

### Contracts Watch Special Edition

## Life After *Tasini*: A Call for Dialogue

On September 24, freelance writers first mouthed, then shouted a phrase to which they were not accustomed. It goes like this: We won!

The spark for this unlikely cry was the U.S. Court of Appeals decision in the case of *Tasini v. The New York Times*. What we won is the right to remain solvent – at least in theory.

Two months have passed since the *Tasini* decision was announced and *Contracts Watch* has looked at the decision as objectively as possible. In this column, we will share some new thoughts about how to bring more rewards to writers and publishers by bringing a sane, constructive model to our relationships. So let's put on our rubber gloves and dive in.

patents and trademarks—collectively known as intellectual property—became the vehicle through which the expression of ideas is rewarded.

As with other types of property, intellectual property can be rented or sold. The value to the owner of copyright material comes from the many different opportunities to rent it out, what the lawyers call "licensing" its use.



Norman Schreiber  
V-P (Contracts)

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We know what the *Tasini* ruling means and on what it is based. We just don't know the extent to which it affects the past and future.

#### What Are the Damages?

According to the recent ruling, all freelance articles published since the *Copyright Act of 1976* went into effect and used in online databases and on CD-ROMs without the permission of their creators have been pirated (our word, not the court's). The law took effect January 1, 1978, and no doubt, thousands and thousands of articles

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Each of us has to decide whether it is smarter to settle claims before or after the court renders its damages decision.

#### What Does *Tasini* Mean?

The Appeals Court asserted two basic principles.

- Online and database uses of articles that originally appeared in print may not be considered part of the print rights but are additional uses.

- Additional use of an article is not permitted without a contract that specifically grants the additional use.

These are not just pleasant ideas. They are vital to the very concept of copyright. When Congress first passed a copyright law, it was not because the U.S. Government happened to be celebrating Be Kind to Authors Week. It was because science, art, and industry need constant creative expression in order to flourish. A nation with little science, art, or industry is poor spiritually and materially. So copyright, as well as

## ASJA calendar

Events are open to the public unless otherwise specified.

### Deck the Halls!

### ASJA's Annual Holiday Publishing Parties

Tuesday, December 7—New York City  
Wednesday, December 15—San Francisco

The holiday season always creates an opportunity (excuse?) for us to get together and enjoy each other's company. This year is no different. Join your colleagues on either coast (or in your own hometown) for an evening of fun, food and friendship.

**New York—The ASJA Annual Holiday Party, 6-8 p.m.**, at the New York Academy of Sciences, 2 East 63rd Street, New York, NY. The cost per person will be \$35 and includes hors d'oeuvres, wine, beer and soft drinks. A portion of the proceeds will go to benefit the Llewellyn Miller Fund of the ASJA Charitable Trust. Nonmembers are more than welcome.

Reservations are required. Contact ASJA at (212) 997-0947 or e-mail [staff@ASJA.org](mailto:staff@ASJA.org).

**San Francisco—Northern California Chapter Christmas Party.** Sorry but members and guests only. At the home of Elizabeth Pomada. Call Elizabeth for details at (415) 673-0939.

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# ASJA

## newsletter

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Volume 48 Number 11 December 1999  
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The ASJA Newsletter (ISSN 1056-3849) is published monthly by the American Society of Journalists and Authors, Inc., 1501 Broadway, Suite 302, New York, NY 10036, except for a combined July-August issue. Subscriptions are \$120 per year as a benefit of membership (information on membership requirements available on request). Periodicals postage paid at New York NY and additional mailing office. POSTMASTER: Send address changes to ASJA Newsletter, 1501 Broadway, Suite 302, New York NY 10036.

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### Life After Tasini

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have been infringed. The authors of these articles are entitled to compensation for these uses. What that compensation actually turns out to be remains to be seen.

The *Tasini* case was not a class-action suit nor was it a suit brought by the National Writers Union (NWU) against all or many publishers. Rather, six particular writers, including NWU President Jonathan Tasini, sued particular publishers and database corporations. The case was first heard in a lower court and the writers lost. The September 24 decision came from an appeals court that reversed the original decision and sent the case back to the lower court to determine the damages. The lower court judge who first heard the case has moved on to another court. The case will be assigned to a new judge who will study all pertinent material and render a decision about damages.

The degree of severity or leniency is anyone's guess. Damages for each article may well exceed the original article fees, be equivalent, a percentage of the fee or simply a token sum. Whatever the figure and whatever the formula, the decision surely will guide other decisions arising out of all the other thousands of articles that have been infringed.

Right now, many writers are checking to see if publishers have used their works without permission. Other writers have already checked and are taking steps to collect compensation for articles that have been infringed. As indicated above, publishers and writers are awaiting the court's final *Tasini* damages formula with great interest. The case may open the door to an exchange of millions of dollars. Or it may not. Both individual writers and publishers may find themselves turning to crystal balls. One-by-one, each has to decide whether it is smarter to settle these non-*Tasini*-case claims before or after the court renders its damages decision.

Clouding the news is the understanding that some publishers may take a crippling economic hit. On the one hand, it is hard to conjure even a single teardrop for publishers who made multiple uses of material while paying for only one. This is especially true since efforts to steer them away from this willful path took the form of reasoning, advising, cajoling, even warning for at least these past five years. On the other hand, writers generally do not win when pub-

### Existing Contracts Getting Worse?

Have you been sent a new, more onerous contract by a publication to which you already have been contributing on a freelance basis? Please let us know. All responses will be strictly confidential. We need the information to track the current state of contracts. And –we make no guarantees—we might be able to assist you and other writers who have received your publisher's contracts.

lishers go out of business. The opportunity to dry up sources of income and simultaneously reduce competition among users of our work is not the healthiest way to make our careers and businesses flourish.

#### More Severe Contracts

The move toward compensation to authors for past uses is one aftermath of *Tasini*. We also are seeing too many publishers and other users of content responding to the decision by introducing severe contracts that specifically deprive contributors of additional compensation for additional uses. To be fair to the propagators of newly introduced "all-rights" and "work-made-for-hire" contracts, it should be noted that many of their peers introduced such noxious documents even when the *Tasini* case was in its infancy. It was obvious early on that, regardless of which way the decision might go, the "prudent" course was to explicitly appropriate rights without the hindrance of having to pay for them.

This wholesale appropriation of intellectual property rights is neither fair nor necessary.

And, it is counterproductive.

When talented, skillful, authoritative, professional writers encounter deteriorating work conditions and diminished career prospects, they move on. We already have anecdotal evidence that freelance magazine writers have grown tired of the corrosive professional landscape of recent years. They have packed up their talents and skills and migrated to more rewarding territories—books, film, broadcast and cable television, corporate work, new media, and the new entrepreneurial possibilities afforded by emerging technologies. Chasing away the most reliable providers of content is not a smart way to grow a business that relies on content.

This is not to say that all or perhaps even a majority of writers will move on. Those who,

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### Pass It Along!

You might want to make a copy of this article and send it to your favorite editor. It's time we started talking.

-t.p.



## Calendar

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### Looking Ahead

**New York** (national) meetings are at the Society of Illustrators, 128 East 63rd Street, unless noted otherwise. Most dates are still being confirmed. Tapes of all New York meetings will be available from the ASJA office.

**San Francisco** (Northern California Chapter) meetings are at Swiss Louis', Pier 39.

#### January

- New York, Date TBA: New Magazine Launches. Tentative joint program with the Authors Guild

- San Francisco, January 18. Agent Panel with Robert Shepard, Karen Nazor and Laurie Harper

#### February

- New York, February 15. Magazine Market 2000

#### March

- New York, March 21. Branding Yourself: The Secrets of Self-Promotion

- San Francisco, March 28. Writing in a Spiritual World, with a religious publisher and ASJA members Donna Albrecht, author of *I Love to Tell The Story: Celebrities Talk about the Bible Story That Meant the Most to Them*, and Laurene Snelling, author of dozens of YA and adult Christian novels and nonfiction books.

#### May

- New York, May 25. Recycling Your Work

#### June

- New York, June 27. Life in the First Person
- San Francisco, June 20. Gala Dinner

#### September

- New York, Date TBA. Weeklies for Women

**n e w s l e t t e r**

**d e a d l i n e s**

The deadline for the NEWSLETTER is the first of the month preceding the cover date. So, the deadline for the January issue of the NEWSLETTER is December 1.

TO SEND COPY TO THE NEWSLETTER: E-mail it to

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FAX: (250) 768-7740 (between 8:30 a.m and 5:00 p.m. Pacific Time only, please)

MAIL: 2966 Sandstone Drive, Westbank, BC V4T 1T2, Canada

## ASJA Conference East 2000 Print, Electronics & the Writer

Planning for ASJA's annual conference in April is well underway. Your conference committee has been hard at work since June to target the subjects and the publishing personnel that will enable you to not only survive but thrive as a freelancer in the 2000's.

Next spring's conference will feature some brand new panels such as:

- **New Book Forms:** e-books, books-on-demand and self-published books

- **Selling the Past:** Historical Journalism & Its Markets

- **Writer in Demand:** How to Promote Yourself

- **Exciting Online Opportunities**

- **Entertainment and Lifestyle Writing**

- **Writing about Spirituality**

- **From Potty Training to Puberty:** Writing About Parenting.

Some panels that debuted to great success at last spring's conference will return. These include **Succeeding in Literary Journalism** and **The Making of a Bestseller**.

We will, of course, bring back our tried and true panels featuring an array of top magazine and book editors and agents.

Also scheduled will be a panel everyone needs more than ever in the 2000's: **How to Thrive as a Freelance**.

Our luncheon speakers are not only famous and talented but also inspiring.

**DOMINICK DUNNE** is the author of many bestsellers, including his current one, *The Way We Lived Then: Recollections of a Well-Known Name Dropper*. His life has disproved what F. Scott Fitzgerald said: "There are no second acts in American lives." During his 50's, Dunne underwent a profound change in his life and career. After decades as a top film producer (*Panic in Needle Park*, *Play It As It Lays*), Dunne left his hard-drinking Hollywood days behind and reinvented himself as a best-selling novelist and nonfiction chronicler of the lifestyles (and deathstyles) of the rich and famous. Now a contributor to *Vanity Fair*, he will tell us how he interviews and most of all how he picked himself off, brushed himself up, and became the successful and critically acclaimed writer he is today.

In 1972, while still in high school, **MICHAEL MOORE** decided to run for the school board "so I could fire the principal." He won, becoming one of the youngest officials in the country ever elected to public office. His high school principal "resigned." In 1989, Moore produced and directed the highly profitable and praised documentary *Roger & Me*. It was a political satire about his quest to convince GM's chairman, Robert Smith, to witness the devastation wrought by GM plant shutdowns. In the mid-nineties, Moore served as host, writer, director, and executive producer of the Emmy Award-winning TV Nation. Moore's first book, *Downsize This! Random Threats from an Unarmed American*, was a bestseller and he is now writing a screenplay and developing a new series for TV. Moore will tell us how he creates his entertaining and critically acclaimed writing projects.

The conference committee and the moderators of the panels are working hard to give you the opportunity to learn, meet new and former contacts, and advance your career. Incidentally, many ASJA members would like to be on a panel instead of being a moderator. A moderator has to put together a panel. It is a hard job, especially in this current publishing climate. The moderators for Conference 2000 are among our busiest and most successful members and yet they have graciously accepted the responsibility. They deserve our gratitude! Of course, the conference committee members who have had to get the moderators and do all of the other numerous jobs required to create this big event also deserve our hearty thanks!

We hope you will come to **CONFERENCE EAST 2000—PRINT, ELECTRONICS & THE WRITER**, April 29-30, at the New York Hilton. It is tax deductible as a business expense and even if it were not, it would be well worth it. Not only will you learn what is happening in the chaotic world of publishing today that will enable you to sell your writing, you will also enjoy the company of empathetic fellow ASJA members.

Hope to see you in April at the Hilton!

Ruth Winter  
Conference Director



# from the COURTS

## Tasini: It's Not Over Yet

Lawyers for *The New York Times* have asked for a re-hearing of the *Tasini* case in front of all the judges of the Second Circuit Court of Appeals of the U.S. Federal Court.

On September 24, a unanimous three-judge panel of the Second Circuit ruled that publishers may not place a freelancer's contributions into databases or CD-ROMs without the freelancer's consent. The case was brought by National Writers Union President **Jonathan Tasini** and six other freelancers against *The New York Times*, several other publishers and database operators.

The ruling could make publishers liable for millions of dollars in payments to freelancers. It could also force publishers to pull freelance material from databases, something the *Times* says would be "leaving holes in the historical record" and "consigning researchers to paper copies."

The *Times'* brief alleges the court made errors in defining what constitutes a "revision." A lower court had ruled that databases and CD-ROMs were merely revisions of the original work and therefore allowed under the U.S. *Copyright Act*. The *Times* also says the court erroneously emphasizes what they call contributory infringement rather than direct infringement. Finally, the *Times'* brief also questions the courts "sweeping assumption" that a database of articles amounts to a completely new work.

**Patsy Felch**, one of the lawyers for the *Tasini* co-plaintiffs said, "It would be unusual for the court to agree to rehear a unanimous decision written by its chief judge."

## Libel Back Door Closed in Food Lion Case

The Fourth U.S. Circuit Court of Appeals has reversed a \$5.5 million jury verdict against **ABC**. The case was over a 1992 PrimeTime Live segment about food handling practices in the **Food Lion** supermarket chain. ABC sent two undercover journalists to do a hidden camera exposé. The reporters falsified their resumes in order to get hired but also got the story. The story accused the chain of selling rat-gnawed cheese and rotting meat. The grocery chain denied the accusations but did not pursue libel claims. Instead, Food Lion claimed it was a victim of fraud and won \$1,402 in compensatory damages. But the jury also awarded the company more than \$5 million in punitive damages.

But the appeals court, in a 2-1 ruling, overturned both the compensatory and punitive damages saying that supermarket chain was not damaged by the reporters' deception. The judges *did* uphold damages against each reporter for trespass and breaching the duty to be loyal to Food Lion. Total damages: \$1 for each reporter.

## Class Action Against Thomson Corp. Gets Funds

The \$65 million class-action lawsuit against **The Thomson Corporation, Thomson Canada Ltd. and Information Access Company (IAC)** has received funding from the Class Proceedings Fund, an Ontario provincial government fund designed to help underwrite the cost of certain class-action lawsuits. Writer **Heather Robertson** filed the lawsuit on behalf of thousands of freelance writers and other copyright owners whose work has been placed in online databases by Thomson and IAC. It claims \$32 million in compensatory damages, \$32 million in punitive damages and an injunction preventing unauthorized inclusion of the works in the databases.

The next court hearing in the case is likely to be held in the new year.

## Little Library on the Prairie Seeks Royalties

When **Laura Ingalls Wilder** died in 1957, her will specified that the royalties from her popular *Little House* books should go to her daughter for her life, then to the **Laura Ingalls Wilder Library** in Wilder's hometown of Mansfield, Missouri. However, when Wilder's daughter died in 1972, the rights went to her executor and longtime confidant, **Roger Lea MacBride**. When MacBride died in 1995, his daughter inherited the windfall.

Or maybe not.

The library has now filed suit saying that it should have been receiving the income from the books and their spinoffs for the last 27

years. Experts estimate the total may be as much as \$100 million.

The MacBride estate has said it will defend the suit vigorously.

## American Family Publishers Files Chapter 11

Facing a variety of lawsuits claiming it uses deceptive practices to sell magazine subscriptions, **American Family Publishers** has filed for Chapter 11 bankruptcy protection. The company says it has an agreement in principle to settle a variety of class-action lawsuits pending against it.

American Family Enterprises is 50% owned by **Time Inc.**, the magazine publishing arm of Time Warner. The other half is owned by the **Pritzker** family, which owns Hyatt Hotels. American Family uses pitchmen Ed McMahon and Dick Clark and should not be confused with Publishers Clearing House, which is facing similar legal difficulties.

## Judge Allows Jailhouse Interviews to Continue

A judge has ruled that accused serial killer **Wayne Adam Ford** can continue talking to reporters if he wants to. The man's lawyer, Deputy Public Defender **Joseph Canty**, had asked San Bernardino Superior Court Judge **Donna Garza** to keep the media at bay but the judge said, "The court is not going to interfere with Mr. Ford's rights as to whom he does or does not wish to see." Canty has said that he will seek to get his client to sign a declaration stating he does not want to speak with any more reporters. Jail officials said they will honor the declaration if it is signed.

Ford, 37, is charged with four counts of murder. He was arrested last November. Prosecutors from Kern, San Joaquin and Humboldt counties have moved to have their cases consolidated with the charges Ford is facing in San Bernardino County and asked for a single trial to be held on all four counts.

## Honolulu Paper to Stay for Now

The shutdown of the *Honolulu Star-Bulletin*, scheduled for November 1st, has been blocked by a federal judge until the state's antitrust lawsuit against the *Star-Bulletin's* owner and the *Honolulu Advertiser* is decided.



# YOU NEWS

ASJA doyenne **Ruth Gruber** is not letting age slow her down. Times Books is re-releasing two of Ruth's books and the 88-year-old is embarking on a 19 city promotional tour to support them.

Already on bookshelves is *Exodus 1947*, originally published in 1948 as *Destination Palestine*, an account of a ship holding 4,500 Jewish refugees bound for Israel in defiance of the British blockade of Palestine. The book has often been cited as the inspiration for Leon Uris' bestseller *Exodus* and was instrumental in convincing the United Nations to recognize the new state of Israel. Then, set for April re-release is Ruth's *Haven: the Unknown Story of 1000 World War II Refugees*. The book recounts Ruth's experiences in 1944 on a secret mission for President Roosevelt in which she shepherded a shipload of refugees out of Italy and delivered them to an abandoned Army camp near Oswego, New York. *Haven* will also be the basis for a CBS miniseries that will air in May 2000.



**Leah Ingram's** third wedding book, *Your Wedding Your Way* (Contemporary Books), hits bookstore shelves nationwide in January. *Bridal Guide* magazine has already agreed to excerpt a chapter on second weddings in its March/April 2000 issue. In addition, her second book, *The Portable Wedding Consultant*, also from Contemporary Books, continues to sell well, recently having its second printing. Ingram plans to unveil her own wedding website in early 2000 at [www.weddingink.com](http://www.weddingink.com).



*Writers Write: The Internet Writing Journal* calls **Greg Daugherty's** *You Can Write for Magazines* (Writer's Digest Books) "short, but information-packed" and "an excellent introduction to the business for beginners." The reviewer at another writing Web site, [www.thequill.com](http://www.thequill.com), said, "the brief chapter on Money Matters for Writers alone is worth the price of the book." Greg was also recently the final judge for feature articles in the 1999 Writer's Digest Writing Competition.



**Nancy Bearden Henderson** recently received her second Easter Seals EDI (Equality, Dignity and Independence) award at a special ceremony at the Marriott World Trade Center Hotel in New York. The winning entry, "Life's Detour," was published in the *Chicago Tribune* in late 1998 and featured a young Chattanooga woman who crusades for better Medicare funding for home health care for Alzheimer's patients. The story won a print journalism award

in the newspaper feature category.

Last year, Nancy won an EDI award in the trade magazine category for her profile of a north Georgia company whose owners regularly hire disabled workers. The article appeared in the June 1998 issue of *Nation's Business* magazine.

Nancy is in good company. Other 1999 EDI award winners include reporters, editors and producers from 20/20, Dateline, *Parade* magazine, *USA Today* and *Business Week*.



**Scott S. Smith's** book *The Soul of Your Pet: Evidence for the Survival of Animals After Death* (Holmes Publishing Group, 1998) was the subject of two dozen radio, TV, and Internet interviews the week before Halloween.



**Jim Rearden** was named Historian of the Year by the Alaska Historical Society at its October 5 annual meeting. The recognition is for Jim's book *Alaska's Wolf Man*, an illustrated biography of Frank Glaser, famed big game guide. The book, published by Pictorial History, is selling briskly in the 49th State.



**Jan Jasper's** *Take Back Your Time: How to Regain Control of Work, Information and Technology* has been released by St. Martin's. Advance reviews have been good. Mitch Schlimer, chairman of the Let's Talk Business Network, says, "Jan Jasper is the ideal productivity expert for the new millennium. This is the first time-management book that addresses technology in detail." Barbara Hemphill, author of the *Taming the Paper Tiger* series, says "Jan Jasper provides specific techniques you can use to change unproductive habits into productive results."



Fall releases include the October publication of *The Encyclopedia of Witches & Witchcraft* by **Rosemary Ellen Guiley** (Checkmark/

Facts on File), and two volumes in the best-selling picture riddle series by **Jean Marzollo**, *Spy Turn-around* and *I Spy Little Christmas* (Scholastic). **Carol Turkington's** second edition of *The Poisons and Antidote Sourcebook* was released in November by Checkmark/Facts on File.



**Andrea Warren's** second book for young readers, *Pioneer Girl: Growing Up on the Prairie*, published by Morrow Junior Books in October 1998, has gone back for a fourth printing. It won the 1999 Midland Authors Best Children's Book Award. Her first YR book, *Orphan Train Rider: One Boy's True Story*, is now in paperback. Its latest honor is its inclusion on the Rebecca Caudill Young Readers' Award Masters List 2000.



Movie rights to **Lisa Collier Cool's** new book, *Beware the Night*, coauthored with NYC police officer Ralph Sarchie, were optioned by Jerry Bruckheimer at Disney. The book will be published by St. Martin's press next year.



**Marvin J. Wolf** appeared with several of his true-crime books on NBC's Today Show. Marvin spoke as an expert on unsolved and unpunished murders, a segment that followed a development in the JonBenet Ramsey murder case. For all those who aspire to get on this show, he offers the following advice: Become a good friend of an NBC News producer who may need an expert to fill a last-minute need dictated by higher authority, which is how he fell into this.



A new edition of **Valerie Harms's** book, *The Inner Lover*, is now available from Aslan Publishers of Fairfield, Connecticut. First published in 1992 by Shambhala, the book was the #1 seller at the N.Y. Jung Institute. Also available now from Artisan Publishers is *Bird Journal* in which Valerie has three essays.



**Paul and Sarah Edwards's** *Working From Home* has gone into its fifth edition while *Best Home Businesses for the 21st Century* has been released in a third edition (with an updated title). This month, Paul and Sarah have a chart being published by Bar Charts, Inc. titled *How to Start a HomeBased Business*.



October 3, 1999, was **W. Terry Whalin** Day in Frankfort, Kentucky. Terry was honored for donating more than 1,400 books, 65

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videotapes and 191 CDs to the Capital City Christian Church Library in Frankfort.

**Lisa Rogak's** novel *Pretzel Logic*, published in June 1999, was featured in the Oct. 12, 1999, edition of *The Washington Post* in a story about how both closeted gay spouses and their straight spouses are helped by the Internet. *Pretzel Logic* is the story of a woman married to a man who comes out as gay. Lisa was also scheduled for an interview on The CBS Morning News.

**A. D. Coleman** has just completed a one-month lecture tour of Sweden, Denmark, and Finland. He spoke at the University of Art and Design in Helsinki, Bildens Hus in Sundsvall, Sweden, and the Fotografisk Center in Copenhagen, and other venues. In a review this summer, *Wired* magazine called Coleman's 1998 book *The Digital Evolution: Visual Communication in the Electronic Age* (Nazraeli) "brilliant... required reading for today's media-savvy or information-obsessed artist." That book and three other of Coleman's titles will go back to press this fall for new printings. One of them, the prize-winning *Critical Focus: Photography in the International Image Community* (also from Nazraeli), will also appear in a German edition.

**Margaret DiCano** has been busy. Three of her short stories came out within weeks of each other. "The Bag Lady Caper" appears in the most recent issue of *New Mystery Magazine*. The first of two installments of "Tunnel of Malice" came out in the recent issue of the *Crimestalker's Casebook*. Finally, a juvenile mystery, "Wendall's Worth," has been released as an original audiobook by Advance Proof in Education of Ontario, Canada.

Meanwhile, DiCano presented an overview of the last forty turbulent years to an audience at Salem State University's Explorer Institute. She used excerpts from her *Encyclopedia of American Activism: 1960 to the Present*.

And to the Friends of the Reuben Hoar Library in Littleton, Massachusetts, she talked about how and why it is possible for writers to write both fiction and nonfiction.

The film rights to **Adrian Havill's** *The Mother, the Son, and the Socialite*, which was published by St. Martin's in April, have been optioned. The role of notorious felon, Sante Kimes, is expected to be played by Delta Burke if everything plays as scheduled.

**Gordon Burgett's** article "Sell It Again, Sam: Selling Reprints and Rewrites" was the lead article in the October 1999 issue of the newsletter of the Southern California based Publishers Marketing Association

**Alma Bond's** play, "Maria," was given a staged reading to much acclaim at the Waterloo Bridge Theatre in Manhattan last month. The director is planning full performances of the play next year. The play is an adaptation of Alma's book, *The Autobiography of Maria Callas, a Novel*, which has just been published in a second edition.

**Antoinette Bosco** appeared on The Leeza Gibbons Show in late October. The program featured a father adamantly seeking the death penalty for a teenager who murdered his son. Antoinette presented a different side, being opposed to the death penalty in spite of the fact that a teenager murdered her son and daughter-in-law. Her book on surviving mega-trauma, *The Pummeled Heart, Finding Peace Through Pain*, is in its third printing.

**Carolyn Reuben**, author of *Cleansing the Body, Mind and Spirit* (Berkley, 1998), published a detailed description of Sacramento, California's Drug Court Nutrition Program in the Fall *Journal of the California Association of Acupuncture and Oriental Medicine*. Carolyn, a licensed acupuncturist as well as a self-help book author, is president of Community Acupuncture Recovery Association, which both designed and administers the nutrition and acupuncture components of the Drug Court, offering a year-long alternative to jail for non-violent drug offenders.

**David Groves**, author of *Be a Street Magician: A How-To Guide* (Aha! Press, 1999), was featured at the Los Angeles Poetry Festival on November 9 at the Los Angeles Central Library. He performed his Shakespeare of Magic show (which is billed as "a synthesis of the literary and the magical") on the same bill with acclaimed poets Jenoyne Adams, Richard Garcia, and Gail Wronsky, which was a first for the long-running festival.

**Stefan Bechtel's** literary essay "Into The Great Dismal" has appeared in a new book published by the Virginia chapter of The Nature Conservancy. The book, titled *Uncommon Wealth*, consists of twenty essays by Virginia writers, about wild places in the state.

The third edition of **Edith Gilbert's** book, *Fell's Know It All Guide, Wedding Planner* has been postponed until January. Edith's book will introduce a new series from publisher Frederick Fell, Hollywood, Florida. The same book, with a different cover and titled *The Complete Wedding Planner*, will be published by Meadowbook Press for the gift shop market and available in February.

Nearly 25,000 runners completed on Oc-

tober 24 in The LaSalle Banks Chicago Marathon with Khalid Khannouchi setting a world record of 2:05:42. Many of those participating used training schedules devised by **Hal Higdon**. "I figure I trained about a third of the field, either in print, online or in person," claims Hal. This would include the 7,100 runners who signed up online for his Virtual Marathon Training that sends daily training directions by email and the 1,300 in the Chicago area who participated in a marathon training class he helps teach. Many others follow the advice in his best-selling *Marathon: The Ultimate Training Guide*, recently reissued in a revised edition by Rodale Press or in his articles in *Runner's World* where he is a senior writer. "No, I didn't train Khalid," concedes Higdon.

**Dan Hurley's** book, *The 60-Second Novelist: What 22,613 People Taught Me About Life*, hit number 22 on Amazon.com's list of bestsellers after Dan was interviewed on NPR's "Weekend Edition" by host Scott Simon. In the past month Dan has been featured on the Today show, where he wrote a 60-Second Novel for Matt Lauer; on the front page of *The Philadelphia Inquirer*; on CNN, in an Associated Press feature, and on local TV news reports in San Francisco, Chicago, Philadelphia, Boston and Maine. The CNN story on Dan is available online at <http://cnn.com/books/news/9910/18/60sec.novelist/index.html>.

Dan is ASJA vice president (publications).

**Jane Brooks' book, Midlife Orphan: Facing Life's Changes Now That Your Parents Are Gone**, was the subject of a nearly full-page feature in USA Today on Monday, October 11. The story featured a picture of Jane and her book. The story is available online in the USA Today online archives.

**Rena Dictor LeBlanc** is set to co-produce a movie for Disney based on a treatment originally optioned by them four years ago. After a multitude of scripts and rewrites by different screenwriters (not Rena), Disney producers now have a script they like. The film will be based on the true story of a down-and-almost-out former high school basketball coach who patches together a team of "losers" and inspires them to win the state championship. (How Disney can you get!). This is not Rena's first venture into tinseltown. Three of her *Reader's Digest* articles have been the basis for television movies: "Remembrance Of Love", "When You Remember Me", and "Empty Cradle".

**Judith Kelman's** Writer's Room Web site is designed to answer the questions and quandaries of aspiring authors. The site, which she posted a year ago, has received wonderful response. Judith answers all letters from site visitors, which can run the gamut from beginner

queries to complex requests for agent or publishing advice. If you are interested in making the switch from nonfiction to fiction or have aspiring writer friends, Judith be glad to hear from you at <http://www.jkelman.com>.

◆ ◆ ◆  
**John Stickler**, former editor of the *Aging Well* newsletter, has acquired Mature Market Editorial Services from popular columnist Leonard Hansen. Mature Market resurveyed some 400 U.S. mature market publications and 50 signed up to carry sponsored columns in three areas of interest: health and fitness for seniors, travel, and book reviews. Of the 50 editors, 23 (with a combined circulation of 916,000) requested book reviews. Publishers contract with Mature Market to review their books in his monthly column for a modest fee—a form of niche-market advertorial. Total circulation of the 50 publications is 1.7 million nationwide.

◆ ◆ ◆  
**Kathryn Cullen-Dupont** has written the forward to a new edition of *Margaret Sanger: An Autobiography*. The book, originally published in 1928, is out in a new paperback edition by Cooper Square Press.

◆ ◆ ◆  
 The History of Science Society has honored **Linda Lear** with its History of Women in Science Prize for *Rachel Carson: Witness for Nature* (Holt, 1997). Linda received the award at the Society's annual meeting in Pittsburgh on November 7. The prize is awarded every two years and carries a cash award.

◆ ◆ ◆  
**Michele Wolf** recently gave readings from *Conversations During Sleep* (Anhinga Press) at the Los Angeles Poetry Festival, at colleges throughout southern California, and at the Miami Book Fair. *Conversations During Sleep* has won the Anhinga Prize for Poetry. Michele was also interviewed by ASJA member **Frances Halpern** for the Connections program on NPR and she has also appeared on the Manhattan-based cable-TV show *Poet to Poet*, which will air nationwide.

◆ ◆ ◆  
**Dr. Dean Hoch** and **Nancy Hoch** of south-east Idaho wrote and self-published *The Sex Education Dictionary for Today's Teens and Pre-Teens* in 1990. Since that time, they have earned over \$30,000 from the book and it continues to sell well via the Internet and elsewhere with very little promotion. Their advice: "It can be done."

◆ ◆ ◆  
**Pat McNees's** anthology, *Dying: A Book Of Comfort*, has drawn praise from the quarterly of the Association for Death Education and Counseling, a professional organization. "McNees has provided a remarkable anthology of insights, comforting words, stories, reassurance, and guidance for the journey of dying

and grieving," they say. "Fourteen chapters delve artfully and compassionately into a full range of dying, death, and bereavement topics. An Index by author 'Names' and another by 'Titles and Selected First Lines' make it possible to return and savor the many rich offerings she has gathered."

◆ ◆ ◆  
 McGraw-Hill recently published **Robert Mark's** fourth aviation book, *Professional Pilot Career Guide*. Mark also freelances for *Business and Commercial Aviation*.

◆ ◆ ◆  
 In May, **Roger Cox** launched a new web site, Tennis Resorts Online, which provides comprehensive, first-hand reviews of 100 tennis resorts and camps in the U.S., Canada, Caribbean, and Mexico. The material is based on his 17 years of covering travel and resorts for Tennis magazine. The site, at <http://www.tennisresortsonline.com>, is already getting roughly 10,000 visitors per month and has attracted its first advertiser. Readers who have vacationed at any of the venues are encouraged to send along their own reviews, and that material becomes part of the Web site for all visitors to view.

Well into the venture now, Roger says, "The question, not only for me but for every journalist, is whether I can make enough money to justify the time and effort of creating the site. I'll keep ASJA members informed of its progress."

◆ ◆ ◆  
**Ruth S. Jacobowitz** has won the San Diego Business Journal's "Women Who Mean Business" Journalism Award. Ruth is author of the recently published *Estrogen Answer Book: 150 Most-Asked Questions About Hormone Replacement Therapy*, her fifth midlife women's health book. The San Diego Business Journal award goes to outstanding women in a wide range of categories.

◆ ◆ ◆  
 The second edition of *Country Roads of Kentucky* by **Mary Augusta Rodgers** is now out. There is a new publisher, NTC/Contemporary Books, a new chapter on Kentucky State Parks and other additions and updates.

◆ ◆ ◆  
**Sheila Sobell** has another new book out this month. She wrote *Slim & Fit Kids: Raising Healthy Children in a Fast-Food World* with Judy Mazel (author of *The Beverly Hills Diet*) and Dr. John Monaco.

◆ ◆ ◆  
**Sherry Suib Cohen** has had to relinquish her firm and fast belief that a writer cannot live without a terrific agent. Still mourning the death of her beloved agent Connie Clausen who sold 17 books for her, Cohen and her co-author, Sybil Evans, have sold Cohen's eighteenth book, *Hot Buttons: How To Turn Them Off, Resolve Conflict and Make Relationships*

*Work*, to Cliff Street/HarperCollins ... and they did so sans agent. *Hot Buttons* is due out in the fall of 2000.

◆ ◆ ◆  
**Susan Newman's** *Parenting an Only Child* was included in an October 24, 1999, *New York Times* article on single child families in Manhattan.

◆ ◆ ◆  
 October saw the release of two new novels from **Lauraine Snelling**: *Blessing in Disguise*, number six in the *Red River of the North* series from Bethany House Publishers, and *Race for the Roses*, a contemporary romance from Barbour Publishers Inc. Lauraine also sold and signed an incredible number of books at Hostfest, the largest Scandinavian festival in the US, held mid October every year in Minot, North Dakota. She plans to return next year.

◆ ◆ ◆  
 ASJA Director-at-Large **Michael Sedge** has released *Marketing Strategies for Writers*, a book that outline the "aggressive tactics essential to success in today's highly competitive marketplace, empowering writers to dive in and create the career of their dreams." Michael says, "I believe that in today's marketplace you create your own success, you make your paths, and you fight the odds with marketing techniques that make them want you." The book is published by Allworth Press.

◆ ◆ ◆  
**Tina Tessina** just returned from a 10-day book tour of Mexico for the Spanish Edition of her book *Las 10 Decisiones Que Toda Mujer Debe Tomar Antes de los 40*, published by Pearson Educación, Mexico. She was the featured speaker before the 1,000 women attending "Workshop 2000" in Mexico City on October 27, and toured Columbia in November.

◆ ◆ ◆  
**Marguerite Kelly** is claiming status as the matriarch of the only family in America containing three columnists. Marguerite's syndicated advice column, *The Family Almanac*, has appeared in *The Washington Post* for 20 years and she also writes a monthly column in *Family Life* magazine. Her son, Michael, also writes a political column in *The Washington Post* in addition to his duties as editor-in-chief of both *National Journal* and *The Atlantic Monthly*. Meanwhile, daughter Kate has just become the new parenting columnist for *U.S. News & World Report*.

Though not active now, Marguerite's husband, Tom, had a political column when he worked for Scripps-Howard and number two daughter Meg has completed her first novel and a screenplay.

However, the Kelly's youngest daughter Nell teaches kindergarten—but she does talk about writing a book one day.



### Tasini

*continued from page 2*

for whatever reason, remain active contributors to magazines will find themselves working harder for fewer incentives. They will look for ways to honorably fulfill their assignments while minimizing risk factors and maximizing turnaround time. As rewards stagnate, editor/writer negotiations and relationships will become even more acrimonious. OR ...

Publishers and writers can put aside distracting poisonous differences, find common ground and effectively work together to identify and enjoy mutually advantageous opportunities.

Yes, it depends on good will.

Yes, it is possible.

Here's how.

#### What Is Really at Stake?

The *Tasini* decision offers all of us in the publishing industry a perfect opportunity to stop, take a deep breath, and reexamine our contractual impasse. One sensible thought is worth considering. Although the conflict has centered on the bundle of rights attached to each article, writers and publishers actually are driven in negotiations to protect an entirely different, unspoken issue. In reality (if we may use that term) intellectual property rights are a symbol. As with the American flag, attempts to control that symbol evoke a powerful, visceral response.

#### What, Then, Are the Real Issues?

Publishers want and need the ability to be competitive in this thrillride marketplace. Pub-

lishers want and need the need the ability to make deals with a maximum of flexibility and a minimum of red tape. Writers want and need fair compensation for our work. Writers want and need the ability to earn appropriate compensation for additional uses of our work, regardless of who the licensee is.

Rights have become a metaphor for these separate and deeply felt needs. However, we can assemble an assortment of contract terms that sufficiently honor the separate needs of publishers and writers. A writer feels no joy in turning down a good, rewarding assignment. A publisher feels no joy in losing access to a professional, reliable writer.

We do have some contract terms in mind and we feel they can mutually benefit publishers and writers. We look forward to sharing them with you in the future.

We suspect, however, that it might be more constructive and certainly more interesting to encourage everyone in the publishing community to consider terms that can respect the different needs. We ask everybody – writers, publishers, editors, corporations, organizations – to think about where we are, where we can go together and what terms will take us there. Let's have some public dialog about new and workable contract concepts. The results of such energy can only be exciting, powerful, and rewarding.

*Norman Schreiber*  
*ASJA Vice President (Contracts)*



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