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The Modern Literary Agency

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May 6, 2009
For Professor Jane Denning

Submitted in partial fulfillment of the requirements
for the Master of Science in Publishing degree at Pace University.

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PART I: Background

Introduction

In the spring of 2009, I interned at Sterling Lord Literistic literary agency, located in lower Manhattan. Sterling Lord Literistic was started by Sterling Lord in 1952, who later joined forces with the agent Peter Matson. Sterling Lord and Peter Matson are both well-known, established agents; Lord has represented Jack Kerouac and Ken Kesey, and Matson has represented Dee Brown and V.S. Pritchett, just to name a few of their clients. SLL has grown to be a large agency with sixteen agents with very diverse client lists and projects ranging from children's books to memoir to popular fiction. The agency also includes the Charlotte Sheedy Literary Agency, which became an affiliate in 1995 and operates as its own entity but within the same offices. In addition to the sixteen agents, there are also about a dozen assistants, many of whom have begun to take on their own clients after years of forming relationships with writers and publishers.

Although Sterling Lord is still a working agent and the agency bears his name, the company is run by president Philippa "Flip" Brophy, who started working with Sterling Lord as a receptionist directly out of college over thirty years ago. She is now one of the most powerful women in publishing and has represented many high-profile clients, including Meghan and John McCain and James McBride. The vice president of SLL is Laurie Liss, who has represented Dave Pelzer (*A Child Called "It"*) and Kareem Abdul-Jabbar. The agency also employs other staff, including a receptionist and office manager.

What most piqued my interest about literary agencies was the mysterious, glamorous as-

pect. Through various classes in the Pace University publishing program, I had a general idea of what an agent was but had never met one myself or seen an agency from the inside. For all of their duties and extensive client lists, agents seemed to operate solely behind the “camera” (or in this case, bookshelf). I had never seen an agent interviewed on television and couldn’t name an agent off the top of my head. I became very curious about this aspect of the publishing process: What are the duties of the agent? Is it common practice for writers to have agents? How many agencies are there? Is it really that glamorous? What kind of people are drawn to this as a career? How is this profession faring in today’s gloomy economy? I began to find the answers, however complex, to these questions throughout my internship, and what started as a spark of curiosity became a love and deep respect for this profession.

The jobs that are performed in a literary agency every day are myriad. My duties included reading submitted manuscripts, writing reader’s reports, and writing promotional copy for pitch letters, as well as general office duties such as filing, sorting contracts and assisting agents with answering phones and responding to email. As you can see, my tasks were varied, as are all tasks within an agency. I will go into the most relevant of these various tasks in detail later on. I will also discuss the role of the modern literary agency and how this process and facet of the publishing industry has evolved from the days before personal computers, smart-phones, and internet. I will explore some major players on the field today, the current state of the profession, and how the relationships between the publishing house, agency and writer have evolved, tying all of this research into my own personal experience at SLL.

What is a Literary Agent?

Many people outside of the field of publishing are not even aware that literary agents exist. The general perception is that a writer brings a manuscript to an editor (or an editor finds a manuscript), and then it is either published or it isn't. This is not always untrue, but more often than not in trade book publishing there is an agent involved. It is common for people to be ignorant to this fact, and it is also entirely understandable—agents aren't thanked nearly as often as editors in the acknowledgments of a book. The names of agencies do not appear on the spine along with the publisher's, or even on the copyright page. There aren't shelves in bookstores dedicated to the correspondence between writers and their agents (not to say that some books don't exist on this topic). Where is the agent counterpart of Max Perkins, who to many embodies the role of the literary editor?

Most people understand the meaning of the word "agent" to be a representative, even if they don't associate this with the realm of writing and publishing. And that is exactly what an agent is—a representative. However, what being a literary agent entails is beyond the scope of common knowledge. Most people would be surprised to learn about the life of an agent, how closely they work with the writers, how much it is about establishing relationships and working directly with the manuscripts. They would also undoubtedly be surprised to learn that an unknown aspiring writer would have to be crazy or lucky or both to think he/she could get published at a major house without an agent. (Self-publishing and small, independent presses are of course a different story.)

An agent doesn't only find writers and sell their manuscripts/projects to editors—they form an agreement with these writers and ideally begin a lifelong working relationship with

them. They negotiate the contract. They assist with publicity. They handle every bit of money that comes from the publisher, including advances and royalties, of course collecting a portion of it along the way. They squeeze as much money out of a project as possible by selling subsidiary rights, such as: the rights for book clubs, reprints, serializations, foreign publication, and film. They provide emotional support, encouraging, coaxing and reprimanding if necessary. As you can see, the job continues long after a book is sold and can develop into a relationship that lasts for years.

The Evolution of the Agent

A straight-forward and comprehensive definition of a literary agent can be found in the late New York agent Diane Cleaver's *The Literary Agent and the Writer: A Professional Guide*:

An agent is a middleman. A man or woman who brings together and stands between an editor and writer. An agent represents writers; he is not a writer or editor, nor can he or she write or publish your manuscript. But an agent will have suggestions and opinions that can make a difference to the writing and publishing of your book. An agent is a negotiator of contracts, responsible for conveying a writer's ideas and representing them fairly and in their best light to publishers. A good agent is a writer's voice in the often conflicting, confusing world of writing and publishing. (vii)

This text by Cleaver was published in 1984, and while the basics of an agent's job have not changed, the role of an agent has certainly expanded to include much more than basic representation. The main catalyst for this change has been the rapidly evolving technology that has changed the way we produce and consume published works. In the second edition of *Book Commissioning and Acquisition*, printed in 2004, Gill Davies notes:

Sub-rights have assumed an even greater importance in the publishing equation. There are valuable rights to be sold in serialization, film and broadcasting, and electronic publishing, as well as the traditional area of translations and co-publications. Gradually agents have felt less inclined to sell sub-rights in a book because they believe they have the expertise and the connections to retain and sell on rights just as successfully as, and sometimes more so than, the rights departments of publishing houses. (31)

While agents do not always necessarily keep these rights, it has become an increasingly popular practice to do so, further diversifying the job of the agent.

Agents have also evolved from their original role in how they work with a manuscript. More and more agents are working with manuscripts in-depth—making detailed suggestions for rewrites and edits—in order to make them a more attractive product for publishers, something I can certainly attest to after interning at SLL. One of my projects included working with an agent on a manuscript for a memoir that she was hoping to sell. We both agreed that it was a timely and relevant text and therefore potentially very profitable, but she wanted me to read through it and come up with suggestions for improvement. I read through the manuscript very carefully, taking notes as I went, and reported back to the agent with problems I had with the manuscript—some of these were as specific as a bit of dialogue that didn't read realistically, and some were more general issues dealing with character development and the overall timeline of the story. We hashed it over and she agreed with my comments, and afterwards she emailed the writer with suggestions. This correspondence had been going on for weeks, maybe months, and was likely to continue for months more until the manuscript was polished to near-perfection. Just think: if this project is sold, it will probably still go through many, many edits at a publishing house!

What precipitated this intermixing of the agent's and editor's roles? Perhaps it is that there is now more money to be made and more money at stake. Despite overall dwindling sales¹ in the book business, a blockbuster seller now is much more significant than one twenty or thirty years ago, with extra money trickling (or pouring) in from paperback printings, character licensing, film deals, and other subsidiary rights, as well as the increased availability due to online stores (specifically Amazon.com) and ubiquitous "big box" chain bookstores like Barnes and Noble. In *The Author's Empty Purse & The Rise of the Literary Agent*, James Hepburn writes, "There is vastly more money to be made in books today than a hundred years ago, and there are agents to explore markets undreamed of then" (100). Although Hepburn wrote this in 1968, the statement is even truer today. With speed-of-light communication authors can gain a success we never dreamed of more rapidly than we ever thought possible. Why ruin the chance of having a Dan Brown-esque phenomenon? Agents might as well polish their product as meticulously as possible because even though an astronomical success in publishing is extremely rare, one may never know—a failure could mean millions of lost dollars. Adding to this is the panic and worry caused by a rocky economy and the dreary outlook on publishing had by many. Time and money cannot be wasted. After spending the time and effort to agree to represent a writer, that manuscript *better* be near perfect and it better sell.

Another reason for the evolution of the agent's role is simply time. In the early days of agents, it was easy enough to swindle an author out of large sums of money. As the industry matured, the practice of contracts came into play and eventually became complex and detailed

¹ The Association of American Publishers (AAP)'s annual estimate of total book sales in the U.S. for 2008 showed a 2.8% decrease in net sales from 2007 (using data from the Bureau of the Census and sales data from eighty-one publishers). The biggest decreases were in total trade sales (adult and juvenile, hardcover and paperback), which had dropped by 5.2%, and audiobook sales, which showed a 21% drop.

enough to sufficiently protect the rights of all parties involved. Thanks to this practice, agents became trusted and proved a useful role in book publishing. In the third edition of *Bookmaking*, Marshall Lee highlights the now mostly positive perception of agents:

Indeed, publishers now welcome the agent as a knowledgeable, experienced business person who is usually a more reasonable and efficient negotiator than an author who knows little about the business of publishing and is often so emotionally involved with the book as to be unable to deal objectively with publishing considerations...This isn't to say that difficult and incompetent agents no longer exist—they do, and some are not very ethical, but now these tend to be the exception rather than the rule. (90)

The role of the literary agent has changed and grown over time, due in part to the changing technology and fluctuating economy. What it has become today is not only a more complex profession but a profession that is essential to the business of book publishing.

The State of the Profession Today

With many doomsayers predicting the end of publishing as we know it, it is easy to assume that the profession of literary agent is suffering. But is publishing really as dismal as we are led to believe? The answers to this question vary wildly. In general, it all depends on who you ask. Although there are many, many failures in publishing, there are still huge blockbuster deals happening every day that benefit authors, agents, and publishers. For example, Audrey Niffenegger's second novel, *Her Fearful Symmetry*, sold to Scribner in March of 2009 for close to five million dollars. The sale was made after a very competitive auction that involved eight publishers during the final round. Her first novel, *The Time Traveler's Wife*, was a surprise blockbuster (and soon to be major motion picture) published by the independent house MacAdam/Cage. Her

agent is Joe Regal of Regal Literary. On the blog *Pub Rants*, Regal said of the sale, “combine a great book with a great track record, and you have the closest thing to a sure thing in a very uncertain market, and publishers were eager to pay handsomely.”

Regal’s situation is rare, but deals like this do still happen and should spread some optimism in the book publishing industry. But what about the rest of the agency world? What about all of those smaller deals that fill up our bookstores? Are most agents still able to make a living? Is the number of agencies growing or shrinking, and what about their profits? I will start by discussing the number of practicing agents, with a focus on New York City, largely considered to be the center of the publishing industry.

A note on legitimacy: An unofficial “directory” of literary agents in New York can be found simply by using Google. A search for “literary agent” in New York turns up nearly 6,000 results, but how many of these are legitimate is open for interpretation. Websites like *Preditors and Editors* (a branch of *Anotherealm* magazine) and *Writer Beware* (run by the Science Fiction and Fantasy Writers of America) offer helpful tips on finding professional agencies and have watch lists of notorious scammers². *Writer Beware* warns that legitimate agents most often will not charge any sort of upfront fees, “including reading fees, marketing or administrative fees, retainers, processing fees, and other forms of upfront or flat-rate charges that are made as a condition of representation.” (However, the Literary Market Place does advise “that some agents request a nominal reading fee which may be applied to the agent's commission upon representation” and “other agencies may charge substantially higher fees which may not be applicable to a

² These sites are contributed to by writers, editors, and agents and have nothing to gain from promoting or criticizing any agency or publisher. See <http://www.sfwaw.org/Beware/about.html> and <http://www.anotherealm.com/prededitors/pubabout.htm> for more information.

future commission,” but these fees and their purposes should be made clear from the outset.)

Another strong indication of a scam agent is the absence of a client list on the website. The New York Literary Agency (which has several sister agencies, including The Children’s Literary Agency and The Poets Literary Agency) is infamous in this respect. Moreover, their website is rife with errors and they do not list any agents within the company. Although these omissions and errors should all be glaring red flags, amateur writers and editors may still be deceived. Luckily, it is easy enough to search blogs and forums on the internet for feedback—but keeping in mind that *every* agent will have enemies. There’s a big difference between a few disgruntled writers sounding off on their blogs and pages of forums exposing the malpractice and general unprofessionalism of certain “agents.”

There are currently 440 literary agencies listed in the Literary Market Place, the American and Canadian publishing directory which is available both online and in print. (177—over 40%—of these agencies are located in New York City.) Free online subscriptions allow searching the database for agency names and contact information, but a paid subscription is required for more detailed information. Listings in the Literary Market Place are nominated or self-nominated and are then researched to ensure quality. In order to be listed in the LMP as an agent, you must provide three letters of recommendation from publishers with whom you have worked. LMP divides their agent listings among three categories: literary agents, illustration agents and lecture agents. In addition to these categories, many literary agents specialize in specific genres: memoir, children’s, poetry, fiction, and Christian, to name a few examples. LMP includes this information, and with a paid subscription customers can search for specialized agents by keyword.

Another comprehensive directory is Writer’s Digest’s annual *Guide to Literary Agents*,

now in its 18th edition. *GLA* is currently edited by Chuck Sambuchino and lists over 550 agencies in the US, Canada and the UK. The *GLA*, although a very helpful resource, is only available in print, and in an ever-changing industry (with the fluctuating economy in mind), agencies merge and dissolve frequently. For example, the 2009 *GLA* lists Ira Silverberg as an agent with Donadio & Olson, Inc. However, Silverberg joined SLL in December of 2007³, where I worked with him. Another example of out-of-date information on literary agents occurred in 1999, when John F. Baker, the former vice president of *Publishers Weekly*, published *Literary Agents: A Writer's Introduction*. In August of 1999, Craig Offman of *Salon* wrote, "according to some of the agents profiled in the guide, the book is riddled with errors," including referring to the estate of writers who are still living and incorrectly associating agents with the wrong companies. These examples demonstrate how quickly things change and how easy it is for the wrong information to spread. The most up-to-date information can be found online, and this fact should act as incentive for agencies to maintain their websites and listings regularly.

However, despite the *GLA* itself only being available in print, Sambuchino also runs the *Guide to Literary Agents* Editor's Blog, in which he interviews agents and posts relevant agency news and information, as well as excerpts from articles that he includes in his books. Writer's Digest Books also manages WritersMarket.com, a subscription-based service that hosts a directory of thousands of editors and agents, updated daily.

That being said, there are hundreds of reputable agencies in New York. But as I mentioned above, agencies merge and dissolve frequently. Because things change so frequently, and because of so many agencies being under the radar (or just not real agencies), it is impossible to

³ "Silverberg Joining Sterling Lord," *Publisher's Weekly*, December 12, 2007.

show exact statistics about these numbers. However, going through publishing news on any given day show a steady trend of consolidation. Another common trend is for agents to leave one agency for another. These changes, however, seem to demonstrate a still thriving agency industry. Following are some recent agency mergers and changes, quoted from *Publishers Weekly*:

After months of speculation, two of the most powerful Hollywood talent agencies, William Morris and Endeavor, have made their plans to merge official...Although a rep at WM could not confirm how many authors and literary agents will be part of the newly minted WME, WM maintains one of the largest literary divisions in town. (April 28, 2009)

Emmanuelle Alspaugh has joined Judith Ehrlich Literary Management as an agent. Alspaugh was an agent at Wendy Sherman Associates. (September 1, 2008)

After 10 years at Donadio & Olson, agent Ira Silverberg is heading to competitor Sterling Lord Literistic. Silverberg, who was an agent and director of foreign rights at D&O, will start as an agent at Sterling Lord in the new year. (December 12, 2007)

Grosvenor Literary Agency and Kneerim & Williams have come together. With the merger of the two literary agencies, Deborah Grosvenor has become a director at Kneerim heading the company's new office in Washington, D.C. where she is based. Kneerim & Williams, which also has agents in New York, Boston, and Los Angeles, represents such authors as is Brad Meltzer, Joseph Ellis, Christopher Hitchens and Robert Pinsky. (October 26, 2007)

The publishing industry is volatile and unpredictable by nature. In this way, it almost seems like nothing has changed, and now the industry corresponds with the matching unpredictable economy. Of course the other main issue is the oft-predicted death of print media, with the onset of e-book technology. However, it is important to understand that digital publishing is still just getting off the ground. It is also important to understand that these huge innovations in publishing can actually be extremely successful for literary agents, because it allows them to sell a wider variety of subsidiary rights, such as digital and e-book rights, which I will discuss in Part II.

When gauging the success of agent deals, which can be found in places like the Deals section of *Publishers Weekly*, you are usually led not just to the name of a specific agent, but the larger agencies that they are a part of. Just like any business, a larger company has larger visibility and therefore larger chances of success. The biggest names in the world of literary agents today are large agencies with co-agents all over the world and often several offices throughout the United States. Aside from SLL and the aforementioned Joe Regal, some prominent literary agencies include Andrew Nurnberg Associates (based in London and a co-agent of SLL) and William Morris Agency (the literary branch of which is based in New York; they also have an office in London)⁴.

How Agents Distinguish Themselves

There are countless agencies in the world; in addition to the large, international agencies are independent agents and small, exclusive boutique agencies. So how do agents distinguish

⁴ Information is from the agencies' websites, which are listed in the bibliography at the end of this paper.

themselves from one another? For one thing, agents differ in their personalities. As I've mentioned, an important aspect of an agent's job is forming and maintaining relationships with editors and writers. In order to do this, a lot of socializing is involved: phone calls, lunches, happy hours, etc. Diane Cleaver, while discussing the rapport agents have with editors, writes, "One of the ways we get to know each other is over lunch, out of the office and off the phone, where there's time to talk more casually about books and the business of books, about authors and new projects." (66) It is not just about what happens in the office, it is about that casual friendship that you form when you're not sitting behind the desk.

Different agents approach this aspect of the job differently. Some agents are loud and boisterous and go out for two or three hour lunches and seem to have a constant string of appointments, in the office or at home, restaurants or bars. Some agents quietly remain in their office from nine to five, excepting lunch, and are very mysterious as far as their current projects. As long as these agents correspond with their clients and colleagues regularly, however, they can still be just as successful. An agent's personality not only affects how he approaches a project, but may also affect what kinds of clients he attracts.

Large agencies may have a dozen or more agents, so typically it is a matter of specialization. Within SLL, there are agents who exclusively deal with children's and YA literature, there are agents devoted to memoir, there are a few who are interested in poetry, and so on. By having a unique but cohesive client list, the agent is usually projecting his or her taste. To walk from office to office at SLL and see John McCain's memoir on one shelf and the *Corduroy* series on another demonstrates this. I find that this is cyclical: an agent might delve into a project because it

is a topic dear to her, or she might have blind faith in a book and discover a new interest. Either way, I think it shows that the job of an agent is a demonstration of intuition, taste, and passion.

PART II: The Process

The first priority for a literary agent is to find projects. A well-known literary agent with a listing in the Literary Market Place as well as a comprehensive website will most likely be bombarded with query letters every day. In addition, projects from existing writers he or she has already formed a relationship with come in steadily. An agent just starting out will have to do a little more legwork and go to sources like blogs, writers' conferences, and book fairs to find writers—but established agents still do this as often as possible as well.

The Query Letter

A query letter is the letter sent from the writer to the agent. At this point, the writer will have (ideally) done some research about agents that fit his or her needs and are likely to be interested in the project. The perfect query letter will include biographical information about the writer, a list of any past published works and awards (being previously published with a big house will instantly rouse the agent's interest), his or her reason for choosing the agent, how the writer knows of him or her and of course information about the work itself, possibly including the length of the completed manuscript. Sometimes the writer will specify whether other agents were queried, but this is not necessary. This information should be as concise as possible and limited to one page. The query letter should be accompanied by a few pages or chapters (if fiction) or an outline (if nonfiction) of the manuscript. Some writers will send the entire manuscript, but this is often discouraged. Shipping a manuscript is not cheap, but this is not only a potential waste of time and money for the writer; in the words of the agent Ira Silverberg, upon receiving a

manuscript that stacked up to about six inches, “This just isn’t *fair*.” Sending the entire manuscript via email can be just as much of a hassle for agents, for these documents take up a lot of valuable space.

Different agencies have different guidelines for receiving submissions. Usually, the agency will post this on the website. The SLL website describes their guidelines, which are fairly typical of the industry, as follows:

Please submit a query letter, a synopsis of the work, a brief proposal or the first three chapters of the manuscript, a brief bio or resume, and a stamped self-addressed envelope for reply. Original artwork is not accepted. Enclose sufficient postage if you wish to have your materials returned to you.

They also specify that they do not respond to unsolicited email submissions. At SLL, the agents’ email addresses are used for communication with clients and other business contacts, so email queries would clog their inboxes and distract from more pressing messages. However, some agencies have addresses set up for email queries, and some even only accept submissions through email.

Literary agents are extremely busy, so queries are often read by an assistant. The decision to reject only takes a split second. From my internship experience, I know how quickly something can be rejected—it only takes one error in the query letter or one cliché on the first page of the manuscript for an assistant to exasperatedly throw the submission on the “to be rejected” pile. In this case, the assistant or an intern will write a friendly but honest rejection letter, usually by email, that states why this project is not suitable. If the writer still has merit or has piqued the reader’s curiosity in some way, the rejection letter will include some suggestions. These suggestions may be about the specific project that was sent, or they may be for the writer to try sending

a different work or to stick with a different format (short stories over novels, for example).

Sometimes, a submission is passed around within an agency if the project has potential but the particular agent queried is not the right fit. This might ultimately result in a rejection letter anyway, or it might result in a stroke of good fortune for the agent and writer alike.

If the assistant is intrigued by the project, then he or she or an intern will contact the writer and request the remainder of the manuscript. This may or may not be done after notifying the agent first; many assistants have worked long enough to learn the tastes of the agents they work for, and can take care of this stage of the process on their own. (It is important to keep in mind that this does not guarantee that the project won't be rejected later on down the road.) In my experience, the assistant will keep track of the dates throughout this process in order to respond in a timely fashion—this is just doing good business. These dates include (depending on the project) when the query was received, when the rejection letter was sent, when the full manuscript was requested, and when the full manuscript was received. This is helpful if there is a large amount of rejection letters to be written, so that a schedule can be constructed. Works are rejected in the order they were received. Keeping a timeline is also helpful if you have a particularly long manuscript, or perhaps a project that is just mediocre and you are having trouble making a final decision. It is never good to keep a writer waiting too long, not only because this is generally rude but because you might be giving the writer false hopes. While a submission is waiting in a dusty pile to be rejected, the writer could be starting a new project or reworking the one in question.

At SLL, there were many different paths a manuscript could take. Sometimes an assistant would leave me a manuscript that she had read in its entirety but wanted a second opinion about. Sometimes the assistant will have only read the beginning and just didn't have the time or interest to finish reading. And sometimes, albeit rarely, I would get the chance to read a manuscript

first. If the manuscript was good, there would be some buzz around the office, and an agent might hear positive talk about it before seeing it. There are also instances when a project goes directly to the agent, perhaps because it comes from an already-established writer or through a personal referral.

Reader's Reports

I would give my opinion in the form of a typed reader's report, and I would also usually get the chance to discuss the manuscript with the assistant or agent in person. Some agents have a more casual approach and only ask for sheet of paper or post-it note with relevant information about the manuscript, but during my internship I would always write up a report. I would format my reader's reports with the title, author, reader (my name), and date in the heading, and then separate sections for a summary, comments, and my verdict or conclusion about the manuscript.

The summary, much like the summary in the author's proposal and query letter, should be as concise as possible. In the comments section, I would highlight the best and worst aspects of the manuscript, citing specific examples. I tried to limit my comments to those concerning style and ignore mechanical errors, but if a manuscript is consistently sloppy, it is worth mentioning in the reader's report. The verdict can be a few sentences, but sometimes is as terse as "Do not recommend." Very early on in my internship, an assistant told me that the basic purpose of a reader's report is to make the agent feel like he has read the book without actually having had read it. Keeping this in mind, and knowing how a reader's report can make or break the chance of a manuscript making it to an agent, I always took this task very seriously.

Below, I have included an example of one of my more detailed reader's reports. This is for a fiction manuscript I had read in its entirety and was initially very hopeful for. In other situa-

tions, the reader's report might be much briefer. I have condensed my original report slightly, changed major characters' names and omitted the title and author's name:

Title: MANUSCRIPT

Author: N/A

Reader: Emilie Jackson

Date: January 15, 2009

SUMMARY: MANUSCRIPT centers around a waitress named Mary who has killed her husband after catching him with a much younger woman. The novel is written in second person as a letter to the deceased husband. Mary is a Harvard alum-turned-English professor who had quit her career to follow John, her ex-student and lover, to Santa Fe, where he could pursue his music career.

The details of the murder are revealed in layers of overlapping and non-sequential flashbacks. A paranoid Mary had killed John with an axe and burned his body after interrogating him about an affair. She later learns that John had never had an affair and realizes her whole motive was a figment of her imagination. Mary is eventually tracked down by a detective who has traced the crime back to her. She is sentenced to prison for manslaughter and writes a memoir in her cell, which becomes her first writing success. The story ends with Mary waiting, somewhat contentedly, to get out of prison.

COMMENTS: The author has an interesting voice when it comes to descriptions, especially in the very gritty passages about sex and the colorful and vivid picture of life in Santa Fe. One of the best examples of this is the description of the landscape on page 163. However, this assertive voice is often lost, and the gaps between such vivid prose are filled with platitudes, as if the author is

guessing what these characters would be like from a completely uninformed perspective. Mary goes in and out of different dialects without rhyme or reason, and the effect is not cute but confusing.

In the same vein, the dialog is lacking and comes across as contrived, often reading more like a scene from a bad movie than that between a brilliant but tortured woman and her intelligent friends. Also, sometimes the flashbacks are easily confused. These scenes need to be written as more discrete narratives; as it is, the story does not flow as nicely as it could.

CONCLUSION: Do not recommend.

If a manuscript has been recommended by an assistant and/or an intern, it would find its way to the agent's desk. As I mentioned before, at this stage it is still not guaranteed that the project won't be rejected. The decision for an agent to work with a writer is a major one and depends on many factors. This agreement is the beginning of a huge undertaking that will require a lot of the agent's time. And as they say, time is money, so the agent better be sure at this point that he or she will be able to sell the book.

Once the agent and author have agreed to work together, a formal agreement is signed, often known as an agent contract, agency agreement or agent-author agreement. This document ensures that the agent and author are on the same page with the terms of their working relationship, and a smart author will read and re-read this contract *very* carefully before signing. Although these agreements vary from agency to agency, they will most often include the following elements, as outlined by Sambuchino in the *GLA*:

the scope of representation (One work? One work with the right of refusal on the next? All work completed in the coming year? All work completed until the

agreement is terminated?)

the extension of authority to the agent to negotiate on behalf of the author

compensation for the agent and any co-agent, if used

manner and time frame for forwarding monies received by the agent on behalf of the client

termination clause, allowing client to give about 30 days to terminate the agreement

the effect of termination on concluded agreements as well as ongoing negotiations

arbitration in the event of a dispute between agent and client. (56)

The Pitch: Selling the Book

Once the agent-author agreement is signed, it is time to get cracking with the agent's primary job: selling the book. Established agents already have contacts at many publishing houses, but connections and friendships in publishing do not guarantee a sale. It is now the agent's time to sell by putting together a pitch letter that touts only the good aspects of the manuscript and the author. The pitch letter will most likely be customized for each editor/house, explaining why the book is a perfect fit for that publisher. It will include a brief overview of the book, a good amount of praise, usually some appropriate comparisons and information about other books in its potential market, and a brief biography of the author that includes any previously published works and achievements. The pitch letter is short, usually three or four paragraphs, and includes only the most positive and relevant details.

As part of my internship, I was able to contribute to this process by writing pitch letters, which after a few changes by the assistant and agent, would be sent out to editors. Pitch letters

are typically a little over the top and teeming with clichés, just like all promotional copy. An assistant taught me a trick to use if I felt stuck while writing a pitch letter: go through the reader's report and emphasize the positive and find a way to flip the negative through creative word choices. For example, "condescending" becomes "authoritative" and "cheesy" becomes "sentimental," "nostalgic," or "tender." Sometimes writing a pitch letter can be a challenge but at least a part of you has to believe in the book in order to do it.

Below is an excerpt from the pitch letter I wrote for a series of mystery novels by Charlotte Carter, in order to assist selling the foreign rights for the series. In this particular example, the series has been published before.

These books have a wide, timeless appeal, and this is evident in the scope of publications with positive reviews and warm praise for the series. In a review of *Rhode Island Red*, *Publishers Weekly* wrote, "Style's the thing in this breezy, sexy mystery...the details about music and musicians are well-placed, and Nanette's down-and-out colleagues are an intriguing, believable bunch."

These are the kinds of books that never go out of style. The Nanette Hayes series has the same appeal today as it did ten years ago, and if put back into print, would be the perfect addition to any publisher's list. In addition to the US, Carter has been published in the UK, France, Italy, Spain, Japan and Germany, and has already begun to build an international fan base. With a fresh approach and the right publisher, it would not be hard to revive interest in this series.

At SLL, most pitch letters were sent out via email. (As I mentioned earlier, although SLL does not accept emailed submissions, communication with clients and publishers is often done through email because it is higher priority.) Often the agent will know several editors off the top

of his head, but sometimes for more obscure or difficult-to-market topics, the agent and assistant will have to do a little research. In *The Literary Agent and the Writer*, Cleaver lists the questions that she would ask herself when considering publishers and editors:

Who is the audience for this book?

Which publishers would reach the right audience?

Should it be a hardcover, trade, or mass paper?

What's the competition?

What is the subsidiary rights potential?

How many copies do I think this book will sell in the general trade?

How much will I sell this manuscript for? (67-69)

These questions should be considered when determining what information to include in the pitch letter, as well.

The pitch letter is then sent to the editors/publishing houses that are most suited for the particular work. If any editors are interested, the manuscript is sent to them with a followup phone call, if possible. Just as with the query letters, pitches from agents may be rejected almost immediately or the editor may instantly ask for more or the decision may be mulled over for a few days. This is only half of the agent's battle. The real decision that the agent is waiting for is whether the editor wants the book. If multiple editors want it, then there is an auction and the agent and author will wait for the best offer—or, alternately, if nobody wants it, the agent must calculate how to re-approach the project and find different publishers to pitch. Usually during this process, “agents and editors give each other as little information as possible” (Cleaver 77). Agents don't share with editors what other editors they have pitched; in my experience, sometimes an agent might lie and say that he has given an editor an exclusive.

The Deal: Negotiating the Contract

However many pitches and bids and negotiations the project goes through, with any luck the book will eventually be sold for a price that pleases all parties involved. The sale of the book includes the complicated, time-consuming process of drafting a contract. Many publishers have contracts and legal departments who do much of this legwork, and agencies may have a legal department or a visiting lawyer as well to aid in reviewing and negotiating the contract.

The bones of a contract is the boilerplate. The boilerplate consists of the standard elements that are included in every contract, and these elements are altered, deleted, and/or amended to depending on the specifics of each project. The boilerplate varies from house to house (and sometimes imprint to imprint) and this is the document that is built upon, through negotiations between the agent and editor, to form the final binding contract. Although a good portion of contracts is made up of this pre-written, standard information, the most important aspects are yet to be negotiated. These aspects include the amount of the advance (how much publisher pays the author up front)⁵, royalty rates (the percentage of future profits that will go to the author), and the distribution of subsidiary rights (which rights are granted to the publisher and which are retained by the agent and author). The advance and royalties go to the agent first, who collects a percentage (usually 15%) before paying the author.

Martha K. Levin, who has been both an agent and an editor, wrote in her essay, “The Editor as Negotiator,”

⁵ The advance may not be paid all at once and is often portioned out according to certain deadlines. For example, half of the advance may be paid upon signing of the contract and the other half may be paid when a satisfactory manuscript is delivered to and accepted by the publisher. See <<http://pubrants.blogspot.com/search/label/negotiation>>.

[Negotiation] is the discussion that takes place between two parties...that will result in the drawing up of a contract for the purchase of some type of book rights. Usually, by the time the contract has been signed by both sides, there have been hours of discussion and often heated debates about the language in a particular clause that seems to have no relevance whatsoever for the moment, but that could be crucial four years down the line. I've been party to many such arguments and have enough experience to know why we are bothering; but I've seen enough instances where the future proved there was good cause to have spent that time working out the terms to our best advantage, or for the agent, to the author's advantage. The unlikely and the unforeseen do happen. (110)

It is very important that the contract is understood by everyone. Contracts can be intimidating and frustrating for authors, but this is one of the agent's areas of expertise. The agent's job is to wrestle with the publisher and win the best terms possible for the author. It can take anywhere from several days to several weeks before a contract is drafted that suits everyone needs.

Sub-Rights and the Post-Deal Relationship

When an agent sells a book to an editor, they are selling the primary rights, which are the basic rights to publish the book. They may also be selling the subsidiary rights, which are secondary rights and can be seen as extra income. However, these rights are often retained by the agent. As I mentioned earlier, subsidiary rights include dramatic rights (film and television), mass market paperback rights, and foreign and translation rights. As soon as a book is contracted, the possibilities for sub rights are considered. It should be noted that not all subsidiary rights are appropriate for every book—dramatic rights for a sewing book, for example.

It is often advantageous for all parties if the agent retains certain subsidiary rights, because many agents have the resources and connections to exploit a certain right for the best possible profit. The best example of this is with foreign rights, for most agents have co-agents in different countries. SLL has co-agents in 23 different territories, from Argentina to Vietnam, and therefore almost always retains foreign rights. In addition to a foreign rights department, SLL boasts that a “large number of Sterling Lord Literistic books have been adapted for film and television. SLL collaborates with major film, television and talent agencies in the sale of these rights.” If an agent doesn’t have the resources to exploit any subsidiary right to the best of her ability, the goal is to find a publisher who will.

Another type of subsidiary rights are serial rights. These are the rights to publish an excerpt from a book in a magazine or other publication. “First serial” refers to the right to publish this excerpt before the book itself is published, while “second serial” excerpts are published after. At SLL, I assisted with coming up with excerpt ideas for Adam Haslett’s forthcoming novel, which is slated to be published by Doubleday in 2010.

The fastest-growing category of subsidiary rights is electronic rights. Electronic rights are the rights to use the author’s material in a number of digital forms: CD-ROMs, DVDs, websites, e-books, and even video games. With developing technology, including e-readers like the Kindle that are improving and gaining popularity every year, agents and publishers are finding that electronic rights can be very precious and this section of the contract needs further consideration than in previous years.

PART III: The Future

Technology and the Modern Agency

Although I will never have the chance to see first-hand how agencies operated before the time of email, fax, smart phones and other modern conveniences, I think it is safe to say that things have changed quite a bit over the past decades. I don't doubt that agencies have always been a fast-paced work environment, but surely the constant communication and availability that we see today have sped things up even more. Something that I have noticed during my time at SLL is the fact that work in no way is limited to Monday through Friday, nine to five. If an agent is not present at the office, I often hear the phrase "She's on her email!" More often than not, if an agent is absent it is because he or she is out for a meal or drinks with a client, scouting writers, reading manuscripts or other out-of-office work—and if nothing else, can be easily contacted. The agency is a well-oiled machine and everyone is constantly in touch through phone and email—not only the agents but the receptionists, assistants and yes, even the interns.

One of the benefits of this technology is that deals can be completed more rapidly. Negotiating the terms of a contract doesn't need to be done in a conference room or over dinner reservations; these terms can be hammered out over the phone and on email. It is an interesting sight to behold when an agent, who has been quiet in his office for hours, bursts out exclaiming that he landed a certain deal.

Technology has also accelerated the rate at which rumors spread. Many times, information about deals is leaked out intentionally and posted in places like the Deals section of *PW* and the daily newsletter Publishers Lunch. Making a current deal public is a way for the agent to attract attention to himself and his agency, and also create buzz about the upcoming book. However, sometimes agents prefer to keep deals quiet. Early on in the game, there is always the pos-

sibility of the deal falling apart or just the added stress that comes from high expectations.

Publishing can be a very gossipy industry, and some information that goes around is not entirely pleasant. Websites like *Gawker* and *The New York Observer* dish inside publishing information without mercy. While sometimes this gossip can be just another form of publicity, some information may hurt the chances of success of a book. However, the quick path that information can take is just one of the challenges that agents must face today.

The Future of the Agent

As I mentioned earlier, agencies merge and change frequently. However, perhaps the future of literary agents is brighter than we may conclude from that information. With book publishers largely being controlled by a handful of international corporations, the industry seems to have been shrinking. But, as Sambuchino notes,

The publishing industry is constantly in motion...Small, independent houses get gobbled up while the big houses in New York create more imprints. But one thing that *hasn't* changed in recent years is the necessity of having a good literary agent to sell your work...As agents continue to play a crucial role in getting writers' work noticed and bought, new agencies continue to appear. (1)

After all, the agent is the writer's advocate. Her scope of knowledge covers the literary, the legal and the financial, and it is her job to ensure the best terms in all of these respects. Many say the publishing industry is in trouble, but I say it is only in transition. As publishers struggle to understand electronic rights and writers are more and more at a loss as to where to submit their work, the role of the literary agent is more important than ever.

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