83, died January 17 at her home in Hobe Sound, FL. The Pulitzer Prize-winning poet published more than 20 volumes of poetry. She won the Pulitzer in 1984 for American Primitive and the National Book Award in 1992 for New and Selected Poems.

Richard Peck, 84, died May 23 at his home in New York City. He won the 1999 Newbery Medal for A Year Down Yonder and wrote over 30 books for young people and adults.

Jeb J. Rosebrook, 83, died August 31 in Scottsdale, AZ. He published fiction and nonfiction but was more widely known for his television and screenwriting work, including The Waltons, The Yellow Rose and The Outsiders.

Ntozake Shange, 70, died October 27 in Bowie, MD. The playwright, poet and novelist was best known for her groundbreaking play For Colored Girls Who Have Considered Suicide/When the Rainbow Is Enuf.

Sterling Stuckey, 86, died on August 15 in Riverside, CA. As a historian, he specialized in American slavery and was best known for Slave Culture: Nationalist Theory and the Foundations of Black America.

* DECEASED MEMBERS

Judith Appelbaum
Russell Baker
Boris Beizer
Peter C. Bjarkman
Burt Boyar
Linda Brandi Cateura
John Ehle
Wally Ely
Winifred Elze
D.X. Fenten
Audrey S. Geisel
Shoshana Ginzburg
William Goldman
Vivian Grey
Donald Hall
William H. Hallahan
Nan Savage Healy
R.S. Hopkins
Bel Kaufman
Kate Wilhelm Knight
Jean Marzollo
Barbara Mayer
Gina Mayer
Betty Miles
Kate Millett
James Munves
Steven T. Murray
Dale Pendell
Patricia R. Pierson
Robert Riche
Jeb John Rosebrook
Brenda Serotte
Frank Sherry
Robert Ellis Smith
Elisabeth Stevens
Sterling Stuckey
Elly Welt
Robley Wilson
Regional Chapters: The First Six Months

In June 2018 we rolled out our Regional Chapters. Led by member ambassadors, each chapter connects members with their local writing communities, offering events and literary programming.

More than 20 events have been held. The first was June 24, 2018, in Raleigh-Durham with the program “The Business of Being a Writer,” hosted by ambassadors Judy Allen Dodson and Kelly Starling Lyons. Members and non-members mingled before a panel discussion featuring local authors Bridgette A. Lacy, John Claude Bemis and Travis Mulhauser. “I’m thrilled that our local chapter is getting off the ground,” Guild member Erin S. Lane wrote. “I moved to Raleigh a little less than a year ago and have been itching to find my tribe.”

Regional Chapters have welcomed hundreds of writers at Meet & Greets, starting with the inaugural Chicago mixer in June, hosted by ambassadors Arnie Bernstein and Alta L. Price. Victoria Noe shared her appreciation for the spirit of the event: “The organizers were welcoming and gracious. We all shared tips on travel and marketing, encouragement for those of us on deadline and stories of disastrous book signings. They convinced me it’s an organization I should join.”

Los Angeles’s first mixer drew 30 members, many of whom brought guests curious about the Guild, including Amanda Fletcher and Natalie Green from PEN America, who called the event a “treat” and reached out to ambassadors Kristen Wong and Magdalena Edwards to connect for future partnerships. Bay Area ambassador Laird Harrison organized a meet-up at an Oakland bookstore, where member Ann Steiner commented, “It was impressive, though not surprising, to see how much energy and interest there is in having more meetings.” In Philadelphia, ambassadors Janet Benton and Sally Weiner Grotta brought members together over several luncheons to discuss their hopes for future events.

Some chapters have brought in experts to share professional knowledge. In October, our Seattle chapter offered an especially practical event, “Taxes 101 for Authors,” organized by Larry Zuckerman. November’s “Perfect Pitch Panel” in Washington, D.C., moderated by one of our three D.C. ambassadors, Mary Kay Zuraleff, featured straight talk from editors and agents about what kind of work they are looking for and how best to query them. Prior to that, in September, the D.C. chapter kicked off with two notable D.C. figures—Andy Shallal, a publisher and the owner of Busboys and Poets cafes, and Ron Charles, a book reviewer for the Washington Post—sharing their observations on D.C. literary life. Beryl Benderley, another D.C. ambassador, noted that enthusiasm for the local chapter was strong. The Washington ambassadors’ team is rounded out by E. Ethelbert Miller.

Members and ambassadors have emphasized how valuable it has been for members to connect with one another over their shared understanding of the often isolating writing process. Susan Terkel, one of our Cleveland ambassadors, told us that: “It was a truly magical evening. Everyone talked and shared and listened and learned, a lot!”

Several holiday get-togethers were hosted by Regional Chapters. In Detroit, ambassadors Weam Namou and Violet St. Karl hosted “Exploring Your Creativity”; in Tampa/St. Petersburg, Kate Sullivan hosted a mingle; and in Chicago, a holiday fete was held at the American Writers Museum. Past Guild president Scott Turow, Rebecca Makkai and James Finn Garner read from their latest works, and local ambassadors Bernstein and Price reported that “Scott Turow spoke about challenges facing authors and gave a powerful endorsement of the Guild’s advocacy.”

We look forward to 2019, and the launch of additional Regional Chapters in Texas, Tennessee, New Mexico, and Portland, Oregon.
**FEATURED MEMBER BENEFIT:**
**INTERNATIONAL PRESS CARDS**

The Authors Guild now offers two-year IFJ International Press Cards. The cards, which are available only through select membership organizations, provide journalists with an instant form of identification as a professional journalist committed to ethical standards and solidarity among media professionals.

**Why get a press card?** Instantly Recognizable Professional Identification: The International Press Card (IPC) is recognized all over the world and is the only press pass endorsed by national journalists’ groups in more than 130 countries. It provides instant confirmation in the United States and abroad that the bearer is a professional journalist. It is issued only to genuine journalists who are committed to the IFJ’s Declaration of Principles on the Conduct of Journalists, the world’s most recognizable set of principles and standards for the conduct of journalism.

**Global IFJ Assistance:** When travelling, cardholders can rely on the IFJ network to provide assistance. The IFJ provides assistance to journalists traveling in conflict zones, helping many of them get out of tricky situations in dealing with soldiers, police, or local officials.

**Open Doors:** Card holders can take advantage of the IFJ’s official status within the EU and United Nation member states to facilitate access to official meetings. In many countries, your International Press Card can also help you gain access to closed media events.

For more information on eligibility and pricing visit www.authorsguild.org/presscard
We invite you to join the Authors Guild Foundation on one of our Literary Journeys. These once-in-a-lifetime, exclusive trips will introduce you to the people, history, and culture of each country.

For detailed information and to register visit
www.authorsguild.org/literaryjourneys

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