

# THE AGENT'S VIEW

## A GUIDE TO FINDING AND WORKING WITH AN AGENT

### JONATHAN PEGG

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▶ If I meet a first-time author with a view to representing them, they often seem hesitant about asking what they can expect from me. Yet there are many elements to agency work and equally as many considerations that I try to anticipate for the author at such meetings.

Since the whole purpose of a literary agent is to take care of publishing processes for their client, to the extent that many details can go without saying if an author's career is in good hands, the important question to begin with is how one agent differs from another. At the same time, the considerations involved in choosing an agent are meaningless without basic prior knowledge of publishing processes. So I have provided a ten-step guide to the least an agent does for a client, hoping to address not just the kinds of questions that first-time authors often have but also the issue of which are reasonable or realistic questions to ask at an initial meeting.

### FINDING AND APPROACHING A LITERARY AGENT

It can be difficult to secure an agent's attention in the first place, so I'll begin with a very basic guide to going about that.

- First, look up the websites of the agents listed in this book's directory.
- Check that the agency's commission rates are acceptable to you (see box on The Agency Agreement on page 76).
- Study the agency's guidelines for submitting material. Most will request you to enclose a stamped addressed envelope if you would like your material returned. A typical requirement for fiction might be to enclose a covering letter, biographical information, one-page synopsis and two chapters; for non-fiction it might be to enclose the same but also a longer 'proposal' for the book. Some agencies' sites go into more detail than I have done here.
- Prepare and send off your submission (see box overleaf). It is reasonable to expect a swift acknowledgement. After that, be prepared to wait patiently for a further response – agencies receive a lot of manuscripts and it sometimes takes them up to two months to clear their backlog, although most try to respond within four to six weeks. If they are potentially interested in taking you on, they should invite you for the introductory meeting I mentioned earlier.
- An agent's main resource in a time-devouring occupation is their time, so it is advisable to direct your work accurately by doing your research. You should, of course, also present your work carefully and conduct yourself professionally.

So what does an agent actually do for you? Here is my ten-stage description of an agent's role.

#### 1. Preliminaries – content preparation

Agents vary in the amount of editorial guidance they will offer. Sometimes they will suggest further work as a pre-requisite to formalising your

## PREPARING YOUR SUBMISSION

**The covering letter** should be brief but not so brief as to be meaningless. State what kind of book it is – e.g. literary, thriller, romantic etc. for fiction; memoir, travelogue, history etc. for non-fiction. You could mention why you feel the book deserves a place in the bookshops, and include information that will be relevant or interesting to someone considering your work.

**The biographical information** should largely, though not necessarily exclusively, focus on what is of relevance to the book. There is no need to send a full CV.

**The synopsis** should capture the heart of the book, summarising the plot: not a blow-by-blow account so much as a characterisation of what the reader can expect, as with the blurbs on the back of books.

**A non-fiction proposal** should be 5–15 pages long and should introduce the basic idea of the book and your relationship to the idea (that is, why you feel you are qualified to write it), followed by a few pages expanding on the idea, a 'chapter breakdown' summarising each chapter in a paragraph or two, your thoughts about what the market for the book might be, and information about how long you plan the book to be and how long it might take to write.

For more detail about preparing a submission, see Hilary Johnson's article on page 49.

relationship with a written agreement (see box on page 76). If a formal agreement is produced before editorial suggestions have been made, it is reasonable to check whether the agent feels more work will be needed before submitting the material to publishers. It may be that they correctly feel the material is ready – after all, you should have got it into the best possible state before you sent it to them. But if they do think more work will be necessary, it is reasonable to ask roughly how much editorial guidance they will be prepared to give you. I say 'roughly' because it's difficult for an agent to say how much detail they'll go into without going into the detail itself!

### *2. Submission strategy*

The agent will decide in due course which publishers, and specifically which commissioning editors, are likely to be interested in – and most suitable for – any particular project. Sometimes an agent will submit a project to one editor at a time; sometimes they will make a 'multiple submission'. They are unlikely to have decided this until after your initial meeting and it is probably unrealistic to request too much information about strategy at this stage for two reasons: first, the agent might understandably be reticent to give away all their ideas before you have committed to them; second, the process does require flexibility.

Once a project has been submitted by an agent, it may be difficult to find another agent to take it on if it is rejected and the author loses steam, so it is worth trying to ascertain the extent to which an agent will persevere with your project. The response will be necessarily vague because the question of how many publishers they'll approach may depend on the kind of feedback they get, or indeed a number of circumstances. Yet I personally believe it is only fair for an agent to be as clear as possible about their intentions so that you have a rough idea of where you stand with them – are they undertaking to stick with the project to the bitter end if necessary or will it be a staged process in which, after a number of unsuccessful submissions, they will review their commitment and the valid question of whether it is in your best interests to continue?

### 3. Pitching

The agent's next step is to represent your book to commissioning editors in a way that is appealing without being misleading. It is important that an agent enthusiastically 'gets' your work. Whether they do or not will probably be apparent from the way they talk about it to you. If not, I think it is reasonable to ask an agent how, in broad terms, they see themselves characterising your work. How would they summarise the book, and what strengths would they emphasise?

### 4. Exploitation of subsidiary rights

Should a publishing deal be secured, there are early decisions for an agent to make about which rights are included in the deal (see the glossary on page 104 for an explanation of the various types of subsidiary rights). From a publisher's point of view, the sale of these rights will often be an important means of recouping their initial investment in producing the book. So the question of which rights are being granted and which are being withheld will have some impact on the level of advance they are prepared to pay. The relative value of different rights will vary according to the project in question, and the agent will need to try to judge whether the advance is a fair return for the rights that are being requested.

If a publisher which has been granted the opportunity to sub-license these rights makes a successful sale, they will share with you a portion as set out in the original publishing contract (see the article on contracts, page 86, for more about this). However, as with the royalties from sales of the book, that share will initially go towards 'earning out' the up-front 'advance' sum the publisher has paid for the book, with the result that you may receive payments from sub-licensed subsidiary rights only some time later, if at all.

If, on the other hand, an agent handles the subsidiary rights, further up-front advances are guaranteed as soon as the sale is made. You are also one step closer to the publishing activities that will ensue and will therefore have that much more control over what happens with your work.

So there is a variety of considerations involved in the granting of subsidiary rights. Apart from the question of what a publisher is prepared to pay

for them, another factor is how energetically they will pursue the sale of these rights. At the same time, this latter factor is equally true of your agent. So it is important to ascertain how an agent is set up for exploitation of the more important subsidiary rights such as US, translation and serialisation.

A few will sell US and translation rights directly to publishers, some will work with a network of co-agents in the territories concerned and some will have in-house foreign rights staff selling directly or via co-agents. Having dedicated staff selling your foreign rights is obviously attractive, but the impact on sales of the primary agent's enthusiastic familiarity with a book should never be underestimated. So there are pros and cons whichever way you look at it. In these days of easy telecommunications, what is important is for the agent to have sufficient knowledge of the market in question if they are working directly and a good network of co-agents (together with sufficient knowledge to oversee them) if they are working indirectly.

Serialisation rights are more relevant to non-fiction, and usually non-fiction of topical interest at that. Most non-fiction agents will sell these rights directly.

I am sometimes asked whether money can be saved by coming to independent arrangements with agents in several territories. In my view the savings are small and such an arrangement may prevent you benefiting from the strategic overview your primary agent can provide.

“IT IS IMPORTANT THAT AN AGENT ENTHUSIASTICALLY 'GETS' YOUR WORK”

### 5. TV/Film representation

Some literary agencies offer TV and film representation; others partner with independent specialist agents. There are advantages and disadvantages to each: in a larger agency with a TV department, there is the convenience of having all the activities under one roof but,

even so, the TV agent is unlikely to commit to all their book department's offerings. An independent literary agent may or may not be prepared to network with independent TV and film agents on your behalf, but if they are there is the advantage of a more bespoke service. If you've aspirations in this direction, ask whether the agent feels that they are realistic, and how they would help you if so.

#### *6. Deal negotiation*

Rather than bombard the agent with too many questions about the deal initially, since they are somewhat hypothetical until the moment has arrived, it is worth remembering that at this point an agent's time is best spent focusing on making the deal happen in the first place. They will probably have a rough idea of what they might expect by way of an advance but be understandably reluctant to make predictions. However, it may be helpful to touch on the question of their attitude to advances.

Since agents work on commission, they share your financial interest but a good agent will also take other things into consideration on their clients' behalf. Too high an advance might put you under unconstructive commercial pressure and, if a publisher ends up making a large loss on a book, this can affect your future opportunities. At the same time, it's worth bearing in mind that a publisher's marketing budget for a book is sometimes influenced by the advance they have paid, with a higher advance meaning more to recoup and therefore more reason to put resources into making a success of the book. The agent is there to advise you in these matters and then secure your aim to the best of their ability according to the circumstances.

#### *7. Contracts*

There are many negotiable points in a publisher's contract. Some have financial implications, such as royalty rates and the way royalties are accounted. An agent's commission is based on all future income, so it is in their interest to take care over these matters. Many points are to do with your control over the book in the longer term, your obligations to the publisher in the overall life of the book and sometimes even your next book.

Negotiating contracts is a very important part of an agent's duties, requiring willingness to fight a corner, attention to detail and not least patience to interpret the legalese for you insofar as you wish to be concerned.

#### *8. Quality control and diplomacy*

There are some areas that can't be definitively covered in a contract but do need to be considered as your relationship with a publisher develops. It is in a publisher's interest to succeed with a book once they have committed to it, but every book will be published amongst a number of other books and a publisher's time and overall resources are finite. There's rarely a certain science in the realms of publicity or advertising and promotions, and most authors find it difficult to press their own case even if they're confident there's a case to be pressed.

It might be that your expectations are a little high or that the publishing team as a whole is insufficiently behind a book; in these circumstances an agent may be able to step in and mediate or contribute support and ideas.

## THE AGENCY AGREEMENT

Reputable agencies offer a formal contract, either immediately or once you have done the suggested work to make your material ready for submission to publishers. The agreement is usually subject to a reasonable notice period invoked by either party, since a successful relationship is dependent on mutual enthusiasm. Most agencies charge a commission of between 10 and 15 per cent of earnings on deals done in the UK, and 20 per cent on international deals. Most also charge expenses such as photocopying, couriers or ordering finished copies of your book for the purpose of selling subsidiary rights, but not phone calls, standard postage or entertaining. It is not advisable to sign with an agent who charges a reading fee or any other sort of fee (including fees if they are unsuccessful in placing your work).

Most publishers will take your views into account in matters like the book's format, the cover design and the publication date, but these are ultimately the publisher's decision. This is as it should be, given the degree of specialist expertise arrayed within a publishing house, but even then it is sometimes necessary for an agent to help you get your point of view across and liaise for both parties.

Sometimes an agent has to stamp a foot on behalf of their client, but most of the time their relationship with publishers is not adversarial. As a first-time author you don't necessarily know what it is realistic to try to change, or how best to go about things if you have a complaint, so the agent's role is to take all that off your shoulders. An agent can hopefully pre-empt any communication breakdowns between author and publisher, thus keeping the creative channels clear in everyone's best interest.

#### *9. Invoicing, statement processing and general paperwork relief*

The agent will also invoice and check payments and statements for you. Aside from the advance payments, there are usually biannual royalty statements (and payments if the advance has been earned out). These statements can be complex and impenetrable to the layman.

There are also other bits of paperwork as you go forward, such as when the publisher seeks consent to a sub-licence or to sell copies at a discount not allowed for in the original contract. The agent is there to advise you each time this happens, manage the paperwork and check that the receipts from these deals have been properly accounted for.

#### *10. Career building*

In the last 20 years or so the role of agents has grown in importance and become better known. This is not just for all the reasons given above. Another major reason, at least if you have more than one book in mind, is that editors tend to move jobs a lot these days. They aren't looking out for your overall trajectory in the same way as an agent who is often your most reliable industry contact and ally. In theory your career is the agent's career, so the agent is always thinking about your profile and taking care of it in the small world of publishing and the media.

#### **IN SUMMARY**

In all these ways and more, agents earns their commission. If you are successful in securing an agent's attention, remember that the effort they commit is based on belief in you and your work. I would certainly advise against signing up with an agent without first meeting them in person. A good meeting provides opportunity for comfortable, informal discussion around a lot of the points above and of course it enables both you and the agent to establish whether you are likely to enjoy a happy working rapport together.

“**NEGOTIATING CONTRACTS IS A VERY IMPORTANT PART OF AN AGENT'S DUTIES, REQUIRING WILLINGNESS TO FIGHT A CORNER, ATTENTION TO DETAIL AND NOT LEAST PATIENCE TO INTERPRET THE LEGALESE FOR YOU INsofar AS YOU WISH TO BE CONCERNED**”