

The Kentucky Press



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LCNI wins carrier court battle

By LISA CARNAHAN
KPA News Bureau

The Kentucky Court of Appeals has ruled unanimously in favor of Landmark Community Newspapers, Inc., in a case of statewide significance to any newspaper using independent contractors, or as their better known — carriers.

The Court of Appeals decision was issued Sept. 1 in the case involving two former newspaper carriers at The Kentucky Standard in Bardstown who sued for unemployment benefits after they lost their jobs in 1996.

The appellate court determined that Franklin Circuit erred last year when it ruled in favor of the

employees and against The Standard's parent company, LCNI.

When the two carriers filed for unemployment insurance benefits, an auditor with the Division for Unemployment Insurance determined that the two men, along with 21 other carriers at the paper, were employees of the newspaper

See CARRIER, page 8

Ad seminar scheduled

The 2000 KPA Advertising Seminar will be held Thursday and Friday, Sept. 28-29 at the Holiday Inn on Hurstbourne Lane in Louisville.

The seminar, "Solving a Big See SEMINAR, page 12

KPA Legal Defense Fund fulfilling its purpose

By LISA CARNAHAN
KPA News Bureau

The Kentucky Press Association's Legal Defense Fund ended its fourth year of operation reporting a total of \$50,145.71 in awards to newspapers.

Since the program began in 1996, the committee has received 23 requests for financial assistance in legal cases involving decisions where the outcome could affect the newspaper industry as a whole.

Twenty requests have been approved for funding. Three requests for financial assistance have been denied.

"The fund is really making a difference, especially for smaller papers that may not have the

money to battle a local school board or fiscal court all the way through the court system," said Lexington Herald-Leader assistant managing editor Tom Caudill, chairman of the Legal Defense Fund Committee. "I'm happy that we have been able to support newspapers in open meetings and open records cases and in other important issues."

A case involving The Elizabethtown News-Enterprise typifies the type of litigation the fund was designed to support.

The case began in the mid 90s when the newspaper's education reporter wanted to report on discipline problems in the local schools.

See LEGAL, page 3

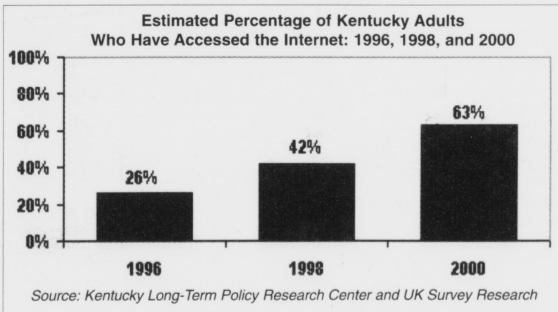
Where the money's gone

Below is a history of actions taken by the KPA Legal Defense Fund since its inception on August 1, 1996.

November 20, 1996	Clay City Times	\$2,807.00
assistance in closed records case. Granted 50 percent of the cost of the case.		
May 8, 1997 (see note below)	Kentucky Standard	\$2,275.00
July 16, 1997 (see note below)	Kentucky Standard	\$281.07
September 24, 1997	Kentucky Standard	\$1,443.93
the above three financial assistance awards involve a case with the Kentucky Unemployment Insurance Commission, an adverse decision concerning newspaper carriers. The committee on March 31, 1997, voted to give the Kentucky Standard 50 percent of its expected appeals cost. Jon Fleischaker and Steve Lowery estimated the appeals process to cost \$7,000 to \$8,000. Three checks were written over the four-month period as invoices were sent to the Kentucky Standard.		

See MONEY, page 3

Survey shows computer use, online activity up



(Editor's note: This story was written by Michael Childress, executive director of the Kentucky Long-Term Policy Research Center. It was edited somewhat in length.)

A statewide survey results suggest that for the first time in the state's history, a majority of Kentucky adults have access to a computer at home (55 percent) and have accessed the Internet (63 percent).

Despite these findings, a review of census data reveals a stark digital divide in Kentucky on the basis of income, education, race, and age.

See SURVEY, page 4

What's Ahead

- Oct. 4-7: NNA Annual Convention, Galt House East, Louisville
- Oct. 26-28: KPA New Media Division Workshop, Louisville
- Jan. 18-19: 2001 Writer Convention, Galt House East, Louisville

Inside

- Pg. 2: Kentucky People, Papers in the News
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- Pg. 8: Court decision on 911 tapes could pose problems
- Pg. 8: Editors: give new reporters a 'lesson plan' to get started

Kentucky people, papers in the news

Insko joins news staff at Carlisle Mercury

Elicha Insko has joined the staff of The Carlisle Mercury as a news writer and photographer. A native of Nicholas County, she is the mother of a two-year-old son, Cameron.

Scenters takes helm at The Berea Citizen

Teresa Scenters has joined the staff of The Berea Citizen as general manager.

Scenters began her newspaper career at The Citizen in the late 1980s. She's also been advertising manager at the Richmond Register and most recently, marketing director at Renfro Valley.

Throgmorton hired at Journal-Enterprise

Debbie Throgmorton has been hired as a news reporter and photographer at the Providence Journal-Enterprise.

A resident of Clay, Throgmorton has worked at the paper as a free-lance photographer. Her beat will include Sebree City Council, Dixon Commission and the Providence Board of Education.

Anderson News launches website

The Anderson News has launched its website at "www.theandersonnews.com," designed by Rusty Kiser in the newspaper's composition department.

The website includes current news and sports stories and photos, the latest weather, links to current TV listings, kids stuff, a history of the paper and even a place to leave feedback.

CNHI buys Hollinger papers in five states

Community Newspaper Holdings Inc., the parent company of several Kentucky newspapers, announced recently it would purchase five daily and 15 non-daily publications from Hollinger International.

The newspapers are located in Mississippi, Illinois, Indiana, Ohio and Pennsylvania.

CNHI's holdings include more than 300 daily and weekly publications in 23 states, including 114 dailies with a combined circulation of more than one million.

opportunity to work and earn wages.

The newspaper was nominated for the award by a job placement specialist with the Paducah Area Department of Vocational Rehabilitation.

Paxton Media to buy Hollinger properties

Paxton Media Group, based in Paducah, has agreed to purchase the 31,700 circulation daily, the Herald-Palladium in Berrien County, Michigan, from Hollinger International. In addition, Paxton will also acquire 13 weekly publications serving Berrien County and surrounding communities.

The Michigan paper will be Paxton's 27th daily newspaper and its largest. Among the company's properties are its Kentucky dailies, the Paducah Sun and the Madisonville Messenger.

Brown named sports editor at Cadiz Record

Scott Brown, former news reporter and radio personality, has been named sports editor at the

See PEOPLE, page 10

The Kentucky Press

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Paducah Sun honored by state agency

The Paducah Sun was one of 12 businesses honored recently by the Kentucky Cabinet for Workforce Development's Department of Vocational Rehabilitation for providing people with disabilities an

Deaths

Joseph G. Mitchell

Joseph G. Mitchell, a member of the Paxton Media Group board of directors and longtime former employee of The Paducah Sun, died in early August at an Illinois hospital. He was 84.

Mitchell worked for The Paducah Sun-Democrat as a reporter, photographer, telegraph editor, night editor, production manager, national advertising manager and promotion manager between 1933 and 1966.

After his years in the newspaper industry, he moved to Northfield, Ill., and was advertising director of Burke & James, a Chicago manufacturer of photographic equipment owned by Paducah Newspapers, Inc., now Paxton Media, and Southern Textile Machinery Company of Paducah. When the company was sold in 1971, he retired and stayed in Northfield, remaining a director in Paxton Media.

Maureen McNerney

Maureen McNerney, The Courier-Journal's arts and entertainment editor for 14 years, died Sunday, August 6. She was 59.

McNerney worked for the newspaper for 34 years, beginning as an assistant in the former women's department in 1966. She later was a reporter, copy editor and assistant editor in the features department.

"It's going to be a big loss, not only to the newspaper but also to the cultural community of Louisville," said Jimmy Seacat, director of marketing and public relations for Actors Theatre of Louisville.

What helped her succeed was her connection to the community and the spirit of journalism, said Keith Runyon, now editor of the newspaper's opinion page. "She had a well-rounded view of news and always realized we were writing about real people who had real problems."

She was named editor of the newspaper's Accent lifestyle section in 1979 and arts and entertainment editor in 1986.

McNerney was "the glue that held the Courier's arts staff together," said William Mootz, who retired from The Courier-Journal after 48 years as a critic. "She worked harder than any of us and motivated us to accept her high standards of journalistic ethics."

Legal

Continued from page 1

The reporter prepared an open records request and sent it to both local public school districts, Elizabethtown Independent Schools and the Hardin County School System.

The request asked for the number of students expelled from schools, the types of behaviors involved, the timeframe of the expulsions and the schools from which they were expelled.

"There was no request for the names of specific students or any other information that would identify specific students because we recognized the confidentiality of that," said then editor David Greer. "The Elizabethtown Schools complied with our request within three days. But Hardin County Schools refused citing privacy issues."

The newspaper appealed to the Kentucky attorney general who ruled in favor of The News-Enterprise saying the paper's request would not identify individual students — which seemed to be the major concern of the county school system.

But Hardin County Schools appealed to Hardin Circuit Court where Judge Steve Bland found in the school district's favor.

According to Greer, the newspaper's attorney, Kim Greene, believed the judge erred in misinterpreting the Federal Family Education Rights and Privacy Act. The paper appealed to the state Court of Appeals which sided with the attorney general and found in the paper's favor. The appeals court ruled that disclosure of the requested information would not lead to the identity of students or their parents.

Hardin County Schools have taken the case on appeal to the state Supreme Court. Oral arguments in the case are scheduled to be heard by the Kentucky Supreme Court on Nov. 15.

"I think it's shameful that the Hardin County Schools continue to use taxpayer money to deny taxpayers the right to know about discipline problems in taxpayer-supported public schools," said Greer, who's now publisher of The Kentucky Standard in Bardstown. "The public has a legitimate right to know what's happening in our public schools. The two extremes shown in this case — one school system released the information almost immediately without question while the other system has fought doing so for several years and spent who knows how much in legal fees — demonstrates how different the systems are in their openness."

"The paper never sought identi-

ties of individual students or their parents — only information about trends among schools. The public has a legitimate interest in this information and the right to know."

Greene, who also serves as KPA General Counsel along with Jon Fleischaker, said the fund is filling a critical need.

"KPA's Legal Defense Fund has done wonders in its first four years," she said. "At last newspapers around the state are able to really fight for their First Amendment rights. Every time one newspaper challenges an improperly closed court room or the denial of public records it helps every other paper in Kentucky. It's exciting to be part of this."

Since early 1997, The Kentucky Standard in Bardstown has been involved in a legal battle involving carriers and unemployment insurance. The carriers filed for unemployment insurance even though

the newspaper's policies indicate that carriers are not considered employees, but instead are independent contractors.

The courts up to this point have agreed with the Kentucky Unemployment Insurance Commission that carriers are considered employees for unemployment insurance, and The Standard has appealed those decisions to the Court of Appeals. That court has heard oral arguments and its decision is expected in about a month.

"The Kentucky Standard situation shows exactly what the KPA Board was thinking when it approved the Legal Defense Fund concept in 1996," said KPA Executive Director David T. Thompson. "They talked about newspapers not having the financial resources to continue a legal struggle while government agencies don't give that a second thought. Those agencies have taxpayer dol-

lars backing them up and probably think the newspaper's well will run dry long before taxpayer dollars are cut off.

"But The Kentucky Standard and Landmark Community Newspapers have held their ground, committed to seeing this issue through to the end and the Legal Defense Fund has been there to say, 'Don't give up!'"

"Since the case began, The Standard and Landmark Community Newspapers have spent more than \$38,000 in legal fees," said Thompson, "fighting a case that has impact on every newspaper in the state that has carriers. The Legal Defense Fund has awarded just more than \$19,000 in financial assistance in the past three years to the effort."

(This story was written prior to the Sept. 1 decision of the Court of Appeals in the Landmark case. See page 1.)

Money

Continued from page 1

Nov. 18, 1997 **Elizabethtown News-Enterprise** **\$1,215.00**
the above concerns a practice of the Hardin County Schools to deny the newspaper's request for statistics on student disciplinary actions. Legal expenses incurred as of October 9, 1997, were \$2430.18. The newspaper applied for assistance of \$1,215, based on assistance of up to 50 percent of the costs incurred and the Legal Defense Fund approved the 50 percent reimbursement request.

June 5, 1998 **Elizabethtown News-Enterprise** **\$3,043.83**
this involves a case where the Hardin County Circuit Court closed jury selection proceedings in a murder-for-hire case.

June 5, 1998 **Danville Advocate Messenger** **\$4,083**
this request stems from the denial of access to court records and hearings, including change of venue and voir dire, in a capital murder case in Mercer County.

Nov. 11, 1998 **Frankfort State Journal** **\$505.62**
this case involves publication of an Associated Press story on teachers in the Jessamine County school system. The AP story was written using stories originated by the Lexington Herald-Leader and the Louisville Courier-Journal. Both of those stories apparently contained wrong information, unknown to the AP and wire service subscribers at the time of publication.

Nov. 11, 1998 **Harrodsburg Herald** **\$230.00**
the Kentucky Division of Water invited Harrodsburg city officials to a meeting in Frankfort concerning Harrodsburg city water and sewer problems. The state had notified the news media and the public that it would not be an open meeting, even though a quorum of the Harrodsburg city commission would be present. The city commission would have abided by the Open Meetings Law but could not since the state called the meeting and established the guidelines. On advice of attorney, the newspaper wrote the City of Harrodsburg that it would be in violation of the Kentucky Open Meetings Law if a majority of the city commission members attended the meeting and it was not open to the press and public.

June 4, 1999 **Elizabethtown News Enterprise** **\$2,166**
the action follows up an award on November 18, 1997, involving an Open Records request by the newspaper to the Hardin County School system. The school denied the newspaper's request for statistics on student disciplinary actions. The case has been appealed to the Kentucky Supreme Court and the newspaper continues facing legal expenses through the appeals process.

June 4, 1999 **Frankfort State Journal** **\$9,565.32**
this is a continuing award from November 11, 1998. The case involves publication of an Associated Press story on teachers in the Jessamine County school system. The AP story was written using stories originated by the Lexington Herald-Leader and the Louisville Courier-Journal. Both of those stories apparently contained wrong information, unknown to the AP and wire service subscribers at the time of publication.

June 4, 1999 **The Courier-Journal** **\$2,298.95**
the case involves a proposed ordinance by the City of Louisville that would restrict newspaper rack locations and require newspapers to pay a substantial licensing fee to place newsracks in public places. The ordinance was drafted but never presented to the

Louisville Board of Alderman because of concerns the proposal would have on newspapers and the First Amendment.

June 4, 1999 **Kentucky Standard** **Undetermined**
this request is a continuing one involving the Kentucky Standard in Bardstown and a lawsuit filed by a terminated newspaper carrier and the Kentucky Unemployment Insurance Commission. The commission made an adverse decision concerning newspaper carriers in its decision and the newspaper has appealed the commission's ruling. At its June 4 meeting, the Legal Defense Fund Committee voted to continue its financial assistance to the newspaper but has delayed determining the amount until its Fall meeting, pending expected further legal expenses by the newspaper.

June 4, 1999 **The Courier-Journal** **Undetermined**
this request involves an Open Records dispute between the Louisville Courier-Journal and the Kentucky Department of Corrections. A judge has ruled in favor of the newspaper and has ordered the Department of Corrections to pay the newspaper's attorney fees. However, those fees have yet to be determined and the committee has delayed awarding any financial assistance until the fees are finalized.

Jan. 22, 2000 **Kentucky Standard** **\$798.99**
this is a continuing request concerning the Kentucky Unemployment Insurance Commission situation. Since the newspaper had not requested a great deal of financial assistance in its latest application, the committee voted to delay a reimbursement amount until later in the year.

Jan. 22, 2000 **The Courier-Journal** **Undetermined**
this request involves an Open Records dispute for which funding was previously requested. The committee continued its position that once the newspaper and the Department of Corrections had agreed on the court ordered settlement, the Legal Defense Fund would consider reimbursement based on the difference between the requested amount and the settlement amount.

Jan. 22, 2000 **Maysville Ledger-Independent** **\$150**
News reporters were banned from an evidentiary hearing in a local murder case. The newspaper had its attorney argue before the court to open the hearing and the judge reversed his decision and opened the hearing.

Aug. 17, 2000 **Kentucky Standard** **\$14,272**
This is a continuing situation first addressed by the Legal Defense Fund Committee in 1997 and concerns the Kentucky Standard case against a decision by the Kentucky Unemployment Insurance Commission. The Standard has now experienced legal costs of just more than \$38,000 in this situation and the Legal Defense Fund has awarded The Standard \$19,070.

Aug. 17, 2000 **Elizabethtown News-Enterprise** **\$5,010**
This is a continuing case involving the Elizabethtown News Enterprise and the Hardin County School office. The case dates back to 1996 and the Legal Defense Fund awarded the first round of financial assistance in November, 1997. An explanation of the background can be found under that date. A second partial award was issued in June, 1999. In all, the Legal Defense Fund has reimbursed the News Enterprise \$8,391 in this case.

Aug. 17, 2000 **The Courier Journal** **\$0**
The Legal Defense Fund continued a discussion of the Louisville Courier-Journal Open Records Case against the Kentucky Department of Corrections. Since the court ordered the Department of Corrections to pay the Louisville Courier-Journal's legal expenses, the committee found that it was not necessary to reimburse the Courier-Journal as well.

Aligning text with baseline grid gives cleaner look

Design is Everything

By Edward F. Henninger



Baseline grid.

At first, it might seem to be a reference to a basic football formation. But it's really a method you can use to improve the look of your newspaper.

Baseline grid is a document preference available in QuarkXPress that allows you to align the text elements across the width of the page. An equivalent preference also is available in PageMaker but the bulk of newspaper pagination nowadays is being done with QuarkXPress so I will limit my comments to that software.

When we engage the baseline alignment feature, we provide our readers with a more polished overall look. Baseline alignment automatically locks lines of text (and other selected text elements) to an imaginary line.

Without baseline lock the type within columns of a story usually will not align, creating a careless and unprofessional look. And that can contribute to a nagging sense

on the part of your readers that you may also be careless in other facets of newspapering, such as your reporting skills.

Example: just a couple of days ago, a newspaper I was reading carried a headline in which the word "cemetery" was misspelled as "cemetary." That was it — I stopped reading. The curmudgeon editor in me wouldn't let me give that newspaper another moment of my time. Misspelling "cemetery" is a mistake a lot of people make, but that newspaper on that day lost at least one reader because of it.

The same is true with presentation errors: if you appear sloppy in your typography, readers will tend to be less forgiving and certainly more skeptical of your work. And that is why baseline alignment is important to your newspaper.

Baseline alignment can (and should) be used for elements other than body text. For example, I advise its use for listings, captions and jumplines as well. I would not lock headlines, dropheads, pullouts and other larger typographic elements. Instead, I may adjust the space between a story and the headline below it to allow for proper alignment of other elements.

Most often, it pays to set the baseline at a distance equal to the interline spacing you've estab-

lished for your text. So, if you're using 9.5 point type on 10.2 points of spacing, set your baseline increment to 10.2 points. This will mean you'll have to create different documents for different spacing needs.

If your text is set at 9.5 points on 10.2 but your sports agate listings are set at 8 on 9, you'll have to create another document for the sports agate page. Though you can create multiple master pages within one QuarkXPress document, the software only allows for a single baseline increment setting.

To set up the baseline grid in QuarkXPress, to go the "Edit" menu, select "Preferences," then "Document." It's faster to use the Command (Apple)-Y keyboard shortcut. When the "Document Preferences" window appears, select the "Paragraph" tab. With this window open, you'll see the "Baseline grid" box at the lower left.

"Start" allows you to set the distance from the top of the page where you'd like the baseline grid to begin. Usually, I leave this at the default of zero but I will occasionally adjust this setting to allow for optimal spacing at the bottom of the page. "Increment" determines how much spacing you'll have between lines of text. As usual in Quark, this setting may be in points, picas, inches or other units.

To lock type to the baseline, select the type and then open the "Formats" box in the "Styles" menu. The shortcut is Command (Apple) Shift-F. Toward the bottom right of this window, you'll see a selection box for "Lock to Baseline Grid." Click in this box and the type you've selected will be locked. Many of my clients set up lock-to-baseline as the default in the style sheet for body text and other elements such as those mentioned above. You can see the baseline grid in QuarkXPress by selecting Option-F7.

If you're not comfortable with lock-to-baseline, it may take some getting used to — it's very tempting to leave the type unlocked and set a story justified to have it fill the box. But if a story is short, I often get it to fill by breaking a paragraph or two. If it's long, I edit some lines as I paginate. It took me a couple of weeks to get used to lock-to-baseline — but it's worth the effort.

The payoff is a cleaner, more polished, more professional newspaper. And who among us wouldn't want that?

(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 or by e-mail at: go2omnia@aol.com)

Survey

Continued from page 1

Social scientists have found that individuals who use computers are better informed about political, community, and social issues than those who do not use computer-based communications. Studies have found that workers in businesses who use computers earn 10 to 20 percent more than workers in comparable businesses who do not use computers.

More than ever before, Kentuckians are embracing the technology of the information age. A majority of Kentucky adults now have access to a computer in their homes.

In 1996, we found that 32 percent of surveyed adults in Kentucky said they had a personal computer in their homes, and in a survey completed in the spring of 1998 we found that the share of adults with a computer at home had risen to 41 percent.

In the most recent survey, which was completed for the Kentucky Long-Term Policy Research Center by the University of Kentucky Survey Research Center in the spring of 2000, we found that a 55 percent majority of Kentuckians have access to a computer at home, and another 24 percent do not have a computer at home but have access at work,

school, or elsewhere, raising the overall percentage to nearly 80 percent.

Internet use in Kentucky also has increased significantly over the past four years. In 1996, we found that about 26 percent of adults in Kentucky had used the Internet. In 1998, rates of Internet access had increased to 42 percent. And in 2000 we find that an estimated 63 percent of surveyed Kentucky adults have accessed the Internet in the past year.

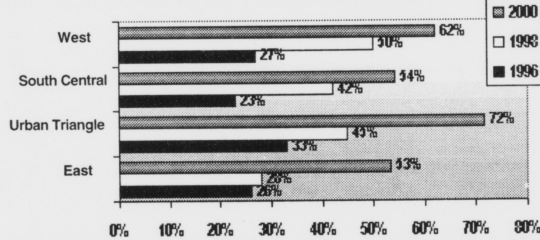
Despite the rising use of computers and the Internet, our analysis shows a clear digital divide in Kentucky on the basis of income, education, race, and age.

The youngest Kentuckians are much more likely to access and use these technologies. Thus, the bad news is that the "information haves" tend to be younger, better educated, wealthier, and white, while the "information have-nots" tend to be black, older, and have less education and income.

These findings make a subtle yet powerful point: the people who are most vulnerable in today's economy — the least educated — are far less inclined to own personal computers or access the Internet, which would enable them to acquire some of the skills demanded in higher-paying jobs.

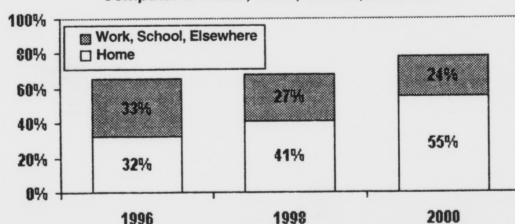
In an effort to address these issues, the Kentucky Long-Term Policy Research Center is partnering with the group "Kentucky Leaders

Percent of Adults in Kentucky Who Have Accessed the Internet, by Region



Source: Kentucky Long-Term Policy Research Center and UK Survey Research

Percent of Kentucky Adults with Access to a Computer at Home, Work, School, Elsewhere



Source: Kentucky Long-Term Policy Research Center and UK Survey Research

for a New Century" to focus on the digital divide at its annual conference on November 13 and 14 of this year at the Northern Kentucky Convention Center in Covington. Information about the conference is

now available online at www.kltprc.net/conference2000.htm by calling 800-853-2851, ext. 10.

The Center will release its final report on the digital divide in December 2000.

Technology Today

Compatibility problems sometimes not a quick fix

Dr. Tech Hotline

By Tim Jones
Parts-Plus



A good number of calls have come in this month and several of them have been challenging.

Donna from The Adair Progress reported that an Agfa IISI Scanner connected to a Powermac G3 was giving a calibration failure message. It had been working fine for over a year but we learned that Agfa has a downloadable fix on the website called the "G3 SCSI Patch." This patch fixes a problem with older scanners connected to G3's which freeze during the calibration mode.

The longest running episodes of email and calls this month began with an email from J. W. Chandler of the Hickman County Gazette. He had just connected a new Umax Astra MX3 SCSI scanner to his Performa 6400 and it would not work.

My first reaction was to inform him of Apple's 6400 Update which can be downloaded from the website. This had fixed problems before with older Umax scanners. He did

Hotline Numbers

1-800-484-1181 code:7076
606-872-2349
606-623-3880
606-624-3767
email: tjones9692@aol.com
FAX: 606-624-9893

that but it still would not work. When he called Umax they told him that scanner will not work with the 6400 series. I am still puzzled by this answer but they may be right. Chandler called his vendor and they agreed to take the scanner back and send him a Microtek model that should work.

Have you "Blessed" your system folder? Apple provides a procedure to fix Macs which have trouble at start up. Boot with a System CD by holding down the "C" key at startup. Then open the System folder on the Mac's harddrive. Find the System File. Double-click the System file and it will open. Then close it up. Close the System folder and restart the computer.

Sounds silly but it tells the computer that this is the System you want to use.

Call me with your questions or newly found information.

Magazines debut ads, stories with embedded Web links

(AP) — After years of chronicling the derring-do of entrepreneurs, Forbes magazine is taking a little gamble of its own. It's partnering with a technology startup to test a new way of bridging print media with the Internet.

Forbes is mailing out free handheld digital readers to its 810,000 subscribers to see if they'll take to the idea of jumping around the Net by scanning little bar codes in ads and stories. No typing is required. The bars are embedded with specific Web addresses.

It's the first major rollout of a technology from a company called Digital Convergence, which also has deals in place to use the system this fall in several newspapers, the Kaplan test-preparation courses and Wired magazine.

Also this summer, Popular Mechanics and Wired have been running ads using a competing technology from Digimarc, a company that makes secure water-

marks for passports and currencies. And there are other efforts underway to get different Internet-enabled scanners into the market.

A company set up by Motorola and Symbol Technologies, the leading maker of supermarket bar code scanners, is working on a similar kind of technology but so far it has no deals with newspapers or magazines -- and the readers won't be in wide circulation until next year.

These companies are counting on consumers warming to the idea of welcoming yet another gadget -- tethered to their computer, no less.

"Any technology that requires people to relate differently to media is a challenge," says Dan O'Brien, an analyst with Forrester Research. "Their success depends on a change in user behavior. They're both counting that people will want to take their magazine and hold it up to a camera or bar code scanner. It's a big leap."

AcceleraPCI... adding speed to your pentium at a reasonable cost

By Kevin Slimp
Director,
Institute for
Newspaper
Technology



My morning started out great. I spent a few minutes installing one of the new AcceleraPCI cards by Evergreen Technologies into a 200MHz Pentium in our PC lab. This card slips easily into an empty PCI slot in any Pentium 75MHz or higher.

It took approximately 15 minutes to open the computer case, slide the card into the slot, close the case and run the installation software. The test showed the computer was running over four times the original speed when working with graphics.

The card I tested is the Evergreen AcceleraPCI 400/64 which includes a 400 MHz Intel Celeron™ processor, 64MB RAM, and low-profile heatsink/fan. At the time of this writing, the card is selling for \$299.99 (recently reduced from \$439).

After installing the card, I opened several programs including Adobe InDesign, QuarkXPress, and Photoshop. All files opened quickly and performed as desired.

One interesting note: There didn't seem to be a huge performance increase over the Spectra400 processor upgrade which I reviewed a few months ago. The AcceleraPCI was easier to install and did perform slightly faster. In my opinion, the Spectra400 was the better value, currently selling for \$139. The AcceleraPCI does allow for future

chip upgrades, as well as other modifications, but if I were looking for the best value I would choose the Spectra400.

Evergreen Technologies website is www.everttech.com.

Extensis Portfolio 5.0 offers reliable asset management

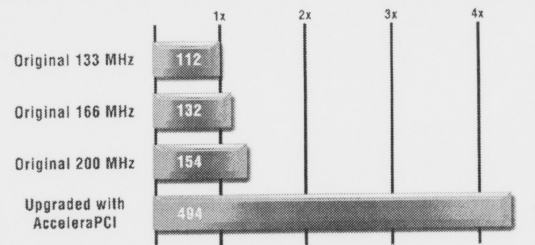
The afternoon started out pretty well. Before lunch I spent a couple of hours reviewing Portfolio 5.0, the new asset management program by Extensis.

An asset management application lets you catalog just about any digital asset (graphic files, ads, text files, pdf files, Photoshop documents, etc.), making it easy to search for and find files for use at a later time.

Portfolio was straightforward and very easy to use. The first time you open the program, you are ready to create your first catalog (group of files). A catalog can contain an unlimited number of files. I created a catalog called "Slimp-Files" and included 20 or so files of various types. Adding a file (referred to as "asset" in this type application) is as simple as dragging the file onto the catalog window or selecting the file from a drop menu. Users can place any type file in a Portfolio catalog. Portfolio also allows "descriptions" and "keywords" to be recorded with each asset (file).

For instance, I selected an eps file of an ad I received recently. I entered a description of the file which would allow me to remember what the file contained. I also added a series of keywords including the advertiser's name, the pub-

See SPEED, page 11



Performance increases significantly when AcceleraPCI is installed in an older Pentium.

Bowling Green Daily News to build distribution center

The Bowling Green Daily News is building a new packaging/distribution center at a cost of \$2.3 million.

The building was designed by Dario Designs of Framingham, Massachusetts, and Alliance Corporation of Glasgow, Ky., is the General Contractor.

The project is being undertaken because of the newspaper's rapidly increasing number of preprinted inserts and a lack of space in which to store and process them, said Publisher Pipes Gaines.

"It's a part of our business

that's been growing rapidly for several years," he said.

Troy Warren, the packaging/distribution department manager, said the 10,000-square foot addition to the existing Daily News building will feature a new K & M Titan inserter, a Quipp overhead and dock conveyer system, a Quipp bottom wrap, and two Samuel Strappers.

Gaines added that two counter stackers and a press conveyer were added earlier this year in anticipation of the addition.

"The new equipment and facili-

ty will definitely help us to package papers and get them out to customers more efficiently and more quickly because we won't be hindered by the space and equipment constraints that hinder our operation now," Gaines said.

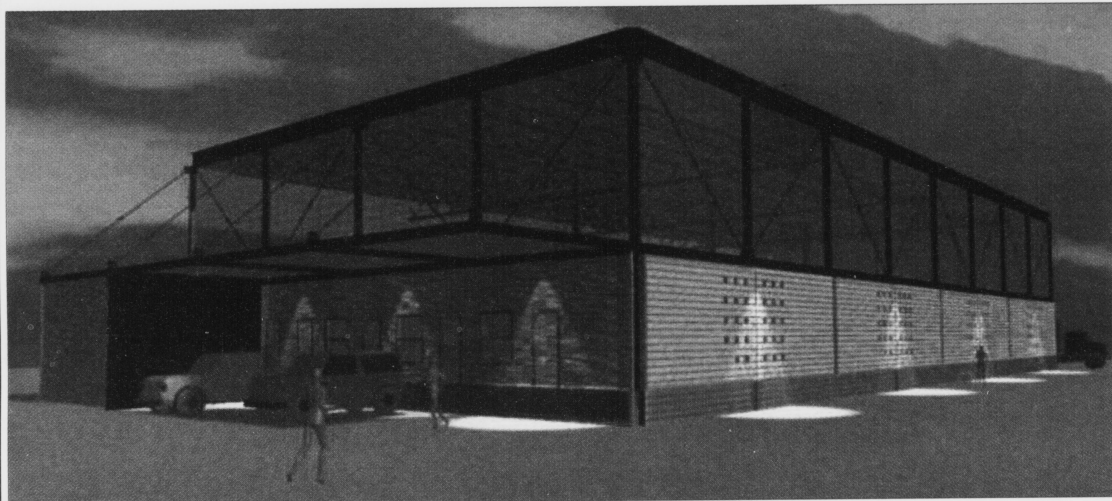
The current packaging/distribution department occupies 2,500 square feet.

The building design utilizes the structural steel as an architectural element. The top half of one side of the building will utilize a translucent material to allow natural light in during the day. After dark, the

material will allow a soft light to escape the building giving a glowing effect. The project also will include completely new landscaping around the building.

"It'll be a nice addition to the downtown area," Daily News General Manager Mark Van Patten said. "It's an attractive and architecturally interesting building without adding cost." Completion is expected by the end of October.

"It's an ambitious schedule, but one we believe that's doable," Gaines said. "We're excited about it."



The architect's rendering of the Bowling Green Daily News' new packaging/distribution facility to be built in downtown Bowling Green.

Western's J-school approved as 'Program of Distinction'

The Council on Postsecondary Education has approved Western Kentucky University's second program of distinction.

The Center for 21st Century Media will expand the teaching, research and outreach of Western's School of Journalism and Broadcasting and will increase the support for Western's forensics program.

"The program of distinction will be a tremendous boost to our ego and a reward to our faculty for work well done," said Jo-Ann Albers, director of the School of Journalism and Broadcasting.

The council awarded Western \$500,000 from the Regional University Excellence Trust Fund to support creation of the center. The University will overmatch the allocation with \$533,350 from external sources and internal reallocation.

The Center for 21st Century Media will consist of five bachelor's degree programs in advertising,

broadcasting, photojournalism, print journalism and public relations; the William E. Bivin Forensics Society; The Mountain Workshops in photojournalism; WWHR-FM, the student radio station; a student-directed public relations agency; and a student-directed advertising agency.

The program of distinction designation will allow Western's School of Journalism and Broadcasting to focus on its credo of "We practice what we teach," which will attract more students and increase the University's reputation in journalism, broadcasting and forensics, Albers said.

Among the benefits, Albers said, are: expanded involvement with high school teachers and students through a Kentucky High School Media Institute; increased interaction with media professionals through a Media Continuing Education Institute; and increased number of scholarships available to students in the School of

WKU's Morse wins national award

Mike Morse, coordinator of Western Kentucky University's photojournalism program, has received the prestigious Joseph A. Sprague Memorial Award from the National Press Photographers Association.

Morse, a past president of NPPA, was honored for his contributions to photojournalism and the professional organization. He helped launch the WKU photojournalism department 25 years ago.

"For the NPPA, this is the highest honor they could bestow," Morse said. "It is truly a great

honor to receive it."

He called the Sprague honor a lifetime achievement award. "It's a nice honor considering I'm retiring in December," said Morse, who will remain involved with the WKU photojournalism program and teach part-time.

The Sprague award capped another successful year for WKU photojournalists, including an 11th consecutive Hearst award and strong showings in the College Photographer of the Year and other contests.

Journalism and Broadcasting. The center will offer \$32,500 in scholarships in 2000-2001 and \$70,000 annually by 2002-2003; 7) Creation of a student development program to provide grants for students to complete professional projects or attend professional seminars; 8) Increased financial and logistical

support for the William E. Bivin Forensic Society, which has developed an international reputation in speech and debate competition.

The School of Journalism and Broadcasting will move into Western's new \$18.5 million Center for Instructional Technology and Communication in 2002-2003.

That's not my job...or is it?

Ad-libs®

By John Foust
Raleigh, N.C.



Recently, I conducted a day of sales training for a newspaper group. When I mentioned layouts, a woman nearby muttered, "Layouts? I don't do ad layouts. Our production department takes care of that."

She seemed too young to be a seasoned veteran set in her ways.

Later, I was surprised to learn that she had been at her paper for less than a month. Imagine that!

Only a few weeks in sales and she had already decided that she didn't need to know anything about ad layout. I'd like to know how her clients feel when she says, "That's not my job."

Back home the next morning, I awoke to find that my car had a flat tire. So I put on the spare and headed to the tire store. The young man behind the counter was about the same age as the woman from my workshop the day before. But his attitude was entirely different. "What's the problem?" he asked.

"One of my tires needs to be patched," I said. "I must have picked up a nail on the way home from the airport last night."

He found the puncture right away. "Here's the nail," he said, "but you've got a bigger problem. This tire needed to be replaced."

"Wait," I said, "there's plenty of tread left."

He pointed out what he called wear indicators, embedded in the treads of the tire. "This is how you tell for sure," he explained. "According to your indicators, this tire shows too much wear to justify patching it and putting it back on your car."

At my suggestion, we looked at the other three tires. "It's my guess," he said, "that you've gotten thirty-five or forty thousand miles out of these tires." While he talked, a quick check of the records in my glove compartment revealed the tires had been on my car for a little less than 35,000 miles.

I bought four new tires. That young man might laugh if you called him a salesperson. But he did everything a good salesperson is supposed to do. He greeted me, showed concern for my predicament, found evidence of a specific problem and showed me how his product could solve that problem. And the whole process took less than 10 minutes.

Even though he said a lot about tires in those few minutes, I was equally impressed by what he didn't say. You see, he knew he wouldn't be the one putting the tires on my car, doing the balancing or aligning the wheels. But when I asked questions about the installation, he didn't tell me, "That's not my job."

No, it wasn't his job to do those tasks. But it was his job to know about it. That's what made the sale.

Whether it's tires or advertising, knowledge is vital. I wonder what that tire salesman would say to the young lady who thought ad layout was irrelevant.

And I wonder what you'd find, if her attitude had a wear indicator.

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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, contact: John Foust, PO Box 10861, Raleigh, NC 27605, E-mail: jfoust@mindspring.com, Phone (919)834-2056.)

Voice promo hawks paper's new press installation, color abilities

When The Observer-Times promoted its upcoming press installation, it had a colorful story to tell. It told that story in a crystal clear four-page section showcasing the new KBA Colora press' capabilities.

The newspaper printed the section and mailed it to advertisers in a special tube with a light-sensitive cap. When recipients removed the cap, a voice hawked this message: "Extra! Extra! Read all about it!"

The piece was accompanied by a

letter detailing all the advantages the new press offered advertisers.

Contact: Gail Walsh, classified advertising manager at The Fayetteville Observer-Times, an INMA member newspaper located at P.O. Box 849, Fayetteville, North Carolina, 28302.

She can be reached by telephone at (910) 609-0640, by fax at (910) 323-1451 or by e-mail at gewalsh@fayettevillenc.com.

(Reprinted from IDEAS Magazine, May/June 2000)



Kentuckians fill speakers' roster at NNA convention

Kentucky journalists will be well represented when the National Newspaper Association's 115th Annual Convention comes to Louisville next month.

The convention gets underway Wednesday, Oct. 4 at the Galt House East in Louisville and wraps up on Saturday, Oct. 7.

The Kentucky speakers include:

- Scott Perry, publisher, Paintsville Herald. Perry's part of a panel whose focus is on community newspapers and their websites. 11 a.m. - noon, Thursday, Oct. 5.

- Max Heath, executive editor, Landmark Community Newspapers, Inc. Heath will present a session on postal issues and reform.

- Stan McKinney, former editor, Central Kentucky News-Journal, Campbellsville. McKinney's session deals with digital photography and will also include information from Nikon representative and former newspaper photographer, Ron Musgrave. 11 a.m. - noon, Thursday, Oct. 5.

- Kimberly K. Greene, KPA General Counsel, Dinsmore & Shohl. Greene leads a presentation on legal issues and the Internet. 2:30-3:30 p.m., Thursday, Oct. 5.

- Almost all the panelists on "Covering School Violence," are Kentucky newsmen: Bill Bartleman, or Karl Harrison, Paducah Sun; and Brad Hughes and Jennifer Wohlleb, Kentucky

School Boards Association. Rounding out the panel is Casey Ehmsen, a reporter for the Columbine (Colorado) Community Courier. 2:30-3:30 p.m., Thursday, Oct. 5.

- Elizabeth Hansen, journalism professor, Eastern Kentucky University. Hansen is among the presenters in a "Community Building Symposium," scheduled for 2:30-3:30 p.m., Thursday, Oct. 5.

KPA Executive Director David T. Thompson has served as program chairman for the 115th annual convention. It's the first time since 1983 that NNA has picked Kentucky to host its annual convention.

Other key programs/sessions include: Marketing Your Newspaper to Readers and Advertisers; Public Policy and Police Notice on the Internet; Current Technology - Photoshop, QuarkXpress, InDesign; Finding Additional Revenue Streams; Remote Printing, Debt Financing and Selling Your Paper; and Improving Your Management Style.

To register for the meeting or sign up for Saturday tours of Bardstown, Shaker Village at Pleasant Hill, Patton Museum and Fort Knox, or Horse Country and the Labrot and Graham Distillery, visit the NNA website at www.nna.org or call (703) 907-7914.

For hotel information, call the Galt House at (502) 589-5200.

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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LEGAL NEWS & VIEWS

Appellate decision on 911 tapes not a good one

By **KIMBERLY K. GREENE**
KPA General Counsel
Dinsmore & Shohl



"What has the Court of Appeals done? What does this decision about 911 calls mean?" Several people have asked recently about the March 2000 decision of the Kentucky Court of Appeals in *Bowling v. Brandenburg*. Does it mean that the public can never use the Open Records Law to get a copy of the tape of 911 calls?

In the *Bowling* case, Lawrence Bowling made an open records request to the Berea City Police Department for the tape of 911 calls received on a particular day. His request was prompted by a visit he and his wife received from a Berea police officer. It seems someone had called 911 claiming to be Bowling's grandson and alleging that Bowling had threatened to kill his own wife, the grandson and other family members.

Police Chief Brandenburg gave Bowling a written record of the call, which identified the caller as Bowling's grandson, but denied his request for a copy of the tape recording. The reason stated was that the tape recording was cov-

ered by exemption (a) (unwarranted invasion of personal privacy) and exemption (i) (correspondence with a private individual). Brandenburg relied upon OAG 90-117 and OAG 91-91 as authority for the denial.

Bowling sued and the Madison Circuit Court granted summary judgment to Brandenburg, also relying upon OAG 90-117 and OAG 91-91. Bowling appealed to the Kentucky Court of Appeals. The Court of Appeals affirmed summary judgment in favor of Brandenburg, so Bowling still does not have the 911 call tape recording.

Neither the Madison Circuit Court nor the Kentucky Court of Appeals acknowledged that the Attorney General had expressly overruled OAG 90-117 and OAG 91-91 in six subsequent Open Records decisions. On that basis, Lexington attorney Bob Houlihan has filed a motion with the Kentucky Supreme Court for discretionary review. He points out numerous problems with the decisions of the courts below.

First, the Attorney General concluded in 94-ORD-133 that records pertaining to 911 calls generally must be disclosed under the Open Records Law unless the agency can establish that the privacy interests of a particular caller substantially outweighs the public interest in disc-

losure of the records. In that opinion, as well as in five subsequent opinions, the Attorney General never found sufficient privacy interests to overcome the public interest in disclosure.

Second, in the *Bowling* case there is no privacy interest to balance against the public interest in disclosure. The written document Brandenburg had turned over to Bowling identified the caller as Bowling's grandson. Moreover, during the course of the litigation, Bowling's grandson himself acknowledged that he made the call. Bowling's grandson had no concern about keeping his identity as the 911 caller confidential.

Third, in 94-ORD-133 the Attorney General also rejected exemption (i) as an excuse not to turn over the 911 tapes. The Attorney General there found that "correspondence" does not apply to oral complaints or communications recorded on an audiotape.

Given all of these facts, we certainly hope that the Kentucky Supreme Court will decide to exercise its discretion to hear this case. If it doesn't and the case is allowed to stand, what impact will it have upon your use of the Open Records Law to obtain tapes of 911 calls?

See 911, page 9

Carrier

Continued from page 1

for the purpose of unemployment insurance.

Since the agency ruled the workers were employees and not independent contractors, it billed Landmark for contributions it said was owed to the state on monies paid to the workers, plus interest. Landmark appealed the agency's ruling in circuit court but lost the case. That circuit court ruling was the basis for the appeal.

Kim Greene, LCNI's attorney, argued successfully before the Court of Appeals that the carriers in question in the case met the criteria for an independent contractor-employer relationship.

Greene said unlike other employees, newspapers have very little control over carriers who are free to determine several aspects of their job.

The Court of Appeals specifically disagreed with the Unemployment Commission's determination that because Landmark stipulated some delivery instructions for its carriers this constituted the main criteria used to determine employer-employee status: controlling details of the work.

The unanimous decision reads: "In our view, the provisions in the contract requiring that a dry paper be delivered on a hook or in a tube by 7 a.m. on publication days was not controlling the details of the work, but rather, was stating the end result desired by the contract."

The appellate court was also

not impressed with the Commission's derogatory assessment of Landmark's business practices. In its remarks, the Commission referred to the contract drafted by LCNI for its carriers as "nothing short of an adroit scheme to create something other than an employer-employee relationship between itself and its delivery/carriers...."

The Court of Appeals wrote: "Such reasoning condemns a party who is knowledgeable of the law and endeavors to conform his actions to a desired result under the law. There is nothing suspect or illegal about such motives. It would be different if the terms of the contract did not mirror how it was actually performed. However, the evidence in the instant case revealed that the newspaper carriers were in fact independent contractors."

"I'm elated we won the State Court of Appeals case," said Kentucky Standard Publisher David Greer. "This certainly affirms the newspaper industry's position that carriers are independent contractors. This ruling has a very positive impact on each paper in Kentucky that uses carriers."

Greene also applauded the decision.

"In a very well-reasoned opinion, the Court of Appeals has correctly applied the test for independent contractor status," she said. "The opinion also upholds a generations-long tradition of using independent contractors to deliver newspapers. We are very pleased with this result and hope that this opinion puts the matter to rest."

Legal updates

Database on Ohio children not part of government activities

The names and address of children who participate in a city recreation program are not public information under the open records law, the Ohio State Supreme Court ruled in mid-April. And even if the information were public, the court said, releasing it would violate state and federal laws meant to protect the privacy rights of children.

The court said a 1989 U.S. Supreme Court ruling on the federal Freedom of Information Act applies also to the state's Open Records Law, and held that only government information showing what government is up to is public.

A Columbus, Ohio, man said he originally had requested the information to identify potential recruits for the Boy Scouts of America.

To help monitor who was using — and possibly vandalizing — its swimming pools, the city of

Columbus began in May 1996 requiring children to register with the Recreation and Parks Department and to obtain identification cards in order to use the pools and other recreation facilities.

The city required parents of children participating in the program to give the names and addresses of their children, family and emergency-contact information and medical histories. The city later cited the registration program as a reason for a decrease in incidents of vandalism and violence at its facilities.

In November 1996, a Columbus man, Cornell McCleary, requested a copy of the electronic database that contained the news and addresses of the children registered with Recreation and Parks Department. A parks department official, Wayne Roberts, refused the request. The following January, McCleary filed suit in state court in Columbus against Roberts and the parks department, seeking an order requiring the parks department to

See UPDATES, page 9

Got legal questions about
a story or ad?

Call the KPA FOI Hotline
(502) 540-2300

Legal advertising: An endangered species in print

Interactive Insider

By Peter M. Zollman



Have you ever heard of the "dusky seaside sparrow?"

It was a small, black and white bird that lived near Kennedy Space Center in Florida. But the sparrow's habitat slowly dwindled and by the late 1970s, only a handful of the birds survived. A "captive breeding program" was established in 1979 in an attempt to save the sparrow from extinction. It failed, and the last dusky seaside sparrow died in 1987.

Legal advertising is the dusky sparrow of the newspaper world.

"Legals" are on the endangered species list, and although publishers are working to keep legals, or "public notices," in newspapers, they're dead. Gone. History.

All that remains is to see how long they last, and in what form.

Oh, legal notices themselves will never go away. But the likelihood that newspapers will keep them as a long-term, viable revenue stream is near zero.

Legals will migrate from print, where they're published now — a requirement in all 50 U.S. states, and in many countries internationally — into new forms and delivery methods. Over time, they'll probably migrate into databases that are accessible in a variety of formats and locations — with e-mail delivery to people who request it. It's happening already.

How long will this evolution take?

Tough to say, but in the U.S. it's probably 12 to 15 years before most public notices move out of print. Maybe longer, if newspapers are lucky; maybe only five to seven years if one or two state legislatures, or even municipalities, get aggressive about saving the money they pay for publication.

To small-market dailies and weeklies that need the income from legal advertising to make a profit, this is a significant threat. To broadcasters and dot-coms, there may be an opportunity to develop a significant new revenue stream by offering legal advertising online and through new delivery systems like a digital TV channel or vertical-blanking interval.

State press associations are

battling to save the legals for print publishers. Classified Intelligence Report, a twice-monthly report published by my consulting group, is following that battle aggressively.

"Legals" can be broadly defined in two categories:

- **Public notices** - government advertising for bids and procurement, zoning changes, legislative proposals, election notices, tax increases, sales of properties for unpaid taxes, and the like.

- **Notice by publication** - legally required announcements by individuals or companies to notify the general public of legal matters, or to notify individuals who can't be found for process service. Examples include foreclosures; adoptions and terminations of parental rights; estate notices; bankruptcy and "not

See LEGAL, page 12

911

Continued from page 8

To the extent the Bowling case could be limited to its own facts it would have little impact. However, as a practical matter, that is unlikely. Some public agencies have been known to stretch court decisions far beyond the facts which gave rise to them. There is nothing in the Court of Appeals' Bowling decision which discourages this.

The Court of Appeals did refer to the balancing test that must be used in cases which hinge on exemption (a). That analysis requires the Court (or the public agency faced with an open records request) to determine: (1) whether there is a privacy interest in the requested record, and then (2) whether that privacy interest is outweighed by the general policy of openness.

The Court of Appeals determined that the information sought - that is, the identity of the caller - "was of a personal nature." The Court then went on to balance the caller's privacy interest in nondisclosure of his identity against the public's right to know about the police department's handling of the 911 call. The Court concluded that releasing the tape of the 911 calls, "particularly in instances of domestic violence," could subject the caller to retaliation, harassment or public ridicule. Therefore, releasing the identity of the 911 caller would have a chilling effect on those who might need to seek emergency assistance.

Because Bowling's grandson made no effort to conceal that he was the caller, there really was no privacy interest to balance against the public's interest in knowing how the police department handled the call. For the Court of Appeals to find a privacy interest comes

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dangerously close to announcing a blanket rule that no one can ever obtain the tapes of 911 calls. The Court's generic references to "911 callers" in the opinion also suggest the Court meant this ruling to apply to most, if not all, requests for 911 call tapes. This shouldn't be.

There may be some situations (although none has yet been presented to the Kentucky Attorney General) where a 911 caller's privacy interest does outweigh the public's right to know how the agency dealt with the call. However, there will be many, many more situations (this one is a good example) where there simply is no privacy interest to balance, or where the strong public interest in access to the tape would readily outweigh a weaker privacy interest in the caller's identity.

We hope the Supreme Court will correct this decision. Otherwise, look for a rocky road ahead when it comes to 911 tapes.

If you have questions about this Court of Appeals decision or any other access, libel or invasion of privacy issue, don't hesitate to call your Hotline attorneys.

Updates

Continued from page 8

turn over the database.

McCleary argued the information was public under the state's Public Records Law, but the parks department claimed that law did not apply to the database and that even if it did, its exemptions allowed the parks department to withhold the database. The trial court ruled in favor of the parks department, finding that the database, even though it was in the possession of the government, was not public. The court also suggested that if the database were public, at least some of the information it contained would constitute exempted medical information.

McCleary appealed to the appeals court in Columbus, winning a reversal of the trial court decision. The appeals court remanded the case to the trial court with instructions to order the parks department to release the information. The parks department then appealed to the state Supreme Court.

The parks department argued that the information contained in the database was not a "record" meant to be covered by the public records law, notwithstanding the fact that the government collected the information as part of an official program. Only information that documents a governmental entity's policies, actions or procedures is considered a record meant to be made public under the law, the parks department said. McCleary focused instead on the definition of "public," which requires that information a governmental entity collects and maintains be released.

In ruling in favor of the parks department in April 2000, the state Supreme Court looked to the U.S. Supreme Court's holding in *Department of Justice v. the Reporters Committee for Freedom*

of the Press, for guidance in determining the scope and purpose of the state's public records law. In that 1989 decision, the Supreme Court held that only information showing what a government was up to was public under the federal Freedom of Information Act.

"We fail to see how release of the requested information...would provide any further insight into the operation of the [parks department's] photo identification program than that already available," the Supreme Court said in its April 12 opinion. "Inherent in Ohio's Public Records Law is the public's right to monitor the conduct of government. However, in the instant matter disclosing the requested information would do nothing to further the purposes of the act."

The court also said that even if the information were public, state and federal privacy laws and constitutional protections prevented its release. Information contained in personnel files is protected from public release, the Supreme Court said, and it saw little reason not to apply a similar "good sense" rule to justify withholding the database in an attempt to protect children in this case. Acknowledging that it had no reason to fear McCleary would misuse the information, the Supreme Court said it was nonetheless worried about the possibility that the database information could be posted on the Internet and used by child molesters to target victims.

Dissenting in part, Justice Deborah Cook argued that the court's ruling could result in future restrictions of access to government information. The court's definition of what constituted a public record possibly was too narrow and seemed to ignore the spirit of the open records law, she said. (Ohio ex rel. McCleary v. Roberts)

(Reprinted from *The News Media & The Law*, Spring, 2000)

Radio station agrees to credit newspaper when using its stories

(AP) — A radio station's morning host agreed to give credit to The Toledo Blade when he uses the newspaper's stories on the air, according to a settlement reached by the paper and WSPD-AM.

Both sides will "agree to friendly competition from now on," host Mark Standriff said Aug. 2.

In the lawsuit, the newspaper accused the station and Standriff of "pirating" stories and using them on the air as if they were the station's.

The agreement signed Aug. 1 by Judge Ronald Bowman said Standriff is free to use short excerpts and to comment about the newspaper's stories as long as credit is given.

The settlement said Standriff can use information from The Blade "only if he broadcasts at the same time a proper, accurate and fair attribution to The Blade."

The station did not acknowledge any wrongdoing in the settlement.

The newspaper agreed to drop a claim seeking unspecified damages and asking that WSPD pay The Blade all advertising profits

generated during the broadcasts at issue, said Fritz Byers, the newspaper's lawyer.

The lawsuit accused WSPD of violating the Ohio Deceptive Trade Practices Act. The Blade said the radio station's use of its product could hurt the newspaper's circulation and ability to attract advertisers.

During his early morning show, Standriff would discuss issues based on what was reported in the newspaper and read direct quotations from the newspaper as if he had gathered the information himself, the lawsuit said.

The lawsuit also stated that Standriff has encouraged listeners not to read the newspaper by using the slogan "I Read The Blade So You Don't Have To."

The station and Standriff said in the settlement that the slogan is a satirical statement and they do not intend that listeners should take it seriously.

Standriff won't use the slogan unless he also says that a story he is using was published by The

See RADIO, page 11

People

Continued from page 2

Cadiz Record. A member of the Cadiz Police Department, Brown will fill the position at nights and on weekends.

Brown worked for The Record for two years in the early '90s and for the past three years, has been sports announcer for WKDZ radio in Cadiz.

Fields to lead ad staff at Perry Co. News

Karen Fields has been named advertising manager at Hazard's Perry County News.

Fields has worked in sales for the past 22 years. She began her sales career at the Hazard Herald-Voice then went on to manager the Shopper Stopper for 15 years.

Promotions announced at Somerset daily

Carol Coffey, Sharon Dodson, Angela Gerald and Barb Parmley have been promoted within the newsroom at the Somerset Commonwealth-Journal.

Coffey, a graduate of Lindsey Wilson College, has been named news editor. A resident of Moticello, she began her journalism career at First Radio during college and has also worked at the Wayne County Outlook and the Pulaski News-Journal.

Dodson will take the helm of the lifestyles editor's role. A 20-year veteran of the Commonwealth-Journal, Dodson, a resident of Somerset, has covered everything from criminal courts to school boards.

Gerald will take over as regional editor. She began her career at the Commonwealth-Journal as a reporter and then moved to The Times-Journal in Russell Springs as managing editor.

Parmley, a 30-year veteran of the newspaper, has been promoted to copy editor.

Sexton joins staffs at Grayson, Olive Hill

Tonia Sexton has been hired as a staff writer for the Grayson Journal-Enquirer and the Olive Hill Times.

A senior at Marshall University majoring in broadcast journalism, Sexton resides in Carter City.

'Lesson plan' is a must for newsroom hires

Coach's corner

By Jim Stasiowski



You are an editor, and you advertise for a reporter, entry-level is OK.

A dozen letters come in, more if you're lucky.

And at least 20 percent of the applicants misspell your name.

The fact is, newsrooms across the country are having a terrible time finding people who are even marginally qualified to report and write the stories of our communities.

Either you hire one of the marginally qualified, or you hire no one at all. Go ahead, hire, but have a plan to educate swiftly those whose clips didn't thrill you. Here is a lesson plan, a list of solutions for the reporting and writing problems I see most often.

1. Before you go out, reporter, have a plan: Some genius once told every reporter, "When you go out on a story, you must not have a thought in your head." The fear was that if we started with an idea, we were biased, and we would force a story the facts didn't support.

That fear is much more hype than reality. If you don't have a plan for the story you want to get, you'll come back with 387 pages of notes, and no idea what to write.

Start with a plan, be flexible enough to change, but as soon as you can, zero in.

2. As you're taking notes, think: Most bad stories I see are lists of notes.

We take notes and think that when we're ready to write, those notes will make sense. But most notebooks are wild, haphazard mixtures of truth, lies, trash and,

occasionally, items of value. If the story is to make sense, it will make sense not in the notebook, but in the reporter's brain.

As you take notes, think, "Is this stuff helping my story? How am I going to use this? What more do I need for my story?" As you take notes, see the story taking shape.

3. Turn off the radio: You go to a game, a meeting, a speech, an interview. You hop in your car to drive back to the newsroom. You try to think of a lead. You get one? Yessssss!

You turn on the radio. Do you know how much space a lead takes up? This much. (Hold thumb and forefinger 3/4 of inch apart. Good. Now resume normal activities with thumb and forefinger.)

You have a whole story to write. Turn off that radio and mentally review your notes. By the time you park at the newspaper, you should have the whole story organized.

4. Before you type, talk: Walk over to a newsroom colleague you're comfortable with. Don't take your notebook, don't rehearse what you're going to say, don't ask for advice.

Just tell the story to your colleague. As you're telling it, do two things. First, watch your colleague's body language. Is he smiling? Nodding? Widening his eyes? Frowning? Nodding off? Checking his watch? Tying his shoes? And he's wearing loafers?

If the story is working, he will pay attention. Otherwise, go make more phone calls. You're not ready to write.

Second, listen to yourself. If you stutter and stammer, go make more phone calls.

5. Don't fool around with the news: Resist the urge to use every lead to enhance your reputation as a creative genius.

An anecdotal lead can be the right approach, but so can a direct

See LESSON, page 11

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Lesson

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lead. Flippancy has its place, but not in every story. News doesn't happen just so you can show off how brilliant or witty or sensitive or profound you are.

Creativity is fine, I'm in favor of it. But writing directly is never wrong. Showing off your creativity is not a good reason to bury the news, or to state it softly.

6. Leave out anything marginal: The great quotation isn't great if it doesn't fit precisely the story you're working on. I don't care if the mayor told you a very meaningful anecdote about Philippine monkeys, it will not fit the story about repairs to the sewage-treatment plant.

7. The first step in self-editing is to go word-by-word: When an editor wants a story cut, most writers start by hacking away full paragraphs. When they have hacked out paragraphs, if writers still need to cut, they go through the story word-by-word.

That's putting things in the wrong order.

Start going word-by-word. You will get rid of 20 percent of what you've written, and you will do something really important: You will have made each sentence as lean as possible.

8. Read stories aloud before you turn them in: You will hear problems you won't see. If a colleague asks you to stop mumbling, tell him you forgot to take your medication.

9. Read your stories in the newspaper: Look for things you did well and things you did poorly. Never really finish with a story. Like a savvy recycler, find a new use for it, as a lesson.

10. If these ideas work, write me a letter: My name is J-I-M. Don't even try Stasiowski.

THE FINAL WORD: You'll see this usage in any government story: The state will fund the bridge repairs.

Why "fund?" Why not simply "pay for?"

The answer is simple: Some government bureaucrats or politicians, unhappy with the same language the rest of us speak, decided that when government pays for something, government must have its own special verb.

Look up "to fund" in the dictionary. It has some legitimate uses, but they are all specialized uses. None means simply "to pay for." Stop writing the way bureaucrats talk. Start writing the way real people talk.

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

Speed

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lication the ad ran in, the colors used in the ad, the product and the issue date. At a later date I can search for the file using a variety of fields or keywords. Portfolio goes so far as to allow the user to search for keywords over any number of catalogs simultaneously.

Another powerful feature of the program is its ability to drag and drop files into most applications. For example, if I were in QuarkXPress and needed to place a photo that ran in one of last month's issues I could do a filename or keyword search to locate the file. Once it is located (I can see it on screen via Portfolio), I can drag the file from the Portfolio catalog right onto the QuarkXPress page. I tested this feature using Quark, InDesign and PageMaker and it worked flawlessly.

A couple of other features I appreciate are Portfolio's ability to provide password protection to a catalog and a watermark (digimarc) detection feature which allows the user to search for information embedded as watermarks in tiff and jpeg files. I also liked the way Portfolio allowed me to see the contents of a text file onscreen before dragging it onto a page for pagination.

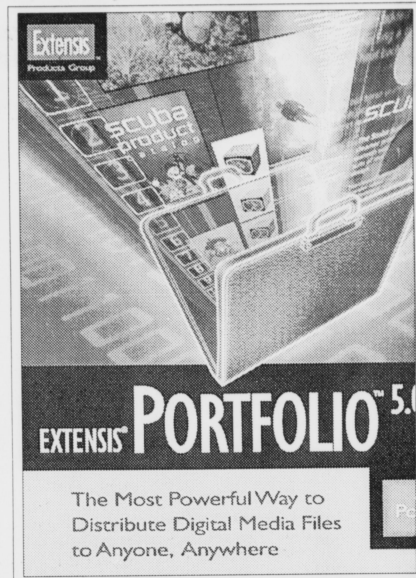
The only negative feature I encountered was the catalog preview of PDF files. While other files are clear and colorful in the catalog, Portfolio uses a PDF file's thumbnail to represent it on Portfolio's desktop.

I tested the single-user version of Portfolio 5.0 which retails for \$199. Portfolio Server, which allows larger groups of users to access the same catalog without loss of performance, sells for \$2499. Portfolio Server can be added at any time into a network of existing Portfolio clients. Portfolio products work cross-platform, which means you work between PCs and Macs on the same network. For more information, visit the Extensis website at www.extensis.com.

Cumulus 5.0 not ready for prime time yet

Late afternoon held a lot of promise. I had originally planned to review another asset management program, Cumulus 5.0 (Canto Software). After a couple of hours working with Cumulus (and a few phone calls to technical support), I soon realized this new version has several quirks which need to be addressed before I can recommend the product in good conscience. This was pretty disappointing as I had read a couple of very positive reviews of Cumulus 5 in respectable publications.

The main problem was the way the program han-



Portfolio 5.0 is available through Extensis, a division of CreativePro.com.

dled PDF files. Before placing a PDF file in a catalog, Cumulus opened the Acrobat application creating a preview to place in the catalog. Unfortunately Acrobat had a bad habit of staying open on my screen, which meant I had to close the program (or move it to the background) before having access to the Cumulus catalog. With PDF files becoming so common in our industry, this feature needs to be addressed. Otherwise, Cumulus was very similar to Portfolio in its features and capabilities.

Illinois opens training facility

Congratulations to Illinois Press Association on the opening of their new office complex in Springfield. I was fortunate to speak at the inaugural event in their new training facility in August. They've done a wonderful job creating a state-of-the-art educational environment.

Radio

Continued from page 10

Blade, according to the settlement.

John Robinson Block, co-publisher and editor in chief of The Blade, said he hoped the case will help other newspapers protect their news.

"We stand ready to help any newspaper anywhere facing the problem of broadcasters pirating their news," Block said. "They simply don't have to put up with it."

The case could serve as a warning to media organizations that use their competitors' work without attribution, said Fred Brown, chair of the Society of Professional Journalists' ethics committee. "It is

pretty groundbreaking," he said.

The consent order's impact, though, may be limited because it did not come from a judge or jury, said Kevin Goldberg, a media lawyer who represents the American Society of Newspaper Editors.

"It certainly doesn't carry the same precedent of a court ruling," Goldberg said.

Deadline nears for Statement of Ownership publication

It's that time of year again. Statement of Ownership forms must be filed with the U.S. Postal Service by Oct. 1.

Dailies and multi-weeklies must publish the forms in their newspaper by Oct. 10. Weeklies should publish them no later than Oct. 31.

According to postal guru Max Heath, publishers should download the latest form from the USPS website: www.usps.com. Go to "business" and then "forms" to find the right Statement of Ownership form, said Heath, executive editor of Landmark Community Newspapers, Inc.

Adobe Acrobat Reader is required for the download.

Legal

Continued from page 9

responsible for debts incurred by others; private corporate ads seeking minority and women bidders on specific projects, etc.

Way back when, notices like these were publicized with a flyer at the local courthouse, post office or town square. But nowadays, governments have established specific requirements for publication of legal notices - typically, to ensure equal access to all, and to grant the agency or individual a way of meeting defined publication requirements.

One small weekly we know of - the publisher asked not to be named - gets 50 percent of its advertising revenue from legal notices. While it's an extreme case, it's a grim situation.

"It would be devastating to (the paper) to lose the legal notices," he says. "There's not a lot I can do about it. It would be very difficult to make up. It would be a big problem for me."

"If it's in 20 years, I'm not going to worry about it - because I'll be ready to retire by then. But the nature of the business could change. You lose the legal notices, maybe you [can] make up for it with something else. Or it's possible they might pay the paper to put the legal notices on the Internet."

To their credit, members of the Newspaper Association Managers devoted two hours to this topic at their meeting recently in New Orleans. These state and regional press organizations discussed the trends, the threats, the opportunities and the legislatures that are attacking legal notices.

Their job? To lobby in support of their publisher members, and to try to make sure that legal rates keep rising while the legislatures keep perceiving the necessity for uniform publication requirements in print.

Some state associations are going farther, however. They're developing online databases of legal notices, aggregating them into a site (or sites) where lawyers, contractors, credit agencies and others who use the legal notices can search them quickly and easily. In one state, they're offering an e-mail subscription service for legal notices that have already appeared in print.

Will these efforts save printed legal notices?

Nope. In the long run, they're doomed. But for a while, publishers will be able to count on this revenue stream. They'd just better understand that nothing is forever.

(Peter M. Zollman, pzollman@aimgroup.com, 407-788-2780, is founding principal of the Advanced Interactive Media Group which offers practical consulting services to companies, including advertising training, strategic planning sessions and workshops.)

25 papers affected by new 859 area code

Come October 1, you'll no longer be able to get newspapers in 19 Kentucky counties by dialing the 606 Area Code.

That's when a portion of the long-time 606 area code becomes 859. For the past six months, calls to those 19 counties have been allowed using either area code but as of October 1, only 859 will work for the following counties:

Boone, Boyle, Bourbon, Campbell, Clark, Fayette, Gallatin,

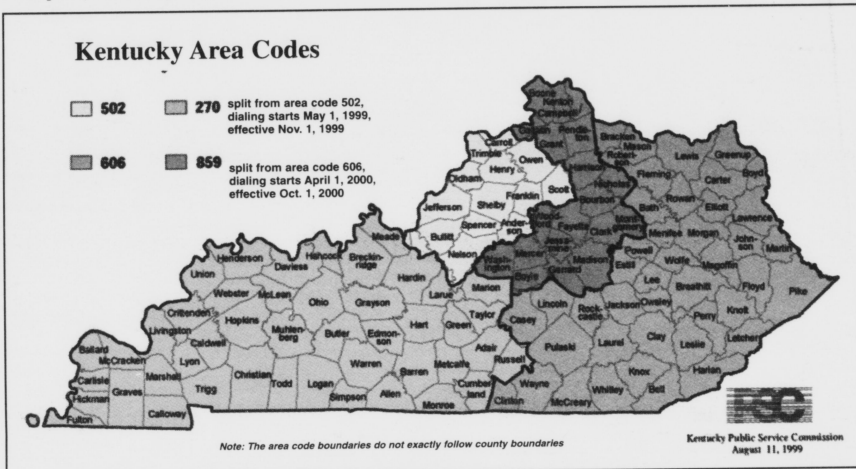
Garrard, Grant, Harrison, Jessamine, Kenton, Madison, Mercer, Montgomery, Nicholas, Pendleton, Washington and Woodford.

The state now has four area codes: 502, 606, the new 270 that was implemented last May, and now 859.

The new area codes were necessary because of what the Public Service Commission refers to as "number exhaustion." According to

the PSC number exhaustion is attributed to several factors including improvements in technology, increased growth, introduction of competition into the local telephone market and the current numbering system.

Numbers are assigned by the North American Numbering Plan Administrator (NANPA) and currently, when a new company enters the local telephone market, it is assigned a block of 10,000 numbers.



Seminar

Continued from page 1

Piece of the Puzzle," will feature Tony Marsella, vice-president for Classified Marketing at the Newspaper Association of America. He's responsible for coordinating and directing the activities of the director of real estate, employment, automotive and general merchandise categories of advertising for NAA.

Marsella is a nationally-known and sought-after speaker on classi-

fied advertising, positive attitude and professional selling skills.

The ad seminar, scheduled 1-4 p.m. on the 28th and 9 a.m. to noon the following day, will focus on three topics: Taking Responsibility for Yourself, Keeping Customers for Life, Classifieds: Readers, Revenue, Results; and conclude with a general discussion and review of classified advertising.

On Thursday the 28th, from 6 to 8 p.m., it's dinner and a showing of the 1999 ATHENA (Award To Honor Excellence in Newspaper Advertising) Awards.

Always a highlight of KPA Ad Seminars, the video is a must-see presentation for advertising and creative staffs of some truly unforgettable feats of newspaper advertising. A complete publication of award winners will be given to each attendee.

Registration is \$60 per person and includes all sessions on Thursday and Friday, the dinner and awards video on Thursday night and continental breakfast on Friday. Registration deadline is Thursday, Sept. 21. For more information call (800) 264-5721.

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