



Talking Agents Ezine

Welcome to the latest edition of the *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.

E-mail Queries

For the past couple of years, the memo we send with our [Customized Fingerprint Report](#) has contained the following bit of boilerplate: "The issue of whether to query by e-mail or in hard copy remains fraught. We have taken to including e-mail addresses when we have them, but until recently we suggested that writers never query by e-mail. The evidence was that such queries were not getting the same level of attention. That is changing with many agents, and where an e-mail address is provided you are well advised to submit both in hard copy and electronically..." In another of the goes-to-everyone part of that memo we make the point that the huge reach of the Internet is a nightmare for agents, and many have taken to putting up no new clients disclaimers.

We tell you to ignore such a statement because: A/it's silly. No agent unless on the verge of retirement can establish a no new clients rule. The old clients regularly die, stop writing, or go to another agent. What's the agent going to do, commit some kind of literary suttee? B/ we add debut clients to the database files of agents every day. Including those saying they are not interested in new clients. (A possible C/ is why then did the agent establish a website? But that can be answered by the need to hype existing clients, and the prestige value of complying with the current cultural imperative to have a web presence.)

All that said, we do understand. It is astonishing the number of people who can barely write a coherent English sentence who are nonetheless convinced they can write a book. We hear from them regularly; the agents with even greater frequency. After a time, with the best will in the world, you have to decide to leave these folks to their fate (probably the scammers) and tend to your real business. Nonetheless, as you have probably expected, there's a huge BUT coming here.

The practice of establishing one person to vet all e-mail queries for a given agency regardless of which agent is being queried is bordering on the unacceptable. For a writer to be told that a submission cannot be directed to a particular agent but only to the agency as a whole is a violation of every convention by which the business has long operated and in our view should continue to operate.

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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.

You are welcome to pass these mailings along; simply forward this email. A new subscriber will **ONLY** be added to our distribution list by signing up through the registration process.

No writer chooses an agency; he or she chooses an agent. The agency comes along for the ride. The agent chooses to be associated with a particular agency for a variety of reasons, obviously different for those with an established client list of their own than for those seeking training, but none of that is the writer's concern. Normally when an agent leaves an agency some accommodation will be made for cutting up the money earned by titles the agent sold while working for the agency, but that in no way affects the commission being paid by the author of the titles. Further, writers are customarily offered the choice of going with the agent or selecting another agent at the old agency. Almost always they choose the former alternative. A good author-agent relationship borders on intimacy. It can't be pulled out of a hat because a number of agents happen to share office facilities.

We can see a way forward that should serve the best interests of both authors and agents and we'd like to make a strong pitch for it here. If agents want submissions to go to a general address at the agency (presumably to be vetted) rather than an individual agent, it is not unreasonable to suggest that the system be explained in the submissions guidelines posted on the agency website. Why not make the statement that a vetting system is in place simply because the volume of submissions demands it. State further that when a writer is addressing a query to a particular agent that agent will eventually get the query if it meets the baseline standards collectively established by the agency. And finally, make it clear that no one will pass the query to another agent without the writer's permission, which may be solicited by the agent (probably a junior) who is interested in seeing more, though the agent originally addressed is not.

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This probably looks revolutionary in a business where many agents are accustomed to thinking of themselves as forever operating in a buyer's market. (Something we can say with assurance is not true, since we often have a watching brief to the feeding frenzy that ensues when a writer with something marvelous is seeking representation.)

Look, we know all too well that the good stuff is really, really rare. We also know that neither do really good agents grow on trees. So while agents have every right to protect their business interests by being as selective as they feel necessary, that does not give them the right to be snotty. (Sorry, the word fits.)

Top marks for how to do it to Folio Literary Management. Their submissions guidelines are honest, and respectful of both their agents and potential clients. The Gernert Company is another that does it really well. So does Trident Media. There are a number of others, but these are exemplars among the multi-agent agencies. In the main, the better the agency, the more straightforward and non-megalomaniac their submission guidelines.

On the current how not to do it list: The Knight Agency in Atlanta (talks down to writers, appalling grammar errors in their presentation, seems to want you to hire "the agency" and leave it to them which agent you get). Why did a good agent like Lucienne Diver go there when she left Spectrum in May? No idea. Alive Communications is another where arrogance seems to be the quality most on display. No provision made for the possibility that the writer is interested in one of their agents in particular.

Again, it's highly possible, even likely, that if the query of an individual writer seems to disappear down a black hole its because the work simply doesn't make the cut. But just as we opposed those demands for exclusives that were infecting so many agent responses a while back (practically gone today – hallelujah!) we oppose this new veil between the agent and the writer. Particularly if the agents are not going to be honest about the ground rules.

Net Neutrality ... Again

We will keep coming back to this issue until some kind of satisfactory law is on the books, because, as we have said before, it's vitally important to our business model at AR&E, and also hugely important for all writers and their agents.

A recent story that was picked up on the same day by the *NY Times*, the *Washington Post*, and the *Philadelphia Inquirer* gives the latest development on the matter of Comcast and Bit-Torrent. (Potted history: The ISP, i.e. Comcast, tried to secretly block Bit-Torrent's traffic, ostensibly because of bandwidth issues. However, it was pointed out that Comcast owned a rival application, and the right to simply slow down or block access was vigorously challenged by an independent watchdog group and the regulatory authority.)

We reported on this in the April *Talking Agents* e-zine, so won't discuss it at great length here, but the latest salvos in the battle invite serious attention. (Incidentally, if you missed that April edition of our e-zine, not to worry. As we speak the archive is being built that will allow you to access past issues from the News Page on the site. FYI, the current issue will not be posted until it's a past issue, i.e. until we send a new one. So you'll still want to sign up for your e-mailed copy.)

Below are the links to the stories in the three papers mentioned above, but if you need to get up to speed on the core issue, here's a bit from the *Times* story that says it all more succinctly than anything we've seen thus far. The *Times* reporter

is quoting a Professor Tim Wu of Columbia Law School: "...the issues at stake go back to the common-law concept of a common carrier, which defined certain businesses – from blacksmiths to ferries – as so essential to commerce that their owners could not discriminate against any paying customer. These ancient concerns are increasingly relevant to the Internet as an ever-greater share of commerce is conducted online. Companies that sell products or offer content over the Internet have worried that without regulation, the Internet access providers [ISP's] might choose to offer better and faster service to some companies – perhaps those that pay for preferred treatment – than to others."

And bear in mind that the same ISP's provide your e-mail access. If they can control who sends what over the net and make those choices a matter of enhancing their profit margins rather than simply earning money from offering their service to subscribers – something that in the US the broadband providers are able to do in monopoly fashion – what is to stop them from charging you extra to, for example, send a complete copy of a ms as an attachment to an e-mail? And is that maybe okay in the context of this discussion. You pay for snail mail by weight, after all...

Your thoughts are invited. Meanwhile, here are the links:

- [New York Times](#)
- [Washington Post](#)
- [Philly.Com](#)

Things Fair and Foul

You know that ms you slaved over? The hard copy you sent your editor after the contract was signed, the one the editor edited and the copy editor copyedited, the one you went over word by word, checking every little comma and em-dash and handwritten correction until your eyes were crossed, the one from which the proof pages were pulled... That one.

In publishing parlance after the book is published that ms is known as foul matter and at some point – probably a couple of years or more after your printer spewed it forth – you will get a phone call or an e-mail from someone at your publisher's office asking what you want done with your foul matter for book X. Any odds you care to name says you'll say, "dump it." Life, after all, is too short.

At least that's the way it is in our times. Not so five hundred years back. When, for example, Shakespeare was writing. His foul matter (more accurately the closest thing we have to it) is... well, not foul at all. Check out [this story from the Washington Post](#) about a folio that was stolen ten years ago and just showed up in D.C. Absolutely fascinating, and so far few details are known. Nonetheless, we're promised it gets better, and some folks who do know more are talking about the movie. But shouldn't there be a novel first...

Why Don't You Love Me Anymore?

Recently we got an e-mail posing the latest version of a question we've seen frequently in the twelve years we've been in business. To wit:

An agent responded to a query with a request for the ms – in this case a debut novel. Next she wrote to say she absolutely loved the book. Terrific writing. Great story idea. Wonderful characters. Would the author be willing to make a few revisions?

You betcha!

Comes next, writer and agent go through three or four rewrites and rereads. Then, maybe after as much as a year has gone by, the agent says she's sorry but she's simply got more on her plate than she can handle just now. Or in another variation she doesn't get in touch at all. Where once there was a storm of communication, now there is only silence.

The question posed to us is entirely predictable. What happened?

Well for openers, chances are you're still a terrific writer. There is small likelihood that your skills took a nosedive during the rewriting exercise. A much more logical conclusion is that hers did.

To understand what we mean you have to examine your perhaps flawed notion of the nature of the agent's role.

Essentially the agent is a rainmaker. Her job is to represent the business concerns of a creative artist, i.e. you the writer. Her absolutely most important skill is the ability to sniff out the market, to know who is buying what, and how much they can be made to pay for it. She has to know when it's better to approach one editor with the offer of an exclusive, and when it's better to cast a wide net. She must decide when to wait for responses and when to say look, I'm going to close on X date; get your bid in by then or the game will be over.

It is incumbent on your agent to know when a multi book world rights deal will serve your interests and when, on your behalf, she must resist selling anything but the most narrow rights such as North American, or even US, English language only. Her guidelines will be set according to two standards: what's the best thing for your career and what meets your current financial exigencies. (Writers always have current financial exigencies; good agents make it their business to know about them. The best will also suggest good accountants and lawyers to help solve them.)

Editorial guidance? That's a second or third string to her bow. Which is why former editors only sometimes become effective agents, and seldom make it to the greased lightning fast lane. They too often continue to think like publishers rather than see the world through the author's prism. It's certainly not a black mark to have been an editor first, but if you're a writer with a hot property and you're sorting through offers of representation, don't get starry eyed over that single editorial qualification. It's true that for many long term author/agent combos the agent's role as first reader is important, but that's the frosting, not the cake.

What's needed to be a great agent is the ability to recognize a wonderful book in a given genre. That truly is one of the agent's core skills. It's what makes her

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different from a business manager or a financial consultant. If she doesn't have that gut instinct for a winner, she will be constantly taking on many more books than she sells (a list-to-sales ratio which is never high) and she will never be an über agent. The obverse of the literary taste coin is the ability to recognize when something isn't working, i.e. when the book is a near-miss rather than a bases-loaded homer. Bringing us back to our central point.

If difficulties arise after she makes that call and communicates with you, chances are they lie with her ability to put her finger on what the problem actually is, and/or her skill at conveying the information to you so you can come up with a satisfactory fix.

An agent is not an editor. She is definitely not a writer. (Most editors aren't writers either, but that's another topic for another article.)

When you get the excuses or the silent treatment after you've been working with an agent who suggested revisions – unless she really is retiring to study the mating habits of penguins in the Antarctic – there is always only one explanation. She no longer believes she can get you to bring the book to the standard she considers necessary for her to sell it, and she has decided to cut her losses rather than spend more time on a project that won't help her earn a living.

Trust us, this happens a lot.

What's the writer to do? First, recognize that in all likelihood the book really is flawed. If the agent who was sufficiently impressed to suggest specific revisions has dropped you, this project is not a good bet to attract another agent. Don't just take the same property out on a new hunt for representation. You're simply going to be burning agents you'll need later.

Either you must find someone who really can tell you what's wrong and perhaps start you thinking of new ways to fix it, or you need to set this book aside and write another. Whatever it looks like initially, the first alternative is the most difficult. Given your experience with the agent who removed herself from the equation, you probably need a sensitive free lance mentor. They are very hard to find—scammers abound—and they are never cheap. The second option may sound discouraging at first, but consider: You've probably learned quite a bit on the revision merry-go-round; it just may be simpler and smarter to put those skills to use on a new book.

If you're convinced that's not the way to go and refuse to give up on the book you love, you've got to have a real hard think about how to proceed. You can [e-mail](mailto:info@agentresearch.com) Beverly about this if you like and she'll try to make some suggestions based on the circumstances you describe. Please be sure and name the agent you were working with because that tells a lot about what happened. And yes, we will absolutely respect your privacy and can be trusted with that confidence. Indeed, we get it all the time.

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