## YOUR PUBLISHER, YOUR PUBLIC, AND YOUR POCKET: TAKING CONTROL IN A CHANGING INDUSTRY

By Robin Davis Miller (1993)

Ms. Robin Davis Miller, Executive Director of the Authors Guild, was the featured speaker at the Sixth Annual Convention in New Orleans, held on June 24-26, 1993 at the Le Pavillon Hotel. Following are excerpts from her Keynote Address.

"Before I came to the Authors Guild I was a lawyer in both New York and Philadelphia. I was what is euphemistically called a "commercial litigator," which means that did a little bit of everything, after, and only after, people and companies were mad enough at each other to threaten to go to court. handled disputes--banking, insurance, corporate, entertainment, and sometimes even personal conflicts. tried to specialize in publishing clients and authors. Since I was a litigator, much of this business got to me after the publishing contracts were signed and the tempers had flared.

When you're in this kind of work you see everything, and one of the things I always saw was that no matter how smart the author was, he or she almost always signed a contract giving away the store. In fact, the smarter they were--and I'm talking about professors--the more they tended to give away."

"I would typically see a very unhappy author with a very unfavorable, very airtight contract. I could sometimes help the author to some extent--usually by settling the matter under some sort of confidentiality agreement, which means that my client might have benefitted from my help but no other writers could learn from the experience. After helping several clients like this, I formed a firm belief which would be the essence of this keynote speech if I were to scrawl it on a napkin: it is infinitely easier to fix contractual heartbreak before you sign on the

dotted line than it is with a whole army of lawyers after."

"I left my practice to become the Director of the Authors Guild this past March so that I could try to clear the professional thicket for authors, so that they would focus their attention on what it is that they do best--writing."

"But the core of what we do is to focus on helping authors with professional business advice, and this invariably boils down to contracts."

"Our goal is to empower authors and to give them control over what they create."

"Publishing companies have taken particular advantage of the text-book author. Why? Perhaps because most of you have a second profession. Since almost all of you teach, you receive a salary that is not connected with the publishing of your book."

"Think for a minute about why you write. Although getting published is important to gain tenure, most of you continue to write long after that requirement has been fulfilled. It may be that you write to supplement your income. Perhaps your main goal is to further education. Or, maybe you just love the work. Whatever your reasons, close examination and revision of your publishing contract will further them.

Good authors are selling three things when they enter a contract to sell a book. First, you are selling your ideas. Some of you are true visionaries, while others simply see things in a novel or, perhaps, a

particularly clear way.

Second, you are selling the particular way that you express your ideas. You know how to write about a difficult subject in a way that fourth graders immediately understand, or perhaps you have a gift for converting people to your way of solving a particular type of problem.

And last, but perhaps the most important, you are selling your time, time that you could be using to sell the same or different expression of ideas to somebody else. Or time that you could be using to spend with your families, to advance another lucrative career or passionate hobby....lt's your time, and you should consciously decide how you want to use it. Your time should not be the free bonus gift that gets given away with every five dollar purchase..." If you only sell your ideas and your way of expressing your ideas--and throw in your time for free--then you are undermining not only your professional worth, but selling short whatever it is that you could be using your time to do if you weren't giving it away to publishers who have little regard for its true value."

"Why should you take control of your contracts?

- <> because you're professionals and care about what your finished product looks like.
- < > because your finished work reflects on you.
- <> because you deserve more money for what you're doing.
- <> because you work hard on your books and should have certain protective guarantees.
- <> because your credibility is at stake."

"One of the most significant issues in textbook publishing involves your revisions clause. Because it is your book, and will have your name on it, any future editions, whether praiseworthy or horrific, will reflect on you. Therefore, you should insist that you are given the first offer to prepare any revision to your text. Your contract should also specify that if you decline, you have the right to choose or approve of