

## **The Author-Agent Partnership: A Comprehensive Checklist** by **Shutta Crum**

No one *needs* an agent to sell creative work. Even if you do have an agent, that does not insure your work will sell. There are many reasons why an author, or illustrator, might want an agent as a partner in one's creative endeavors. On the other hand, there are some pretty good reasons why one might *not* want to be represented. The first step is examining how much you like to be in control of the various aspects of your work, and how much you can comfortably delegate.

Start off by educating yourself about what an agent can and can not do for you. Read articles in the various market guides (published annually), or in other books, and writing magazines. Talk to friends who have agents. Contact professional writing organizations you belong to for informational handouts on agents. Then evaluate the pros and cons.

### ❖ Considering some pros and cons:

#### ➤ Pro:

- Provides access to closed markets.
- Stays current on industry trends and markets.
- Can diagram the flow of editorial musical chairs.
- Tracks submissions/rejections.
- Develops a submission plan per manuscript/for your portfolio.
- Has contract and negotiation experience, esp. in sub-rights, and may be able to get you better contracts.
- Monitors advances and royalties.
- Acts as a go-between in the case of problems with an editor or publishing house.
- May be a good first-reader/viewer.
- Only charges 15-20% for services.
- Other?

#### ➤ Con:

- Takes 15-20% of all income.
- Acts as a gatekeeper—may be too editorial as a first-reader/viewer and return work you think is ready to sell.
- May not have much industry clout to get calls returned.
- May not be the type of “public face” you want representing you.
- May not be willing to settle for publishing at smaller houses with which you are comfortable.
- May have dozens of clients with similar work against which you are competing for the agent's time, attention, and connections.
- May not be as organized as you desire in respect to submissions/rejections, nor report as frequently as you would like.
- May not agree with your vision of the trajectory of your career.
- Other?

Let's say you've considered the pros and cons, and you want an agent. Now you need to find a legitimate one. After all, anyone can hang out a shingle and claim to be an agent.

❖ Finding legitimate agents:

- Check authoritative publications. These include *LITERARY MARKET PLACE* which will be available at most public libraries, the *2006 GUIDE TO LITERARY AGENTS* by Kathryn S. Brogan, et al. (Writer's Digest Books, 2005), *JEFF HERMAN'S GUIDE TO BOOK PUBLISHERS, EDITORS & LITERARY AGENTS, 2006: WHO THEY ARE! WHAT THEY WANT! HOW TO WIN THEM OVER!* by Jeff Herman (Three Dog Press, 2005), or *AGENTS DIRECTORY* by Rachel Vater (Emmis, 2006). These annually updated guides provide information on non-fee-charging agents, most of who adhere to the ethical guidelines established by the Association of Authors' Representatives. Included are interviews with agents and articles on writing conferences, researching agents' web sites, writing query letters, submitting material, and more. In addition, the annual "bibles" of writers, the Market Guides (Children's Writers', Poets', Fiction Writers', Screenwriters', Christian Writers', etc.) published by Writers Digest Books usually have a section on agents representing that genre.
- Search authoritative agent websites such as [www.agentquery.com](http://www.agentquery.com). Especially relevant is the Association of Authors' Representatives at [www.aar-online.org](http://www.aar-online.org). This professional trade group requires agents to sign a "Canon of Ethics," charges an annual fee, requires new members to be nominated with references from two existing members in good stead, and agencies must have sold rights to at least ten literary properties in the eighteen-month period prior to application for membership. It is the primary professional organization of literary agents.
- Query members of writing groups and organizations to which you belong. A word of warning though; just because someone gives you the name of an agent, does NOT mean you are being recommended—so don't present yourself as such.
- Many agents speak at conferences and may be receptive to queries from attendees. However, be warned, some disreputable agents have weaseled invitations to smaller conferences not supported by well-known writing organizations.
- Occasionally, you may find a dedication to an agent in a book you love.

❖ Researching your top choice(s):

- Know that the primary warning sign of a fraudulent agent is any indication of upfront fees! You do NOT pay for an agent. The agent's salary comes out of your advances and royalties AFTER your work has sold. Any small office fees sometimes charged for international mailing, faxing, etc. should be billed, clearly itemized, and reasonable.
- Find out if the agent is a member of AAR at [www.aar-online.org](http://www.aar-online.org), the Association of Authors' Representatives.
- Check the "Predators and Editors" link at the Science Fiction Writers of America website, <http://www.anotherealm.com/prededitors/pealk.htm>. This is a listing of agents—many fine ones. But noted after each listing is a "\$" if fees are charged (a real hint that something may not be legit) and notations in red if the agent is not-recommended due to reported problems or legal action. There is also a wealth of information at the mother site. Go to <http://www.sfwaweb.org/beware/>. Included is breaking news of fraud cases, articles to read, sample agency agreements, and whole lists of things to watch out for.
- Check to see if the agent has an up-to-date website.
- Google the agent and look for conference notes, or news stories. Or use Technorati at: [technorati.com](http://technorati.com) to see if anyone is blogging about this agent. Find out what others have to say, but watch out for sour grapes. If you find something you don't like, double check it through other means.
- Do an agent verification check at Agent Research & Evaluation. This is an agent tracking service that provides various paid services for detailed "fingerprints" of agents. However, it will conduct a free quickie verification. These free results are standardized, but they do let you

know whether AR&E has picked up any sales and/or received any complaints. The detailed fingerprints come at varying levels of specificity and cost. Go to [www.agentresearch.com](http://www.agentresearch.com).

- Find out the titles of books sold, or the names of authors represented by those agents on your list. Most agents will give you some information on recent sales.

❖ Zeroing in on a specific agent:

- Find out if the agent uses a contract. Many agents work with verbal agreements only. However, most will provide a contract if the author prefers that. If there is a contract, get a copy and peruse it, discuss it with author friends who also have agent contracts. If something suspicious appears, get a legal opinion. It's worth a few hundred dollars. After all, this person will be funneling income from your books through his/her agency—perhaps for many years.
- The single most important thing you can do is to check personal references. Many agents will not share a full client list. But *all* legitimate agents should be willing to give you contact information for one or two client references. When interviewing an author/illustrator reference, the primary thing to ascertain is how the agent works. (You want to get a feel for whether you can work comfortably with the agent.) Some questions to ask the agent's reference(s):
  - How speedily does this agent respond to questions, email, etc.?
  - Does the agent pre-edit and return work asking for more polishing? Or does the agent send manuscripts/portfolios off right away, or decline them indicating the work can't sell as is? (By-the-way, don't be fooled into thinking an agent is going to send out every thing you write. Agents spend years building up working relationships with editors. They are not about to put that relationship in jeopardy by sending out unmarketable work.)
  - Has the agent gotten the client increasingly better contracts or advances?
  - Has the agent negotiated sub-rights sales when rights have been retained?
  - Does the agent send copies of rejection letters?
  - Is the agency prompt in sending monies due?
  - Does the agent discuss submission plans?
  - Would the client still sign with this agent today?

Bravo! You've gotten a good agent to represent you. But the work is not over. You should be diligent in monitoring your partnership.

❖ Evaluating the relationship once the honeymoon is over:

- Are manuscripts/illustrations being sold, or seriously considered by editors? If there are rejections, are you seeing copies of the rejection letters?
- Does your agent return email or phone calls in a timely fashion?
- Are you happy with the advances and contracts negotiated? Are there some bumps that could have easily been avoided? (For ex., option clauses are fairly easily modified. Have your option clauses been working for or against you?)
- Do the publishers your agent solicits seem like good matches for your work? Or does your agent seem to be using a scatter-shot method?
- Is your agent simply sitting on material, not sending it out, *and* not informing you that he/she feels the material is unmarketable?
- Is your agent enthusiastic and supportive?
- How does your agent come across to editors, art directors and publishers? Is your agent professional and efficient from the perspective of people you hope to sell to? As an author you have a public persona that needs to be up to your standards. To find out, you will need to question an editor you are comfortable with on his/her general impression of your agent's professional demeanor. (It's good to preface this by saying you like to do periodic evaluations.)

❖ Maintaining a good relationship:

- Be honest and upfront with concerns. Ask questions; and in return listen to your agent's concerns.
- Don't monopolize your agent's time. Agents have other clients, and time is money. Don't call or email unnecessarily.
- If you're falling behind on deadlines, let your agent know before the last minute so he/she can intervene with an editor, if necessary. Unavoidable things happen.
- If you have sold work not represented by your current agent, keep him/her informed as to sub-rights and other activities happening with that, as well.
- Don't negotiate over your agent's head. Keep him/her in the loop as to important communications between you and editors. CC editorial email to your agent.
- Keep your agent informed of exciting gigs, awards, interviews, etc. that come your way. This information may be of interest to editors your agent is currently in negotiation with.
- Keep your agent supplied with reader guides, brochures, postcards, or other material that promotes your work. He or she may find these useful to send on to editors.
- Practice the good things you know about being a friend. Remember your agent on holidays, if he/she should win a prize, appear as a speaker at a major conference or be lauded in industry news. Send congratulations.
- Remember that you and your agent are partners. Periodically ask your agent to evaluate how the relationship is going from her/his perspective.

❖ Letting an agent go, and some final words:

- Should you find yourself needing to let your agent go, be sure you are very clear about the process. Check your contract, if you have one.
- Fire the agent in writing via registered mail; so you have a dated, signed for, paper trail.
- Specify a final date after which the agent will no longer represent you, or your work. If you don't have that spelled out in a contract, you will want to give the agent about 60 days to wrap things up. If during that time your work sells, you will, in all likelihood, be legally bound to that agent for that sale.
- Request a list of all editors to whom your work has been submitted, and their responses. (Ask for it, but don't be surprised if you do not get it . . . after all, you are firing the agent, and he/she may not feel it is worth spending time to accumulate and transmit this.)
- Continue to update all contact information for this agent, and note it for family members—esp. if monies will continue to be funneled through his/her agency on work already sold. Those incomes, and the rights for that work, are part of your estate to pass on to your beneficiaries. Beneficiaries will need contact information for all work you have sold.
- Finally, it is recommended that you do not start looking for a new agent until *after* you have let the old one go. (Word spreads through the writing community, agents know each other. And in the meantime, you want to secure the status of any work still out.)

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*Shutta Crum sold her first seven books herself. Her wonderful agent, Liza Voges of Kirchoff/Wohlberg sold her next four. Her latest book, BRAVEST OF THE BRAVE (Knopf 2005), made the Chicago Public Library's Best of the Best, 2005 list and was a Children's Choices, 2006, winner. She is also a retired librarian and was in management for many years. For more information about Shutta's speaking appearances and her books go to [www.shutta.com](http://www.shutta.com).*

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