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Anita Fore

Profile

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On a snow-turned-to-dirty-slush morning in early March, I sloshed my way over to the New York Society Library on East 79th Street in Manhattan. Once inside the landmark Italianate-style townhouse, I took the elevator up to the third floor and walked through the Children's Library to the Arnold Whitridge Room, where I seated myself among the well-heeled Upper East Side crowd of writers who had gathered to participate in a "Book Contract Boot Camp" led by Anita Fore, Esq., director of legal services for The Authors Guild.

Fore stood in front of a gleaming white marble fireplace, framed by built-in bookcases filled with young adult titles. "I should set my stopwatch because I tend to go on and on," she said with a little chuckle. She was dressed casually in a dark denim skirt, a gray wool wrap sweater, black tights, and black Mary Janes. Large silver hoops dangled from her ears.

"Now, how many of you know about, or are already members of, the Guild?" she asked in a warm honey-toned voice. Five out of 20 people in the audience raised their hands.

"So, our mission at the Guild is to get engaged in advocacy for you all and to be a voice in the industry," she said. "Currently, we are approaching 10,000 members. Some of these folks are big-name writers who work with the big trade publishers, but many of our members are working with medium-size or small presses—the kinds of places you still can tap into without an agent."

“I’ve been with the Guild for 10 years, and my job is mainly to try and intervene between writers and their publishers. Every year, literally hundreds and hundreds of contracts from all different agencies and houses come across my desk, which means my colleagues and I are in a very good position to see how the industry is trending.” She smiled. “Just think of it as an extra judicial intervention.”

After covering everything from deal point memos to draft negotiations to executed contracts, Fore finished up with this advice: “People, your job is to understand from top to bottom, and inside out, this piece of paper you are about to sign. Yes, it’s 15 to 16 pages long, but here’s the trick to it: If you are one of the lucky ones, this book could potentially be in print your entire life, plus 70 years after you die, for as long as the copyright of the work.”

A few audience members sighed with the thought, releasing hope into the air.

Originally from Detroit, Anita Fore studied English at Bryn Mawr on Philadelphia’s Main Line. “I had always been a reader, so mine is the typical cornball book-lover story,” she says. After college, she puttered around New York City for a bit before applying to law school. After graduating from Duke University School of Law, Fore remained in North Carolina for a while, where she practiced aviation and mass tort law and litigation.

“It really wasn’t any fun,” she admitted. “I kept circling back to this idea of somehow working with writers. I knew working in-house with a publisher would not be helping writers, but would be representing publishers’ business interests instead.”

So, she did some research and found out about The Authors Guild. “I called them and said, ‘I’d really like to work with you.’ They said, ‘Great! Why don’t you come up and work with us for a summer, pro bono?’ And I did.”

In October 2000, Anita Fore was hired as the Guild’s director of legal services, a position she has held ever since. In that time, she has reviewed thousands of agent and book contracts, and advised members on many other issues, including copyright, electronic rights, libel, and indemnification.

Founded in 1912, The Authors Guild is America’s oldest and largest nonprofit advocacy organization of professional writers. Since September 2005, the Guild has received heightened media exposure due to the class-action lawsuit it filed (along with the Association of American Publishers) against Google, alleging the digitization of books without permission was copyright infringement. Google claimed the digitization of books was permissible under the laws of “fair use.” The court has not yet settled Google’s liability for copyright infringement. Fore, along with the Guild’s executive director, Paul Aiken, and general counsel, Jan Constantine, has been directly involved in all of these negotiations. The Guild is currently considering its next steps.

Later in March, on yet another cold and snowy day, I visited Anita Fore at The Authors Guild offices, located on East 32nd Street near Madison Square. We looped around the white office cubicles, the conference room and kitchen space, all outfitted with pendant lighting and mod furnishings, which complemented the space’s industrial features, such as exposed pipes, high ceilings, and exposed brick.

As I followed her down a quiet hallway, Fore explained that The Authors Guild is a relatively small organization, with 14 full-time and two part-time

employees. Yet, the services they offer are extensive.

“If you are owed royalties and haven’t been paid, we step in there,” she explained. “If you want us to review a magazine contract, especially now that we are seeing more contracts that include online publishing, we’ll look it over for you. If you want to know why your publisher is no longer offering first proceeds in their contracts, we’ll look into it. And, of course, everything we see is kept strictly confidential.”

Later, over lunch, our conversation turned to specific issues pertaining to creative nonfiction. Although Fore is not empowered by the Guild to vet authors’ works, she can help memoirists and immersion writers, for instance, better understand the current legal landscape.

She laid out the following scenario: “Say you write a memoir, and your crazy Uncle Harold claims defamation against you. In your particular jurisdiction, he could argue false light, invasion of privacy or disclosure of facts publicly—those particular types of torts. You come to me, and I’ll ask, ‘Did you say something that was true? Did you do scrupulous research?’ I can’t tell you 100 percent what will happen, but I can tell by the way the courts are trending if I think they will favor you or Uncle Harold.”

Fore always spends extra time focusing on warranty and indemnity clauses with Guild members writing creative nonfiction. “Say you are writing about something very sensitive, I am going to go through your indemnification clause.”

Fore says she often encourages creative nonfiction writers to take out their own media liability insurance. “The publishers you want to deal with will add you to their own policy, but say someone you write about, someone who is alive and kicking—remember, dead folks can’t touch you—gets angry and

wants to sue. You think you're covered, but what you may not know is that there is a deductible on that policy with your publishing house for \$200 or \$300 grand. Do you want to be on the hook for that even if you are judgment proof?"

Members can purchase media liability insurance at a low rate through the Guild. Other benefits include health insurance plans, Web services, panels and programs, and a quarterly bulletin. And remember, this is all just gravy on top of the expert legal services conducted by Anita Fore and her staff, who are perhaps better suited than anyone when it comes to up-to-the-minute legal trends taking place in the publishing marketplace. With all that support, a professional writer never has to feel alone in the sometimes cold and cruel publishing universe ever again.