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KPA is Gatlinburg-bound for convention

This year's Kentucky Derby is now history and the first official day of summer is only weeks away so that must mean the 2002 Kentucky Press Association Summer convention is bearing down on us. And it just may be the last Summer Convention you'll ever attend.

That's because the Kentucky Press Association Board of Directors has voted to do away with Summer Conventions after the 2002 KPA meeting in Gatlinburg, with our friends from Big Orange Country. Declining interest and attendance in recent years led to this discussion and action by the Board.

So make your plans now — June 20 - 22, Holiday Inn Sunspree Resort, Gatlinburg, Tenn. The hotel is on Airport Road. That's stoplight No. 8.

(Yes, the stoplights are numbered in Gatlinburg.)

We've been to Gatlinburg twice in the last seven years and it's proven to be a location that's preferred by KPA members. More than 500 people have attended each of the two conventions and we have more of the same kinds of activities planned for 2002 in the Great Smoky Mountains.

On Thursday, June 20, we'll have the opening reception at the Gatlinburg Convention Center, followed by a picnic at Mynatt Park with entertainment by the Smoky Mountain Travelers, courtesy of Abitibi Consolidated Sales Corp. Then it's on to dessert and coffee at the new 1.4 million gallon Ripley's Aquarium of the Smokies. The aquarium, America's newest and the world's longest under-

water aquarium tunnel, features more than 8,000 species.

On Friday, June 21, golfers return to Gary Player's Bent Creek Golf Course for an 8:30 a.m. KPA/TPA golf outing (sponsored by Bowater, Inc., and American Profile/Publishing Group of America) while others head for a day at Dollywood, the No. 1 theme park in Eastern Tennessee. New for us this year are the looping Tennessee Tornado and Splash Country Water Park.

Friday afternoon there's a double trio of programs on new software and computer hardware; niche publications; newsroom issues, all three at 3 p.m.; Tricks and Tips with Adobe Acrobat; employee relations; and the Institute for Rural Journalism and Community Affairs, all three at 4:15



Gatlinburg and the Smoky Mountains offer scenic beauty, great outdoors fun for all ages, shopping, entertainment for everyone and lots of good food.

See SUMMER on Page 6

Mountain Citizen news should alert all papers

I've been doing this almost 19 years and guess I thought I had seen/heard it all.

I've had the First Lady of Kentucky walk into the office because she had to go to the bathroom and told her husband, former Gov. John Y. Brown, that she knew KPA would be friendly. I've seen a "stop work" order issued against KPA on renovation at the old office building because former Gov. Martha Layne Collins' inauguration parade was the next day and they didn't want any construction going on while the parade took place.

But a phone call from an Associated Press reporter in mid-May contained news I could only respond to as "bizarre."

The news about the Mountain Citizen takes the cake. Here's a long-time newspaper, a member of KPA, one that's won KPA awards, faced with a "cease and desist" order because someone else took its name. And that wasn't the only call about

On Second Thought

By David T. Thompson
KPA Executive Director



the situation. A printer called wanting to know if he would be in contempt of court if he printed a newspaper that faced a cease and desist order.

Another weekly called asking it if was subject to a takeover because it, too, had not filed any papers with the Secretary of State for at least the last two, maybe the last five years.

And then a third, claiming no annual report or corporation papers had been filed since 1988 (Yes, 1988. That's not a misprint).

There's enough to do in this business, any business, without worrying-

See NAME on Page 12

Boot camp deadline is July 1

Second annual KPA Journalism Boot Camp set for July 15-Aug. 2 at Georgetown College

By DAVID GREER
Member Services Director

Plans are well underway for the second annual Kentucky Press Association Journalism Boot Camp at Georgetown College. Again this year, Jim St. Clair, associate professor of journalism at Indiana University Southeast, will be the boot camp instructor. Boot camp reservations will be accepted through Monday, July 1, or until all slots have been filled - whichever comes first.

Public inquiries about the boot camp are far ahead of last year's pace. By mid-May, more than 50 individuals had called KPA for more information. Callers are sent an information packet. That's more than twice as many as last year. Although the boot camp is pri-

marily a service to KPA member newspapers, openings in the class are available to the public and have been advertised in a series of statewide classifieds. The boot camp can accommodate 24 students. Several individuals have already reserved slots.

This year, the boot camp costs \$595 per person. That covers three weeks of intensive training in journalism basics, all materials and handouts, computer lab time, a continental breakfast and lunch. Boot campers can commute from home or they can stay in an area motel or with friends and family.

Last year, the camp had a two-tiered price structure with commuters paying \$595 and those needing lodging paying \$995. This year, the price structure was simplified with everyone paying \$595. Those who need lodging can stay in area motels or make other arrangements.

The course, dubbed a "boot camp" because of the intensive training over a

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Kentucky people, papers in the news

Hanson named publisher at Corbin daily

Bill Hanson has been named publisher of the Times-Tribune in Corbin. Community Newspaper Holdings Inc., the paper's owner, made the announcement.

Most recently, Hanson, 39, served as publisher of the Huron Daily Plainsman and the PayDay Shopper, both in Huron, S.D., and the Redfield Press in Redfield, S.D. He also served as publisher of five southeast

Wyoming papers.

He began his newspaper career as a reporter in West Point, Neb. During his 17-year career, Hanson has been a reporter, editor, sales associate, advertising director, general manager and publisher of weekly and daily papers. His wife, Susan, and a daughter and son will join Hanson in Corbin.

Winchester paper lets students paint racks

The Winchester Sun used advanced art class students from

George Rogers Clark High School to paint several of the paper's racks. As each new rack is completed, it's placed in a prominent location in the city and the older rack already in that location is rotated elsewhere. The project allows students to display their work in the area and provides the paper with eye-appealing single-copy locations.

Campbellsville paper makes photos available online

Central Kentucky News Journal readers can now order reprints of some of the photos they see in the Campbellsville newspaper. The paper's site is www.cknj.com.

To place an order, readers must click on the DotPhoto icon. DotPhoto specializes in producing photo reprints for newspapers. Readers can order photo reprints from wallet sizes to 12 inch by 18 inch mini-posters. A new album of photos from the News Journal is posted weekly. Readers may pay with all major credit cards.

C-J reporter wins award for foal loss stories

Kirsten Haukebo, Courier-Journal reporter, has won first place in the breaking news category of the North American Agricultural Journalists' annual writing contest. Haukebo covers the horse industry and agriculture beats.

She was recognized for her work in covering the foal loss crisis at Kentucky horse farms last year.

Two reporters join Oldham Era staff

Chris Carpenter and Brian Kehl have recently joined the Oldham Era as staff writers and photographers. Carpenter, a Morehead native, studied elementary education in college but decided the field wasn't for him. But he ended up working with children in Indiana in various capacities. He then returned to college to study journalism and graduated from Indiana University in December 2001.

Kehl recently transferred to the Era after being sports editor at the Henry County Local in New Castle. A Louisville native, Kehl is a graduate of St. Xavier

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The Kentucky Press

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Staff members, Officers and Directors may be reached by e-mail using the individual's first initial, full last name@kypress.com. There is no space or punctuation in the e-mail address.

Deaths

Former Henry County editor dies

James A. Owen, 81, of New Castle, died April 13 at the Masonic Home in Shelbyville. A Tennessee native and former Louisville resident, Owen retired in 1986 after 31 years as manager and editor of the Henry County Local.

The Henry County Schools presented Owen with a plaque at the 1983 Honors Day for Outstanding Service, with his name also placed on a framed board on the school wall.

The Eminence High School class of 1979 dedicated its yearbook to Owen. Senior cheerleaders also presented him with a gold money clip with an embedded 1913 Liberty head nickel.

In 1976, he was named Outstanding Citizen by the New Castle Lions Club and presented with a plaque. He was a former member of the New Castle Town Board and former president of the chamber of commerce.

Former Falmouth owner, publisher dies

Warren J. Shonert Jr., 79, of Falmouth, former owner, publisher and editor of The Falmouth Outlook, in Pendleton County, died at his home on April 29.

Shonert's father, Warren Jeffrey Shonert Sr., founded the paper in June 1907.

An outspoken individual, Shonert was known as a great advocate for the community and supporter of many projects, including Falmouth Dam. Active in community affairs, Shonert was a member of Rotary International. He served as club president, district governor and held the position of being a Paul Harris Fellow. (Paul Harris, an attorney, founded the first Rotary Club in Chicago in the early 1900s.) Shonert also published two history books about Pendleton County.

In 1985, Shonert and his wife donated a rare collection of letters written by explorers Daniel Boone and Simon Kenton, documents from presidents Abraham Lincoln and George Washington, and about 1,500 books, many of them rare.

Stutesman sells Indiana papers from his new Kentucky home

Advertising Plus

By Teresa Revlett
KPS Director of Sales



Take a baseball collector, add a little Civil War memorabilia and throw in a love of advertising and you've got the Indiana Newspaper Advertising Network chief, Jeff Stutesman. He has been calling on accounts in Indiana on behalf of INAN since January 2001. However, that's not when his relationship with Indiana newspapers started.

"It took us a while to find an INAN account executive. Jeff offered us a combination of someone who lived near Frankfort but had newspaper sales experience in Indiana," said KPA/KPS Executive Director David T. Thompson. "That brought us the best of both worlds. The INAN person has to spend some time in the office in Frankfort, but a lot of time in Indiana."

INAN is operated from the Frankfort office in the same location as the Kentucky Press Service. INAN started in 1998. HSPA had previously closed its advertising sales office but David Stamps, the new HSPA executive director at the time, wanted to re-

open it without operating it. KPS reissued a proposal from the mid-1990s. This time, both boards adopted the proposal unanimously and INAN was born.

Jeff started his newspaper career with the Noblesville Ledger. As a child he developed a friendship with the advertising director there where he used to watch them create ads.

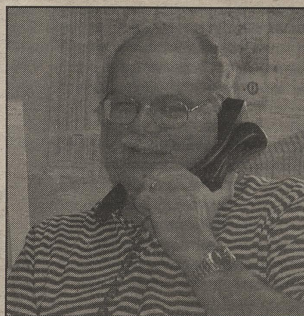
"I always wanted to be an artist. The creativity that the ad department had just amazed me," Jeff said.

Jeff worked at The Topics newspapers in Noblesville for five years, then later spent 12 years at the Indianapolis Star. After his children were grown, he and his wife Carolyn took a journey through Kentucky and decided to relocate here.

"My daughter was in college at the University of Miami. We were on our way to see her during spring break and stopped in Danville for lunch one day. We always traveled off the beaten path. Danville was just a quaint little town. We decided then that we'd like to retire there one day," Jeff said.

After a little consideration, the Stutesmans decided not to wait for retirement and moved to Danville right away. Jeff went to work in sales at The Lexington Herald-Leader before INAN.

"Everyone thought we were crazy for moving. We didn't know a soul.



Jeff Stutesman

We just moved and I've never regretted it. I still just love Danville," he said.

The Stutesmans are parents to Mandy, 29, who lives in Fort Mitchell with her husband, Daniel. Daughter Abby is 23 and has a two-year-old daughter, Olivia. The youngest sibling is a son, Joshua, who is 22.

It has been difficult for the couple to meet new people and make friends since moving to the area because of their work schedules. Jeff works days and travels a couple of times per month calling on accounts in Indiana. Carolyn works from 4 p.m. until midnight as a residential aid at a children's home.

Carolyn's job caused them to make

another important decision in their life when they decided to become foster parents. Now they look forward to getting involved and making a difference in needy children's lives.

During Jeff's career at INAN, he thinks that the biggest job is keeping his customers satisfied.

"I consider myself, the customer and the company here to be a triangle. All three sides have to be equal. If one side falls out of balance then we've got a problem," said Jeff.

His single largest accomplishment so far for INAN has meant getting the unclaimed property legal advertising revenue for Indiana newspapers.

That account will mean close to \$1 million in revenue.

Once a month Jeff calls on accounts in Fort Wayne, Indianapolis, Evansville or South Bend. Then every other month, or as the need dictates, he'd like to be visible in Chicago, Lafayette and Terre Haute.

"I know Jeff sometimes gets discouraged because he doesn't get a placement after the first sales call," said Thompson. "We have to keep reminding him, and other sales staff, that the average is about seven calls before the first sale is made. He has to develop new business while continuing to sell those he's already contacted."

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Well-written obits have a big impact on our readers

Oh, By The Way

By David Greer
KPA Member Services Director



More than 30 years ago, J.D. Minnehan made us diagram sentences on the blackboard until I wanted to gnaw off my right hand so I'd have a good excuse for not holding the chalk. Fortunately, I reconsidered. Today, I still have my right hand and whatever grammar I know I can credit to J.D. Minnehan.

Mr. Minnehan was my junior high school English teacher. That was more than 30 years ago. Fresh from college, he was in his first year or two of teaching. Ten years older than most of his students, he was an adult. At the time, 10 years seemed like an eternity. Now,

it's nothing.

J.D. Minnehan died a few weeks ago. He was 58 and succumbed to cancer. I was shocked - and saddened - to read of his death as I ate lunch one day but glad the Lexington Herald-Leader and staff writer Jennifer Hewlett had given readers a very detailed story about Mr. Minnehan, his career and passing. More newspapers should publish those types of stories. You know, the kind that get real personal and have an impact on readers. I know readers wish they did too.

Over the years, Minnehan moved from the classroom to the principal's office. Eventually, he moved on to the superintendent's office. He led school districts in Danville and Trigg, Jackson and McCreary counties. It was during his Trigg County assignment that I last spoke with him. Honestly, I hadn't thought about him for years but then seven or eight years ago I read an Associated Press story about a state

task force that studied a ban on paddling in Kentucky schools. I was stunned when the story said a J.D. Minnehan had chaired the task force.

J.D. Minnehan? Could it be the same J.D. Minnehan that I knew from the old Bardstown Junior High School? The same J.D. Minnehan, a former college baseball player, who had a wicked swing with baseball bats and paddles? The same J.D. Minnehan who paddled students in front of the class so hard that they were often lifted off their heels when struck on their backsides?

Surely this wasn't the same person. How could an educator who once paddled his students with great vigor now chair a group studying a paddling ban, I asked myself?

It just so happened that in the years since school, I'd become, first, a radio news broadcaster and then, later, a print journalist. By the time I read the AP story quoting Minnehan, I was editor of the daily paper in

Elizabethtown, The News-Enterprise. And I needed material for my weekly Sunday column.

There it was. A paddling fan had experienced a dramatic change of heart. So, I called J.D. Minnehan at the Trigg County Board of Education. I fully expected to have to explain who I was - that I had been one of his students in his first year of teaching and knew (not from experience but from observation) that he very much believed in corporal punishment at one time. So how could he explain this total change of heart?

Picking up the phone, Mr. Minnehan disarmed me completely because as soon as I told him my name he immediately replied that he remembered me well, remembered my class, remembered that Mark Edwards was my best buddy and how were we all doing?

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Nearly 800 students attend 2002 KHSJA convention

Sets attendance record; Hawpe is keynote speaker

By DAVID GREER
Member Services Director

In the days that followed, e-mail after e-mail from high school journalism teachers and advisers alike repeated the same message - thanks for putting on a great 2002 Kentucky High School Journalism Association convention.

The daylong May 1 convention at Louisville's Galt House East drew 785 high school students making it the largest KHSJA gathering yet. Adding professional journalists and guests, the noon awards luncheon included more than 850 participants.

Pre-convention activities began the evening before with the Pizza With the Pros session and a dance. Students - about 200 of them - dined with and were able with talk with journalism pros Chris Poynter of The Courier-Journal, Bob Sokoler of WHAS Radio, Chris Parente of WAVE-TV, Chip Cosby of The Herald-Leader, Mike Jones of LEO and Tom Heiser of The Courier-Journal Online. Student questions ranged from "How much money do you earn?" to "Who's had the biggest influence on your career?"

The first activity the next morning was a joint session involving all students and a panel of journalists. Panelists included Pam Platt of The Courier-Journal, Tom Caudill of The Herald-Leader, Mark Hebert from WHAS-TV and Lynda Umfress, a retired journalism teacher and adviser from Bourbon County High School.

Panelists discussed two typical ethical dilemmas faced by journalists but students seemed to really enjoy the Q&A session in which they were able to ask the panelists' advice on a number of journalism questions they face at their schools. The session was moderated by Brad Hughes, a former journalist and now head of communications for the Kentucky School Boards Association in Frankfort. In the end, Hughes, armed with a wireless mike, sprinted around the huge ballroom to get to as many student questions as possible.

Students then spent the remainder of the morning in workshops devoted to newspapers, yearbooks and broadcast. Several sessions were standing room only.

Courier-Journal vice president and

editorial page editor David Hawpe, a 32-year veteran of the paper, was the keynote speaker during the awards luncheon. Hawpe challenged students to be fearless in their reporting but cautioned them at the same time to be responsible in their work.

More than 2,080 entries were received in the newspaper, yearbook and broadcast divisions of this year's KHSJA contest. That compared with more than 1,500 entries in the 2001 contest. More than 80 high school journalism programs were represented in the contest. The competition this year was co-sponsored by the Scripps Howard Foundation. Other convention co-sponsors included The Courier-Journal, The Herald-Leader, the Georgetown News-Graphic, KPA and the Kentucky Broadcasters Association.

Taking home the Grand Champion award was Graves County High School. That award recognizes the school with the best all-around journalism program in Kentucky. Schools must compete in at least two of the three divisions of the contest - newspaper, yearbook and broadcast - to qualify and must garner the most points overall to win. It marked the second consecutive year in which Graves County High has won the top prize.

Graves County High School also won the General Excellence award in the Broadcast Division for Class AAA schools. The contest is divided into three classes - A, AA and AAA - based on enrollment.

Other schools winning General Excellence awards were: Newspaper Division, Class A: first place, Heath High School; second place, Danville High School; and a tie for third place between Corbin High School and Cumberland County High School.

Newspaper Division, Class AA: first place, Highlands High School; second place, Montgomery County High School; and third place, Bowling Green High School.

Newspaper Division, Class AAA: First place, South Oldham High School; second place, Graves County High School; and third, Oldham County High School.

Broadcast Division, Class A: first, Bardstown High School; second, Corbin High School.

Broadcast Division, Class AA: first, Montgomery County High School; second place, Henry County High School; and third place, Russell County High School.

Broadcast Division, Class AAA: first place, Graves County High

School; second place, St. Xavier High School; third place, Shelby County High School.

Yearbook Division, Class A: first place, Russellville High School; second place, Mercy Academy; third place, Heath High School.

Yearbook Division, Class AA: first place, Bowling Green High School; second place, Valley Traditional High School; third place, Rockcastle County High School.

Yearbook Division, Class AAA: first place, Scott County High School; a tie for second between Graves County High School and Oldham County High School; third place, South Oldham High School.

KPA and the Kentucky Broadcasters Association jointly founded KHSJA in 1997. It is administered by KPA.



Above, journalists Chris Poore of the University of Kentucky, Tom Caudill of the Lexington Herald-Leader, Warren Wheat of the Elizabethtown News-Enterprise and John Nelson of the Danville Advocate Messenger talk with high school journalism students in the session "When You're Ready for a Career, We'll Be Ready for You." In

the photo below, yearbook expert Gene Bazaar critiques a high school yearbook with its staff. Yearbook and high school newspaper critique sessions with professionals were very popular with high schools. More than twice as many as last year participated in the critique sessions. (Photos by David Greer)



Winchester publisher concludes eight years on NAA board

By DAVID GREER
Member Services Director

Winchester Sun publisher Betty Berryman knows what it's like to be the only woman at a meeting. She's found herself in that situation frequently in her career. Berryman was the first president of the Kentucky Press Association to be female. That was in 1986. Then in 1994, she was invited to join the Newspaper Association of America's board of directors. Again, she was the only woman on the board at the time. About a year later, Danville Advocate Messenger publisher Mary Schurz — who served as KPA president in 1992 — also joined the NAA board.

"For awhile, it was just two Kentucky women on the NAA board," Berryman said.

In April of this year, Berryman went off the board after serving four two-year terms. She calls her NAA involvement a wonderful experience professionally and personally.

By serving on the board, she met many high-profile newspaper industry executives she might otherwise not have gotten to know, she said. Plus, knowledge learned through NAA has been beneficial to her own operation, Berryman said.

Much as the Kentucky Press Association represents the interests of Kentucky papers, NAA is a newspaper trade association with more than 2,000 member newspapers in the United States and Canada. Most NAA members are dailies but weeklies are encouraged to join too. The association, headquartered in Vienna, Va., outside Washington, D.C., focuses on six key strategic priorities that affect the newspaper industry: marketing, public policy, diversity, industry development, newspaper operations and readership.

Large metro dailies play a key role in the organization, Berryman said, but the needs of big operations differ from those of small papers like her own.

"Sitting on the board I realized



they didn't have any idea of what small newspapers needed," she said. "My goal was to make them really aware they needed to serve the small newspapers too."

When Andy Barnes of the St. Petersburg Times became NAA president two years ago, he sought out Berryman to learn what small newspapers needed from the organization. As a result, the Small Newspaper Federation was created. The federation went online in October. Now, more than 150 small papers belong to an e-

mail group that receives information monthly tailored to their needs.

Marketing tools, readership research, NIE information and lobbying efforts in Washington are just a few of the benefits available to NAA members.

Just as monitoring the General Assembly is a major function of KPA, lobbying in Congress and monitoring legislation that might affect the newspaper industry is also a major function of NAA.

David Brown is NAA senior vice president and general counsel. He monitors a number of issues affecting the industry, including postal regulations, ergonomics and First Amendment issues, to mention a few.

"He constantly has his plate full watching the government," Berryman said.

"It was a wonderful experience and I continue to serve on the NAA Foundation Board," Berryman said of her eight years on the board. The NAA Foundation Board oversees the association's NIE, literacy and diversity issues.

For more information on NAA, visit the organization's web site at www.naa.org.

State's papers gear up for second big NIE project

Last fall, 44 Kentucky newspapers published "Luke in a Really Big Pickle" and gave rave reviews to KPA's Kentucky Network for Newspaper in Education literacy project. Now, a second NIE project, "Noodles," is underway. Because your paper is a KPA member, there's no cost to publish this new chapter story for students in grades 2-6. It supplements your in-paper features and help students, families and teachers read together and help meet Kentucky's academic standards.

KNNIE is again paying the publication costs for any Kentucky paper that wants to publish the seven-week chapter story. All your paper has to do is donate the space.

The project will run Oct. 14 through Nov. 29. "Noodles" is a seven-week chapter story written by Kentucky authors Debbie Dadey and Marcia Thornton Jones. Artwork is by Kentucky artist Chris Ware.

Newspapers can publish the first chapter any time during the week of

Oct. 14 and follow with a new chapter each week. Chapters will run about 750-800 words.

A new aspect this year involves free NIE workshops in September to introduce the newspaper and show teachers and families how to use newspapers with the stories.

If you would like to set up a KPA-sponsored NIE workshop in your area, call KPA at (800) 264-5721.

Workshop participants will be given newspaper-based teaching materials to use in school. Sponsored by LG&E Energy Foundation, KPA will help set up the workshops and provide NIE presenters.

Talk to your principals and teachers to see if they are willing to participate. Let them know when "Noodles" will begin and how you will work with them. Papers can be donated by your newspaper or paid for with sponsor funding or paid for by the school. Papers can charge as little as 25 percent of their daily rate, i.e. 50 cents at the rack equals 12.5 cents NIE rate. The

minimum delivery to a school at an NIE rate should be five papers.

Talk with local businesses ahead of time and give them the details for what they can do to sponsor one or more chapters. Sponsors can have their logo included at the end of the chapter.

Last fall, The Meade County Messenger in Brandenburg had a very positive experience getting businesses involved. Each week the paper published an NIE page and as a result, increased circulation by 500 copies per week. They also got 21 classroom sponsors. Not bad for a paper that had never had an NIE program — never.

The Leader-News in Central City was another success story. The weekly paper printed an additional 1,200 papers each week and gave them to schools.

There were contests for students. The paper got sponsors for each week's chapter. Revenue generated covered the cost of the space used. There were more than 500 entries in the student contests.

But that's not all. Thanks to LG&E Energy Foundation's support, any Kentucky paper that signs up this year before Sept. 15 will receive 1,000 free scrapbooks to use with schools and/or subscribers. Additional scrapbooks can be ordered ahead of time at a rate of \$50 per 1,000, plus shipping.

Link your Web site or send readers to www.kypress.com, KPA's Web site, which will feature learning activities to go along with the "Noodle" story. If you have questions, e-mail KNNIE chairperson Kriss Johnson at kjohnson@kypress.com.

One important bit of information — no dumping of papers allowed. The Audit Bureau of Circulation considers newspapers that are sent to schools but not requested by a specific teacher as dumped newspapers. This is bad in the NIE world. It reduces the long-term effectiveness of NIE programs and cheapens credibility.

We must educate readers about courts' openness

By
KIM GREENE
KPA General
Counsel
Dinsmore
& Shohl



As of today, nearly 100 people in Kentucky have filed lawsuits against the Roman Catholic Archdiocese of Louisville. The plaintiffs in these lawsuits are men (and a few women) who claim to have been sexually abused in their youth 20 or 30 years ago by Catholic priests or employees of the Archdiocese. The Archdiocese is accused of covering up the alleged sexual abuse and of failing to take appropriate action against the accused priests and other employees.

Of course, the issue of sexual abuse by Catholic priests and the alleged cover up by the Roman Catholic hierarchy is far broader than Kentucky's borders. Similar allegations across the country have sparked a firestorm of anger and sadness about the church's alleged failure to protect its young.

This unfolding drama has been interesting to follow, but why is it the subject of a KPA Hotline column? It's because of the strategy adopted by the Louisville Archdiocese in all of the Kentucky cases. In each of those cases, the Archdiocese has filed a motion to seal the entire court record. Behind these motions, according to the Archdiocese, is its desire to protect the victims and those accused. The details of these allegations shouldn't be made public until all of the evidence is in, the church argues.

Dozens of readers have submitted letters to the editor at The Courier-Journal (and, perhaps, to other newspapers around the state, as well) following its coverage of the Archdiocese's motions to seal. Many of them echoed a sentiment expressed by the Archdiocese: It's not fair to publish the names of the accused priests and the specifics of the allegations until the accusers prove that the priests are guilty. So why doesn't the newspaper just back off?

I know that the issues in these cases pack a powerful emotional charge. Whether you tend to believe the accusers or the accused, there are few people without strong feelings. That part I understand. What chagrins me is the woeful ignorance throughout the public about the most fundamental function of our courts.

This column is a plea that all KPA member newspapers consider using this opportunity to educate your readers about our open judicial system.

There are few issues about which the United States Supreme Court has been more clear: The First Amendment to the U.S. Constitution mandates a strong presumption of open judicial proceedings. So solid is this presumption of openness that a litigant - like the Archdiocese - seeking to close court proceedings must leap the high hurdle of a stringent three-part test.

The courts have made clear that the constitutional right of access to court proceedings extends to court records, as well.

Throughout our history, the open courtroom has been a fundamental feature of the American judicial system. Basic principles have emerged to guide judicial discretion respecting public access to judicial proceedings. These principles apply as well to the determination of whether to permit access to information contained in court documents because court records often provide important, sometimes the only, bases or explanations for a court's decision.

(From the case of *Brown & Williamson Tobacco Corp. v. Federal Trade Commission.*)

If the framers of our Constitution intended for the courts, like the rest of our system of government, to belong to the people - which they did - then the people must be able to see and learn for themselves what is happening in those courts. Having the right to walk into a courtroom and observe a trial is only part of this equation. We have all followed cases, which never went all the way through trial, either because of a settlement or a summary dismissal or a plea bargain. It's important, therefore, that the people have access to the records which the courts maintain about each of their cases. That way the people can monitor how the courts are handling cases brought to them. Is justice being administered even handedly? Are litigants being treated fairly, in accordance with applicable laws?

It's not just the U.S. Supreme Court and other federal courts that safeguard the public's right to observe all aspects of court proceedings. The Kentucky courts also have a long tradition of ensuring free access to courts and court records. In 1968, Kentucky's highest court recognized the vital importance of open proceedings. The principle that justice can not survive behind walls of silence is so

deeply imbedded in our Anglo-American judicial system as to give our people in today's modern society a deep distrust of secret trials...One of the strongest demands of a democratic system is that the public should know what goes on in their courts. This demand can only be met by permitting them to be present in person and by permitting the press who have the facilities to properly inform them to be present upon their behalf...

(From the case of *Johnson v. Simpson*)

The Supreme Court of Kentucky has recognized that these principles, grounded in the First Amendment, protect the right of the public and the news media to access to judicial records:

We recognize that the government belongs to the people, that its activities are subject to public scrutiny, and that

the news media is a primary source of protecting the right of public access. This right includes the public's "right to inspect and copy public records and documents, including judicial records and documents." . . . Basic principles have emerged to guide judicial discretion respecting public access to judicial proceedings. These principles apply as well to the determination of whether to permit access to information contained in court documents because court records often provide important, sometimes the only, bases or explanations for a court's decision.

(From the case of *Courier-Journal v. Peers*).

Some might say, "That's all good and well in most cases, but these cases against the Archdiocese are extraordinary. Look at the salacious and sensitive allegations being made. Surely,

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Kentucky Attorney General

Danville Advocate Messenger/Stanford-Lincoln County Industrial Development Authority

The attorney general has denied an open records appeal by Danville Advocate Messenger reporter Katherine Belcher. The attorney general's staff affirmed a partial denial of records by the Stanford-Lincoln County Industrial Development Authority.

Belcher had asked for operational records maintained by the authority, including minutes of meetings, financial reports and personnel records. After Belcher's initial request, authority chairman Billy Fox denied Belcher access to the records. He explained that the records were not in the authority's possession and therefore it could not comply. Fox said the records had been turned over to the Kentucky state police, which was conducting an investigation for possible criminal charges.

In response to Belcher's request for personnel records, Fox said the authority had no employees at present. Elizabeth Hill had been an employee but left her job. Personnel records had been turned over to KSP and would probably remain in state police possession until the investigation was completed. The attorney general's office contacted KSP and confirmed that an investigation was underway.

In summary, the attorney general ruled that since the records in

question were not in the custody or control of the authority (many records were on a computer seized by KSP), that the records were part of an active police investigation and that their premature release to the public could jeopardize the active police investigation, the partial denial was affirmed. Some personnel records were released to Belcher, i.e. Hill's salary at the time she left the authority's employment.

Lexington Herald-Leader/Fayette County Rural Land Management Board

The attorney general ruled the Fayette County Rural Land Management Board violated the open records and open meetings laws in an appeal from Lexington Herald-Leader reporter Mary Meehan.

The board's attorney cited numerous reasons as to why the board had not violated the open records and open meetings, including issues of privacy, preliminary actions not yet finalized and closed meetings.

In a lengthy ruling, the attorney general's staff rejected each argument and/or exemption put forth by the board.

"There is nothing in the record before us that supports the board's position that the applications were disclosed to it in confidence, or that the information they contain is generally recognized as confidential or proprietary.... Moreover, much of the infor-

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KPA Summer Convention Program, June 20-22, 2002

THURSDAY, JUNE 20

NOON
HOLIDAY INN
KPA/KPS BOARD OF DIRECTORS LUNCH

12:45 P.M.
HOLIDAY INN
KPA/KPS BOARD OF DIRECTORS MEETING

4:45 P.M.
TROLLEYS BOARD AT THE HOLIDAY INN AND PARK VISTA HOTEL FOR THE OPENING RECEPTION AT THE GATLINBURG CONVENTION CENTER

6 P.M.
PICNIC DINNER AND ENTERTAINMENT AT THE MYNATT PARK PICNIC AREA AT THE EDGE OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK. ENTERTAINMENT: SMOKY MOUNTAIN TRAVELERS, SPONSORED BY ABITIBI CONSOLIDATED SALES CORP.

8 P.M.
DESSERT AND COFFEE RECEPTION AT RIPLEY'S AQUARIUM OF THE SMOKIES. FOLLOWING THE RECEPTION, ATTENDEES WILL BE ABLE TO TOUR AMERICA'S NEWEST, STATE-OF-THE-ART 1.4 MILLION GALLON AQUARIUM. SEE MORE THAN 8,000 FRESH AND SALT WATER SPECIES IN THE WORLD'S LONGEST UNDERWATER AQUARIUM TUNNEL.

FRIDAY, JUNE 21

8 A.M.
GOLFERS SHOULD ARRIVE AT BENT CREEK GOLF COURSE FOR AN 8 A.M. SHOTGUN START. TRANSPORTATION WILL BE "ON YOUR OWN." CO-SPONSORED BY BOWATER, INC., AND PUBLISHING GROUP OF AMERICA/AMERICAN PROFILE

9 A.M.
DAY AT DOLLYWOOD, THE SMOKIES' NO. 1 THEME PARK. PICNIC LUNCH IS INCLUDED IN THIS MENAGERIE OF SHOWS, RIDES, SHOPPING AND EATS. NEW SINCE OUR 1998 VISIT IS THE LOOPING TENNESSEE TORNADO, AND DOLLYWOOD'S SPLASH COUNTRY WATER PARK. TRANSPORTATION WILL BE "ON YOUR OWN."

3 P.M.
JOINT SESSIONS AT PARK VISTA HOTEL

3-4 P.M.
-NEW SOFTWARE & HARDWARE FOR NEWSPAPERS - KEVIN SLIMP
-QUICK LOOK AT NEW PRODUCTS AND VERSIONS AVAILABLE FOR NEWSPAPERS.
-HIGHLIGHTS SOFTWARE PRODUCTS SUCH AS INDESIGN, CREATOR 6, PORTFOLIO,
-SUITCASE, PHOTOSHOP 7, QUARK 5, OMNIPAGE PRO AND MORE.
-NICHE PUBLICATIONS - ANN LAURENCE, SALES DIRECTOR, CNHI PUBLICATIONS
-ISSUES IN THE NEWSROOM - JON FLEISCHAKER, KPA GENERAL COUNSEL

4:15 P.M.
JOINT SESSIONS AT PARK VISTA HOTEL

4:15-5:15 P.M.
-TRICKS YOU DIDN'T KNOW ACROBAT COULD PERFORM - KEVIN SLIMP
-LEARN TO DO MORE THAN MOST FOLKS KNOW YOU CAN DO IN ACROBAT 5.
-WE'LL COVER SUCH FEATURES AS CREATING FORMS AND EBOOKS IN ACROBAT,
-USING & CREATING THUMBNAILS, EDITING PHOTOS IN ACROBAT FILES, USING ACROBAT INSTEAD OF POWERPOINT, PLACING SOUND

AND VIDEO -IN ACROBAT FILES, AND MORE.
-INSTITUTE FOR RURAL JOURNALISM AND COMMUNITY AFFAIRS: AN APPALACHIAN JOURNALIST'S VIEW- AL CROSS, LOUISVILLE COURIER-JOURNAL, AND PRESIDENT, SOCIETY OF PROFESSIONAL JOURNALISTS
-EMPLOYEE RELATIONS - KIM GREENE, KPA GENERAL COUNSEL

5:30 P.M.
PARK VISTA HOTEL, JOINT RECEPTION. SPONSORED BY ALLTEL

7 P.M.
HOLIDAY INN
KPA AWARDS BANQUET - PRESENTATION OF THE 2002 KPA BETTER NEWSPAPER CONTEST AWARDS

SATURDAY, JUNE 22

8 A.M.
HOLIDAY INN, NAA READERSHIP INITIATIVE PROGRAM. BASED ON AN EXTENSIVE SURVEY BY THE NEWSPAPER ASSOCIATION OF AMERICA, UTILIZING INPUT FROM 100 NEWSPAPERS AND MORE THAN 37,000 INDIVIDUALS THAT FOCUSES ON HOW NEWSPAPERS CAN GROW READERSHIP AND INCREASE CIRCULATION.

12:30 P.M.
TROLLEYS DEPART FOR A GREAT PICNIC LUNCH IN PIGEON FORGE.

3 P.M.
PERFORMANCE AT THE AWARD-WINNING COUNTRY TONITE THEATRE

5:30 P.M.
CONVENTION ADJOURNS

2002 KPA Summer Convention Continued from Page 1

p.m. Kentucky is well-represented on the speaker list with Ann Laurence, sales director for CNHI Newspapers; KPA general counsels Jon Fleischaker and Kim Greene; and Al Cross, of the Louisville Courier-Journal and currently national president of the Society of Professional Journalists.

Following a reception sponsored by ALLTEL for both press associations, KPA members return to the Holiday Inn Sunspree Resort for the KPA Better Newspaper Contest awards banquet and video presentation. With this year's Summer Convention being the last, this will also be the final Better Newspaper Contest.

You've heard a lot about the Newspaper Association of America's "Readership Institute" and Saturday, June 22, will be another chance to hear about what readers want from their newspapers, and how newspapers can grow readership and increase circulation.

Saturday afternoon, we close the 2002 KPA Summer Convention with a picnic at Pigeon Forge City Park and a

matinee performance of Country Tonight. That theater presentation is currently the highest-rated program in the Pigeon

Forge/Sevierville/Gatlinburg area. It's not as early as you think. The convention is fewer than two weeks away. But more importantly, on May 27, our block of hotel rooms at the Holiday Inn Sunspree Resort was released to the general public. And if you know anything about Gatlinburg, you know summertime hotel rooms are not always available. So if you still haven't made your reservations, call now. The number is (800) 435-9201. There's no guarantee, of course, that rooms remain at the convention rate but you might get lucky. The room rate is \$89.99 for up to four people - that is, if any rooms remain.

Also, your convention registration form must be completed and returned to KPA by Monday, June 10.

If you have any questions, give us a call at (800) 264-5721.

See you June 20-22 in the Great Smoky Mountains!

Tentative Schedule of Journalism Boot Camp Topics by Day

Class times: 9 a.m. until 12:15; 1 p.m. until 4 p.m.; open meeting times with instructor, 4 to 6 p.m.

Week One (July 15 to July 19)

Monday, July 15

Topics and activities
Introduction to workshop
Writing as a journalist
Diagnostic writing test
Understanding news
Writing news

Tuesday, July 16

Topics and activities
Timed news writing and current events exercise
Spelling, punctuation and grammar
Conforming to Associated Press style
Simplifying sentences
Timed exercises on topics covered for the day

Wednesday, July 17

Topics and activities
Timed news writing and current events exercise
Writing leads

JOURNALISM

Continued from page 1

relatively short period, is designed to provide additional training for inexperienced newsroom employees or allow newspapers to hire a person from the community who has potential, but no journalism background.

The boot camp will run for three weeks, five days per week. Class times each day will be from 9 a.m. to 12:15 p.m., 1 p.m. to 4 p.m., and there will be meeting times available with St. Clair from 4-6 p.m. daily.

St. Clair's career in journalism began as a sports writer for his hometown newspaper. While in the Army, he worked as a reporter for the Army

Kentucky native writes new White House book

Veteran journalist Helen Thomas, who has covered eight presidents beginning with John F. Kennedy, has published a new book, "Thanks for the Memories, Mr. President: Wit and Wisdom from the Front Row at the White House." Thomas, a longtime UPI correspondent and now a columnist for the Hearst Newspapers, is a Winchester native.

In her book, Thomas looks at how presidents have used humor to defuse

Story structure
Timed exercises on writing leads

Thursday, July 18

Topics and activities
Timed news writing and current events exercise
Taking notes
Conducting interviews
Quotes and attribution
Practice news conference

Friday, July 19

Topics and activities
Timed news writing and current events exercise
Covering meetings and speeches
Finding information
Guest speaker - covering speeches, writing leads and writing longer, complex pieces

Week Two (July 22-26)

Monday, July 22

Topics and activities
Timed news writing and current events exercise

Signal Corps. Upon leaving the service, St. Clair worked as a reporter and editor for the Bedford Times-Mail. He's worked for business publications in Louisville and has co-authored two books and a number of screenplays.

Kentucky journalists and First Amendment attorneys will also serve as guest instructors during the camp. Topics planned during the three weeks include: understanding and writing news, spelling, punctuation and grammar, conforming to Associated Press style, brainstorming story assignments, meeting stories, feature stories and photojournalism.

St. Clair plans for the class to produce a Boot Camp newspaper during the final days of the session.

For additional information, call KPA at (800) 264-5721.

tense moments and difficult issues and thus shape a presidency.

"Of the presidents I covered in the White House, John F. Kennedy and Ronald Reagan were the best at deflecting the sometimes bitter acrimony associated with hard-driving politics and at easing the tension," Thomas wrote. "Neither of those two presidents hesitated to use the weapon at their command that gave them an aura of being good-natured and confident."

Beat reporting
Guest speaker - covering police, the courthouse, other beats

Tuesday, July 23

Topics and activities
Developing story ideas
Brainstorming story assignments
Finding sources/arranging interviews
Guest speaker - Kentucky's Open Meetings/Open Records Law; what it means to you as a reporter

Wednesday, July 24

Topics and activities
Conducting interviews/research for story assignments
Story assignments due at end of day
Cover meeting (9 a.m. meeting of Scott Fiscal Court)

Thursday, July 25

Topics and activities
Work on revisions of story assignments; more reporting if necessary
Guest speaker - Writing feature stories
Research on Scott Fiscal Court

Friday, July 26

Topics and activities
Work on meeting stories - due at end of day
Brainstorming feature story ideas
Photojournalism

NAA reports positive trends in some ad revenue categories

VIENNA, Va. - Newspaper advertising expenditures for the first quarter of 2002 totaled \$9.7 billion, a decrease of 6.2 percent from the same period the year before, according to preliminary estimates from the Newspaper Association of America. The latest figures show a gradual improvement in several categories and a less severe decline from the previous quarter, when spending fell 11.9 percent.

Retail advertising in the first quarter slipped 0.8 percent to \$4.6 billion, national advertising was down 3.5 percent to \$1.7 billion, and classified advertising declined 13.6 percent to \$3.5 billion. (See chart below.)

"The ad community is slowly regaining its footing as the economy continues to show gradual improvement," said NAA President and CEO John F. Sturm.

"What hasn't changed is that newspapers remain a highly valued

and trusted resource to readers, and that will continue to make them an attractive vehicle for advertisers."

Week Three (July 29-Aug. 2)

Monday, July 29

Topics and activities
Work on revisions of meeting stories
Feature stories and photos due
Guest speaker - journalism ethics

Tuesday, July 30

Topics and activities
Work on revisions of feature stories
Editing
Page design
Writing headlines, cutlines
Desktop publishing

Wednesday, July 31

Topics and activities
Comprehensive exams and timed exercises on news writing, AP style, grammar and punctuation, editing, feature writing, page design
Panel discussion of guest journalists - what it's like to work at small and large papers

Thursday, August 1 and Friday, August 2

Topics and activities
Work on Boot Camp newspaper

and trusted resource to readers, and that will continue to make them an attractive vehicle for advertisers."

Within the classified category in the first quarter, automotive rose 4.7 percent to \$1.1 billion. Real estate continued to increase, gaining 2.8 percent to \$766 million. All other classified ads were up 6.6 percent to \$546 million. Recruitment advertising dropped 38.4 percent to \$1 billion.

"We are seeing sequential improvement in all our major advertising categories as the overall economy picks up," said NAA Vice President of Market and Business Analysis Jim Conaghan. "That is demonstrated by the fact that three of the four classified categories are now positive."

Information about NAA and the newspaper industry may also be found at the association's World Wide Web site on the Internet (www.naa.org).

COURTS

Continued from page 6

the public doesn't have a right to know the details of cases like these." To the contrary, the public has a right to know how courts are handling most every case. Even including cases with allegations of sexual abuse and misconduct.

In fact, some of the cases in which the courts have forcefully and unequivocally set out the public's right of access have involved situations just as sensitive as the Archdiocese cases today. For example, the case of *Globe Newspaper Co. v. Superior Court* involved a Massachusetts statute that required a closed courtroom during the testimony of victims at trials for sexual offenses involving minors under the age of 18. Even so, the Supreme Court ruled that, while the constitutional right of access is not absolute, a state can only deny the press and public access to judicial proceedings in limited circumstances, and the state's "justification in denying access must be a weighty one." The court held, "Where, as in the present case, the state attempts to deny the right of access in order to inhibit the disclosure of sensitive information, it must be shown that the denial is necessitated by a compelling government interest, and is narrowly tailored to serve that interest."

When it applied this test to the blanket denial of access imposed by

the Massachusetts statute, the court ruled that such mandatory closure statutes are unconstitutional because even the compelling interest of safeguarding the physical and psychological well-being of a minor "does not justify a mandatory closure rule, for it is clear that the circumstances of the particular case may affect the significance of the interest."

The Kentucky Supreme Court was faced with a similar case. A Fayette County judge tried to protect 10 male victims of sexual abuse under the age of 12 by barring spectators from the courtroom when they testified. Noting that the trial judge was concerned about "the delicate and distasteful matter about which the young witnesses were to testify" and the "embarrassment and emotional trauma" their public testimony would likely cause, the Kentucky Supreme Court used the opportunity to reemphasize the importance of open courts.

Public trials are high favored in the Commonwealth. . . The most important characteristics of the judiciary are integrity and credibility. Courtrooms are kept open not so that members of the public can expose wrongdoing; rather, they are open to allow the citizens to see for themselves how their laws are impartially applied. It is to the benefit of a free society that judicial proceedings be publicly conducted. Not only are all citizens are to be treated equally under the law - they must be able to see that they are equally treated in their courts.

(From the case of *Lexington Herald-Leader v. Tackett*).

The court recognized that there could be many types of cases ("involving rape, incest, sodomy, criminal conversation, paternity, child abuse, seduction of a minor, loss of consortium, alienation of affection, divorce, child custody, fraud, etc.") where the witnesses (whether a child or adult) might be greatly embarrassed and traumatized by testifying publicly. Still, the court held this wasn't enough to deprive the public of its right to know what happens in the courts. "Embarrassment and emotional trauma to witnesses simply do not permit a trial judge to close his courtroom to the entire public."

Even in a 1981 case in which a Catholic priest was charged with criminal sexual misconduct, the U.S. Court of Appeals for the 6th Circuit (which encompasses Kentucky) refused the priest's request to seal information in the court record. Again, not even a state statute that required judges to seal certain information in the court file could overcome the presumption of openness in the courts. The 6th Circuit declared that statute to be unconstitutional.

Unless Americans decide to amend our Constitution, our court system will remain open to each and every one of us. Not everything we will see there is pretty. Lots of cases

taken to the courts are plenty distasteful and disturbing. And yet we will all have the opportunity to watch them unfold. To observe our judicial system at work. Our society will be able to maintain our confidence in the integrity of our court system because of that openness. That integrity and that confidence are both essential to our way of life in the United States.

The courts have recognized the news media serve as "surrogates for the public" when it comes to observing and monitoring the courts. I suggest the news media's role is much broader than that. You have an obligation to that public for whom you are a surrogate. You can, and should, help that public understand how our courts operate and why the transparency of our court system is important to them, especially in cases like these.

If you have questions about access to courts or any other issue covered by the Hotline, don't hesitate to call.

Jon L. Fleischaker: (502) 540-2319
Kimberly K. Greene: (502) 540-2350
R. Kenyon Meyer: (502) 540-2325

DINSMORE & SHOHL, LLP
Switchboard: (502) 540-2300
Facsimile: (502) 585-2207

AG

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mation Section 26-9 requires the applicant to submit, such as deeds and lists of liens and encumbrances, is a matter of public record. The board presents no proof that the remaining information is generally recognized as confidential or proprietary. It is not enough that the applications were submitted in conjunction with an application for a grant," the attorney general's staff said in its ruling.

WHAS-TV/City of Louisville

The attorney general ruled that the city of Louisville violated the Open Records Act when it denied a request from WHAS-TV reporter Mark Hebert.

In March, Hebert sent an open records request to Mayor Dave Armstrong asking for records relating to the U.S. Department of Justice's Office of the Inspector General's audit of the Accelerated Hiring, Education

and Deployment (AHEAD) grant and the Universal Hiring Program (UHP) grant awarded by the Office of Community Oriented Police Services to the Louisville Police Department.

Several days later, Assistant Director of Law Kris Carlton denied Hebert's request saying she had been told by an employee in the city's Department of Finance and Budget that the audit was not considered complete by the U.S. Department of Justice and therefore the city could not honor the open records request because a completed audit does not yet exist.

On appeal to the attorney general's office, Hebert said the requested audit was completed as described in the Department of Justice's own Executive Summary which is posted on its web site and therefore open to inspection under the Open Records Act.

In further correspondence with Carlton, she told the attorney general's office that until compliance issues were resolved, the audit was not final.

In its opinion, the attorney gener-

al's staff wrote " . . . the attorney general has consistently held that final audit reports are public documents and are therefore subject to public inspection unless there is a possibility of prospective law enforcement action or administrative adjudication. . . Audits that fall into the latter category are only exempted from public inspection under KRS 61.878(1)(h) until the enforcement action or administrative adjudication is concluded or a decision is made to take no action. The attorney general has never affirmed the position that the finality of an audit report is contingent on post-audit compliance measures."

The attorney general's staff wrote, "In defense of its denial of Mr. Hebert's request, the city maintains that the audit report will not be closed until 'all agreed-upon actions are completed.' We do not find this argument persuasive. As part of its monitoring and compliance function, the COPS office cannot reasonably close the audit until all remedial measures have

been fully implemented. However, as noted above, the finality of the audit report is not contingent on post-audit compliance measures. The audit report is not a draft that is subject to revision or change within the meaning of KRS 61.878(1)(i), but is instead a final document to which the public must be afforded access."

The Oldham Era/Pewee Valley City Council

The attorney general's office ruled that the Pewee Valley City Council violated the Open Meetings Act at its April 8, 2002, meeting by calling the meeting as an emergency meeting and consequently failing to strictly observe the notice requirement specified in KRS 61.823, including the requirements of an adequate agenda and limiting the discussion at the meeting to agenda items.

The attorney general said the council's April 8 meeting was not an emergency meeting because no emergency existed on that date.

Don't be foolish – protect your newspaper's biggest asset – its name

By Tonda Rush
Director of Public Policy
National Newspaper Association

What do Brad Pitt, the owner of the Zipper and many local newspapers all have in common?

They all have had problems with trademarks.

Pitt faced his challenge when two men from the United Arab Emirates tried to sell him his name's website (www.bradpitt.com) for \$20,000. He sued under a new federal cybersquatting law, which prohibits people from registering popular trademarks as domain names if their only purpose is to sell the domain back to the proper owner at an inflated price.

"Zipper" was once a hotly guarded trademark, owned by B.F. Goodrich. The trademark protection, however, has now expired and zipper has become one of many trademarks that have passed into the public domain as a descriptive word.

Most businesses work hard to protect their marks. It's why most newspaper reporters have had at least one letter from a law firm attempting to police an important mark. Did you call a Brand-X vacuum bottle a Thermos®? Or a flat plastic disk a Frisbee®, when it wasn't? A photocopy, a Xerox®? Chances are that a firm hired to keep the mark from passing into common generic usage wrote to ask you politely not to do that any more, and to please capitalize the trademark when used properly.

Newspapers, however, often do not follow this wise business practice. Many wait until an infringer arrives in the market to become concerned about their trade names and trade dress (the collection of characteristics by which

your customers know you.)

Instead, many newspapers not only fail to police their marks. Many do not register them in the first place. The neglect leaves their marks open for abuse and theft. It is rather like suiting up your new office with state of the art computers and cameras, and then walking out at night without locking the door.

In seminars with newspapers, I often ask how many newspapers have registered their flags. If I see 10 percent of the publishers' hands in the air, I am surprised. The response to the first question is so discouraging that I have stopped asking about trademarking other important products, like visitors' guides, business exposition issues, TMC products, book reviews or the myriad other products entrepreneurial newspapers have conceived. If there's no lock on the front door, most likely the interior doors aren't locked either.

But newspapers face infringements, just like any other business. Competitors coming into their markets with titles, particularly of niche products, too similar for comfort are not uncommon in this business. You invest in business development, build up demand, teach advertisers how to use your paper, your special sections or your niche products. And a competitor often is more than happy to ride along behind your good will.

Like copyrights, there can be some measure of legal protection even if federal registration isn't perfected. But common law trademarks are rather like common law marriages: they are hard to prove, and they can lead to such problems that one wonders why the people involved don't just go on to the altar.

Richmond paper gives readers redesigned product, new content

The Richmond Register joins several other Kentucky papers that have undergone redesigns recently. The Richmond redesign includes a new, fresher look that's easier to read and includes new editorial content.

New content includes a business news section, including a stock market report. Another change involves a reorganization of the Lifestyles section and the addition of a weekly feature story for the section's front page.

A new food page called Taste was added to Wednesdays. Two Thursdays each month a new page devoted to animals – and called Critters – will appear. Saturdays now feature Fit for Life, a page focusing on health and wellness.

"You may have noticed we've expanded our coverage of religion and faith," managing editor Lisa Hornung wrote in a column to readers explaining the changes. "We recently added a third page so that we can bring you more religion coverage. We're calling this Inspirations. We want the page to include more than just divine inspirations. We want it to include all types of inspirations and faiths. This page will run on Saturdays with our regular religion pages."

The Register has also bulked up its weather coverage with the addition of a customized weather package from AccuWeather. It features a customized map with surrounding cities, a travel report and a farm report, she wrote.

A good New Year's resolution would be this: do the right thing by your mark. Claim it. Own it. Protect it. To get started, here are some answers to common questions:

What's the difference between a copyright and a trademark? Common question. A copyright protects the content of your paper. A trademark protects your flag, any slogans you use to promote yourself or any other titles or product names that you publish under or use to advertise your paper, or your other services.

How do you apply? Visit www.uspto.gov and read through the instructions. That's the U.S. Patent and Trademark Office or PTO.

What does it cost? Some time, and a filing fee of \$245.

How do I know if someone else already has the name? The general practice is to conduct a search before filing. If you find someone with a potentially conflicting claim, you'll not only save the \$245 by not filing, you can also save the 12-18 months it may otherwise take to find out your name is taken. Search firms can be retained to do the search for a modest fee.

Supposing your name seems to be available, then what? You produce your logo as you wish to have it – fonts, colors, etc. – and file with the PTO.

It will send you a filing receipt. In about six months, you'll hear from an examining attorney to let you know if any apparent problems have been found. Then your application is published for opposition. If no

opposition appears, your registration will be granted. The whole process can take 18 months to two years.

What if you don't want to wait that long to protect my mark? You may use the designation TM at any time to alert the public that you claim the mark as your own. You may not use a ® with your mark until registration is final.

Why can't you just register with the Secretary of State? State registered marks have some value. But don't confuse your trademark registration with your corporate registration with the Secretary of State. Those are not the same thing. All the same, you should have a federal registration to provide full protection – particularly against Internet domain name infringements.

Everyone knows you are the Smalltown News. Why would anyone else want to use that name? Because you've made Smalltown News a valuable title. Anyone wanting to ride along on your good will has an open invitation to do so, if they believe you won't protect your mark.

Can your newspaper be too small to bother? If you have no interstate Commerce – not even mailed copies – you may not be able to qualify for a federal mark. But no newspaper is immune from competition. If you have none and are sure you'll never have any, let the rest of us know. We would all like to move there. Otherwise, consider the fact that if you ever do have to defend yourself against an infringement, you'll have to spend more to prove the title is yours. The investment made now may not only ward off an infringer—it will save legal bills if you ever run into trouble.

What if you don't have time to get the search and filing completed properly? Many law firms provide the service for a reasonable fee.

Principal allows student paper to print but vows more involvement

By Lisa Deffendall
LEXINGTON HERALD-LEADER

The Tates Creek High School student newspaper got the go ahead to publish its final edition of the year, but with more involvement from the school principal.

Disappointed in an April 11 editorial that school principal Bob Gardner felt unfairly indicted several members of his staff, he had considered suspending the paper's last publication of the school year.

But after meeting with the paper's adviser and student editor, Gardner decided to allow the student staff to continue printing The Masthead.

In the future, the principal will meet with the paper's adviser and editor a few days before deadline to

review what they have planned for each edition.

In the past, Gardner said he only checked stories the newspaper's adviser flagged as controversial.

Gardner said he doesn't intend to censor topics or steer students away from issues they consider important.

"But there's accountability for all our communications," he said. "The extra step is put in to try to insure journalistic accuracy and fair play and responsible activity."

The editorial that upset Gardner was based on interviews with unnamed sources – including an athlete and a student office helper – and contended that rules are bent for some students, such as athletes.

STUTESMAN Continued from page 3

In his spare time, Jeff is active in the Boys and Girls Club in Danville. He like to umpire baseball and Little League games and collects baseball memorabilia.

His favorite teams are the Kansas City Royals and the Cincinnati Reds.

One of the best baseball memories that Jeff has is getting a base hit off Bob Feller at the Hoosier RCA Dome. After winning a contest, Jeff got to be on the field with baseball greats like Hank Aaron, Willie Mays and Joe DiMaggio. He had to mail in about 35 index cards per day for three weeks to secure a spot in the contest. But, hey chances like that only come around once in a lifetime.

Former Western Kentucky editor joins news bureau

Dana Ehlschide has accepted the position of KPA news bureau director.

She was the former editor of the McLean County News in Calhoun but has been employed outside the newspaper industry for the past several months.

Ehlschide, a Central City resident, was also formerly on the Greenville Leader News staff. She is a graduate of Murray State University with a degree in journalism.

She begins her new job on June 17.

Among her duties as news bureau director will be covering the Kentucky General Assembly when it's in session,

handling story assignments in Frankfort from member KPA papers and being editor of The Kentucky Press.

Ehlschide replaces part-time news bureau staff members Patrick Avery and Mark Vanderhoff who covered the General Assembly this year. Avery is now a staff writer at The News-Enterprise in Elizabethtown. Vanderhoff is traveling before entering the job market later this year.

More details about Ehlschide will be published in the July issue of The Press.

OBITS Continued from page 3

I was stunned. I didn't expect his total recall of events from nearly a quarter century earlier.

Finally, I got around to asking him about his change of heart on corporal punishment.

"I was wrong," he replied. It was that simple. He had been wrong 25 years earlier to paddle so many students, he said. Suddenly, any hopes of my "exposing" in print his contradictory behavior evaporated. I still got a good column from the conversation but it didn't turn out the way I initially thought it would.

That was the only time I spoke to J.D. Minnehan in the 30 years since I graduated from high school. But he had a remarkable effect on my life thanks to diagramming all those darn sentences and giving me a good knowledge of grammar which occasionally comes in handy in this line of work.

If your newspaper regularly publishes stories about important and interesting people in your community who die - stories rich in details and quotes from family, friends and co-workers - then bravo for you. You are touching your readers' lives. But if your news staff doesn't understand the impact such stories have on readers, you're missing a great opportunity.

Landmark establishes Innovation Fund

The Landmark Publishing Group, which includes Landmark Community Newspapers Inc., headquartered in Kentucky, has launched the Innovation Fund. The fund's purpose is to provide seed money, guidance and inspiration for Landmark properties looking to start new products and publications, in addition to running properties more efficiently.

The fund will have \$2 million in seed money, according to a story in the May issue of the LCNI News. The money will fund the start-ups of new

products and publications as well as projects that improve existing operations. A panel of Landmark executives will select projects to be implemented. They will be chosen based on adding profitable revenue or reducing expenses.

Landmark Publishing employees whose ideas are selected for implementation will be paid a finder's fee or bonus. The amount will depend on the potential of the idea and its early success. An idea for a multi-million dollar project could be worth as much as

\$15,000, the LCNI News said.

To enter an idea, Landmark employees in must complete a detailed questionnaire on their proposal. Those LCNI employees lacking a business background can get coaching from Gary Miller, LCNI vice president/finance, at the company's Shelbyville corporate office.

LCNI operates 19 papers in Kentucky, in addition to several specialty publications, including real estate booklets and sports special publications.

Third postal rate hike in 18 months hits next month

The third postal rate increase in 18 months goes into effect on July 1. Community newspapers that rely on the mail will feel the effects.

In-county periodical rates will increase by 1.7 percent while out-of-county rates will see a 10.4 percent

increase.

Also on July 1, first-class stamps will go up by 3 cents from 34 to 37 cents. Priority mail and certified mail will each go up by about 9 percent. Parcel post items will also get more expensive with a 5-pound package

now costing \$4.19 to \$7.25 going up, depending on destination, so that it will now cost from \$5.03 to \$9.43.

The U.S. Postal Service has said the new rates will be in effect until 2004 when they will be re-evaluated.

Sports Writer Needed

Monday through Saturday daily newspaper in beautiful southeast Kentucky is searching for an individual to enhance our coverage of traditional and non-traditional sports. Experience with photography and covering the outdoors a big plus. The Times-Tribune is located in Corbin and is nestled at the base of the Daniel Boone National Forest and Cumberland Falls. Day trips to a wide variety of professional and college sporting events are no problem from here. If you have a passion for sports writing, send your resume to Managing Editor John Whitlock at Times-Tribune, 201 N. Kentucky Ave., Corbin, Ky 40701 or email to jwhitlock@corbintimes.com.

Got News?

Something interesting going on at your paper?

Someone get promoted?

Call the KPA News Bureau at (800) 264-5721 and let us all know!

NAME

Continued from page 1

whether some report has been properly filed and if you're still able to do business as always. Sure, you have to remember taxes are due, but asked what annual reports or other papers are due, and I'd imagine most of us would respond, "Gee, I have no idea."

In South Dakota, that newspaper association makes its newspapers file the annual reports with it. That way, SNDA knows that all newspapers have prepared the reports. Once all are received, SDNA then takes the reports to the Secretary of State's Office.

Says Dave Bordewyk, my counterpart in South Dakota: "That way we make sure everyone is in compliance. It takes a little extra work at the end of the year to make sure members get the paperwork to us, but I think it's worth it. Otherwise, I know for certain we would have members who would be

delinquent."

I'm not in favor of adding another level of responsibility in this, but the least KPA will do is publish a reminder each fall that annual reports are due in the Secretary of State's Office.

It goes beyond the issue of a newspaper losing its name because of failing to file some report.

Tonda Rush, director of public policy for the National Newspaper Association, will argue that "common law trademark" gives the newspaper exclusive right, even if it does forget a report.

"Incorporation is a response to the state's requirement that it knows who is doing business in the state, and under what name or names.

"Trademark is a property right. It says that your name, logo, insignia or whatever is a piece of your property and no one else can use it without your permission. In the best of all worlds, a company registers its trademarks so

that the world knows it considers the marks its property.

"A company can register its mark with just the state, although most don't, because the state trademark protection is not very strong. The better way is to register with the federal Patent and Trademark Office, which gives you the right to put the little R in the circle. It puts the world on notice that the mark is yours.

"An incorporation filing doesn't protect a trademark and vice versa. They are two separate animals. I've learned that very few papers file their trademarks. Some cannot because they have such generic names (The Times, The News, etc.) so the marks wouldn't be acceptable. Most just don't want to spend the money or sort through the labyrinthine process. They leave their most valuable property - their name - unprotected.

"I liken it to buying expensive computers and then leaving the door unlocked.

"However, most states recognize a sort of common law trademark. If you can prove that a name has been used by you and is recognized in your market as yours and that no one else is doing business in that name or could be confused with you, you can establish the property right without the registration. It's not a cheap process - and that may be the problem here. You have to bring in witnesses and go through a whole court process to do it - whereas the registration would have provided that proof all by itself. That's why I wish more papers would do it." This isn't the end of the story, but so far it has been beneficial to us and should be to you to make sure proper paperwork is filed. Or else. Let me call your attention to Tonda's column elsewhere in this issue of The Kentucky Press on trademarks. It was written a couple of years ago for the New York Press Association but is pertinent today because of this bizarre news.

PEOPLE

Continued from page 2

High School and the University of Louisville. At U of L, he worked for the school paper, clerked at The Courier-Journal and did free-lance work.

Middlesboro reporter wins award in CNHI contest

Middlesboro Daily News staff writer C.J. Harte was named a finalist in the Community Newspaper Holding Inc. Editorial Excellence Contest. Harte's story, written last fall, was a collection of interviews with veterans from different eras describing their experiences during and after wartime service. The story was selected among those submitted to the best feature story category by dozens of CNHI papers across the nation.

Hodgenville manager honored by LCNI

Melissa Nalley, general manager and advertising manager for the LaRue County Herald News, has been named 5Star Ad Manager of 2001 by Landmark Community Newspapers. The award was created to recognize the ad manager who has met several criteria, including providing excellent customer service, producing award-winning ads and revenue growth.

Papers participate in community events

A team from the Maysville Ledger

Independent participated in a trivia challenge fund-raiser for the Mason County relay for Life. The challenge involved 11 teams. Meanwhile, a team of six volunteers from the Middlesboro Daily News was among the 250 volunteers from Bell and Whitley counties who participated in the annual Repair Affair fix-up event. The Daily News ran numerous house ads promoting the event.

Newspaper executive's wife appointed to cabinet

Janie Miller has been appointed to head the Public Protection Cabinet by Gov. Paul Patton. Miller is the wife of Gary Miller, Landmark Community Newspapers Inc. vice president/finance.

As head of the Public Protection Cabinet, Janie Miller will be responsible for more than 1,200 employees in 12 regulatory agencies, including insurance and banking, electric power, coal, racing and alcoholic beverages. Miller has been the state insurance commissioner since January 2001 and had served previously as deputy commissioner.

Harrod joins Shelbyville ad team

Chris Harrod has joined the ad staff of The Sentinel-News in Shelbyville as an advertising consultant. He lives in Louisville and is a graduate of Sullivan University with a bachelor's degree in marketing.

Evans is ad rep at Oldham

Era

Nancy Evans, a Louisville native, has joined the Oldham Era staff as an advertising sales rep. She previously did sales work for a glass company and insurance agencies. Evans is also an artist and was editor of the Kentucky Gourd Society newsletter.

Assistant layout editor hired in Bardstown

Scottie Watson is assistant layout editor for The Kentucky Standard in Bardstown. He is a 1985 graduate of Washington County High School and served in the U.S. Army where he trained as a graphic specialist. He has also worked as a free-lance illustrator, writer, commercial artist and web designer. He has worked as a comic book writer and artist.

Elkins returns to Irvine; Smyth named news editor

After a seven-year absence, H.B. Elkins is once again editor of the Citizen Voice & Times in Irvine. Elkins was editor from 1987 to 1995. He left the paper to work in state government. Since July 2001, he was editor of The Clay City Times, a sister publication to the Citizen Voice & Times. But when Jeff Moreland accepted a position at the Richmond Register, publisher Guy Hatfield brought Elkins back to Irvine to serve as executive editor of both papers.

In other changes at the Citizen Voice & Times, Rhonda Smyth has been promoted from staff writer to news editor. In her new role, she will take a more active role in reporting the news in Estill County, Elkins said.

Smyth joined the Citizen Voice & Times earlier this year. She is a graduate of the 2001 KPA Journalism Boot Camp.

Moreland now assistant managing editor at Richmond

Jeff Moreland, former editor of the Citizen Voice & Times in Irvine, has been named assistant manager editor at the Richmond Register.

Joins Campbellsville ad staff

Melissa Netherland is now an advertising consultant with the Central Kentucky News Journal in Campbellsville. She holds a degree from Campbellsville University.

Springfield newspaper has new office

After more than 50 years in its former location in the Washington County seat, The Springfield Sun has a new office at 108 Progress Avenue, on the west side of Springfield. The new location is less than a mile from the paper's longtime spot downtown.

Baker is reporter in Shepherdsville

Sarah Baker is a staff writer for the Pioneer News in Shepherdsville. She graduated from Northern Kentucky University with a degree in journalism. While attending NKU, she was a staff writer and general manager of the university's paper.