



Talking Agents Ezine

AND NOW FOR SOME GOOD NEWS

Here's one of those stories that always makes us feel happy about what we do, and lets new writers know that if the talent's there, good stuff eventually happens. A few years back a writer named David Halperin became a client. He had published a number of academic works on Jewish mysticism, now he was seeking an agent for a novel. His Customized Fingerprint resulted in his getting one, a guy with a quite good record who was with a major agency. (This story doesn't reflect well on him, so our coyness is no crime – with apologies to Dunne.)

The agent loved the novel, but couldn't sell it, which happens many times and no criticism is implied because of it. The next event wasn't so straightforward. Halperin did what any good writer should do in that situation, he wrote another novel, this one called *JOURNAL OF A UFO INVESTIGATOR*, and sent it to the same agent, a mark of his trust, and his understanding that it wasn't the guy's fault the first novel hadn't sold. The market, after all, is not predictable. *JOURNAL* is the story of a young man who tries to cope with his mother's lingering death by, "...spinning a story in which he duels with the embodiments of death, unravels the mysteries of time and existence, and becomes lover to the most desirable girl he can imagine, all in a world in which nothing happens that is not a conspiracy."

The agent greeted the new novel's arrival with enthusiasm (we've read the opening pages and they are terrific) and promised to read soon and get back to his client quickly. Which promises were repeated over and over again month after month after month. I will read next week. I'll read over this coming weekend. I'll read while I'm on vacation. Etc., etc., etc. As David put it during a phone call with Beverly, "If he doesn't want to represent the novel he only needs to say so. Or tell me when he'll read it and stick to that timetable..." The agent never did either.

Eventually there was no choice but to withdraw the ms and start again from square one.

We did a new Customized Fingerprint Report. Two agents jumped on the novel, one of whom was Peter Steinberg. "Steinberg's the guy," we said when our advice was solicited. "He's perfect for your kind of work." (Something we obviously believed or we wouldn't have recommended him in the first place.) That was last October. Last week David got in touch to say Steinberg had sold Viking North American rights in the novel. German and Italian rights have since gone, and last we heard Steinberg's people were talking with Spain.

And a small digression re Peter Steinberg: Has a film background. According to our records started in the literary agent world sometime previous to 2001. Was with Donadio and Olson, JCA, and the Joseph Regal agency before going on his own in 2008. An agent for classy, high quality fiction, often with a noir tinge, and some intelligent, sometimes funny, narrative non-fiction.

At the risk of belaboring the obvious, here's why we're telling the tale at some

April 2, 2009

**A SPECIAL EDITION
ABOUT YOU AND US AND,
OF COURSE, AGENTS**

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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length:

- David Halperin did the smart thing when his first book didn't sell. He sucked it up and kept writing. That's what real writers do.
- Agent Nameless committed a sin common enough in the agent world to warrant discussion. We hear countless complaints about uncommunicative agents who take forever to respond to waiting clients. Our view is six weeks should be the maximum waiting time for at least an initial reaction when you are working with someone who already represents you. (Queries are another matter and may take longer.) Dropping a ms into a black hole is not acceptable.
- Writers have to stop being so timid about cutting bait if the fish aren't biting.
- If your work was good enough to have made the agent behaving badly take you on in the first place, it is good enough to get you a second agent with whom you may be happier.
- Recognize that there's little point in trying to recycle an earlier failed project. Write something else and go after a new agent with a property that hasn't already been shopped all over town.

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A SCAM – NOT WHAT YOU THINK

This one does not involve us telling writers about pretend agents "selling" mss to pretend publishers. It's about us.

Someone working the old Mystery Shopper con is using our corporate name on checks which appear – with stunning authenticity – to be drawn on a Buffalo bank for \$4045.00.

According to the cover letter, signed by a Susan Niel Ph.D, Director of Human Resources at Agent Research and Evaluation Inc., you are to deposit the check in your account. No more than two days later you're to go to Western Union and send \$3000.00 to an address given in the letter and write a report on the transaction. The rest is to be spent in another series of prescribed purchases, also reported upon. You get to keep the merchandise and a portion of the money.

Of course it's not us; we've never been in Buffalo, much less banked there. Of course the check, which shows up in your credit column as soon as you deposit it, bounces a few days later. Of course by then if you follow their instructions you have spent a minimum of \$3000.00. Did we mention that you are in possibly big trouble and definitely considerably poorer?

Okay, as elaborate scams go, it's not *The Sting*. But it has some clever bells and whistles. Our corporate name actually uses & not the word and. It does not, however, have a comma before Inc. (A fact which has been driving Beverly the grammarian crazy for thirteen years.) The address shown on the checks is 334 E. 30th St. in NYC. We did indeed do business there from 1997 until 2002. (Next we were at 25 Barrow St. in NYC until April of 2006 when we moved to Philly.) Is this mix of fact and fiction deliberate? Are these jerks somehow lessening their criminal liability by making one change in the legal name of our company and using an old address? We have no idea. We are discovering that it is very hard to get to the people who are supposed to investigate mail fraud. It took Bill

statement is included in its entirety: "Bill Martin and Beverly Swerling Martin are matchmakers for you the writer. The goal is to direct you to the literary agent who is right for your work. The Martins can be contacted at their website www.AgentResearch.com or at 215-563-1867. Copyright 2008, AR&E, Inc. All rights reserved."

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www.AgentResearch.com

www.BeverlySwerling.com

literally hours to reach a live person at the Postal Inspector's office. (They're under funded. What else is new?) He still hasn't gotten through to the Federal Trade Commission.

The scammers make use of the fact that we get an absolutely clean bill of health from the Better Business Bureau. (They have been very cooperative, incidentally, and callers will now be alerted to the facts.) It also worked in the scammer's favor that Google shows us number one in the world for agent information. Those who checked those resources came away feeling reassured. Only the more savvy among them actually clicked on the Google listing, got to our website, and saw we were about writers and books and literary agents. And sniffed the scent of rodent.

A few of the wise ones noted our site gave complete data about who we are and how to reach us and called our office. That's how we were first alerted to what was going on. In fact the fourth or fifth caller was a conscientious Kentucky State Trooper who gave us more information as well as faxed us copies of the letter and the check, and we later heard from someone in the Hood River, Oregon police department. So far we've been contacted by folks in those states and others in Florida, North Carolina, Texas, and Maryland.

So, since Beverly doesn't write thrillers, the plot idea is a gift to the novelists among you. (Hint: Do It Better, and come to us for a [Customized Fingerprint](#) when the ms is done.) If you have received one of the checks, don't deposit it, it's worthless. And if you have anything substantive to add to this small and nasty drama please call us. If you've received one of the letters please fax us copies of whatever you've got (215-563-6797). And in case you're in his jurisdiction, here's the contact data for the trooper: Sgt Grey Crockett, Kentucky State Police, Richmond KY (859-623-2404)

We know this doesn't come close to Wall Street risk-takers almost bringing down the entire global economy, or a Ponzi scheme that cost people their life's savings, but it does seem to be a tiny part of the general sense of wanting something for nothing President Obama has been talking about. If these folks put all that energy and inventiveness into something legitimate they could make money legally.

Needless to say, after this we felt in need of a good laugh. You too? Okay, try this. Seems someone in the office of the US Attorney for the Southern District of NY included one of those e-mails from a dying banker in Nigeria among the evidence meant to show a judge the numbers of people Bernie Madoff victimized. Here's the [LINK](#) if you want the full skinny:

Last minute update: Two points. First, Bill just reached the right someone at the Postal Inspector's office and learned that the people perpetrating this scam are – we are not making this up – in Nigeria. And the bit in the previous paragraph was written before we knew that. Second, as we were making up this e-zine we were called by a woman from CA who was down to her last \$87 and looking for a job when she got the latest missive to be sent to the unwary: the same \$4045.00, but this time in the form of a cashier's check. She deposited it. It was immediately shown as funds available in her account and she'd spent \$3700.00 (\$3000 of which she sent back to the scammers) before it bounced. She is now not only broke and without a job, she's liable for an additional \$3700.00. And the only way to stop this, the postal inspector tells us, is get the information out there. They have tried getting the Nigerian authorities to take action. Without any luck.

TAKING CARE OF BUSINESS

Probably no surprise that agents are selling healthy numbers of books on business and investing at the moment. Never mind that in the normal way of

things those books won't be out until spring of 2010 and possibly later, and who knows what will be happening then. In a sense, that's the bet that publishing makes on everything; more so with non-fiction than with novels. Buzz, however, always counts.

A quick overview shows that a few of the old lions have come out of their caves, sniffed the smell of fresh blood, and pounced. Also that a few bottom feeders have sold books to respectable players such as Wiley. (Not a reason to be represented by someone of that ilk. A good agent could have sold the same property to the same publisher and probably gotten a better deal. You won't find any of these types in this article.)

As expected, most of the sales are being made by agents customarily strong in books about business. Proving the old adage that at least in the US good agents know what they do best and do a lot of it. That's how they develop the strong network of editors who trust their judgment in the genre and return their calls. (In the UK the smaller market dictates more generalists. Though in the still smaller Canadian market the US pattern holds and specializing while not universal is more customary.)

So what about those lions? Just now leader of the pride has to be Robert Barnett, the DC attorney who most of the time sells the work of government types from presidents on down. Barnett charges a (whopping) lawyer's hourly rate, does not claim an agent's commission on all sales, and working in his customary market niche negotiates as well as the best literary agent out there. His latest coup is the sale of the proposed book by Henry Paulson, Jr., the former Secretary of the Treasury and CEO of Goldman Sachs. Paulson's recollections of the start of the meltdown and the initial bailout went to Business Plus, an imprint at Hachette USA. No advance sought and all royalties will go to charity.

As for what this info means to writers not bringing to the table a prominent role in public affairs, Barnett does take on other types of clients. High profile reporters also get a look-in here – Howard Fineman of *Newsweek* – as well as TV types and their wives – Lee and Bob Woodruff (ABC anchorman).

While Barnett is certainly the most famous of the lawyers doing this kind of thing, he is not unique. Lloyd Jassin bills himself as a lawyer specializing in publishing and entertainment issues and is adamant about not being an agent. (Again, fee structure is key. No commissions, but you can expect to be liable for the work done regardless of the outcome. Newbies take note: That's not true for an agent, who only gets paid if she/he sells the property.)

Jassin gets into this story because of his role in getting six figures at auction from Wiley for Barry Ritholtz's *BAILOUT NATION: How Easy Money Corrupted Wall Street and Shook the World Economy*. The book had been under contract to McGraw-Hill who cancelled it when – according to the author – it criticized Standard & Poor's rating service, owned by the same company. Of course the publisher said that wasn't it, but how bad could the book have been if Wiley coughed up something in the hundred grand range? Albeit, helped by timeliness.

Another king of the jungle in terms of selling books written by those already crowned with laurel is John Brockman. He has not been particularly active of late and his usual hunting grounds are the world of academe, but recently he managed to put together his customary muscle in the matter of representing mighty brains, as well as take advantage of the times. Emmanuel Derman is cited as a physicist, director of the Columbia University financial engineering program, and something we don't understand on Wall Street. (What's a "Quant" and why does it get quotes?) Brockman sold S&S imprint Free Press Derman's *TIME DECAY: A Meditation on Options Theory, Life, and the Passage of Time*. Billed as a book exploring our relationship to risk in any kind of endeavor, financial or otherwise. Looks like tailoring the product to the market, but no shame in that. It's what good agents do.

Doug Grad was an editor for twenty years before opening his agency last May. Popular culture is so far the defining element of this young list, but he too can

seize the moment. He just sold Viking *REAGAN'S WAY: Leadership Lessons from the Great Communicator* by Margot Morrell. Her *SHACKLETON'S WAY* (written with two co-authors) made bestseller lists in the *WSJ*, *NYT*, and *Business Week*, which had to have helped with this sale at this time. As with so many agents who come out of the editorial side of publishing, writing finesse is going to matter a lot with Grad, but for him as for anyone else selling non-fiction, credentials count.

If Grad represents fresh meat for writers of this sort of non-fiction who are seeking agents, James Levine remains what he has been for years, the go-to guy for solid books about doing business. He's also riding the wave. The most recent sale we've seen is for a book by Gordon Curtis and Greg Lewis. *SIDESTEP THE CROWD: How to Differentiate Yourself from the Pack by Building Lasting Business Relationships* went to Jossey-Bass.

Scott Moyers at Wylie does mostly non-fiction and one of his latest sales was made for the writing duo of Zachary Karabell and Aron Cramer, respectively CEO of Business for Social Responsibility and money manager. *SUSTAINABLE EXCELLENCE*, billed as dealing with the environmentally responsible business practices, went to Rodale for publication in the autumn of 2010. Which also makes our point about major agents (anyone at Wylie has to be seen as in that category) selling to smaller specialist houses when that's what's likely to get the deal done.

Finally, another of the lion kings, Al Zuckerman, has always been a zeitgeist surfer and true to form he just got six figures from Penguin imprint Portfolio for Richard Brandt's *INSIDE JEFF'S BRAIN*, a profile of Jeff Bezos, founder of Amazon.com.

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