

Knowing your client is vital to providing them with content that matches their needs.



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# DIGITAL MEDIA GHOST

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## A Ghostwriter Needs a Contract for Every Project



The work of a ghostwriter can vary greatly and a contract is needed to secure both parties involved in a project. A contract should be drafted, revised, amended and negotiated before a solid agreement is reached. Security for both writer and client is essential.

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An experienced ghostwriter or a writer just starting should know two things at all times about every potential project — the client and the contract. A thorough contract will help to protect both parties involved in the writing process, while also ensuring that getting paid proper worth and doing the best job possible

while understanding the client's needs are a priority.

Standing contracts are essential in the ghostwriting process. Security for both parties is a necessary element to completing a project — it allows everyone involved to understand strict detail, eliminates uncertainties and

ensures the ease of process. Here are some tips to help you negotiate your next ghostwriting contract.

### Explain copyrights

The copyrights of any completed work are to be transferred to the intended author once the material has

been reviewed, finalized and all payments have cleared. All original material written by the ghostwriter belongs to the intended author — and no one else.

The ghostwriter has a right to receive full payment and reasonable compensation. Upon the event that the project isn't completed due to contract breach, termination or other life surprises, the ghostwriter retains the rights to any written materials not paid for and can use it for other projects if the information is not sensitive to the client.

The client or intended author retains all rights to transferred materials. If any information is sensitive, they should include an NDA or contract cancellation fees. Also, includes a section on penalties if the client doesn't pay within the allotted time frame. Including terminating rights if full payment isn't made by the scheduled date.

At least one person should retain the copyright of written material until final payment has been received and is considered sufficient compensation by both parties.

## Description of the project

Before anything is written, there must be an agreement between the author and the project manager. The project manager should summarize the entire project in writing to cover all bases and eliminate any doubt. This



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includes any necessary research or interviews that will be conducted. If a contract isn't laid out correctly from the beginning, time may be wasted working on something that will never see completion. Be sure to get paid for that time by outlining that in the contract in the form of an 'escape clause.' \*Explained below.

First, decide on what kind of content will be produced. Will it be an eBook? A long-form piece? Are there images or graphs involved? Also, come up with a working title for the project. Finally, think about some key points needed that will round out the written piece. Get to know the client to establish their voice and ask many, many questions!

## Working relationship specifics

One important element of the contract is an explanation of how the relationship between

the ghostwriter and author will work. The hiring company/client needs to be sure they are working with someone experienced and competent, so it's imperative that both parties know what to expect from each other. The agreement should outline basic expectations and responsibilities so there aren't any communication breakdowns in the process.

Knowing your client is vital to providing them with content that matches their needs. Determine their tone of voice and delivery, what they are trying to accomplish and what their business goals are, it will help tailor material in ways that better align with those goals.

Establish clear means of communication to be followed throughout the project. A reliable, easy way to get in touch with each other should be established before starting work. Make sure that both parties feel comfortable

reaching out to one another if any questions or concerns arise during and after projects are completed.

## Detail elements expected

The author should provide all information about the type of writing being requested and the topics that need to be included. Authors may request certain formats and writing styles - gather all of this detail. Knowing what's expected up-front and placed into the contract as such will eliminate any uncertainty and the writer will be able to accommodate the requests easily.

- Decide which document format will best suit the situation
- Establishing a layout and outline and how much detail is necessary
- An author may request certain writing styles — make the preferences are accounted for
- Determine the specifics of the delivery process
- Detail when payment is expected (include up-front fees and scheduled payments)
- Decide how the writer will be paid

The timetable is important because it helps keep all parties in check. Although many clients expect ghostwriters to be flexible and/or willing to work on tight deadlines, ghostwriters to be flexible and/or willing to work on tight deadlines, that doesn't mean writers shouldn't always specify how much time they need to



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finish. It should include a schedule of milestones with dates of completion, meeting dates to discuss and review material, etc.

Include scheduled time to learn more about a topic and ways to organize the research. If writing nonfiction, then fact-checking and accuracy should be an important part of the process. If doing historical fiction or narrative non-fiction, then extensive background reading on any relevant subject matters, as well as a deep dive into similar books to see how they approach certain topics or settings. For every hour of writing time, give at least another hour or two of prewriting or outlining preparation time. After all, that first draft written will likely require several rounds of editing before it's ready for publication. Writing isn't just writing and the client needs to understand all aspects and the amount of time it takes to get the job done.

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progress and review of written material deadlines so both parties have realistic expectations. Establishing that schedule up-front is important because any delays or issues can cause frustration on all sides.

## Contract negotiation

It should never be either parties' "my way or the highway" stance. Find common ground.

The legal terms of your agreement will vary based on the type of project and the relationship with the client, but here are some important things to consider. Does the contract suit both parties? Insert a clause detailing the terms of negotiation — what's allowed by either party and what's not — and how to come to a final agreement. Neither the writer nor the author has total control and it should be discussed.



Does the contract suit both parties?

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Having clearly-defined negotiation rules is important to both parties involved. The process must be as amicable as possible or it can easily spiral out of control, with legal documents and contracts needing to be signed in order to sort out misunderstandings and clashes — that's best avoided.

Once negotiations are complete, amend your contract. Be sure to finalize all details and think of every contingency that might happen. This can be a living document that will be changed or added to as needed, so make it as robust as possible without being overly complicated.

## Set price for completion

You should set the price per word, hour or page (whatever best fits your business model) for each project. For example, if you're in a rush to complete the project, you may choose to charge more than usual. Some ghostwriters use flat rates that apply to all projects and others set different rates per service (such as editing versus writing). You could also factor in bonuses when completing projects ahead of schedule or offer reduced fees on follow-up work with the same client. Price negotiations should always be included and amend the contract should the occasion arise.

Determine which pricing method fits best to your writing project. Pricing can be complex and may require negotiating but it's essential to put together an effective strategy that benefits both parties in every way possible.

Remember that pricing doesn't only include time in front of your computer — research, interviewing and editing all take time. If you're hiring freelancers to help you with these tasks, factor their



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hourly rates into your equation.

Revisions should also be included in your pricing process. Revisions can lead to additional time and cost, so have it outlined in the contract.

## Discuss the length

Ghostwriting is, by nature, an open-ended concept. For some projects — such as assembling business biography or collecting family histories — there is no definitive end to writing. The length of any project is going to differ greatly. Clearly state the length of the project. 500 words, 3 pages, etc. Indicate if there are other parts included that will require extra writing, like charts, tables and graphs.

## A writer's time

A ghostwriter doesn't want to be held accountable for certain timeframes and deadlines, while clients don't want to be charged when their project goes longer than expected. A contingency plan will help writers avoid these

common pitfalls. Writing projects can last anywhere from a few days to weeks to several months — and sometimes even years. Either way, an agreement should include some terms for what happens if one party misses deadlines.

A ghostwriter should expect clients to come to them with little to no information ready, and that's fine. But it's important to have expectations set in place so both parties know what is expected of them at different stages of the working relationship. An alternative will help writers avoid these common pitfalls. Establish a consultant fee or indicate if consulting is free and insert that into the contract early on so there's no confusion about being prepared and what happens when either party isn't. Possibly include an expected timeline of events in that case.



An agreement should include some terms for what happens if one party misses deadlines to avoid these common pitfalls.

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When deadlines are missed, both parties should have time allotted for review. If a ghostwriter can't meet those expectations, then an alternative should be available to them. Deadlines will always change from

project to project, but it's helpful to have some standard procedures in place and discuss that during an initial consultation so neither party is caught off guard.

## Create an escape clause

Life's little surprises happen. Determine an outcome should this manifest. The easiest way to do this is to create an escape clause or an out in your contract. This means if one party doesn't hold up their end of the bargain, for whatever reason, then you can terminate and walk away from that party. Most people have horror stories about contract disputes, so it's worth discussing what might go wrong between business partners and putting some parameters in place. Discuss possible solutions for both parties.

A termination fee helps relieve some of the financial burden in case one party decides to terminate. While most people believe that it's only necessary if one party breaches a contract, it's good to know protection will be there if an unforeseen circumstance or unforeseeable event happens. It also protects against changes in market conditions, which means your client can't just pull out at any point. You need to stipulate that you have recourse when such events occur, so having a termination fee clause is critical here. Establishing limits such as timeframes within which either party can terminate and what costs



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each parties' share will provide clarity for both parties and prevent any breach of contract or disputes later on down the road.

This is similar to 'escaping' but only applies if you haven't completed all of the contracted work. Let's say a ghostwriter agreed to curate three articles but can't make it past one. In most cases, partial work is considered more valuable than no work at all and a client should compensate accordingly. When offering writing services, always let clients know upfront that invoices and receipts will be provided. Retain an attorney if there is any dispute or disagreement with a client, and so on.

## Set payment dates

Set deadlines for advanced payments, project intervals and completed work and confirm when they've been received. Write dates into the contract and make sure both

parties sign off on them. It's important to have that specific date in writing so that if anything goes wrong, there will be proof of when payment was due.

Nail down any related payment dates. Eliminate any guesswork by creating payment checkpoints like upfront fee, article one, article two, etc. It's best to pay in installments, with each one due on completion of specific sections or parts of the content. Why? Remember that 'escape clause?' That's why. If something occurs, sufficient payments have already been covered.

Communicate clearly and confirm when payment has been received. Don't leave a client hanging, wondering if everything went through and force them to ask.

The hiring company/client will need access to a ghostwriter's contact information so they can reach

them through a preferred method of communication during all stages of the process — from ideation and writing, until editing and delivery.

It's important that both the writer and the author have all available contact information in place, which can be helpful during the contract process. If anything happens and a person is suddenly unavailable, there should always be another contact method to pursue.

Business communication should remain strictly business. Never mix personal with professional contact and always keep direct communication to an appropriate medium. That means a writer or a client should never give out a

personal mobile number or email address — only business forms of communication like Skype, WhatsApp or LinkedIn. Make sure that there is a contact list set up so clients/customers can reach out in case of an emergency though. Include social media accounts.

### Summary and closing thoughts

Having a ghostwriter-client contract in place isn't just an obligation — it's a security blanket. By establishing the terms of the project, timelines and expectations ahead of time, everyone is prepared to handle situations before they arise. The more detailed the contract, the better. A ghostwriter needs a contract in place with their client to

ensure that both parties understand all aspects that will go into a project and clear compensation. Ghostwriters should never work without a contract in place for any project. This is where security and honesty should be top priorities. The ghostwriter needs to make sure they are receiving proper compensation. After all, it's a livelihood and can ultimately dictate whether or not they can continue in a career as a writer. Protection is key!

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