Standing Up to Bad Book Ideas

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Mark T. Carroll is Chief of CLE Operations for American Law Institute Continuing Legal Education (ALI CLE). A graduate of Columbia College and Harvard Law School, he practiced law in the Philadelphia firm of Duane, Morris & Heckscher before joining ALI-ABA, as ALI CLE was then known, in 1982. At ALI CLE he has served as an editor, director of publications, and director of online content before assuming his current position. Mr. Carroll acquired, edited, and published dozens of legal book titles during his career, and he served for six years on the ACLEA executive committee (including a term as president in 2003-04). You can read more by Mr. Carroll at the ALI CLE blog, www.morethanCLE.org.

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Gregory J. Smith is Assistant Dean for Continuing Legal Education at the University of Texas School of Law in Austin. Prior to joining UT in December 2012, he worked in various management roles on the legal publishing side of the CLE industry, including as Senior Director & Editor-in-Chief at the National Institute for Trial Advocacy (NITA), as Editorial Director for Bradford Publishing Company, and as Director of Publications for Colorado Bar Association CLE. Earlier in his career, Greg managed a saloon, practiced law in commercial litigation, and served as Administrative Counsel to the Chief Judge of the Colorado Court of Appeals. He holds a B.A. in English from Colorado State University and a J.D. from the University of Denver College of Law.

Greg joined ACLEA in 1997. He is a Past President of the organization, completing six years of service on the Executive Committee in 2008. He was re-elected to the EC in 2011 for a new two-year term as a director at large. He has also served as Chair of the Publications Subcommittee for the ACLEA’s Best Awards (1998-00), Co-Chair of the Publications Special Interest Group (1999-01), and Co-Chair of the Planning Committee for the 2003 Annual Meeting in San Francisco, and was the publisher for several of ACLEA’s print publications.

Greg is married to Dana Collier Smith, who is Assistant Executive Director at the Colorado Bar Association, is the proud father two sons in college, and has three beagles who couldn't care less about all of this.
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or

The Origins of Specious Books

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(With apologies to Charles Darwin)

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“There is grandeur in this view of life, with its several powers, having been originally breathed into a few forms or into one; and that, whilst this planet has gone cycling on according to the fixed law of gravity, from so simple a beginning endless forms most beautiful and most wonderful have been, and are being, evolved.”

So wrote Charles Darwin in 1859, at the very end of the first edition of his momentous *The Origin of Species*. Darwin, of course, was summarizing in a most eloquent way his theory of evolution of species by means of natural selection. In this paper I propose to do something similar regarding the evolution of bad book ideas. Unlike Darwin, however, who saw no need to propose any human interference in the “view of life” he described, I will propose several methods by which evolving bad book ideas might be, with sufficient human intervention (by which I mean you, dear book publishers), either prevented from “cycling on” or directed into more fruitful paths of evolution.

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The Taxonomy of Bad Book Ideas
We must begin by identifying the various species of bad book ideas that currently exist. They are as follows:

**Malus Cogitatio**
Translation: Why Do Bad Book Ideas Happen to Good Authors?

This species of bad book ideas may be the most troublesome, and also the most vigorous, to roam the earth. It never seems to fail that an author with whom you have had great success comes to you with an idea you know will surely flop, for any number of reasons: no market; too much competition, a relatively somnolent area of the law, etc.

**Malus Auctoris**
Translation: terrible author has an idea that...

This is the odd case where the idea is actually quite good, but the author is simply terrible—he/she is a poor writer, never delivers, or lacks any sense of how not to bury the lead in any piece of writing you've ever seen from him/her.

**Amicus Consul**
Translation: A board member has a friend who...

Here the idea is truly terrible and the dilemma is acute, for the board member occupies a higher station in the phylum than you, and thus can exercise significant influence over your environment (present and future).

**Consul Cogitatio**
Translation: A board member has an idea that...

If possible, an even more dangerous form of *amicus consul*, because in this case the board member him or herself has the bad book idea. The consequences for your environment are again evident.

Faced with one of these species of bad books (and remember, the variations within species are almost infinite), how do you respond so that the book either evolves into a life form that can overcome the ravages of natural selection, or, if that is not possible, reaches, to coin a phrase, an evolutionary dead end? What follows are some strategies for altering the environment sufficiently so as to achieve either end. (All of which, I might add, I have used on occasion). ²

² I hasten to add that while most of these strategies seem cynical, I don’t consider myself a cynical person and don’t urge acting from ulterior motives as a general philosophy of life for anyone. On the other hand, we humans routinely disguise
First, determine if this is a situation in which you can simply be honest. If you are fortunate, you have a board or boss who will back your judgment. But if you have read this far, then you probably are facing some major constraints that require you to avoid a direct rejection. So consider the following strategies:

1. **Embrace the idea passionately and aggressively.**

   Yes, this strategy is exceedingly dangerous, because your bluff may be called. But consider your experience as an acquisitions editor. How many times have authors you really wanted to deliver failed you? Judge your bad book idea author carefully—learn about his or her background if the author is a stranger to you. Diligent deliverer, or dreamy ditherer? If the latter, encourage away and take your chances that you never actually receive a manuscript.

2. **Embrace the idea “helpfully.”**

   Lay out for your author with all the gusto of Churchill urging on the RAF the great task ahead—the toil, the sweat, the tears that go into writing a book. Go into excruciating detail about what is expected, the tight deadlines, the extensive research, the numerous drafts. You know how to produce a book and so you know everything that goes into the process. Share it—unstintingly.

3. **Involve the author in “pre-manuscript” marketing.**

   Ask to spend time with him or her in brainstorming about ways to market the book. This process may have several beneficial aspects. The author may come to learn how unlikely the book is to succeed; failing that, the author may be discouraged by all the work involved in generating a book before the first pixels hit the screen.

4. **If the idea is bad because there is no market…**

   Do some research on that front and present it helpfully to the author. Again, your goal is to plant a few seeds and hope that the author begins to question the entire venture.

5. **Encourage the author to post some samples on your website.**

   These samples can be done in a number of ways, including as a blog, to measure potential responses. Minimal interest in the subject matter on an otherwise well-visited site can be telling, and may influence your author far more than stats about the lack of book titles in this area.

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our motives and, er, shade the truth, for all sorts of noble ends, whether it is for the proper rearing of a child or the assuaging of a family member’s concerns about physical appearance. To those who wish to respond that the road to hell…etc., I can only note the poetic justice that when it comes to truth shading for assuaging feelings, I have been the object far more times than the subject.
6. **If you don’t like the book you are offered, work to get the book you want.**

This one will take some time and effort on your part, but extensive suggestions on additional chapters for the book may either discourage the author or impel him or her to craft a manuscript that you actually can sell.

7. **If the marketplace is awash with similar titles, again, go the “helpful” route.**

Provide these titles, with summaries and your best guess as to penetration in your market. All of this is of course in aid of the author’s efforts to craft just the right manuscript—but again, it also might dissuade him or her from embarking on the project in the first place.

Finally, if none of these strategies succeeds in shaping the evolution of the nascent book, then there is one last strategy: actually publish the book. In these days of on-demand printing and email marketing, the cost to you of distributing the book is relatively low, and you may just have to swallow that cost. Of course, the manuscript preparation can be very expensive, and you have to judge how little editorial time you can commit safely to a title you “must” publish but which you know will falter.

Above all else, remember that there is indeed “grandeur” in this view of publishing, and that whatever path you take, you take it for the greater service to the bar and to your own organization. Darwin never used the term “survival of the fittest,” but that, indeed, is what you are about.