

CAVEAT EMPOR

A checklist for those between an Offer and Acceptance.

I. DAY ONE:

1. Offer from Agent Good Taste received.

Do NOT say "yes!" even if you want to. You say "I need some time to notify the other agents considering this." A week is the generally accepted amount of time.

2. Notify all other agents that you've received an offer you are considering.

Be prepared to tell Other Agents who the offer is from.

Because we are seeing an uptick in authors claiming offers that don't exist, I always ask who the offer is from. I ask also because if it's from Dewey, over at Dewey Cheatham and Howe, I might direct you to third party websites for some research.

DAY TWO-FOUR

3. Ask Agent Good Taste for a copy of the author/agency agreement.

An agent who won't show you the agreement is one I'd steer clear of. If you're uncertain about whether the terms are fair or industry standard (or worse, neither!) do some googling. A lot of agents are blogging these days and most of us have covered the items in an author/agency agreement at one time or another.

4. Get out your list of questions to ask prospective agents and send them to her.

You should have this prepared ahead of time. If you have more than 20 questions, that's too many. If you only have one, that's not enough.

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The most important question you'll ask is whether the agent wants you to revise before sending the manuscript on submission.

Some agents will not give you an editorial letter unless you've signed as a client. They've learned the very very hard way that some writers take editorial suggestions, revise the manuscript then shop it around again. As you might guess, this leaves agents feeling a little burned. This happens most often with new agents; the ones who have the time to do revision/editorial letters and are most vulnerable to "better" offers from more experienced agents.

5. Contact Agent Good Taste's clients (or some of them).

Ask what s/he's like to work with. An agent who will not let you do this, or won't give you names of clients or suggests in any way that this is not acceptable is one I'd steer clear of. I tell every prospective client they are welcome to email any of my present clients directly. I don't give them contact info (it should be on all my client's websites!) and I don't ask what the clients say.

Assume the clients like and respect their agent. I will never forget one poor prospect who had the misguided notion she should dig till she found what a client didn't like. She ended up with an email from the client saying "you don't deserve Good Taste as an agent." And the client had bcc'd the agent on every email. The agent and I are still laughing about that. And of course the agent withdrew the offer of representation, cause someone that determined to find fault is probably not someone you want to work with.

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6. Schedule phone calls if you want to talk with the agent

DAY SEVEN-TEN

7. Repeat this process with any other agent who offers.

DAY TEN

8. Decide which agent, if any, you're going to work with.
Notify the others.

Clearly, things happen at a pretty brisk clip once that first offer rolls in. You'll want to be as prepared as possible. Here are some things you can do in advance:

1. Prepare the list of questions to ask a prospective agent. This list should be around 10 questions. There are lots of places to find lists of questions.

2. Know who the agent's clients are, and how to reach them. Most of my clients have their email address on their website, but do you know who my clients are? Sure some of them get mentioned here, but there are some you've never heard of I bet.

3. Know what's a dealbreaker for you. The LAST thing you want to be doing is researching what a three year agency commitment means when you've got an offer on the table.

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Follow-up Q&A

but do you email only the agents who have fulls to tell them about your offer, or all the agents, including the ones who only have queries?

It depends where you are in the process. If you've sent queries within 30 days of the initial offer coming in, I'd let those agents know because they may not have had time to read the query yet.

If the offer comes in and you queried (and didn't hear back) six months ago, no you don't alert them.

General guideline to offer alerts: everyone who asked for a partial or full AND those agents you queried initially within 30 days of the offer.

*Couple questions - on Day 1 - So you actually *say* to your agent that you are taking a little time to notify other agents? I thought that was something you just skirted around ("I need time to... consider"), and it was assumed by the agent, but would be rude to actually say out loud.*

Also, when you contact the other agents, you politely give them say 4-5 days to get back to you, I'm assuming?

Yes you say exactly that. Being oblique does not help at all here. You want to be very clear in your communications.

So: Dear AgentGood Taste,

Thankyou! (insert joyous remarks about offer/excitement etc)

I have a full manuscript out with XNumber of agents. I'd like to give them a heads up on your offer and some time to get back to me. Will a week work for you on that?

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While I wait for those slackers may I get a copy of the author agency agreement from you? And of course, I have some questions. Can we set up a time to talk, or do you prefer answering by email. And it's ok to talk to your clients?

Again, I'm thrilled beyond measure at your offer and look forward to talking with you further.

Yours truly, madly, deeply

Woodland creature on a roll

kay, I'll up the ante for a trip to Carkoon...when you offer, do you send the paperwork at the same time to give the client an opportunity to look things over? Or do you send it on day two - four? And is it a terrible thing to ask for that up front during the offer? The reason I'm asking is because it seems to me, when I got in trouble for what I was thinking on the last post regarding this, that OP there had not either had the paperwork up front or didn't ask all the questions (of which you have a great list here!) prior to informing the other agents she'd had a bite from. I had a huge red flag that went off when I read that initial post as well, but I'll shut my mouth now..

I try to remember to offer to send it but I forget a lot (a lot!) If however the potential client is savvy, s/he asks for it and of course I send it right away. It's TOTALLY OK, in fact it's smart to ask to see the agreement as early as you can. I'd rather have more time to answer your questions and give you time to think than have you rush into a decision you later regret.

Having a client become unhappy isn't any picnic for us either.

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You initially had us giving the agent a week to decide, but you don't notify her of your decision until day ten??

A week is ballpark. If you have ten agents in the scrum it takes longer to sort things out than if you have two.

If you have ten agents reading fulls and nine drop out, you need less time than if all ten make an offer.

None of these guidelines are legal requirements or sell-by dates on perishable produce. They're more like guidelines: useful most of the time, but will also help you sort out what's really out of bounds (like asking for a month to decide, or an agent who says "say yes now or the offer is rescinded")

But! I think you did mention before we could have two weeks before accepting an offer. Or was that wishful thinking? I need that extra time. Day One would be spent jumping up and down. Day Two would be hubby picking me up off the floor because of Day One and then Day Three would be convincing myself I wasn't dreaming on Day One. So is two weeks too long to ask an agent to wait, especially if there are other agents that also have the full ms?

This is really agent-dependent. At this point in the conversation with my potential source of income, I'd hope s/he'd say something like "I need three days to calm down" or (worse) "Hey, there are ten agents with fulls, and one is LaSlitherina Herself so I need some time here."

In other words, this time line does not happen in a vacuum. Tell the agents what's going on. We get it. We've been the ones juggling 12-editor auctions (oh wait, that wasn't me, that was Brooks Sherman.)

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I reread this post with my brain turned back on (more or less). On step 6- schedule a phone call- I had the impression that an offer usually came with a phone call and that was how this whole week to 10 days started. Is that not so? Can offers come with just an email?

I've taken on clients who've only had email conversations with me. Several in fact. If a potential client wants to talk on the phone, of course I call them but I LOVE email: it's permanent for starters. I can remember what I said, they asked, and I can revise and spell check before sending.

I'm a bit confused about No. 4, though. Maybe y'all can help me out. I always thought you asked the agent questions during the call. I didn't know it was kosher to send an entire list of Qs to a probably very busy agent. Maybe I misunderstood. Or maybe my entire paradigm has shifted.

It's faster to write answers than talk them. And wouldn't you rather have the questions and answers in writing and not have to depend on your notes? And I'd MUCH prefer to answer in writing because I can, again, revise and clarify before sending.

The one question I had, I think you answered in the next sentence. Under #4 you mentioned an editorial letter. Your description sounds the same as some of the commenters here who have referred to an R&R, a revise and resubmit. But just to make sure creeping charlie and quackgrass haven't overcrowded my brainspace...is an editorial letter and an R&R the same thing?

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Not really but often the terms are used interchangeably.

An R&R is shorthand for Revise and Resubmit. It's used almost exclusively by authors to describe where they are in the querying process. In fact, someone had to explain what R&R meant when I first saw the term crop up.

An editorial letter is the actual letter describing what changes are being suggested. It can be written by an editor to an author with a book under contract. It can be written by an agent to a client with a book being prepared for submission. It can be written by an agent to an author with a book being considered for representation.

An editorial letter is what is sent to an author who is being asked to revise and resubmit.

I was surprised to see that you're not supposed to discuss the particulars of revising the ms., because for me what I most want to know is whether the agent's vision of the novel matches mine. (For example: A writer at a conference once told me that her agent had actually asked her to change the MC's gender and she complied! For me, that would be a deal breaker.) I never realized that asking for that would be a problem, and though I can now appreciate this from the agent's point of view, is there some way of at least getting an idea of what she might want to change without being too presumptuous?

Let's distinguish between broad stroke revisions and a detailed editorial letter too.

Changing a character's gender isn't an editorial letter, it's a huge revision. DEF something you'd want to know about first. On the other hand, if I wanted such a major revision, I'd ask to see it before I offered representation. I'd assume some

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risk in this: the potential client might query the revised ms all over town.

A more detailed letter with specific suggestions on how to fix things like ramping up the tension, etc. Those you don't get till you've signed on the dotted line. I assume some risk in that as well: if you can't deliver, I've got a ms I can't sell, and a really Unhappy new client.

There's no one right answer here. Each agent handles this his/her own way, and it may depend on the potential client too.

If you've got ten agents wanting to rep you, this is def something you'd ask about: Do you envision revisions? Can you tell me what they are in general.

OK, so when you say: "The most important question you'll ask is whether the agent wants you to revise before sending the manuscript on submission."

And then go on to say there are agents who won't give a prospective client an editorial letter, does that mean you should expect an agent will at least discuss it with you in general terms but specific enough that you can tell if the vision you each have for the work is similar or wildly different? I hope that's what you mean. That's sort of a big deal.

An agent should be willing to tell you how much more work s/he thinks you need to do before the ms is ready to send.

Generally I'm not going to be discussing representation with anyone until the manuscript is what I believe to be publishable.

That means any kind of revision is generally limited to fixing typos, answering questions (did the ancient Greeks have apples?) and making sure all the

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character's names are spelled right (you'd be surprised how often Katharine becomes Katherine in a manuscript!)

Often the major revisions come in a second novel with already signed client. Those are the ones with things like: ditch the entire middle section; the tension isn't tense enough; what were you thinking here?; have you ever read a book before?

And there's no way to foresee that, so don't even worry about it.

Okay, I'll bite, what's a three year agency commitment? I'm assuming that it's a contract for three years, rather than the life of the author or until either party wants to separate. And at the end of three years they would once again be discussing whether the agent is the right one for representation. I'm off to google and see if I'm right.

It's a requirement that you stay with the agency for three years, OR (worse) that if you leave, you still have to pay the agent if you sell the work s/he represented within three years. That is an undue burden on a writer and you should NOT agree to it.

A good representation agreement allows you to leave within a reasonable amount of time with notice. Mine says you can leave anytime with 30 days notice. It also allows me to collect the FULL commission on any work I represented if sold within six months of my submitting it to the publisher.

If you decamp from The Reef with your submission list in hand, turn around and sell the ms I pitched to BigAssMoneyBags Publishing LLC, you owe me 15% of not just the advance but all the royalties too. Just like I'd sold it directly. And if another agent sold it? You get to pay them too.

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Clearly this is designed to prevent both clients behaving badly AND client poaching. Generally, if this is happening, there are many MANY other problems in play as well.

I would personally like to call the client you didn't hear about from the agent.

Generally I direct prospective clients to my client list on the right hand side of the blog. That's the list of clients for whom I have sold work. There are others, yes indeed, but I haven't sold their work. If you asked, I'd probably give you a list, but don't you really want to talk with the guys who've had a complete publishing cycle experience? Lemme tell ya, the ones who've just signed and are out on submission are a whole lot less likely to tell you something valuable than the ones who've had multiple books published, are now out of contract, and finding out just exactly how hard an agent works when you need to reinvent yourself. You want to talk to the clients who've been through hell. Not the ones who are just now entering the fray.

If you really mean you want to talk to former clients, you're out of luck. I don't give out that info. I'm sure you can find it if you cross reference enough, but I won't make it easy. Except for [Kari Dell](#) of course.