Making a Living as a Writer
– What Matters Most

BY CINDI MYERS

Ask anyone and they will tell you how tough it is to make a living as a writer. Some will charge you’re crazy to even try. But I seem to know an awful lot of people doing just that, myself included. So when I was recently asked to present a workshop on the topic, I decided to dig deeper and find out just what it takes to be a success in this mercurial business.

Let’s start by considering a few statistics I found. First up, from a column by Rocky Mountain News Book Editor Patty Thorn, in which she quotes author Greg Slominski, who claims to have computed that the odds of making a living writing books are 1 in 380. He arrived at this figure by taking the number of titles published in 2004—195,000 (according to industry researcher R.R. Bowker) and comparing that to the percentage of authors who make a living writing books—five percent (as given by Rick Frishman, media consultant and author of Guerilla Marketing for Writers).

According to Slominski, Division I football players vying for a slot in the pros and Miss America contestants competing for the crown have better odds of success than novelists.

How’s that for depressing? But a little further investigation revealed that the 195,000 figure for books published includes self-published titles as well as titles from the major New York players and others. So every family history published and every vanity collection of poetry is in there. Somehow I don’t think those authors ever had any intention of making a living from their writing.

A little deeper digging reveals that Frishman’s five percent figure was apparently pulled from thin air. He tells Thorn “We don’t call this the absolute Bible here. It’s more just to get people thinking.” He does add, however, that he wouldn’t be surprised if the percentage of successful authors was even smaller.

Reading all this, I was reminded of a lyric from a song by Todd Snyder called The Statistician’s Blues: Sixty-four percent of all the world’s statistics are made up right there on the spot. Eighty-two-point-four percent of people believe them, whether they’re accurate statistics or not.

I thought about all the writers I know, and I have to say, a lot of them are doing this full time and supporting themselves, and families, on their writing income. So I think Frishman is painting a rather dark picture in hopes of generating a bigger market for his services.

I decided to quit wasting my time with what so-called experts had to say and go to the source. I put out a plea for help on various writers’ forums. Continued on page 4
I have to admit I’ve had a lot of fun with this column. Over the years the accepted wisdom is that nobody reads the prez column in Nink, and I took that as a personal challenge. So here’s to all five of you I roped in with silly stuff. Thanks for humoring me.

Well, that’s over. We have to get really, really serious this month. It’s all about the money, specifically, the money we get from the Authors Coalition, or the AC, not to be confused with the Advisory Council, which is also the AC. But the Advisory Council doesn’t send us thousands of dollars every year, so for the purposes of this discussion, forget ‘em. The only AC we’re concerned about is the Authors Coalition.

So what is the Authors Coalition, you ask? Okay, so you didn’t ask, but I’m telling you anyway. The Authors Coalition, if we treat it right, is a lovely organization that provides us with anywhere from 15 to 20 large every single year. We use that to produce this very newsletter you’re holding in your hot little hands. No AC funds, no newsletter. Or not one like this. Maybe one that looks like it came out of your fax machine and then was stapled together by a four-year-old. That’s where we’d be if we lose the AC funds.

You don’t want that, right? That’s why, when you get the Authors Coalition survey form in the mail ANY DAY NOW, you will fill it out before you do anything else, even before you feed the cat or trim your cuticles. Then comes the second most important part. MAIL IT. Of course, all this can be done online, too, at www.ninc.com as part of paying your dues. I don’t care whether you send it through cyberspace or via the U.S. Postal Service. Just SEND IT.

I don’t even care if you understand what it’s all about, but in case you do want to know, here’s a brief, acronym-laden explanation. The AC is a collection of author groups like ASJA, AG, SinC, MWA, NWA, Ninc (us), RWA, SFWA, and a bunch of others I won’t list because your eyes would cross. But they’re all good folks. We’ve banded together in order to receive money collected for copyrighted works that are reproduced in other countries.

Picture someone at a Xerox machine in Germany running off a chapter out of your latest book, or your magazine article on fertility rites, or whatever you have out there that would be of interest to this particular German person. You want money for that, right? Damn straight. That’s where the AC comes in and helps get it for you.

Do I understand exactly how these other countries keep track of this? Are you kidding? This is me you’re talking to. But trust me, there’s an official formula, and so long as our members fill out the survey listing the areas in which they deserve compensation, Ninc gets the money. No,
you don’t each individually get the money. This is a
group thing. Don’t be grabby.

I know each of you wants to Do the Right Thing for
Ninc. In this case, it’s easy. Fill out the freaking form.
Stand up and be counted. I hate filling out forms, but
as forms go, this one is a piece of cake. You won’t even
break a sweat. And Ninc will go merrily on scooping
up all that lovely moola. Thus ends my most serious
column of the year. Thank you and good night.

Seriously yours,

Vicki

CHANGE OF ADDRESS
Ninc’s Central Office has moved. You’ll find
the new contact info in the NINK masthead,
but here it is again, in bigger print. I don’t
know about you, but I can always use bigger
print.

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INTRODUCING

The following authors have applied for
membership in Ninc and are now pre-
sented by the Membership Committee to
the members. If no legitimate objections
are lodged with the Membership Commit-
tee within 15 days of this NINK issue,
these authors shall be accepted as members
of Ninc:

New Applicants:
Diane Amos, Greene ME
Lisa Chaplin (Melissa James),
Empire Bay, NSW, Australia

Edward Hoornaert (Judi Edwards),
Tucson AZ
Laura Iding, Waukesha WI
Rosemary Laurey (Madeline Oh),
Columbus OH
Michael Sherer, Mercer Island WA
Pari Noskin Taichert,
Albuquerque NM

New Members:
Brenda Beagley, LaFox IL
Anne Hearn (Anne Mallory),
Menlo Park CA

Tracy Green (Tielle St. Clare, T.L.
Sinclare), Anchorage AK
Candice Proctor (C.S. Harris),
Kenner LA
Karen Sandler (Karen Anzalone),
Cameron Park CA

Ninc has room to grow…
recommend membership
to your colleagues.
Prospective members
may apply online at
loops to which I belong and ended up with 15 writers who answered a list of questions I posed. The sidebar accompanying this article tells you a little bit more about those writers.

Some of the things I learned from this group about making a living as a writer:

Making a living depends on what you write: If you are a poet, you will have a very difficult time making a living writing poetry alone. Likewise, if you only write short stories, you will have a difficult time making enough money from that venture to support yourself. This is because the number of well-paying markets for short stories shrinks every year. Almost every popular magazine at one time published short stories. Now very few of them do and the ones that do, for the most part, don’t pay well.

What about literary fiction? I hope I’m not disappointing anyone when I tell you it’s really difficult to make a living as a writer of literary fiction. There are a handful of bestsellers that do so. The majority of literary authors have a really tough time. I personally know two authors of literary fiction who published five books each, to much acclaim. One was a finalist for several prestigious awards and got a lot of press and great reviews. Both of them are no longer writing. They never made enough in that time to even think about quitting their jobs. The advances paid for first literary novels are small and the print runs are limited.

So what does that leave us? It leaves genre fiction. So, making a living depends on what you write and genre fiction is your best bet. Why? Because this kind of fiction has a well defined and broad market. Readers of genre fiction tend to buy a lot of books. Publishers of genre fiction publish a lot of books.

Even in genre fiction there are areas that boast more sales than others. Romance still is the bestselling genre, accounting for 39.3 percent of all popular fiction sold, and 54.9 percent of all popular paperback fiction.

Mystery is the second largest seller. According to Publishers Weekly, mystery accounts for 25.7 percent of popular fiction sales. Science fiction and fantasy accounts for 7.3 percent of sales. I don’t know if they’re counting Harry Potter in there or not.

I failed to find statistics about the share of the market for horror, children’s, westerns or other genres.

Quantity Matters

This all leads to my second observation. Not only is what you write important, but how much you write matters.

Though several writers I spoke with now make a comfortable living writing one book a year, almost all of them started out producing much more. Most still do. Sherry Anne Jacobs, who writes as Anna Jacobs (An Independent Woman, December 2005) says, “You don’t make a living as a writer by doing one book a year—unless you’re a top bestseller. I hit the lower end of the UK bestseller charts regularly and I couldn’t make a living from one book a year.”

Kayla Perrin (A Season of Miracles, October 2005) writes for Avon, St. Martin’s, Kensington, BET Books, and Spice. Obviously, she’s a believer in being prolific. “The best way I handle [making a living] is to have more than one option,” she says. “In case things don’t work out with one publisher, I always have another. I write as many books a year as I can.”

JoAnn Ross (Blaze, August 2005) reports that the year she was paying off her children’s “scarily expensive private college/Oxford debt” she wrote ten books—two single titles, seven category romances, and a novella.

I happen to have six books out in 2005 and I already have four scheduled for 2006.

So the more productive you can be, the more books you’ll have out, and the more money you’ll have coming in.

Temperament Matters

When it comes to making a living as a writer, your temperament matters. Lawrence Watt-Evans (The Wizard Lord, March 2006) writes fantasy, science fiction, horror, and comic books. He says self-discipline and persistence are keys to success. “Nobody’s going to tell you to write, or to keep on writing: you need to do it yourself.”

Vicki Lewis Thompson (Gone With the Nerd, August 2005), thinks successful writers need “a taste for risk.” They also have to have “a willingness to live on whatever money you have. A willingness to take on debt, if necessary. In other words, pluck, nerve, and resilience.”

JoAnn Ross says successful writers need “the ability to spend some time over in that scary, here-there-be-dragons left brain and plan ahead. You have to be able to sit down, figure out exactly how much money you need to live (no hopes and dreams allowed at this point), and how many books you’ll need to write to do that.”

Overall, the most common
traits for success, as cited by my survey participants, were discipline, determination, perseverance, and a businesslike approach to your work.

Your lifestyle matters if you’re going to make a living at this game. If you’re used to living lavishly, having a fancy car, eating out five nights a week, taking extravagant vacations, then you’d better wait until you’ve had a couple of books on the New York Times list before you make writing your sole source of income.

Ruth Glick, who writes as Rebecca York (Big Sky, December 2005) says writers need to be frugal. “I’ve always done a lot of things myself. I do all the gardening. I cut my own hair. I know how to stretch food dollars. I never buy clothing unless it’s on sale.”

“I have to make myself turn down luxuries until I feel more secure financially,” says Carrie Alexander (Honk If You Love Real Men, June 2005). “You have to be mentally tough enough to stick to a budget even where there is that ‘extra money’ in the bank and it’s tempting to splurge.”

Mary Jo Putney (Christmas Revels, October 2005) agrees. “The basic rule is that when money is tight, you don’t buy anything that isn’t necessary. Period,” she says. “It’s actually harder when one has somewhat more money and has to make decisions. I find it easier to just turn off the spending switch.”

In addition to financial insecurity, writers have to deal with a certain amount of emotional insecurity and stress. Kayla Perrin says “I often feel like I don’t get a break. When friends are enjoying barbecues or outings, if I attend I feel guilty that I’m not home writing. Then I miss out when I don’t attend. I do aim for balance, though, and will let writing slide for a day to have a ‘normal’ life.”

“It can be lonely sitting at a computer day after day with no co-workers to hang out with,” says Nancy Warren (Private Relations, October 2005). “The Internet has helped this somewhat, but in the end, it’s still you and a story battling it out.”

Sherry-Anne Jacobs also admits to battling loneliness. “You don’t meet many people sitting in an office and staring at a computer screen. Finding new friends is currently my main dilemma in life.”

Sandra Marton (The Disobedient Virgin, November 2005) has also found that writing can be hazardous to friendships. “The bottom line is that only another writer understands the intensity of this kind of work,” she says. “[They understand] that you can’t go out to dinner and pretend to be sociable while a scene is driving you up the wall. The result is that 99.9% of my friends are writers.”

Okay, we’ve talked about what to write, how much to write, and what kind of personality you need to successfully make a living as a writer. Now let’s look at some of the practical, how to do it stuff.

Anyone who’s been in this business even a little while realizes the financial picture is always uncertain. Payments are sporadic and you can never be sure how much you’ll earn in royalties, if anything. So how do authors live with this financial uncertainty?

Financial Planning Matters

“Panic works well for me,” quipped Julie Kenner (The Manolo Matrix, July 2006).

No one professed to be immune to occasional panic, but all the writers agreed that planning is paramount to making a living as a writer.

JoAnn Ross says she never plans her income around royalties. “I only count advances as ‘real’ income. The rest is gravy.”

“I do not recommend anyone try to support himself or herself entirely on writing fiction, without spouse, family, or savings to fall back on,” says Lawrence Watt-Evans. “It’s like any other risky small business—the money is always less and later than you expect, the expenses always larger and more urgent than you expect.”

Sandra Marton learned what not to do from the example of another author. “Starting out, I met a writer who’d had the same experience I’d had with her income going from nothing much to really good within just a couple of years,” she says. “Unfortunately, she spent most of what she earned the year things got good and awoke at tax time to the reality of being self-employed and having to pay your taxes quarterly, and having to pay them based on your prior year’s income. She had to borrow money to do it. That really made an impression on me. From that point on, we banked a chunk of what I earned, saved another chunk as carefully estimated taxes in an account set aside for that purpose, and saved the rest as money we could spend.”

Other authors built up savings before they made the shift to full-time writing. “Before I took the plunge to writing full time, I had built up a nest egg that covered about three years worth of living expenses,” says Shanna Swendson (Enchanted, Inc., May 2005). “I have a mental minimum on that nest egg, to where if I go below that line, I have to get a job.”

Carrie Alexander says “I keep a healthy savings account, usually with an amount that will cover at least one year’s expenses, plus other savings in CDs for a second year’s (bare) expenses. I figure if there’s a big change in my writing career, that will cover me long enough to make other plans.”
Making a living

Jo Ann Ross has been the sole support of her family for eight years. "Although I'm making a very good living, it's still proven surprisingly stressful, knowing that so much depends on my ability to keep producing. I actually have a What if JoAnn Gets Hit By a Bus mutual fund and certificate of deposit."

Vicki Lewis Thompson admits to having gone into debt when expenses piled up and royalties didn't come in as anticipated. "I managed to get free of that, even before the NYT List gave me extra," she says. "It took real discipline, and I'm proud of pulling myself out. I hope never to have to do that again."

Several of the respondents emphasized the importance of treating your writing like a business. Shanna Swendson and I both pay ourselves monthly salaries, drawn from an account where we deposit all writing income.

Greater financial security can be found in having a backup plan. Mary Jo Putney and several others arranged an equity line of credit on their house. "When necessary, I tap into it until the next check comes in," she says.

Jo Ann Ross took a slightly different approach and took out a business loan. After her first two sales, she took her contracts to the local bank. "I received a business loan that would essentially give me all the earnings up front, rather than waiting for the payoffs which, back then, were 1/3 on signing, 1/3 on acceptance of the manuscript, and 1/3 on publication. Although I had to pay interest, it allowed me not to have to return to my outside job. I'd grown up in construction and considered this a building loan—building my career. I paid it off the second year and from then on, I've operated my writing business at a profit."

Like any other self-employed business persons, writers face the double dilemmas of paying for health insurance and retirement. Writers outside the United States enjoy the luxury of national health insurance. Several writers interviewed rely on employed spouses for health insurance. Others opted for the highest deductible plan they could manage. "Health insurance for freelancers in Maine is terribly expensive," says author Sharon Lee (Crystal Soldier, February 2006), who is married to her co-author Steve Miller. "We just grit our teeth and accept the high deductible, understanding that it's catastrophe insurance, really."

Shanna Swendson said, only half-joking, "There are times when I think I might be willing to marry someone not for money but for good health coverage so I don't have to be afraid of going to the doctor!"

Others find they've been priced out of the health insurance market. "Health insurance is a big stumbling block," says Carrie Alexander. "It's simply not affordable for me right now. Luckily, I've always been healthy. Unfortunately, for now I have to live with the knowledge that if I get a catastrophic illness, I'll end up in debt for the rest of my life."

Most of those surveyed had some kind of retirement savings, usually in the form of a SEP (self-employed pension). "I try to put aside/invest part of every book advance toward retirement," says Lawrence Watt-Evans. "I don't always manage it."

"For retirement, I hired a financial planner who puts money into a retirement account for me annually and tells me how much I can/should contribute," says Julie Kenner.

"At first I didn't think retirement was important," says Vicki Lewis Thompson. "I was young and stupid. Fortunately I realized it was a tax deduction and it was even more dumb not have at least an IRA."

So there you have it—a look at the personality traits and practical strategies that allow successful writers to stay in the game. Despite the various difficulties inherent in making a living as a writer, the survey respondents had no desire to seek other employment. Perhaps Mary Jo Putney said it best. "To have a long-term career in writing, it's necessary to have a real passion for the work. Writing is the hardest work I've ever done, but it's the only thing I can imagine doing."
Writing can be the most magical and satisfying of professions. I know that it can also be infuriating, frustrating, and sheer hell, but mostly it is pure magic. Many of us would write whether or not we could sell the product of our labors, simply because that is what we do and what we are. Money is nice, but it is the act of creation that is intoxicating to the point of being addictive.

So what do we do if and when the Magic stops?

I suspect that I am much older than most of you who are still in the full flow of your careers. Perhaps that stunning moment will not come for you for decades, if at all, but if it does there are ways of dealing with the terrible orphaned state that follows.

It may be that my own situation was brought about by two almost simultaneous traumas in my life, one emotional, one physical. Still, I suspect that few of us live smooth and untroubled existences, so the day may come, even for you.

Let me set up some background. For seven years I had written at break-neck speed, not only the books that insisted on being born of my own spirit and imagination but also a number of commercial efforts necessitated by my husband’s seven-year illness. In the space of about three years I completed nine full-length novels and began several more. This is enough to burn you out, all by itself.

Then the death of my husband and my car wreck followed. When I was again able to regroup and examine my options I found that the thought of beginning a new book—or even moving forward with one of the six partials in hand—made me want to scream and run frantically into the woods.

Such a situation was appalling to me. In 25 years I had written 60 books, and 40 of them had sold to mainstream publishers. I had parted company with my latest agent. The markets had changed, it is true, but what difference did it make if I couldn’t write new books to send out? I didn’t know how not to be a writer.

Most fortunately, I had for more than fifteen years worked as an instructor for Writer’s Digest School, and even while incapacitated after the wreck I continued working with my students. This kept my hand in, so to speak, and probably saved my sanity, as well as providing some much needed income and a valued group of friends who have, some of them, kept in touch for decades.

For years I had critiqued the work of peers and newcomers, both for pay and, in the case of old friends, for free. As time passed and my strength returned I began to expand the “book doctor” work, which gave me the feeling of being still in the business, without the trauma of beginning something new of my own. This has served me well, particularly as the school has now discontinued its correspondence courses in order to concentrate on its online workshops.

It has now been six years since my world turned upside-down. To a certain extent, my batteries have been re-charged by my work as instructor and book doctor. As a result of that I have put together a memoir and I have completed one of the six uncompleted books left dangling earlier. Once in a while I hiccup a short story. I have found that writing essays like this, aimed at helping others who may find themselves in my position, is easy and enjoyable.

The real Magic, being the business end of a garden hose whose other end is connected with something wonderful Out There, seems to have gone. Yet there is great satisfaction in teaching others to achieve the best work of which they are capable.

And what if you have no interest in teaching?

If you have been the beneficiary of the Magic, there are many ways in which you can pass on the delight, should your own writing dwindle as mine has
done. Libraries often love to have writers come to speak at functions. Literary societies do, too. Professional organizations for writers want and need people who know the ropes to serve as officers and committee chairs.

Being a writer involves much more than just the creative act. We must learn a lot of things, from dealing with editors and publishers to understanding contracts. These are matters that can be of value to those climbing the stairs behind us. There are far worse things to do than lending a hand to others who lack our experience.

So have I become wealthy as a book doctor/teacher? Of course not. I have, however, filled in some fairly broad financial gaps and assisted several good writers to become excellent ones (a couple have solid careers to show for that) and many fair writers to become good ones. Though I know some sneer at the work of a book doctor, I believe in what I do and do it with all my might. Finding a writer who is a good storyteller and showing him/her the way in which to use technical skills to make the story work superbly is satisfaction found in few other efforts.

I hope you never reach a point at which the Magic stops. I miss it intensely and always will, I am certain. But there are other magics, and when one fails you, make every effort to discover, uncover, or invent your own, for only then will you feel whole again.

THE POWER SUMMIT MEETING

BY IRENE GOODMAN

One of my favorite tools for accelerating a career and creating strong, synergized teamwork is a technique I call the Power Summit Meeting. This is a high energy day in which the author meets with his or her agent, publisher, editor, publicist, and all key people in order to focus intently on the author’s career. We look back on what has been accomplished, what was done right and how to build on it, what was done wrong and how to fix it, brainstorm for the future, discuss marketing ideas and plans, and brainstorm how the author and publisher can partner effectively to create a brand and make it all come together.

At its best, the power summit meeting is exciting, and it’s fun. There is preparation beforehand. Everyone brings an agenda and everyone is heard. The power summit enhances and augments your career. It fosters collegiality and genuine team spirit. It invites a level of truth that is difficult to achieve in any other way. And it is greater than the sum of its parts. In short, there is a certain magic to it.

It’s entirely possible to move through an entire career without doing this, and it’s not a tragedy if you never do it. Everything may seem fine, and maybe it is. But this kind of vibrant addition is like a shot of adrenaline. If you feel you are moving from book to book on a treadmill, this can be the missing ingredient that brings everything together.

It’s important to know what a power summit meeting is not. It’s not the same thing as a regular trip to New York, in which you have lunch with your agent, dinner with your publisher, and you get a nice tour of the art department. These trips are often pleasant, but they don’t always accomplish as much as you would like. I remember one such visit. The author came in from Texas, and the publisher took everyone out to a very nice dinner. The author was driven to the restaurant in a limo provided by the publisher. The publicity, sales, and marketing people came. Even the guy from Contracts was invited. The restaurant was noisy, there were many interruptions, and you couldn’t hear the people on the other side of the large round table. At one point a large party
near our table burst into a rendition of “Happy Birthday,” surrounded by jovial singing waiters. It wasn’t possible to discuss any real business in that setting, so we talked about what Broadway shows the author should check out, the good reviews of her latest book, who to ask for a quote on the next book, and what to order for dinner. The author learned virtually nothing during this visit except that she liked tiramisu. Meanwhile, the publisher spent $1,000 that could have been better spent on something else. It’s lovely to get everyone together for dinner, but without a forum for a serious business discussion, it’s just dinner.

At what point in your career should you do this? Speak to your agent, who should have a finger on the pulse of when is the right moment. Your agent can also assess the essential components that make up your individual picture. He or she will be able to look at the sales figures, current market conditions that pertain to you, and inside inquiries as to what the publisher is thinking and how they are responding in order to calculate an accurate assessment. The ingredients to a successful outcome should spring from a seasoned approach to the ins and outs of your career, a cordial and mutually respectful relationship with the key players at the publisher and their strengths and limitations, and informed knowledge about the direction of the market.

The results of a power summit meeting can be dramatic and immediate. A cover can be redesigned. Some ideas that started off as wacky can be refined and then turned into reality. Questions about promotion can be answered, and money for that purpose can be guaranteed. The all-important partnering between author and publisher in regard to promotion can be squarely addressed. Discussions about format and timing can affect publication scheduling. The list is endless; it all depends on the stars in your particular constellation.

By all means, a power summit meeting should be cordial. It’s important to be equitable. If any one person is overbearing and tries to throw their weight around, it ruins the balance of the whole thing. I heard of one case in which the agent barred a publicist from attending a meet-

ing with the author and her publisher, saying that he was in charge and the publicist wasn’t needed. The publicist’s input could have been very valuable, but the agent’s priority was his own need to control, not the author’s career.

Part of the power summit process is to ritualize the occasion appropriately. Break out some champagne at the end, especially if it’s been a long day. I like to use our large and sunny conference room and provide light refreshment. Everyone should leave with a list of notes and things they are going to do to follow up.

Conducted properly, a power summit meeting is entirely pleasant and fruitful. It is one of the most useful tools you can employ to get your career on a good track and to keep it moving forward.

Irene Goodman’s agenting career began over 25 years ago, when, as an editorial assistant, she defied her boss at a publishing company and walked a check request into the president’s office. She hasn’t looked back since. Established in her own agency in 1978, she specializes in all types of fiction, particularly women’s fiction, historical fiction, chick lit, thrillers, romance, suspense, mysteries, and literary fiction. Her website is www.irenegoodman.com.

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Stay in Touch with Ninc online.

“Bits” Compiled by Sally Hawkes

BookRelief
From the BookRelief website
www.bookrelief.org:

"Book Relief is an unprecedented, publishing industry-wide effort that will distribute at least five million books to those displaced by Katrina, to schools and libraries supporting the evacuees, and to replenish the schools and libraries ultimately rebuilt in the Gulf Coast."

“Bits” Compiled by Sally Hawkes
The Authors Guild on Google Print

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Authors Guild Sues Google, Citing "Massive Copyright Infringement"

NEW YORK—The Authors Guild and a Lincoln biographer, a children’s book author, and a former Poet Laureate of the United States filed a class action suit today in federal court in Manhattan against Google over its unauthorized scanning and copying of books through its Google Library program. The suit alleges that the $90 billion search engine and advertising juggernaut is engaging in massive copyright infringement at the expense of the rights of individual writers.

Through its Library program, Google is reproducing works still under the protection of copyright as well as public domain works from the collection of the University of Michigan’s library.

“This is a plain and brazen violation of copyright law,” said Authors Guild president Nick Taylor. “It’s not up to Google or anyone other than the authors, the rightful owners of these copyrights, to decide whether and how their works will be copied.”

The individual plaintiffs are Herbert Mitgang, a former New York Times editorial writer and the author of numerous fiction and nonfiction books, including The Fiery Trial: A Life of Lincoln, published by Viking Press; Betty Miles, the award-winning author of many works for children and young adults, and the co-author of Just Think, published by Alfred A. Knopf; and Daniel Hoffman, the author and editor of many volumes of poetry, translation, and literary criticism, including Barbarous Knowledge: Myth in the Poetry of Yeats, Graves and Muir and Striking the Stones, both published by Oxford University Press. Mr. Hoffman was the 1973-74 Poet Laureate of the United States.

Google has agreements with four academic libraries—those of Stanford, Harvard, Oxford, and the University of Michigan—and with the New York Public Library to create digital copies of substantial parts of their collections and to make those collections available for searching online. Google has not sought the approval of the authors of these works for this program.

The complaint seeks damages and an injunction to halt further infringements.

Yahoo Joins In

From an October 3, 2005, email to Authors Guild members:

A coalition including Yahoo, Adobe Systems, Hewlett-Packard, and the libraries of the University of California and the University of Toronto announced today that they’re launching a book-scanning project that would make digitized texts searchable through Yahoo. Yahoo’s coalition took care to state that only works for which it has the rightsholders’ permission or are in the public domain would be included. Although we haven’t reviewed the details of the program yet, it sounds as though they’re going about this in a sensible way.

Yahoo’s new venture is further demonstration that the right to store books in digital form is commercially valuable, a right that should be licensed rather than appropriated.

Authors Guild’s Response to Google

Published in October 2, 2005, New York Times

To the Editor:

Tim O’Reilly (“Search and Rescue,” Op-Ed, Sept. 28), who is on the publisher advisory board for Google Print, informs us of the many benefits of the Google Library program.

The program, which would digitize and store millions of books, has its merits, all of which can be achieved through proper licensing. Google knows its business; it expects to profit from this project. Certainly some of those profits should go to the authors who created the books.

By digitizing mountains of copyrighted books without permission, Google is exercising a renegade notion of eminent domain: Google decides what’s good for us and seizes private property to get it done.

Legitimate eminent domain is exercised by elected officials, however. And the property owners get paid.

There’s a better way: let’s build a real digital library, not just “snippets.” Writers are willing, but not at the cost of our rights.

Nick Taylor
President, Authors Guild
New York, Sept. 29, 2005
The Authors Guild (www.authorsguild.org) is the nation’s largest and oldest society of published authors and the leading writers’ advocate for fair compensation, effective copyright protection, and free expression. The Guild represents more than 8,000 authors.

Talking Points for Authors

From a September 23, 2005 email to Authors Guild Members

Many thanks to all of you for who took the time to write notes of support for our lawsuit against Google.

Heading to a dinner party this weekend? Here are some talking points on the suit to share with friends:

1. Google is a commercial, not a charitable, enterprise. Google is worth roughly $90 billion, making staggering profits through its online advertising programs. Its investment in Google Library is intended to bring even more visitors and profits to its website and ancillary services. The Guild is all for profit, but when the profit comes from the works of authors, the authors should be properly compensated.

2. Google is scanning entire books, not just “fair use snippets.” Google is digitizing countless texts, your books, in their entirety—every sentence, every carefully chosen word—without your permission. That Google presents browsers with small selections of your work doesn’t change that.

3. It’s not just public domain books. The Guild has no objection, of course, to the digitization of public domain works. The Google Library project goes far beyond that, encompassing works that are still protected by copyright, including in print and out of print works.

4. Out of print doesn’t mean public domain. Out of print works are valuable. Out of print works are republished every day, bringing welcome new advances to authors and the prospect of new royalty income. That Google is willing to sink so much money into digitizing these works is further proof of their ongoing value.

5. Authors (and the Guild) aren’t opposed to making their works searchable online with a proper license. With a proper license, in fact, far more than “snippets” could be made available to users. The opportunities are boundless, but it all starts with a valid license. This is no big deal, really; businesses large and small sign license agreements every day.

Bits'n'Pieces

Harlequin Continues to Buy Out the Competition

During the final quarter of 2005 Harlequin will acquire BET Books, including the imprints Arabesque, Sepia, and New Spirit. The deal will include distribution that was being handled by Kensington. The sale will add 400 new titles to the Harlequin list, and bring the BET editorial staff on board. Linda Gill, BET publisher, will move into Harlequin’s New York office, accompanied by several other editors. It isn’t clear if the BET lines will be part of the planned Kimani Press imprint scheduled for a July 2006 launch. Currently there is mention of a bi-monthly schedule.

And Kensington Did What?

After losing the BET distribution, Kensington shook hands with Genesis Press for distribution rights to the publisher’s new mass market program. Titles will include reprints from authors Donna Hill, Gwynne Foster, and Rochelle Ayers. Another deal was struck with Urban Books, distributing books under the imprint Urban Soul, that will expand UB into women’s fiction. Another move added United Brothers Books to Urban’s holding for a new imprint called Urban Mass to launch in March 2006 with LaTanya Williams’ Mixed Messages, and Roy Gle’s Is It a Crime.

The Graying of the Boomers

Springboard Press will “celebrate” how aging affects everything from sex to money for the baby boomer generation. The Time Warner imprint has already acquired several titles from Bobby Brown on aging, one on fitness from Debbi Rocker, and another on the entry into mid-life from journalist Katherine Lanpher.
"Every time I pick up a pencil to design my life, God takes out an eraser and shakes the table."

William Kritlow, author of Driving Lessons and the Lake Champlain Mystery Series.

A writer friend of mine posted this comment on a loop we’re on (and yes, I have his permission to quote him) in response to the question, “How have you organized your life to become a writer?”

Whether you reference the Divine, or recognize some other force outside our control, the sentiment is the same. Just when we think we have it all together, we discover we were looking at the wrong “it.”

The past two months have been rife with this type of discovery. I knew it would take me a couple of weeks to get settled into a Full Time Writer routine. My vision of this routine looked something like the following:

8:15 Put Little Realities on school bus
8:30 Go for a walk
9:45 Commence writing
   Break for Lunch
12:45 Re-commence writing
3:00 Back up all writing files with a virtuous sense of a job well done, and time well-used.

My lesson in how much I don’t know about life began with the third day of school when the bus pick-up point was relocated. On the fifth day, it changed again, due to construction in our neighborhood.

(How long does it take to pave an eight-block stretch of road, anyway?? At the moment, the answer to that question is “In excess of two months.” Heavy equipment has been at work in that area every day, and the pavement is still only half complete. Every day, we get to rediscover a new way in or out of our neighborhood.)

On the sixth day, I ended up loading the Little Realities, as well as a couple of neighborhood Realities, into the van for a spur-of-the-moment trip to school as the bus just plain didn’t show up. Well, it showed up . . . we passed it on the highway headed toward our subdivision as we were headed to school. I didn’t turn around.

We were into the second month of school before I had even a vague sense of confidence about when and where the bus would arrive.

The fall cold and flu season was then upon us. I spent one day each with a Little Reality sniffing and coughing by my side as he/she watched videos and I tried to write.

Then I got a letter from a government agency I’ve been dealing with, requesting information that required me to drive to an office 30 minutes away to get another form filled out. (Doesn’t that just drive you insane? Interaction with any level of government requires a specific piece of paper filled out in a specific way by a specific person, who usually charges at least three prices for simply being The Right Person at the Right Place.)

In order to get the form filled out, I had to visit the police station for a fingerprint check, stop at two banks to get the money to pay the agency (since the first bank refused to cash my check—don’t even ask about that adventure!) and finally return to the agency to complete the paperwork and payment. In other words, a trip I thought would take a couple of hours ended up consuming an entire day.

Then there are things like laundry, cleaning bathrooms, etc., that can be ignored for awhile, but eventually demand I leave my fictional hero for a day or two while I restore order to the world in which my real hero likes to have clean underwear and hot meals. (We don’t have dust bunnies in our house. They’re more like dust gorillas.)

Can you tell I have yet to find anything vaguely resembling a routine? Well, other than I do haul myself out
of bed every single morning. That counts as routine, right?

But the crowning moment of my un-routine-ized life was when I tripped up the stairs. I caught myself by landing hands down, elbows locked, on the stair in front of me. To my right arm, it was just a momentary interruption in my rush to get something from the bedroom so I could get out the door to get my daughter to dance class on time. To my left arm, however, it was an Incident of Major Proportions. A bolt of pain shot through my shoulder, rendering me unable to speak, much less scream. I hobbled to the bedroom, and sat on the edge of my bed cradling my left arm with my right, rocking back and forth, and saying words under my breath that I most certainly did not want the Little Realities to hear. When the pain subsided, I resumed my rush out the door. Hero and I had ballroom dancing that night, and while he had to be careful not to bump my left arm, dancing went well.

The next morning, the arm hurt even worse, so my hero, who is also a sports trainer, suggested that he examine it to make sure the shoulder joint wasn’t dislocated. Never before have I experienced nauseating pain. When I wasn’t fighting the urge to hurl, I was trying to peer through the spinning black spots that suddenly appeared in my range of vision. Hero suggested I might want to visit the ER after getting the Little Realities off to school.

The short version of my two-hour stint at the ER (I was pleasantly surprised at how quickly they took care of me, X-rays included) was that I’d torn a ligament in my shoulder, and possibly sprained the muscle that runs down the outside of my arm. (Sports trainer hero could tell you the “real name” of that muscle, but since he’s at work, you’ll have to content yourself with my less scientific identification.) Since I’m on arthritis medication, the good doc felt that pain medication stronger than extra-strength Tylenol would be inappropriate. I had an urge to demonstrate how inappropriate I deemed his opinion, but I didn’t want to jeopardize my still-functioning right arm.

That’s how I got to spend three days with my arm in a sling. I thought perhaps I could support the arm with pillows while sitting on the couch with my laptop on my lap. Not so much. The finger motions required for typing were more than the sprained muscle could tolerate. Even slight movement of the shoulder caused agony in the joint.

I didn’t have any life-changing insights while doing nothing other than trying not to induce any further pain. I did read a couple of delightful novels. I even napped.

I also developed an appreciation for an agenda-less day or two. Sometimes I get so hung up on trying to get everything done, on time, and to my own exacting standards that I forget to enjoy just being.

I’ve waited years for more than sporadic uninterrupted writing time, and now that I have it, I was in danger of becoming so focused on what I accomplished with it that I was forgetting to simply revel in the fact that this part of my writing dream has come true. After 14 years of writing when my “other job” or Little Realities or whatever else allowed, I now have several hours almost every day that I can, more often than not, devote to my imaginary world. Five years ago while caring for a toddler and a newborn, I couldn’t have dreamed of such luxury.

So, yes, I still plan to reach The Dreaded Middle of my book before Christmas. My goal for each day is still at least two hours of writing time. But I think I’ve relaxed my standard, at least a little, for what constitutes “a good writing day.”

If I’m not enjoying what I do, at least some of the time, what’s the point, right?

Janelle Clare Schneider wrote this column while sitting in a sunbeam near her fireplace, pretending that remnants of the Little Realities’ snow fort weren’t lingering in shady places on the lawn and that the temperature outside was higher than “just barely above freezing.”

**Bits'n'Pieces**

**Used Books are Big Money —Who Knew?**

With the Book Industry Study Group report at the end of September, complaints about the growth of the used book market are finally getting major press. The 2004 figures are $589 million for sale of used trade and professional titles, an 11.1% increase from 2003. With the addition of used textbooks, total sales reached $2.2 billion. The estimated growth of online used book sales is up 33%, a sharp contrast to sales through bookstores at 4.6% Consumers are expected to continue the upward rise of used book purchases, even recommending used book purchasing to friends. With 11 million used books sold in 2004, the BISG study estimates that 1 out of 12 books is a used book purchase. They predict the number will be 1 in 11 by 2010.

**Habla Espanol?**

Mass Market en Espanol launched in October from HarperCollins and Rayo as part of Hispanic Heritage Month. The new imprint will translate Harper fiction into a Spanish-language edition in mass market size. The first title is *La Noche de la Bruja Muerta*, Kim Harrison’s *Dead Witch Walking*. Six more titles are ready to be published, one title per month. The thrust of the campaign is getting competitively priced mystery, romance, and thriller titles to the Americanized Spanish language reader.
It’s all material, they say. Highs and lows, boredom and betrayals and despair and joys and fingernail clippings.

Like many of you, I have a lot of human beings in my life. After nearly twenty years of writing, you would think I would have figured out a way to protect the work against the intrusion of these humans, but I am currently quite a long way behind on various projects, thanks to humans, and, for the life of me, I can’t figure out what I could have done differently.

Take, for example, yesterday. I’ve recently moved 50 miles from the city I lived in for 20 years, Pueblo, back to my hometown, Colorado Springs. The reason I moved to Pueblo in the first place is that my parents and siblings moved there after I graduated from high school, and after a difficult transition point, I wanted to be closer to them. The trouble was, they all adjusted very well to Pueblo, and live within a few miles of each other, and they’re annoyed with me for moving all the way to Colorado Springs. I loved lots of things about Pueblo—still do—and will no doubt continue to explore it in fiction, but I never stopped pining for home. For the views like the one I have outside my window this moment: thick gray clouds lowered moodily over the deep velvet blue mountains, invisible valleys alluringly revealed for moments at a time—

Anyway. I fulfilled my obligation to get the boys to their new settings and blasted right out of Dodge. Leaving one son (happily ensconced in a real home he’s created with his best friend—not at all the bachelor pad I expected), two parents, two sisters, one brother, various nephews, a niece I adore (and plan, quite openly, to seduce into the loveliness of this city) and most challenging: one grandmother fading away in a nursing home, tethered by one thing and another and another to a bed she hates, a life that no longer makes any sense to her.

And here is my dark secret: before yesterday, I had not been to see her in about six weeks. Maybe more. I had the excuses of moving house, of my eldest being home for three brief weeks before starting grad school, of rewrites to do, and conferences to attend and classes to teach. I kept telling myself I would get to it. I kept justifying my lack of visits because she doesn’t have a flow of time anymore, doesn’t remember if I’m there or not. She thinks my dogs are my children, and that she went out to dinner last night with her son, so what difference does it make if I go every day or every week?

I used to telephone every day, but the phone began to confuse and frighten her, and she just can’t handle it anymore. She can’t figure out how to answer it, which is something she knows she should know, and it’s a reminder of how her brain is going. I was only doing it to make myself feel better anyway—if I called,
I didn’t feel I had to actually go to the nursing home so often.

Last week, my uncle traveled across several states to go sit with his mother in the nursing home, and when he stopped by to visit me, too, I tried to articulate some of my guilt, my feelings of avoidance. As a writer, I was both participating and observing my struggle to be present with this, noticing that I’m not present, that I’m running away. I feel guilty for avoiding it, but it easier to feel guilty than to go see her.

There’s a good reason: it’s hard. It scares me. The nursing home is a very nice one, but it’s still a very grim place, no matter how you slice it. Ill, broken, worn out humans, many missing teeth and limbs and hair, spindly and slumped and washed out in their wheelchairs, shadows of what they once were.

What we are now.

My uncle looked me in the eye and said, “Showing up matters.”

So, yesterday I made the trip. I sandwiched the visit to the nursing home with my son, topping out at about 6'4" and bragging about how much weight he can bench press. I brought our silly dog down to see him, and they played at the park while I went to visit my grandmother.

It was still hard. I wanted to go about as much as I could, but I couldn’t. I wanted to sit down and eat a plate of living cockroaches. It’s not that she has had health issues that make her difficult to be around—the last time I visited, she was robust and fifty-something, with red lips and an apron on over her dress. But there I was, walking across the parking lot on a hot September day, in Pueblo where I didn’t want to be. And at the end of the day, and wish I’d brought polish with me. She wore a dark blue blouse and earrings and fingernail polish because she’s always been vain (and beautiful) and that hasn’t changed. She struggled to remember my child’s name, but remembered my ex-husband’s easily, because she adored him and he used to flirt with her outrageously, once bringing just her a white rose “for the most beautiful woman in the room.”

I found my grandmother in bed, her health having declined dramatically. She is shrinking, thinning, and her skin felt paper-thin as I sat down and stroked her arm. She blinked awake and stared at me for a long time, then called me by my childhood name. “Am I awake or dreaming?” she asked. It was not a rhetorical question.

It wasn’t a long visit. I fetched a Seven-Up and fed her some strawberry ice cream. Her eyes are still her eyes, even when there is no Madoline behind them, and she is staring blankly at me. Cornflower eyes, big and blue, and I’m always flattered when the old men of the family tell me, with approval, that I look just like her.

Even now, with her hair cropped and no makeup, I admired the angle of her cheekbone and think about never taking her to Ireland, which she would have loved. She blanked out and headed back to her comforting world of sleep.

But I didn’t leave. I stroked her arm and let the fear come—not fear for her, fear for me. For all of us will go down that road... and it’s alarming. Who will come to see me? I’ll want it even if I’m out of my head. Even if I don’t remember.

I look at her fingernails, which are not painted today, and wish I’d brought polish with me. She would have liked that little fussing. If I get another chance, I’ll take some bright red with me, and do that for her. I notice the ridges she’s always hated and it takes me back to an indistinct year in childhood, a gilded day when she was robust and fifty-something, with red lips and an apron on over her dress.

The thing I am avoiding is her death. If I don’t show up, I can’t see that it’s coming, that her days are drying up, blowing away, and nothing can stop it. I hate it that we have to die. That one day, it will be my mother, my sister, me in that bed, and a granddaughter or a son rubbing our elbows. And then even those young hands will wither and a century will pass, or two.

Now matters. This minute. This life, these hands, the books we’re writing, the conversations we are having. These are our times, with the sorrow and the joy. Falling in love, greeting a new baby, seeing a first book on the stands, or a 50th. Meeting a new goal, a new challenge. Letting something go. Letting something in. It’s all material.

But it’s only material if I’m honest, if I admit to what it’s really like to have a beloved human slipping away into death, if I articulate what really hurts, what’s frightening, what’s less-than-admirable about my feelings and behavior. I am not Mary Jane Good Girl. If I were, I’d take her cookies every day. I’d go and read to her and I’d make friends with the lonely ones on her ward who never get any visitors. I’d feel compassion and kindness over their infirmities instead of terror and grief and disgust.

As me, I feel terror that I might end up there and others will be afraid to come see me. I don’t like the smell there, that odor of illness and sweat and struggle. I don’t know what to do when I get there. I don’t want to talk to the morbidly obese woman in the other bed who always stares so dolefully at me, but even when I do speak to her, she doesn’t speak back.

It’s...icky. It’s sad. It’s funny when there is a wheelchair traffic jam on the way to the lunchroom.

It’s also good, sitting there in the quiet after lunch, an empty strawberry ice cream container on the tray, my grandmother’s hand in mine, her phone with the big numbers useless but still there. She is asleep. She won’t remember me being there, but that doesn’t...
Novelists, Inc’s Annual Conference Rolls On

Nora Roberts - Keynote Speaker
March 30 - April 1, 2006
Hotel Monteleone • New Orleans, Louisiana

A thousand thanks to all of you who registered and are sticking with us for New Orleans. With money in the bank and numbers to work with, we can get on with the planning. We’re talking to Bill Martin (who has been following agent deals in the trade publications for better than two decades) about joining us for a down-and-dirty discussion on agents.

We’re pulling together roundtables on topics such as: What’s the skinny with writing for different genres? What does the upcoming surge in retirement of Baby Boomers mean for women’s fiction? What does a writer do to Recapture the Magic? Robert Olen Butler has confirmed that he will be there. Nora Roberts says she’s good to go. Hope you’ll be joining us as well.

Pat Roy

P.S. The Monteleone rep asked that I pass on their heartfelt appreciation. Conferences such as ours will get their employees back on the payroll.

P.P.S. If money is an issue (and when isn’t it?), tell your loved ones to forget the slippers and the bath salts. This holiday season, you yearn for the gift of spending time with kindred spirits. Laissez les bon temps rouler!

Barbara Samuel suspects material could also be found lying on a beach in Tahiti. She writes about her travels and adventures on her webpage, www.barbarasamuel.com, and leaves the icky stuff for her column in NINK.