

# Textbook Credits Bruise Psychiatrists' Egos

*A major new psychiatry textbook gives top editorial credit to someone who did not read all the text; the working editor sued the publisher for breach of contract*

**I**F the old boys' network in psychiatry has a code of discretion, Jesse O. Cavenar, Jr., has offended it. He says he had cause. Cavenar, a 47-year-old professor of psychiatry at Duke, sued in December for recognition as top editor of a major textbook whose cover gives first credit to someone else.

The other person is Robert Michels, 51, chairman of Cornell University's Department of Psychiatry and director of the prestigious Payne-Whitney Clinic in New York City. Cavenar says the publisher considered Michels' name more marketable and gave it first rank, even though Michels did not edit the book.

The court decided that Cavenar had been wronged. In an order that took effect on 2 February, a federal court in North Carolina found the J. B. Lippincott Company guilty of breach of contract in publishing a multi-volume work called *Psychiatry*. It assessed court costs against the company. Cavenar received \$1 in nominal damages for loss of prestige, but nothing for attorneys' fees.

Cavenar is satisfied. He also claims to have struck a blow for scientific integrity, and his case sets out in grimy detail the way in which publishers, editors, and academics carve up the rewards in multiauthored texts. The credit goes mostly to those who are already prominent, and the labor is done by those who are not.

Barton Lippincott, chairman and chief executive officer of the company, says he lost money on the lawsuit but does not view it as a defeat. "The judgment of breach of contract is a non sequitur if you read the rest of the decision," he says. The ruling found that, aside from listing Cavenar second when he should have been first, the publisher did no wrong and was not liable for monetary damages. Lippincott thinks the company "came out pretty well." He will not appeal. But neither does he plan to change the order of credits on the book.

Court records show that Lippincott put a high value on publicizing honorary editors and slighted others who did the bulk of the work. "There are lots of examples of that on the library shelves," says Lippincott. "In the

professions, you'll often find that blood, sweat, and tears don't get you top billing."

Cavenar sees this as a form of fraud, akin to the practice of listing noncontributing "honorary authors" on research papers, and he wonders how many books are credited to people who did not write or edit them. He thinks publishers view it as their right to hand out credit as they see fit. Cavenar says their main objective, judging from this experience, is to display the names that will sell the most books. Lippincott declined comment on this point, but agreed that in most cases the cover billing on multiauthored works is not set out in detail in the contracts.

In 1982 Cavenar became the editor of *Psychiatry*, a comprehensive and ambitious work published in 1985, on sale in loose-leaf (\$275) and hardbound (\$300) versions. Cavenar is now editing the third revision.

Michels is chairman of the book's editorial board, a group of senior psychiatrists chosen for their prominence in special areas. They include H. Keith H. Brodie, Arnold M. Cooper, Samuel B. Guze, Lewis L. Judd, Gerald L. Klerman, and Albert J. Solnit. Michels claims to have been essential in recruiting this board.

Several Lippincott staffers agreed, saying that Michels helped assemble the board and

smoothed over differences early in the project. Without his prestige, one editor said, the company could not have recruited the authors.

Aside from this testimony, Michels offered no documentary evidence of his superior contribution. He disputed an estimate that by the text deadline he had put in no more than 10 hours work. But he could not recall how much time he had put in, nor could he recall how many manuscripts he reviewed. Michels' deposition, taken 15 months after publication, revealed that he did not know the number of chapters in the book. Nor had he fully read the text. But because his name is first on the cover, it may become known as "Michels' *Psychiatry*."

In contrast, Cavenar claimed to have spent more than 450 hours on the book before the deadline and 1100 hours in all. He suggests that an objective measure of his value is that his royalty share is more than ten times that of Michels, and his contract requires Lippincott to give 1 year's notice before termination, while Michels' contract requires only 90 days' notice.

When Cavenar learned in 1984 that Michels was angling for top rank on the cover, he began to build a case for his own priority. According to Michels' deposition 2 years later, it was not just a debate about what makes an editor, but a primeval struggle. "My prestige would have been damaged by having my name under someone clearly junior to me," Michels said. "First is better," he explained. "It goes back to prehistoric times. It has to do with the biology of the species and the general regard for priority and primogeniture. . . ."

As the negotiations went along, positions hardened. Cavenar, feeling injured, insisted that his name appear alone on the cover. Michels responded by threatening to block publication. Lippincott decided to give greater credit to Michels and put his name first. Although Cavenar lost this battle, he prevailed in court.

The legal record begins in 1982, when Lippincott approached Cavenar and his mentor at Duke, Keith Brodie, with a proposal for an annual loose-leaf publication for people needing up-to-date information in all areas of psychiatry. Later, the company decided to put out a hardbound version as well. Brodie, now president of Duke, was then chairman of psychiatry. He and Cavenar had successfully edited two other books for Lippincott (25% Brodie and 75% Cavenar). The publisher was impressed, as Lippincott staffer William Burgower wrote in February 1982, with Cavenar's "cooperative personality and efficiency." Cavenar agreed to undertake the massive new task.

Brodie was asked to head the editorial



**Jesse O. Cavenar, Jr.,** recovered \$1 in damages for publisher's breach of contract.

board, which Burgower envisioned as including "the cream of American psychiatry." Brodie declined, thinking it would conflict with a commitment to another publisher, but accepted a less prominent role as board member. At Brodie's suggestion, Lippincott then asked Michels to be chairman, a role described by one Lippincott staffer as requiring a "heavy hitter" like baseball star Hank Aaron, someone who could pull in other stars. Michels accepted. Then he, Burgower, Brodie, and Cavenar met and chose the other editorial board members. Michels telephoned or spoke with each candidate and sent out letters noting that a Lippincott staffer would get in touch to work out details.

It was agreed that Board members would be paid \$1000 a year plus 0.2% royalties on net income from the project, except for Michels, who was to get \$2000 a year and 0.5% royalties. Cavenar was given 8.3% in royalties and a one-time grant of \$15,000 to pay for the secretarial and postage costs associated with producing the work. His royalties are reduced to pay the fees of section editors, \$1000 a year apiece. He must also pay authors' fees in the rare instances in which they are required.

In the best academic tradition, the project rolled forward on feudal authority. The eminent board members contacted less eminent members of their own university departments who would serve as section editors. These section editors called upon other rising academics or clinicians to serve as authors. The board met in May 1982 and divided up assignments, starting from a "matrix" of topics drawn up by Cavenar. His primary source of information was the table of contents of another comprehensive textbook with which *Psychiatry* would compete.

In the original plan, all manuscripts were supposed to flow to Michels, the board chairman, and then to Cavenar, the editor. But in reality, Michels reviewed only a dozen papers in the early stages of the project. The remaining 160 or so went directly to Cavenar, who checked each for quality and consistency, and passed it along to Lippincott for typesetting. Cavenar was asked to write a preface, and Michels was supposed to write an overall introduction fitting each section into the broad scheme. The Cavenar piece and nearly all the manuscripts were submitted before the deadline. Michels withheld his introduction for a year beyond the deadline because he disagreed with Lippincott's proposal to rank Cavenar first on the cover.

This problem first arose in September 1983 when board member Gerald Klerman of Harvard wrote to Michels with a complaint. Klerman was "dissatisfied with the

current masthead of stationary [sic] and related matters concerning the *Psychiatry* textbook." The stationery, which had been in use for months, listed Cavenar prominently at the top in bold type as "Editor," with Michels in bold below, and editorial board members at the bottom in plain type. Klerman said that he thought Michels should be first, the editorial board second, and Cavenar last. The names on the book covers should be in the same order, he wrote.

Editors were concerned because it is standard policy at the Library of Congress and the National Library of Medicine to cite no more than the first few names in a list of contributors, lumping the rest as "et al." Some worried that they would be left out. They hoped to tag along with Michels into the card catalog.

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Michels raised the issue with Lippincott in 1983 and got no response. He then took it up with Cavenar in early 1984. Cavenar at first dodged it, then suggested a compromise to Lippincott. Cavenar asked, why not put the editors and board members on the covers of the bound volumes, but retain Cavenar alone on the loose-leaf? Most loose-leaf editions published by Lippincott follow this pattern, with board members listed separately. Later, Cavenar offered to allow other names in a secondary position on the loose-leaf version. He also suggested that Michels could earn equal billing by agreeing to edit the annual revisions.

These proposals were rejected. Although Cavenar's contract called him "the editor" and gave him the right to "approve" the cover, Lippincott vice president John de Carville wrote to Cavenar in May 1984 that this clause was "of no use" in the event of a conflict. The reason for the impasse was that Lippincott privately had revised Michels' contract to give him a similar right to have his name on the cover. Cavenar learned this in 1985, after assuming mistakenly for two years that Lippincott had allowed him to see the terms of all other contracts on the project.

De Carville agreed that "we are all disappointed in the amount of work that Bob [Michels] and some of the other editors have put into the project, and particularly in

comparison with the work expended by you. . . ." Nevertheless, he urged Cavenar to share cover credit "in the best interest of the publications." Cavenar would not.

Meanwhile, Michels' attorney made a threat. In October 1984, he demanded that Lippincott "cease and desist from publishing and/or promoting or advertising the book in any manner whatsoever until satisfactory billing credits are agreed to."

In December 1984, Lippincott offered Cavenar \$5000 to go along with its cover design. Cavenar rejected it abruptly, insisting that he be listed alone on the cover.

The issue remained unsettled until an editorial board meeting in Dallas on 19 May 1985, called by Michels. Cavenar was absent on military reserve duty, but the session was transcribed. Michels, chairing the meeting, began by telling other members that Klerman had first raised the issue of cover credit in 1983, but that Lippincott had not been able to reach a satisfactory resolution with Cavenar. Michels, saying he had "no complaint with Jesse," argued that the best solution would be to have "all eight of our names" on the cover, because they will be "important in selling this book." He added that "the obviously least well-known name is Jesse's, but I don't think it would be fair to leave Jesse's name off of the book. . . ."

After generously giving the editor a place among the credits, the board spent an hour or more carving up the honors. Klerman again said that Cavenar should be ranked last. In the end they agreed that the order would be Michels, Cavenar, followed by the other board members. That is the form Lippincott used.

In his deposition, Barton Lippincott said it had been necessary to give equal billing to board members because it was "obvious" that the project "would not fly" without them or people of "equal clout." Their value was their ability to get "people doing incredible amounts of top, really responsible writing for no compensation whatsoever."

Cavenar still claims to be baffled by Michels' eagerness to be listed first on a book he did not edit.

Michels did not respond to phone messages from *Science*. But in his deposition in November, he explained his position. He said he had considered Cavenar to have served in a "staff" role, contributing "minimally" to the project. "I think the amount of work in terms of hours of effort one puts in is not a criterion for credit in a work like this," Michels opined. He had assumed from the outset that he would receive primary credit for the book. Asked why, Michels responded: "It seemed obvious, as chairman of the board, I couldn't imagine it any other way." ■ ELIOT MARSHALL