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Q: I signed a contract with my publisher and am overdue on receiving my first payment, which should have been received within a 45-day period. I'd like to know if they're in breach of contract and how I should proceed.

You'd have to take a close look at your contract, but if the payment were overdue as you state, that would be a breach of contract. According to Jodi Reamer, Esquire, Literary Agent and Contracts Manager at Writer's House, "these matters are more often a matter of a paperwork glitch at the publishing house than a deliberate intent not to pay on the part of the publisher." Ms. Reamer suggests first trying to track down the problem by talking with your editor, the editor's assistant, or the contracts manager in the contracts department. Ask if they have the paperwork on the payment to be made and if they know the status of the check you should have received. In the case of a royalty payment, you can ask to speak to the person who handles royalties in the accounting department. If there's been a hold up, you can go back to your editor to ask for help in having payment expedited. Reamer adds that, "You may have to make a few follow up calls and be nice and persistent," but that should generally do the trick.

If not, you may want to have either the Author's Guild (if you're a member), or a knowledgeable lawyer send a strongly worded letter on your behalf. If the matter still doesn't get resolved, then you can consider resorting to Small Claims Court or otherwise trying to collect on monetary damages. Reamer points out that, "it's always worth first trying to track down the payment through the company yourself with persistence and a degree of patience since going to court does take time and money." 3-4:02