

NINK

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Moonwalking with Lazarus

BY OLIVIA RUPPRECHT

I recently posted a story on NinLink about persevering in the face of professional adversity and my personal experience regarding this. I anticipated a couple of high fives perhaps from some fellow members but that's not quite what happened. While the open response on our Link was big and generous and far beyond expectation, the private emails that came flooding in, and the depth of emotion many expressed, were stunning.

There is quite a bit more to my story, and while the specifics pertain to my own situation, the broader canvas of its relevance could apply to anyone who has faced self-doubt in the midst of an uncertain future, the whims of fate both cruel and kind, or who simply appreciates the rich little ironies that bring color to our lives.

There is much I have to be grateful for, including a really good, successful run from 1989-1999 in the novel writing business. I wrote primarily for Bantam and Harlequin until my seventeenth, and last, book was published under the pen name Mallory Rush ten years ago. I didn't bow out professionally because I wanted to; it was more a matter of Bantam, then Harlequin, deciding that they were no longer invested in publishing my books and no one else at that point wanted me. "No one else" would be other publishing professionals who had actively pursued a working relationship with me over the years but did not return phone calls, emails, or acknowledge various attempts to engage their earlier interest. And not too surprisingly perhaps, somewhere along the line my agent dumped me, too.

Although publishing is a mercurial business and we all know what's potentially waiting around the whiplash corner when it comes to the laws of gravity and roller coasters, I still wasn't prepared for the rapidity of my descent.

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I spent a lot of time being bitter, angry, confused and hurting no one but myself in the process. Fortunately, however, I was thrown a lifeline that allowed me to sustain some sense of professional self-esteem and allowed me to cultivate a set of writing/editing skills that would come to serve me well.

That lifeline was NINK.

I will forever be indebted to those who opened doors when I came knocking, most especially Terey daly Ramin and Jasmine Cresswell. For about two years (2000-2002) I reported on conferences, took over a column that covered the latest developments in the industry, and was

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President-Elect: Kay Hooper 1090 PeaRidge Road Bostic NC 28018-8565 828-247-1523 (Ex #110) kay@kayhooper.com	Newsletter Editor: Cindi Myers 302 Yum Yum Tree Ln. Bailey CO 80421 303-816-6394 CMyersTex@aol.com
---------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------

Secretary: Charlotte Hubbard 3913 Rustic Lane Jefferson City MO 65109-9148 573-634-8114 cmhubbard@embarqmail.com	Advisory Council Representative: Jasmine Cresswell 5331 Hunt Club Way Sarasota FL 34238 941-927-7370 Jasmine444@aol.com
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Central Coordinator:

Tonya Wilkerson, Varney and Assoc.
Novelists, Inc.
P.O. Box 2037
Manhattan KS 66505
Fax: 785-537-1877
Ninc@varney.com

Website:

<http://www.Ninc.com>

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Introducing...

The following authors have applied for membership in Ninc and are now presented by the Membership Committee to the members. If no legitimate objections are lodged with the Membership Committee within 15 days of this NINK issue, these authors shall be accepted as members of Ninc. For further information or to recommend eligible writers, contact:

Membership Chair Holly Jacobs
P.O. Box 11102
Erie PA 16514-1102
or email HollyJacobs1@aol.com

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Ninc has room to grow...

Recommend membership to *your* colleagues.

Prospective members may apply online at

<http://www.Ninc.com>.

Refer members at Ninc.com. Go to Members Only,

"Member Services" and click

"Refer a New Member to Ninc."

Take Ninc brochures to conferences.

Email Pari Taichert with your mailing address and
requested number of booklets.

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Ninc Statement of Principle.

Novelists, Inc., in acknowledgment of the crucial creative contributions novelists make to society, asserts the right of novelists to be treated with dignity and in good faith; to be recognized as the sole owners of their literary creations; to be fairly compensated for their creations when other entities are profiting from those creations; and to be accorded the respect and support of the society they serve.

Moonwalking...

Continued from page 1 ▶ given the creative latitude to branch out with a new column that focused on interviews with the movers and shakers of Publisher's Row, and any-

one else I could latch on to who had something of worth to offer our members.

I loved the work and applied myself to it with a vengeance that was driven by the ability to continue speaking to a reading audience—and not just any audience since it was composed of my peers. Yes, I still clung to some hope that one of those emails or phone calls or book proposals sent out would result in a positive response, but *NINK* is what I relied upon to feel worthy of being in the midst of those who were still getting contracts. My journalistic efforts eventually led to a wonderful opportunity to serve as Editor for our newsletter (2002-2003) and I remain grateful to all the columnists who made me look good. What an amazing experience; I wouldn't trade it for anything. Well...maybe a number one slot on the *NYT* list.

When my stint as *NINK* Editor had run out and it became painfully apparent that Olivia Rupprecht, aka Mallory Rush, was for all intents and purposes dead to those who get our books published, passing a shelf of just released titles at the local grocery became a psychic exercise in waterboarding; a visit to B&N was to be avoided at all costs. I tried my hand at some freelancing that didn't make it. Then, wham-o! Something totally unexpected happened, and that something was good.

I had met Tom Wilson of Ziggy cartoon fame at the ABA (now BEA) in Chicago in 1995. I signed a book to his wife, Susan; he signed a collectable Ziggy lithograph poster to me; we exchanged cards; he drew my book into one of his cartoons. Over the next seven years we lost touch but reconnected when I tracked him down to do an interview for *NINK*'s "Buzz in the Biz" column.

It turned out that the downward spiral of my career had nothing on the heartbreak he had meanwhile endured. His beloved Susan had succumbed to an extended battle with cancer, dying at age 42 and leaving him with two young sons to raise alone. Tom was still struggling with her loss when he gamely agreed to the *NINK* interview, and unbeknownst to me, he had been working through many of his grief issues through the process of journaling.

Fast forward two years. Tom and I stayed in contact after the interview and it was in the midst of my bookstore avoidance post-*NINK* editorship that he decided he wanted to write a business book based on his expertise in character branding, which is quite extensive. Since I had a bit of experience with book writing, I lobbied to assist him. Okay, I begged and he was kind enough not to make me beg too hard, instead making it seem that I would be the one doing him the favor. What a class act.

And thus began our collaborative writing association.

It didn't take long for the business book idea to get scrapped and after we spent enough time to write several novels on a variety of dead end stabs at this, that, and the other, a memoir emerged. Much of that memoir would be based on the journals he filled during a nightmarish period of his life, and I remain amazed that this very private man would allow me complete access to something so emotionally raw, so deeply personal.

As for the less personal, fiscal details, our agreement was initially based on a handshake, followed later by a simple written document, to split any potential profits at a percentage that was mutually agreeable.

For awhile, a very long while, it appeared that there would be no profits to split. I approached many top tier agents. We received the most beautiful rejection letters. And then a stroke of luck! I was accompanying Glenna McReynolds (aka Tara Janzen) to a speaking engagement in California and Diane Pershing, a Ninc member I had met in our Bantam Loveswept days over a decade prior, just happened to remember me. We traded war stories, reminisced upon our more innocent times, and both of us managed to score on a raffle.

Thanks to Diane, Tom Wilson and I were the hands-down winners that day because Diane hooked me up with her agent, Meredith Bernstein, who was looking for some saleable nonfiction to represent.



Moonwalking...

Meredith took Tom's memoir out to the crème de la crème on Publisher's Row...and about 20 rejections later, things were looking pretty grim. But then, in what you

might call the proverbial "dark moment," Meredith submitted the manuscript to Michele Matriciani, Editorial Director at HCI Books (best known for the *Chicken Soup for the Soul* series).

The book got bought, and once in the hands of the most masterful editor I've ever worked with...well, guess what? It is now almost five years to the day that Tom Wilson and I shook hands on a book that a little over a year ago we feared would never be published. That book, *Zig-Zagging: Loving Madly, Losing Badly—How Ziggy Saved My Life* was released in hardcover this March 1. It has received many lovely reviews (even from *PW!*), an endorsement from Jeffrey Zaslow, coauthor of *The Last Lecture*, and lots of good media exposure.

This exposure extends to a 26 foot wide by 20 foot high, animated, full color, 520 square foot electronic billboard that can't be missed in Times Square. That would be New York, the CBS/David Letterman sign on 42nd Street, between 7th and 8th Avenues, in the heart of the Universe. We have three animated ads appearing each hour until July 1.

My name is not on the book, but it is on the copyright page and I get a very nice nod in Tom's acknowledgments. That's good enough for me. After all, thanks to this beautiful little book and all those who believed in it when no one else did, I was given the chance to explore some very exciting aspects of publishing that were not made available to me in my fiction-writing days.

Due to a variety of unusual factors that landed me in this enviable position, those aspects included direct interfacing with the Publisher, Directors of Marketing, Sales, Art, and even an invitation to help write catalogue and cover copy. I jumped at the chance to try my hand at something I'd never done before, and don't you know I was popping buttons when my fledgling contributions were used.

I'm sure my attachment to Tom Wilson helped a great deal when it came to these new opportunities, and it certainly didn't hurt to work closely with HCI's Editorial Director. Luckily for me, all that close work gave her reason to believe I was a good candidate for a behind-the-scenes writing position involving an important project with a short delivery date. I've just completed the manuscript and landed it on her desk.

This revelation might not be all that remarkable except for one thing: The individual whose story I was brought in to write (and what a story it is!) has received three phone calls from Oprah's producers, asking for an ARC.

As we all know, it can take many years of work, work, and more work with no guarantees and plenty of disappointments before realizing a fleeting moment of glory in this business. I am acutely aware that the scintillating high I'm presently riding could disappear tomorrow in a finger snap. A part of me always knew that back in the day when I was considered a hot commodity; perhaps that's why I never particularly enjoyed my success as a novelist when I had it.

This time around is different. My professional perspective has changed in the sort of way survivors of near-fatal illnesses or accidents often view the world upon reclaiming their lives: Highly cognizant of the fragility of the present and deeply grateful for the gift of today; hopeful for the future and its possibilities, yet tempered from the past. ▲

Business Briefs

Compiled by Sally Hawkes

Ingram Goes Single

Ingram is working on reorganization to bring all its business interests under one heading, Ingram Content Group Inc. The newest change brings Ingram Digital into the fold with Ingram Book Group and Lightning Source. This provides buyers — private and commercial — a single place for digital and print selections. This focus is the result of Ingram's digital business doubling and has Ingram hinting at augmenting their print on demand offerings.

Source: <http://www.publishersweekly.com/article/CA6660404.html>.



Countdown to Saint Louis

Trying to keep the Ninc Goes Platinum Program updated at <http://ninc.com/conferences/2009/index.asp> isn't easy, folks, so let's do a little recapping here in *Nink*.

We're announcing new workshops.

Writing Together/Collaborating, featuring *NYT* mother and son co-authors Iris and Roy Johansen. Karen Tintori and Jill Gregory, who write thrillers together, will also be on the panel.

We've added Karen Young, who will talk about suddenly finding herself without a publisher, reinventing herself, and how what looked like the end of her writing life turned out to be the best thing for her career as she landed the launch book for a brand new imprint.

And, lastly, *NYT* bestselling author Ridley Pearson will be joining us to give his insights in a special workshop.

We've also come up with three new Night Owls for Members Only, for a total of ten Night Owl sessions.

One: Writing Through The Pain

We've planned this two-hour Night Owl session to discuss, yes, pain. Chronic or acute illness, burn-out, joint replacements, the death of a loved one – you name it, we've all been in one of those hurtful places. How do we cope, do we have to cope all the time? If we have deadlines, what do we tell our editors? Share experiences, get some tips from those who have been there, done that. Face it, others may sympathize ... but only fellow writers truly understand.

Two: If You're Going To Quack Be Prepared To Duck!

So you're going to offer your opinion (because you couldn't find a way out of offering your opinion). What are the pitfalls, lessons learned, legalities, stories from the trenches on the good, bad, ugly and maybe dangerous practice of judging contests, critiquing a friend's work, etc?

Three: It's Not The Money, Honey

A Night Owl for people who aren't writing to make money, this is not their goal, reason, whatever; they don't need the income to survive...but they still want to write, need to write. How can they take themselves seriously in this money-is-all world? Will anyone else take them seriously? So what if you're not profit-driven in your career? Yeah, darn it — so what!

And there's more, much more in store... ►



For those who have registered but not yet joined any of the special Yahoo loops ... they are all going to get a lot more active as we draw nearer to the conference, so this might be the time:

Carpooling: This loop is for those who wish to drive together to the conference (seven states are within driving distance of Saint Louis) Moderator: Kris Smith. Sign up at: NINC09Carpool-subscribe@yahoogroups.com

Roommates: Pretty self-explanatory: find your roommate here. Moderator: Janelle Clare Schneider. Sign up at: NINC09Roommates-subscribe@yahoogroups.com

Tours: Maps, ideas for sightseeing and shopping, all at your fingertips, and maybe finding someone who wants to join you for one of these outings. If the information isn't there yet, it will be soon. Hey, anyone interested in a JOT job? NINC09Tours-Subscribe@yahoogroups.com

General Discussion: Let's talk about all things Ninc Goes Platinum. Find out who else is coming to Saint Louis, reconnect with old pals, make new connections ... and nobody comes to the conference worrying if they'll be sitting alone, not knowing anyone. Moderator: Michele Young. Sign up at: NINC09ConfDisc-subscribe@yahoogroups.com

Note: JoAnn Grote, a JOT volunteer who, like so many of our JOT volunteers, just dropped out of the sky and into our laps with great ideas of their own, is keeping a list of who wants to carpool, who wants to share a taxi, etc, and will be updating and posting that information weekly on both the Carpool and Discussion loops. Share the ride, share the costs.

We've A Special Project for Giving Back to the Saint Louis Community, Too

Kritters For The Kids: According to Kris Smith, the JOT volunteer who so enthusiastically took on this terrific project when she first heard about it, "The hospital has a link to a PDF document containing a Wish List. When I spoke to the hospital representative, she said she needed gifts for infants and teens the most, but she also said that it's hard to predict what is needed because the patient population keeps changing. However, the wish list is a great place to start, and if they get too many of something, they'll just have more on hand for when they need it.

"As for the stuffed animal mascots (the original "Kritters" we started out with), they need to be new, and packaged or bagged. I don't know how well the carpool travel mascots will work because so many folks seem to be finding cheap flights, but if you can carry a small mascot and take a photo of it at the airport/sitting in a seat and reading/whatever, that would be cool as well."

We're hoping for 100 or more new toys, stuffed animals, team mascots, and an equal or higher number of Ninc member autographed books for the parents and medical staff. Oh, and from looking at the PDF download list, there are lots of easy-to-pack-and-transport items as well as bunches of small items (Matchbox cars, etc) that could be arranged in a gift basket (along with a copy of your book, naturally), for those who are coming by car.

Check out the Wish List: <http://www.stlouischildrens.org/content/ourwishlistgiftsinkind.htm>

Showing Off ... Just A Little

Pat Rice has agreed to turn her Saint Louis-area home into our collection point for members to send a copy of one of their autographed *NYT* or *USA Today* bestselling books. We're then going to proudly and prominently display these books at the Drury Plaza during the conference.

Ninc Blog, Facebook and Twitter at Ninc Goes Platinum

Members and JOT volunteers Samantha Hunter and Jaci Burton will be blogging, live, from Saint Louis on the Ninc Blog, complete with uploaded photos. Prepare to be caught on camera or asked for a nifty quote about the workshop you've just attended.

Haven't seen our video yet?

Ninc Goes Platinum is on Youtube.com! Come look – and then send on the link to all of your writer friends:
<http://www.youtube.com/watch?v=f6VcXTLx5D0>

Saint Louis Cardinals Season Closer Series with the Milwaukee Brewers

Our conference coincides with the last regular weekend games in Major League Baseball, and Busch Stadium is only two blocks from our hotel. Both the Cards and the Brewers are in the hunt for the N.L.C.S. If you're looking for tickets for yourself, or your spouse: http://stlouis.cardinals.mlb.com/ticketing/index.jsp?c_id=stl

Spare Time In Saint Louis?

Then you may want to check out this website: <http://www.explorestlouis.com/visitors/25thingsOne.asp?pt=1>
From taking in the beauty of the Missouri Botanical Gardens to visiting the Anheuser-Busch Brewery, you'll get lots of ideas here. As for those Botanical Gardens? They will just blow you away! Check out photographs of the different gardens and other attractions at <http://www.mobot.org/explore/default.asp>

Good Eats In Saint Louis

A huge listing is found here: <http://www.diningstl.com/>
And this one: <http://dinesite.com/city/city-16492> This second site is really neat. Type in the food you are hungry for, and the site pops up with a suggested restaurant! And one more: <http://www.stlouis.com/restaurants/>
All along with Carmine's Steak House which is located right inside the Drury Plaza: http://www.lombardosrestaurants.com/carmine_about_us.htm, and then there's Max And Erma's (also inside the hotel, and featuring those wonderful, still warm from the oven chocolate chip and macadamia nut cookies!) <http://www.maxandermas.com/>
Not to mention the great restaurant guide on the Ninc site prepared by Shirl Henke, under All about Saint Louis: <http://ninc.com/conferences/2009/stlewis.asp>

The city, known for its fabulous food, is hosting its annual Taste of Saint Louis the same weekend as Ninc Goes Platinum, right there, downtown, an easy stroll from the Drury Plaza. Food sampling up and down the street, celebrity chef appearances, cook-off competitions, and more. Everybody loves to eat! You have to check this one out: <http://www.tastestl.com/About-the-Taste/>

Casinos

Oh, we shouldn't mention them? Nonsense! How about these two, both located downtown, the fabulous-looking Lumière Place and the President Casino at Laclede's Landing (located on a riverboat dockside on the mighty Mississippi). Not that any of us will feel a need to feed a few slot machines or turn a few cards, right?

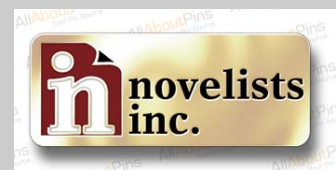
Whew! I think that's it for now ... except, oh, right, the Gateway Arch. Ride to the top, all 630 feet above the river for the most fantastic view of beautiful Saint Louis.

Still dithering about whether or not coming to Saint Louis and Ninc Goes Platinum is going to happen for you, that there's enough there for you?

You're kidding, right?

— Kasey Michaels

**Oh, and did we mention the 20th Year
Anniversary Pin for all attendees?
Available only in St. Louis 2009**



Reversion of Rights: Your Right to Have Them

BY G. MIKI HAYDEN

When author Tony Fennelly sold her first novel in the 1980s, the contract didn't have a reversion of rights clause. That came back to bite her when the publisher (then an independent, but now part of a major New York house) not only failed to exploit the rights but actually ignored an offer from a film company.

"The trouble was that my contract said 'in perpetuity' and I was afraid I would never get my rights back unless I sued for them," said Fennelly.

So she hired an attorney: And \$13,000 in lawyer fees later, Fennelly had back her rights. "No, it wasn't worth it," she remarked. "If the contract doesn't say 'in perpetuity,' I advise authors to just wait out the time till the rights revert according to the contract."

Publishing commentator Kassia Krozser at Booksquare.com noted that getting your rights back is essential these days. "Given the rapid changes in both the physical and digital marketplaces—especially with digital offering new opportunities—if authors and agents aren't paying close attention to reversion of rights, then they're doing their own business a disservice. Right now, authors have potential to earn higher royalties from digital publishers or via their own distribution."

While she does know authors who are opposed to fixed-term contracts (that is, licensing rights to distribute book for a time-specific period), she can see good logic in coming back to the negotiating table at a set time.

Ah, the Contract

In 2002, Novelists, Inc., Romance Writers of America, Science Fiction and Fantasy Writers of America, Inc. (SFWA), and Western Writers of America, Inc., representing a total of nearly 11,000 writers, endorsed an author's bill of rights that included a reversion of rights clause as follows:

The author has the right to be quickly informed in writing when a book meets the Out of Print criteria defined in the contract. Any book declared "Out of Stock" for more than three months shall be deemed Out of Print. The author has the right to reversion to the author of subsidiary rights if the rights have not been exploited by the publisher within two years of first publication.

An earlier version written by science fiction author Michael Capobianco was even more specific, stating: *Print-on-Demand, electronic, or other "one at a time" print methods will not be acceptable as constituting a "reprint." In order to be considered a reprint, the publisher must prove a print run of a minimum of 1,000 paperback or 500 hardcover copies. Any book declared "Out of Stock" for more than three months shall be deemed Out of Print. Any book selling fewer than 200 copies in a calendar year shall be deemed Out of Print.*

The change in language came about, said Capobianco, because, "the general feeling was that there were too many specifics that might not apply to all types of book publishing."

Capobianco, a two-time (1996-1998) and (2007-2008) past president of SFWA, wrote a recent piece on rights for the organization in response to Simon and Schuster's new publishing contract. The contract, according to Capobianco, effectively eliminated the ability of an author to regain rights. Capobianco told *Nink* that since the publication of his article, "Several more publishers are denying reversion on the basis that the book is available in an electronic or POD form."

For many authors it may be too late to revert their books without a fight, he added, and even then it may be impossible, depending on the specific reversion language in the contract.

As an author, Capobianco believes in getting back his rights—to do with as he pleases: for promotion, for resale, to republish on his own, or just for the satisfaction of having all authority over his own novels.

Attorney Daniel Stevens (<http://publishlawyer.com>) notes that ideally the definition of out of print should be pegged to the publisher's marketing efforts, not just to the book's availability. When the book no longer is in the publisher's catalog and/or available through major chains, it should be considered "out of print," regardless of whether it still can be bought online.

Stevens explained that the compromise used by Simon & Schuster after agents, authors, and writers' groups objected to its "rights grab" is that a book will be declared out of print if there are fewer than a certain number left in circulation, or if royalties fall below a specific amount for one or more accounting periods, or if less than a certain number of ebooks or POD books are sold in a year.

How to Get Them Back

Capobianco noted in his article entitled "Reversion is Fundamental" that most contracts require the author to send the publisher a notice asking for the return of rights. After that, there's a waiting period, generally six months, before the actual termination of the contract.

"Send the letter to the editor you worked with," said Capobianco. And, he added, if that person has moved on, "Don't rely on your agent for this. It's often the case that agents have little or no motivation to terminate the contract that makes them agent of record for a book." Find out who the new contact person is.

Attorney Daniel Stevens suggested that "if the publisher fails to provide a written reversion of rights, the author may record this page of the agreement with the United States Copyright Office in lieu of such written reversion."

And attorney Bob Stein, who spent many years at the big publishers as in-house attorney, writing for Mystery Writers of America, advised on proceeding when a publisher no longer exists and no trace of the successor can be found. "...you could take the risk of [self-] publishing the book without first reverting rights, and expect that if anyone else still claims the rights, he will come to you. If your publication is limited in scope, and if the book has been long unavailable in any edition, any damages due the claimant would be small, and that would enable you to initiate reversion procedures." Stein counseled that the author could even print a notice on the copyright page indicating that she tried unsuccessfully to locate the publisher's successor and inviting that entity to come forward.

And the Agents Advise

Agents, of course, have something to say about all this, too. Jessica Faust at BookEnds said, "I think most agencies will usually assist an author in having her rights reverted. I know at BookEnds we have standard procedures to make sure that happens on behalf of the author." However, she suggested that if your agent won't help or you don't have an agent that you simply write the publisher yourself and ask for those rights to be reverted as per your contract.

"But of course some publishers will not revert the rights immediately," said Faust, "especially if you are still writing for the publisher and they have hopes and/or plans to bring the book back or possibly repackage it."

Typically, Faust commented, rights will not be reverted until the publisher deems the book is out of print, but be aware that Amazon is not a good source for whether or not a book is out of print. "Sometimes they will list things as out of print when the publisher is simply going through a repackaging."

The bottom line, according to Faust, is "If a publisher isn't willing to revert the rights, I would try to find out why and see if you can establish some sort of deadline for when those rights will be reverted if the book is not put back into print."



Certainly suing a publisher that won't revert rights is an option, she agreed, "But I'm not sure it's your best course of action both because of future career opportunities with that or other publishers and because the action seems extreme when I suspect most publishers revert rights fairly easily once they no longer have plans for an author."

And agent Ethan Ellenberg of the Ethan Ellenberg Literary Agency commented, "Over the years I've been very successful at recapturing rights. It usually just takes persistence. I've also been stymied a few times. The emergence of ebooks has complicated the issue regarding old contracts. Does a downloadable file on a server constitute 'inventory,' etc."

In general he strongly urges writers to reclaim any rights they can and to pursue the action vigorously through letters, phone calls, and emails. "If you have a situation where you believe a publisher truly does not meet the current in-print standard and refuses to revert, then you do have a legal problem on your hands. But even in that case your first stop should be the Author's Guild or the AAR [Association of Authors' Representatives] so that a third party can get involved and bring additional pressure."

G. Miki Hayden is the author of The Naked Writer, a comprehensive style and composition book that she insists will let you throw away your Chicago Manual.



Cover To Cover

By Lou Aronica



Getting in Touch with Your Inner Huckster

I was something of a marketing wonk in my earlier publishing days. My first real job in the industry (after spending a year as a schlepper — I think the actual title was “traffic manager,” but who are we kidding?) was as a copywriter in the advertising and promotion department at Bantam. I’d very briefly considered a career in advertising (I read George Lois’s book and decided I wanted to be just like him) and couldn’t wait to try out my chops on books. I envisioned teaming up with a brilliant art director and generating Clio Award-winning ads that would turn deserving writers into bestsellers. I soon learned that the job didn’t partner me with my own art director, that the few ads we did came from an outside ad agency, and that my boss essentially needed me to write catalog copy that reiterated the cover copy someone else had already written. George Lois never called to try to convince me to leave the book business, and I switched over to the editorial side as soon as I could.

Undeterred, though, I continued to believe in the transformative power of book marketing. When I launched the Spectra imprint at Bantam, we had a significant monthly presence in *Locus* and the then-vibrant *Asimov’s* and *Analog* magazines. I thought our ad agency did work that was so somnambulant, they might as well have sent blank pages to the magazines, so I took over the writing of these ads myself. I came up with clever headlines and suggested unusual book photography. My magnum opus during this period was the monthly “Team Spectra Report,” a rundown of that month’s Spectra list for *Locus* that took readers inside the creation of each book in a casual style that could include anything from endearing stories about the authors to reviews of a local Chinese restaurant. They didn’t have Clio Awards back then for excellence in genre magazine advertising, but if they did, I’m sure I would have collected a few. Ultimately, we cut back on all of this advertising because I did the math and realized that the ads weren’t generating any additional sales. I never did find out if business picked up at the Chinese restaurant.

For most of my days in publishing, I wanted to do more than the run-of-the-mill in support of our books. As Publisher at Avon, I would take my publishing and marketing staff out of the office for two days every season so we could brainstorm inventive ways to break out a writer. I found that I was usually much more excited about this than my colleagues were. I’d find myself saying things like, “Yes, we’ll get national media for that major nonfiction book, yes, we’ll do the obligatory radio campaign for our mass market lead, and yes, we’ll offer extra co-op on all of our big books — but let’s do something fresh, something that will take the writer to the next level.” They’d play along with me — most of them reported to me, so they kinda had to; besides, I think they felt sorry for me — but at the end of the day, most of our book campaigns included national media for the major nonfiction book, the obligatory radio ads for the mass market lead, and extra co-op for all of our big books.

This happened for two reasons. One was that it was difficult to come up with distinctive marketing plans that didn’t cost far too much or take too much staff time. The other was that in the business at that time, distribution was the be-all and end-all. If you got good distribution, you stood a very good chance of succeeding. If you didn’t, the book was often a pre-ordained flop. Co-op was critical for driving distribution. And national media was critical for making a nonfiction book a bestseller. The obligatory radio ads really were there just to make the author happy and didn’t actually accomplish anything. And everything else was window dressing.

But a shift is in process in our business and it requires an evolution in our thinking about marketing. The book business is quickly moving from an impulse market to a demand market. Three factors are contributing to this shift. One is the rise of the superstore. Another is shrinking rack space in non-bookstore outlets. And the third is the emergence of the online bookseller.

Superstores edged out both independent bookstores (with their handwritten signs and knowledgeable staff recommending a wide range of titles) and the mall store (with their signage and floor displays calling to

readers in carnival barker fashion). Superstores do still have huge displays for the next Stephenie Meyer, Dan Brown, or event nonfiction title, but for the most part, they're just a sea of books that all need to speak for themselves. Non-bookstore outlets offer fewer and fewer titles and have evolved into the home of the already successful. You're much less likely to have a book surprise you there than you once were. And online bookstores are wonderful because they give you access to everything in print — as long as you are already looking for it. This latter is a huge part of our world at this point — according to BookScan, the non-traditional bookstore business (this includes Costco and Target, but it's primarily online booksellers) represents 28% of mass market adult fiction, 27% of trade paperback adult fiction, and 37% of hardcover adult fiction. The mass market percentage is actually lower because few wholesalers report to BookScan, but the others are relatively accurate. And in every format, the percentages are higher for bestsellers (though Costco and Target are probably more responsible for this shift in market share than Amazon). And in every format, the percentage of sales online is growing. And we're not even considering the performances of e-books in these numbers (which is appropriate because that performance is still limited, though I read an estimate today of *twenty million* e-readers in circulation by 2011 as opposed to the million out there right now).

Therefore, we have shifted from a market where the consumer was likely to buy a book on impulse to a market where the consumer needs to go to a book retailer (either a physical store or a virtual one) with a particular book in mind. This means, for those of us who haven't broken out already, that for us to succeed our books need to be in the consumer's head before they go shopping. That's a paradigm shift to which we need to adjust as quickly as possible.

There was a recent thread on Ninlink about who is responsible for creating demand. Many of you said that you didn't get into this business to be a marketing director, that it takes up too much of your time, and that you are uncomfortable doing it. Many of you also said that it's your responsibility to write the books and it's your publisher's responsibility to sell them. These are both valid sentiments. The only problem is that neither of these sentiments is going to help you. Your publisher publishes many books at once. I promise you that the conversations in marketing meetings have not changed to keep up with the paradigm shift. Is it your publisher's job to market your books? Absolutely. Can you feel confident that they'll do this effectively for your book if you aren't one of the three or four biggest titles they're publishing that season? I wouldn't bet the house on it.

That means you have little choice but to do this thing that you hate to do. Oh yeah, and it's going to require taking money out of your own pocket to do it. How much does that stink?

Hopefully this column will make it stink a little less. Let's start by looking at what's available to us:

Advertising: Don't be ridiculous. Advertising — at least print, radio, and television — is expensive and imprecise. The one exception here is some of the bigger genre magazines. There's some value in announcing yourself to this community, especially if you do it in a distinctive way (more on this in a bit).

Publicity: Hiring a publicist can be expensive and frustrating, especially for novelists. Most media outlets don't care about novelists unless they are already pop culture icons or they have a great "nonfiction" hook. If you're the former, you've probably already stopped reading this column. If you think you have the latter — I mean really, really think you do in a *Nanny Diaries*, *Pride and Prejudice* and *Zombies* kind of way — go for it. Of course, if you're right, your publisher probably knows this and is actually already trying to exploit it, in which case you don't need a publicist.

Publicists who concentrate on blitzing the online media within a particular reader community (romance, mystery, fantasy, that sort of thing) can be very effective, though. The key here is to find a publicist who has the same picture of the market that you have. If you're a genre writer (and most of us are), you want your publicist to concentrate on raising your profile within the genre. There are many general book sites and blogs. For the most part, these will not help you grow your audience because it will be too difficult to find your readers there.

The Internet: Yes, of course. The web was made for exactly the kind of marketing that works with readers. This is especially true in the genres because readers of those books gravitate toward genre sites. The challenge, of course, is distinguishing yourself from the crowd. It seems that everyone has a site, a blog, a Facebook page, and a Twitter account. There's a ridiculous amount of noise out there and it's tough to draw anyone's attention. We'll get into this more in a minute. For now, let me just say that it isn't enough to put up a website. Your website is your landing space. You need to find a way to get people to land there.

Now let's look at what drives writers to seek out a particular writer (remember, we're trying to prepare ourselves for a demand-driven market):

Something they can't get anywhere else: Let's assume the obvious. Readers won't give your novel a second look if they don't read that kind of novel. You're trying to sell your work to people who read the kind of thing you write. You're not trying to sell contemporary romance to readers of Dadaist poetry. That said, if you want readers who read the kind of thing that you write to seek you out, then you need to show them that they can't get what you offer any-

where else. If you aren't simply riding a trend, if you're writing fiction that you care about deeply, then you are writing something from a unique source of inspiration. It might have to do with your style. It might have to do with the subjects you address. It might have to do with the particular quirks of your series characters. It could have something to do with your clever use of punctuation ("Best ellipsis work since the heyday of the Dadaist poets" – *New York Times Book Review*). Regardless, it's essential that you know what your distinctive thing is. This is what you're going to be selling to the consumer. This is what is going to make that consumer say, "I'm going to order this online right now," or "This sounds great; I need to pick up a copy the next time I'm in a bookstore."

A happy pre-sell experience: We're going to make another assumption here. We're going to assume that we don't care about the casual reader. Certainly, none of us is in a position where we can disregard anyone who is willing to pay for a book, but the reality is that the casual reader (someone who picks up a book before going on vacation or before a long business trip) is essentially unreachable from a marketing standpoint. They tend to buy bestsellers or established names or on whims related to the cheese fries they just ate at the airport Chili's. What we're looking for right now is the dedicated reader. These are the people who drive our business. These are the people we need to find and convince to make a concerted effort to buy us. And the interesting thing is that they desperately want to find us as well. Dedicated readers are always looking for a new discovery. They want to be the first people on their blocks to anoint a new star. The potential for a win-win scenario is great here, but you need to handle it carefully.

These readers hate hype. They don't want someone jamming "the next big thing" down their throats. They want you to come to them and say, "Hey, I have something here you might like. If you don't like it, it's cool, but why don't you give it a try?" They love it if you let them sample your work. They *especially* love it if you let them sample something other than the first chapter of your novel. An original short story? Yum. A piece about all of the background research you did? More, please. The sense that they get to meet your characters and become friends with them? The coffeepot is brewing.

I was talking to someone who offers online serializations the other day. She completely agreed with me that readers love sampling new work, but find it especially satisfying if that sample is a "complete experience." What's frustrating about opening chapters is that they rarely give the reader a sense of satisfaction. You might pique the reader's interest, but you will rarely make them feel that you've given them a present. You might feel this is fine — why buy the cow if you can drink the milk for free, or however that cliché goes (you'd think someone with three daughters would have that kind of thing down) but if you can offer readers something special as a taste of your work, you're much more likely to drive them to buy your books.

Multiple Impressions: There's an old adage in advertising that no one notices your product until they hear about it three times. I think the same is true with readers. If they see a positive review in a source they respect, they might take note, but they are likely to forget your book if that's all they see. If they then see an interview with you, a guest blog, or even a blog ad, there's a better chance that you'll make enough of an impression to drive them to buy your books — especially if these impressions send them toward your website, where you're offering a number of great "complete experiences" free.

One reason advertising is especially unhelpful in the book world is that few publishers (and fewer writers) have the money to hit *the same reader* multiple times. It is far more valuable to send the same message to a small group repeatedly than to send the message once to a larger group. And remember, if you're focusing on dedicated readers, if that small group loves your work, they're likely to help you spread the word to others. If you can get that small group really buzzed, they'll go viral on you.

How do you turn this into a campaign? That's more complicated than space allows here (and by "space allows," I'm really talking about the time I've budgeted to write this column. I actually started to lay out a series of scenarios and each one led me to another. Maybe we can discuss this on Ninlink or, better yet, in St. Louis). In broad terms, it comes down to two approaches. One is, "I have the time, but I don't have the money." The other is "I have the money, but I don't have the time." If you have neither the time nor the money, I'm not sure what to say to you. If you have both the time and the money, you're probably way ahead of me already. The first approach involves doing a huge amount of research, e-mailing lots of people, and sending out a chunk of books. The second approach involves hiring good professionals with long track records and great contact lists to do the work for you.

The important thing is that you do *something*. I'm not saying that launching your own marketing campaign will make you a star. I'm also not saying that you can't possibly become a star if you don't market yourself. I'm just saying that things are likely to be tougher for you if you leave this to someone else.

By the way, I'm very open to ideas for this column. Is there some aspect of publishing you'd like me to address? If so, email me at laronica@fictionstudio.com.

Forensic Files

By D. P. Lyle, MD



What Happens When Someone Is Hanged?

This month we begin a new column by Dr. Doug Lyle. In Forensic Files, he'll answer some of the questions he's received from writers. If you have a question for Dr. Lyle, go to <http://www.dplylemd.com/forcomm.html> and follow the instructions there. Your question might be used in a future column.

Q: I've got a couple of questions about hanging. I have a 140-pound man of slight build who has been hanged. His neck is not broken and thus he is strangling. His hands are bound. How long might he survive before death? Would he lose consciousness well before or shortly before death? If he is taken down before death, we would certainly see abrasion of the neck. What else would we see? If unconscious, would he revive quickly? Could his injuries be life-threatening? (I'm thinking of throat swelling here...) I am looking at pre-modern society here. No ER or modern medicine.

A: In hangings, death results from asphyxia, which is the reduction of oxygen to the brain. Asphyxia in hangings results from the compression of the airways and the carotid arteries (the arteries on either side of the neck that carry blood to the brain) by a noose or other ligature that is pulled tight by the body weight. Thus, the victim must be completely or partially suspended.

Though the airway can be compressed and breathing can be interrupted, the real cause of loss of consciousness and death in most hangings is compression of the carotid arteries, which blocks blood flow to the brain. Except for judicial (legally directed) hangings, fractures of the cervical vertebrae (spinal bones of the neck) are uncommon. The reason is that these fractures require that the body drop a sufficient distance to break them. How far is this? The answer depends upon several factors. Individuals who are obese, have small neck musculature, or who have arthritis of the cervical spine may suffer neck fractures quite easily. Just the opposite is true for muscular, thick-necked persons. In judicial hangings, these factors are considered in gauging the distance of the drop. Too little drop and the condemned person is strangled to death, too far and he could be decapitated.

The neck markings seen after hanging depends mainly on the nature of the noose used. Soft nooses such as sheets may leave little or no markings. Bruises and abrasions are not common with softer devices. In fact, if the victim uses a soft noose and if the body is discovered fairly quickly and cut down, the ME may not be able to find any marks at all. A rope or cord may leave a very deep, distinct furrow in the victim's neck. The longer the body hangs, the deeper the furrow. Abrasions and contusions are more common with these types of nooses. Occasionally the furrow and any associated bruising may reveal the braid pattern of a rope or the link configuration of a chain.

In hangings, the furrow and the bruising will follow a typical course. The pattern is that of an inverted V. The furrow tends to be diagonal across the neck with its high end where the knot is located. The knot is usually to one side. This means that if the knot is to the victim's left side, the furrow will be lower on the neck and much deeper on the right side and will angle upward toward the left ear. Near the knot, the furrow may shallow and disappear. This pattern is due to the body hanging by the "bottom" of the nose.

Okay, enough about hangings, let's get to your situation. Since the asphyxia is due to compression of the arteries and not the prevention of breathing, loss of consciousness occurs very quickly, usually in a minute or less and maybe as

short as 20 seconds. The brain needs a continuous supply of blood and when this is interrupted, consciousness is lost quickly. Death may take from 1 to 5 or 6 minutes, and children seem to “tolerate” hanging for a longer period of time than adults.

If your victim is found within 2 to 3 minutes, he would be unconscious but would likely wake up fairly quickly---a couple of minutes. Or not. Some people die in a minute while others can take many minutes. Go with a couple of minutes but not longer and you’ll be OK. He would probably have the typical V-shaped bruises on her neck and a furrow that would resolve over a half hour or so.

Today, he would be taken to the hospital ER where he would be evaluated with X-rays of his neck and perhaps a neurologist would be called in to determine if he has suffered any brain damage. But this doesn’t apply to your story.

He could return completely to normal or be left with brain damage or even remain in a coma for hours, days, weeks, months, years, or forever. It all depends upon how long the brain was deprived of blood and varies from person to person.

D. P. Lyle, MD is the Macavity Award winning and Edgar Award nominated author of the non-fiction books, Murder and Mayhem, Forensics For Dummies, and Forensics and Fiction, and Howdunnit: Forensics: A Guide For Writers as well as the thrillers, Devil’s Playground and Double Blind. His next medical thriller, Stress Fracture, will be released in early 2010. He has worked with many novelists and with the writers of popular television shows such as Law & Order, CSI: Miami, Diagnosis Murder, Monk, Judging Amy, Peacemakers, Cold Case, House, Medium, Women’s Murder Club, and 1-800-Missing. Visit The Writers’ Medical and Forensics Lab (<http://www.dplylemd.com>).

Website: <http://www.dplylemd.com/>

BLOG: <http://writersforensicsblog.wordpress.com/>

And don't miss Dr. Lyle's fantastic workshops during Ninc Goes Platinum and Ninc Does Forensics!

Business Briefs

B&T Continues to Digitize

Baker & Taylor library and trade customers will now be able to download e-books, audio books, music and video due to the partnership of B&T with OverDrive. Overdrive will provide the computer capability and B&T its Digital Media Library. This adds to B&T’s digital footprint with the earlier partnerships with ebrary and LibreDitigal.

HarperCollins UK Reorganizes

The departure of Amanda Ridout in early June has the company changing managing roles. There will no longer be a managing director for HarperCollins, HarperFiction or Harper NonFiction/Collins. Belinda Budge steps in as publisher of HarperCollins UK as well as overseeing HarperFiction and NonFiction/Collins.

Dorchester Phones It In

Serialized fiction gets a new look as Dorchester Publishing partners with Textnovel to provide aspiring novelists with a new form of competition — America’s Next Best Celler. The winner gets a \$2,000 advance and will be published by Dorchester next year. Contestants have to post 20 chapters (approx. 500 words each) or more by Nov. 1

Textnovel has its own contest and winner Saoirse Redgave signed a three-book contract with St. Martin’s. The site was founded in 2008. Now nearly 2000 users have visited the site with writers providing stories electronically (e-mail or texting) and readers retrieving the stories in segments on their cell phones. Currently there isn’t a fee to post or read, and Textnovel offers cash prizes to contest winners. Founded by literary agent Stan Soper, the ratings by the readers on the site are supposed to increase the chance of getting published by a traditional publisher.

Salinger Goes to Court, Again

Although John David California’s *60 Years Later: Coming Through the Rye* has been published overseas by Swedish press Nicotext and U.K.’s Windupbird Publishing, Salinger didn’t take action against the U.S. born author until SCB Distributors announced the U.S. publication. The author of *Catcher in the Rye* is citing all three publishers with violation of the copyright law.

The Mad Scribbler

By Laura Resnick



Convention Diary

“Writers should be read—but neither seen nor heard.”

— Daphne duMaurier

Thursday

Leave home for weekend away, to be guest at writers convention.

At airport security, as usual, am mistaken for terrorist and am required to become uncomfortably well-acquainted with security team.

Am eventually released to go sit in lounge, trapped among people screaming into cell phones (“I’m at the airport now. The airport. The airport. Where are you?”) and televisions screaming thrilling world news (Obama puppy learns to walk on leash). Then airline employee starts screaming out “group numbers” for boarding plane.

Employee never screams *my* group number, evidently having grown weary and disillusioned before reaching it. So I board without permission, moments before plane pulls away from gate.

Flight attendant barks at me: “Bag! There! Now!”

I stare in blank confusion. “Pardon?”

She again barks, “Bag! There! Now!”

“Pardon?”

We do this several more times.

I then propose she experiment with complete sentences. She does (and I am now Troublemaker). It turns out I have been assigned only seat on plane without place to stow cherished personal belongings, which I must now give to barking flight attendant for duration of flight.

We fly to distant airport, where I have five-year layover among screaming cell phones and TVs before boarding next plane. Upon “deplaning” at final destination, sturdy young soldier recently returned from Iraq untangles himself from his tiny seat next to my tiny seat and says he feels like we’ve been imprisoned on a slave ship. I agree.

Arrive at convention hotel, wondering why I do these things.

Hospitable convention committee gives me cold water, food, and honorarium check, which reminds me why I do these things. Having spent entire day in transit, I unpack suitcase and fall into hotel bed.

Friday

Hospitable convention committee takes guests sight-seeing. I wind up sitting next to colleague of one of my former agents. (I have so *many* former agents, this sort of thing bound to happen.) Also on today’s tour is editor from publisher that dumped me. (Ditto.)

Shy teenager on tour turns out to be another New York agent, not offspring of local convention volunteer. (Oops.) Works at one of my former agencies. (See?)

Return to hotel in time to do workshop where another agent (from agency I once queried), another editor (no one I know!), and I evaluate attendees’ prose. This is *torture* for me. Had I bothered to read schedule before boarding plane to come here, would have asked instead to be thrown off a train or fed to lions.

My profession is working on *my* manuscripts, not evaluating anyone else’s manuscripts. But acquit self as best I can, then head for bar.

At dinner, required to sit at assigned table and be available to interested attendees.

Overhear attendees say, "All the good seats are taken, I guess we'll have to sit here," a moment before they sit down at my table.

No one at table sits next to me. Chairs empty on either side of me. I suggest someone might like to sit closer to me. No response.

Nearest person on left asks me, "Are you any relation to *Mike Resnick*, the science fiction writer?"

I respond, "Yes, he's my dad."

Ten minutes later, nearest person on right asks me, "Are you any relation to *Mike Resnick*?"

(Old man will enjoy this. Must make sure he never finds out.)

Otherwise, not much said to me throughout meal.

I go to bar after dinner. Local friends (who know from long experience where to look for me) show up at hotel bar to say hello. Nice surprise!

We discuss recent convention at which I was guest, where gay attendee in kilt told me at breakfast about shooting his former lover. His current lover, also in kilt, seemed unalarmed by this.

Later, preparing for bed in hotel room, discover that—due to national shortage of terrycloth?—only one towel in bathroom.

Saturday

Give morning workshop that is surprisingly well attended, considering that no one at convention, as far as I can tell, has ever heard of me.

Give luncheon speech. Realize halfway through speech, which is aimed at writers, that agents—of whom there are about ten in audience—come off slightly less well in speech than, for example, diseased pimps. Notice that, for rest of weekend, no agent makes eye contact or comes within thirty feet of me.

However, many compliments on speech from attendees. Therefore, confidently expect better dinner experience tonight...

At assigned dinner table tonight, overhear attendees say, "All the good seats are taken, I guess we'll have to sit here," a moment before they sit down at my table.

Someone at table asks me about literary fiction. I explain I know nothing about litfic and cannot answer question. Someone asks me about current romance market. I explain I have not written romance in years and cannot answer question.

Not much said to me for rest of meal.

Dinner speaker is bestselling novelist Jeffrey Deaver, who gives hilarious speech in manner of *Bridget Jones Diary*. Decide to steal idea for *Nink* column.

Sunday

Arrive at airport for epic journey to humble home. After obligatory mistaken-for-terrorist incident, am trapped in lounge among people screaming into cell phones ("I'm at the airport. Where are you?"), televisions screaming thrilling world news (Obama puppy resolves Middle East crisis), and airline employee screaming at all of us ("Do *not* board the plane until your group number is called!").

Spend full day in transit. Return home to find... have received invitation to be guest at another writers convention.

Heigh ho, the glamorous life.

Laura Resnick, whose current release is The Purifying Fire, is staying home this summer. Is it any wonder?

Business Briefs

National Bookstore Day

Mark November 7 on your calendar for the first annual National Bookstore Day. *Publishers Weekly* is putting the event together to encourage visits to traditional bookstores, and will provide marketing and publicity.

Ninc Bulletin Board

COMPILED BY JACKIE KRAMER

Do you subscribe to eNink? If not, what are you waiting for? Don't miss special eNink only features like the Best of Nink, including this month's reprise of a 1998 article on Career Planning that's as relevant today as it was 11 years ago. To start receiving Nink electronically, log onto <http://www.ninc.com> Go to your profile and click the box to subscribe to eNink. It's easy and it saves Ninc printing and postage costs for each issue, leaving more money for other author benefits.

Got any news or information for the Bulletin Board?

Send it to Jackie at jackiekramer7@netscape.com

At <http://www.ninc.com>, you can find archives of old Nink issues, and list articles by subject. Go there, sign in, then go to the Member Services menu, then the 'Nink Index' to find all the articles compiled by JOT volunteer Denise Lynn.

It's never too early to set up travel plans for the conference!

Carpooling — for those who wish to drive together to the conference (seven states are within driving distance of Saint Louis), and for those who wish to possibly travel together by plane and/or hook up for rides to and from the airport. Moderator: Kristine Smith. Sign up at:

NINC09Carpool-subscribe@yahoogroups.com

Roommates — find your roommate here. Moderator: Janelle Clare Schneider Sign up at:

NINC09Roommates-subscribe@yahoogroups.com

Discussion Loop — Here is where we're talking about All Things Conference from meeting up with old friends, making new ones before getting together in Saint Louis, and everything else under the sun. Moderator: Michele Young. Sign up at:

NINC09ConfDisc-subscribe@yahoogroups.com

Are you getting the latest market news? Do you know the latest update about the conference or do you have to wait until you get your *Nink* newsletter? Are you involved in the newest discussions between fellow Ninc members? Do you have ANY idea what Kritters for the Kids is all about? If any of your answers are no, you need to join us on the NINC link. To subscribe to Ninclink, send a blank email to: NINCLINK-subscribe@yahoogroups.com.

Just a reminder... Ninc has its own critique group. To sign on, email: NINKCritique-subscribe@yahoogroups.com Please include your name and email in the message.

Ooooooh, Goody....

Do you have a new release coming out between now and ohhh, say, November? Would you like Ninc Goes Platinum attendees to receive free copies of those releases, or backlist to pimp the post-conference releases, at the conference, in their goody bags?

Email me privately with your release title(s) and your publisher/editor contact email and Ninc will solicit copies for the conference. If you have a publicist either in your employ or at your publisher, that name and email addy would also be helpful.

This is especially important for those who are speakers at the conference. I'll be contacting you individually as well, to give your editor an opportunity to showcase you even more.

Jennifer Stevenson, jks.enteract@rcn.com
Goody Bag Hoovermistress



**WRITING is
TAXING**
By Diane O'Brien Kelly

A Matter of Trusts

Seems like every time you turn around, you hear someone singing the praises of trusts. A trust is an arrangement wherein a settlor (the person creating the trust) designates a trustee to manage the settlor's assets on behalf of a beneficiary or beneficiaries, which can include the settlor himself. A trust can be revocable or irrevocable depending on the terms of the document establishing the trust.

Trusts can serve valid purposes. Trusts can serve as a means of supporting an individual while limiting or conditioning how the beneficiary can use the property. A "Special Needs Trust" may be put in place to provide support for a disabled beneficiary without disqualifying the beneficiary from government benefits. Properly designed living trusts can serve as a tool for avoiding probate. Trusts can be used to support the taxpayer during his or her lifetime, while leaving the remaining assets to a charity when the taxpayer dies.

Trusts can hold a wide range of assets, from real estate to coins to more traditional investments like stocks or bonds.

But one thing trusts cannot do, says the IRS, is operate a business.

Scam artists tout "business trusts" as a means of tax savings and asset protection. In these types of trusts, which are also known as "pure" or "constitutional" trusts, an ongoing business is purportedly transferred to a trust to give the appearance that the taxpayer has given up control of his or her business. In reality, the taxpayer still runs the businesses through trustees or other entities. The con artists allege these trusts save taxes because the trust is located offshore or in a foreign tax haven country that imposes little or no tax and provides financial secrecy. These hucksters claim the trust's income is not subject to tax in the United States, and that because the earnings belong to the trust and not an individual, payroll taxes and self-employment taxes can be avoided.

Liars, liars, pants on fire.

Income generated within the U.S. is reportable to the IRS and taxed even if it is transferred out of the country. What's more, the IRS has the right to ignore form in favor of substance. The IRS disregards such trusts and instead taxes the business as a corporation, partnership, or sole proprietorship, imposing payroll and self-employment taxes on the earnings.

Another type of scam trust is known as an "equipment" or "service" trust. In this scenario, business equipment is transferred out of the business into an offshore trust. The trust then leases the equipment to the business at inflated rates no rational business owner would ever agree to pay. The business deducts the excessive rent fees, thus reducing its taxable income. When these transactions are discovered, the IRS can deny the deductions as unreasonable.

"Asset protection" trusts are another type of scam trusts. These trusts are promoted as a means of avoiding liability for judgments against an individual or business. Truth is, if a taxpayer retains control over the assets of a trust by serving as trustee and retains the right to revoke the trust, no real transfer of ownership or control has taken place since the trust can be terminated and the assets returned to the taxpayer on the taxpayer's whim. Both the courts and the IRS routinely ignore the existence of these types of trusts. It's better to form a limited liability company or corporation if you are concerned about protecting personal assets.

Another type of abusive trust scheme is what's known as a "residence trust" or "family residence trust." In this situation, the taxpayer transfers his or her house to the trust, which rents the residence back to the taxpayer. The trust deducts costs associated with running the home, such as landscaping services, utility bills, and depreciation, thus attempting to turn non-deductible personal expenses into deductible business expenses.

Though not technically a trust, a similar tax evasion scheme involves "International Business Corporations" or "IBCs." Under this scheme, a foreign corporation is created with the same name as a domestic corporation. Checks made out to the domestic corporation are forwarded to the IBC, which deposits the checks in its foreign

WRITING is TAXING

accounts. Often, false “invoices” are sent to the domestic corporation in an attempt to give legitimacy to the income of the IBC. Because the transactions lack real substance, the IRS will reallocate the income back to the domestic business.

Unless you look good in an orange jumpsuit or have a quarter million bucks burning a hole in your pocket, avoid abusive trusts at all costs. In addition to the tax owed, civil penalties of up to 75% apply to fraudulent underpayments. Criminal convictions for this type of tax fraud comes with a fine up to \$250,000 and/or up to five years in the clink. Sooo not worth it.

That said, these types of abusive trusts are not to be confused with “Qualified Subchapter S Trusts” or “Electing Small Business Trusts.” These two types of trusts are permitted by law and are respected by the IRS as legitimate trusts. These trusts are formed solely for the purpose of owning stock in subchapter S corporations and do not actually operate a business. In addition, state law in Delaware and Alaska allows for the recognition of business trusts in their states for purposes of limiting legal liability of business owners and protecting assets from creditors under state law. Though legal, these types of entities are still ignored as trusts for federal income tax purposes if they are running a business, and the entity will be taxed for federal tax purposes as a corporation, partnership, or sole proprietorship, not a trust.

For more tax tips visit the “Tax Tidbits” page at www.dianeobrienkelly.com.

Business Briefs

More ISBN Changes

The first 979 ISBN prefix (979-10) has been assigned by the French National ISBN Agency. This is a heads-up for international book suppliers. Jobbers, booksellers and libraries that track by number will need to make sure their computer software can handle discerning between the 979 and 978. Larger publishers will receive the 979 prefix while smaller publishers will continue to be given the 978 prefix.

See <http://www.bisg.org/isbn-13/index.html> for background on 13 digit ISBN

Snippets

- ◆ RAND Corp. drops its e-book price to \$9.95.
- ◆ Oneworld Publications (Oxford, U.K.) opens a North American office in July. Oneworld plans a list of 60 titles a year and will be launching its first fiction list, targeting diverse cultures and historical events.
- ◆ Filedby expands its author directory to include coauthors, illustrators, artists, photographers, etc. The site current links to 1.8 million author sites that can be enhanced with photographs, bios, links, videos, and podcasts.

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Career Planning: Checklists for Writers—Part I

By MARGARET BROWNLEY

Editor's note: This article originally appeared in the August 1998 issue of Nink. The cogent advice offered by author Margaret Brownley is just as applicable today as it was 11 years ago, for writers at all stages of their careers.

Every writer dreams of success. For some success means a six-figure advance. For others, success means landing a movie option or a spot on one of the major bestsellers. For the majority of writers, however, success can only be measured in small, yet tangible ways, such as a steady gain of readership or sales.

It's important to remember that no two careers are alike. It's a mistake to judge your career by another author's success. Each writer has strengths and weaknesses. Successful writers manage to maximize their strengths and minimize their weaknesses. To do this, you must have a clear understanding of yourself, your work, and the business.

Whether your career is on the fast-track, in neutral or sliding downhill (circling the drain, anyone?), evaluation will help you to take positive steps to keep your career going in the right direction.

SUCCESS IS A JOURNEY, NOT A DESTINATION

Choose the one sentence that best describes your present journey:

- My sales (sell-through) improve with each book.
- Publishers approach me.
- I'm a known author who can name my price.
- My career is moving too slow for me.
- My publisher has big plans for me.

- My publisher's vision for me is too limited.
- I seem to be stuck in neutral.
- My career is on the skids.
- I'm perfectly content with my career.
- I'm in a career rut because I don't have the self-confidence to make changes.
- I'm ready, willing and able to take the next step in my career.
- I'm positioned for success.

STARTING AT THE GOAL LINE

Successful goal setting is a continuous, life-long process. It's important to set aside time on a regular basis to evaluate progress, make adjustments and identify new goals. Here are the five "smart" components of successful goal setting:

Goals must be:

1. Specific
2. Measurable
3. Achievable
4. Results-Oriented
5. Time-Phased

— **Julian Fowler**, from "How to Get the Job You Want in Tough Times"

Write a one-line sentence that describes what you would like to accomplish in your career in the next five years: _____

Make certain your goals have the five elements necessary for success. (**Fact:** People who put their goals in writing have a much higher success rate in reaching those goals than people who don't.) ▶

YOUR ACTIONS

What actions must you take today to accomplish your goals? Check all that apply:

- Work harder on my books/writing.
- Work at establishing a strong “voice” in my work, or a gimmick that will set me apart from the rest.
- Try my hand at a different kind of book. (Write a contemporary instead of a historical, perhaps.)
- Change publishers or start the process of making other publishers aware of me.
- Change or obtain an agent.
- Perhaps you need to “unplug” or remove yourself from all those writer links that cut into your time and energy.
- Learn to work better with the agent I have.
- Work toward becoming a lead author.
- Build name recognition.
- Work toward increasing sell-throughs. (Reaching booksellers and readers.)
- Discuss distribution problems with editor.
- Work toward increasing pre-sales. (Networking with distributors and book buyers.)
- Write a more commercial book.
- Correct any weakness in writing.
- Gain cover, blurb, or title approval.
- Do more self-promotion or (if this is not your style) hire a publicist.
- Convince publisher to better promote me.
- Work on my personal style.
- Upgrade my equipment.
- Work on establishing a presence on the Net.
- Do more networking.
- Learn more about the business.
- Try to negotiate terms that will have the most impact on my career.
- Devote more time to my writing or career.
- Write more books.
- Take more time with my books.
- Become more mentally attuned to success.
- Learn to “kiss-up” more. (Sorry, but recent studies show that this is an important step in gaining success, if it’s not too obvious or insincere.)
- Study market trends.
- Other _____

Reality Check

Given your talent, time, family situation, health, age, ambition, level of energy and the present market, what do you estimate your chances of reaching your goal in the time allotted?

100%	50%
90%	30%
80%	Less

REINVENTING THE AUTHOR or WHAT TO DO WHEN THINGS GO WRONG

The changing market, distributor mergers, current events, and other outside factors sometimes make it necessary for an author to “reinvent” him/herself by trying something new. Long-term success often is the result of this constant reevaluating and changing directions.

Author Ken Follett was forced to explore another avenue when events circumvented the espionage books he’s known for. This resulted in his first historical.

Reinvention is not unique to the publishing field. People in all walks of life must constantly change and grow to accommodate the times. Actor Jane Seymour had to reinvent herself when production cutbacks brought her reign as “mini-series queen” to an end. Her career on the skids, she decided her image as an “English Rose” was no longer working for her.

A fickle public and the focus on family values forced Madonna to reinvent herself.

Many mid-managers, especially those in fields dependent on defense or aerodynamics, have had to reassess skills and change directions.

I’M NOT OUT OF BUSINESS TILL I SAY I’M OUT OF BUSINESS!

Your publisher didn’t pick up your option book or discontinues your line. The print-runs and/or sell-throughs from your last book are holding you hostage and preventing you from being picked up elsewhere. The “perish trap” as Donald Maass calls it, is bigger than ever and no one is immune from falling into this dark pit. So what do you do if you’re mired in rejection hell?

First of all, don’t panic. As humiliating and discouraging as this is, this could be a wonderful opportunity to write the book you’ve always wanted to write or to explore the full extent of your creative capacities. Now you have to leave your safety zone and try something new. For many writers, this could be the best thing that ever happened to them. The important thing to remember is that other authors have successfully overcome these problems, and you can too!



First, take a deep breath and put a sign over your desk that reads: They can't hold back a good writer forever!

HERE'S WHAT NOT TO DO:

- ▼ Don't become angry or bitter. This stunts creativity. If anyone asks you how the writing is coming along, smile mysteriously and they'll think you have something wonderful going on that you can't talk about.
- ▼ Don't bad-mouth your publisher, editor, agent, the market in general, publishing in general, or anything else.
- ▼ Refrain from posting your woes on the Internet. This business is all about perception. Be your own spin doctor!

You do, however, have to make some tough choices and you may have to resort (gulp) to some extreme remedies. These include:

- ▼ Changing your name and starting over.
- ▼ Replacing your agent.
- ▼ Changing genres.
- ▼ Changing the type of book you write. If you've written only historicals, maybe it's time to try a contemporary.
- ▼ In the "old" days, category authors made the switch to single-title books. Now, single-title writers are switching to category. Try it.
- ▼ Reinvent yourself by writing a "bigger" book. (Bigger in scope, quality — everything!) A publisher might be more willing to take a chance on you if you write something totally different than your previous books (and of course, totally wonderful). If you write something different than what you normally write, your low numbers might no longer be relevant.
- ▼ Try writing the entire book, rather than just a proposal.
- ▼ Try alternative publishing avenues. Who knows where e-pubs and all the rest are going to take us?
- ▼ Keep writing. That next proposal could be the magic one.

Finally, and this is a hard one, some writers have had to accept a lower advance than they generally received, just to get back in the groove. It's something you and your agent should discuss.

Okay, so you skipped the last part because your career is going great guns?

What's next?

WHAT, EXACTLY, IS YOUR VULNERABILITY QUOTIENT?

One of the hardest things to do as a writer is to look objectively at one's own work. The second hardest thing is to evaluate a career. We all tend to think we're valued more or less by our publisher than is actually the case (according to recent studies, 95% of us think we're above average!).

No one wants to believe that we're one book or less away from having our career derailed. We've all allowed ourselves the luxury of denial at times and, if you're happier not knowing what might be in store for you, feel free to skip this part. Those stout-hearted souls who are brave enough to persist will be adequately forewarned — and with appropriate action — rewarded. Give yourself five points for each one you check. Mark *all* that apply:

- My career is in high gear as long as my editor doesn't retire, become pregnant, have a nervous breakdown, or change houses.
- My editor takes forever to make a decision on an option book.
- I write for only one line or one house.
- I can write only one kind of book and have never tried anything new.
- My numbers are dropping, but I hope things will change.
- I can't be bothered with the business end of writing.
- Self-promotion? Are you crazy?
- Who cares about marketing trends? I want to write the books I want to write.
- I do not own my pseudonym so if I change houses it'll be like starting over.
- It's difficult to get the chains to order my books.
- My publisher doesn't promote my books.
- I don't think much beyond the book I'm working on now.
- I've seen no increase in name recognition, career growth, or publisher support.
- I have no confidence in my work.
- Leave my comfort zone? Not on your life!

5-10 points: You're in good shape.

10-20 points: No need to panic, but you could be in trouble down the road. Time for some serious career planning.

20-65 points: Time to make some changes.

WHAT DO YOU KNOW ABOUT YOUR PUBLISHER?

- ▼ Do your publisher's plans for you match

the goals you and your agent have set?

▼ What limitations do you feel your publisher puts on your career?

▼ Is your publisher sufficiently stable enough to support long-term goals? (Is it for sale or having internal problems?)

THE BIG QUESTION: IS IT POSSIBLE TO ACHIEVE YOUR CAREER GOALS WITH YOUR PRESENT PUBLISHER?

Yes, you know it is because you've seen evidence through one or more of the following. Check all that apply:

- My advances have improved and I have received other perks.
- My covers have shown a remarkable improvement.
- My name is above the title, and/or I've been given step-back or embossed covers.
- I have earned lead status (or advanced to the next level).
- My books are offered in dumps or front-of-store displays.
- My publisher takes out cooperative ads on my behalf.
- My publisher publicizes me and my books.
- I have been sent on author tours and introduced to key people.
- I have been asked to participate in special projects or book launchings.
- My publisher listens to my ideas.
- I have full cover/blurb/title approval (as opposed to input).
- My publisher manages to create a positive "buzz" in the industry.
- My print runs continue to increase.
- Other: _____

Looking over this list, write down at least one perk you expect to gain by the next book contract:

How do you and your agent (if you have one) plan to achieve this goal? _____

IT'S NOT LIKELY I'LL ACHIEVE MY CAREER GOALS AT MY PRESENT PUBLISHER AND HERE ARE SOME REASONS WHY:

- Print runs are the pits.
- Poor covers.
- Little or no publicity.
- Poor editorial direction.
- Poor packaging (titles, blurbs).
- Poor distribution.
- Poor lay-down. (If there's a delay between when your books show up in California bookstores and when they show up in Texas, you're not going to land on the bestseller lists.)
- Failure to send galleys to reviewers.
- Authors not given freedom to expand.
- Poor editor/publisher vision.
- No interest in developing in-house authors.
- Constant change of editors.
- Books scheduled too far apart.
- Editor takes "forever" to decide on option books.
- No room at the top. (Publisher already has too many lead authors.)
- Publisher does not publish the type of books I want or need to write to meet my goal.

Looking at the choices you marked, list the things YOU can control: _____

Looking at the things YOU have control over, pick one and write down what you can do starting today to initiate a positive change. (Example: If you've just lost an editor, write down what you must do to "resell" yourself and your book, and establish a working rapport with your new editor.)

Next month: Part Two

