



Australian Society of **Authors**

ASA Professional Development Seminars

The Business of Writing
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DO I NEED AN AGENT?

I thought I'd start off this workshop by giving you the facts of what it is an agent does, then address some of the more specific questions I've been asked to answer and then I'll open up the floor to any of the questions you may all have. It's worth noting that around 50% of published Australian authors have literary agents so obviously, not everyone thinks they do need an agent! Many writers feel that they can confidently handle business negotiation as well as maintain a creative relationship with their publisher, but there is a large proportion of writers who enjoy keeping that separate and these are generally the writers who end up having a literary agent.

Many people don't really understand exactly what it is that an agent does and that's because there aren't that many of us in the Australian publishing scene. Incidentally, literary agents are far more common in the UK and it is now almost impossible to operate as a writer without one! In our market, confusion about an agent's role often arises because it is a rather varied job description. Because of that, I am going to take you through the life of a potential book to give you an accurate summary of what it is we do.

Initially, we receive material from an existing client, the unsolicited pile (lovingly referred to as the 'slush pile') or as a referral from a friend, colleague or client. If the author is already published, we'd send it to their publisher if the partnership has been a mutually happy one. If the previously published author has had their publisher leave (so you're not confused, I mean the person, not the publishing house), a dispute with the publisher or feels their new book may no longer be a match for their incumbent publisher, we'd send the manuscript to that publishing house as well as a few selected others. If the writer is a first-timer, we'd match them up with the most appropriate publisher within a publishing house and send it to them, as well as others we feel would enjoy the style, content or genre. In the instance of a first timer, we'd suggest to a publisher that if they're interested, they should meet with the author and we'd facilitate that. Generally, most publishers will want to meet with a first time author to talk further about their project and gather information that may help them with their internal pitch at the publishing house, and also to gauge how compatible they'd be with the author

and to see how comfortable the author would be with editing, media enquiries and other such obligations.

For someone who is already published, the publisher may want to get their author in for a meeting with sales, marketing and publicity people if they know the manuscript has gone out widely as they'd like to show their author exactly what it is they'd do differently for the new book. Again, we'd facilitate and then be involved in that meeting. These meetings are also just as much for the author to meet the publisher to see whether they think they'd get on, and whether they could work together on a long term basis. Relationships are key in this business so we want to make sure our client feels secure.

Once we get to offer stage, we then advise our client on whether we feel the offer on the table is an adequate one for them. This involves any financial components, royalty rates, editorial comments and rights including but not limited to UK, US and foreign language rights, audio, film and TV rights. Depending on how our client responds to our advice, we'd either go back and accept the offer as it is or go back and negotiate any of the specifics of the offer. Once the offer is accepted, we'd draft contracts. We, as do most literary agencies in Australia, have template contracts with the majority of publishers we deal with, the terms of which we renegotiate every now and then to keep it up to standard with industry developments.

If we have an exciting project and more than one publishing house is interested in making an offer, we'd then have an auction situation which we control. Ideally, we'd have a few different offers on the table and we'd ask each publisher to increase their offers till there is a maximum bid. Generally, our client would then accept the highest offer and we'd move forward to the contract negotiation stage. The contract negotiation stage may then have quite a bit of to and fro'ing with the publisher or the rights manager at the publishing house depending on whether we both agree on terms. Once the agreement is completed, we'd then generate copies for our client to sign and then send them along to the publisher for their signature. We'd generally include an invoice for the first installment of money due on the work.

From here on in, our role covers a multitude of different tasks depending on the client and their book. From a publisher's point of view, once a contract is signed, they, or another editor, will gather their thoughts on the book and send the author an editorial report. We generally only become involved throughout the editorial process if there is a dispute between our client and the publisher, and in those situations, we'd try our best to mediate that dispute. If we have sold a project on the basis of a proposal, we'd then read the final manuscript and give any comments prior to it going through the editing process. We'll often read several different drafts of a client's work.

Once there is an edited manuscript and if we have retained the UK, US and translation rights on behalf of the client, we might discuss the book with our sub agents to see whether they'd like to see the manuscript as it is to send out to interested publishers. Depending on the book, they may then come back and request the book in published form so they can send it out with (hopefully) good reviews and sales figures.

The international side of publishing is a big part of what we do and we are constantly corresponding with agents and publishers from countries all over the world so we can place our authors' work in different territories. We attend international bookfairs such as the London Book Fair, the Bologna Book Fair (for children's books) and the Frankfurt Book Fair. We also visit the US at least once a year, and have attended the big American book fairs as well. At these fairs, we have catalogues of current titles to show publishers and agents in electronic and hardcopy format. As you can imagine, a lot of preparation and time goes in to preparing for these international trips. We aim to keep up strong relationships with all sorts of agents and publishers in order to sell more of our clients' work in other markets.

If a client has an existing US, UK or foreign language publisher we could either send them the manuscript at the same time as sending it to the Australian publisher, or indeed at a later date, or we would correspond with their US, UK or foreign language sub agent in order to decide what is the best course of action for that market. Depending on whether our client has an agent in a particular territory or not, we'd then mirror the Australian process regarding negotiating offers and contracts.

Our foreign rights are handled by Curtis Brown UK and we are constantly in touch with them regarding new titles, any relevant review or sales information or anything else we think might help them achieve a sale. They then request copies of books and send them out to the publishers and/or sub-agents they think are the most appropriate.

By now, we might've received a potential cover from the Australian publisher which we'd discuss with our client if they weren't happy with it. We'd then communicate this to the publisher, and if it does get to dispute stage, we'd then mediate between the publisher and author. Around this stage, the book should almost be ready and we'd be there for the author in case anything drastic happened at copy edit, pre-publicity or sell in stage.

Once it has been published, we'd support the author where we could at launches, events and public talks, and handle any enquiries we might get from film producers, theatre people or international publishers in order to exploit other rights in the work. We try and keep up to date with how sales of a client's book is going and pass it on to them, and then we may even start discussing their new project with them!

So, there you have it. I should say that this doesn't cover all of what we do as there are many other little bits and pieces that our job involves. Broadly speaking, our job involves giving financial, contractual, social, political and psychological advice. I do think it's quite important to point out that writing is a lonely pursuit and publishing can be such a strange beast so many writers enjoy the comfort of an agent; someone who they can ask questions of and someone who they know represents their interests, and I think that is a very sound reason for someone to have an agent. I think another interesting point is that as we work on a commission basis, any work we do preceding a deal is completely at our own risk in the sense that we may well take something on and then never be able to sell it. This should give you an idea of the level of commitment we have to our clients right from the very beginning.

I gave a similar talk in Adelaide last year and had some specific questions posed so I thought I'd run through those with you as well as I am sure they'll be relevant to you all. The first one is what should writers and agents expect from each other? I think I have probably covered the more practical side in what an author should expect from an agent but I think the most

important expectation both the writer and agent should have is trust. Without trust it is very hard to establish the writer/agent relationship and that goes for both sides. An agent needs to feel that their client trusts their knowledge and experience and an author needs to trust that their agent is representing them to the best of their ability. The agent should trust that the author has faith in them and vice versa for the writer. I also believe its very important communication lines are kept up and both the agent and author should expect to be told about the important issues surrounding any situation. It makes things much easier for everyone!

What do you do if you change genres not catered for by the agent? Generally speaking, most Australian agents tend to represent a wide variety of genres as the market just isn't big enough to sustain people being genre specific. However, if you are writing adult fiction and want to write some children's fiction which your agent doesn't represent, you're well within your rights to either submit the manuscript direct to children's publishers or talk to other agents who do handle children's fiction. Strictly speaking you should clear all of this with your current agent before you embark on that journey though! There's nothing to say that your agent might not delve in to the unknown genre with you so as mentioned before, communicate effectively as you can so your agent knows what you want to do!

When should you change agents and how do you do it tactfully? The best time to change agents (if there is a best time as hopefully you're with your agent for a very long time!) is when you feel he or she isn't doing the best they can possibly do for you anymore, or if you feel as if somewhere along the lines their feeling has changed about your work. It could also come about if you changed the country you live in, changed genres or if your agent has retired/stopped working. The very best way to handle this situation is to be up front yet polite about it and clearly put forward the reasons why you're wanting to leave that agent. Contractually speaking you'll need to write a termination letter which needs to be very simple and mainly specify the date you're terminating that relationship. Whilst it can often be an emotional experience for both you and the writer, I'd suggest it's best to keep emotion out of it so it's smooth for both parties.

How do you tackle overseas markets? I have covered how we tackle overseas markets but if you're agentless and are looking to get published in overseas markets I'd recommend you

approaching UK, US and foreign language agents. Generally speaking, many UK or US agents will use someone for foreign language so you should be covered in that respect but sourcing UK or US agents can be difficult so I'd suggest asking authors/friends who might have connections as that always helps or looking up reputable agents who are members of agents associations. They'll then be able to help you navigate the mindfield that is the international market. Only a very brave author would try submitting direct to UK/US publishers on their own!

And a final question from one of the participants here; how do you go about finding an agent, particularly as so few appear to be taking on new clients? What is the best way to approach an agent if you find one? It is, I have to admit, a difficult task to find an agent at the moment. In Australia, there are only a small number of agencies and with most of these being small businesses they are often running things by themselves or with an assistant. That makes it difficult for them to take on new people as well as look after their existing clients. The best thing for you to do though is to do some research on the agents in Australia. You can find a good and reputable list on the Australian Literary Agent's Association or the ASA website. Look at what each agent represents or who they have on their client list (this is usually accessible via their company website) and target the agent who you think would most suit your genre. Scattergun approaches are often not well received as it doesn't look like much thought has been put in to the query or submission. Submissions should always be made according to the agent's submission guidelines and it is often a good idea to call and ask whether they're accepting material, or the kind of material you're writing, at that time. Submissions should always be well presented (double spaced is often the best) and it should provide the kind of information that'll get the agent's attention such as any relevant publishing history, indication of awareness of the market you're writing for and any other information that will help the agent potentially sell your material.