



# Talking Agents Ezine

## Welcome

Welcome to the first issue of *Talking Agents Literary E-Zine*, the free successor to the hard copy/subscribers-only-online *Talking Agents* newsletter we published ten times a year for ten years.

Our mission statement is as it has always been, to help writers both new and long-published find the best possible agent by giving them both inside information, and relevant advice. Much has changed in publishing in the past decade, but a topflight literary agent is still absolutely necessary if you're going to get shelf space for your books in every major bookstore from coast to coast (and in the end that's the only kind of published you want to be).

*Talking Agents Literary E-Zine* is going to discuss the many different ways you go about getting that kind of agent - including putting yourself in a position to pick and choose among them - and get the info to you quickly, informally, and in a readily accessible format.

So let's roll! Here's your first issue.

## Enter the Podcast

Here's our take on a story from the *New York Times* that ran on March 1<sup>st</sup>. It really makes the point about the ways authors can now maneuver.

Andrew Adam Newman wrote an article about Scott Sigler, who authors SF-Horror novels. After Stephen King wrote *Carrie*, horror became a really hot genre. In recent years it has morphed into many sub-genres; everything from vampire stories to paranormal romance. The classic horror book has become a really hard sell unless your name is King or maybe Straub. Nonetheless, Sigler has written four such, though he's still not found a publisher or much of an audience. Then, in 2005 Sigler started recording his stories in podcast format (he takes his microphone into a walk-in closet so the hanging clothes will help mask any ambient sound!). He did his first book *EarthCore* in twenty-two episodes of some 45 minutes each. They were sent free to subscribers who could download them. Soon he had 5000 such subscribers, and not long after 30,000. That was enough exposure to attract a small Canadian publisher, Dragon Moon Press. They published *EarthCore* in 2005 and will release *Ancestor* on April first.

## March 2007

### Talking Agents Literary

Ezine is a complimentary resource for writers (and sometimes their agents) from Agent Research & Evaluation, Inc., the firm established in 1996 by Bill Martin and Beverly Swerling Martin.

This Ezine is an occasional mailing meant to serve the interests of writers relative to (a) finding the right literary agent (b) understanding how to work with a literary agent (c) building a platform to assist in marketing via author's web sites, (c) staying abreast of web neutrality issues and (d) various developments in our business.

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Guess what happened next. He got a decent agent. Scott Sigler is now a client of Byrd Leavell of the Waxman Agency, and Leavell thinks he can place Sigler's new book, *Infection*, with a major publisher.

Now for the bit the *Times* didn't tell you. Leavell started agenting in late 2004. He was first and briefly with top tier Inkwell, then with a much less prestigious agency called Venture Literary. In 2006 he joined Waxman. Scott Waxman himself was once assistant to the legendary editor of fiction, Larry Ashmead, but as an agent Waxman made a specialty of non-fiction - mostly sports and evangelical religious titles - and has built a prestigious list. As for Leavell, he is moving fast and has racked up a lot of deals in a short time. He too does more non-fiction than fiction - lots of popular culture which is a nice adjunct to Waxman's own list (NB: except for the huge operations like ICM or Wm Morris, multi-agent agencies are most successful when all the agents do pretty much the same sorts of books - no explanation as to why that's true, but the data are absolutely clear on the topic). Byrd Leavell has however, sold a few novels. All of them in the horror-SF genre.

Knowing all this background stuff is absolutely critical if you want to know whether Byrd Leavell (or any agent) can do the job for you, given who you are and what you're writing. And that matters because even the best agents only sell a percentage of what they take on. Something like 20% according to best estimates we've heard from some pretty top agents. If you want to be among those lucky one-in-every-five, you cannot afford just to fall into the first pair of open arms.

In future issues of *Talking Agents Literary E-Zine* we'll have lots more to say about making wise choices in the agent world, and about podcasting, and other ways authors both published and not-yet-published are using the Internet to get attention and find an audience, sometimes before they find an agent.

Watch for stories about author websites, and critical updates on the fight for Net Neutrality - unless we can hang on to that, the Internet will be finished as a place for writers to promote their wares.

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## WHAT'S IT ALL ABOUT, ALFIE...

Sometimes you are so close to what you do, you can't see how "foreign" it seems - and sounds - to others. Recently a

client, very much an expert in her own field, came to us to request a Customized Report that would put her in touch with agents who could sell a book explaining an educational strategy with which she had been involved for some time.

We did the report. She sat down to examine our memo and the records of the agents we suggested. And apparently found herself in a new world. Here - verbatim - are the questions she sent us in an e-mail, and our answers. We are asked some or all of these questions often enough so we're sure the information is useful for others who do not normally function in the world of agents and writers. ( In case you're curious, about forty percent of AR&E's clients are writing a debut book and seeking their first agent).

**What is the mechanism to sell a book at auction?**

The agent submits the book simultaneously to a number of editors she thinks will likely be interested (five or six is probably the norm) and says she's going to close on the book at X time. The editors can call their bids into the agent up to the close day/date/time. The agent acts as the honest broker and keeps the bidders apprised of their standings in the order of offers - though she/he does not usually reveal who is bidding what, or who is in fact involved in the auction. There are variations and permutations, but this is the basic drill.

**What does preempt mean?**

One of the editors invited to participate in the auction calls the agent very early in the process and says 'I'll give you X if you will guarantee me the book and stop the auction. The agent and her client must then confer and decide if X is probably as good as they're likely to get. Needless to say, the agent is the one to advise here, but the client - i.e. the writer - will have the deciding vote.

**Should we address rights outside of North American rights in a query letter?**

Rights refer to all the permissions to publish your work (i.e. in other countries and other languages) or use it in any way (make a movie, make toys out of the characters) and they are maybe the most important negotiating tool in the agent's workbox. Which rights the original publisher gets is going to make a huge difference to your bottom line, and consequently that of the agent. Any rights granted to the primary publisher will result in you and the primary publisher sharing the income if that right is subsequently sold. Any right the agent retains on your behalf will mean the primary publisher does not share in the monies earned by the subsequent sale of those rights. Don't mention any of this in an initial query letter. Except perhaps to say that you are sure your project will have appeal in other countries (presuming you are) and that you are delighted to notice from the agent's record, that they frequently sell North

American rights only (i.e. they are hanging on to the other rights so the writer and agent get it all) if indeed that's the case. If the agent is always selling world rights for advances of less than six figures, be cautious. North American rights only is the deal you want, unless there isn't the chance of a snowball in hell that there will be any other rights sold because your topic/story is so narrow. Or the advance money is so huge you're happy to give the primary publisher everything (i.e. sell them world rights).

**Does "German rights" mean the book is published in the German language?**

Exactly. The right to sell English language editions in Germany is a separate (and much less important) thing.

**Can you explain "optioned rights"?**

This phrase - usually spoken of as simply an option - is used when speaking of a dramatic rights deal. A producer or a production company pays a small percentage of a promised amount (maybe \$5,000 against \$150,000) for the right to see if they can put a movie deal together. If they can, and do it in an agreed upon time, they pay you the balance due.

**What is meant by "serial rights?" We will have a second edition and perhaps a third. Is that "serial rights?"**

No. Serial rights refers to the publication of an excerpt or excerpts of your book in a periodical publication such as a newspaper, magazine, or journal. If such an excerpt is published BEFORE the book it's called first serial; excerpts published after the book is out there are second serial.

**Do agents want a contract with writers that guarantees them the second and third editions?**

You bet they do. Editions of the same book, even if the work is updated, are normally considered part of the original contract with the publisher. In that contract the agent will be named as the "agent of record," meaning that the agent will get her cut of any monies earned under that contract. And remember, checks go to the agent first, the commission is deducted, then you are mailed the agent's check for the balance due you. Obviously, you have to know who you're dealing with.

**What is an exclusive submission?**

The agent sends the property only to one particular editor, with the understanding that the editor will read the ms right away, and that on the basis of that promise of speed no other editor will be given the ms until the editor who has the exclusive has told the agent whether or not she wishes to buy the book. Exclusives work to the writer's advantage when the agent knows the editor well enough to be sure that this editor and this publisher are absolutely a terrific choice for this property, and the editor trusts the agent's judgment

enough to drop everything else and read this new submission immediately.

**What is a sub-agent?**

The primary agent is the person selling primary volume rights (those that go to the initial publisher in your home country or sometimes that of the agent). After that sale is completed, and depending on what rights the primary publisher has acquired, the agent may or may not use other specialist agents to sell other rights - translations into other languages, film rights, etc. If she does, those specialist agents are referred to as sub-agents. The agent splits her normal commission with the sub-agent according to whatever deal they have made. You the writer do not pay more.

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