



Stet

Independent Writers of Chicago

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JANUARY MEETING: KNOW YOUR FREELANCER'S LEGAL RIGHTS

Will You Get a Suit, the Boot, or the Loot?

While most of us became freelance writers because we enjoyed putting our words down on paper in a most creative way, writing is also our career of choice from which we earn our livings. So our enjoyment must be leavened with the legal to assure that we get paid for our work.

This topic will be covered in full by Thomas R. Leavens, a partner in law firm of Leavens, Strand, Glover & Adler, LLC, in his presentation "Freelancers! Know Your Legal Rights" during the IWOC meeting set for January 8, 2013.

In his long career as an attorney, Leavens has specialized in counseling and litigation concerning literary expression (articles, books, plays, movie scripts, etc.), new media, intellectual property, and technology. He has a special interest in the world of music law, having served as general counsel for LRSmedia, LLC, which produced the PBS television series "Legends of Jazz with Ramsey Lewis" and senior executive vice president of Platinum Entertainment, Inc., one of the largest US-based independent record companies.

Leavens' expertise on literary and musical legal issues has secured him positions as an adjunct professor at Northwestern University School of



Law and at the S.J. Quinney College of Law at the University of Utah.

Offering a tutorial on freelancer basic rights, Leavens will explain how to draft contracts that spell out the rights writers sell (such as when writers can resell rights to other publishers) and how to guarantee payment for work. He will discuss the Supreme Court's *New York Times* decision concerning situations for which payments are due for reprinting one's work on Internet websites.

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Holiday Party Recap

We had a great crowd in December at the Holiday Party at Café Iberico, and everyone arrived in an extremely festive mood. Most of the "regulars" were there, but we were also delighted to mingle with folks we hadn't seen in a while.

People who've been to past parties at Iberico will remember that the general hubub in the restaurant made it hard to hear and exchange witticisms with even the adjacent person at the table. Well, this year, we had our very own private room. Nary a soul — except the waitstaff — interrupted our gay repartee. And said waitstaff even gave us all a free drink.

We chowed down on a wonderful assortment of delicious tapas, and the dessert was as scrumptious as promised. The book table was enticing too, with the selections somewhat slanted toward the mysterious.

Of course, Santa (aka Roger Rueff) made his promised appearance with really nice (and useful) gifts for all, selected by elves Betsy Storm and Jen Lyng Rueff. We all had such a wonderful time nobody remembered to take pictures. ■

— Joen Kinnan

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PRESIDENT'S COLUMN/DAVE EPSTEIN

Worthwhile Words Regained



I don't know whether it's the haze of holiday hangover or the daze of Congressional debates on Mayan cliff-diving, but I am suffering from severe Thinker's Block. No, no—not Writer's Block, but TB. Rather than a disease from which young poets and shady ladies can die romantically, my TB is an Abysmal Paucity of Ideas upon which to Discourse. (Dear Read-



er, as you read on—as read on you must—you will understand that the word paucity is chosen carefully and with Malice Aforethought; as is the Antique Capitalization.)

Anyway, when a Writer is at a loss for Ideas to Write about, he can fall back on writing about Words. Since I recently composed a column snarkily mocking business clichés as “Words Well Lost,” it seems appropriate to follow the Unimpeachable Example of John Milton, who, after writing *Paradise Lost*, four years later wrote *Paradise Regain'd*. Milton waited four years, while I have waited barely four weeks, but then, I'm not going to give you twelve volumes of majestically blank theological verse through which to plough.

Before my plume inscribes another syllable of electronic ink upon this glassy parchment, let me acknowledge my Debt to Joen Kinnan, the Muse who gave me both the inspiration and indirectly the source for this Humble Work. For the December *Stet*, Joen wrote an amusing “Did you know?” column on antique words that have been lost to us through the ages. She told me that she'd found them on an intriguing website devoted to word and phrase origins and obsolete words. I set about finding this source and, although this may not be the specific website Joen described, I discovered *The Phrontistery* at phrontistery.info/index.html.

This site is defined by its pseudonymous creator, Forthright, as: “*n* a thinking-place [Gr phrontisterion from *phrontistes* a thinker, from *phroneein* to think]”. Mr. Forthright later identifies himself in an amusing biographical note as Stephen Chrisomalis, now a professor of anthropology at Wayne State University, who began *The Phrontistery* in 1996.

It is a rich site for word-lovers, and one where, mercifully, words dominate images. Graphics are confined to a main title that resembles one of those fonts used for Classical inscriptions, tasteful borders simulating parchment scrolls, and a few forlorn and pathetic small icons. No videos, scrolling banners, animations, or ads—except a page titled “Films of the Phrontistery” where Chrisomalis lists his favorite movies and mentions that they can be purchased from his links to Amazon.com, of which he is an associate vendor.

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Worthwhile Words Regained

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This site is truly entertaining and informative. It includes links to unusual reference gems, such as the "International House of Logorrhea," "2 and 3-Letter Scrabble Words," "Numerical Prefixes," and specialized glossaries, including "Carriages and Chariots," "Colour Terms," "Dance Styles," "Divination and Fortune-Telling," and "Names for Names." I juxtapose the following categories without further comment: "Ecclesiastical Terms," "Forms of Government," "Forms of Worship," "Killers and Killing," "Love and Attraction," "Manias and Obsessions."

The Phrontistery is a great remedy for any Writer suffering from Thinker's Block (no, I'm not getting a commission from Prof. Chrisomalis or Amazon). Anyway, the next 300-400 words are a tiny sampling of his "Compendium of Lost Words," in which he claims to list "over 400 of the rarest modern English words—in fact, ones that have been entirely absent from the Internet, including all online dictionaries, until now." Chrisomalis uses 1650 as his starting date for "modern English" and relies on two sources for the usage dates for each word: the *Oxford English Dictionary* and Thomas Blount's *Glossographia*. This work, which became a major source for the OED, was first published 1656, which is why 87 of the 400 words originated in 1656, and 46 never occurred again.

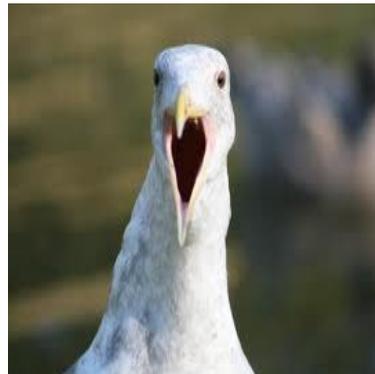
The Compendium is arranged in four alphabetical sections and supposedly includes an Index, although the link to that appears to be nequient as I write this (**nequient**, adj, 1656–1656, not being able, as in "The link is not being able to perform its intended function today").

I begin with an entry from the middle of the alphabet, first, because alphabetization, though sometimes convenient, is an unimaginative and unfairly discriminatory form of organization, but second, and more important, because, although this term was only used in 1656, it is peculiarly apt for our modern era of cloud computing:

Nubivagant adj 1656–1656

moving throughout or among clouds

"The frantic writer combed through his online backup



files like a starving nubivagant seagull searching for scraps of his lost work."

Some lost words could bring a new flavor to tired old song lyrics, as with:

Myriander adj 1693–1693

consisting of ten thousand men, which could be used to freshen up:

"Give me ten men who are stout-hearted men and will fight for the right they adore.

Start me with ten, who are

stout-hearted men, and I'll soon give you myriander more!"

One of the oldest and longest lasting terms included is honest old Anglo-Saxon:

Yelve n 1000–1886

dung-fork; garden-fork; to use such a fork, for example:

"You can't always trust the restaurant ratings on yelve.com."

Some antique terms work together to create poetry, or at least doggerel:

Stagma n 1681–1820

any distilled liquor

Theomeny n 1623–1656

the wrath of God

"When threatened with theomeny

By the Puritan parson's dogma
We feared that too much stigma
Would brand us with the stigma
Of Demon Rum's ignominy."

As an antidote to that little ditty and to end on a positive moral note, I offer:

Aquabib n 1731–1883

water-drinker

If your baby drools when learning to drink water out of a cup, try using an aquabib.

I will stop now, before you all become completely acrasial with me (**acrasial**, adj, 1851–1851, ill-regulated; ill-tempered).

O, brave New Year, that has such Old Words in't. And may you all have a wonderful 2013. ■

Did you know...



Below are some odd/interesting events that occurred in 2012:

January: Captain of the cruise ship *Costa Concordia* grounds ship at Isola de Giglio, Italy. Captain escapes; 15 dead. Ship's still there.

February: Queen Elizabeth II matches Queen Victoria's record 60 years on throne.

March: *Encyclopedia Britannica* throws in the towel on print version.

April: For the first time since 1977, nobody wins Pulitzer Prize for fiction. Chance for fiction wannabes?

May: Edvard Munch's "The Scream" painting sells for \$119,922,500. Are we in the wrong line of work?

June: Diggers find 16th Century Curtain Theatre (early venue for Shakespeare) under a London pub.

July: Antonio Esfandiari wins \$18.3M in poker after winning \$1M Buy-In. Ditto we're in the wrong line of work.

August: Banana Spider venom is found effective for erectile dysfunction. Banana Spider farming, anyone?

September: Carpet promo claims product prevents falls by warning of unusual footsteps. Say what?

October: Mo Yan, a hallucinatory realist writer, wins 2012 Nobel Prize for Literature. "Hallucinatory realist" is not an oxymoron?

November: Astronomers discover CFBDSIR 2149-0403, the closest rogue planet to earth, and it's only 100 light-years away. Wonder what's "roguish" about it?

December: British physicist, Stephen Hawking, wins the \$3M Fundamental Physics Prize, the most lucrative academic prize in the world. Damn! We've missed out again.

— Joen Kinnan

World Without End

Though this has nothing to do with writing, since there was such a dust-up about the Mayan Calendar's apparent prediction of the end of the world last month — they didn't really do that — we thought you might like to know something that's actually true about said calendar and the Mayan New Year. One absolute truth: the Mayans were a very advanced civilization.

To start with, the Mayan Calendar has 360 (not 365) days in the year, but where they've shorted themselves on the days, they've more than made up for it with the months. They have 18 months of 20 days each, and all 20 have different names. No "thirty days hath September," or "Is it Tuesday or Wednesday?" for them! No leap year either, but things would get pretty mucked up after the first year if they didn't do something to match their calendar with the solar year. So they added a 19th "month" of only five days. The days are unnamed, but this itty-bitty month is called Wayeb or "time out of time." Don't you love the thought of five days that sort of don't count? Five days in which you could get "lost" and do anything you wanted? (That isn't what happens, but "time out of time" sounds so romantic.)

Here's another thing: if we go by our calendar, the Mayan New Year falls somewhere in our month of July. The beginning of the new year is called "the arrival of the Mam." The Mam are the most ancient of the Mayan people, and they're the second largest Mayan group in Guatemala today. The Mayans refer to the Mam as "our grandparents, lords of time and the earth." Well, strike me pink! Dr. Who lives and he's a Mayan!

Although the Mam arrive with each new year, every year is dedicated to a different deity. They've got lots. So when the new year rolls around, Mayans prepare idols and images of the particular deity to be honored that year. They also slather the entrances and trappings of temples and other sacred places with blue paint. Blue is a sacred color to the Mayans. They believe that once everything is in place according to customs and traditions, the god of the year will enter from that deity's preferred direction. Using GPS?

In addition, Mayan New Year is a time to conduct ceremonies to introduce new priests to their communities. But the entire celebration isn't about ancient traditions and lore. Mayans also celebrate New Year with baseball games, dancing, bon fires, new clothes, and other accoutrements of modern society around the world. I don't know about popping champagne corks at midnight, but they've probably got some fermented beverage with a kick — my money says it comes from the yucca plant — to usher in the coming year with a flourish.

About that end-of-the-world thing: Apparently, the Mayans never predicted the end of the world on December 21, 2012, but only the end of the current era. Go to Mayan-calendar.com to see their amazingly complicated calculations. (I thought my head would fall off after two paragraphs.) Suffice it to say that the new era is supposed to be a time of great change. Republicans and Democrats will get along? The US and Iran will schedule a ping-pong tournament? We'll all keep our New Year's resolutions? That *would* make the Mayans amazing prognosticators! ■



— Joen Kinnan

Your Government at Work

This is another article completely unrelated to our work as writers, though writers' block or a dead-beat client might drive us to have a passing interest in one or the other of these products: I refer to booze and cigarettes and the unusual agency that regulates them.



Who knew that the heaviest smoker in the country isn't a person, but a machine? It's a half-ton hulk that smokes 20 cigarettes at once — to see which are unsafe because they're ursatz and which are unsafe because they're, well, cigarettes — and it smokes for a little-known government bureau: the Alcohol Tax and Trade Bureau (TTB).

The TTB collects taxes on cigarettes and booze and regulates their industries in minute detail, including such niceties as the amount of air a gin bottle can contain between the booze and the cap. It also decides which grapes can go into which wine and tests to see whether the shiny flecks in Goldschlager (a cinnamon schnapps) are real gold. (They have to be. Fool'sgoldschlager probably wouldn't sell anyway.)

Some of the TTB's edicts are negotiable. Scientists at the agency put the kibosh on a tequila-like liquor containing a floating scorpion until the liquor's producer persuaded them that the scorpions were farm-raised and nontoxic. (Palatability is apparently not an issue.)

A farm-raised scorpion boggles the mind, but try this one: An Asian company submitted for approval an alcoholic beverage that contained a coiled, forked-tongued, flaring-hooded king cobra along with a bevy of smaller green snakes that appeared to be biting each other's tails. (In some Asian countries, snakes are purported to increase virility so presumably the manufacturer thought that many-snakes-plus-alcohol had to be a sure-fire winner.) You'll be relieved to know that the concoction was rejected on the grounds that so many snakes left so little room for alcohol that it wasn't a beverage. Perhaps a late-night boudoir snack?

The TTB owns some really high-tech equipment, including the smoking machine, which can be set to simulate smokers who inhale lightly, deeply, and the Canadian way. The Canadian government developed the latter method in which perforations around the filter are blocked, and the machine inhales more deeply and more frequently. Perhaps in the interests of amicable cross-border relations, the lab says this configuration doesn't necessarily reflect the actual smoking habits of Canadians. Find a smoking Canadian and check it out.

If you're getting attached to this quirky federal agency, don't. In the upcoming Congressional cost-cutting frenzy, it's funding is likely to be on the chopping block, and it will go the way of the dodo bird. If that happens, taxes *will* be collected and snakes kept out of the booze, but it won't be the same. Anybody wanna buy a used smoking machine? They'll probably throw in a scorpion or two. They're farm-raised, you know. ■

— Joen Kinnan

Selling You

What with the iffy economy and print publications falling like dominos, it's more important than ever that we writers learn how to market ourselves effectively. Here are some tips on introducing yourself through e-mail from Carol Tice, who has an excellent site called *Make a Living Writing*.

1 Introduce yourself to likely prospects, but do it the smart way: get a referral from someone and put it in your e-mail subject line. "*Name suggested I contact you.*" Network and use your social media contacts to ferret out folks who can give you names at your target business.

2 Research the company or publication you're targeting. Then, in your note, mention something interesting you've found that relates to them. It could be something on their website, a relevant article, an award they've won, etc.

3 Choose your targets wisely. Pick industries or publications within your areas of expertise, either through previous writing or personal knowledge. Or select writing gigs that are in high demand, such as blogging.

4 Get to the point fast so they'll know why you're writing before they press the delete button. Start with something like, "As a freelance writer who covers *blah*, I found your recent article on [topic] fascinating..." You want to be complimentary, but you don't want them to think it's just a fan letter, so alert them early.

5 Mimic their style. Check the tone on their website. Is it strictly business, chatty, formal or informal? Then use the same style in your query letter of introduction. ■

— Joen Kinnan



Goal-Setting Support Groups

On the theory that most people who need the tips below are inherently procrastinators, I researched support groups for these poor souls (of which I am one), and there are many, some on-line, some meet-ups. Two likely online sites are procrastinators-anonymous.org and procrastinationsupport.yuku.com. (Both of these seem to be popular with writers.) If you want to meet fellow procrastination sufferers in the flesh, go to this meet-up site: procrastinator.meetup.com and type in your zip code to see the Chicago groups. Topics covered in all put-it-off-till-later groups include things like time management, controlling clutter, getting organized, and even writers' block. Need I say "check these out now or it won't happen?" ■

— The editor

FIVE TIPS TO REINFORCE DESIRABLE CHANGES IN YOUR LIFE AND WORK

New Year, New Start: Make Your Resolutions Pay Off

We've all been through the drill: January 1 rolls around, and we say, "This year, I'm going to ..." If you're of a mind to make changes, experts say forget the word "resolve." Sounds too much like a legislative edict. Instead, set *goals*.

Choose a single goal — Studies show that focusing on a single goal and writing a detailed plan for how to achieve it works better than having multiple goals, even when one writes plans for each. Start by listing all you want to achieve in 2013. Then choose the one thing you want to hone in on. It could be the one that would have the greatest impact on x (income, personal life, etc.). Or, to boost your confidence, the one that's easiest to achieve or the one with the greatest chance of success.

Put your goal in writing — Post it on your fridge, bathroom mirror, computer, or anywhere it will be a constant reminder.

Set specific commitments — Divide your goal into smaller steps, and hold yourself accountable for each step. Presto!, your long-term goal is now a series of short-term goals. For example, if your long-term goal is to get x number of new clients this year, you might choose to contact ten prospects each week. Check off your progress as the weeks pass. And don't forget to add up what you've done monthly either. Whatever your goal, you're trying to acquire a new habit, and repetition is important.

Go public with your goal — Start by partnering with a goal-setting friend. Talk or e-mail each other weekly to report your progress. Don't cheat either. If you didn't do a thing, say so. Even if you occasionally screw up, the weekly report will keep your focus and help you stay on track.

But don't stop there. Kick it up a notch by posting your plan and your progress on Facebook or other social media. You can

also make an e-mail distribution list of other friends who've agreed to be supportive. The point is: When others know of your plan, it's pretty hard to backslide without looking like you're lazier than a dead dog. Failure is embarrassing, and who wants to be publicly embarrassed? This strategy is definitely a stick, but cheer up, the last one is a carrot.

Reward yourself along the way — Give yourself small rewards for daily, weekly, and/or monthly achievements, but for heaven's sake, don't sabotage yourself by choosing the very thing you're trying to change, i.e., no candy bars for losing weight or cashmere sweaters for would-be money savers. If all goes well, on January 1, 2014, you can look back on 2013 as a year of real achievement, and you'll have the records to prove it. Now you deserve a *big* reward. Set that goal, make the commitment! Go for it! ■

— Joen Kinnan

IP Rights: Will You Get a Suit, the Boot, or the Loot?

When payments are not made per agreement (and this is becoming more frequent as some publications are being hurt by a decline in advertising during the down economy), Leavens will explain how to press for payment within the law. This will include what information one should bring should a case end up in small claims court.

One topic in which Leavens finds special interest in the legal concept of implied copyright.

"Many writers are not aware that writers can retain a copyright on what they create even if they do not file for

Do you know when you have an implied copyright even if you didn't file for one?

it in the U.S. Copyright Office," Leavens says. He will explain when literary creators can claim implied copyright on their work and when they can press for payment when others use it.

Leavens will ascend the podium shortly after 6 p.m. at the IWOC meeting set for January 8 at National-Louis University, Room 5033, 122 S. Michigan Ave.,

in downtown Chicago. Nonmembers are cordially invited. Admission is free for all members. Nonmembers pay \$10 with online preregistration [HERE](#) or \$15 at the door.

Networking with snacks and beverages will occur prior to the meeting beginning at 5 p.m. Attendees can continue to discuss the issues presented at the meeting afterwards over a buy-your-own dinner at the nearby Exchequer Restaurant. ■

— Jim Hodl

Now is the accepted time to make your regular annual good resolutions. Next week you can begin paving hell with them as usual. — Mark Twain

Good resolutions are simply checks that men draw on a bank where they have no account. — Oscar Wilde



In the next issue. . .



- **February:** Though there will be no meeting, there will be a February *Stet*.
- **President's column:** You always learn something interesting in this often surprising column.
- News and ideas to get you off on the right foot in 2013.
- Tips and tricks you can use to work smarter and better.

