

Ack! Your Publisher Is Closing! Now What?

When a publisher (or a line or division within a publishing house) closes, chaos often follows. We will help you navigate the unknown by sharing our histories of surviving multiple “doomsday” events and giving you To Do lists that will help you if you land in the same boat. We will discuss how to protect yourself, maintain useful relationships, interpret communications, find resources for assistance, and hang onto your peace of mind during one of the most stressful events an author can encounter. And we *will* get you through it!

Learn how to navigate the stress of your publisher going out of business and maximize your chances for future success from three authors who have survived multiples closings each.

Possible scenarios:

- Editor fired
- Line/Division closing
- Publisher closing, friendly
- Publisher closing, adversarial

DON'T PANIC. (To steal a motto from Douglas Adams.) As stressful as these situations can be, you are going to make it through and may even find that you can turn these challenges to your advantage!

LISTEN FOR THE SIGNS. There are usually a number of warning signs before a publisher announces that they are closing. These don't *always* mean a closing is coming, but if you hear: we're no longer spending money on ads; we're letting staff go; we're closing our offices & working from home; we're not sponsoring a party at RT or RWA this year; we're going to have our editors freelance from now on; we might be selling the company; checks are coming late this month (esp if it happens more than once)? Be wary.

IF YOUR LINE IS CLOSING, find out where your editor is going & see if you can still work with them. If not, find out what other lines your publisher has that might be appropriate for your work and ask to be personally introduced to an editor there.

DON'T SIGN ANYTHING, until you have an agent or lawyer review it. Cheats for those who don't have an agent/can't afford a lawyer include: find local pro bono lawyers for the arts group (in Chicago, Lawyers for the Creative Arts are a fantastic group), or ask an author friend whose been through a closing/has more experience to go over the offer/contract with you and explain how they handled things. This last is clearly no substitute for a lawyer/agent!

GET YOUR INTELLECTUAL PROPERTY BACK. This is the most important thing of all. Regardless of how much personal loyalty you may feel, there is nothing more important than making sure your intellectual property does not get stuck in a bankruptcy black hole forever. **ALWAYS** opt to get your rights back whenever possible.

YOUR PUBLISHER IS NOT YOUR FRIEND. They are not your family. They are a business partner whose priority is their own profit and everything they do will prioritize their benefit over yours. Even people who mean well will make decisions to protect themselves. **YOU MUST DO THE SAME.** Do not accept anyone's promises. Get everything in writing. Cover. Your. Ass.

DO NOT SUBMIT MORE BOOKS to a publisher who has announced they are closing, or are letting staff go, or tightening their belt. You are locking up that IP for 5+ years and they are probably not going to be in business that long.

NEGOTIATE EVERYTHING. Do not simply accept what you are offered. Always make a lower offer. The worst they can do is say no!

KNOW YOUR CONTRACT. If it says you're to be paid monthly, they are in breach of contract as soon as the first month passes and they haven't paid you.

GET CONTACT INFORMATION for your favorite editors, cover artists, proofreaders, formatters. Lots of them freelance, so you may want to hire them in the future or ask another publisher you contract with to hire them for your projects if they don't have in-house staff.

PREPARE FOR THE FUTURE. This is a brief list of things you can do while you're waiting to get your rights back: decide if/how you want to republish your books: (with a publisher, e.g. Entangled offering to fast track Samhain authors, or self-pub?), figure out plans for cover art (but don't buy it until you get those rights back unless your budget can handle taking the hit if something goes wrong), get a formatter (or ask AJ why Vellum is worth every penny), prepare your back matter (pick excerpts, design new call to action pages, update your Also Bys), figure out a release schedule (all at once or over time?), plan your promo/sales, settle details for paperbacks if you want them, and set up all of your vendor accounts or use a distributor (D2D, Smashwords, Pronoun, Lulu) if this is your first venture into self-pub.

COVER ART. Publishers will frequently offer you the opportunity to purchase your cover art and formatted files. If your book is backlist, this should absolutely be a discounted price. (Yet to be released books will often have their cover art offered for the full amount the artist charged the publisher.) Your publisher may ask you to pay to use your blurb, but you can argue that you wrote it (if you did) and they only tweaked it.

FINAL WORD DOCS. Frequently, authors will find that the last Word doc they have is from the round before proofreading the epub/mobi files. Make sure your publisher gives

you a copy of the final clean Word doc that includes any changes made during the proofreading round. If you don't get that, you'll need to go back through your email to find your proofreading changes and make them yourself to your most recent Word doc. (The clean Word docs are a good thing to request as you go along, actually.)

TRACK ALL YOUR LISTINGS. Make sure they are coming down when they're supposed to, keeping an especially sharp eye on foreign listings of non-translated books.

GET YOUR TAX INFO. Download all your royalty statements & 1099s if you haven't already.

SUBRIGHT CONTRACTS. Get copies of all your subrights contracts (audio, foreign language, etc.) Yes, you should have been doing this as you went along, but it may turn out your publisher has sold rights they haven't even mentioned to you. Ask, explicitly, if you have received copies of all executed subrights contracts. Then make sure to track your rights reversion dates for the future with those audio/translation companies.

SUBRIGHTS PAYMENTS. Figure out when subrights get paid so you know what to track after publisher closes, assuming they're still paying you royalties. If you can arrange for the subrights holder to pay you your percentage directly after the publisher closes, that is even better, but that won't always be possible.

YOUR BOOK ISN'T EVEN OUT YET? If you've got stuff in the production pipe when you first hear that a publisher is on the rocks or closing, ask for it back as soon as possible. A company on the rocks will almost never recover. Better to get your rights back. It never hurts to ask!

NETWORK WITH THOSE IN THE SAME BOAT. Authors are amazing, as are the staff working for publishers. Frequently, people with skills will offer those skills to help their peers in these difficult situations. Ask for and accept help! You will often be able to pair up with authors who can make cover art or format or do other useful things (like share promo on social media) when re-releasing books. The people who helped write your back cover copy or did your cover art may offer to help update that blurb or remove publisher logos from purchased cover art files. However...

BE WARY OF ADVICE from other authors at your publisher. Unfortunately, many authors are not business savvy or are emotionally invested in believing their publisher is their friend, and these authors sometimes give terrible advice during challenging times. There will usually be a small handful of people who understand contracts and have useful advice. These people will often be fairly critical of the publisher, especially if the publisher isn't behaving well, so look for the ones who are expressing concerns or complaints in concrete detail.

WATCH WHAT YOU SAY online and everywhere else. If it's factual, that's a legal defense if someone decides to sue you, but you'll have to pay for a lawyer first, so be

careful. Also, until those final rights reversion letters and royalty payments are sent, you want your publisher's goodwill, because they can create problems for you.

NOTHING IS PRIVATE. If you have a "private" FB group of authors from the publisher, always assume everything you say is being screenshot and reported to the publisher. It will be. This can be useful, however...

COPYRIGHT. Find out if the publisher applied for copyright or not. Your work is copyrighted the moment you produce it, but if it hasn't been copyrighted w/the US office & you want to republish w/another publisher, they may want you to establish clear copyright before they rerelease your books.

DO NOT REPUBLISH BEFORE you have a letter of reversion from the publisher in hand. Yes, you could try to get away with it and hope nobody at Amazon, et al. ask for it, but is it worth risking your ability to self pub w/Amazon and the rest just to get your stuff up a week or few days faster? NO.

COMMUNICATE WITH YOUR READERS! Lots of people don't find out until too late that a publisher is closing, and if they've bought books directly from them, readers may not have time to download/back up their files. Give your readers lots of warning! And then let them know when and where your books will be available again. Share your newsletter subscription link all over the place during this process, even more so than you normally do. Make sure people know how to get news from you!

HONOR YOUR EMOTIONS! Especially if you've been with a publisher for a long time, or if they published your first books, or your first bestseller or award winner, or if you just got signed to your first contract only to find out the publisher is closing a month before your debut. All of this can be super emotional & *all* your emotions are valid. Anger, fear, anxiety, excitement, the need for vengeance...let it all out. Just do that around your dining room table, as opposed to on Facebook. ☺