Seven People Handout

Team Concept. Trust. Familiarity.

Look for: Punctuality, Attention to Detail (Quiz them), Follow Through, They are cognizant of your time.

Attorneys

What they can do for you:

Limit personal liability

Vet your website for copyright infringements and possible defamation issues

Verify trademark eligibility

Help determine business status and file for it if need be

Vet your contracts

Advise you on business insurance verbiage

Be your resident agent

Where to find them:

Check the internet for your state, county or metro bar association. They will have a referral list of members in good standing.

Check your local yellow pages

Ask on your loops for personal referrals

Watch industry publications

So specialty internet searches for attorneys that specialize in the following: contract law, intellectual property law, and copyright law

Things to find out:

What your options are? The best place to star is the American Bar Association. They have a page full of public resources: [www.americanbar.org/portals/pubic\_resources.html](http://www.americanbar.org/portals/pubic_resources.html)

Being a member of the ABA is not mandatory for attorneys.

Are they in good standing with your state bar association? A quick online search will get you to your state’s organization. Call them if you can’t find what you need on the site. State bar association membership is mandatory and if there are any outstanding or past disciplinary actions against an attorney you can find them on the site.

Do an internet search and see if they have handled any noteworthy cases or clients and see how it went.

Do an internet search on the firm they work for if appropriate, see what their reputation is as well.

Are they bonded, insured, licensed, etc?

Are they operating under a firm or do they have their own professional LLC they are operating under. If they have neither, approach with caution.

What to ask:

1. What is your experience with intellectual property, authors, or anything related to publishing?

If they don’t have much that is alright but they have to be willing to learn if it is not a specialty of theirs, and not at your expense.

2. What is your experience with copyrights? Here we are talking image, print, digital, audio and distribution rights. They should at an absolute minimum be able to tell you the difference in those things.

3. How to you bill? It may be uncomfortable but ask this right up front and ask what their rates are.

 Will you bill hourly or do you require a retainer?

 Retainers: Pot of money an attorney bills from. Hourly: Pay as you go.

 Do you offer an initial consultation? (Should be discounted but not necessarily free)

 Do you charge by full hours or do you do incremental billing?

 Do you charge for single line responses via email?

 Do you charge for one minute or less calls? Yes or No, did you get this item sort of stuff.

 My experience is quarter or tenth hour billing without charge for three minute or less, no follow up items. $300 and up is reasonable for an hourly rate. $30-$50 is reasonable for a ten minute phone call. Be wary of too much free, good lawyers charge for their time.

4. How much would you charge to send a prepared take down notice?

5. Ask for references or a list of case STATUS? They won’t give you info on clients and may not have references in the standard sense but they can tell you the status of their cases as far as if they have represented this or that type of case and if they won or lost.

6. Are you hiring them specifically or their firm? If you are hiring the firm you need to make it clear you want an actual attorney working on your stuff, not interns and if you don’t mind interns you need to be billed accordingly.

7. If they are unavailable what then? If you need something done and they are in court or busy who takes care of it. If they are in a firm they should have another attorney their on tap to help you and should let you know. If they are a single attorney they should have someone they partner with ready to assist. Ask before it is an issue.

8. Do they have a physical office, a receptionist, etc.? You should never have to pay for talking to a receptionist.

9. Do they have proper credentials to practice in your state? Attorneys take the bar state by state and can only practice in states they have passed the bar in. If your attorney is in New York or some other large area you don’t live in and you are not in that state. Ask if they are credentialed to practice in your state or how they can still help you if they aren’t?

1o. How much do you charge for trademark or copyright filings?

You can do this self-service at the US Patent and Trademark Office for $325. The only catch is the search. More in class. Law School Clinics an option for reduced fee search.

You can also do your own copyright registrations at the US Copyright Office. [www.copyright.gov](http://www.copyright.gov). AVOID copyright services. Fee sheet included.

Your Responsibilities:

1. Have a vague idea what you need.

2. Be direct, they aren’t your friend, but will let you talk because at $300 plus an hour why not. You get charged for the time no matter what you are talking about. Plan your session before hand, stay on track.

3. Legal issues are never a case of asking for forgiveness is better than asking for permission. I didn’t know will never save you.

4. Be ready to spend money. However, you can space it out and make it tolerable and affordable with a little planning and foresight.

5. Have a plan, a written one. Stick to email consults if you don’t think you can stay on track and it is a simple request.

6. Avoid What if’s unless you really need to know. If an attorney is looking something up for you, you are paying for it. Do as much of your own research as possible.

7. Educate yourself enough to know what to ask.

8. Take them things to review instead of asking them to compile documents.

9. Be professional and expect it in kind.

Other Legal Related Items

Explanation on Trademarks and Copyrights.

ALWAYS READ TERMS OF USE, END USER AGREEMENTS AND TERMS AND CONDITIONS.

Watch Proprietary Software (Images, Newsletters, Webhosts) Branding and Insurance Examples.

Boutique Agencies - Clear explanation of ALL retained rights and base images. You need to OWN everything they are using for YOUR stuff. Cut ups.

ISBN’s - Provided by Bowker via ISBN.org. FOR PROFIT business, NOT a government agency. 1=$125, 10$250, 100=$575

Read this first: http://selfpublishingadvice.org/isbns-for-self-published-books/

Barcodes - You need them if you want to sell print in person or in bookstores.

Give this a go first: http://www.thebookdesigner.com/2010/03/isbn-for-self-publishers-answers-to-20-of-your-questions/

QR Codes are free but may have limited scans. Do not pay for them unless they offer something special. They also come in various colors if you look for a site that makes them in color, just remember to stay dark so it is easily scanned.

Accountants

What they can do for you:

Save you a ton of money at tax time.

Keep you from being audited.

Capture start-up costs before you actually publish.

Give you a cheaper recommendation on business entity to stand up than an attorney.

Checks and balance on what attorney says for business entity stuff.

Can tell you the best way to keep records to minimize effort at tax time.

Can recommend software to use that will allow them to do more for you in less time.

Can recommend best point of sale software.

Can keep you out of trouble with the state revenue office.

Can help you file business entity paperwork with the IRS and state cheaper than an attorney.

Can determine if you owe state taxes on your book sales at various venues.

How to find one:

Check local listings.

Ask for referrals on your industry loops.

Things to ask:

How long have they been in business?

Can they read a royalty statement? Not a deal breaker. You should know the following at a minimum. There are classes online from various organizations on how to read a royalty statement. If your desired accountant doesn’t know how to read one would they take one? Mine did, we split the cost of it.

http://www.publishingcrawl.com/2013/08/20/the-importance-of-educating-yourself-royalty-statements-part-1/

Do they have a physical office or do they work out of their home? Are they part of a firm?

If you hire them are they “your” accountant or will someone else be doing the work on their behalf?

How many clients of theirs have been audited?

Whose favor did the audit go in?

Where was the audit held?

Do they have a place to hold audits? Where?

How do they bill? Hourly or flat rate? Can you do anything to lower the rate? I do my own taxes and have my accountant check them. LOTS cheaper.

How do you secure my information?

Do you leave my information in the cloud?

Are they an accountant, bookkeeper, or a CPA?

Do they offer any assurances against mistakes?

If errors are found to be theirs, do they compensate you for the difference?

Do they have references?

What if they are not available?

Things to check:

Search them on the internet. Look for general information.

Search the state business license site. Is their license active?

Check your state “Board of Accountancy” for disciplinary actions your accountant may have had brought against them. You will normally need to call in and ask about a specific person, they don’t post a list. They all have websites, check for the contact information along the footers or under a Contact Us tab and it will normally yield a phone number.

Check their firm on the internet for cases handled. Complaints against firms are normally in part public record and if there has been wrong doing something will normally come up.

If they say they have their own business, check your state business registry with the Secretary of State’s office for an active license.

Apps exist for tracking sales tax in various states as well as business mileage if your phone is GPS enabled.

Your job is to be honest and forthcoming about all income you make. One audit can cost you all the money you saved by cheating, don’t try it.

Secretary of State

Who and what.

Come up with a name and desired legal entity. Search first.

Apply. $180 by mail. $50 more in person. $60-$80 annual fee.

Become an LLC or Corp (any flavor). This takes 1-3 months.

Register with IRS for an EIN (can be done online for free). Takes 1 day. This lets the federal government know you are a business. No annual fee.

With an EIN you can open a business PayPal and start receiving payments. Annual fees dependent on usage.

Apply to the Department of Revenue for a business license once you have your LLC paperwork. $25 (plus DBA fees if applicable), takes 2-4 weeks. $19 annual fee.

The business license is where you list DBA’s or “doing business as” names. Additional $5 each to be put on business license application.

With business license and LLC/Corp paperwork plus ID you can open a business bank account. An EIN is helpful here as well. You may list DBA’s with bank to accept payment under other names. This and the business license are the only places this makes a difference at this point. However, this will give you legal proof you are your pseudonym(s). 1 day. Ordering checks will take a few days if you need them.

If you have an attorney, give them copies of the paperwork above for their records, same for an accountant if you have one.

Move to separate income streams as soon as possible once accounts are established. Confirm and link business PayPal to regular bank. 5-15 days. No fee for most banks.

 $10 no change fee due to Secretary of State 90 days after LLC issued, watch for it.

Things to note:

You can’t copyright or trademark a person’s name.

You must have a business license (prices vary far and wide as do annual fees) for any state you do business in on a regular basis. Internet commerce is normally not included but check with you secretary of state and your attorney before you start doing business across state lines.

Business Banker

Ask your bank if they have a business center. If they do set an appointment to talk to someone to see what they offer business clients. Do that with the banks top three competitors.

Things they can do to save you money:

No monthly fees like low balance or number of transaction fees.

Lower interest rates if you need a business loan to start up.

Online access (many banks won’t offer online banking for business accounts, make sure to ask).

Fraud protection can be limiting. No such thing as “free identity theft recovery”. Be careful of travel alerts. Read Terms and Conditions VERY carefully.

Nationwide access.

ATM access, do they have it where you will be?

Daily spending limits?

Statement types.

What sort of mobile Point of Sale software and system does your bank support, use, and allow to be used with their accounts.

Ask about any issues with foreign sales.

Can help with a business plan.

Can give lines of credit.

Some limit DBA usage.

Specific person you can call?

Customer service hours?

Declination causes and fixes. 24 hour help?

If it doesn’t work for you now, it won’t work for you later. Change and test NOW.

Department of Revenue

Issues Business License.

Is who you pay sales tax to.

Check to make sure your county and city don’t require a license to work at home.

Check to see if you owe business taxes or have your accountant do it. Not knowing you owe them does not mean you don’t. The moment you sell a book you are subject to audit by your state revenue office.

Retail sales are taxed under your UBI number. You can have an account with the state online to check this anytime.

If you pay estimated taxes they are due quarterly. Ask your accountant to check and see if this is right for you.

Insurance Agent

Personal liability. $40 a month. Raises your car limits as well.

Business Insurance is like applying to buy a house. Most require a business plan, resume, etc. Be ready for it to take some time and money. Cost is totally dependent on your business setup and company you insure with.

You will be looking for “media peril” or errors and omissions insurance. Don’t say you are a photographer unless you actually are, they are extremely expensive and hard to insure.

Shop around. Get at least three quotes.

Webhosts

Real Estate.

Make your life easy or make your life hard.

Things to check:

Web reviews, articles, etc.

See how long they have been around. Research the founder or parent company.

If it says free, beware.

How to find them:

Internet searches. FatCow, GoDaddy, hostgator. Search top ten articles on webhosts and you will find several. I searched by best customer service and found one I really like.

Ask on your loops.

Check the footers on your favorite author sites.

Are you doing it or someone else? Ups and downs to both.

How much are they:

Domain name $10-$20 a year.

Hosting service - Normally fee or as low as $7 a month first year then $120-$180 a year is reasonable.

Builder - (Weebly, Wordpress, Wix) Free or little cost first year for most (Wordpress is free consistently but you have to pay for bits to make it do what you want) then $30-$300 quarterly is reasonable depending on traffic, data, and functionality.

Cost of graphics. TinEye.

Cost of build and updates if you aren’t doing it.

What to ask:

What are your customer service hours? Are they when you are working?

Do you charge for assistance?

Are your servers in the US? They won’t tell you where, this will be a yes or no.

Do you own the domain or do I?

How hard is it to transfer? This takes 1-3 weeks, FYI.

Do you have file size limits?

How much are upgrade fees?

What is the total cost of what I want after all the introductory pricing expires?

Can it be paid monthly or is it annually or something else?

Will your sites support a store?

So I retain all rights to images, content, etc.?

How do you handle external administrator rights? IP conflicts. Can you have one IP at a time logging in?

What are your standard restore points? How much time is there between backups? Is there a fee to do them? Can I do a manual back up easily? Explain it.

Do you allow third party backups?

Can I end service at any time or is it non-refundable?

Notes: Markdown editor.

Summary

All of this is time consuming. Start early and you will have time and a less stressful experience.

“Business Relationships” not “Friendships”

Incremental achievement

Strong Business Plans

Thought out Strategies

You get to be an author when the time comes, NOT a struggling CEO

See how you are treated before you are a best seller.