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No. 12

On the lookout

Dec. 24-25
KPA Central Office closed

Dec. 30
Deadline for submitting
entries for Winter Convention
Photo Exhibit

Jan. 1
KPA Central Office closed

Jan. 23-24
KPA 1997 Winter Convention
Seelbach Hotel
Louisville

Periodical
Room
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Circulate

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December, 1996
Volume 67, Number 12

The Official Publication
of the Kentucky Press

PERIODICALS/NEWSPAPERS/MICROTEXTS

DEC 23 1996

LIBRARY PERIODICALS COLLECTION

P THE KENTUCKY PRESS

Agenda jam-packed for Winter Convention

For a complete schedule of the 1997 Winter Convention, see pages 8 and 9

By LISA CARNAHAN
KPA News Bureau

The only problem with the 1997 KPA Winter Convention at this point is trying to fit everything into a two-day meeting.

Those who are fortunate enough to escape their newspaper offices for the entire convention will have an array of beneficial workshops and information-packed meetings to attend.

If you're puzzled by all the commotion and fuss over the World Wide Web, Internet, home pages and online services, you can find the answers Thursday, Jan. 23 in a workshop appropriately named "Internet 101." The four-hour seminar, from 1 p.m. to 5 p.m., will be presented by David Carlson, a leader in the world of

online services.

Carlson is the director of the Interactive Media Lab at the University of Florida College of Journalism and Communications in Gainesville and is a member of the college's journalism faculty. He has more than 20 years of experience in newspaper journalism and most recently worked at the Pulitzer Prize-winning Albuquerque Tribune where he was founding editor and designer of The Electronic Trib, an early interactive newspaper. It was one of two newspaper-operated electronic systems in the world when it was launched in 1990.

He and his students launched the first journalism site anywhere on the World Wide Web in October 1993 and they continue working on various Web projects, including Sun.ONE Weekly, eclipse magazine, Sun.ONE Web and others.

See CONVENTION, page 9



David Carlson, director of the Interactive Media Lab at the University of Florida in Gainesville, will lead an Internet seminar at the convention entitled, "Internet 101."

Hatfield named to NNA post

Guy Hatfield, publisher of the Citizen Voice & Times, Irvine, and Clay City Times, Stanton, has been named NNA state chairman for Kentucky.



Hatfield has been in the newspaper business over 20 years, since he started what was then The Citizen Voice in 1973. He has won first place awards for feature writing, sports writing, investigative reporting, editorial writing and photography from the Kentucky Press Association.

He replaces Max Heath, who has served as state chairman for the past several years but gave up the post after being elected to the NNA Board of Directors.

Hatfield's appointment was made by NNA chairman Roy Eaton, publisher of the Wise County Messenger, Decatur, TX, on the recommendation of

See HATFIELD, page 16

Commitments for training programs come out of bench, bar, press meeting

New reporters' lack of training on court proceedings cited as major concern

By LISA CARNAHAN
KPA News Bureau

They came viewing themselves as adversaries with irreconcilable differences. They left acknowledging that while the adversarial role may always be true, there can be a working relationship through open lines of communication.

"Hacking at the Irritations" was designed to ease dissonance between members of the bench, bar and news media in Kentucky. The two-day conference was sponsored by the University of Louisville's Center for Humanities and Civic Leadership, College of Arts and Sciences, in association with the Administrative Office of the Courts (AOC).

The focus of the conference was to air irritations and misconceptions between judges, lawyers and the news media and to discuss suggestions to ease or remove the tension.

Unlike some meetings in which participants may come away with a better understanding of the given topic but nothing substantive, three commitments were made by Supreme Court Chief Justice Robert Stephens.

In an attempt to address one of the chief concerns of all three sides, Stephens said the AOC would work with

the Kentucky Press Association, Kentucky Broadcasters Association, the Association of Criminal Defense attorneys and the Bar Association to formulate a training program for rookie reporters on the methods and requirements of the judicial system.

In addition, Stephens said he would also move to have the AOC include the news media in its training programs for district and circuit court judges.

And in response to an irritation of not only the news media but the public as well, Stephens said "as soon as he had the votes" he would promulgate an order to open up to public scrutiny the disciplinary proceedings of lawyers and judges. The chief justice said he would recommend this be done after the charge has cleared the tribunal of inquiry process, which is similar to a grand jury indictment.

Stephens said a continuing dialogue between representatives of the bench, bar and press was vital. He said even though the parties involved may not come away from the conversation convinced of the other side's position, communication itself was the key.

The need for communication between the three sides was expressed by all the more than 20 participants with several saying they planned to take the concept of meetings between the bench, bar and press back home.

Russell Powell, editor of The Daily Independent, Ashland, said similar meetings had been done involving his paper's staff but only on an "ad hoc basis."

See TRAINING, page 7

Kentucky people, papers in the news

Herald-Leader names two to editor posts

The Lexington Herald-Leader has a new city editor and a new state editor.

Mary O'Doherty is city editor. She comes from The Louisville Courier-Journal where she was an assistant neighborhoods editor and previously a reporter. She is a graduate of Indiana University.

John Voskuhl has been named state editor. He also is a former reporter



O'DOHERTY



VOSKUHL

for The Courier-Journal and formerly worked in the paper's Hazard and Frankfort bureaus. He is a graduate of University of Kentucky.

O'Doherty joined the Herald-Leader staff in October and Voskuhl started in November.

McCarty named Cynthiana ad manager

William M. McCarty has been named advertising manager of The Cynthiana Democrat and Harrison Shopper. McCarty, 53, was most recently employed at the Winchester Sun. Prior to that, he was general manager of The Independent, a 16,000 circulation daily newspaper in Massillon, Ohio, as well as general manager of the

Daily Record in Portage, Wis.

McCarty is currently undergoing training and meeting advertising customers. He and his wife, Naomi, live in Bourbon County where she is employed at Elmendorf Farm.

Frakes to head sports staff in Bowling Green

Sports writer Jason Frakes has been named sports editor of the Bowling Green Daily News. He replaces longtime sports editor Joe Medley, who has accepted a position at the Anniston (Ala.) Star.

Frakes, 23, is a graduate of Western Kentucky University. He joined the newspaper's staff in 1995 and has primarily covered Western Kentucky University's women's basketball team. In his new role, Frakes will be responsible for supervising the sports section of the newspaper and its sports coverage.

County weekly.

Barnes, who has worked in various newspaper departments during her career, became news editor in 1987. As news editor, Barnes led a four-person news team in covering news in Harrison County.

Nelson accepts position at Danville; Simpson takes over reigns at Pulaski Week

Day-to-day operations at Pulaski Week will be turned over Jan. 1 to Stuart Simpson, current managing editor and co-publisher. Simpson will replace editor and publisher John Nelson, who has accepted an editing position with the Danville Advocate Messenger.

Nelson will remain a partner in The Counties Group Inc., the corporation which owns Pulaski Week, and will continue to have input in the operation of the newspaper.

Simpson is a board member of the Kentucky Press Association, representing District 14, and Nelson serves on KPA's News Editorial Division.

Former New York Times metro editor takes position at C-J

Debbie Henley, formerly the Sunday metro editor of The New York Times, has been named managing editor of The Courier-Journal.

Henley, a native of Richmond, Va., is responsible for day-to-day news coverage in her new post at the Courier Journal. She replaces Stephen J. Ford, who became editor of The Forum Aug. 1.

Henley has worked in New York City's highly competitive newspaper market for six years. Before joining The New York Times a year ago,

See PEOPLE, page 16

The Kentucky Press

The Kentucky Press (ISSN-0023-0324) is published monthly by the Kentucky Press Association/Kentucky Press Service, Inc. Periodical-class postage is paid at Frankfort, KY. 40601. Subscription price is \$8 per year. Postmaster: Send change of address to The Kentucky Press, 101 Consumer Lane, Frankfort, KY. 40601, (502) 223-8821.

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Carol Payton, Clipping Assistant
Holly Stigers, Clipping Assistant
Audra Douglas, Clipping Assistant

Employees receive awards for service at Glasgow

Seven employees of the Glasgow Daily Times were recently honored for 20 years of service with the Donrey Media Group.

Employees recognized included, Joel Wilson, managing editor; Frances Bastien, editor of the Glasgow Republican and a Daily Times staff writer; Martha Thomas, composing supervisor; Bill Tinsley, publisher; Libby Proffitt, office manager; Harold L. Spear, advertising director; and Alice Piper, ad sales.

Barnes named editor of Cynthiana Democrat

Cynthiana Democrat news editor Becky Barnes, a 20-year employee of the newspaper, has been named editor of the Harrison

Deaths

Robert Clyde Underwood, Sr.

Robert Clyde Underwood Sr., 69, former co-owner and publisher of the Wayne County Outlook, died Oct. 12 at his home.

Underwood worked at the newspaper for more than three decades in several capacities including pressman and photographer. He garnered several KPA awards for photography.

He retired from the newspaper in 1988 and he and his wife, Lytha Ann Simpson Underwood traveled extensively the past few years.

Underwood was a past presi-

dent of the Monticello Kiwanis Club and a member of the First Christian Church where he served as elder, trustee and a Sunday School teacher.

In addition to his wife, he is survived by two sons, Robert Underwood Jr., and Mickey Underwood; three daughters, Melody Ann Underwood, April West and Dawn Gerald; four grandchildren; two sisters, Nora Teater and Faye Gravel; and one brother, J.W. Underwood.

Services for Underwood were held Oct. 15 at the First Christian Church and burial was in Elk Springs Cemetery.

Newspapers and readers get conned by scam ads

The story's much the same, just the newspaper changes. Several times each year, a newspaper advertising department will call with the message: "Tell other newspapers not to accept an ad from (whomever)."

The are some coincidences regardless of where the call's coming from:

- the check looks like any other, but there's no such bank, or no such bank account;
- the ad and check arrive from one state, the check's on a bank in another state, the person requesting the ad be run is from yet a third state and often the telephone number or address in the ad is from a fourth state. (Most times, an address or bank in Colorado is involved somewhere along the line.)
- the ad is usually always a scam.

And that ought to be obvious from the start. How many times to advertising departments get an ad order that involves three different states, even four? Certainly not often if the company is legit, or if the ad's for real.

I remember as a young tyke my grandfather talking about an ad for a Jeep for \$200. Brand new Jeep. Just \$200. That was in the early 1950s and shows you how long these scam artists have been in business. It's nothing new, except perhaps the twist.

Turns out the Jeep was apparently available for \$200 but it came in a box ... and totally dis-

assembled, including the engine and transmission.

Today, you don't see those \$200 Jeep ads but you do see a lot of ads for Mercedes and other luxury cars available at below rock bottom prices. The vehicles were supposedly taken in drug raids. Yeah, right.

My favorite is "Earn \$1,000 stuffing envelopes. Part-time." Geez, if those things were legit, why are any of us in this business? Why don't we all just sit at home, stuff envelopes four hours a day, and make millions doing nothing? Probably because we know it's a scam. Yet many newspapers keep running these, and similar ads.

Mostly, the reason for running these ads is the money. That's at least how most ad reps respond when asked why they ran the ad in the first place. They knew all along the claim of making \$1000s, or getting a Mercedes real cheap, or finding a government job, wasn't real, but the money came in with the ad. Then again, the money usually comes in form of a check that's no better than the claim in the ad.

One irate Statewide Classified customer from Lexington raked Reba Lewis over the phone recently because she wouldn't accept his ad for helping people with their mortgage situation. What he didn't know was that very day, we received an alert from the Federal Trade

On Second Thought



David T. Thompson
Executive Director

Commission about these scam artists.

So when Reba refused, he asked to speak to her supervisor and she gladly sent him over to me. The man explained his displeasure with our policy of not accepting the type of ad he wanted to run and asked why.

I read him the FTC's memo. Again what the FTC described was almost verbatim what the guy was offering. And in every similar case, we refer the caller on to the State Attorney General's Consumer Protection Division and the Better Business Bureau. If both of those okay the ad, we'll gladly accept it.

Typical, though, he assured us his business was legitimate and the offer in the ad was good. "I don't operate like those scam artists," he claimed.

See CONNED, page 15

Louisville Defender sponsors expo for 59th consecutive year

The Louisville Defender recently sponsored its annual Expo, a celebration of Louisville's African American community.

The Expo, which on Oct. 18-20 marked its 59th year in 1996, is a "showcase for the positive side of Louisville's businesses, local governments and consumers alike. In this showcase, participants can sample the best of our community has to offer," according to the paper.

The annual event includes talent competitions, headline entertainers and an exhibit floor filled with displays of goods and services

available in the Louisville area.

Among the highlights was a "Race and the Media" panel discussion hosted by Kentucky Commission on Human Rights, and a Business and Professional Achievement Recognition Luncheon.

According to the newspaper, "The Expo has always been a reminder of the many contributions African Americans make to the community and the importance of the estimated \$1 billion a year in Africa American consumer clout to the Louisville regional economy."

Paducah Sun doesn't lose production day due to electrical fire in press room

(AP) — The Paducah Sun hasn't missed a publication date in a hundred years, but an electrical fire in the press room threatened that record Oct. 21, according to Editor Jim Paxton.

"It was an incredible situation," Paxton said of the incident in which a transformer short circuited, caught fire and melted. A few people were working in the press room but there were no injuries. There was minor smoke damage to the press room and publisher's office, he said.

"We had an independent power source in our own computer room. We have a new pagination system and some of the critical computers were hooked up to that. We went out and got lanterns, extension cords and got the editorial editing machines going and one processor going," said Paxton.

Despite the problems created by the fire, the Sun was able to produce a 24-page two section paper.

The B section was printed at a sister paper, the Dyersburg State Gazette in Tennessee. "We got our friends at the Tribune-Courier in Benton to print section A," Paxton said. "We brought them back here for the inserts and got them out the door at daybreak."

The KPA News Bureau is here for you.
Take advantage of having a reporter
for assignments in Frankfort.



Call News Bureau Director Lisa Carnahan
1-800-264-5721

'Low' budgets don't have to mean low staff morale

What happens when current budget levels do not cover salary increases or bonuses? How do you encourage and retain valued employees?

The solution is no-cost employee recognition. Simply stated it is catching people in the act of doing something right.

It is important to give immediate feedback when you observe an employee who puts your goals into practice. Always be specific about what was done and why it was important.

While this may sound obvious, managers often overlook this powerful motivational tool. In a 1995 study of more than 1,500 workers in various occupations, Gerald H. Graham, professor of management at Wichita State University, found 76 percent of the respondents said they had never received a written acknowledgement from a supervisor. Furthermore, 58 percent said their manager seldom if ever complimented their work.

(Texas Press Association Confidential Bulletin, Sept. 10, 1996)

Kentucky New Era sponsoring 'Warm the Children' program

The Kentucky New Era, for the second year, is sponsoring a "Warm the Children" program.

The project is made possible by the cooperation of the Salvation Army, Kiwanis Club, J.C. Penney, Kmart and Wal-Mart.

With the promotion of the newspaper, the Salvation Army provides names of needy children to the Kiwanis. Kiwanis members then volunteer to take the children shopping at one of the three participating stores.

Last year, \$16,143 was donated to the project, providing clothing to 160 children. The goal this year is to provide at least 200 children with basic, warm clothing.

NNA encourages participation in first-ever survey of weekly newsprint usage now underway

A first-ever survey of community newspapers' newsprint usage is underway.

The survey is designed to fill a void in information available to newsprint producers, who regularly survey many daily newspapers, but are forced to rely upon mathematical estimates for weekly and most small daily papers.

All weekly newspaper publishers (whether or not NNA members) and daily newspaper members of NNA are asked to complete the survey, which seeks information on page counts, frequency, special printing projects like county fair or progress editions, and commercial insets or niche publications.

"We cannot emphasize too strongly how important it is to collect these numbers," said Robert Nutting, chairman of the National Newspaper Association's Newsprint Committee and general manager of The Ogden Newspapers, Wheeling, W.Va.

"The newsprint industry is very carefully watching the shifts in the newspaper world as larger papers have trimmed their outlying circulations, reduced web widths and examined non-paper publishing strategies on the Internet.

"Many smaller dailies, weeklies and niche products are growing to fill in the gaps. We cannot send a message to our newsprint suppliers that newspapers are going out of business, because they will case to invest in newsprint production," Nutting said.

Nutting emphasized the survey is not designed to seek or directly affect prices, but is intended to provide data to lead to a more rational planning for mill growth in the future.

The survey should have reached offices by Dec. 6. Extra copies area available from Michelle Hall at NNA, 1-800-829-4NNA.

Analogies can be valuable communication tools in sales

Ad-libs©
By John Foust
Raleigh, NC



A friend who worked in classified advertising once told me about a meeting he had with a real estate account.

The advertiser was thinking about cutting his newspaper advertising budget and running some ads in a new real estate magazine. All of a sudden, my friend was faced with the task of "re-selling" a long-time client. It was a delicate situation.

He knew that he had to say more than, "Oh no, don't do that." And he realized that, if he criticized the magazine, his client might become defensive. The challenge was to compare the two media in terms that the advertiser would easily understand. On a hunch that a comparison of rates and readership figures wouldn't work, he used an analogy.

He started with a simple question, "You like to fish, don't you?"

The client nodded, "Sure."

"Well, let's say that there are two lakes side-by-side."

"Okay."

"Now, you're familiar with the first lake. You've caught fish there, and your friends have caught fish there. So there's no doubt in your mind that it contains fish. But you don't know if there are any fish in the second lake. The big question is this: Where do you want to spend your

time fishing? In a place where you KNOW there are fish? Or in a place where there MIGHT be fish?"

The advertiser smiled knowingly, "I see where you're going with this. Of course, I'm going to spend most of my time at the first lake."

"Well, it's the same in real estate. You know from experience that people read our real estate section. It's generated business for you in the past. But this new magazine is an unknown. Your prospects might read it. Then again, they might not."

From what I understand, the advertiser decided to stick with the newspaper. Although he may have eventually made the same decision without the fishing comparison, the analogy helped him see things a little clearer.

Analogies are valuable communication tools. Here are a few things to keep in mind:

1. Use or imply "like." By definition, an analogy is a comparison between two unrelated things. In selling, it's a matter of comparing something which is new or misunderstood to something which is familiar to the client. How would you finish these analogies:

- Advertising on a consistent basis is LIKE ...
- Leaving the price out of a product ad is LIKE ...
- Using plenty of white space in your layout is LIKE ...

See ANALOGIES, page 14

Video workshop can help your staff create better ads



At last...a program that is tailor-made for newspapers! *Basics of Layout and Copy* is getting rave reviews from publishers and ad managers coast-to-coast.

It's a workshop, not a lecture. Your staff will be involved from the start—working on layouts, getting ad ideas and writing more effective headlines.

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Mong brings wealth of experience to Owensboro



Robert W. Mong Jr., assumed the reigns at the Owensboro Messenger-Inquirer in January to become the first non-family publisher of the newspaper. Mong, 47, held several positions at the Dallas Morning News prior to coming to Kentucky. In addition, he's worked in newsrooms at papers in Wisconsin, Indiana and Ohio. (Photo by Messenger-Inquirer photographer Gary Emord-Netzley)

By NANCY M. DAVIS

When A.H. Belo Corp. bought the Messenger-Inquirer in Owensboro late last year, ending the Hager family's 87-year stretch as owner, Belo executives knew they had a lot to prove. They chose Robert W. (Bob) Mong Jr., managing editor of The Dallas Morning News, to do the proving.

In January, Mong became the first non-family publisher of the 37,152-circulation morning paper. The former college football player, who ran both offense and defense and tackled baseball to boot, is equally adept at negotiating major-metro and smaller-market journalism.

"I feel very much at home in Owensboro," he says, "but I miss my friends in Dallas. And I knew the Texas Rangers would win a playoff spot as soon as I left the Metroplex!"

Mong has smaller-experience to tap. He spent nine years as a reporter and editor at Midwestern papers before occupying a series of editors' chairs in Dallas. Though the publisher title widens his purview, he continues to display passionate interest in newsroom operation and coverage.

On the capital improvement front, Belo is investing \$1 million for newsroom remodeling along with computers, phones, a packing plant expansion and a new roof.

As for coverage, Mong knows how to tread lightly among Owensboro residents — 80 percent of the people who live there were

born there. The newsroom reflects its hometown, he says, with little turnover, only one minority member, and many journalists boasting 15-20-years tenure. "In rootless American, this is an aberration," he says. "An outsider has to be careful."

Initially, he met with every staffer, started team-building during daily management meetings and encouraged readers to tell him their concerns. He finds the hometown staff a big plus. "There is a kinship that translates into knowledgeable coverage and solid relationships," he says.

See MONG, page 16

Profile

Education: 1971, bachelor of arts, English, Haverford College, Haverford, Pa.
Career: 1971-73, reporter, Palladium-Item, Richmond, Ind.; 1973-75, reporter, The Cincinnati Post; 1975-77, reporter, The Capital Times, Madison, Wis.; 1977-79, city editor, Madison Press Connection, originally a strike newspaper, then independent; 1979-January 1996, assistant city editor, business editor, projects editor, assistant managing editor for news, deputy managing editor for news and managing editor, The Dallas Morning News. January 1996-present, publisher, The Messenger-Inquirer, Owensboro.

Personal: Age 47. Born in Freemont, Ohio. Married, wife Diane Reischel, one son, one daughter.

Diversions: Spending time with family, running, and reading novels and biographies.

Connections: 1401 Frederica St. Box 1480 Owensboro, KY 42302. E-mail, rwmong@aol.com; phone (502) 926-0123; fax (502) 685-3446.

Bright Ideas



Community focus boosts tab

The Courier-News in Elgin, Ill. (evening 27,916) put a new spin on events tabs by changing the focus to the community instead of the event.

The paper serves six communities, each with one big event during the summer. Now, the section has a lead story about the event, but it primarily celebrates what makes community unique, called "At Home in ____." The tabs brought in \$36,000 collectively.

The paper changed strategy when it realized retailers didn't see event tabs or theme pages as a good advertising opportunity.

As part of the editorial content, the newsroom invited 12 people from the community to pick up a roll of film and return photos that depicted the best things about their town.

Contact Richard Ballschmiede
The Courier-News
(847) 888-7779



Newspaper tour

David Stone, center, vice-president of production at the Lexington Herald-Leader, participated in KET's recent electronic field trip to a newspaper. Michelle Hanks, far left, director of technology for the newspaper looked on as Stone explained one of the aspects of producing a newspaper to KET's Christi Karow. (Photo courtesy of KET)

LEGAL NEWS & VIEWS

Campuses can't hide behind Buckley Amendment

By **KIM GREENE**
KPA General Counsel
Wyatt, Tarrant & Combs

If your coverage area includes a public university, college or community college, no doubt you often cover events that occur on that educational institution's campus. Life on the college campus is a microcosm of the larger society. For the journalist, that means the college community presents the full array of news coverage opportunities, including occasional student misconduct, violence and other campus problems handled by the campus police or campus security.

For many years, the public and the press were flatly denied access to campus police records, making it impossible for the public to obtain complete and accurate information about crime on campus. It also hindered, of course, the public's ability to monitor and assess the activi-



ties and effectiveness of campus police. Not only did this deprive the public of information about security force activities relating to students on campus but also information about the campus security force's interaction with community members on the periphery of the campus, the outer edge of campus security's jurisdiction.

How were campus police departments able so consistently to deny requests for access to records under the Kentucky Open Records Act? They hid behind the Buckley Amendment, the Federal Educational Rights and Privacy Act of 1974. That law prohibits educational institutions which receive federal government education funds from making public any "education record" pertaining to students without the consent of the parent or student who is 18 or older. The only exception to this broad proscription which applied to the public and the news media is the exception for what is called "directory information."

If an educational institution gives prior notice to students and their parents of the school's intention to release directory informa-

tion, then the public will have access to such facts as a student's name, address, telephone listing, date and place of birth, major field of study, participation and officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student. 20. U.S.C. §1232g (a) (5) (A).

Of course, the directory information exception has never been helpful in the case of campus police records. Despite arguments that incident or arrest reports which identified students involved in misconduct or illegal behavior are not the type of "education record" protected by the Buckley Amendment, many public universities persisted in turning away open records requests summarily.

Then in 1993, the United States Congress rectified the situation by modifying the Buckley Amendment. The amendment to the amendment makes it clear that the records of campus

See **CAMPUSES**, page 15

AG Opinions

**Lexington Herald-Leader/
Legislative Research
Commission
(96-ORD-244)**

On Oct. 14 Herald-Leader reporter Jack Brammer requested a copy of any search warrants or subpoenas "issued by the FBI or Kentucky Attorney General's Office or Kentucky State Police relating to Legislative Research Commission employee Kent Downey ... (and) travels of state legislators."

The request was denied with LRC general counsel John Schaaf claiming the warrant sought was "not an open record under KRS 61.870 to 61.884." "Until a search warrant issued by a U.S. District Court is released by that court," he explained, "this agency is bound by the court's action."

LRC Director Don Cetrulo maintained that "this appears to be a matter within the sole province of the U.S. District Court." In a supplemental response he wrote:

"The FBI requested the warrant in question, and the U.S. District Court issued it. Neither the FBI nor the issuing court has authorized release of the warrant, and the LRC will not take a contrary position."

Cetrulo further said he refused to allow the LRC to be used "as a surrogate to accomplish what cannot be done under federal law and under the Kentucky Open Records Act."

The AG's office determined the LRC failed to establish sufficient

grounds for denying access to the search warrant.

Although it was issued by a federal court and executed by a federal agency, the search warrant at issue in this appeal is a document which is "in the possession of or retained by a public agency," and is therefore a "public record" for purposes of Kentucky's Open Records Act, according to Assistant Attorney General Amye L. Bensenhaver.

In a footnote to the decision, the AG's office stated it had learned of a Nov. 12 order by U.S. Magistrate James E. Todd to seal search warrants and affidavits executed on the Legislative Research Commission, and directing the district clerk to maintain the documents under seal until further ordered by the court. These orders, however, bind the district clerk, but not the LRC, according to the AG opinion.

The AG opinion said the LRC "should promptly arrange for Mr. Brammer to inspect the record."

A similar appeal was filed the same day by Courier-Journal Frankfort bureau chief Tom Loftus. The LRC referred to the above appeal and ordered the LRC to provide Loftus with a copy of the search warrant.

(Editor's note: As of press time, LRC general counsel James Schaaf had not released the warrant to either the Herald-Leader or Courier-Journal. According to Jon Fleischaker, attorney for the C-J, the agency has 30 days in which to

See **OPINIONS**, page 15

Judge dismisses lawsuit against Middlesboro paper

A special judge has dismissed a lawsuit against the Middlesboro Daily News.

Former Middlesboro mayor Troy Welch sued the newspaper, claiming publication of an election advertisement damaged his reputation.

Welch filed the suit in Bell Circuit Court in October 1994, alleging the ad published during the 1993 mayoral election harmed his reputation in the community.

The former mayor contended the advertisement accused him of misconduct and "caused the community to have an evil opinion of him."

Welch lost his bid for re-election.

London attorney Michael Dean, Welch's attorney, said he would likely appeal the case to the Kentucky Court of Appeals.

Jon Fleischaker, who represented the Middlesboro Daily News, said the judge had decided there wasn't enough proof to allow the case to go to a jury.

Got legal questions
about a story or ad?



Call the KPA
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Attorneys are standing by!

Training

Continued from page 1

"I'm going to take this home and try to use it on a more regular basis and see what I can do to get this dialogue going on a routine basis instead of just when there's a problem," said Powell.

Donald Burnett, dean of the University of Louisville Law School, provided perhaps the most insightful look at the three professions represented at the conference. Burnett said all three were professions that the public judged "collectively."

"Let Ford build a bad truck and it's a good thing for Chevrolet," he said. "Let one judge make a bad ruling, one lawyer not represent his client well or one reporter burn a source ... all judges, all lawyers and all reporters are bad. We are judged by our lowest common denominator."

Burnett said one remedy for the problematic relationship that exists between the three groups is for each to address the lowest common denominators in their individual professions.

Steve Lowery, publisher of The Kentucky Standard, Bardstow, and a past president of KPA, said the journalism profession was tarnished by reporters for news organizations who, outside metro areas and the AP, generally have no expertise. He noted that out of the judge, lawyer, reporter mix it was only the reporter who hadn't been to law school.

"We're sending in kids ... and sometimes, because they don't understand or just don't care, they're only half listening," he said.

Lowery said turnover at newspapers, primarily fueled by poor pay, also leads to bad or inadequate coverage of court proceedings.

The turnover problem presents a major hindrance to one of the key suggestions to come out of the conference: that the interaction between the bench, bar and press could be greatly improved by the development of relationships based on trust and built over time.

Media representatives at the conference urged judges to take a stronger role and control their courtrooms better. Several expressed a desire for judges to help reporters who are unknowingly being manipulated by the prosecution or defense.

Mary O'Doherty, city editor for the Lexington Herald Leader, said she encouraged reporters to try and make this contact with judges to prevent from being led astray.

One of the prime irritants judges and lawyers expressed was misleading or inaccurate "attention grabbing" headlines. They considered this unprofessional and unethical. They also said they were frustrated when criticized by the media for an action or decision that was statutory rather than decision-based.

Journalists countered with their

frustration over gag orders and a general lack of openness about proceedings which leads to cynicism about the effectiveness and credibility of judicial affairs.

The media representatives also pointed out lawyers only criticize coverage when they deem it "unfavorable" to their client.

"The problem with prosecution and defense attorneys is they only want you to give their side of the story and when that doesn't happen, you've done something wrong. Then they cut you off until they need you the next time," said Lowery.

Jon Fleischaker of Wyatt, Tarrant & Combs, and known as one of the leading media attorneys in Kentucky, said the relationship between bench, bar and press in rural areas of the Kentucky is better than in larger cities.

Fleischaker said while the cohesive relationship is in part due to a more relaxed nature of the press, he primarily attributed it to trust between the parties.

"They know each other ... and they've not been burned," he said.

Fleischaker, KPA's general counsel, said based on the calls to the association's Legal Hotline, rural areas also record the least problem with access to court proceedings and requested information.

When asked why, Fleischaker said all sides involved usually have a deep sense of community and the adversarial role is diminished.

One of the participants in the conference was Jefferson District Judge Virginia Whittinghill. Whittinghill relayed an encounter she had with a reporter in which she and her colleagues received unfair coverage. According to the judge, she was so upset by this incident that it tainted her view of all reporters.

At the conclusion, Whittinghill said she had decided to try to work closer with reporters on a daily basis and would try to teach them more about the judicial system.

Ann Oldfather, a criminal defense attorney from Louisville who had argued strongly against the use of cameras in the courtroom at the outset of the conference, said she too would take more time with reporters covering cases she was involved in.

"I'll take more time and explain things more. I've just assumed they knew ...," said Oldfather. "It can't hurt."

O'Doherty said she initially wondered if the two-day conference, held Nov. 20-21 at Shakertown was a worthwhile use of her time.

"But (referring to Oldfather's and Whittinghill's commitment)... this has been a wonderful use of my time," she said. "I wish there was more time especially if more of you do this. Our reporters need your help in understanding what's going on. I've gotten the sense from this that you want to be open and do the right thing ... and that's encouraging."

What makes a great editor? If the answers are a surprise, get a notepad and start writing

BY JODI B. COHEN

Portland Oregonian writing coach Jack Hart opened the recent Associated Press Managing Editors workshop by asking attendees, "What makes a great editor?"

Respondents offered that it's someone who gives freedom with limits — a goal setter who communicated his or her vision, who is humble and full of energy, makes suggestions rather than gives orders, and is a good listener.

Hart agreed, but said the description is a far cry from the traditional stereotype — the Jack Daniels-drinking, cigar smoking, loud and abrasive czar of the newsroom.

"Editors are supposed to yell, slam phones down, smoke and are supposed to be hung up on their macho conception of themselves," said Hart. "Yet, our description is directly opposite of the stereotype, almost a diametric opposite

description."

He said the stereotype was based on the editor in the 1920s, when hardly anyone in the newspaper business had a college degree, most were military-experienced men and the conditions in the newsrooms were primitive with assembly line production.

Today, Hart said, "virtually all are college educated and couldn't get away with that behavior because of a whole transformation in terms of gender and styles that would not jibe well."

Hart cited two studies which revealed that the number one priority for line editors and reporters is better communication and that respondents expressed hatred toward overbearing managers.

"Journalists are united with being upset with people who set out to manage them," Hart said.

See EDITOR, page 12

The Job Shop



Circulation sales and marketing manager

A hands-on circulation person with sales experience needed to head up all of this small middle Tennessee newspapers' solicitation efforts. Must have experience in telemarketing, crewing and all other areas of circulation promotion. This position has strong advancement possibilities. The right person should be able to make a little more than \$20,000 a year counting salary and bonus. Please fax resume and cover letter to Steve Learn, (615) 896-8702.

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Small newspaper in the South is looking for a mail room superintendent to manage the mail room operation, instead of the operating managing them. A strong management background needed. Would be helpful is experienced on Muller and Harris inserter. We have the equipment and the manpower. What we need now is someone to run the show and get the paper out the door on time. The right person can make more than \$30,000 a year counting salary and bonus. Send resume to Kentucky Press Association, Box C Classified, 101 Consumer Lane, Frankfort, KY. 40831.

Reporter

Park Newspapers of Morehead needs an entry-level reporter to work for our newspapers in Olive Hill and Grayson. A degree in journalism, communications or a related area is preferred. Send resume and writing samples to: Park Newspapers of Morehead, attn. Greg Kendrick, 722 W. First Street, Morehead, KY 40351.

Take advantage of KPA's "The Job Shop." List your newspaper's job opening for just \$10. Or, if you are a newspaper professional seeking new opportunities, send us that information!

Convention Schedule

Thursday,
January 23

Thursday,
Jan. 23

8 a.m. **1997 KPA Trade Show Booth Setup**

10 a.m. **KPA/KPS Board of Directors Meeting**

11 a.m. **1997 KPA Trade Show Exhibits Open**

12 Noon **KPA/KPS Board of Directors Lunch**

1 p.m. to 4:30 p.m. **Internet 101 Seminar**
 Separate Registration of \$25
 This four-hour seminar covers all the bases and experience levels, from the novice to the expert, in developing and maintaining a web site presence on the Internet. Presented by David Carlson, director of Interactive Media Lab at the University of Florida School of Journalism and Mass Communications, Gainesville. Ron Dupont, Internet editor of Sunline, the Internet division of the Sun Herald newspapers in southwest Florida. Dupont is in charge of the editorial content of Sunline's many community sites. The Florida Press Club awarded Sunline the first place for "Best Online Presentation," and C/Net, the Computer Network, ranks Sunline in the Top Ten of all local Internet service providers in the country. The session begins with a basic discussion about the Internet, answering the questions "What is the Internet?" and "Why is it important for newspapers?" and will wrap up with a detailed presentation of what it takes to go online, including equipment and staffing needs. The seminar also includes a viewing of Kentucky newspapers already online as well as other newspapers and news sources. Kentucky newspapers participating in a discussion of their web site include Tom Caywood, marketing director and David Reed, administrative editor for the Lexington Herald-Leader's online project, Kentucky Connect; David Greer, editor, and Kathy Helm, marketing director, of the Elizabethtown News Enterprise; and Matt Stahl, Maysville Ledger Independent. This panel session also includes a frank discussion each newspaper's experiences, including the pitfalls they encountered.

5 p.m. - 6 p.m. **Education Reform in Kentucky**
 Kentucky Education Commissioner William Cody discusses KERA and other issues related to Kentucky's education reform efforts. This session also includes a question and answer session with newspaper reporters.

5 p.m. to 6 p.m. **State Newspaper Readership Survey Results**
(For Editorial, Business and Advertising Staffs)
 Preston Research of Lexington annually conducts a readership study for the Kentucky Press Association. In most years, the study has centered on shopping habits and the importance of advertising to Kentucky consumers. The 1996 study, completed this fall, studied advertising importance and focused on news content, including what types of news Kentucky readers prefer. And to add spice, Preston Research asked Kentucky newspaper readers, "If you were editor of your local newspaper, what types of news and information would you increase for readers?" as well as what types of news they would reduce or eliminate. The study also addresses the increased use of online services and the thought that Americans are starting to get more of their news electronically. Find out what Kentucky readers say about these and other issues, including whether or not their local newspaper has improved, remained the same, or gotten worse in the past year.

6 p.m. to 7 p.m. **KPA Convention Opening Reception**
DINNER ON YOUR OWN (if you still have room!)

Friday,
January 24

8 a.m. to 9 a.m. **KPA Business Breakfast**
 Election of Officers for 1997; presentation of the 1996 KPA and KPS financial reports; presentation of the 1997 KPA and KPS budgets.

9 a.m. to 11:30 a.m. **KPA General Session - Terrorism and the Media**
 Speaker: Jon Hansen, Assistant Fire Chief, Oklahoma City
 Jon Hansen handled all media relations during the tragic Oklahoma City federal building bombing in 1995. He has become one of the most sought-after speakers in

the nation, based on his experience with terrorism during the Oklahoma City incident. Jon Hansen brings the story of the Oklahoma City bombing and his experiences with the media to Kentucky for this special presentation.

9 a.m. **KPA College Student Seminar**
 Job Fair and Registration - Students are invited to bring resumes to share with Kentucky newspapers

9:30 a.m. **KPA College Student Seminar**
Getting Ready for the Interview and the First Job
 Merv Aubespain, Louisville Courier-Journal; Tom Caudill, Lexington Herald-Leader; and Max Heath, Landmark Community Newspapers, Shelbyville, prepare students for the interview, discuss the job market and what it takes to get a job in today's Kentucky newspaper industry.

10 a.m. to 5 p.m. **KPA Circulation Seminar**
"Reclassification, Delivery, Software and Anything Else You Want to Discuss"
 Several U.S. Postal Service officials from Kentucky headquarters will be on hand to discuss reclassification, delivery, and answer your questions and address any problems. Meet the people who can help with whatever problems you're having getting your newspaper from the office to the customer. Postal officials scheduled to address the Circulation Division and answer questions include Mary Seaton-Robinson, Supervisor, Bulk Mail Acceptance Center; Connie Russ, Account Representative; Tom Amshoff, Manager, Postal Business Center; and Ron Miller, Manager, Customer Service Support.

10:45 to Noon **KPA College Student Seminar**
A Basic Primer in Ethics
 David Hawpe, editor, Louisville Courier-Journal

Noon **KPA Changing of the Guard Luncheon**
 Presentation of the Edwards M. Templin Award and the Russ Metz Memorial Most Valuable Member Award

1:30 p.m. to 3:15 p.m. **KPA Breakout Sessions**

1:30 p.m. to 3:15 p.m. **KPA News Editorial Division**
Jim Stasiowski, Writing Coach
"The Average Story"
 You've read his columns in The Kentucky Press, now meet and hear one of the nation's top writing coaches. From inexperienced reporters to editors of large dailies, Jim Stasiowski can relate to all editorial staff members. In this seminar, Jim shows writers how easy it is to fall into the trap of writing mediocre, acceptable stories and then the techniques to take the average story into something much better.

1:30 p.m. to 5:15 p.m. **KPA Advertising Division**
"Three Dimensional Selling"
 The Ultimate Consultative Approach to Advertising Sales
 Joe Bonura returns to the Kentucky Press Association Winter Convention. He first addressed a KPA meeting in 1995 and advertising directors and sales representatives asked him to come back. At the age of 20, Joe envisioned opening an ad agency by the time he was 30. At 29, he established Bon Advertising in Louisville, and it grew to Kentucky's second largest advertising agency. After 25 years in the ad business, Joe sold the agency and started his own speaking and consulting company, traveling the nation to talk with newspaper advertising staff members about selling. Joe's afternoon with the KPA Advertising Division includes:

- STOP selling one-time ads and START negotiating more long-term profitable ad campaigns
- Design a strategic marketing plan for individual customers
- Develop lasting relationships with your advertisers where they buy again and again
- Position yourself as a media consultant and problem solver
- Design a sales presentation based on the benefits of newspaper advertising

See SCHEDULE, page 9

Convention

Continued from page 1

Carlson begins the workshop with a basic discussion of just what is the Internet and why it is important to newspapers. Those attending will be able to view different newspaper web sites as Carlson describes what's entailed in designing and housing these home pages.

A Kentucky delegation will then describe how their newspapers got online including the pitfalls they encountered. The newspaper representatives include Tom Caywood, marketing manager, and David Reed, administrative editor of Kentucky Connect, the Lexington Herald-Leader's online project; David Greer, editor, and Kathy Helm, marketing director of the Elizabethtown News-Enterprise; and Matt Stahl, editor of the Maysville Ledger-Independent.

The workshop will wrap-up with a technical explanation of what's needed to tackle an online project led by Ronald Dupont Jr. Dupont is the Internet editor of Sunline, the Internet division of the Sun Herald Newspapers in Southwest Florida.

There is a separate \$25 registration fee for the Internet seminar.

Also Thursday afternoon, Education Commissioner William Cody will discuss KERA, state KIRIS test results and answer questions from a panel of journalists.

There is also scheduled a presentation of the annual readership survey conducted by Preston Research. Typically the study has focused on shopping habits and the importance of advertising to Kentucky consumers. However the 1996 study, completed this fall, included what types of news Kentucky readers prefer. And this year, Preston Research asked readers, "If you were editor of your local newspaper, what types of news and information would you increase for readers?" The study also addressed the public's use of online services so the presentation should be of interest this year to advertising, business and editorial staffs.

Friday's agenda gets underway with the KPA Business Breakfast which includes the election of officers for 1997 and discussion of the 1997 KPA and KPS budgets.

Immediately following the breakfast, a session entitled "Terrorism and the Media" will be held featuring Jon Hansen, assistant fire chief, Oklahoma City. Hansen handled media relations during the tragic Oklahoma City federal building bombing in 1995 and has become one of the most sought-after speakers in the nation.

The KPA College Student Seminar Friday morning includes a job fair, a workshop on getting ready for the interview and first job, and presentations on media ethics and community journalism. It will conclude that afternoon with a wrap-up of the day's activities and Merv Aubespain of The Courier-Journal and the Lexington Herald-Leader's Tom Caudill putting a career in newspapers in perspective. The seminar runs from 9 a.m. to 5 p.m.

A circulation seminar entitled "Reclassification, Delivery, Software and Anything Else You Want to Discuss" runs from 10 a.m. to noon on Friday and features U.S. Postal Service officials. Meet the people who can help with whatever problems you're having getting your newspaper from the office to the customer.

At noon, the Changing of the Guard Luncheon will be held including the presentation of the Edwards M. Templin and Russ Metz Most Valuable Member Awards.

KPA's Advertising, Circulation, Associates and News Editorial Divisions have also planned afternoon breakout sessions. 1:30 p.m., breakout sessions resume.

From 1:30 to 5:15 p.m., Joe Bonura returns to the KPA Winter Convention at the request of ad directors and sales representatives who heard him at the 1995 meeting. At the age of 20, Bonura envisioned opening an ad agency by the time he was 30. At 29, he established Bon Advertising in Louisville and it grew into Kentucky's second largest advertising agency. After 25 years in the business, Bonura sold the company and started his own speaking and consulting company. His afternoon session includes:

- STOP selling one-time ads and START negotiating more long-term profitable ad campaigns.
- Design a strategic marketing plan for individual customers
- Develop lasting relationships with your advertisers where they buy again and again.
- Position yourself as a media consultant and problem solver.
- Design a sales presentation based on the benefits of newspapers advertising.
- Apply the five empowering principles behind every successful salesperson.

From 1:30 p.m. to 3:30 p.m. the KPA Associates Division will present a panel discussion on terrorism that features Hansen, Mark Marchese, former public relations director for the Port Authority of New York and Tommy Preston. Marchese was in the World Trade Center when that building was bombed by terrorists, handling public relations for the center.

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Preston has become one of the nation's foremost authorities on terrorist activities.

The Editorial Division has planned two writing workshops that should benefit reporters and editors.

Jim Stasiowski, a nationally-known writing coach who has worked with newspaper staffs across the country, will present two sessions entitled "I'm Outta Here," and "The Average Story."

The first workshop, "The Average Story" begins at 1:30 p.m., and in this one, Stasiowski shows writers how easy it is to fall into the trap of writing mediocre, acceptable stories. He will demonstrate techniques for turning an average story into something above average.

At 3:30 p.m., "I'm Outta Here" shows writers and editors how to organize a story so they can write it tightly, thus speeding readers on to other stories.

The KPA Awards Reception begins at 6 p.m. followed by the highlight of the convention, the Awards Banquet and the presentation of the 1996 KPA Fall Newspaper Contest awards.

So, as you can see there are plenty of reasons to attend this year's Winter Convention and absolutely no reason to miss it—barring a blizzard.

The 1997 Winter Convention will be held at the historic Seelbach Hotel and Convention Center in Louisville. Rooms are available to convention attendees for just \$63 per room. The first mailing was sent earlier this month and the reservation deadline for the Seelbach is Jan. 2 — so don't delay!

Schedule

Continued from page 8

- Apply the five empowering principles behind every successful salesperson

1:30 p.m. to 3:30 p.m. KPA Associates Division

Terrorism

Moderated by Ed Staats, Associated Press Kentucky
A panel discussion on terrorism featuring Jon Hansen, Oklahoma City Fire Department; Mark Marchese, Public Relations Director for the World Trade Center and Tommy Preston, of the Preston Group. Jon Hansen handled media relations during the Oklahoma City federal building bombing in 1995. Marchese was in the World Trade Center when that building was bombed by terrorists, handling public relations for the facility. Tommy Preston has become one of the nation's foremost authorities on terroristic activities.

1:30 to 2:30 p.m. KPA College Student Seminar

"Job Titles Aren't Everything"

It may not sound like the most exciting job in the newspaper business but with experience in copy editing, the future is bright. Find out what makes "the Copy Editor" one of the most needed jobs in Kentucky newspapers today.

2:45 to 4 p.m. KPA College Student Seminar

"Community Journalism"

If it's happened in the newspaper business, it's probably happened to Larry Craig. The former publisher and editor of the Green River Republican in Butler County brings wit and experience to talk about his love for community journalism and the times of excitement he had running a weekly paper. He'll show college students that there's more to a newspaper career than thinking big. Some of the best times of that career can be found in working in weekly newspapers.

3 p.m. to 5 p.m. KPA News Editorial Seminar

Jim Stasiowski, Writing Coach

"I'm Outta Here"

The name connotes speed and that's the point! Jim shows writers and editors how to organize a story so that it's written more tightly, thus speeding the reader on to other stories.

4 p.m. to 5 p.m. KPA College Student Seminar

Wrap up the day's activities with Merv Aubespain and Tom Caudill putting a career in newspapers in perspective.

6 p.m. KPA Awards Reception

7:15 p.m. to 9:30 p.m. KPA Awards Banquet

Presentation of the 1996 Kentucky Press Association Fall News Contest Awards

9:30 p.m. Convention Adjourns

Editors must purge their papers of 'ugh' words

By JIM STASIEWSKI

When I handed the editor the ugh list, he went directly into denial.

"Nope," he said, shaking his head as he read the ugh list. "No way we used these."

I considered calling in a professional counselor, so distraught was he over seeing the ugh list. But I had proof: From the pages of his own paper, I had compiled such expressions as "evidentiary hearing" and "pilot program" and "intermunicipal agreement."

The ugh list is how I show newspapers the preposterous usages I find in their stories.

Here's an ugh: "James Stasikowak has pleaded guilty to being a principle to the crime of battery with intent to commit robbery."

Whoa. That sentence has more ughs than a presidential debate. You can imagine James getting the great news from his attorney: For beating someone over the head, he was going to be made a principle. "And I never even finished grade school," an elated Stasikowak no doubt told his mother.

The writer who wrote, "... principle to the crime of battery with intent to commit robbery" was being perfectly accurate but not at all clear. That's what many ughs are: sentences, phrases, words that no reader will possibly understand, no matter how accurate they are.

In the same newspaper, I found such ughs as "sign text reading," "certificate of concurrence," "employability plan," "proprietary concern" and "basic business thrust."

I concede, probably a few readers will understand some of those terms.

Let's take one I see a lot: "conditional-use



permit." Now, I'd say every reporter who has worked on a newspaper at least one year knows precisely what a "conditional-use permit" is. Rookie reporters often cover planning and zoning commissions, and conditional-use permits are the reason such commissions exist.

Does the average reader know what "conditional-use permit" means? Does your mom know what it means?

And yet I see "conditional-use permit" 50 times a year in daily newspapers.

A lot of ughs are government jargon. I see "pilot program" as often as I see "conditional-use permit." Here are some others I got from ordinary daily newspapers: "passive park," "maintenance dollars," "outreach coordinator," "water resources," "class B misdemeanor assaults," "federal mandate," "tax-increment" and "work session."

Of course, we've all attended "informational seminars," and then there are those seminars at which information is not allowed.

And I guarantee bureaucrats are thinking up new ughs. Here's one that passes every ugh quality-control standard: "official conduit agency." Look for it in a paper near you.

Another category of ughs is redundancy. One writer wrote of "past experiences." A different writer referred to a person's "past record." I have also come across: "hungry appetite," "underground burrows," "down from above," "innovative new," "specific deadline," and the dreaded "juvenile youth."

(When mom yells at a juvenile youth to grow up, does she have to yell twice?)

Some ughs take creativity. For instance, you can visualize a writer frowning, grimacing, stomping in a circle, whining, suffering, making numerous trips to the water fountain before finally coming up with this perfect phrase: "sustainability-driven measures."

Sometimes, I'm certain, writers are just trying to be careful. The writer who wrote about a "rod-like object" instead of a mere "rod" was probably worried about being accused of a libel-like offense instead of mere libel.

A writer can write nothing but clear words and still create an ugh. "Thomas Adams was the first to be inducted by alphabetical order" probably was a legitimate thought trapped in there somewhere. Ditto with, "All 20 offices are not filled at the same time."

And I'm sure the writer knew what he meant when he wrote, "There was no problem, as officials first reported." There was no problem with that sentence before he wrote it, but he turned a clear thought into an ugh.

Can we turn ughs into what one writer called a "positive attribute?"

I think so. When I pass out the ugh list, I know that at least temporarily, writers and editors are vigilant about weeding out ughs. But as time passes, people resume writing about "planning and platting jurisdictions" and "labor-intensive" things.

I recommend ugh-finding become a newsrooms sport. The city editor creates a file everyone can add to. Writers and editors searching for ughs will be less likely to use them.

No need to humiliate anyone. Just add ughs, don't attribute them. The list, not the humiliation, is the incentive.

Need more incentive? OK, how about this: The writer with the most ughs is the one most likely to become a "downsized employee."

The final word: "Downsized." I hope that's the final time you ever see it.

Writing coach Jim Stasiowski welcomes your questions or comments. Call (410) 247-4600, or write to 5812 Heron Drive, Baltimore, MD, 21227.

Digital cameras, instant editing speed photos from conventions

First Lady Hillary Rodham Clinton welcomed her husband with outstretched arms to Chicago and the Democratic National Convention.

It was a Convention Moment, and AP photographer Eric Draper, who had battled the crowd for a good angle of the first couple, was ready. He grabbed for this AP news camera 2000e and caught the moment before they embraced.

Within minutes, his photo raced out by satellite to the computer screens of thousands of member photo editors. The next day it ran on Page One of newspapers across the country.

"I'm really confident with the digital camera," said Draper. "I know that when I shoot something really good, it's going to go out so much faster."

At this year's Democratic and Republican conventions, seconds counted. With many key speakers taking the stage well after 9 p.m. — dangerously close to press times — the pressure was on to deliver the key moments.

To meet the challenge, AP tech-

nicians staged highly advanced digital photo newsrooms in San Diego and Chicago.

The all-digital photo coverage came from 20 photographers stationed around the halls.

Three digital cameras in front of the convention podium were networked directly to the computers of AP photo editors, so photos were accessible for editing almost the instant they were recorded. Images from these cameras could be edited, captioned and delivered within five minutes — sometimes arriving at a newspaper's picture desk before the speaker had left the podium. Using conventional film photography, the process takes an hour or more.

The core of AP's photo operation, the convention command center, networked more than 30 high-performance Macs, RAID storage towers and servers. Three AP Audrey Digital Image Readers — high-volume digital camera disk downloaders — were set up in the convention hall. Photographers around the hall handed computer cards containing image data to messengers, who hustled them to

Audrey for downloading before returning the cards to photographers for reuse.

In the past, AP could only distribute a small selection of convention pictures before newspapers went to press. With digital cameras, digital satellite delivery and editing terminals wired to cameras, newspapers have more choices when deadline rolls around.

"The response from members has been incredible," said North American photo editor Tom Stathis. "In most cases, our first pictures moved while a speaker was still talking. We're making member deadlines that were impossible to meet before this technology."

The logistics couldn't have been tighter, but the results forever changed AP's convention photography. Not since the 35-millimeter camera has a new development so changed news photography. This year, AP covered Superbowl XXX entirely without film, the first time a news organization had done so, and also used the NC 2000 for the Olympics and the presidential pri-

maries. Moreover, digital technology is changing the way photographers and editors cover the news.

"We knew we were on to something at the conventions four years ago when we tried limited use of digital photography," said AP vice president and executive photo editor Vin Alabiso. "Editing images in real time in 1996 is as amazing as it is exciting."

"Not only did we deliver this year's convention images in record time, but we captured more story-telling moments," Alabiso said.

In the past, AP could only distribute a small selection of convention pictures before newspapers went to press. With digital cameras, digital satellite delivery and editing terminals wired to cameras, newspapers have more choices

See DIGITAL, page 12

Report blasts unpunished attacks on journalists

WASHINGTON (AP) — Publisher Luis Gabriel Cano knows well the perils of journalism in Colombia, including the maximum penalty: censorship by death.

In the past seven years, 164 journalists have been murdered for doing their jobs in North and South America, according to a report released Monday by the Inter-American Press Association.

Several of those reporters worked for Cano, president of the press association. A group called "The Extraditables" — drug dealers facing extradition to the United States — have claimed responsibility and have threatened more killings.

Cano's own brother, Guillermo Cano Isaza, was assassinated in 1986 for publishing anti-drug cartel stories in the El Espectador newspaper, according to his family and government prosecutors. Now, Cano goes to his Bogota office each day with three armed bodyguards to protect him in the most dangerous country in the Western Hemisphere for journalists.

The report, "Unpunished Crimes Against Journalists," notes that of 164 journalists killed between October 1988 and October 1996, 62 were in Colombia. Seven killings were in the United States, the report said.

In addition, 56 journalists were kidnapped in the past eight years in the Americas and 1,278 were assaulted. The report also counted 224 instances of "attacks on the media," including nonviolent government censorship.

For decades, most attacks against the media in the 35 countries in the Western Hemisphere involved simple government censorship.

"Now, the censorship of the press is different," Cano said. "Organizations and governments silence the journalist by killing him."

The report, which was given to the Organization of American States for review, details six cases that the association re-investigated.

"In this country, we would probably say it's getting away with murder," said David Lawrence Jr., president of The Miami Herald and director of the report project. "It is a problem throughout this hemisphere."

Lawrence said the 2-year-old project was funded by a \$500,000 grant from the John S. and James L. Knight Foundation.

AP prunes wire of little-used material, increases high-interest stories in report

By LISA CARNAHAN
KPA News Bureau

The Associated Press is taking great pains to reorganize its wire, "pruning" what is not used from the report and beefing up items of high interest.

Mark Neikirk, assistant managing editor of The Kentucky Post, Covington, presented the Wire Watch Report at this year's Associated Press Managing Editors' Meeting in Louisville, held the first week of November.

Steve Robrahn, AP news editor, said AP took a different approach to this year's wire watch report. Instead of in the form of a survey sent to papers, a team of editors conducted a usage check of the Kentucky AP report in 12 newspapers — six AMs and six PMs.

The project resulted in statistical information never collated that helped AP staff fine-tune the content of the state report.

Neikirk said the in-depth review revealed the use of AP material varied from day to day and that news briefs were the least used of the items.

"More than half the briefs never see the light of day," said Neikirk. "They have very little statewide interest." On the other hand ... "quirky stories get a lot of use. They have mass appeal," he said.

The story about the man who crashed into the Derby gates was used by almost every paper in the state subscribing to AP.

The review showed papers still relied on AP for hard news coverage, such as the recent fire that destroyed the Heaven Hill distillery in Bardstown.

As a result of the review, the AP is now focusing their efforts on improving the quality of the top of the report with an emphasis for the entire report on quality rather than quantity.

David Hawpe, editor of The Courier-Journal and this year's president of the APME, addressed the group about the 1996 convention and upcoming plans of the organization.

Hawpe said one beneficial service the organization has provided was a critique of small newspapers. He recently worked with the staff of the daily newspaper in Xenia, Ohio that included not only a critique for the paper's editors but a writing seminar for its writers as well.

This year's APME convention included a full-day's writing seminar that featured some of the country's top writing coaches. According to Hawpe, post-convention reports showed attendees felt that part of the program alone was worth the registration fees.

David Reed, administrative editor for the Lexington Herald Leader's online project, Kentucky Connect, and the AP's Evansville correspondent Ted



APME President and Courier-Journal editor David Hawpe addressed this year's Associated Press Managing Editors' meeting. Hawpe said one of the most beneficial programs initiated by APME was a critique of small newspapers in which he recently participated.

Bridis, discussed the Internet and computer-assisted reporting (CAR).

Bridis told the group each of the AP's bureaus are now equipped with CAR terminals. An example of a recent AP-generated computer-assisted investigative story that gained national attention is a piece which analyzed President Clinton's Crime Bill. The story showed a major flaw in the much-heralded 100,000 new police on the street component of the bill. According to the story, only 43,000 officers had gone to crime-ridden cities or neighborhoods while the remaining had gone to small, quiet towns.

Those attending expressed the need and desire for AP to sponsor another computer-assisted reporting seminar, like the one held in April at the University of Kentucky and co-sponsored by KPA.

Reed said Kentucky Connect's is the Herald Leader's "extension to reach all over the world."

The web site is recording over a million hits a week. The home page initially featured 15-20 stories from the daily paper and that figure has now grown to 70-100.

"The most interesting thing about it," said Reed, "is that we're actually making money."

The newspaper hadn't planned on any return on its investment, this early in the game, (the online edition debuted a year ago) but, according to Reed, is already seeing a profit in classified advertising.

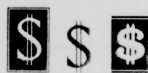
Local advertisers, like Kennedy's Bookstore, are also supporting the project. Reed said Kennedy's are also supporting the project. Reed said Kennedy's had been part of Kentucky Connect almost since its inception and hadn't backed off its advertising effort despite a recent 60 percent increase.

"Obviously, it's working for them," said Reed.

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Legal Defense Fund awards Editor \$2,807 to Clay City Times

The Kentucky Press Association Legal Defense Fund Committee has given its first reimbursement to a Kentucky newspaper involved in a legal dispute.

The committee voted to give the Clay City Times \$2,807 of the \$5,614 it spent to fight a circuit judge's decision to seal records in a Powell County case.

Publisher Guy Hatfield, in his request and application, noted that a former Powell County court clerk had been charged with misappropriation of public funds of over \$110,000. The clerk was removed from office and charged both criminally and civilly. A newly-elected circuit judge ordered the records in the civil case sealed while the criminal case remained open.

The Clay City Times asked the judge to reconsider his decision and when he refused, the weekly newspaper appealed to the Kentucky Court of Appeals. That court, however, chose not to intervene because the civil suit was about to begin. The day that trial was to start, the clerk, Sherry Bowen, entered an Alford plea.

In his request for funding, Hatfield noted that "how an elected public official handles public money should be public information. I feel this case had statewide impact in that the law is very specific in not sealing civil cases."

The Legal Defense Fund Committee met November 13 to consider Hatfield's request and

2 more papers join LDF

The Louisville Courier-Journal and the Georgetown News-Graphic have made commitments to the KPA Legal Defense Fund, bringing the annual advertising dollar to commitment to \$35,407.97. That total also includes an increase in the commitment of the Kentucky Standard in Bardstown. That newspaper originally committed one-half page of advertising from the Kentucky Press Service but publisher Steve Lowery increased his commitment to a full page in November.

Presently, 90 newspapers have made commitments to participate, with a total of 5016 ad inches. The dollar commitment puts the total four-year commitment to participate in the Legal Defense Fund at \$141,631.89.

A listing in the November Kentucky Press of newspapers participating in the program omitted the Edmonton Herald News from the list.

Newspapers who have not committed may do so at any time but must wait six months before being eligible for reimbursement.

approved the \$2,807 reimbursement based on the importance of the case to Kentucky newspapers.

The committee plans to meet once each quarter to consider any applications for funding from newspapers participating in the program.

Digital

Continued from page 11

when deadline rolls around.

But life for AP photographers took a sudden leap into the future last January when AP and Kodak introduced an improved digital camera, News Camera 2000e. In many cases, photographers say, the new camera matches the quality produced by film cameras, but dramatically outperforms the film process in terms of speed. Under some circumstances, digital cameras can make better pictures - for example, when fast film over 800 ISO produces noticeable graininess. In any case, compare with earlier versions, the "e" provides improved shadow detail, color rendition and sharpness.

"It's a quantum leap for us," Stathis said. The telling sign, he said, was that newspaper editors he talked to can no longer discern a difference between filmed images and digital images. That wasn't the case with earlier electronic cameras.

The new camera - which AP sells for about \$15,000 each - is making the technology more palatable to photojournalists. AP photographer Dan Loh admits he was hesitant at first to go digital "because I though my regular picture taking would be handicapped. Now I treat it just like any other camera, and I don't want to give it up."

"The true beauty is it's just a camera and I go out and make pictures," remarked AP photographer Ed Reinke.

Before digital photography, news photographers handed off film to runners or editors in between sports plays, news conferences or other assignments. Film had to be processed, scanned, transmitted in analog form to an editing bureau, edited and captioned before moving to members.

On more traditional assignments, photographers generally download images from the digital camera to a laptop computer, edit, caption, transmit, and head off to the next assignment.

AP is using about 60 of the new cameras nationally.

Editor

Continued from page 7

"We have to think about structuring our newsrooms and developing management practice in a way that serves the fundamental newsroom goals, and at the heart of that is the relationship between editors and writers."

Bruce DaSilva, Associated Press enterprise editor, discussed a training program for editors to help build better relationships with reporters.

Among DaSilva's suggestions:

- Editors need to understand how power works in newsrooms — the more you use it the less you have.

- "The source of the power, the real power, comes from the people who work for them and it's really important for editors to know that," he said.

- Risk in the newsroom should be redefined.

- Trying something different with a story or lead should not be considered risky, but should simply be considered a different approach, DaSilva said.

- "We need to create environments that no evil responses come from trying something different," he said. "The main reason people don't open their mouths is because they think people will think they are dumb."

- The real enemies of change must be identified because change is scary to many people.

- DaSilva said an internal award program at General Electric, where the company rewards employees for the best unused idea, should be adopted by newsrooms.

The Writing Process

Hart and DaSilva also discussed the writing process, which he said involves five steps: the idea; hypothesis; reporting — carefully thought out in advance; focus — the axis the story is written on; and the draft — which is handed over to the line editor.

"The importance of this process has been recognized everywhere but the newsroom," Hart said.

DaSilva agreed, stating that today most editors give a reporter an assignment and do nothing until the finished product is delivered. Then, they "mess with the words."

"It is our belief that editors need help and training in order to understand and work more effectively with writers through the entire process, so they work less in the end," DaSilva said. "This gives us better stories, better reporters and a better relationship in the working newsroom."

Problems editors encounter too late in the process are superficial reporting, buried leads, lack of organization, incorrect information, no transitions and poor organization to name a few, according to Hart.

"But the core of the problem is they still have to have contact with the editors," said Hart. "And reporters get three words of training, 'sit over there,' a problem in any stage of the process."

To alleviate this problem, Hart offered six points that an editor can follow to become a good "coaching editor;":

- Assignments, which lead to a formulation of an idea.

- Feedback, acting as a sounding board.

- Assistance, helping the reporter to find a focus.

- Guidance, structuring and collaboration.

- Impact Editing, which involves consulting before changing, and structure editing.

- Copy editing.

- "You cannot confuse teaching with evaluating," said Hart. "You have to be motivating, patient, invite the reporter to explore it on their own. The main bitch we heard with editors in the field about why they don't teach is time."

To alleviate the problem of time, Hart suggested "short coaching," which takes place in 30-second and three-minute bursts.

"These short bursts are the most important thing you can do in the newsroom," said Hart. "It's our equivalent of the One-Minute Management strategy."

DaSilva agreed, emphasizing that coaching is the heart of an editor's job.

"What happens is editors don't know how to talk to the writers about story organization even though they know how to do it instinctively," DaSilva said. "We want to give some concrete help on how to do all of this more effectively and solve the problems before the story is written."

The writers' workshop is an annual event at the Associated Press Managing Editors conference, but this year marked the first time it was held the entire day — from 9 a.m. to 6 p.m.

An estimated 300 people filed in at the session's start and by 4 p.m. close, around 200 people were still there.

(This article was reprinted from the Nov. 23 issue of *Editor & Publisher*.)

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Responsibility must accompany Internet's power

By LARRY SAVELL

Nearly a century ago, Leo Tolstoy wrote: "Art is a human activity having for its purpose the transmission to others of the highest and best feelings to which men have risen."

Today, through the technological artistry of the Internet, men and women have the power to transmit to unseen others pictures, sounds, and information virtually instantly and anywhere across the globe.

But with this power comes responsibility. Like more traditional forms of media, and in some ways, unlike them, those who use and do business on the Internet must be careful not to run afoul of a broad range of legal restrictions. This article will briefly identify and discuss some of the most significant legal concerns as they have arisen under U.S. law.

Copyright infringement

As is the case with traditional print media, one of the most common areas of potential liability for Internet users and Web site operators is copyright infringement. The ease of copying, downloading, uploading, and further distributing copyrighted materials such as text, pictures, music, and application software increases the opportunity for infringement. U.S. law enforcement authorities reportedly estimate that online infringement and theft of material and data currently exceeds \$10 billion annually.

Copyright owners need to monitor and take action against the unauthorized use of their property on the Internet, including making sure that works they disseminate in electronic form bear the requisite copyright notice. Internet users and publishers need to make sure that their use or distribution of materials owned by others does not contravene the rights of those owners. Rights to use copyrighted material should be carefully and consistently obtained.

One "hot" issue in the publishing business is whether and to what degree print publishers have the right to disseminate electronic versions of articles prepared by freelance writers and originally published in print form.

The case of *Tasini vs. New York Times Co.*, currently pending in federal court in New York, raises this precise issue. The case, brought by 12 freelance writers against several publishers, claims that "freelance authors own the electronic rights in their own work unless they have expressly transferred or assigned those rights in accordance with the Copyright Act."

The plaintiffs seek money damages, measured by the profits defendants derived from their alleged infringement, an injunction barring further infringement, a declaration that the incorporation of their articles into an electronic database and placement of their articles on CD-ROM without their consent constituted copyrighted infringement, and court costs and attorney's fees.

The defendant publishers obviously disagree, and view these rights as

having been conveyed to them with the initial purchase, with the compensation including payment for conveying such rights. (Note that this case only involves freelance writers, as opposed to employees of publishers, whose efforts should be covered by "work-for-hire" agreements.)

To a degree, this is an issue of contract interpretation, and suggests that, for one contemplating online publications, the safest course is to obtain the broadest rights possible, often described as a grant of "all rights."

A key limitation on copyright protection is the doctrine of "fair use," which is defined as the privilege that others than the copyright owner have to use copyrighted material in a reasonable manner without the owner's consent. To determine whether fair use has been made of copyrighted material, courts will consider and balance a number of interests between the owner and the user.

These included: (1) the purpose and character of the use (the right to use for review, comment, or educational purposes is broader than for a purely commercial use); (2) the nature of the copyrighted work (creative works are more protected than purely factual works); (3) the proportion that was "taken" (the more, the more dangerous); and (4) the economic impact of the taking (the extent to which the use may diminish the value of the original work).

Some recent cases have assessed whether an Internet access provider or computer bulletin board operator may be held liable for a subscriber's unauthorized posting of copyrighted material. Last year, in *Religious Technology Center vs. Netcom On-Line Communications Services*, a federal court in California ruled that an Internet access provider and bulletin board service operator were not directly or vicariously liable for copyright infringement, based on a subscriber's posting of writings of the Church of Scientology founder.

The court allowed to proceed to trial the issues of whether the provider and operator should have known that the subscriber infringed the copyrights, whether they substantially participated in the infringement, and whether the provider had a fair use defense.)

However, in the 1993 Florida federal case of *Playboy Enterprises Inc. vs. Frena*, the court ruled that a subscription bulletin board service which displayed photographs from *Playboy* magazine, which were then downloaded by the service's subscribers, infringed the magazine's copyright.

That court specifically rejected the defendant's claim that subscribers had uploaded the images, stating that it did not matter that the defendant claimed he did not make the copies himself, as he had supplied a product (the service) containing unauthorized copies of a copyrighted work.

Efforts are reportedly being made to develop technology (such as embedding copyright information in the code of a picture) that will facili-

See INTERNET, page 14

Photoshop seminar planned for summer

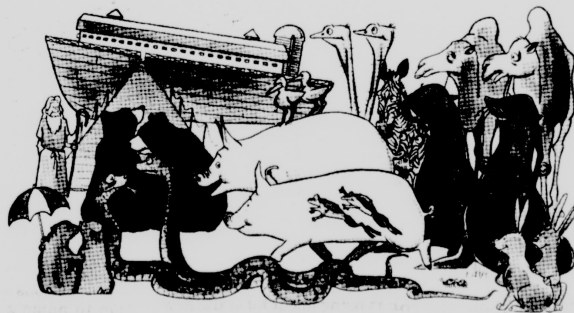
NNA is planning a Photoshop seminar for next summer in Kentucky.

The two-day workshop will be held June 5 and 6 at the Holiday Inn North in Lexington. The instructor will be Jim Rich who has over 25 years of experience using black and white and color pre-press applications. He is co-author of "Photoshop in Black and White — An Illustrated Guide to Reproducing Images with Adobe Photoshop."

The seminar will include training on black and white scanning and color separation methods. It will also feature tips on using Photoshop tools for image manipulation, retouching and masking.

More information on the seminar including registration requirements will be sent by NNA in early 1997. The seminar is co-sponsored by the Kentucky Press Association.

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Internet

Continued from page 13

tate the detection of plagiarized images or text.

Trademark infringement

As in the case of copyrights, Internet users and publishers may risk liability if they infringe on the trademark rights of others. Such infringement may consist of unauthorized use of word or picture marks.

Another currently "hot" Internet law issue is whether trademark holders have the exclusive right to use their word marks as their "domain" names - the addresses of their Web sites (such as "chadbourne.com").

Domain names are registered, basically on a "first come, first served" basis, with an organization known as InterNIC. Some enterprising companies and individuals have attempted to appropriate well-known marks of others by registering domain names containing them.

Trademark owners have begun complaining about such practices and registration authorities have become more receptive to such complaints. To avoid such hassles, trademark owners should consider promptly registering their critical marks as domain names, and/or regularly performing searches on the Internet for use by others of their trademarks as domain names.

Those contemplating registration of a domain name that is not a trademark they own should consider having a traditional trademark clearance check run beforehand.

Libel/defamation

Libel is generally defined as: (1) a false and defamatory statement about another, (2) which has been disseminated to a third party without a defense or "privilege" allowing such publication, (3) where the requisite level of responsibility of "fault" has been demonstrated, and (4) where the plaintiff has suffered resulting harm or injury. As in the case of print communications, one can libel another through electronic communications, including over the Internet.

In a recent and widely debated decision, a New York state trial court in *Stratton Oakmont Inc. vs. Prodigy Services Co.*, indicated that a provider of computer online services may be considered a "publisher" for purposes of a libel lawsuit, such that it may be held liable for defamatory statements made by subscribers and uploaded onto the system.

Traditionally, such operators had been considered merely distributors of material such as newsstand vendors and bookstores and thus generally not liable for allegedly defamatory statements contained in publications they distribute, unless they knew or had reason to know of such statements.

In this case, the court focused on

evidence that Prodigy had marketed itself to the public as exercising editorial control over the content of messages posted on it, in an attempt to appeal to the home/family market. The court concluded that "with this editorial control comes increased liability."

The Prodigy decision, which was recently reaffirmed, has serious implications on those considering establishing online systems or Web sites. Site operators may be better off not undertaking (and representing they are undertaking) any exercise of editorial control. ("Indecency" and related legislation may ultimately make that position untenable, however.)

If such a policy of control is set up, operators should make sure it is followed and enforced fully, and should consider stating up front what control is and is not being exercised. It may also be advisable to post a notice to make it clear that the operator is not endorsing the accuracy of any statements made and the posting should not be interpreted as an endorsement; it may be worthwhile further to require users to acknowledge this understanding. The safest course would be to not let users post material or messages on the site.

Invasion of privacy

Of the various forms of invasion of privacy, three major forms can easily be seen as the basis for potential claims (bear in mind that not all forms may be recognized in a given jurisdiction).

The most common "appropriation of name or likeness" could be violated through the use in electronic form of a person's name or photograph without their prior consent.

Note that there is a recognized "newsworthy" exception to such claims, such that if the person's picture bears a reasonable relation to, and is used to illustrate, a matter of public interest, the unauthorized use may be allowed.

Another recognized exception is for "incidental advertising" in recognition that it may be necessary in advertising an online service or site to illustrate samples of the content found there. This was the ruling in the recent New York case of *Stern vs. Delphi Internet Services Corp.*, which allowed the use of controversial radio personality Howard Stern's name and (physically revealing) picture in advertising an electronic bulletin board on which subscribers could debate Stern's aborted run for governor of New York.

Other forms of invasion of privacy to keep in mind in this context include: (1) "public disclosure of private or embarrassing facts," which requires that the publicity would be considered "highly offensive" to a reasonable person and not be of legitimate concern to the public, and (2) portrayal of a person in a "false light," which is similar to libel.

Other infringement of rights

In addition to the rights delin-

eated above, unauthorized use and/or dissemination of confidential or proprietary material owned by other individuals or businesses can constitute violations. One example would be the unauthorized posting of a company's valuable trade secret information, such as a closely guarded product formula or marketing plan. The potential damage to the owner from such improper dissemination, and potentially liability to the wrongdoer, could be monumental.

Obscenity

As the Internet does not discriminate among users by age, there arise issues of (and potential liability for) children's access to materials intended for adults only. The Communications Decency Act of 1996, which President Clinton signed into law on Feb. 8, among other things makes it a crime to make indecent material available to children over computer networks.

However, the act was promptly challenged as an overly broad and unconstitutional infringement of free speech. On June 12, a federal district court in Philadelphia upheld that challenge, and declared parts of the act unconstitutional as a "profoundly repugnant" affront to the First Amendment, blocking its enforcement. The Justice Department is determining whether it plans to appeal the ruling; it is expected to do so.

With the worldwide scope of the Internet, materials posted reach foreign jurisdictions whose acceptance of freedom of expression may vary. There have been reports, for example, of online services facing possible sanctions for disseminating materials whose publication contravenes the laws of countries where subscribers reside.

(Savell is counsel in the New York office of the law firm Chadbourne & Parke LLP, where he concentrates on products liability and media litigation defense and counseling. His e-mail address is lawrence.e.savell@chadbourne.com; his personal Internet site is <http://ourworld.compuserve.com/homepages/savell>.)

Analogies

Continued from page 4

2. Use visual images. Close your eyes and think of your best friend. What do you see — a name or a face? You see a face, of course! That's because it's human nature to think in pictures.

Top salespeople understand this tendency and use it to their advantage. They use analogies which are easy to "see" in the mind's eye.

U.S. Supreme Court refuses to review case against Times Journal, editors

According to a story from the Associated Press, the United States Supreme Court rejected the request of former Russell County Judge-Executive Terri Flanagan that it review his libel suit against the Russell Springs Times Journal, its editor, Dave Cazalet, and former managing editor, Ed Cahill.

The high court made its decision on Nov. 18.

The rejection of Flanagan's request exhausts his last attempt to regain the \$1 million libel judgment he obtained from a Russell County jury in the court of Circuit Court Judge Eddie Lovelace in April 1994.

The case began Flanagan suing the paper for \$3.5 million in March of 1993.

"This finally resolves it," said the newspaper's attorney, Jon Fleischaker. "It resolves it in the right way and we trust that will be the end of this."

On Nov. 3, 1995, a three-judge panel of the Kentucky Court of Appeals ruled that the three editorials, which were the subject of the lawsuit, were true, substantially true or opinion and threw out Flanagan's million dollar award. That decision was upheld by the state Supreme Court this summer.

"It's been a long battle, but it feels pretty good to stand up for something you believe in and to win," Cazalet said.

A second libel suit against the newspaper and Cazalet filed on behalf of Flanagan shortly after he won the first suit, is still pending in Lovelace's court.

"We plan to renew our motion for summary judgment as soon as possible," Fleischaker said.

3. Keep it simple. It's best to use examples which don't need a lot of explanation. This will help you — and your client — stay focused on the point you are making.

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John Foust conducts advertising training for newspapers. his ad workshop video "Basics of Layout and Copy" is being used by newspapers from coast-to-coast. For information, call or write: John Foust, P.O. Box 10861, Raleigh, NC 27605, Phone (919) 834-2056.

Obituaries deserve extra attention in placement

By EDWARD HENNINGER



Obituaries. We struggle to get them right. We check and recheck the spelling of names. We make sure we've got the time and location of services correct. We agonize over even the tiniest details.

We do this because we know that obits are important to our readers — especially to the family and friends of the deceased.

We work hard to get the content of the obituaries just right. But too often we run them in a fashion that indicates little respect for the deceased or the family.

I consider breaking an obit over a two or more legs of type a cardinal sin, unless the obit carries a multiple-column headline and is designed as a module. More often, that's not the case. Most obituaries are under a one-column headline — usually the name of the deceased — and run in a single column. It's this

type of obituary that we mustn't break into pieces.

If you were to take by wife's obit, for example, and break it over a couple of legs, I would consider you thoughtless. If an obituary is under a one-column headline, keep it in one piece, even if it requires redesigning the entire obit package or moving an ad or two on the page.

Here's why I feel so strongly about obituaries:

Most of the material in our newspapers is old by the time it hits the porch. It is, after all, just today's news. And tomorrow will bring another newspaper, with just more news.

Yes, I believe your news content is important, but it pales in comparison with content that directly affects me.

There is the news of the day. Then there's scrapbook content — the story about Johnny's 30-yard touchdown run or Ellen's game-winning three-pointer at the buzzer or Samantha winning best-in-show at the county fair bovine breeding competition. This news is important — the kind your readers clip and

place in a family scrapbook.

Then there's the content you must respect the most: Bible material. This includes baptisms, barmitzva's, engagements, weddings and anniversaries.

And obituaries.

I believe that the pages that carry this material should be designed to appeal to your readers, but that we also must keep in mind the key audience of these pages. And that audience is the family, friends and loved ones of the people whose names are on the page.

So, when we're writing obituaries, we must keep in mind those closest to the deceased. And when we're designing obits, we must do the same.

Here are some other ideas for the display of obits:

- Establish a standard size and type font for all obituaries, and stick to it. If a name is too long to fit on one line, don't be afraid to go to two lines.

- Consider a drophead on obits, such as "Postal Union president; or 'Teacher 35 years.'" These tell your readers a bit more about the person

and offer a greater sense of respect for the deceased. You can ask the funeral home to have the family suggest a suitable drophead.

- Don't cheat on obit space by condensing type or reducing its size. Remember that most of the readers who will be interested in obits are older and can't read reduced type as well.

- Consider an obituary form that always places the visitation, services and burial at the end, in a sans serif list presentation. This is a service to those who wish to pay their respects.

Some obituaries qualify as important news stories, such as the death of a former mayor or the football coach at the local high school. These should get news play.

But for standard obits, establish a style that is readable and respectful — and places the needs of the family first.

Edward F. Henninger is an independent newspaper consultant and the director of OMNIA Consulting in Rock Hill, S.C. You can reach him at 803-327-3322, fax: 803-327-3323.

Campuses

Continued from page 9

police or security departments are not considered "education records" and, therefore, are not protected from public scrutiny by the Buckley Amendment.

The 1993 amendment, which is cited as 20 U.S.C. §1232g (a) (4) (B) (ii), excludes from the definition of "education records":

(ii) records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement

Following that, the Kentucky Attorney General issued an opinion citing the 1993 amendment and finding that Murray State University had improperly withheld from the public records of its Office of Public Safety. OAG 93-3.

So ... why are we dredging up news that is at least three years old? Since the law has been clear for so long, surely this is no longer a problem. Alas, some state universities still haven't gotten the message. Just last month a public university in this Commonwealth flatly denied a newspaper's open records request for campus security records on the basis of the Buckley Amendment. Lest any other newspapers are receiving the same resistance from other state universities, colleges or community colleges, we thought a reminder was in order.

Hotline Attorneys

- Jon Fleischaker 502/562-7310
- Kim Greene 502/562-7386
- Bill Hollander 502/562-7318
- Deborah Patterson 502/562-7364
- Wyatt, Tarrant & Combs switchboard 502-589-5235

Here's the deal: state universities of higher education which are subject to the Kentucky Open Records Law may not hide behind the Buckley Amendment to deny you access to records of their campus security/police/public safety departments. Instead, those public records must be made available on the basis of guidelines in the Kentucky Open Records Act. That means, those records are considered public records and must be available for public inspection and copying unless one of the specific exemptions of the Open Records Act applies. In other words, access to campus security/police/public safety records is governed by the same rules of the Kentucky Open Records Act as any other public record in this Commonwealth.

If there remains a state-funded college, community college or university in Kentucky which unaware of this, and which waves the Buckley Amendment in response to your open records request refer them to Section 1232g (a) (4) (b) (ii) of the Buckley Amendment and OAG 93-3. That's the short answer to a question that should by now have disappeared.

Opinions

Continued from page 6

appeal the AG ruling and can withhold the information during that 30 days.

Fleischaker said withholding the information was a technical violation of the law, but realistically, there was nothing that could be done given the fact the agency had 30 days to appeal. Under the law, LRC must either appeal the ruling or hand over the warrant by Dec. 20. Fleischaker said he expected LRC would appeal the ruling.

A.C. Wilson Jr. (Cave Country Newspapers, Inc./Barren County School Board)

Wilson appealed to the attorney general's office after his request to inspect the 1995-96 administrative evaluations for each of the Barren

County Schools' principals was denied by the school board.

The superintendent for the school system claimed the release of the administrative evaluations for the principals would constitute a "clearly unwarranted invasion of personal privacy."

Relying on 94-ORD-70 and 92-ORD-1145, the attorney general's office upheld the school board's decision. Noting while the attorney general had determined a school superintendent's evaluation to be of enough public concern to reduce his expectation of privacy, it did not establish a rule of general application for performance evaluations.

According to the opinion, disclosure of other employees within the school system or other public agency, could spur unhealthy comparisons, breed discord in the work place, and result in injury or embarrassment for the employee.

Conned

Continued from page 3

By the end of the conversation, he accepted our suggestion of contacting the Attorney General and the Better Business Bureau.

"So if I get approval from the Attorney General or the Better Business Bureau, you'll run the ad?" he asked.

"Exactly," I said.

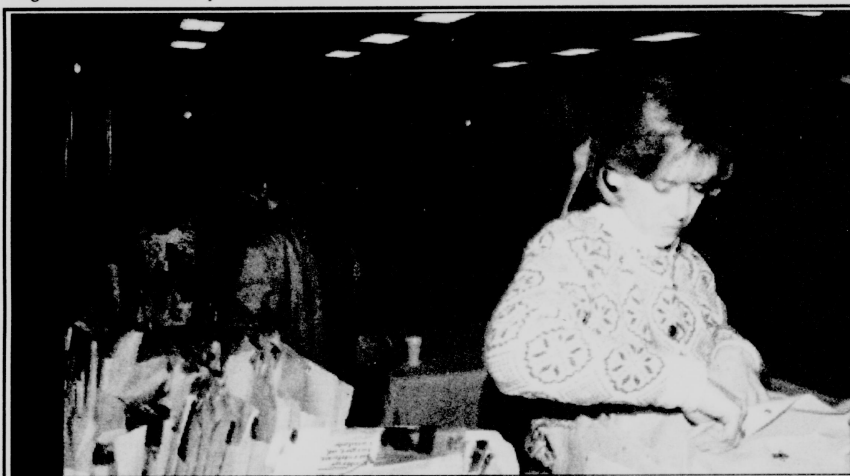
"Then I'm going to get those papers and bring them straight to your office," he said, with a mild threat included.

That was nearly two months ago. Wonder what's taking him so

long?

Do yourself, your newspaper and your readers a favor. Take another look at whether or not you accept these ads. And if you do, consider the bigger value — is it worth the \$5 or whatever for the ad, and doing a disservice to your readers?

The Statewide Classified program, as successful as it's been, could have placed several thousand dollars more each year by accepting such ads. But we made the decision when it started 12 years ago that we weren't going to accept ads that were, or were believed to be, scam ads. By that, we were doing your newspaper and your readers a service.



Let the judging begin ...

Judges recruited by the Illinois Press Association recently judged KPA's 1996 Fall Newspaper Contest. The judging was held in Springfield, Ill., and awards will be presented at the 1997 Winter Convention Awards Banquet. The contest drew a record 3,600 entries. The judges included, left to right, Karen Sorenson and Barb Mantz Drake of the Peoria Journal Star, and Julie Boren, Pittsfield Pike Press. (Photo courtesy of Ron DeBrock, IPA)

InfiNet unveils web package for managing ads

InfiNet has released a sophisticated package of World Wide Web advertising management tools for newspapers.

"AdGadget" is designed to quickly and efficiently schedule, deliver and track advertising in a marketplace that is anticipated to grow dramatically over the next five years.

The package can schedule static or rotating ads and can manage placement schedules by days, ad views or "hits." Online ad managers can meet advertisers' demands to target specific sections of a publication and can review scheduled ads and determine ad spots through a graphical calendar interface.

InfiNet, owned by Gannett Co., Inc., Knight-Ridder, Inc., and Landmark Communications, Inc., has begun installing AdGadget in its base over 130 newspapers.

People

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she spent five years at Newsday. She was metropolitan editor of New York Newsday, city editor, political editor and Brooklyn and Queens editor. She was on the Newsday team awarded a Pulitzer Prize for local reporting for its coverage of the Union Square subway crash in 1991.

Henley also has held editing positions at the Times-Union in Rochester, N.Y., and has worked for community newspapers in Virginia.

Bowling Green paper sets circulation record

Sales of the Bowling Green Daily News set an all-time high in October.

The average for each of the four Sundays during October was 26,446 newspapers. On Oct. 13, the newspaper set an all-time high when 27,517 papers were distributed, according to Circulation Manager Charlie Theis.

The Oct. 14 total surpassed the previous record, which was set in September 1994 during the opening of the National Corvette Museum.

The high numbers come at a time when the newspaper has undergone a major redesign.

Highfield joins sales team in Henry County

Jennifer Highfield is a new addition to the Henry County Local staff. She started in October as an outside sales rep and will also provide com-

position support.

Highfield is a 1993 graduate of Birmingham Southern College with a degree in cross-cultural studies. She worked for three years in public relations and development with the Birmingham Museum of Art prior to returning to her native Kentucky.

Flemingsburg publisher receives city awards

Lowell Denton, publisher of the Flemingsburg Gazette for 45 years, was honored recently during City Government Week by Mayor Woodie Todd. Todd presented Denton, a Fleming County native, with a framed proclamation of City Government Week, a Certificate of Merit from the City for Outstanding Service to the community and personal plaque from the City of Flemingsburg.

Moore joins staff at Harlan Daily Enterprise

Grace Moore has joined the news staff of The Harlan Daily Enterprise as photo department head and staff writer.

Moore is a graduate of Western Kentucky University and has previously worked at the Mount Sterling Advocate and The Harrodsburg Herald.

She has been the recipient of several awards from KPA and the National Federation of Press Women and is a member of the Society of Professional Journalists and the National Press Photographers Association.

Mong

Continued from page 5

This respectful approach served the newcomer well. "He has good insight in terms of what a newspaper ought to mean to a community," says Owensboro School Superintendent Bill Chandler.

Without using the phrase, "public journalism," Mong defines his interest in leading public dialogue on issues ranging from feminism to religion. He also participates in an ongoing newsroom debate about how journalists cover newspaper-sponsored events. Examples include a recent "academic all-stars" reception and an economic development seminar. Though some journalists thought the paper overplayed the latter, they recognized that "it wouldn't have happened without us," Mong says.

With household city-zone penetration of 61.6 percent and a slow-growing population in its home Daviess County, the Messenger Inquirer seeks circulation in four surrounding counties that do not

have dailies. Expanded editorial coverage marks the first step — the paper recently opened a bureau in Muhlenberg County. A marketing director brought in to help tell the paper's story produced a television-ad campaign.

Mong also wants sales reps to move beyond traditional services. "We try to get the point across that if you're having a problem with advertising, maybe we can solve it," he explains.

Those problems can sometimes take on a small-town nature. One client asked his account exec for an ad plan to help readers distinguish him from a brother in the same business 30 miles away.

As Mong focuses on his market, he also works with national journalism organizations, such as the American Society of Newspaper Editors. He helped organize a national copy editors' conference in October and served as Pulitzer Prize juror.

(This story was reprinted with permission from the November issue of Presstime magazine. Davis is managing editor of the NAA publication.)

Hatfield

Continued from page 1

Heath. Heath is Vice President/Executive Editor of Landmark Community Newspapers, Inc., Shelbyville.

As NNA state chairman for Kentucky, Hatfield will appoint and direct the NNA committee for the state.

The Kentucky committee includes the government relations and the membership chairs for the

state. Hatfield will represent NNA at state and newspaper industry functions, and act as a liaison between NNA and KPA.

Hatfield will also serve as a member of the Newspaper Leadership Council, joining the KPA President and the KPA Executive Director on the Council. The Council advises NNA leadership on priorities for the industry.

Hatfield is vice-president of KPA, a past president of the Kentucky Weekly Newspapers Association and has served as NNA membership chair for the state.