

# The ASJA Monthly

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## Dream Bylines

by Leonard Felson

**Walking the High Wire**  
**Report on *Smithsonian***

**Literary Agent**  
**Al Zuckerman**

"We Write What You Read"

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by JIM MORRISON

# Looking Forward, Looking Back

ASJA's accomplishments and plans

**W**ith a new year beginning, it's a good time to look back on 2002 and look ahead to what ASJA will be concentrating on in 2003.

Perhaps the most important thing ASJA has done in the past year is something you've heard the least about: our central role helping devise strategy in the class action suit against the six major electronic databases and *The New York Times* for nearly two decades of copyright infringement.

In conjunction with the Authors Guild, we filed the case in federal court in New York in 2001. Later, a similar suit filed by the National Writers Union in San Francisco, was consolidated into the case. Since then, it has moved along. We've participated in numerous conference calls with our lawyers and leaders from the Authors Guild and the NWU working on the case. I hope that this year we will see the suit put money in the pockets of the thousands of freelancers who were wronged by the databases—and by the publishers who illegally supplied them with our work.

The lawsuit is designed to get money to writers for infringement of their past work. This newsletter and our online forums and Web site are designed to help writers earn more money every day.

Last year, publications chair Melba Newsome led a redesign of the look and content of this newsletter, concentrating on craft and market information, especially in the section that goes only to members.

This month, we have a Market Reports committee story with tips about what editors at *Smithsonian* are seeking. In the coming months, we'll publish Market Reports about the new *Lifetime* magazine, *Preservation*, *Gourmet* and *The Atlantic Monthly*.

By the time members read this, we will have opened a new threaded

message forum on our Web site with areas for book authors and magazine and newspaper writers, and a place called "The Writing Life," to trade everything from recommendations of books and magazine articles to suggestions for fax machines. We expect to open a chat-room for everyone—members *and* non-members—some-time this year.

Among the other things we accomplished in 2002:

- ♦ Made the PayCheck information—reports of who paid what when—easier to search online by creating a database of reports. Paycheck reports listing what hundreds of publications and companies paid go back a decade and have proven to be an invaluable resource both for members and for ASJA. In recent months, we've been approached by several magazines asking what we thought would be fair pay for Web use and other extra uses of stories. PayCheck helped put weight behind our answers.

- ♦ Hosted one of the most successful conferences in ASJA's history, attracting more than 700 writers.

- ♦ Introduced the Successful Query Project, a listing of query letters that netted assignments from 40 magazines, helping to provide members with models for their own pitches.

- ♦ Started work with the Authors Guild and the NWU on merging the Authors Registry, which has collected and distributed more than \$1.5 million to writers for electronic uses of their work, with the NWU's Publication Rights Clearinghouse.

- ♦ Worked with other creators' organizations in the Coalition of Freelance Organizations to seek ways to get better contracts for all freelancers.

- ♦ Offered new health insurance options for members.

The best news is we've managed to add services for members without raising dues. They haven't gone up and they're not going up.

So what's on tap for 2003? First, we want to grow ASJA. At nearly 1,100 members, we're bigger than ever. We've created a Recruitment Committee headed by Janine Latus. If you know writers who would benefit from being in ASJA—and I think that's any freelance writer—contact her. Or send them to the "How to Join" page online at [www.asja.org/join01.php](http://www.asja.org/join01.php).

We'll publish a book by ASJA members this year, *Trade Secrets: A Professional Guide to the Business of Nonfiction Freelance Writing*.

On the legislative front, we'll work with the Authors Guild and others to change the Draconian requirement that writers register their copyright in order to sue for infringement. The requirement is ridiculous and only encourages copyright theft in an age where it has become increasingly easy to steal from writers.

What else should be on our radar for 2003? How else can we help freelancers? Drop me a note at [prez@asja.org](mailto:prez@asja.org).

**A**SJA runs largely through the volunteer efforts of dozens of members. Often members who devote tens or even hundreds of free hours to the organization. In the last year, a number of members who have long served on ASJA's board left office.

They deserve a public, though in some cases, belated, thanks for their work (Actually, they deserve much more than that, but thanks is all we can afford).

Outgoing board secretary Marian Edelman Borden, whose logical, level-headed perspective was invaluable. Publications Vice President, Melba Newsome has pushed through so many improvements, notably the redesign of the newsletter you hold and a revamped web site.

*Continued on page 13*

## News Bits

Dear Colleagues:

Last spring and again this past summer (on appeal), the Authors Guild, American Society of Journalists and Authors, American Society of Media Photographers, the Graphic Artists Guild and the Society of Children's Book Writers and Illustrators appeared as *amici curiae* in a case that for the first time determined whether the Copyright Act's statutory right to terminate licenses after many years applies when the creator signed an agreement, after the creation of the work, stating the work had been made as a work made for hire.

I am thrilled to report that Simon (and we) have won a major victory in the Second Circuit Court of Appeals, which has ruled that the statutory right to terminate a grant, which exists "notwithstanding an agreement to the contrary," cannot be eliminated by an agreement that purports to define the creation as a work made for hire.

The case involved Joe Simon, creator in 1939 and 1940 of the Captain America story and characters. In 1969, after years of litigation, Simon agreed to a settlement before trial of a case

involving ownership of the Captain America copyrights. The settlement agreement gave Marvel Characters' predecessor the copyright and also said the works had been done in 1939 and 1940 on a "for hire" basis.

Almost a decade after this settlement, Congress gave to original creators a statutory right to terminate any grant of copyright after many years. In order to redress the acknowledged problems of unequal bargaining positions between creators and publishers, Congress stipulated that the right to terminate a grant exists "notwithstanding any agreement to the contrary." It does not apply, however, when the work was one made "for hire."

When Joe Simon tried to take advantage of this new, inalienable right of termination, Marvel sued him in federal district court, arguing that he had no copyright to retrieve because he had agreed in the earlier settlement agreement that the works were done "for hire." Judge Richard Casey agreed with Marvel, granting summary judgment to the publisher.

On appeal, the Second Circuit ruled that the purpose behind the statutory right, its legislative history,

and prior caselaw made it clear that even an agreement to deem a work as made "for hire," when it is made after the work's creation, is an "agreement to the contrary" that does not trump the termination right.

I asked you last year and this past summer if your organizations would be willing to sign onto the brief we submitted in both courts, and you agreed. I'm pleased and grateful that our joint participation was helpful to Mr. Simon. I was asked to argue briefly on behalf of *amici* in both courts and was allowed to do so. The Second Circuit opinion adopts virtually all of the arguments Mr. Simon's representatives and we made. In other words, we helped to make law that is very favorable for all of our members.

Thanks again for participating with us.

Best wishes,  
Kay Murray  
Director of Legal Services,  
The Authors Guild

P.S. You can access the Second Circuit opinion at [www.ca2.uscourts.gov](http://www.ca2.uscourts.gov).

## Spread Good Karma: Be A Mentor

Remember when you were a new writer and had many more questions than answers? Did you ever wish for a chance to get advice from a "real" writer?

The Lynne S. Dumas Mentoring Program gives new and inexperienced writers an opportunity to meet with, talk to and get advice from established ASJA members at the annual conference this year. I hope you'll consider volunteering an hour of your time to mentor on Saturday or Sunday morning at the annual conference. While you may have to miss a session to participate, you can always buy the tape of the session at the conference or order one afterwards. We will also accommodate your requests to mentor at a specific time.

You'll meet with two conference attendees for thirty minutes each, answer their writing and career questions, and hopefully give them positive, helpful advice (and constructive criticism, if appropriate), as well.

Last year, 80 attendees received mentoring. In the past, people have been particularly interested in learning more about writing for magazines, especially women's magazines; writing books; finding agents; and writing essays. I try to match each "mentee" with someone who has personal experience in the area the person wants to know more about, so the more diverse a group of volunteers we have, the better.

For your volunteering efforts, you receive a discount on the cost of the conference, not to mention the good karma of assisting a fellow writer. To be a mentor, or to help man the mentoring table on Saturday and Sunday morning, drop me a note or write on the registration form your areas of expertise and the days/times you're available; I'll send you an e-mail before the conference with your mentoring times.

It's easy, it's fun, and it helps support ASJA. Send questions, suggestions or feedback to [kellyjames@pop.net](mailto:kellyjames@pop.net) or call (630)

795-1288. And thanks for making this program a success.

—Kelly James-Enger  
Mentoring Chair

### SHOULD YOU BECOME AN ASJA MEMBER?

"This morning, I got a WMFH contract. I checked out the PayCheck report and saw others had negotiated and got the FNASR contract. I asked for it and ten minutes later it appeared in my mailbox. Between this and the great magazine subscription offers, my ASJA membership fee has paid for itself."

—Karen Bannan

TO LEARN ABOUT QUALIFICATIONS OR FOR MORE INFORMATION, E-MAIL

STAFF@ASJA.ORG

# Al Zuckerman

Writing the blockbuster narrative fiction

by SANDRA E. LAMB

**A**l Zuckerman, mogul agent and captain at Writers House LLC, which he formed in 1974, has represented some two dozen blockbuster novels, the key techniques for which he describes in his book, *Writing the Blockbuster Novel*.

Writers House's ten agents represent a range of works. In fiction, clients include authors of literary, women's, thrillers, mysteries, sci-fi and fantasy. The agency also handles how-to books in many areas including health, finance, management, parenting, interpersonal relations. Their nonfiction titles include history, biography and science. And there are lots of cookbooks and food-related titles, humor books and illustrated books, and works in juvenile and young adult.

They represent best-sellers in virtually every category, such as Ken Follett, Ridley Pearson, and F. Paul Wilson. The agency's nonfiction client list is no less outstanding, and includes Stephen Hawkins and Richard Lewis.

Al's own, personal writing credits include two published novels, *Tiger Kittens* (Doubleday) and *The Head of the House* (Dell). His play, *To Become a Man*, won the 1964 Stanley Drama Award. He also wrote for three television series, *The Edge of Night*, *Love of Life* and *Somerset*; and he taught playwriting at Yale School of Drama from 1961 to 1966.

From his office on a blustery New York afternoon, he had this to say on the subject of the nonfiction narrative book proposal:



**SANDRA E. LAMB, ASJA**, is author of *How to Write It: A Complete Guide to Everything You'll Ever Write* (Ten Speed Press). Her new book, *Personal Notes: How to Write from the Heart*, will be out next spring.

**Q:** What ingredients make the nonfiction narrative book proposal compelling?

**A:** Well, a lot of things. The first, of course, is how fascinating the story is that's being told. Secondly, the author



has to describe how the book will have relevance to, and drama for, a large reading audience. If the writer has some unique credentials for telling the story, or if the proposal is brilliantly written, these go far in making the proposal saleable. Ironically, the greater the writer's reputation and credentials, the less wonderful the proposal must be. If the writer has won the Pulitzer, for example, the proposal doesn't have to be that wonderful. If the writer is little known, the proposal needs to be very startling, dramatic and outstanding.

Then there is the factor of how publicizable the author is. Is she or he someone who is articulate, well spoken, somebody who can present dramatically and excitedly on radio and television? If the author lacks these skills, and an attractive appearance, the publisher may turn down the book because he doesn't think he can work with this author to get publicity.

**Q:** How does this compare to the ingredients for the how-to book proposal?

**A:** For how-tos, and books on health

and finance, and so forth, the charisma factor is very, very important. If the author is little known, and writes some wonderful book on index funds or breastfeeding or any subject on which there are already dozens of books, it's difficult to find a publisher

You'll need to detail in your proposal exactly how your book will be different from what's out there, and how it can be marketed.

who will commission a proposal without the author's bringing in a recognizable name whom the publisher believes has ready access to radio and television.

There are, of course, always exceptions. I recently sold a book, *When Your Kids Push Your Buttons*, by a little-known author for a six-figure advance. What happened in this case was that the author included some very specific advice in her proposal about what to do when children are throwing tantrums and causing mayhem around the house. The editor I sent it to had a couple of toddlers, went home with the proposal, and actually tried these methods on her kids. She found the author's advice actually worked, and she just had to have the book.

But generally, in a market as crowded as parenting, if you get a \$25,000-advance you're doing well. Still, you must be able to bring something unique and fresh to the subject. And you'll need to detail in your proposal exactly how your book will be different from what's out there, and how it can be marketed. It's helpful, too, if you can tell the publisher how

## Top 10 Reasons To Write for *The ASJA Monthly*

10. The contract is the best around (except for the money part!).

9. You may be able to sell it elsewhere for cold, hard cash.

8. You can get the inside track with an editor and/or magazine.

7. You'll know what's coming up before anyone else.

6. Your ideas will help keep *The ASJA Monthly* fresh.

5. We need your intelligent, witty and insightful writing to make *The Monthly* great.

4. Writers and editors will be impressed when they see your name in *The ASJA Monthly*.

3. You are a helpful, generous and benevolent person.

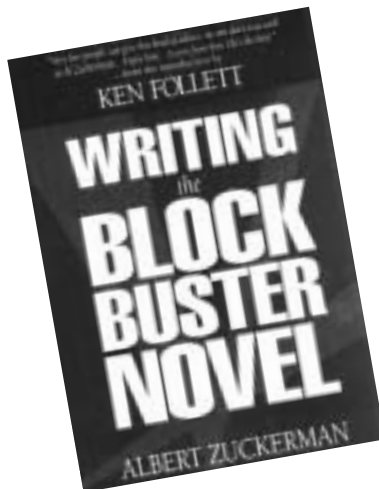
2. We will appreciate you and treat you with respect.

1. If you don't do it, who will?

If you would like to hear what we need, pitch an idea, or receive a copy of our editorial calendar, e-mail [newsletter@asja.org](mailto:newsletter@asja.org).

you, yourself, will be getting out there to sell quantities of the book.

In many of the collaboration deals we represent, the author is guaranteed \$40,000-to-\$75,000 on a book; but for our authors like Michael Lewis, who is a major client, if he wanted to collaborate with somebody, which I don't think he does, he'd probably get half a million at least.



Q: Do you find there's a proposal formula that works?

A: No. It varies tremendously depending upon the credentials of the author and the subject matter. I generally recommend that authors use the format laid out in *How to Write a Book Proposal* by Michael Larsen.

Q: Where are most writers missing the mark in their proposals?

A: I would say that many authors aren't finding, or aren't adequately defining, that niche of readership that's broad enough to interest publishers, and yet hasn't already been done in the way they propose to do it. They aren't showing enough of what's new and unique about their project. And, if a publisher has a book on the subject, no matter how good the proposal, they rarely will take on another one.

Q: Where should writers be looking for a good book idea?

A: There's much more appetite these days for good narrative nonfiction

than there is for fiction or for how-to books.

I would recommend for those authors who want to do a how-to that they team up with a celebrity or subject matter expert with high visibility and a substantial platform.

Q: So, how is the market for narrative nonfiction?

There's much more appetite these days for good narrative nonfiction than there is for fiction or for how-to books.

A: It's excellent if you can come up with a wonderful story about a forest fire, an epidemic, or something like *The Perfect Storm*, which is half personal drama, and half information about storms. Of course, writing a book like this requires a lot of time and energy, and one way to make this work for an author is to do an article on the subject first to plumb the depths of the subject, and use this as a launching point for a book sale.

The person who popularized the form is Tracy Kidder, with books like *House* and *The Soul of a New Machine*, where he brings novelistic techniques to very intense personal research. If you're interested in doing something like this, study these books.

But you can't just sit at your computer and do this, you have to go out and spend a month with some interesting people who are trying to do something like home schooling, for example. Maybe you could do it by just putting in two weeks with your subjects.

There's no limit to the number of subjects that lend themselves to this approach. [ASJA](http://www.asja.org)



# the high wire

by Susan L. Feldman



I'd like to begin today by telling you a story. I don't remember the title but like all good stories it begins with ... Once upon ...

Once upon a time there was a woman, a pretty ordinary woman—well, she wasn't pretty, but she wasn't *unpretty* if you know what this author means. She was just an ordinary woman, in an ordinary town, teaching four ordinary classes a day. But she was happy in her ordinary life—she had a nice husband, apartment, job, cats and a baby grand piano that she'd asked to be given instead of having one of those lavish Sweet Sixteen Parties popular in her day.

Now...let's pause so we can all notice something that fiction writers get to do. That little detail about the piano tells us that, in spite of the author's insistent description of how *ordinary* her heroine is, she wasn't *that* ordinary. One of the agreeable things you get to do in writing fiction is provide clues for your reader.

Back to our story. One day this woman woke up and found she wasn't ordinary any longer. Because today she had ... a number. A number! Not tattooed on her forehead or anything like that, but still a number. "One in *blab blab* people suffers from *blab blab* disease." Her number.

But having this number meant that for this ordinary woman, many of those ordinary things were now beyond her reach. But she had to do *something* with her life. And having obtained a useless Bachelor's and Master's, in English Literature, she did the only thing she was trained to do: *She wrote short stories.*

Beautifully written stories. Tightly constructed, exquisite language. All the stories were about a woman leading a very happy and ordinary life in the 1980s—the life the author had planned on having before she got that number. *Not* the life she had. She wrote about love affairs, hearts broken; living in Venice, traveling down the Nile. She wrote about buying clothes at Saks and facials at Elizabeth Arden. And each story was like a small gem—bright, keen-edged.

Everyone *admired* them. They were so "beautifully written" every editor wrote, though *none* accepted them for publication. It took our heroine some time to realize why no one wanted her stories. Like gems, they

were cold—beautiful to look at but cold to the touch. Since she wrote about a life that had never been, they had no life in them.

So she stopped sculpting those beautiful gems and began instead to weave, in plain ordinary cotton, what she did know—what she put on and took off every day—the ordinary clothing of her life. And here's what she learned. When she sent three of these pieces to magazines—and they were snapped up right away and published—each was under the heading of Essays in the Table of Contents. Did this make her live happily ever after? Well, no. But...she was a helleva lot happier than she had been the week before.

The End.

Oh, wait, I just remembered the title of this story. It came from one of those so handy epigraphs you find at beginning of essays. "*Yet to walk the high wire of putting one's thoughts upon the printed page without the safety nets of fictionalization or journalistic distance, to sign on the bottom line that yes indeed this is what I think and feel and am willing to tell you directly, creates a sense of uncertainty that is in fact one of the genre's greatest attractions. E.M. Forster's How can I tell what I think till I see what I say? is often the unspoken impetus for writing personal essays.*" And *that* was the title of this story "The High Wire."

And, of course, it is my handy epigraph at the beginning of my story: how I learned to walk that high wire and write personal essays. Edward Hoagland in his introduction to *The Best American Essays of 1999* wrote this of being an essayist: "Speaking his mind is likely to be a labor of love, and risky because if a work of fiction flops, at least it's nominally somebody else's persona that has been boring the reader."

Risky, yes it's certainly risky to write personal essays because you must put *yourself* on the page. I'm willing to take this risk. Why?



SUSAN FELDMAN'S work has appeared in *Creative Nonfiction*, *Ontario Review*, *Epoch* and more than a dozen other magazines and journals. For the past two years, one of her essays has been chosen as one of the Notable Essays of the year in The Best American Essay Series. She is currently working on an essay collection.

Since I began to write personal essays in the mid-90s, 13 of them have been sold to very fine magazines. Also for the last two years one of my essays has been selected as one of the Notable Essays of that year in the annual collection of *The Best American Essays*. But because I already live with considerable risk, I've become accustomed to life on the high wire.

Wait a minute. What do I mean by *risk*? I don't mean collective risk, nor theoretical risk, nor the risk of living on

to lose it as it's so rare that I come up with a good title when writing the first draft. "The Practice." For this essay is about the practice of Medicine today. The changes in the last two decades—patients knowing more, demanding more, the Internet, doctors no longer gods etc. "The Practice."

What makes this a personal essay and not just a good story? Well first it *starts* with a good story. A personal story—one that has happened to a person who is willing

One of the most significant reasons we read personal essays is that they provide us with the vicarious experience of those aspects of life we hope never to live.

this planet with its terrorists and toxins. I mean real everyday goddam RISK. I mean...wait, I don't want to *tell* this to you. This isn't, after all a panel on the Short Story or the Conference Speech. It's on the Personal Essay. And one of the techniques of the Personal Essay is to tell the story as it really happened, without any of the detours fiction allows. We don't begin, "Once upon a time." We begin with ...

*I'm wearing a new pair of slacks and the blouse I bought for my 40th birthday party. My knees are pretty bad this week but I'm wearing the Cole Haan high heels. I know to dress well. I know to fix my hair and make-up. I mustn't look sick. I'm going to see a new doctor and one of the things I've learned is that doctors do not like sick people.*

*He is scanning my scans. And finally he clears his throat and looks up. "There are," he says, "morphological changes in both kidneys." He stops and clears his throat again. They always clear their throats right before they smack you on the head and so then he says, "I've seen lupus patients go on like this for years and years." He pauses—there's always this little silence before the punch line. "Or you could go into renal failure and die tomorrow." Another little pause. "Of course I'm assuming you already knew that."*

*I pause. I've had Systemic Lupus for 14 years and know all the facts. I also know I'm sitting next to a physician whose office I shall never grace again. And so I say, "Yes, but if I hadn't known that—do you really think I would have wanted to hear it in quite that way?" I exit, call my primary care doctor and say, "Think you could refer me to a renal specialist who's not an asshole?"*


*Risk. I live with real risk. I might go into renal failure and die tomorrow or today or have a stroke or a heart attack or be too unwell even to put on those Cole Haan heels and fly down to Irvine to attend a conference. "Live your life as if it were your last day." I moved from my home in New York to California back in '84 for the better weather and heard that line all the time. You know, that's really lovely in theory but in practice it really stinks.*

Wait, let's stop here—I've found my title and I don't want

to tell it. But unlike other forms of nonfiction, in the personal essay the writer can use dialogue and the mechanisms of fiction. The personal essay in a nutshell: This is true and it's happened to me and I want to tell it to you.

And I hope to God you want to hear it. Why would you? Well, first of all because I hope the narrative voice is a compelling one, and it's a good story—almost like a car crash you can't look away from. But why can't you look away? Why not turn the page or in this case walk out or stop up your ears? Well I hope *not* because you are going to have lupus. But...unless you are James Dean and live hard and die young, someday you *are* likely to find yourself in some doctor's office and what I have to say about that experience may be theoretical today but be of real consequence tomorrow. Or next week or next year. Or not for you but for someone you love.

One of the most significant reasons we read personal essays is that they provide us with the vicarious experience of those aspects of life we hope never to live. But they prepare us in case we do. I risk your putting your fingers in your ears or my readers skipping ahead to the next piece because the only way I know to lead my life, my *authentic* life, is to take you along on that high wire with me. I wish I could write about that trip down the Nile I booked and had to cancel; I wish I could write about the suit I saw in Saks but couldn't buy because the University of California Medical Center has a long-standing relationship with my checking account. I wish I could write about staying tonight in this gorgeous cottage I found in Laguna Beach with a sleeping alcove that has French doors that open right on to a private beach. But those gems—I already know won't sell.

Oh but that essay ... "The Practice"... how did it turn out? Well it's not finished quite yet. In this kind of essay there is no "Once upon a time." And as yet there's no "The End." 

*Adapted from a talk for the ASJA Conference that took place October 5, 2002, University of California, Irvine.*

# Estimated Tax Payments

A freelancer's work is never done

by JULIAN BLOCK



**S**tay on top of the deadlines for filing federal returns and the due dates for making estimated tax payments, because if you miss just one, and you might incur a hefty, nondeductible penalty.

Wednesday, January 15, is a key date to remember for individuals with income from sources not subject to withholding, a category that includes freelance writers.

The 15th is the due date for the final quarterly installment of your estimated individual income tax (including any self-employment tax) for 2002, if you are obligated to make payments because your estimated tax is more than \$1,000. But it is permissible to skip this final payment if you plan to file your 2002 return and pay your tax in full by Friday, January 31.

The IRS warns that even when withholding is subtracted, it might fail to be sufficient, as can happen with salaries and bonuses received by you or your spouse. The agency can exact penalties for insufficient quarterly payments or for failure to pay the installments on time as they become due. It matters not that your final estimates are enough to eliminate any balance due when you submit 2002's 1040 in 2003.

However, there are "safe harbors" or exceptions that excuse you from any penalties for underpayments of more than \$1,000. No need to fret about penalties, provided you made payments (be sure to include withholding taken from paychecks) for tax

year 2002 by the quarterly due dates of 4/15, 6/17 (when the 15<sup>th</sup> falls on a Saturday or Sunday, the deadline is extended until the next business day), 9/16, and 1/15 that exceed a specific

Wednesday,  
January 15,  
is a key date  
to remember.

benchmark. And yes, the April-to-June "quarter" covers just two months, while the September-to-January "quarter" is four months, which is a twist that might trip up the unaware.

Those payments must be more than the *least* of the following three amounts:

(1) 90 percent of the actual taxes you owe for 2002.

(2) 100 percent of the taxes you paid for 2001 (the figure on line 58 of 2001's 1040 form). This is true even if the amount due was zero, provided the return covered 12 months.

The second exception—the prior year's tax – makes use of a fixed number; consequently, it is the easiest way for most freelancers to figure their payments and escape penalties. To illustrate, your tax payments total \$14,000 for 2001 and \$15,000 through estimates or withholding in 2002. With

those kinds of numbers, you are home free, no matter how much 2002's tax liability turns out to be.

(3) 90 percent of the actual taxes you owe for 2002, figured by "annualizing" income actually received by the end of the quarter in question. The third escape clause mainly helps persons who received the bulk of their incomes late in 2002 – for example, freelance writers who receive book royalties in December.

## Limitation On Use Of Exception For Prior Year's Tax.

More restrictive rules apply when adjusted gross income for 2001 (the amount on the last line of page one of Form 1040) surpasses \$150,000 (\$75,000 if you are married and file separate returns). To take advantage of the 100 percent escape hatch, your estimated payments must be at least equal to (1) 90 percent of the actual taxes you owe for 2002, or (2) 112 percent of your tax liability for 2001, whichever figure is *less*. The second exception becomes 110 percent of 2002 taxes for 2003 payments. [ASJA](#)

Julian Block is an attorney and former IRS investigator who has been cited by *The New York Times* as "a leading tax professional" and by *The Wall Street Journal* as an "accomplished writer on taxes." He is offering ASJA members his *Year Round Savings*; it shows how to save truly big money on taxes—legally—and explains the steps you should take to reduce taxes for this year and even gain a head start for future years. The regular price is \$16.00; your cost is \$9.95 for an e-mailed copy or \$12.95 for a postpaid copy. Send your check to him at 3 Washington Square, #1-G, Larchmont, NY 10538-2032.



## RECEIVE THE ASJA MONTHLY ELECTRONICALLY

If you'd like to read the newsletter two to three weeks earlier, you have two options: the electronic version is available by e-mail and by Web-based download on the same day it goes to the printers—usually by the 15th of the month.

sign up or download at [www.asja.org/newspub/newspub.php](http://www.asja.org/newspub/newspub.php)

# Having Our Say



You only need one ... job, spouse, story ... and Dad

by Amy Hill Hearth

**I**t takes an ample supply of guts, self-confidence, and hope to aspire to the writing life. When I was starting out twenty years ago, I had none of the above.

Oh, I had lots of unfocused energy and a strong will. I had dreams and lofty opinions and a healthy, well-developed sense of right and wrong. But I looked around and came nose-to-nose with reality. Who would ever hire me?

I was fresh out of college. My only clips were from a lengthy internship I had done at a small daily newspaper in Massachusetts. There was a recession, and many experienced journalists were looking for work.

It was my dad who got me out of my self-imposed slump. First stop: the library, where we studied a recent copy of *Editor & Publisher*. Then back home, where in several marathon sessions, we put together a mailing to

nearly 100 newspapers throughout the country.

Dad click-clacked away on his old manual typewriter, a faithful friend to him since he bought it second-hand when he returned from serving in the Army in the China Theater in World War II. Meanwhile, across the table from him, I worked feverishly on my state-of-the-art Adler electric.

Sometimes my mother would stand in the doorway and fold her arms across her chest, a small smile on her lips. Not wanting to interrupt her two geniuses at work, she would show her support by preparing sandwiches and leaving them on the kitchen table.

When we were finished at last, we carried armloads of manila envelopes to the car, each containing a custom letter, resume, and clippings. I felt confident as the man behind the counter at the post office stamped each one and tossed it into the bin.

But as soon as we left, I got a horrible, sinking feeling in my stomach. What if no one hired me? I pictured my resume and my hard-earned and precious clips being tossed straight into the garbage.

Dad must have read my mind. And then he gave me some advice I will never forget. "Remember," he

said, "you only need one job."

He went on to explain his theory that out of 100 letters, I'd probably get 15 to 20 responses. Out of those, he said, I'd end up with five or so serious nibbles. From those five, I'd probably get three interviews. And from those three, I was likely to get one offer. And that's all I needed: one offer.

Somehow, he made it all seem easy. A senior-level marketing executive with years of experience at General Electric, my Dad knew nothing about the newspaper business. But he knew a thing or two about motivating people.

Blessed with a perpetually optimistic outlook on life, he is a born salesman who convinced his four children that no dream was out of reach and no obstacle insurmountable. Creative thinking was the key.

This is a man who once came up with the notion of writing a formal letter to the Tooth Fairy to explain that one of my baby teeth had fallen out and had washed down the drain accidentally. I had wept inconsolably, but his idea gave me hope. We put the letter under my pillow in lieu of the tooth and—miracle of miracles—the Tooth Fairy cooperated and I received the customary quarter.

Well, the job search worked out



ASJA member **AMY HILL HEARTH** (pictured at left, with Diahann Carroll and her dad) published her fifth book, *The Delany Sisters Reach High*, in January, 2003. She lives in New Jersey with her husband, Blair.

exactly as he predicted, too. I ended up with a terrific full-time newspaper reporting job, which, of course, is all I needed. Just one.

Dad's advice that "you only need one" carried over to advice on dating and finding a mate. By my early twenties, I had already concluded that men were pathetic or stupid or both, and that guys like dear old Dad just didn't exist anymore.

"Remember, all you need is one," he said, in a speech that was beginning to sound familiar. "So what if most guys out there are worthless? All you have to do is find one good one. Just one."

Dear old Dad, it turned out, was right once again. Not long after our conversation, having pushed aside my sour outlook, I actually met my husband-to-be by interviewing him for a big story I was working on. I got a front page byline—and a partner for life.

By this time, I no longer doubted Dad's advice and neither did anyone else. (It's contagious.) My husband, sounding eerily similar to my father, often encouraged me by saying, "You never know who is reading your articles. All you need is one great story, and who knows what it will lead to."

In the late 1980s I began writing for *The New York Times* in Westchester County, New York, covering every news and feature topic imaginable, and then it happened. I found The One—the story of a lifetime.

Ironically, my editor at the *Times* did not think much of this story idea of mine. It involved two reclusive and unknown sisters, both over 100 years old, who lived together in Mt. Vernon, N.Y. They were the daughters of a slave, and I thought they might have something to say.

Did they ever.

My article, called "Two Maiden Ladies With Century-Old Stories To Tell," was published on September 22, 1991. A short time later, I received a phone call from a book publisher (Kodansha America) asking me to expand my story into a book.

I spent two years on the book, an oral history called, *Having Our Say: The Delany Sisters' First 100 Years*.

When it was published in September 1993, no one was more shocked than I when it hit *The New York Times* best-seller list—and stayed there for 106 weeks.

I wrote two more bestsellers, *The Delany Sisters' Book of Everyday Wis-*

*dom* (Kodansha America, 1994) and *On My Own at 107: Reflections on Life Without Bessie* (HarperSanFrancisco, 1997), written with Sadie Delany after the death of her sister, Bessie.

Meanwhile, *Having Our Say* was published in seven languages, won several important national prizes, and was added to the curriculum of several thousand high schools and colleges in the U.S. Camille Cosby, a theatrical and film producer married to Bill Cosby, purchased the play and film rights, and next thing I knew I was working on Broadway helping dramatize the book to the stage. Following a successful, Tony-nominated run on Broadway and national tour, we embarked on the second dramatization—for television. I was added as a character, played by the phenomenal actress, Amy Madigan. (I had to get used to being referred to as "the real Amy" on the film set. But that's another story.)

The film version also won a number of prizes. The producers, the director and I were each awarded a prestigious George Foster Peabody Award for excellence in broadcasting. We had a private party at the White House and held a screening of the film at the Kennedy Center a week before it premiered as a CBS Sunday Night Movie.

By this time, both of the dear Delany sisters had died. You'd think it might have ended then, but "Delany Mania" (as I sometimes call it) has a

life of its own. Washington, D.C., for example, chose *Having Our Say* for its first citywide reading effort, "D.C. We Read," last spring.

There is great demand for me to speak about the Delany sisters and how I became like a daughter to them

**"You never know who is reading your articles. All you need is one great story, and who knows what it will lead to."**

in the years we had together. As the reporter who "discovered" the sensational sisters, I have been designated to carry the mantle of "the keeper of their stories." I receive mail from people of every imaginable background, from those who are nearly illiterate to professors at our nation's most respected academic institutions. *Having Our Say*, my publisher says, will be in print for centuries.

One of the projects that I was asked to write, following up on the success of *Having Our Say*, is a children's book. One publisher, without any preliminaries at all, sent a fully executed contract to me in the mail.

Instead, I chose Abingdon Press, Nashville. As the largest Protestant publishing house, I thought the sisters—devout Episcopalians—would have liked the idea.

Called, *The Delany Sisters Reach High*, my children's book will be published in February. Based on advance orders, we expect that it will do exceedingly well. In fact, my agent is already using the "S" word (for sequel).

In the meantime, I've written on other topics, but I always keep getting drawn back to the Delany sisters. It seems to be my destiny.

Ah, well. As Dad, now 78, would say, "All you need is one." One job. One husband. One great story.

And if you're lucky, one great dad. [ASJA](#)

## Is Microsoft Office Still Right For Our Offices?

**M**icrosoft has been leaking some details of the next release of their Office suite, Office 11, due for release in the middle of this year. Around Halloween, Microsoft sent out the beta version, a pre-release copy that goes to gung-ho types willing to report bugs in return for being the first on the block to get to play with the latest and greatest.

The main “improvements” will be in greater reliance on XML and more Web services. XML is the “extensible markup language,” a way of adding information to “documents” (very widely defined) that contained structured information.

Is that technobabble? Yep. It is. And therein lies the problem.

Microsoft has taken Office right *out* of offices like yours and mine and has taken the product more deeply into the corporate jungle. Everyone is atwitter with buzz phrases like “linking to corporate databases” and “reporting, analyzing, importing, and exporting information.”

The problem is that those of us without full-time computer geeks at our beck and call are not going to be able to use any of this stuff anyway. We just want a way to keep track of our clients, handle our e-mail, draft documents, and keep the books. I mean, I wouldn’t know what to do with XML if it walked up and shook my hand.

The other problem with Office 11

is that Microsoft is moving toward an annual licensing fee system. As it is now, once you buy a piece of software, you hold a perpetual license to use it. But all that is going to change if the folks in Redmond have their way. They want you to have to pony up *every year* just to keep using software for which you’ve already paid.

They were sending up trial balloons on this subject for most of 2002. Just when they will actually try to implement it is anyone’s guess, but you can be sure that they will, sooner or later.

In the meantime, the price of Office upgrades keeps climbing. A few years ago, I remember they cost \$99. Now they are \$299 or more.

In order to keep costs down, more and more computer manufacturers are no longer bundling MS Office or even the stripped-down MS Works with their machines. That’s turned out to be good news for Ottawa-based Corel software. Corel’s WordPerfect 10 and spreadsheet Quattro Pro 10 are getting the call, instead. The latest companies to make the switch are Hewlett-Packard, the world’s largest computer manufacturer, and Dell Computers.

**S**peaking of Dell, by the time you read this, the company should have released its new handheld. The unit runs Microsoft’s Pocket PC 2002 operating system and costs about \$300. (They were aiming for \$199.) ViewSonic, the maker of some of the best flat-screen displays, has also announced a pocket PC, the V35, near that price. The cheapest handheld using the pocket PC operating system I could find as I was writing this was Toshiba’s e310 at \$499.

There *are* handhelds running the Palm operating system for as little as

\$169 and, for most people, they would be more than adequate. I used a Palm Pilot when they first came out and later owned a Palm Pilot III. They’re great little devices and do the job 90 percent of the time. If you don’t need color or some of the other specialized features offered by the pocket PCs, save your money.

However, if you do need some of the features found only in the pocket PC-based handhelds, you might want to take a look at the Dell or ViewSonic units. I hope to have reviews of them later this year.

The ViewSonic pocket PC is already being praised for its large and bright screen, which is no surprise given the company’s reputation for flat screen monitors.

Meanwhile, what I’m curious about is how Dell is going to go about manufacturing their model. Dell is famous for its highly competitive pricing. They are able to beat almost everyone else on price because the company doesn’t build a computer until it has an order in hand. It collects payment when it ships the finished unit and still has a few days to pay for the parts. In fact, it probably still has a few days to pay for the parts *and* get an early payment discount.

Meanwhile, it has a huge cash float earning interest. Admittedly not very much interest these days but interest nonetheless.

Because Dell sells direct, rather than through retailers, they average only four days between the time they receive parts and the time they ship those parts out the door as part of a computer. If their suppliers are offering a 1 percent discount for accounts paid within 15 days, they’ve still got 11 days to hang on to the money, earn interest, and still earn the discount.

Conventional computer manufac-



**TIMOTHY PERRIN** is former editor of *The ASJA Monthly* and has been a freelance writer for 27 years. He has been published by *Reader's Digest*, *Writers' Digest* and *Arthur Frommer's Budget Travel*, and is the author of three books.

turers, however, have to warehouse complete machines and then have them sit in retailer showrooms for weeks before they actually sell them. As well, they've got to add one or two levels of mark up to the price.

See why Dell is doing so well?

But are they going to be able to follow this model with handhelds? Probably not. The scuttlebutt is that they're contracting with a Taiwanese company to make the units and they'll be getting them fully assembled.

But who cares if they drive the prices down?

**M**icrosoft has backed down on copy protection on its new Media Center PC version of Windows XP. A few computers using the operating system began shipping before Christmas, most notably an expensive but beautiful unit from Hewlett-Packard.

Among other features, a computer running the multimedia operating system has a built-in TV tuner and video recorder that acts like your VCR. You can set it to record TV shows on your hard drive to watch later. You can also freeze-frame or stop the action on live TV, then resume later.

As originally announced, howev-

er, the recorder in Media Center Windows XP would only play this content back on the same computer on which it was recorded. So, for example, you could not record last night's episode of *The West Wing*, burn it onto a DVD, and watch it on your laptop while you were flying to Toronto, even though that use is completely legal.

Microsoft backed away from that position in early October and is leaving it up to the copyright owner to decide whether a particular TV program will be "encrypted to the hard drive." In other words, if it's OK with the producer, you'll be able to burn a copy to watch on your laptop. If not, you'll be out of luck.

From Microsoft's point of view, of course, this is smart thinking because now, when someone can't watch a program, they won't complain to Redmond but to the entertainment company.

In case you think this won't affect you because you're not buying a Media Center PC, the same technology is being featured in version 9 of Windows Media Player, but nobody tells you before you download the free upgrade. **ASJA**

## From the President's Desk (cont. from 4)

Former contracts vice president Rich Marini took on a vital job and then performed it for not one, but two years, helping many writers get better contracts.

Former conference vice president Donna Albrecht set the standard for ASJA conferences, upgrading not only the panelists, but setting a record for attendance.

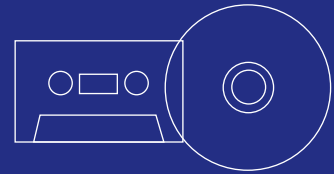
On the board, Florence Isaacs, who has served as conference chair, provided a long view of ASJA needed to make good decisions. Estelle Sobel ran the program committee and offered excellent ideas. Sherry Suib Cohen returned to the board bringing a fresh perspective. Catherine Dold stepped in and took over projects with typical professionalism when we needed help. Barbara DeMarco-Barrett not only became our newsletter editor but rejuvenated the West Coast

conference. Elizabeth Pomada offered her valuable expertise. Kathryn Lance oversaw the Writers Referral Service and served a long, fruitful time on the board. Andy Smith brought us his expertise in running non-profit organizations and made sure we stayed on track. Pat McNees brought wisdom and perspective to our deliberations and served as our expert on copyright matters, especially the tricky subject of fair use. And Karen Dustman provided her lawyer's acuity and bugged us about things we needed to do, but didn't want to—like getting directors and officers' insurance.

I thank them all for their service. If you see them—in person or online—please thank them as well. **ASJA**

Jim Morrison, of Norfolk, Virginia, is president of ASJA.

## Writers Conference Tapes/CDs Available



If you missed the conference last April, or missed panels you wanted to attend, don't despair. You can order recordings on audio cassette tape or CD (yes!) by calling (888) 522-5023 or log onto [www.nrstaping.com/asja/asja2002.htm](http://www.nrstaping.com/asja/asja2002.htm). ASJA members, log onto [www.asja.org/members/wc/wcaudio.php](http://www.asja.org/members/wc/wcaudio.php).

## KNOWLEDGE is Power

If you or your writing group has questions regarding contracts in this post-Tasini world, ASJA's Contracts Committee has answers. The Committee has assembled a crack team of knowledgeable members throughout the country willing and able to address your group on contract matters large and small.

Addressing challenges like work made for hire, indemnity clauses, making unfair contracts palatable, and negotiating strategies, we can give you the kind of nitty-gritty, timely information you need to protect your rights and improve your bottom line.

for more information,  
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## Moving?



Please mail, fax or email your new info to the ASJA office ...  
... and NOT to your humble newsletter editor.

# What's In Store

Walking the talk and living the life of a writer

by SUSAN K. PERRY

It's always a special pleasure to read about one's own kind—or the “kind” one would like to be. Perhaps that explains why so many books are published about writers' lives and creative processes. Or is it because writers feel the urge to explain themselves? Whichever, it's a happy symbiosis.

I've read hundreds of books by and about writers telling how they do it. I even wrote one. Many of these authors advise us to live and write the way they do if we're to succeed as they have. Yet I remain skeptical of any writer who doesn't recognize his or her own peculiarity, and thus *my* uniqueness. Therefore, in this month's column, instead of ranting as I'm wont to do about how anything any writer insists you *must* do is downright silly, I'm making a point of sharing the few useful things I learned from each of the following books.



***Making a Literary Life: Advice for Writers and Other Dreamers*** by Carolyn See. Random House, 2002, 260 pages, \$23.95.

Intended for beginners only, by Carolyn See's own admission, this how-to is written in a breezy conversational tone. I've heard her speak numerous times and interviewed her for my own book, and she's a generous person whose warmth shines through every page of this book.

Still, readers must decide how literally to take her prescriptions, among



**SUSAN K. PERRY**, a long-time member of ASJA, is author of the *L.A. Times* bestseller *Writing in Flow* and the forthcoming *Loving in Flow*, as well as hundreds of articles. Contact her at [www.BunnyApe.com](http://www.BunnyApe.com).

the oddest of which is to write an admiring note to some literary luminary (or editor or agent) five days a week, every week of your life. She puts this right up there with the necessity of writing a thousand words on every one of those days. Her perseverance has worked for her, career-wise (she gives examples), and might be helpful for those of us less temperamentally inclined to build those crucial networks.

Her chapter on the rejection process is excellent at *any* stage of a career. Write a thank-you note in response to rejections, she suggests (insists!), and for every bad review you receive. Why? To prove to yourself that you're not dead yet. In spite of the New Agey feel to some of this (she writes about having fun with magic), you can't help but concede that See is one upbeat lady who knows her way around a successful writing life.



***On Writing*** by Eudora Welty. The Modern Library, 2002, 128 pages, \$14.95.

Eudora Welty was a Pulitzer Prize-winning novelist who also wrote short stories and a memoir. In this slim volume, she writes with great precision of how stories are composed, how to read them and what a writer should remember. “I think we need to write with love,” she says, and, in spite of the overall English-lit-class tone of the prose, you can't argue with: “Passion is the chief ingredient of good fiction.” These essays on craft are aimed at novelists, but much applies as well to creative nonfiction. The one small thing that stands out throughout is the urgent necessity of the particular, such as setting your story in a detailed and believable place. Welty also advises writers to give characters a time pres-

sure to work against. Welty offers an inspiring reminder of the power of a story well told.



***Lessons From a Lifetime of Writing: A Novelist Looks at His Craft*** by David Morrell. Writers Digest Books, 2002, 243 pages, \$22.99.

Combining memoir and how-to for would-be novelists, David Morrell fills these pages with very readable prescriptions for wending your way through the process, including plot, character, viewpoint, and much more. Again, this book has crossover appeal to the creative nonfiction writer. “What Not to Do in Dialogue” is a chapter many of us could learn from: how to work around those tiresome “he saids” and the miserable overuse of those tacked-on adverbs (“Jill said bitterly”).

I once worked with a client on her novel, and by the end, I was nauseated by the constant repetition of speech tags like “he said proudly.” Morrell, bestselling author of *First Blood* (from which the *Rambo* movies sprang), takes the time to explain what works better and why. His 30 years of writing experience seem to have provided countless anecdotes we can benefit from. **ASJA**

**The 2003 ASJA Writers Conference will be held May 2-4 at the Grand Hyatt Hotel in New York City.**

**Visit [www.asja.org](http://www.asja.org) for up-to-the-minute information.**

## Building Your Platform Marketing Yourself as an Expert

It's the question posed in every editorial meeting about a potential book: "Does this author have a platform?" In today's tight book market, publishers demand authors have an already-established audience. But how do you build that audience—*before* your book is published? This panel will tell you how to identify your unique selling points, build your credentials as an expert, and create a strong marketing presentation to give your book proposal the best shot possible.

**Moderator:** Diane O'Connell, ASJA, author, and member of Words into Print, an alliance of independent editors.

**Paul McCarthy**, ASJA; president, McCarthy Creative Services; and member of Words into Print, will discuss how to look at your work from a marketing point of view to identify and capitalize on your greatest strengths.

**Joan Schulhafer**, director of publicity, Kensington Books, will discuss what publishers look for in an author's platform and marketing plan, what impresses them, and what doesn't.

**Susan Newman, Ph.D.**, ASJA, author of numerous best selling family relations books, will reveal how she made herself more marketable to publishers.

**Marisa D'Vari**, ASJA, author, *Media Magic: Profit and Promote with Free Media Placement*, will give pointers on how to build your platform without shelling out big bucks.

**Mark Levy**, president, Levy Innovation, an identity and marketing consulting firm, will offer ideas for making your platform unforgettable.

**January 21, 2003 • 6pm**

**Roger Smith Hotel  
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New York City**

**ASJA Members: \$18 advance/\$23 door  
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Please reserve by noon, January 21. Call the ASJA office at (212) 997-0947 or fax your credit card information to (212) 768-7414.

## An Evening with Jim Bellows

**Author of *The Last Editor*  
Free book signing and talk open  
to the public**



The ASJA Southern California Chapter partners with National Writers Union and the Independent Writers of Southern California to bring you Jim Bellows, the legendary editor of underdog papers *The Herald Examiner*, *The Washington Star*, and *The New York Herald Tribune*. Bellows is currently editor of *Helen O'Donnell's Common Ground*. Among the dozens of famous writers whose careers he launched or cultivated are Jimmy Breslin, Tom Wolfe, Gail Sheehy, Art Buchwald and Maureen Dowd.

**January 22, 2003 • 7pm**

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## 2003 ASJA Writers Conference

**Keynote Speaker :**

**Barbara  
Ehrenreich**



**Author of  
*Nickel and Dimed:*  
*On (Not) Getting By In America***

Barbara Ehrenreich's *Nickel and Dimed* was named a *New York Times Book Review* "Notable Book, 2001"; a *Los Angeles Times* "Best Book, 2001"; and a *Business Week* "Best Business Book, 2001." Her experience as a journalist is also stellar: since 1990 she has been a contributing writer for *Time Magazine*, is contributing editor for *Harper's Magazine*, and has written for *The New York Times Magazine*, *The Washington Post Magazine*, *Ms.*, *Esquire*, *The Atlantic Monthly*, *The Nation*, *The New Republic*, *Social Policy*, and *Mirabella*. For a conference preview and to receive e-mail updates, visit [www.asja.org/wc/2003/2003prev.php](http://www.asja.org/wc/2003/2003prev.php).

**May 2-4 • Grand Hyatt Hotel  
New York City**

# Calendar

Calendar events are open to the public.

## 2003 ASJA Writers Conference

Keynote Speaker

May 2-4 • Grand Hyatt Hotel

New York City

**Barbara Ehrenreich**



Author of

*Nickel and Dimed:*

*On (Not) Getting By In America*

Details on page 15

## Building Your Platform Marketing Yourself as an Expert

Moderator:

**Diane O'Connell**

**Panelists:**

Paul McCarthy

Joan Schulhafer

Susan Newman, Ph.D.

Marisa D'Vari

Mark Levy

**January 21, 2003 • New York City**  
details on page 15



## An Evening with **Jim Bellows**

**January 22, 2003**

Huntington Beach, CA

details on page 15

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