The Future Role of Agents

NOW YOU KNOW HOW THINGS WORK TODAY. BUT WHAT CAN YOU EXPECT IN YEARS TO COME?

by Jane Friedman

Given the magnitude of change underway in publishing, some have questioned the future role and necessity of the literary agent. Will agents continue to be the middlemen between publishers and authors? Do authors still need agents if they can get discovered or published on their own? Will publishers rely on agents when they can uncover talent through websites like HarperCollins' authonomy.com?

There are two sides to this discussion: the changing needs and roles of the author versus the changing needs and roles of the publisher. Let's start with the publisher.

Many in the industry believe publishers need to become less horizontal and more vertical (or specialized) in their approaches. Dominique Raccah of Sourcebooks has said that targeting niche categories is the only way publishers can survive. So has publishing futurist Mike Shatzkin.

I work for a special-interest nonfiction publisher (F+W Media, parent company of WD) that's been vertical in its approach all along. We serve niche audiences, know our markets better than most agents, and find authors and create great-selling books without agents.

You may agree this makes sense for nonfiction publishing, but what about fiction? Who will separate the wheat from the chaff?

First, keep in mind it's the mainstream New York houses that accept only agented submissions. If you take a look at some of the genre fiction publishers (those that specialize), as well as presses focusing on more literary work, many—including Harlequin, Algonquin, DAW and Tor/Forge—accept unagented submissions.

Second, it is mandatory for publishers' survival that they develop online communities, digital content and consumer-facing programs (rather than retailer-focused programs). Former Soft Skull Editorial Director Richard Nash suggested during a talk at this year's BookExpo America that if he were starting a publishing house from scratch today, he'd propose a community-based system that brings readers and writers together in a virtual roundtable to edit, publish and discuss content. Such models acknowledge the disintermediation we're witnessing in the culture at large, where the middlemen are disappearing. Fiction publishing is not exempt from disintermediation, and publishers of every category need to cozy up to the particular community of readers and writers supporting them.

So I believe the future of agents will be determined more by the needs and the future of authors. What does that future look like? This is where things become less clear, but here are three critical issues.

1. KEEPING PACE WITH DIGITAL TECHNOLOGIES AND BUILDING NEW CONTRACTS AND RIGHTS STRUCTURES

Right now everyone’s confused—authors, agents, publishers. Authors need agents who can make sense of what's happening, be proactive in negotiating and renegotiating contracts to take advantage of new opportunities, and navigate the increasingly complex ways content can be sold, licensed and repackaged. Agents need to be able to do this in a way that will fairly compensate authors (so they can continue to produce great material), but also ensure publishers can sustain their business models, too.
Both Shatzkin and Nash have suggested that contracts between authors and publishers need to be revolutionized—that today’s boilerplate contract is inflexible and outdated. One idea put forth by Nash is that contracts become time-based, with potential for renewal, which dodges the sticky “in print” or “out of print” question that now determines the termination of most book contracts.

Whatever happens, agents need to innovate as much as the publishers in developing a model that works, and avoid contract restrictions that make it difficult to partner and grow as the industry changes.

**DEVELOPING NEW BUSINESS MODELS FOR HOW AUTHORS PAY AGENTS FOR THEIR EXPERTISE AND PARTNERSHIP**

There’s a final dilemma. Publishers are now paying lower advances, releasing fewer titles and selling digital content at lower prices than print content (which in turn affects royalty payments to both agent and author). Assuming this is the new reality, there will be less money to go around for the number of agents now in business. Plus, will it be worth an agent’s time and energy to sell a project that doesn’t pay more than $1,500 upfront? Probably not.

One agency has quietly come out with a new model that requires authors to pay a minimum commission—i.e., the agent must earn a minimum amount on a sale no matter what advance the publisher pays, which means authors would “share” a larger part of the advance upfront (or even pay out of pocket in the case of very low advances).

Undoubtedly, there’s no shortage of aspiring writers who would be ecstatic to pay more to an agent if it meant securing a publishing deal. But such a model is sure to raise ethical concerns. Agents may take projects knowing they will ultimately be paid by authors rather than by publishers. Is the industry (that includes the author!) ready to accept such a shift in how agents profit?

In the end, agents will need to do much more than make sales to publishers to remain viable. The best agents have always been career managers who know what kind of clients they should take on—and who say no to people who don’t fit their strengths or values. Notable voices such as Seth Godin and Shatzkin have said that agents, like publishers, will have to survive by specializing, by being distinctive in some way.

I find that fitting—because isn’t that what agents have advised authors all along? Be unique. Be distinct. Have something special to offer.

It turns out no one is exempt from that prescription.

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