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# In the hookout

•Jan. 22-23  
KPA Winter Convention  
& Trade Show  
Radisson Plaza, Lexington

Periodicals  
Dept.  
Does Not  
Circulate

•March 27  
KHSJA State Convention  
Radisson Plaza, Lexington

•June 18-20  
1998 KPA/TPA  
Joint Summer Convention  
Sunspreet Resort/Holiday Inn  
Gatlinburg, Tenn.

# THE KENTUCKY

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## Convention offers chance for learning and fun

By LISA CARNAHAN  
KPA News Bureau

What does a chance to fly across the country, the fast-paced action of a hockey game, the thrill of awards and education have in common? Stumped? Then make plans now to attend the 1998 KPA Winter Convention, scheduled for Jan. 22-23 at the Radisson Plaza in downtown Lexington, and find out what all the excitement is about.

The Winter Convention always features top quality presentations for newspaper advertising, circulation and editorial staffs and that won't change this year. But to add some "spice" to the two-day meeting, convention goers will have the opportunity to see the Kentucky Thoroughblades in action. Those who attend the Trade Show can register for two free airline tickets to anywhere in the continental U.S.A. to be given away in a grand

prize drawing.

In an effort to take in some of Kentucky's nationally-known sports action, the KPA Awards Banquet will be held on Thursday so KPA members can watch the Thoroughblades take on The Beasts of New Haven, Conn., Friday night. The Thoroughblades have provided free tickets to KPA members so start making plans now to check out the "other" team in Lexington that's causing all the fuss. The Thoroughblades set an opening night record last year, drawing 17,500 fans to downtown Lexington.

If you missed out on last year's convention ... and "missed out" is the appropriate term for the top-notch programs that were offered, we've got good news. The 1998 convention features encore performances from three of the most talked about presenters in recent

See CONVENTION, page 7



David Carlson, one of the leading speakers on newspapers and the Internet, will make an encore appearance at the 1998 KPA Winter Convention.

## KPA Bylaws amendment put on business meeting schedule

The next called business meeting of the Kentucky Press Association is scheduled for Friday, Jan. 23, at 8 a.m., at the Radisson Plaza Hotel in downtown Lexington.

The meeting will be held during the 1998 KPA Winter Convention, set for Jan. 22-23 at the Radisson.

The meeting's agenda includes

See BYLAWS, page 4

### Notice

This serves as official notice of a called Business meeting of the members of the Kentucky Press Association for 8 a.m. (Eastern), Friday, January 23, at the Radisson Plaza Hotel in Lexington, Kentucky, to consider the following amendments to the KPA Bylaws. The amendments

See NOTICE, page 4

## Nelson, Thomas elected to board; Abernathy to fill District 6 post

### Simpson, Backus re-elected

John Nelson, managing editor of the Danville Advocate-Messenger, and Jack Thomas, general manager of the Jackson Times and Beattyville Enterprise, have been elected to three-year terms on the Kentucky Press Association/Kentucky Press Service Board of Directors.

Nelson, who replaces Tom Moore of the Stanford Interior-Journal, was elected to the board for District 15B and Thomas was elected for District 12. He replaces Louise Hatmaker who had served on the board more than 20 years and had decided not to seek re-election.

Stuart Simpson, editor of the



NELSON



THOMAS

Somerset Pulaski News-Journal, and Marty Backus, publisher of the Appalachian News-Express in Pikeville, won re-election bids in District 14 and 10/11 respectively. All four terms begin at the conclusion of the 1998 KPA Winter Convention, scheduled Jan. 22-23 at the

See BOARD, page 6

## Fall Contest broke records — again

The 1997 Fall Newspaper Contest set a record for KPA with nearly 4,000 entries from 84 newspapers.

The contest was recently judged by the Mississippi Press Association and judges, once again, raved about the quality of Kentucky newspapers.

The awards will be distributed during the 1998 Winter Convention at the Radisson Plaza in Lexington. The awards banquet will be held on Thursday, Jan. 22.

Total revenue generated from the contest was \$16,665.

**INSIDE**

MEMBER TO HOLD  
BEST CONTRIBUTION  
PG. 6

CONTRIBUTORS  
NOT WORTH TROUBLE  
PG. 10

# Kentucky people, papers in the news

## Eldridge named to top post at Jessamine Journal

Dave Eldridge has been named publisher of the Jessamine Journal in Nicholasville.

Reared in Lexington, Eldridge comes to Jessamine County from The Henry County Local where he was general manager. He started his newspaper career at The Winchester Sun in 1979 as circulation manager.

In 1981, he was named circulation director for The Henderson Gleaner and he's also held similar positions at newspapers in Virginia, Iowa and South Dakota.

Eldridge served on the KPA board of directors representing District 6.

## News-Enterprise starts new business tabloid

A division of The News-Enterprise Corp. has started a new monthly tabloid devoted to covering the Hardin County business community.

Business Matters' first two issues will be inserted into The News-Enterprise to introduce the product but after that, will rely on subscriptions.

Julie Roberts, a former copy editor at Elizabethtown and assistant editor at The Kentucky Standard, is the editor. Roberts said the tabloid would be a "partnership with the daily paper."

Business Matters is the first of several products the New Ventures

Department is developing. The department is led by Jamie Sizemore, formerly ad manager at The News-Enterprise.

## Felty takes position at Madisonville Messenger

Tracy Felty has joined the staff of the Madisonville Messenger as a reporter and copy editor.

A native of Shawneetown, Ill., Felty has a master's degree in meteorology from Mississippi State University. He has worked as an on-camera weather broadcast reporter in Mississippi, Indiana and Illinois. He worked as a reporter and photographer for the Daily Register and WSIL-TV in Harrisburg, Ill., and also did freelance work for the Evansville Courier.

SportsBytes in Radcliff, County Clarion in Louisville and The Community Standard in Louisville.

## Daily Independent holds literacy workshop

The Ashland Daily Independent recently co-sponsored a workshop designed to teach participants that newspapers can help them improve their lives.

The workshop drew about 30 people, adults and children, and was also sponsored by the Kentucky Professional Communicators. Among the topics covered were how to use the classifieds to find employment and housing and using grocery store advertisements to comparison shop.

Children who participated in the workshop made their own newspaper page by clipping out pictures and articles from newspapers and pasting them on a sheet of poster board.

## Four join Breckinridge Herald News staff

The Breckinridge Herald News saw the addition of four new staff members recently.

Tracy Combs, 23, is a staff writer, reporter and photographer. A graduate of the University of Kentucky with a bachelor's degree in English and history, she is a native of Louisville.

Lynn Adams is a writer for the paper and will also work in sales and marketing. A native of Muncie, Ind., and a graduate of Indiana University with degrees in library science and history, she is a resident of Addison.

Leah Meredith Pepper joined the staff as a reporter/photographer. She is attending Elizabethtown Community College where she is working toward a bachelor's degree in journalism and political science. She is a native of Louisville.

Gary Gambino Sr., is a staff writer/reporter for the paper. He is a graduate of the University of Louisville and Elizabethtown Community College and previously worked as a sports writer for The News Leader in Louisville,

## Embrey takes over Recorder sports

Tom Embrey III is the news sports editor for The Recorder Newspapers.

Embrey replaces Chris Gramke who resigned to accept a position with Northern Kentucky University as assistant women's basketball coach and facilities coordinator.

A native of Leesburg, Va., Embrey earned a bachelor's degree in journalism from Northern Kentucky University. At NKU, Embrey served as sports editor and managing editor of The Northerner, NKU's campus newspaper.

## Jordan joins news staff at Richmond Register

Darrell Jordan has joined the staff of the Richmond Register as a general assignment reporter.

See PEOPLE, page 11

## The Kentucky Press

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Buffy Sams, Bookkeeping Assistant  
Becky Whitson, Advertising Sales Support  
Janet Raiser, Advertising Sales Clerk  
Tonya Wooldridge, Advertising Clerk

## Deaths

### Carl Whitson Harris

Carl Whitson Harris, a long-time Madisonville Messenger employee, died Nov. 1 at the National Health Care Nursing Home. He was 94.

Whitson retired from The Messenger as composing room foreman. He began his "career" at the newspaper as a child helping out his older brother. His first paying job at the paper was wrapping sin-

gle issues of the paper to be mailed to subscribers. It paid him 25 cents an hour.

A member of the First Baptist Church of Madisonville, he is survived by his wife, Bonnie Mae Harris; a daughter, Jane Ellen Scott, Evansville, Ind., two grandchildren and one great-grandchild.

Funeral services were held at Barnett-Strother Funeral Home and burial followed in Odd Fellows Cemetery.

# Uncover the 'conflict' to make stories interesting

## Coach's corner

By Jim Stasiowski



We write about conflict.

You want to fight about that?

To write a newspaper story, you need a theme. What is the theme of a story? Most writers say, "The reason for writing the story."

That's a good but limited answer. In practical terms, the theme is the precise definition of the story's central conflict.

When I tell writers to write about conflict, some get pugnacious. "You're telling me I have to create a conflict," an angry reporter will say, "and I think that's what's wrong with newspapers today. We shouldn't cheapen our coverage by creating flashy conflicts."

Good policy, but a bad argument. I ask writers not to create conflict, but to uncover it.

Technically, conflict means a battle or disagreement over interests or ideas. I stretch that to mean anything that must be overcome.

For instance, let's say Jane, 14, wins a national poetry contest open to all ages.

Clearly, there seems to be no villain to fight

with, no dark side.

But conflict exists, and the conflict is what makes the story so interesting. Think about it: Jane, at age 14, has progressed so far in poetry that she is able to write better than thousands of others who have a lot more experience in writing and in life.

To write the best possible story about Jane, I must delve into the conflict, I must explain how she overcame the drawbacks of having only 14 years of life, even fewer years of writing.

How did she compensate for that lack of experience? Did she read night and day? Did she listen as her parents argued about adult experiences she hadn't yet gone through? The closer I come to explaining how she overcame her age drawback, the more I engage the reader.

That's conflict.

Too often writers look for simplistic conflict, the extremists on both sides of an issue. That's rarely worth writing about. No one is going to read the views of the two extremes on abortion, for instance. We've all heard both sides so often, we can quote them in our sleep.

We should be looking for conflicts that aren't so obvious. I know, for instance, of a fundamentalist-Christian, anti-abortion politician who unmarried teen-age daughter got pregnant. The politician told a reporter abortion was never a consideration, but in the process of

explaining, she revealed a lot about the conflict between raising a headstrong teen and being a public Christian.

Conflict is what makes life interesting. If you uneventfully drive six blocks to pick up a pizza, there is no story to tell; but if en route some maniac cuts you off and forces you into the median, you burst to talk about it to your family, co-workers, etc.

Let's say you get a press release about an author coming to your town to give a lecture. If you rewrite the press release, those already interested in the author will read the story simply to get the facts about the visit.

But if you interview the author, if you write about the struggles of his or her life, you attract more readers. If you get the author to reveal he or she is going to scold people at the lecture for their complacency, for their middle-class values, you attract readers.

"OK," the skeptic says, but what about this situation: Two hard-nosed business people talk merger. Experts think it's going to be a bitter battle, but instead, the two people agree on everything. The battle evaporates. They strike an amicable deal. Where's the conflict?"

Ah, in that case, the conflict is between the expectation and what actually happened. The write should show clearly what forces combined

See CONFLICT, page 9

## Panel looks at future of newspapers

By LISA CARNAHAN  
KPA News Bureau

Yes, Virginia, there is a future for newspapers.

David Stolberg, retired assistant general editorial manager for Scripps Howard newspapers, told Kentucky editors "bah humbug" to doomsday forecasts for newspapers.

Stolberg said people had been predicting the demise of newspapers since 1897 when the New York Sun's front page headline touted the wrong candidate as winning the presidential race.

"How dreary the world would be with no Virginias... no newspapers, no public conscious, no watchdog," said Stolberg.

Stolberg was among the panelists who spoke on the future of newspapers at the recent AP Editors Meeting in Louisville.

Gene Clabes, another panelist, said he too felt confident about the future of newspapers. Three years ago, Clabes had three weeklies in Northern Kentucky, in Boone, Kenton and Campbell counties. The papers had a combined circulation of 12,000. Today, the group has 11 newspapers with a circulation of 55,000. He recently sold the newspaper group to Community Press but he remains as publisher.

Clabes, president of KPA, said small, local newspapers "connect to a community" in a way that the large dailies don't.

"We really are the pulse of the community ... and that's the way it should be," said Clabes. "We aren't

isolated from the community — we can't be. The people know our faults and our strengths."

Mike Kupinski, a media market analyst, said newspapers faced a tough battle as the market continues to diversify and their advertising share shrinks.

"The fact that more and more computers are being sold, more than TV sets, is a fact of life. And as that happens, more people will depend on the electronic delivery of information. That's a real issue that newspapers are going to have to face," said Kupinski. "TV companies are also increasingly outsourcing newspapers. I believe newspapers are going to have to rethink the idea that they're doing the best

job. But newspapers do serve several functions and I believe they have a long future."

There is no "right formula" or easy answer for newspapers trying to solve the Internet puzzle but Kupinski offered some advice for newspapers venturing onto the Web.

"Invest now ... Be first. If you're not first, you'll be on that second tier and you'll always be trying to catch up to the competition," he said.

The panelists also advised newspapers to hold onto their most valued franchise, the local news.

"That's something no one else can produce like you ... be protective of it," said Kupinski.

## AP editors meet in Louisville

The 1997 Kentucky AP Editors Meeting featured a look at both the history and future of newspapers and a panel of business people who are successfully marketing Kentucky products around the world.

The annual meeting, held in Louisville the first weekend in November, drew the largest crowd in recent years. Gov. Paul Patton, who has enjoyed a far better relationship with the media than his recent predecessors, gave the opening speech.

In addition to the key presentations from outside guests, AP staffers and insiders reported on the results of a recent member survey designed to gauge AP's effectiveness and level of contribution.

Bureau Chief Ed Staats announced the AP had met and exceeded goals set in 1996 which included bolstering coverage from the Louisville staff, producing a more polished, tighter report that includes more hard-edge stories, increasing computer-assisted reporting projects and producing more photos.

Staats also announced plans for a celebration of AP's 150th anniversary in 1998. The event will be marked at the joint KPA/TPA Summer Convention June 18-20 in Gatlinburg, Tenn.

## Online press struggling for equal credentials

The outcome of battles over press credentials and access for online sports journalism will affect all news events, panelists said during a recent discussion on "Internet Journalism at Critical Mass," a conference that was "webcast" on The Freedom Forum Web site.

Mike Moran, director of public information and media relations for the U.S. Olympic Committee, said he'd had difficulty convincing the International Olympic Committee that online journalists deserve press credentials for the 1998 Winter Games in Japan.

Online news services "are legitimate news media, and I support [them], but the IOC is concerned that some of them will compete with its own Web site," Moran said.

Press credentialing is also a sore point among online journalists who cover news other than sports, a second panel agree. As happened with radio and TV journalists in the past, Web reporters often face indifference or hostility from people who decide which journalists can cover an event or work from a press gallery.

See ONLINE, page 9

# Bylaws

Continued from page 1

an amendment in the Kentucky Press Association Bylaws concerning the number of members on the KPA Board. The amendment was presented to the board during its Fall Board retreat and approved unanimously. That recommendation now goes to the full membership for considering the change.

This publication serves as official notice to the members of the Kentucky Press Association of the called Business meeting, 8 a.m. (Eastern time), Friday, January 23, at the Radisson Plaza Hotel in Lexington, Kentucky.

As presented to the board and approved, the amendment would add to the voting membership of the board the chairpersons of three KPA Divisions -- Advertising, Circulation and News Editorial. For the past several years, the chairpersons of those three divisions had attended KPA Board functions to discuss division activities but had not been granted voting privileges in board matters. The chairman of the KPA Associates Division has served on the board as a voting member since June, 1984.

The amended Bylaws sections include:

Article VII -- change the number of persons serving on the board to not fewer than 20 (17, previous) nor more than 26 (23, previous).

Article V, Section 1 -- change the number of persons serving on the Board of Directors to not to exceed 26 (23, previous) directors.

Article VII, Directors -- add the following language to Section 1 -- Each division shall elect a chairperson to serve a two-year term. The chairper-

sons of the News Editorial, Advertising and Circulation divisions shall be extended voting privileges in Board matters.

If the Bylaws changes are approved by the membership, the chairpersons of the three divisions will begin serving as voting Board members following the completion of the 1998 KPA Winter Convention.

The Bylaws stipulate that an amendment to the Kentucky Press Association Bylaws may be amended by the Board at any regular meeting of the Board by an affirmative vote of two-thirds of all directors of the Association, but no amendment shall become operative or take effect until the same shall have been ratified by a majority of the members by consent in writing filed with the secretary of the Association or by affirmative vote cast at any meeting of the members regularly convened; provided that any such amendment shall have first been published on page 1 of the regular publication of the Association, together with a notice of the meeting at which the same will be acted upon or with a request for a consent thereto or ratifications thereof, and a copy of such publication mailed to each member; and in the event that the amendment shall be consented to in writing by a majority of the members, then upon the filing with the secretary shall publish in the Association's publication a notice of the adoption of such amendment and shall cause a copy of such publication to be mailed to each member.

Also on the agenda will be election of the vice president of the Kentucky Press Association for 1998; the 1997 financial statements of the Kentucky Press Association and Kentucky Press Service; and the 1998 budgets of the Kentucky Press Association and the Kentucky Press Service.

## Notice

Continued from page 1

were approved by affirmative vote of the KPA Board of Directors in regular session on Friday, October 24, 1997.

The motion to approve the amendments, with the changes in bold face, include:

To amend Article VII, Board of Directors to read:

### ARTICLE VII BOARD OF DIRECTORS

The affairs of this Association shall be directed by a Board of Directors consisting of not fewer than 20 nor more than 26 persons, the exact number within such limitations to be determined by the By-Laws of the corporation. Fourteen of the directors shall be elected by the members within each of the 14 districts of the Kentucky Press Association. The remaining Directors and the terms to be served by all of the Directors shall be as provided in the Bylaws.

To amend Article V, Directors to read:

### ARTICLE V DIRECTORS Section 1.

(a) The direction of the Association shall be vested in a Board of Directors not to exceed **26 (twenty-six)** directors.

To amend Article VII, Divisions, to read:

### ARTICLE VII DIVISIONS

Section 1. The Association's Board of Directors recognizes the need for specialized Divisions within the Association, such as the Advertising Division, Circulation Division, News-Editorial Division and Associates Division. The Board of Directors is authorized to approve additional Divisions when it would be beneficial to the growth and welfare of the Association. Divisions are governed by the Bylaws of the Association and members of Divisions must be members of the Association. **Each division shall elect a chairperson to serve a two-year term. The chairpersons of the News Editorial, Advertising and Circulation divisions shall be extended voting privileges in Board matters.**

# Are gifts worth the stain on media's credibility?

## Pressing Issues

By Jerry Hilliard and Randy Hines  
East Tennessee State University

Canned hams. Boxes of candy. Baskets of fruit. Bottles of booze.

The editor cleared a corner of his desk for the goodies that arrived daily as Christmas neared. Sometimes the pile grew so high that he had to find another place to store the little tokens of appreciation from news sources.

Most of the treasure-trove exited with the editor at the end of the day, but rejected items occasionally made their way into the hands of appreciative reporters and copy editors, who gave little thought to what really was happening.

That's the way the holiday season went in many newsrooms at the time we were getting started as journalists. That was some time ago, but we have good reason to believe that "gifts," not only at Christmastime but throughout the year, aren't exactly things of the past. The main difference may be that many newspapers and their employees have far different attitudes about accepting them.

At the heart of the matter is perhaps a publication's most valuable and most fragile asset, its credibility.

The problem is summed up this way by Louis A. Day in the book *Ethics in Media Communications: Cases and Controversies*: "Journalists' primary responsibility is to their readers and viewers, and, when they accept favors, gifts, or other special considerations from vested interests or news sources, it raises serious questions about their objectivity."

Although unspectacular freebies ... may not be problematic, over time, the reporter's professional detachment could be undermined. In the eyes of the public, the appearance of a conflict can be as damaging as the conflict itself."

Codes of ethics adopted by journalism societies and associations are controversial and usually are unenforceable. However, they do represent attempts to upgrade practices in the profession, and in that regard certainly deserve respect.

Many of the codes, including those of the Society of Professional Journalists and American Society of Newspaper Editors, pull no punches. They simply tell members to refuse all gifts and other special favors from news sources.

The concern isn't limited to

press organizations in the United States. For example, in its "Declaration of Principles on the Conduct of Journalists," the International Federation of Journalists includes among "grave professional offenses" the acceptance of bribes in any form.

Also getting in on the act is the Public Relations Society of America, whose members represent what some people might regard as the culprits. In its "Code of Professional Standards," the PRSA forbids members to engage in any practice that corrupts the integrity of channels of communication.

The PRSA code's official interpretation says: "Among practices prohibited ... are those that tend to place representatives of the media ... under any obligation to the member, or the member's employer or client." Specifically mentioned are "gifts of more than nominal value."

Unfortunately, thousand of "PR people" are not members of the PRSA and probably have never heard of its code of standards.

While ethics statements of national and international groups may be admirable, the growing number of rules adopted by individual newspapers undoubtedly have more clout when it comes to enforcement.

Members of a reporting class at East Tennessee State University recently set out in quest of various papers' guidelines concerning gifts. The results were informative and, in some cases, entertaining.

For example, the Seattle Times told the students: "Yes, we have a rule. The rule is: NO, NO, AND DON'T EVEN THINK ABOUT IT. Hope this makes it clear!"

The State in Columbia, S.C., reported that all key managers and division heads must sign a conflict-of-interest statement used throughout the Knight-Ridder group.

Some papers have labored over setting a maximum cash value of gifts that may be accepted.

Staff members at one of them,

See GIFTS, page 8

## AD \$ENSE

### Organization: Successful salespeople depend on it

By RICK KESTENBAUM

A lovable, eccentric salesperson left my staff recently, and, true to form, left behind a lovable, eccentric filing system.

When I went to her desk to try to make sense of it, I found that there were four or five groups of folders, each with a label like "They Really Should be Running" or "X-Files: These People HATE Us!" The folders weren't alphabetized and the contents were a mess. Each contained a random batch of ads, paperwork, and notes that gave no feel for the history of the account or their present status.

In spite of this system, she did a good job because, ultimately, the only person an organization system needs to make sense to is the person who uses it. But, it had to make it harder for her to service her accounts and it certainly made it harder for us to pick up where she left off.

Organization doesn't have to be as complicated as she made it. In fact, it can be pretty simple. The tough part is having the discipline to keep it up.

Start by organizing the contents of your folders. Put a note sheet in the front of each folder, and jot down important information like account number, contract rate, status, etc. Then keep notes on your upcoming appointments and activity. Be specific — if you need to change the expiration date on an ad in two weeks, write it down. Don't trust it to memory.

Also, keep your own copies of contracts, credit applications, insertion orders, and ads, chronologically, front to back. This system will make it easier for you to research problems, and make it easier if someone needs to cover for you when you are sick or on vacation.

There are a couple of ways to file your folders. When I started out in sales, I filled the folders according to the next date I needed to service the account. I would pencil the date on the index tab, and file the folders chronological-

ly. Some people also use an accordion file for this system, with compartments numbered 1 through 31. Each folder is placed in the number corresponding to the upcoming date.

In time, I found this to be confusing and cumbersome, so I switched to a simpler system. I just used the calendar to keep track of contact dates, and filed the folders alphabetically. This made it easier when I had to locate a folder in between scheduled contacts.

When I went out on the road, I took every folder with me. Other salespeople would laugh at the sight of me leaving the building with an armload of folders, but I laughed at them when they had to go back to an account because they didn't have information about an old rate, schedule or whatever.

The real key to good organization is discipline. You've got to maintain your files consistently and in detail, and you've got to try to do it without sacrificing precious selling time. There is no magic way to do this, but there are a couple of things you can do to minimize interference. First, organize as you go. Take your notes right into your folder instead of on a separate pad. This will save recopying when you get back to the office.

Second, find a quiet place or time to do your paperwork. I used to come in to work an hour early one day a week. In that time, I got done what would have taken me four hours during normal business hours because of interruptions and distractions.

The ultimate goal of your organizing method is increased sales. If your present method yields good results, stick to it. If not, invest a little time to change your method and see how it pays dividends at commission time.

*(Rick Kestenbaum writes the monthly advertising column "Inch by Inch" for publication by state press associations.)*

### Preston•Osborne receives publication ranking as one of nation's best

Preston•Osborne has been ranked one of the 14 best public relations firms in America.

It is the fifth consecutive year the firm has received the ranking from Inside PR, a leading industry

publication.

The Lexington-based firm is an Associate Member of KPA and handles public relations, marketing, opinion research, public affairs and creative services.

### 'Appropriate' color use essential in advertising

Once, I attended a newspaper conference which featured presentations by several advertisers. The last speaker was the ad manager of a car dealership in the city where the conference was being held. As I recall, he made several important points about strategy and consistency.

Then he lost us.

Emphasizing each syllable, he clenched his fist and shouted, "We want to dom-i-nate the mar-ket." Then he paused for effect and whispered, "if our competition runs five colors in their newspaper ads, we run six." Obviously, he wasn't talking about process color. He was referring to six individual colors.

"Whoa," I thought to myself. "I've gotta see that." So when the meeting was over, I bought a newspaper. His dealership didn't run color in that day's paper, but they did have a half page, black and white ad. Without a doubt, it was one of the ugliest ads I have ever seen. The whole thing was reversed. I felt like I couldn't touch it without getting ink all over myself.

If that his idea of "dominating" the market in black and white, just imagine what his color ads looked like. Probably worse.

Color is one of the most misunderstood elements of newspaper

#### Ad-Libs©

By John Foust  
Raleigh, N.C.



advertising. Here are a few points to keep in mind:

**1. Less is more.** Back in the early Sixties, Brylcreem promoted their men's hair product with the slogan, "A little dab'll do you." It's the same with color in newspaper advertising. It doesn't take much to do the job. A touch of color is much more effective than an ad that looks like an explosion in a crayon factory.

**2. The psychology of color.** Red, yellow and orange are known as warm colors. Blue and green are cool colors.

Warm colors suggest urgency or danger, as evidenced by traffic signs. Stop signs are red. Yield signs and other caution signs are yellow.

Cool colors are soothing. The sky is blue and grass is green.

**3. The language of color.** One of advertising's most important rules is that the words must match the visual. So advertisers should never promote "red hot

See COLOR, page 7

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## Convention set for High School Journalism Association

First statewide meeting will be held March 27 at Radisson Plaza in downtown Lexington

The Kentucky High School Journalism Association (KHSJA), established by KPA this year, will hold its first statewide convention March 27.

The convention will be held at the Radisson Plaza in downtown Lexington. To date, 173 schools from across the state have joined KHSJA in this inaugural school year. The convention will be open to all schools and will feature a wide array of workshop topics for the print, broadcast and online journalism teachers and students attending.

The awards luncheon will feature a keynote speaker. Honors to be doled out include an award for the outstanding high school administrator in the state (chosen for their support of the school's journalism program and their commitment to the First Amendment) and awards for the newspaper, radio or television station lending the most support to a local high school journalism program.

Possible workshop topics include:

- Layout & Design
- Story Ideas/Distinguishing Between Story Topics and Angles
- Critiques (overall review of papers across the state and one-on-one sessions)
- Careers in Journalism
- Photography
- Making a Difference (how newspapers, broadcast stations affect,

change our daily lives)

- Yearbook Design
- Video production
- Basic Skills (writing, interviewing, meeting deadlines)
- How Does Kentucky Compare? (a look at leading high school news papers/yearbooks/broadcast programs across the country)
- A Shopping List for High School Journalism Advisers (what's the latest technology out there and what you should buy)
- Editorial Cartoons

A nominal registration fee will be charged to help defray some of the costs but a concentrated effort is being made to avoid convention costs from being cost prohibitive for students.

"That was one of our goals when we started the association, to keep things as affordable as possible for the students," said KPA Executive Director David T. Thompson. "The Radisson made us an excellent offer, a 50 percent discount, based on the good business relationship it enjoys with KPA and its support of Kentucky students."

The workshops will be taught by a mix of state university faculty and professionals.

"I think we'll be very fortunate with the mix we'll be able to offer, in terms of instructors," said KHSJA administrator Lisa Carnahan. "We've had offers from faculty members at all the universities, volunteering their time to help with the convention. The support for this association is overwhelming."

## Board

Continued from 1

Radisson Plaza in downtown Lexington. KPA Past President Dorothy Abernathy was elected to the board in District 6 to fill the unexpired term of Dave Eldridge, who recently was named publisher of the Jessamine Journal in Nicholasville.

Abernathy, who served as KPA



SIMPSON



BACKUS



ABERNATHY

President in 1995, takes office immediately and serves through the January, 1999, KPA Winter Convention when that district will be up for a three-year election seat.

## WKU journalism department honors top-notch professionals

Western Kentucky University's journalism department honored outstanding professionals recently in the fields of advertising, photojournalism, print journalism and public relations.

Donna Stinnett, features editor at the Henderson Gleaner, was chosen as WKU Print Journalist of the Year. She was nominated for the award by Gleaner editor Ron Jenkins.

Jenkins said Stinnett, who just marked her 17th year with the newspaper, had enjoyed a "landmark year." Stinnett's lifestyles section won the KPA award for Best Lifestyles Page and she was responsible for the newspaper's song writing, reader participation contest that won the award for Best Newspaper Promotion. The Gleaner also won Best Special Edition for its pictorial history of Henderson and Henderson County for which Stinnett served as lead staff member.

Stinnett also served as chairperson of the 1997 W.C. Handy Blues & Barbecue Festival which drew thousands of people to Henderson for a week-long celebration of W.C. Handy's music.

C. Thomas Hardin was named WKU Photojournalist of the Year. Hardin recently retired as director of photography at The Detroit News, where he worked since 1993. He worked for The Courier-Journal and The Louisville Times from 1964 to 1993.

It was at The Courier-Journal and The Louisville Times that he was part of a 1976 Pulitzer Prize winning photo staff. He has served as president of the National Press Photographers Association and received NPPA's Joe Costa award and its highest honor, the Joseph Sprague award.

Dr. Gary A. Ransdell, WKU president, was selected as the school's Public Relations Practitioner of the Year.

Ransdell is a 1973 graduate of Western and returned this year as the school's ninth president. He completed his doctoral in education at Indiana University, served as director of alumni relations and executive director of the alumni association at Southern Methodist in Dallas, and vice president of Institutional Advancement at Clemson University in South Carolina. He led Clemson's first capital campaign, raising \$101 million in outright donations and \$17 million in deferred gifts.

Jeffrey Buntin, founder of Buntin Advertising, was chosen WKU Advertising Practitioner of the Year. Buntin Advertising is Tennessee's largest marketing and communications firm.

The WKU awards are given to professionals for outstanding achievement. The honorees have made notable advancements in their fields and serve as role models for young people entering the professions which are the WKU journalism department's four degree areas.

The awards were presented during an awards dinner and 20th Anniversary Celebration.

## NNA Postal Committee: Recent victories mean good news for papers

The National Newspaper Association's Postal Committee, chaired by Max Heath, executive editor of Landmark Community Newspapers in Shelbyville, reported several recent victories.

**1) A sealed envelope is permissible as an insert in unbound periodicals.**

Envelopes, either sealed or unsealed with printed sheets of advertising are now allowed as supplements in unbound periodicals. Through NNA's efforts over the past two years, the Postal Service's Business Mail Acceptance has approved the new rule.

This new rule will allow newspapers to take advantage of opportunities not possible before. Up to this point, businesses were limited to placing sealed envelopes in direct mail pieces (Standard Mail A), shoppers, or by a private delivery force. Heath said one such company, Lortz Direct Marketing of Omaha, Neb., discovered that such envelopes dew

a 35 percent greater response that previous formats. Lortz indicates it will now increase its advertising (advertisers include Physicians Mutual Insurance Company) in mailed community newspapers.

The new rule is not in the Domestic Mail Manual, but is in a Customer Support Ruling "PS-78," stating that "Envelopes, whether sealed or unsealed in unbound Periodicals publications may contain printed advertising sheets. Such envelopes may not be used to convey products or samples.

**2) "The" Nameplate Confusion Removed**

Another major source of postal angst has been the use of "the" in the newspaper nameplate. Local postal personnel have forced newspapers to pay an \$85 reentry fee to correct a disparity between the Postal Service records and the currently-used title. (Either when the

See POSTAL, page 7

## NAA in search of papers' youth editorial products

The Newspaper Association of America (NAA) Foundation is developing a list of newspapers that regularly publish a local page or section for teens or youths. Once the list is developed, the Foundation will send information about scholarships, contests, awards and other programs to the editors and staff of the teen and youth publications identified.

Foundation programs are open to all newspapers. Being a member of NAA is not a requirement to participate.

NAA needs the name of the page or section, the name of the person in charge of the section, the newspaper's name, address (including fax and e-mail), and age of the target audience.

The information should be sent to Mary Arnold Hemlinger, NAA Foundation, (703) 902-1735.

## Postal

Continued from page 6

publisher adds or drops the "The.") Such an update of the nameplate will be free.

3) **CASS/CRIS: Local Postmaster Address List Certification Approved**

After the 1995 reclassification case, a mass of confusion was created by the new requirement for CASS/CRIS certification of address lists for those newspapers taking the carrier-route discount. NNA's first success came with the allowance for a "hard-copy" CRIS (Carrier Route Information System) form submission rather than the purchase of expensive software.

However, a recent spate of overly zealous postal enforcers led to revenue deficiencies being incorrectly

assessed against newspaper publishers that relied on route information provided to them by local postmasters.

Now, due to the efforts of NNA's Postal Committee, the Business Mail Acceptance Division has issued a ruling which allows publishers of small community newspapers, 25,000 circulation or less, to obtain verification of carrier route codes for eight post offices or less.

4) **NNA needs your support**

Due to the ongoing postal rate case (the most complex in history), the worsening USPS delivery problems, and other pressing policy issues, NNA urges continued assistance from newspapers on the membership front and requests input to ensure community newspapers are protected in the national arena.

For more information, or to register comments, contact Senny Boone at (703) 907-7930.

## Color

Continued from page 5

sales' in blue ink. And they should never use red to advertise anything as "ice cold." (Just seeing the word "hot" in blue or the word "cool" in red is disturbing and inconsistent.)

Color is part of our language. Let's see, there's red tape... red ink... and red-eye flights. People get the blues... or do things once in a blue moon. Some folks have a green thumb... or are green with envy. Cowards have a yellow streak. If you're happy, you're in the pink.

4. **Color and typography.** The most natural — and effective — place to use color in in artwork. But if you decide to use color in either the type or in the background (never in both), the key word is contrast. The best choices are the darkest colors against the lightest colors.

Make legibility a priority. After all, what good is using color to attract attention, if the copy is

hard to read?

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*John Foust conducts advertising training for newspapers. His ad workshop video "Basics of Layout and Copy" is being used by newspapers from coast-to-coast. For information, call or write: John Foust, PO Box 10861, Raleigh, N.C. 27605, phone (919) 834-2056.)*



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## Convention

Continued from page 1

years. David Carlson and Ron Dupont, who last year teamed up for an "Internet 101" session, return to Kentucky for a follow-up session.

Carlson is director of the Interactive Media Lab at the University of Florida College of Journalism and Communications in Gainesville and is a member of the college's journalism faculty. He's got more than 20 years of experience in newspaper journalism and was founding editor and designer of The Albuquerque Tribune's The Electronic Trib, an early interactive newspaper. It was one of only two newspaper-oriented electronic systems in the world when it was launched in 1990. He and his students launched the first journalism site anywhere on the World Wide Web in 1993 and they continue working on various Web projects.

Dupont is the Internet editor of Sunline, the Internet division of Sun Herald Newspapers in Southwest Florida. Sunline was recently judged the best online newspaper site in the country, circulation less than 75,000. The judges wrote: "Talk, community information, news and classifieds are a lot to bite off for any paper on the Web, let alone one of Sunline's size. They chewed it well!"

The session is scheduled for Thursday from 1 to 5 p.m. and requires an additional registration fee.

Also on Day 1, layout and design coach Ed Henninger will present a workshop on newspaper design. The workshop is scheduled for 1 to 5 p.m.

Henninger is an independent

consultant and director of OMNIA Consulting in Rock Hill, S.C. Before becoming a full-time consultant eight years ago, he worked in design and management at newspapers in Dayton, Ohio. He has conducted workshops for state and national newspaper organizations across the country, including the American Press Institute. He is currently working on redesigns of newspapers in Nebraska and Michigan and a group of metropolitan business weeklies.

Friday's agenda starts with the KPA Business Breakfast which includes the election of officers for 1998 and discussion of the 1998 KPA and KPS budgets.

The KPA College Student Seminar held on Friday in conjunction with the convention, includes a job fair and workshops geared for the students. The student seminar is in its third year and attracts over 100 students from the university journalism programs across the state.

At noon on Friday, the Changing of the Guard Luncheon will be held including the presentation of the Lewis Owens Community Service Award and the Russ Metz Most Valuable Member Award.

Also on Friday, nationally-known writing coach Jim Stasiowski makes a return appearance after his hit presentations in '97. Stasiowski held two writing workshops last year for an overflow crowd of reporters and editors.

So with all this planned, what could possibly keep you away from Lexington Jan. 22-23? It's not too early to start making plans now. The convention is just a little over six weeks away and the limited number sessions could fill up quickly. Watch your mail for registration information.

Something exciting is coming soon... Watch your mail for information on the 1998

KPA Winter Convention

Jan. 22-23  
Radisson Plaza  
Lexington



# Newspapers among centennial businesses honored

## 51 companies across Kentucky recognized

Nine newspapers were among the Kentucky businesses honored recently for being in operation for at least 100 years.

Fifty-one companies were designated "Centennial Businesses" this year. That group included The Advance Yeoman, 1889, LaCenter, Ballard County; Times-Leader, 1871, Princeton, Caldwell County; Murray Ledger & Times, 1879, Calloway County; The Flemingsburg Gazette, 1880, Fleming County; The Interior Journal, 1872, Stanford, Lincoln County; McLean County News, 1884, Calhoun; The Cadiz Record, 1881, Trigg County; The Sebree Banner, 1889, Webster County;

The Woodford Sun, 1869, Versailles.

The Kentucky Historical Society, Kentucky Chamber of Commerce and the Cabinet for Economic Development sponsor the program which began in 1996 when 125 companies were designated Centennial Businesses.

Recipients were honored at the Governor's Economic Leadership Award Banquet held Nov. 13 in Frankfort during the Kentucky Industrial Development Foundation's 30th annual conference.

They also receive a one-year membership in the historical society, technical assistance in preserving business records and artifacts and rights to use a Kentucky Centennial Business logo on company stationery, signs and advertising.



Kentucky Centennial Businesses were honored Nov. 13 in Frankfort. Pictured front and center is KPA Board Member and McLean County News Publisher Teresa Revlett. At front with Revlett is James E. Wallace of the Kentucky Historical Society.

# Paper's Christmas puzzle promotion a big hit with readers

"Clues to Christmas," a bannered page that brought in \$3,850 for the Watertown (N.Y.) Daily Times (evening, 35,257), solved the puzzle of how to get nontraditional holiday advertisers last year.

The page had 19 two-by-two-and-one-half-inch ads, each with a scrambled word or phrase underneath that had to do with Christmas. The entry "gaSru mlsPu," for example, translated as "Sugar Plums." Readers unscrambled the words and then circled them in the Word Find Puzzle included on the page. Those who correctly solved the puzzle were eligible for a drawing for a \$25 gift certificate.

The page ran four times, once a week in the



month before Christmas, and most advertisers signed up for the four-time run. Advertisers included a liquor store, pizzeria, haircutter and

Christian bookstore. It was sold by the telemarketing department in three days.

Advertisers liked the fact that readers would linger over the page. And the results were impressive — each week, over 700 people sent in the puzzles.

"It's amazing how much interest a small amount of money can generate," said David Schaab, classified advertising manager. His theory is that the people who like to do these puzzles will do them no matter what size the prize.

Contact David Schaab, Watertown Daily Times, (315) 782-1000.

(Reprinted from the October issue of NAA's Big Ideas.)

## Gifts

Continued from page 4

The Sun, in Bremerton, Wash., may accept nothing worth more than \$5. The Roanoke (Va.) Times and World-News has set its limit at \$25.

The Roanoke paper's retired editor, Forrest Landon, said the best thing to do if someone insists on giving a gift is to politely refuse it or ask that a donation be made to a charity instead.

Also concerned with politeness is Paul Neely, publisher/editor of The Chattanooga (Tenn.) Times. "The basic thing is, you don't take any gifts of more than nominal value," Neely told one of the students. "If someone gives you a pen at a meeting, there's no need to make a scene about it."

Neely said his paper handles gifts during the holiday season this way: "At Christmastime, if somebody sends us a box of food, we send it down to the food bank and send a letter (to the gift giver) explaining why we did what we did."

Recommended reading for everyone is the recently released third edi-

tion of Doing Ethics in Journalism, written by Jay Black, Bob Steele and Ralph Barney, and sponsored by the Society of Professional Journalists.

Among its highlights is a compilation of conflict-of-interest codes from print and broadcast news organizations and individual newspapers. They are excellent models for any paper considering a similar policy statement.

Students in the ETSU class mentioned in this column included one person who works part time at a paper that frowns on accepting freebies.

A few days before the class began gathering rules about gifts, a bottle of tequila had arrived at the paper for "review," and he had slipped it out of the building. After talking with several editors around the country about their policies, he — believe it or not — felt so guilty that he planned to take the bottle back, still unopened.

(Randy Hines and Jerry Hilliard welcome your comments. The mailing address is ETSU Box 70667, Johnson City, TN 37614-0667. The phone numbers are (423) 439-4167 and 439-4169.)

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## Judging Kentucky's papers



About 25 members of the Mississippi Press Association recently judged KPA's Fall Newspaper Contest. The contest set a record as nearly 4,000 entries were submitted. Awards will be announced at the KPA Winter Convention Jan. 22 in Lexington.

## Nominations sought for UK Journalism Hall of Fame

The University of Kentucky Journalism Alumni Association is soliciting nominations for the annual induction of outstanding journalists into the Kentucky Journalism Hall of Fame.

The Hall of Fame recognizes persons who have made significant contributions to journalism. Selection is made from individuals, living or dead, who are Kentucky natives or who have spent a substantial part of their journalism careers in Kentucky.

Since the hall of fame was established in 1980, 96 journalists have been inducted.

Plaques honoring them hang in the UK School of Journalism and Telecommunications building.

Deadline for nominations is Jan. 16, 1998.

Further information may be obtained by writing the School of Journalism and Telecommunications, University of Kentucky, Lexington, Ky., 40506-0042, or by calling (606) 257-4360.

## Conflict

Continued from page 3

to cancel the expected battle.

With conflict, the key is that the writer not be distracted by the superficial. For instance, media critics justifiably criticize reporters for so-called horse-race election coverage, the constant gauging of how each move helps or hurts each candidate. That stuff is easy to get, as political campaigns have platoons of observers (sometimes ludicrously called "experts") willing to put forth an opinion, almost always anonymously.

Instead, we should look for the conflict between candidates' beliefs and policies, we should pick apart their inconsistencies and compare their successes.

Here's a novel idea: Let the voters decide the horse race.

Conflict that is easy to get is

probably not important. We want to write about conflict that either affects real people or gives readers insight into how their community or their work works.

If you still want to fight, I'll meet you in the median. You bring the pizza.

**The Final Word:** Writers often misuse "awhile" and "a while."

When used with the separate article "a," the word "while" is a noun meaning a period of time. It often is the object of the preposition "for": For a while, Johnson worked two jobs.

The word "awhile" is an adverb that means "for a while": The group waited awhile for the train.

Often you may use either: "She sat awhile," or, "She sat for a while."

(Writing coach Jim Stastowski welcomes your questions or comments. Call (410) 247-0460, or write to 5812 Hebron Drive, Baltimore, Md. 21227.)

## Online

Continued from page 3

"We were told, 'You don't generate any original news,'" said America Online's Kathleen DeLaski of initial attempts to bar AOL reporters from the 1996 political conventions.

Many online journalists also say they can't get sources to return their phone calls. However, newsletter publisher Llewellyn King said, "If the question's legitimate, then people will return the phone call. ... There's too much emphasis on where we work rather than what we do."

Outright attempts to regulate online media worry journalists, whether it's through legislation, rating systems or other means, often in the name of protecting children from objectionable material.

"You can't rate news," DeLaski said. "We strive to be tasteful and respectful. ... If anything, we err on the side of stodginess. ... We have to gain and maintain the public trust."

Ethical responsibility and adherence to journalistic standards, speakers said, can do much to ward off regulation. Retha Hill of washingtonpost.com said, "We're trying to follow the same conventions as The Washington Post and traditional journalism ... trying to provide news that makes a difference in people's lives."

Mike Riley, of CNN/Time's AllPolitics, said purveyors of online scandal and gossip such as Matt Drudge are a fact of online life. Journalists themselves "have to decide what the responsibilities and roles of journalists are online," he said.

"Ultimately the readers, viewers and users online are going to decide who should and who shouldn't be there."

**"We were told, 'You don't generate any original news,'" said America Online's Kathleen DeLaski of initial attempts to bar AOL reporters from the 1996 political conventions."**

Online news organizations are trying to use interactive technology to enhance what they offer, panelists said.

"we're staying away from advocacy journalism," Hill said, "but we're able to get a lot of public documents on our Web site ... so people don't have to worry about hunting down all this information."

DeLaski described AOL's practice of linking its news stories to other pertinent information wherever warranted, such as to online sites concerned with missing children, or to the Red Cross home page for those wishing to donate to disaster relief.

"That's an area where we really can build trust," she said.

Among other concerns of these journalists:

- Young people who can't distinguish between good and bad, true and false information on the Web.

- Reporters who rely too much on browsing the Web to do reporting and research.

- How online news services will pay for themselves, a persistent problem.

- Lack of interest in international news.

Overall, the speakers were upbeat about the future and potential of news online.

"No longer is it freedom of the press for those who won the presses," King said. Added Hill: "We haven't begun to tap into the technology to do some real crusading journalism."

(Reprinted from *The Freedom Forum and Newseum NEWS*)

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## LEGAL NEWS & VIEWS

# Legal risks of 'solicitation ads' can be serious

By **KIM GREENE**  
**KPA General Counsel**  
**Dinsmore & Shohl**



Recently, we have received a flurry of calls on the Hotline concerning "commiseration and solicitation" ads. Since this type of advertisement almost always presents a legal risk, let's talk about it.

You have all received this ad. On the face of it, it seems innocuous enough. No overt accusations of wrongdoing or liability, just the question: "Is anybody else out there in the same situation I'm in?" Before you automatically accept this ad for publication, there are several things you ought to consider. First and foremost, ask yourself: "What's the story behind this ad?" For example, consider the two ads that follow:

1) If you have purchased a rotating dizzgrinder machine from the General Manufacturing Company within the last year, please call my attorney: Sue N. Settle at (606) 666-6666.

2) Does your child attend County Middle School? Has your child ever been in Mr. Sam Teacher's class? Has your child ever had a run-in with Mr. Teacher or the principal of County Middle School, Ms. Mary Principal? If so, please contact me. Iman Angry Parent, P.O. Box 502 (502) 555-5555.

What is wrong with these ads? They don't come right out and accuse anybody of wrongdoing; therefore, how could they be defamatory? And, besides, what's wrong with helping a person who's had a bad experience with someone or something find out if there are others out there who have had similar bad experiences? Isn't that a public service?

Just because an ad (or a news story, for that matter) does not make an outright accusation of wrongdoing does not mean it is risk-free. Obviously, you understood when you previewed the ad that the writer had had a bad experience with the subject of the ad. Your readers will assume that, as well. Will they also assume that General Manufacturing Company and Mr. Teacher were the wrong-doers?

In addition, some of your readers may be familiar with the actual controversy. For example, they had heard through the grapevine that Sue N. Settle, Esq. was talking to people about a possible class action lawsuit against General Manufacturing Company concerning alleged defects in the rotating dizzgrinder machine. Or, in the second example, 30 middle school students had told their families at dinner that their classmate, the son of Inman Angry Parent, had

See LEGAL, page 12

## Libel judgments against media on the rise in U.S.

By **DOUGLAS LEE**

As a First Amendment lawyer, Bruce Sanford thought he had seen everything.

His media clients over the years had been sued by government officials, businessmen, celebrities, spouses of celebrities, and even convicted felons. Some complainants claimed they were unfairly criticized. Others objected to being linked to criminal activity. Still others charged they were misidentified, misunderstood or misquoted. But not until 1997 did one of Sanford's clients face litigation for mentioning the contents of a kitchen sink.

"One of my newspaper clients reported that a couple's sink was full of dirty dishes," relates Sanford, a partner in the Washington, D.C. office of Baker & Hostetler. "The couple apparently prides itself on its tidiness and says the sink was not full of dirty dishes. They are so offended that they demand a \$100,000 settlement."

Since Sanford's client chose not to pay the \$100,000, the couple's complaint joins an increasing number of claims recently brought by persons and businesses asserting that the media has published false information about them that damaged their reputations. Unlike the dirty-dishes claim, many of these libel cases are serious enough to worry defense lawyers, publishers and media insurers. Interestingly, however, these cases have not yet caught the attention of the U.S. Supreme Court, which in April declined to hear a case in which ABC criticized a recycling machine and then was hit with a verdict of over \$1 million. In fact, the Court has not decided a significant libel case since 1990, when it clarified the extent to which the First Amendment protects statements of opinion.

Although the Court is responsible for creating most of the First Amendment protections currently available to news organizations, media experts do not believe the Court needs to take any drastic action in the libel area.

"I am not sorry that the Supreme Court is not hearing more libel cases," says Sandra Baron, executive director of the Libel Defense Resource Center in New York. "Most libel cases can and are resolved appropriately in the trial and appellate courts."

As these cases are resolved, however, the trend toward larger and more frequent verdicts is clear.

Ten years ago, the perception here was that you could defend libel cases to the end because in the end you were going to win," said Chad Milton, a senior vice president with Media-Professional Insurance in Kansas City. "Now that perception is not all that clear. Now every cases presents a trial risk, and the risks are unfathomable."

Those risks include verdicts like the one assessed against Dow Jones & Co. earlier this year, which was \$22.7 million after a Houston federal district judge threw out the jury's \$200 million punitive damage award. According to the LDRC, five of the 10 libel verdicts reported in 1996 exceeded \$1 million. The average amount of punitive damages awarded in those

See LIBEL, page 12

## AG Opinions

**Nathaniel S. Green/City of Providence**

Green is a city councilman in Providence and he appealed to the attorney general after lodging a complaint with the mayor about a closed session of the council.

The mayor called the executive session to discuss "personnel matters," but once behind closed doors, a variety of topics were discussed. Green reportedly cautioned the mayor to limit discussion to personnel, but the open discussion continued.

Green complained and the mayor responded that the city had not violated the Open Meetings Act and that the closed session was held without any intent to deliberate or take final action on any matters. The mayor acknowledged that numerous matters were discussed, but claimed the Open Meetings Law permits "open discussion" among the members of council.

The AG's office determined the council had violated the Open Meetings Act, "when the council's closed session included topics other than those publicly announced prior to convening the closed session."

Assistant Attorney General

Thomas R. Emerson, who drafted the opinion, noted that a public agency's authority to go into a closed session relative to personnel matters is severely restricted.

"General personnel matters cannot be discussed in a closed session," Emerson wrote. "The only personnel matters which can be discussed in a closed session by a public agency are those which might lead to the appointment, discipline, or dismissal of personnel of that particular agency."

Prior to going into a closed session for one of the specific purposes authorized by KRS 61.810(1)(f), a public agency must state during the regular and open portion of the meeting the general nature of the business to be discussed and the reason for the closed session.

While the public need not be advised as to the name of the specific person being discussed in connection with a possible appointment, dismissal, or disciplinary action, the public is entitled to know the general nature of the discussion which would be that it involves either a possible appointment, a possible dismissal, or a possible disciplinary matter relative to a specific unnamed person or persons, Emerson wrote.

Got legal questions about a story or ad?

Call the KPA FOI HOTLINE  
(502) 540-2300



# Planning is key element of good page design

You can't design without having a plan. After all, aren't the two words almost synonymous? If you're doing a page "by design," that implies you have a plan.

And yet, at too many newspapers across this country, those of us who put together pages really do it with too little forethought. Worse, we sometimes create entire packages on deadline. Those that are successful often occur by luck, rather than by plan.

There is a way out: a planning calendar. I call it an events schedule, and I offer one to every one of my clients.

The events schedule allows your newsroom to plan for events months before they occur. Christmas ... Independence Day ... Easter ... New Year's Day ... Mother's Day ... Yom Kippur ... none of these should "sneak up" on us.

Other events — such as the county fair, opening of school, baseball's World Series and the beginning of winter — may not have fixed dates, but they, too, can be part of your newsroom's events schedule.

You should be sure to list on your events schedule those events that are of particular interest to your community. Perhaps your town has a big July 4th parade every year. Or a celebration of Oktoberfest. Or your community celebrates Thanksgiving in an important way.

## Design is Everything

By Edward F. Henninger



Then those events certainly should have a bold notation on your schedule.

But the schedule can also be more general: there are events that are worth noting no matter where you are: beginning of high school football season, Halloween and trick-or-treat night, graduation day.

And certain events are universal in interest: New Year's Eve, the Super Bowl, Memorial Day.

Once you've gone through the year and listed those events, you can go back through and list some that might be a bit more difficult to pinpoint, such as opening of deer hunting season, beginning of high school track, end of boating season.

Then, you can begin to formulate story ideas that go with that event.

Let's take that last one as an example: end of boating season. If yours is a community on the water (whether it's the ocean or just a

lake), there's a feature page you can create to mark the end of boating — a reader service page for your subscribers.

If it's the end of boating season, your readers may want to know: how to properly haul the boat out of the water for the winter ... winter care of their boat ... what repairs are better to make now, rather than in the spring ... what boatyards in the area offer storage and repair services ... is it just as safe to leave the boat in the water all winter ... how to properly care for the ending during the cold months.

Those are just a few story ideas — together they can generate a page that your readers might find informative and helpful.

But that won't happen if you're thinking about this page the second week into November. Come November 20th, readers will be thinking about some other things, won't they?

The key to the success of an events schedule is to look for those story ideas that are months away. Why not plan for the end of boating season during the middle of June — at last three full months before boating season ends?

If you do, you'll find that you won't have to scramble for story ideas. You will have the time

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## People

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Jordan is a native of Knox County and a graduate of Eastern Kentucky University. He previously was the sports editor at the Citizen Voice & Times and was sports co-editor at EKV's student newspaper, the Eastern Progress, in 1993. He's also worked as a correspondent for The Register covering high school football and soccer.

### Community Newspapers buys three publications from Knight-Ridder

Community Newspaper Holdings Inc. of Lexington bought three Knight-Ridder newspapers in exchange for three Georgia publications.

Community Newspapers will acquire the Boca Raton (Fla.) News, which has daily circulation of 17,069 and Sunday circulation of 19,371; The Union-Recorder in Milledgeville, Ga., which has circulation of 8,355 five days a week; and The Newberry (S.C.) Observer, which has circulation of 6,000 three days a week.

As part of the transaction, Knight-Ridder will get The Daily Sun in Warner Robins, which has circulation of about 9,000; the weekly Byron Gazette and the Buyer's Guide of Houston County.

Knight-Ridder publishes 36 daily newspapers in the U.S., including the Lexington Herald-Leader, and is the nation's second largest newspaper company. It announced in June that it wanted

to sell five newspapers, including the three it is selling to Community Newspapers, because they were not meeting "profit standards."

The other two papers were The Post-Tribune in Gary, Ind., which is being sold to Hollinger International of Chicago, and The Press Telegram in Long Beach, Calif., which is still on the market.

Community Newspaper Holdings, which has been in business less than a year, will own 20 daily newspapers, 23 weeklies and six shoppers' guides in 10 states once the deal is closed. It acquired most of those from Media General, which obtained them when it bought Park Communications of Lexington.

### Payeur joins ad staff at Russellville News Democrat & Leader

Patricia Payeur has joined the staff of the News Democrat & Leader as an advertising representative.

A native of the Russellville area, Payeur is a graduate of Western Kentucky University with degrees in English and French education and a master's in French. She previously taught high school for 10 years and has also been an instructor at Cumberland College and East Georgia Junior College.

### Clevenger hired as publisher at Somerset

David A. Clevenger has been named publisher of the Somerset Commonwealth-Journal.

Clevenger comes to the

Commonwealth-Journal from Louisiana State Newspapers, where he was executive vice president and publisher of daily and weekly newspapers for eight years. Prior to that, he was advertising director for the Madisonville Messenger for nearly 10 years, and served as an advertising sales representative and assistant circulation manager at the Madisonville paper during the 1970s.

In addition to his duties as publisher of the Somerset daily, Clevenger will be responsible for the London Sentinel-Echo and the McCreary County Record. The London and McCreary County papers are sister publications. The newspapers are owned by Virginia Newspapers Inc., based in Lynchburg, a subsidiary of Media General.

### Times Journal promotes Mann to lifestyles editor

Connie Mann has been promoted to lifestyles editor at The Times Journal in Russell Springs.

Mann, a native of Indianapolis, Ind., joined the staff in February 1996. She previously worked as office manager at the Russell Register and as a bookkeeper at Press Express. She attended Somerset Community College.

### Springfield club names Ballard "Boss of the Year"

Springfield Sun editor and general manager Tim Ballard was named "Boss of the Year" recently by the Springfield Business and Professional Women's Club.

Ballard received the award

based on nomination letters submitted by his employees. A Nelson County native and University of Kentucky graduate, Ballard is also assistant editor of a monthly auto magazine and teaches journalism classes at St. Catharine College.

The employees of the newspaper cited Ballard's willingness to work with them as a team and his lack of "bossiness."

### Cornett assumes editor's job in Barbourville

Tim Cornett has been named managing editor of the Mountain Advocate in Barbourville.

Cornett, a native of Bell County, comes to The Advocate from The Jackson Times where he was editor/general manager. He began his newspaper career as a reporter at The Pineville Sun when he was 15.

### Harper promoted to editor at Carrollton

George Harper has been promoted to editor of The News Democrat in Carrollton.

Harper joined the paper's staff nine months ago as a staff writer. He's been in the newspaper business since the 1960s when he was a reporter for The Athens Daily News while attending the University of Georgia.

After earning a master's degree, he taught journalism, advertising and public relations for 14 years. His teaching career included two years as a senior lecturer at Hong Kong Baptist College.

## Libel

Continued from page 10

cases was almost \$3.5 million. While many damage awards still are reduced or overturned on appeal, the media's success rate in appellate courts is falling.

"If there is any current trend that gives me some pause, it is the lower number of reversals by appellate courts," Baron said. "The percentage of reversals has been as high as 85 percent, but now more libel verdicts stand up. The reversal rate now is probably closer to 60 or 70 percent."

One explanation for these trends is the fallout from the Court's 1989 decision in *Harte-Hanks Communications, Inc. v. Connaughton*, in which the Court expanded the types of evidence that claimants could use to establish that a news organization published a statement with actual malice — that is, while knowing it was false or while acting with "reckless disregard" for the statement's truth.

Actual malice has long been the Holy Grail of libel law, as claimants cannot collect punitive damages without proving it. Indeed, without evidence of actual malice, public officials and public figures cannot recover any damages, even if they prove that the statement was false and that the media entity was careless in publishing it. Since *Connaughton*, Milton says, it has been easier for claimants to prove actual malice through circumstantial evidence.

Another factor resulting in larger verdicts and settlements is the much-publicized success of some claimants, which undoubtedly encourages other lawyers and their clients to file libel cases. Richard Jewell, for example, has received undisclosed settlements from NBC and CNN and is still suing the Atlanta Journal-Constitution and the New York Post. Dallas Cowboy stars Michael Irvin and Erik Williams recently settled a defamation action against a Dallas television station for a reported \$2 million. Hollywood couples also have

joined the fray, as Andre Agassi and Brooke Shields and Bruce Willis and Demi Moore are suing a variety of tabloids for publishing allegedly false information.

Another factor fueling the increase in libel verdicts and settlements is the media's anxiety about juries. The media are concerned, for example, that many of the legal issues involved in libel law are abstract, counterintuitive and hard to apply. "It is difficult for a jury to work with the actual malice and negligence standards," Baron said. "If jurors come to believe that a statement is false, they most often choose the defendant as the person who should pay for it."

News organizations also fear juries' eagerness to punish the media for any mistake or misconduct. "I think jurors have a hostility against the media," Milton said. "I have heard juror talk about their feelings toward the media after a verdict, and it is striking."

Sanford attributes those feelings to the jurors' misperception of the media's role in today's society.

"The public often sees the enormous competitive pressures and profit motives that drive news organizations," he said. "What's less visible is the public service that the media perform. In the days of Henry Luce and others, there was — for all admitted bias — never any doubt that the owners of the media were committed to public service and democracy building. Today, many public issues are framed with the media as the enemy and as the obstacle to good public policy. That's certainly an unappealing posture to be put in."

The reality of that posture, however, is that only the media can change it. Whether reporters, editors and publishers are able to do so likely will shape the future of libel law as much as any decision by the Supreme Court.

*(Douglas Lee is a partner in the Dixon, Ill. law firm of Ehrmann, Gehlbach, Beckman, Badger & Lee and is a member of the First Amendment Center's legal network.)*

artwork that will generate greater appeal.

The events schedule can help you to stay ahead of the times. It's a way of predicting — and determining — your own future. If you don't determine that future, then you victimize yourself (and your readers) with poor work.

I recall a quote I first saw a few years ago: "Those who fail to plan...plan to fail."

Be a planner.

*(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, e-mail: omnia@charlotte.infi.net)*

## Legal

Continued from page 10

been involved in a physical fight with Mr. Teacher. Perhaps they gave the story their classmate's slant — Mr. Teacher started it.

In both cases, it is possible that General Manufacturing Company and Mr. Teacher and Ms. Principal could sue for defamation on two grounds. First, they could claim that the ad implied that they were at fault. Why else would the ad have been placed except to find others who were just as mad at General Manufacturing Company or Mr. Teacher and Ms. Principal as the advertisers are? You don't see many ads like this when people are thrilled with the high quality of the rotating dizzgrinder machine or the excellent lesson plans prepared by Mr. Teacher.

Second, General Manufacturing Company and Mr. Teacher and Ms. Principal could have a libel per quod claim. That means that, even though many of your readers won't have a clue what the underlying circumstances are (and, therefore, might not read any defamatory statement or implication into the ad), some of them will. The people who heard Sue N. Settle, Esq. was about to file a class action suit against General Manufacturing Company and the families of middle school students who talked about the altercation at dinner will clearly understand the accusation of wrongdoing that is inherent in these two ads. An ad (or news story) which appears not to be defamatory except when the reader knows extrinsic facts that give it defamatory meaning is libelous per quod. Except for some limitations on available damages, your legal exposure can be just as serious as for libel per se.

Does the fact that this accusation is contained in an ad placed by someone with no relationship to the newspaper insulate the newspaper from liability for defamation? Unfortunately, no. The Kentucky courts consistently have refused to adopt the neutral reportage doctrine. That means that the newspaper is just as liable for repeating a defamatory statement as the person who originally uttered it. Or, in this context, a newspaper is liable for publishing a defamatory advertisement even though the ad was written and submitted by someone with absolutely no employment or contractual relationship to the newspaper.

Does it matter that the subject of the first ad is a corporation rather than an individual? That is, can you defame a corporation by suggesting that its product is defective? Yes, you can. Of course, if the product truly is defective, then your statement is true and truth is an absolute defense to a defamation claim. Your problem will be how to prove the truth of the statement.

**"Does the fact that this accusation is contained in an ad placed by someone with no relationship to the newspaper insulate the newspaper from liability for defamation? Unfortunately, no."**

**Kim Greene**  
KPA General Counsel

If Sue N. Settle, Esq. has already filed the class action lawsuit claiming the rotating dizzgrinder is defective and the ad you publish does nothing more than fairly and accurately summarize the allegations in the lawsuit that has been filed, then you could have some protection from the privilege for fairly and accurately reporting on trials and other public proceedings. If, however, the lawsuit had not already been filed, then the ad's statement that the product is defective stands alone and you would be forced to defend a defamation suit against you by trying to prove the statement is true. If Sue N. Settle had to file suit against General Manufacturing Company to resolve that issue, it probably isn't going to be easy for you to prove it.

What if, in the second example, the advertiser agrees to some modified language for the ad? What if the advertiser agrees to delete reference to Ms. Principal and Mr. Teacher all together and to substitute the phrase "a run-in with any teacher at County Middle School"? In that event, you will have to determine how many teachers there are at County Middle School. If there are a dozen or fewer, you could be hopping out of the frying pan into the fryer with this modification.

Under the doctrine of group libel, if the group to which your defamatory statement refers is small enough, you defame each and every member of the group. Although the courts have never given us a definitive number, right around a dozen is a good benchmark when you are trying to analyze your potential liability. In this example, not only would you have potential liability to Mr. Teacher for suggesting he started a fight with a student, you would also have potential liability to all 11 of the other teachers at County Middle School. If the group is small enough, a defamatory reference to an unnamed member of the group gives each member of the group a claim for defamation.

You can never be too careful when screening ads before agreeing to publish them. The pitfalls are many. If your Hotline lawyers can help, give us a call.

### Hotline Attorneys

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## Design

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to brainstorm something that will eventually appeal to most of your readers — even those who don't boat.

Another key is to brainstorm-from-the-page-back. Envision the kind of page you'd like to have. Will it be one story, or a group of copy blocks? Will it carry a photo, or a series of smaller graphics? What will the headline say? What's the approach of the page? Answering some of these questions early helps you to focus your efforts to get the kind of story and