

# The Tennessee Press

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## Shelbyville city council shrouded in secrecy

**TERENCE CORRIGAN**  
Shelbyville Times-Gazette  
November 19, 2017

On three occasions in October 2017 the Shelbyville city council, the city manager and local law enforcement officials met in closed-door sessions without any public notice of their intent to hold a special meeting or what the reason for the meeting was.

Whether notice of called non-public government meetings is required in Tennessee depends on the attorney you talk to, what law you look at or which court ruling you decide to rely on. Shelbyville's city attorney, Ginger Bobo Shofner, wrote in a Nov. 13 memo to city manager Shanna Boyette that "public notice of such meetings (called executive sessions) is not required." She relied on a 1984 court ruling to support her opinion.

### Time, law

Boyette, the newly appointed city manager, said time and the law was the reason for no public notice of the sessions. "The time constraints that we were in in October and knowing the law did not require us to do public notification is the reason why

we didn't," Boyette said, "but I still continued to do minutes as a matter of record. I do believe in transparency. For transparency and as matter of record, I went above the law and created those minutes."

Boyette said the city does not have to keep any record that an executive session was held. "This was an executive session (covered by) attorney-client privilege. Per state of Tennessee law, no notice or record has to be kept of an executive session."

Boyette also cited the cost of issuing a public notice as an unnecessary burden on taxpayers. "I do not feel like it is cost effective to burden the taxpayers to pay for public notices to go in the paper for an attorney-client meeting they can't go to," she said.

(The cost to publish the meeting notice in the Times-Gazette would be \$20.38.)

### Conflicting views

One section of Tennessee state law governing cities and towns and school boards conflicts with Shofner's opinion: the business conducted at "any special meeting shall be limited to subjects



Photo by Jason M. Reynolds, Shelbyville Times-Gazette

Shelbyville police escort city council member Mark Clanton and other officials to the City Council meeting following an executive session on Oct. 12, 2017.

recited in the notice of such meeting."

According to another section of Tennessee state law, "Any such governmental body which holds a meeting not previously scheduled . . . shall give adequate public notice of such meeting."

During October, the city council, city manager and local law enforcement officials met for a to-

tal of seven hours in three sessions with the city attorney but did not issue a public notice or give any reason for the meetings and only afterward did the city produce a brief statement, minutes, to let the public know the meetings had occurred, still with no stated reason for the sessions.

See **SECRECY** Page 4

## Newspapers make Public Notice work for Tennessee

Each year a few elected officials will sponsor a law or an ordinance to change the way the voters who elected them are notified about actions government wishes to take. 2018 will be no exception.

Generally, our officials say, the proposed changes are to make government notices, and the legally required notices for property foreclosures, bankruptcies or unclaimed property, less expensive to publish. "Anybody can see them on our government website," they proclaim, "and we will save taxpayers money."

But that's not the whole story, is it?

Bureaucrats, like just about all of us, really don't want to be bothered. They want to do their job as they think it ought to be done, and they would rather not



**PUBLIC NOTICE WEEK**

FRANK DANIELS III

have to answer your (and you can hear them think, "dumb") questions before they go ahead and do what they, or those who have their ear, want to do.

Open government is hard work, requiring public servants to actively publicize what they intend to do, and to suffer through the debate, both educated and ill-informed, that might ensue. Adding to governmental reluctance toward openness is the natural aversion people have to

criticism, warranted or not.

The framers of our government recognized the challenge. In 1789, the first Congress required that all bills, orders, resolutions and votes be published in at least three papers. Tennessee's constitution, approved seven years later, required the Legislature to publish any amendments proposed by the General Assembly.

And newspapers have been dedicated to their role in holding our government accountable ever since. It is a role that our readers, if not our elected officials, still appreciate.

In November, Mason-Dixon Polling and Strategy asked Tennesseans: "Do you believe state and local government should or should not be required to publish public notices by your local newspaper on a regular ba-

sis?" – 79 percent responded that governments *should* be required to publish notices.

Republicans were slightly more likely than Democrats to want government accountability, 81 percent to 77 percent (38 percent of the survey responders identified as Republicans, 28 percent as Democrats).

But, each year a few officials try to make it more difficult for the public to know what their government is doing. In recent years, the focus has been to propose that publishing on governments' self-managed websites instead of community newspapers and their associated websites.

In 2014, the Tennessee Press Association worked with the legislature to expand access to

See **DANIELS** Page 2

# The Tennessee Press

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#### CONTACT THE MANAGING EDITOR

TPAers with suggestions, questions or comments about items in The Tennessee Press are welcome to contact the managing editor. Call Mike Towle, (615) 293-5771; send a note to 117 Township Court, Hendersonville, TN 37075, or email editor@tnpress.com. The deadline for the March issue is Tuesday, February 6.

# Niche publications fill a gap

It has been 15 years now that I've been publisher of The Daily News, Memphis. When I started, in December of 2002, we were an anomaly of a paper. A traditional court and commercial paper, we had limited editorial content, yet – unlike most court and commercial papers around the country – we still published five days a week. We printed in house on our own Goss Community. And we had a Web site with a paywall – but behind that paywall was public record data, not news.

In fact, until 2004, we didn't even put our editorial content online.

Then and now, The Daily News was owned by the same family who'd owned the paper since its founding in 1886. Peter Schutt, the paper's owner, hired me to expand and enhance our editorial content. There's a tremendous benefit to family ownership, I've learned. Patience, support and a vision for the long term, not short-term returns.

We did expand editorial, adding reporters and editors and freelancers. And while we are still a niche paper in Memphis, we are no longer "just" a court and commercial paper. We are a respected source of news on business and politics and community issues in Memphis.



**YOUR  
PRESIDING  
REPORTER**

ERIC BARNES

This is not a column to praise me. I didn't do a lot, other than hire some really great people.

But this is a column about the reception our work found. I had the idea that we should be serious, intensely non-partisan and narrowly focused on a core set of editorial goals. That's not to say all papers should do what we do – there's an important place for broad coverage, partisan columns and opinion pieces, and light news.

My point here is simply that the reception to our relentlessly serious news exceeded my expectations.

The greatest compliment people give me about what we do is that they thank me. "Thank you for what you all do," they'll say.

This is not to say hundreds of people are thanking me all day long. Not at all. We are, still, a niche paper. Some people, when they find out I'm publisher of The

Daily News, they'll say, "Interesting." Or they'll just nod. Or they'll say they've never heard of us.

But the true fans of what we do always thank me. Which fascinates me. There's an appreciation for good journalism embedded in that compliment. A sense that we've given that reader something more than they expected, something that is, for them, important. Significant.

It's the era of cutbacks at papers. I hate this, for everyone involved. The journalists who've lost their jobs, the readers who want so much more, the publishers and owners who've been compelled to make the hard decisions about expenses.

More and more, it seems, particularly in cities, consumers of news need to look across the full range of local publications for their news. The era of metro papers having newsrooms of 200 or more is over. But there are niche publications, thankfully, like ours and others, that together continue to offer a full and deep and intelligent range of local news.

*Eric Barnes, publisher and CEO of The Daily News, Memphis, is president of the Tennessee Press Association.*

# TPA welcomes new associate members

#### STAFF REPORTS December 11, 2017

The TPA has two new associate members. On Nov. 9, the Board of Directors approved icitizen and Associated Publishers Inc. as associate members.

Associated Publishers Inc. is a stand-alone commercial web press operation that prints several

community newspapers in Tennessee, including the Carroll County News-Leader, The McKenzie Banner, the Lexington Progress, The Dresden Enterprise, the Savannah Courier, and the Milan Mirror-Exchange.

API offers commercial printing, mail-room, and delivery services for newspapers. Daniel Richardson of Magic Valley Publishing is chairman of the API Board of Directors. He can be reached at daniel@

newsleaderonline.com.

icitizen partners with newspapers to help increase community engagement through its online polling platform. Celeste LaReau is business development associate and may be reached at 615-721-2726 or celeste.lareau@icitizen.com. The mailing address is 615 Main Street, Suite 127, Nashville, TN 37206, and website is www.icitizen.com.

#### DANIELS, from Page 1

public notices. Beginning that year, Tennessee newspapers post every notice printed in the local newspaper on the newspaper's local website and also upload the notice to the TPA's searchable public notice website, <http://tnpublicnotice.com>, which is an aggregation of all public notices published by newspapers across the state. There is no extra charge for the service.

To help citizens find the public notices, newspapers are required to link to the TPA site and to make sure that access to the public notices is not limited to their subscribers.

Shifting public notices to government websites would undermine these goals. Without newspaper publication, a permanent record of notice is not guaranteed. Making officials responsible for their own methods of notification is an open door to manipulation and favoritism.

And, notices on government websites simply don't reach the public the way notices in newspapers do.

To put that in perspective, TPA member newspapers print and distribute more than 4 million papers each week to readers in Tennessee – that's not total readership, which would be about double the number. Also, TPA member websites

receive more than 75 million page views per month.

Perhaps it is the fact that TPA member newspapers publish more than 4,000 news stories and columns each week that irks those politicians who want to hide public notices from their constituents.

January 21-27 is Public Notice Week, a time to remind readers of our important partnership with them in holding our government accountable.

*Frank Daniels is a writer living in Clarksville. A former editor and columnist, he is a member of the N.C. Journalism Hall of Fame. He can be reached at fdanielsiii@mac.com*

# A 2018 election year means fair play with ad rates

Happy New Year!

I hope your holidays were full of family and friends, great food and wonderful memories. I also hope that you had some time to charge your batteries for what promises to be an exciting and busy 2018!

I trust that you have already registered and made your plans to attend the Tennessee Press Association Winter Convention on January 31 and February 1 in Nashville. The Opening Reception on the evening of the 31st is going to be one of our best events. We have invited each member of the Tennessee General Assembly, and we would like each of you to follow up with your local representatives with a personal invitation. Thank you for your help.

Day two of the convention is going to be jam-packed. We



## FROM THE EXECUTIVE VP

CAROL DANIELS

begin the day with a breakfast discussion on the opioid crisis in our state; then we hear from the candidates vying to replace Gov. Bill Haslam at our Gubernatorial Forum; and we finish with Gov. Haslam's annual address to the members at lunch. (Gov. Haslam has been invited, not confirmed.) It should be an interesting and informative day.

The 2018 elections should be exciting, and a great opportunity for our members. Statewide, we have two exciting races. As we

will see on Feb. 1, we have very crowded and capable field for the gubernatorial primaries, and, elections for an open U.S. Senate seat. Across the state we have local and district elections that our readers will need our editorial help deciphering, and candidates will be looking to our advertising departments to help get their messages out to voters.

We have already received many calls to the TPA legal hotline and the TPA office asking about rules and regulations around candidate advertising in our products and newspapers. With the help of our legal counsel, Richard Hollow, we have put together a list of best practices, which we will publish in each issue of the Tennessee Press until November.

• Newspapers should not create "Election pricing" - all

pricing should come from regular rate cards.

• Frequency discounts can be offered to candidates just as you would a regular customer.

• Newspapers should not offer different pricing options to candidates based on their party preference or their location.

• All ads must include a notation that the ad is "paid for by xxxxxx, and authorized by (or not authorized by) xxxxxx."

• Publishers always have the right to refuse an ad.

See you at Winter Convention.

Carol

*Carol Daniels is executive vice president of the Tennessee Press Service. She can be reached at 615-585-0965 or cdaniels@tnpress.com.*

## TRACKS

### Lindsay is interim editor for MC News

John "Goose" Lindsay of Oakdale was named interim editor for the Morgan County News, Wartburg, following the departure of former editor Michelle Hollenhead, who left to work

for a newspaper closer to her Knoxville home.

As a third-generation Morgan County, Lindsay has deep roots in the community. He is a

1988 Oakdale School graduate, is well-known as an award-winning writer and photographer, having worked for the Roane County News in Kingston for more than 15 years.

His numerous awards included those for feature writing, and sports/feature photography from the Morgan and Roane County News' parent company, Landmark Community Newspapers



Lindsay

Inc. (LCNI), as well as the Tennessee Press Association

"Morgan County is my home and I love it here," he said. "Being from Oakdale, I understand what it means to be from a small town, and I understand how much pride the citizens of Morgan County take in their families and communities."

Lindsay said he is looking forward to helping maintain the newspaper's more than 100-year-old tradition of community information and service.

"My goal is to give people what they want, which I believe is to have the best news, sports, schools and community event coverage possible," he said.

"I do ask for the community's help while I am here. Remember this is your paper, and we at Morgan County News need your help. If you have a story idea or know of something going on in your neck of the woods don't be afraid to give us a call."

*Morgan County News,  
Wartburg  
November 1, 2017*

### Williams named HC opinion page editor

After a nationwide search, G. Chambers Williams III, a veteran newsman, has been hired as the Bristol Herald Courier's new opinion page editor.



Williams

Williams is no stranger to the Twin City, having served as a managing editor for the Bristol Herald Courier from 1982-1983. He most recently worked as the business editor

for the Knoxville News-Sentinel and also spent time as a business writer for The Tennessean in Nashville, Tennessee.

"I have also enjoyed opinion writing," Williams said. "With our opinion page, I hope people will end up finding something to think about and talk to their friends and neighbors about."

Williams will write editorials about local and state issues and will be responsible for the daily content and design of the

opinion page. He will also work to establish a local board of contributors who will write columns and essays for the Bristol Herald Courier.

"Chambers distinguishes himself through his experience as a reporter and editor," said Rob Walters, managing editor for the Bristol Herald Courier. "He brings a deep knowledge of the Mountain Empire, and he can write with authority as the editorial voice for Northeast Tennessee and Southwest Virginia."

A native of Charleston, West Virginia, Williams studied journalism at Marshall University and business administration at the University of Phoenix in Tempe, Arizona. Williams is excited to begin his new role.

"The digital aspect of the newspaper business has changed over time and conversations are now instant and continuous," Williams said. "I want to see more community involvement and more emphasis on local issues and working to find solutions."

Williams will also work to

See **TRACKS** Page 4

## TPA Public Notice Week is Jan. 21-27

Plan now to emphasize the importance of public notice to your readers.

Content and links to resources available at [www.tnpress.com/publicnoticeweek.html](http://www.tnpress.com/publicnoticeweek.html)

## FOR YOUR CALENDAR

### JANUARY 2018

21-27: Tennessee Press Association Public Notice Week  
Jan. 31-Feb. 1: TPA Winter Convention, Nashville

### FEBRUARY 2018

1: Tennessee Press Association 2018 gubernatorial candidates forum, Nashville Public Library, Nashville  
2: TPA Webinar: InDesign Master Class  
4-6: Carmage Walls Leadership Forum (for small newspapers), The Carolina Inn, Chapel Hill, N.C.  
16: TPA State Press Contests deadline  
23: TPA Ideas Contest deadline (advertising and circulation)

26-28: 2018 Key Executives Mega-Conference, Southern Newspaper Publishers Association, Manchester Grand Hyatt San Diego, San Diego, Calif.

### MARCH 2018

14-15: National Newspaper Association Community Newspaper Leadership Summit, Crystal City Marriott at Reagan National Airport, Arlington, Va.

### APRIL 2018

15: Deadline for TPA Foundation grant requests

### JULY 2018

12-13: TPA Summer Convention and Advertising/Circulation Conference, Franklin, Tenn.  
12: TPA State Press Contests Awards Banquet, Franklin, Tenn.

13: TPA Ideas Contest Awards, Franklin, Tenn.

### OCTOBER 2018

10-12: Southern Newspaper Publishers Association News Industry Summit, Nashville Hilton, Nashville Tenn.  
31: Deadline for nominations for the Tennessee Newspaper Hall of Fame for consideration for possible induction in 2019

### FREE WEBINAR FOR TPA MEMBERS

InDesign Master Class: Mastering Styles

Feb. 2 at 2:00 p.m. EST

Presented by Kevin Slimp

Register at:

<http://msb.press/04ea>

Learn to use advanced tools and techniques in InDesign to improve your design and speed up your workflow.

**SECRECY, from Page 1**

In the minutes entitled “Called Executive Session” the city explained each meeting with a terse statement saying when and where they met, a list of who attended and when the meeting was adjourned.

**Explanation**

Only after being asked later by the Times-Gazette did Boyette explain that the meetings “were in regard to numerous potential legal matters concerning the (White Nationalist) rally and other items.”

There is no law that prohibits posting notices of special-called executive sessions.

Knoxville attorney Rick Hollow disagrees with Shelbyville’s interpretation as to what’s required for a called executive session. (Hollow provides legal information to Tennessee newspapers as part of his contract with the Tennessee Press Association.)

City attorney Shofner, in a written opinion for the city, relied “primarily” on a 1984 case (Smith County Education Association v. Anderson) to justify the city’s unannounced meetings.

Hollow, however, cited a more recent case (Englewood Citizens for Alt B v. Town of Englewood). In that case the appeals court ruled against the city of Englewood’s assertion saying they had not properly noticed a special-called meeting.

**Terminology**

City manager Boyette and city attorney Shofner said that there is a difference between a called executive session and a called open meeting. Hollow disagrees.

“A meeting is a meeting,” he said. “Whether you call it an executive session or call it a meeting, whatever you call it, if the entire board or a majority gets together, that’s a meeting. Call it whatever you want to.”

While Jay Johnson was city manager, Shelbyville did issue such notices, like the one for a “Called Executive Session” held on Jan. 17, 2003. The notice for that date included a statement of purpose for the session: “Consideration of Motion to enter Executive Session with City Attorney regarding matters of pending litigation.”

The recent “Called Executive Sessions” were held on Oct. 9 (6:15 p.m. to 8:15 p.m.), Oct. 17 (5:30 p.m. to 8:02 p.m.) and Oct. 24 (6 p.m. to 8:20 p.m.).

A fourth executive session, presumably on the same issues, was held on Oct. 12, (4:30 p.m. to 5:35 p.m.) right before the city council met for a regular scheduled meeting. At the Oct. 12 public meeting, without any discussion, the council issued and voted on a proclamation on the white supremacist rally planned for Oct. 28. That city council meeting was convened at 6 p.m. and was adjourned 27 minutes later. The council held one other public meeting in October, a study session on Oct. 3. That meeting

lasted one hour and 52 minutes.

**Were meetings legal?**

Over the years the breadth of the allowable reasons that



**HOLLOW**

allow executive sessions for consultations with a government body’s attorney has broadened considerably, says attorney Hollow. Initially, Hollow said, government bodies could only go into an executive session to talk with their attorney if there was actual or threatened litigation in which the board was named as a party.

“After that, (the) appeals court watered it down to potential litigation,” Hollow said. “It finally got to the point where if there’s a taint in the wind anywhere you can covey up with your lawyer to talk about it. It lowers the threshold of what it takes to get you into the attorney-client meeting, but it doesn’t alter how you conduct yourself in the meeting or what you do after the meeting.

“The only thing you can do is give the facts to the attorney and let the attorney apply the law to the facts and the ramifications of that, but once you begin to discuss or think about discussing what you’re going to do in any way at all, the meeting has to go public.”

In the state Supreme Court ruling from the 1980s – the one cited

by City Attorney Shofner – it was noted by the court, “We are aware of the potential misuse of this exception in order to circumvent the scope of the Open Meetings Act. A public body could meet with its attorney for the ostensible purpose of discussing pending litigation and instead conduct public business in violation of the Act.”

**Act’s requirements**

To stay within the narrow bounds of an executive session, according to the UTK Municipal Technical Advisory Service, the city council is allowed to meet with its attorney regarding potential litigation and only “may provide counsel with facts and information regarding the lawsuit and counsel may advise them about legal ramifications of those facts and the information given to (the attorney).”

“However, once any discussion, whatsoever, begins among the members of the public body regarding what action to take based upon advice from counsel, whether it be settlement or otherwise, such discussions shall be open to the public, and failure to do so shall constitute a clear violation of the Open Meetings Act.”

**Who can attend executive sessions**

Executive sessions are allowed not by the state’s open meetings law but come under an old legal principle called attorney/client privilege. In the case of the city meetings, the city council is the client.

The city’s attorney is restrained from discussing any aspect of what goes on in an executive session by attorney/client privilege. The privilege relationship restrains the attorney from ever being compelled to testify or otherwise reveal what went on in the discussions. The city council, however, is allowed to reveal as much information as it wishes about an executive session.

“The attorney cannot be compelled to convey to a third-party information given to him by the client,” attorney Hollow said. “But the privilege belongs to the client. It doesn’t belong to the attorney.”

But in the case of the city’s October executive sessions, Hollow said, the city council “destroyed” its right to claim secrecy with the attorney client privilege. Hollow’s assertion is based on a commonly cited principle of common law: “Voluntary disclosure to a third party of purportedly privileged communications has long been considered inconsistent with an assertion of the privilege.” In simple terms, if there’s a third party in the room with the attorney and client the privilege is revoked.

**Police at Meeting**

In addition to city councilors and the city manager, also in attendance at the October executive sessions were local law enforcement officers: Shelbyville Police Chief Jan Phillips, Deputy Chief Mike Rogers, Major Pat Mathis, Lt. Brian Crews and Sgt. Charles Merlo.

“They can’t claim attorney-client privilege for that meeting,” Hollow said. “The police department is a separate entity. The police chief is not a member of the city council. The police chief may answer to the council, but the police chief is not a member of the council. They destroyed the privilege.”

“If they say we’re not going to tell you because it’s privileged you can say, ‘Wait a minute, somebody else was in that meeting,’ and the privilege has been destroyed and you can’t rely on privilege.” If city officials refuse to say what went on in the meeting, Hollow said, “all they’re doing is rearing back on their haunches and saying, ‘Go screw yourself, we’re not going to tell you what happened.’”

In her memo to the city, Shofner did recommend that the city’s administration come up with a consistent procedure for how to handle executive sessions and “commit to following the same procedure in all cases if possible and circumstances warrant.”

But, Shofner writes, whatever procedure the city does adopt “. . . the City is under no legal obligation to hold an open meeting first, notify the public of the meeting, or maintain minutes of the executive session.”

**TRACKS, from Page 3**

invite newsmakers to meet with the paper’s editorial board several times a year.

*Bristol Herald Courier  
Dec. 11, 2017*

**Former KNS publisher Birmingham joins Covenant Health**

Former Knoxville News Sentinel publisher Patrick Birmingham was to succeed Jeff Elliott as vice president of philanthropy for Covenant Health, the health system announced in November 2017.

Elliott retired after more than 13 years.



**Birmingham**

Birmingham was scheduled to assume Elliott’s duties in the office of philanthropy, which manages five fundraising foundations: Fort Sanders

Foundation, Thompson Cancer Survival Center Foundation, Methodist Hospital Foundation in Oak Ridge, Morristown-Hamblen Hospital Foundation, and the Dr. Robert F. Thomas Foundation in Sevierville.

He’ll also be responsible for developing and maintaining relationships with government

officials and legislative representations, and for establishing health-system policies and plans that align with government laws, regulations and standards.

Birmingham was named president and publisher of the News Sentinel in October 2009, when it was owned by the E.W. Scripps Co., and departed in December 2016, after the newspaper was purchased by the Gannett Co. He had previously been president and publisher of the Corpus Christi Caller-Times in Texas, where he was named 2008 “Newspaper Leader of the Year” by the Texas Daily Newspapers Association.

*USA Today Network – Tennessee  
November 27, 2017*

**Notice: Robertson County Connection recommended for TPA membership**

The TPA Membership Committee has voted to recommend for approval the Robertson County Connection to the Board for membership. In accordance with procedures, the Board of Directors hereby notifies the membership that if there are no objections from a TPA member newspaper within 30 days (by 9:00 a.m. EST on Monday, January 29, 2018), the ap-

plication will be placed on the Jan. 31 Board of Directors agenda with a recommendation for approval.

In the event a member objects to membership by a publication based upon criteria outlined in the bylaws an appeal to re-consider the application may be made, if notice of appeal is received within 30 days of the committee’s recommendation for membership.

In such events the TPA member objecting must provide the reason for the objection and supporting documentation. Objections should be addressed to TPA President Eric Barnes (ebarnes@memphisdailynews.com) and Membership Committee Chairman Keith Ponder (kponder@c-dh.net).

*See additional information on procedures at www.tnpress.com.*



**Tennessee Press Service  
Advertising Placement Snapshot**

	ROP:	Networks:
<b>November 2017</b>	<b>\$375,913</b>	<b>\$17,540</b>
<b>Year* as of Nov. 30</b>	<b>\$3,500,364</b>	<b>\$280,392</b>

\*The Tennessee Press Service Inc. fiscal year runs Dec. 1 through Nov. 30

# Rookies will make mistakes, but they can be corrected

Let's face it: If you have a "new kid" doing design on your staff . . . well, you'll have some design mistakes in your paper from time to time.

It takes a while - perhaps months - for the design rookie to learn what works and what doesn't. And during that time, he'll do some things that may make you cringe. It's OK - as long as you work with him to make sure he doesn't repeat them.

Here are a "top ten" mistakes you can watch for—and correct:

1. **A DROP CAP** in an indented paragraph. This a mistake common to many new designers, but one that's obvious. Your readers may not know how it happens, but most of them know it's just not right.

2. **CENTERING** indented type. Like the indented drop cap, it's an easy enough mistake to make - and correct.



By  
DESIGN

ED HENNINGER

3. **JUSTIFYING TEXT** vertically to have the type fill a deeper space than needed. Those who have been doing design for some time may continue to make this mistake, because it's a quick and easy way to fill a hole. But it's lazy and it contributes to design sloppiness.

4. **USING THE SPACE BAR** instead of the tab key to align columns in tabular material. It may be a quick solution, but it's uninformed and it contributes to a "whatever works" approach to design.

5. **USING A TINT BLOCK** behind a story. This is a design approach whose time has gone. Rookies may try to resurrect it, but it's just something we don't do anymore.

6. **POOR USE OF COLOR.** The rookie may choose to use color type in a headline. That's OK (sometimes even preferable) on features pages, but not in news. The rookie may be tempted to run a sports headline about a big win in your high school team's school colors. Let's help him get past that.

7. **ALLOWING HYPHENATION** in a headline. Think this just can't happen at your paper? Well, it does happen, so just watch out for it.

8. **ALLOWING HYPHENATION** in a pullout. Just like a headline, a pullout is a display element. And if hyphenated type is the

default in your design software, then it's easy enough for the new kid to make this mistake.

9. **NARROWING TYPE** next to an ad. When he has to deal with a story that runs above ads, the rookie may think that part of the solution is to narrow the text next to the ad (see illustration). Nope. This makes the text difficult to read and it can create word-spacing and letter-spacing problems.

10. **USING FUNKY FONTS.** When dealing with a story about a snowstorm, the rookie may be tempted to run the headline in a typeface where the letters are snow-covered. Or he may look for a headline face with animals in it for a feature on pet adoption. Let's make it clear to him that we just don't do that.

Rookies will make mistakes. A young basketball player may sink

a shot in his own goal. A new driver may signal left . . . and then turn right. It's OK. Mistakes happen. We need to help our rookie designers learn from those mistakes . . . and not repeat them.

*Want a free evaluation of your newspaper's design? Just contact Ed: [edh@henningerconsulting.com](mailto:edh@henningerconsulting.com) | 803-327-3322*

*If this column has been helpful, you may be interested in Ed's books: *Henninger on Design* and *101 Henninger Helpful Hints*. With the help of Ed's books, you'll immediately have a better idea how to design for your readers. Find out more about *Henninger on Design* and *101 Henninger Helpful Hints* by visiting Ed's web site: [www.henningerconsulting.com](http://www.henningerconsulting.com)*

*Ed Henninger is an independent newspaper consultant and the Director of Henninger Consulting.*

## Deadlines approach for 2018 TPA State Press Contests and Ideas Contest

**ROBYN GENTILE**  
Member Services Manager  
December 11, 2017

The 2018 Tennessee State Press Contests entry window will open on Jan. 12. The entry deadline is Friday, Feb. 16. For the sixth year, the Contests will utilize the BetterBNC online contests entry and judging platform.

The categories are the same as they were in 2017; however, the Board approved Contests Committee recommendations for clarifications. Entries will be submitted as PDFs in all but three categories. Those remaining in print are Make-Up and Appearance, Best Special Issue or Section, and Sunday Editions.

Changes and clarifications effective for 2018 are:

- Only three places will be awarded in each category in Group Five.

- Regarding shared content among any group of newspapers, entries to only be entered by the newspaper where the primary reporter/photographer is based.

- A photo may only be entered in one of the three photo categories (News, Sports or Feature).

- A column may only be entered in one of the two column categories (Best Personal Column or Best Personal Humor Column).

- A newspaper may enter work by a regular contributor. A regular contributor is someone who is not syndicated and whose work appears in the submitting newspaper a minimum of twice per year.

- Material from a niche publication may be entered into the contest if the editorial content has

been created, written and prepared by the newsroom and was distributed with the newspaper to regular subscribers.

The entry fee remains \$9 per entry. Part of the fee will provide a \$25 gift card for each TPA member that completes the judging assignments for our reciprocal judging partner in 2018.

Alison Gerber was recently appointed chairman of the Contests Committee. She is editor of the Chattanooga Times Free Press.

The divisions for the contests are calculated on total weekly paid circulation. They are as follows:

- Division One: Paid combined weekly circulation of 5,000 or less
- Division Two: Paid combined weekly circulation of 5,001-15,000
- Division Three: Paid combined weekly circulation of 15,001-50,000

- Division Four: Paid combined weekly circulation of 50,001-200,000

- Division Five: Paid combined weekly circulation of 200,001 and above.

The complete contests general rules and link to entry portal will be available by Jan. 12. Please call TPA at (865) 584-5761, ext. 105 with any questions.

UT has partnered with TPA to co-sponsor the contests since 1940. UT will provide the winners' plaques and certificates and coordinate the awards presentation scheduled for the evening of July 12 in Franklin, Tenn.

TPA will need judges to meet obligations to its reciprocal judging partner, West Virginia Press Association in mid-March. If your newspaper enters the contest, TPA asks that you provide a judge.

**Ad/Circ Ideas Contest deadline is Feb. 23**

Plan now to enter the 2018 Ideas Contest, Tennessee Press Association's contest for advertising and circulation ideas.

Entries will be submitted as PDFs online. The deadline is Friday, Feb. 23. Entry information will be available Jan. 15 at [tnpress.com](http://tnpress.com) and the online system will open Jan. 15. There are no changes or additions to the categories for 2018.

Fees are \$6 per entry. Proceeds support the educational programming for the advertising and circulation groups at the convention.

First through third places are awarded in five divisions of each category, and there is an overall Best of

See **CONTESTS** Page 12

## TPA UPDATES

### Winter Convention set for Jan. 31-Feb. 1

The Tennessee Press Association's 2018 Winter Convention will again be a two-day, one-night event and will return to the DoubleTree Hotel on Fourth Avenue in downtown Nashville, Jan. 31-Feb. 1, 2018.

The opening reception, with legislators invited, will be held 5-7 p.m. on Wednesday, Jan. 31. Each TPA member is encouraged to attend and to invite his or her legislators.

The convention kicks off Tuesday with a Government Affairs Committee meeting at 1 p.m., and that will be followed by the Board of Directors and Concurrent

Business Session at 2 p.m. Tuesday afternoon's meetings will conclude with the TPA Foundation Board of Trustees at 3:30 p.m.

Wednesday morning will feature a Gubernatorial Candidate Forum followed by the keynote luncheon, with Governor Bill Haslam invited to address the group. (Invited, not confirmed.)

TPA members may make hotel reservations with the DoubleTree at (800) 222-8733. The TPA rate is \$236 plus tax and parking per night.

### Feb. 1 gubernatorial forum to be streamed live

The Tennessee Press Associa-

tion will host a forum with the announced candidates for Governor of Tennessee at the Nashville Public Library on Thursday, Feb. 1, 2018. The forum will be held from 9:30 a.m. to 11:15 a.m.

The forum is part of the TPA's annual Winter Convention to be held Jan. 31 and Feb. 1, 2018.

The gubernatorial forum kicks off an intense cycle of election coverage by the 125 members of the state newspaper association, who are committed to helping educate readers about the candidates, races and issues, said Chris Vass, public editor of the Times Free Press in Chattanooga and vice president of the press association.

The University of Tennessee School of Journalism & Electronic Media will live stream the forum through the TPA member newspaper websites so that readers throughout the state will be able to meet the candidates as their campaigns gear up for the primary elections on August 2, 2018. Each newspaper will be notified in mid-January with details on how to get the widget for websites.

The TPA has welcomed co-sponsors to the event who are non-partisan and committed to voter education and participation. The complete list of sponsors is available on [www.tnpress.com/GubernatorialCandidateForum.html](http://www.tnpress.com/GubernatorialCandidateForum.html).

### TPA invites students to Forum and Convention

The TPA has invited students from Tennessee colleges and universities with journalism programs to the Feb. 1 Gubernatorial Candidate Forum and the luncheon to which Governor Haslam has been invited to speak that same day. TPA will sponsor the fee for five students from each college. Programs may register additional students for \$48.

Registration details are available at [www.tnpress.com](http://www.tnpress.com) or by contacting Robyn Gentile at (865) 584-5761, ext. 105 or [rgentile@tnpress.com](mailto:rgentile@tnpress.com).

# Scandals, scoops and cigarette smoke: 40 years in the Legislative Plaza press room

**JORDAN BUIE**  
**USA Today Network - Tennessee**  
**November 13, 2017**

In a dusty, windowless corner of Legislative Plaza, a lingering cluster of reporters circle between boxes of old papers.

The remaining crew has been left to sort through reams of memory stored as hard copy in a digital era - files from old stories, frayed newspaper clippings, photos of the past, and countless government documents, news releases and speeches.

What remains in the underground plaza that's housed the state's legislative offices since 1975 was being boxed up and hauled to the newly renovated Cordell Hull building, where the offices - including a new press room - was to soon reside.

In mid-November, the move was official.

Several reporters who have documented state history in the building over the last 40 years shared stories and thoughts on the long relationship between politics and news and the changes they've seen.

In their own words, "It was a helluva time."

## The early years

Mark McNeely first came to work at the Legislative Plaza press room in 1976, a year after the building opened.

It was a different Nashville then,



File photo by Kit Luce, The Tennessean, Nashville

The underground plaza at Legislative Plaza in Nashville housed the press room beginning in 1975.

he says, an edgier Nashville.

"The thing about back then, before January of 1979, was there was a scandal a day," said McNeely, a former Capitol Bureau chief for the Knoxville News Sentinel and now the senior partner of the McNeely, Pigott & Fox public relations firm in Nashville. "It was a great time to be a reporter."

McNeely was referencing the tenure of Tennessee Gov. Ray Blanton, indicted for mail fraud, conspiracy and extortion for selling liquor licenses and who eventually spent 22 months in federal prison.

McNeely remembers calling in details of Blanton's resignation from a payphone just days after he'd pardoned 52 state prisoners, including 20 convicted murderers.

Outside the press room, change was in the air. Technological innovation would rock the business, but for a time it had not yet pierced the veil of cigarette smoke, clanking typewriters and busy fax machines.

## The characters

"It was like the scene of a movie," said Rick Locker, who spent decades at the Capitol as a reporter for The Commercial Appeal, Memphis. "There were characters like you wouldn't believe."

During the legislative sessions in the 1970s and 1980s, the press room was home to a range of outlets, including morning and evening newspapers, wire services, and television and radio stations.

There were no tight restrictions on who could be a member of the press corps or how long they could stay. Typically, the room was occupied 20 hours a day.

"One of the biggest changes was the sheer number of reporters in the Legislative Plaza then," Locker said. "I counted about three dozen reporters working in there every day. But there were some truly amazing characters."

Chief among them was Drue Smith, a woman who worked some for the wire services, some for a radio station and wrote a newspaper column.

Smith was known among her colleagues as eccentric and flamboyant, and she spoke in a strongly affected Southern accent.

"She colored her hair in unusual



File photo by John Partipilo, The Tennessean

Gov. Don Sundquist holds a press conference inside Legislative Plaza on July 2, 2002.

colors even before that was . . . well popular," Locker said. "And she was always known for asking sources, 'What's the bottom line?'"

But Smith was known as a press confidant to several politicians. At one point a portion of the press room was named after her. Photographs of her with the captions "First Woman Chair of the Capitol Hill Press Corps" and "Queen of the Capitol Hill Press Corps" have hung at the entrance.

Another member of the staff was Sherman Novoson, who moonlighted as a member of the Nashville Symphony Orchestra. Novoson was described as a friendly man who frequently reported to the press room in a tuxedo, cello in tow.



File photo by Frank Empson, The Tennessean

Gov. Lamar Alexander, right, holds a press conference Nov. 9, 1982, in his offices at the state Capitol.

## The competition

While the room was collegial, Tom Humphrey, who covered politics for the Knoxville News Sentinel for more than 30 years and still writes a political column, said the competition was intense and jobs depended on getting the scoop.

Information officers would bring in attorney general reports and lay them on a stack of releases for reporters.

"Sometimes, if you saw that report, you might just take the release, read it and put it at the bottom of the stack," he said.

Reporters tried to break into each other's desks, deleted stories off one another's computers and hid behind cubicles late at night to sneak past their colleagues.

Sometimes, he said, the only relief was a good prank, and few equaled sending other reporters on wild goose chases on deadline.

Supreme among the pranks fell upon Chattanooga Times Free Press reporter Andy Sher, who previously worked for the Nashville Banner.

Sher scratched his head the day his former boss Ed Cromer told him Gov. Don Sundquist was about to appoint Lt. Gov. John Wilder to the Tennessee Supreme Court.

"That can't happen," Sher said. "There's no way."

But when Sher started making calls, Wilder's office said, "We can't talk about it." Other government officials hemmed and hawed. Even the governor's office said "no comment."

By the end of the day, Sher had a story on deadline, a government shake-up on his hands, only for a room of reporters and the governor

See **PRESS ROOM** Page 7

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# Knox County mayor proposes removing photo ban on public records

DEBORAH FISHER  
TCOG  
December 6, 2017

Knox County Mayor Tim Burchett has proposed changing the county's public records policy to remove the ban on taking pictures of public records, a ban that was adopted when the county updated its public records policy to include language from a state model policy.

"In Tennessee, citizens can inspect public documents at no charge. There's no reason they shouldn't also be allowed to take pictures of those records with their own cellphone cameras," Burchett said in a new release. "Our taxpayers already pay for these documents, and access to public records shouldn't be limited only to those who can afford to pay for copies."

The news release also quoted from state law, noting the law allows citizens to take pictures of public records, T.C.A. §10-7-506(a):

"(a) In all cases where any person has the right to inspect any such public records, such person shall have the right to take ex-

tracts or make copies thereof, and to make photographs or photostats of the same while such records are in the possession, custody and control of the lawful custodian thereof or such custodian's authorized deputy; provided, that the lawful custodian of such records shall have the right to adopt and enforce reasonable rules governing the making of such extracts, copies, photographs or photostats."

Many citizens and journalists have complained about what appears to be a new and growing practice of not allowing people to take a picture of a public record, particularly as cell phones have become a popular way to "take notes" and share information.

Four members of the state's Advisory Committee on Open Government asked the Office of Open Records Counsel to update its model policy.

Lee Pope, the Open Records Counsel, who was the deputy counsel when the model policy was adopted in January 2017, told the Knoxville News Sentinel that the office interprets the law to allow

government entities to dictate rules surrounding how copies are made.

"Really, it allows them (government entities) to adopt reasonable rules . . . I can't say whether or not allowing cellphones to take pictures is unreasonable," Pope told the Knoxville News Sentinel.

The model policy adopted by the Office of Open Records Counsel includes language suggesting that government entities choose whether they "will" or "will not" allow citizens to use personal equipment to make copies: D. A requestor will [not] be allowed to make copies of records with personal equipment.

[Indicate under what circumstances, if any, the Governmental Entity will permit requestors to make their own copies or provide their own storage devices.]

It is becoming clear from citizen and journalist phone calls and emails to TCOG that a growing number of government entities have adopted the "will not" language and are banning citizens in all circumstances from taking pictures of public records based on this language, or from using any personal

equipment to make copies.

The Knox County mayor's office said in its press release that its current ban on photography of public records "is based on the model wording provided by the Tennessee Office of Open Records Counsel, but seems to contradict the state's public records act."

State lawmakers have also expressed concern about the new policy, which has been adopted by several state agencies. Most notably, state Sen. Mike Bell, R-Riceville, asked three state agencies before his Joint Government Operations Committee in September to change their newly adopted policies to allow use of phones to take pictures.

Burchett's proposed amendment must be reviewed by the Law Department, which originally drafted and presented the policy, and must be approved by the Knox County Commission before it takes effect.

The amendment does dictate some conditions around using personal equipment to make copies. It says such copying (or photography of records) will be allowed "provided that the requestor's duplication of

such records does not impede other citizens' access to county services or records, and that the requestor is willing to schedule an appointment for the purposes of duplicating a large number of records or records that are stored off-site."

Several surrounding states have already addressed the issue of taking photos of public records, with attorney generals in those states sometimes issuing opinions that recognize that such restrictive policies conflict with their state laws that call for the fullest possible public access to public records — as does Tennessee law.

Kentucky, Virginia, Georgia, Maine, Iowa, Florida, Washington, Texas, Arizona and Louisiana are just some of the states that allow photography and use of personal equipment to make copies of non-exempt public records. If there are restrictions, they are narrow and limited to when there is a credible threat of damage to the document.

*Deborah Fisher is the executive director of the Tennessee Coalition for Open Government.*

## PRESS ROOM, from Page 6

to tell him happy birthday and that the whole thing was a joke.

Years later, former Commercial Appeal reporter Paula Wade owned up to concocting the elaborate prank. "I made sure to contact all of the usual suspects that he would call in advance to get them to play along, and they did, and they did it brilliantly," Wade said.

With the crowded quarters, intense competition and screaming commands sounding off from editors over the phone lines, Wade said, there was a "foxhole kind of fraternity" special to the place.

## Media landscape changes

As technological advances came, and morning and evening newspapers consolidated, the room thinned.

"It's changed a whole hell of a lot," Humphrey said. "I believe it's down to about six people now."

Former Tennessean reporter Bill Carey agreed: "Technology changed the place more than anything. Specifically, the Internet."

It also changed access. People across the state could read news as soon as it was published.

## A new era at the Cordell Hull building

The brown wooden cubicles sit vacant, decorated with political decals of days past, filled with stacks of abandoned papers and emptied



File photo by Jack Corn, The Tennessean

Tennesseean reporter Larry Daughtrey looks into the state legislature committee room after being ordered out at the state Capitol on Feb. 24, 1965.

filing cabinets.

A piece of paper on the wall lists 30 reporters who were part of the 1998 Capitol Hill press corps. Today, there are fewer than a dozen full-time reporters in the press corps during the legislative session. The future of the press corps and Tennessee politics will now be written in the Cordell Hull building. But still, those who worked in the Legislative Plaza press room say it marked the end of an era.

"I was just thinking about it the other night," Locker said. "The story of modern Tennessee politics was written in Legislative Plaza."

## Spotlight submissions

Publishers and editors - here is your chance to recognize and publicize members of your staff. Periodically, The Tennessee Press will run short Q&A features of your employees, to include color photo, bio information (hometown, college/degree, places worked, etc.) and the Q&A's themselves. Consider this a free opportunity to show TPA members throughout the state the pride you have for your employees, who will appreciate the publicity. In order for this to work, however, we need your submissions. Send Staff Spotlight content to [editor@tnpress.com](mailto:editor@tnpress.com). Submissions representing various departments at your organization are encouraged. Include high-res color photo, bio, and answers to three or more of these six questions. Aim for total word count of 380-420 (to include bio): 1. How and why did you get into the newspaper business? 2. What do you like most about your job? 3. What's been your most interesting experience on the job? 4. What can newspapers do to be successful in this competitive media environment? 5. How has the newspaper business changed in recent years. 6. Tell us about a book you read or movie you saw recently.

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& Gubernatorial Candidate Forum

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Jan. 31 - Feb. 1

DoubleTree Nashville

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TPA'S MISSION

To help member publishers achieve greater success than each could attain individually.

## OBITUARIES

### Marion Wilhoite

Marion Wilhoite, sports editor of The Daily Herald, Columbia, for 54 years, passed away Nov. 15, 2007.

He was 76.

Wilhoite retired from the newspaper in September 2016. He was named sports editor emeritus and continued to write occasionally.

Wilhoite was injured in an accident at his Columbia home in May 2017. He fell at his mailbox and lacerated a kidney.

He was having trouble breathing after the accident and was



Wilhoite

under care in a Nashville rehabilitation center for nearly six months.

The Columbia Central High School graduate returned to a Columbia care facility in October.

He improved to the point where he wrote a column as recently as several days prior to his death.

Wilhoite was inducted into the Tennessee Press Association's 50-Year Club in July 2016.

"Marion Wilhoite was the embodiment of community journalism," Daily Herald publisher Keith Ponder said. "He was a powerful example to all of us of the role we can play in the life of a community. He was a beloved and trusted storyteller with a passion for local sports that I've never seen and likely will never see again."

The Columbia native wrote almost exclusively about sports in his career, but he loved music, attended church nearly every Sunday, was friendly to sources and colleagues, and had an affinity for underdogs.

"Marion and I started at The Daily Herald on the same day in the same year," said Phyllis Jean White, 77, who was church editor and a lifestyles and religion reporter. "Everyone who knew him loved him."

Wilhoite rarely drove a car and had a driver's license only once in his life, former publisher Sam Kennedy said. Kennedy bought Wilhoite a car around 1965. Wilhoite drove it into a ditch going to Pulaski.

"He walked back and never drove again to my knowledge," Kennedy said. "He had a real feel for people and sports but not driving."

Friends usually drove him to assignments or on errands. Sometimes, he would hitch hike.

Wilhoite would cover just about any sport, anywhere, any time. That meant spending thousands of hours in high school stadiums and gyms or at local recreational ball fields.

Investing the time in knowing the coaches, players and par-

ents - and going to out-of-the-way places - helped Wilhoite develop an incredible memory of facts, events and statistics.

"Marion was a talking encyclopedia when it came to sports, especially at the local level," Debbie Westmoreland Turner wrote.

Wilhoite mentored many young journalists through the decades. He met them locally and while covering games at Vanderbilt, Middle Tennessee State University and the University of Tennessee. A scholarship was set up in Wilhoite's name in 2016 at Columbia State Community College to benefit communications majors from Maury County.

Wilhoite, who was a district amateur softball commissioner for many years, had his ornery side. As a softball coach, he occasionally was tossed for arguing with the umpires. As an umpire, he threw some coaches out of games.

"At one tournament, he was so upset at the umpires, he just sat on the pitcher's mound and would not leave so the next game could start," his brother, Andy, said, laughing. "Folks around the tournament were asking what to do. One suggested calling the district commissioner. Then they found out the surprising news. He was the district commissioner."

*The Daily Herald, Columbia  
Nov. 15-16, 2017*

### Eric Janssen

Eric Janssen, 44, a Memphis-based news executive with a zest for life - his personal motto was "Live a great story" - was killed Oct. 16, 2017, in an accidental, 16-story fall from a downtown Chicago skyscraper.

Janssen fell from the 23rd floor of the London House hotel. He landed on a sixth-floor roof, the Chicago Tribune reported.

The downtown Memphis resident was most recently vice president for audience for the Sandusky Newspaper Group. But the University of Memphis journalism graduate had worked for The Commercial Appeal, Memphis, starting in 2000 as an online content producer and worked his way up to become vice president for digital content.

On the day of the fatal accident, Janssen was with some friends at a rooftop bar and grill, said his former wife, Constance Janssen of Memphis.

"And they were leaving, and he said he wanted to get one last picture," said Constance, who heard the account from an eyewitness. "He climbed over the rail to get an interesting picture" when he fell.

In recent years, Janssen had become a photo enthusiast and a self-described "urban explorer,"

posting numerous Instagram photos from inside such places as abandoned Memphis school buildings and atop the roofs of New Orleans and Memphis skyscrapers.



Janssen

But the accident did not involve such an adventure, Constance Janssen indicated. "He was in a public place," she said. "He was eating. They were fixing to leave. He just

crawled over the barrier to get a better picture."

Janssen leaves behind two daughters, Jordan, 22, and Robin, 12, and a son, Robert, 17.

Constance recalled her ex-husband as among the pioneers in digital content for newspapers. "He realized the importance of the Internet," she said. "He was one of the people who developed what he did. He drove business to the website of the Sandusky news group." Janssen was often asked to speak about his expertise at conferences, she said.

Laura Cochran of New York City was a longtime friend and onetime colleague who helped Janssen start The Commercial Appeal's digital operation in the early 2000s.

"Eric was all about experience in life," Cochran said. "He woke up every morning and ran. He ran along the river every morning. . . . That was his way of greeting the day; didn't matter what happened the day before. He always wanted to get a full day in."

Janssen was born and raised mostly in Memphis. He graduated from Germantown High, said his sister, Cynthia Vukmer.

"He was passionate about Memphis," she said. "He was passionate in general. He threw himself into things with full vigor."

*USA Today Network - Tennessee  
Oct. 17, 2017*

### Frederick "Fred" Herman Powell

Frederick "Fred" Herman Powell, 76, of Knoxville passed away on Nov. 29, 2017 with all his children by his side.

Powell was born in Reidsville, N.C. on Jan. 6, 1941. He attended the University of Tennessee where he received his degree in journalism and where he met his eventual wife, Nancy, the love of his life who preceded him in death.

Upon graduation from the University of Tennessee, Powell started his 45-year career with the Knoxville News Sentinel. Powell was soon to graduate from UT's School of Journalism when he walked into the Knoxville News

Sentinel Nov. 22, 1963, for a scheduled job interview.

It didn't happen that day. President John F. Kennedy had just been shot, and the managing editor informed Mr. Powell he'd have to come back another time.

Over the years, Powell loved to tell that story, which ended with him coming back a week later and getting the job on the News Sentinel copy desk. He started Dec. 26, 1963.

And during a News Sentinel career of more than 45 years, never did a major news story escape his notice.

On the copy desk, Mr. Powell's primary job was always "wire editor," a position that entailed constantly monitoring multiple wire services to which the News Sentinel subscribed, plucking out stories for the



Powell

next paper.

Through the years, depending on whether the News Sentinel was an afternoon or a morning newspaper, that could mean shifts working late into the night or starting in the wee hours of the morning. Regardless, Powell's eye for news and appreciation of nuance were solid, said former copy desk chief Cathy Shepherd.

"He kept up with everything," Shepherd said. "He was unbiased in his coverage. He would tweak Associated Press stories to add East Tennessee ties, if there were any, and he would edit any bias out of AP stories. He was a consummate newsman."

When Mr. Powell retired in 2009, at age 68, he had worked in the News Sentinel editorial department longer than anyone else there at the time.

*Knoxville News Sentinel  
Dec. 2-3, 2017*

### Getahn Ward

Getahn Ward, a tenacious longtime business reporter at The Tennessean and Tennessee State University professor who became a beloved community and church leader in Nashville after immigrating from war-torn Liberia, died Dec. 16 at his Nashville home after a brief illness.

Ward was 45.

Ward, who joined The Tennessean in 1998, after previously working at the shuttered Nashville Banner, was a bulldog of a reporter, most recently on the real estate beat. He was relentless in his craft, more than happy to pester his sources or tick off PR professionals — "flacks," he called them — if it meant landing a scoop.

Ward resided in Southeast Nashville and was active across the city, particularly at his place of worship, Born Again Church on West Trinity Lane, where he was a deacon and frequently posted videos of services on social media.

He was known for his unselfishness and generosity, and for going out of his way to help his friends. He was a devoted mentor, this year driving the son of single mother to school each morning because he had no other ride.

Ward, who moved to the U.S. in 1991, celebrated his citizenship in 2014 by casting his first vote in an American election on his 42nd birthday. He was proud of his African heritage and often told stories about a childhood in a country where civil war ripped the nation apart.

"Getahn was a rare human being whose strength of character defined him in a way that engendered deep respect from anyone who knew him, including and especially those whom he covered," said Michael A. Anastasi,



Ward

vice president and editor of The Tennessean. "Countless business leaders have told me they had given up on keeping their development projects secret because Getahn

would always find out and report it. They figured it was easier to just start calling him up."

Nashville Mayor Megan Barry called Ward "the hardest-working reporter in Nashville."

A portrait of Ward hangs on the outside of the Tennessean building, a testament to his influence in Nashville.

"It's a wonder he ever slept, because he always seemed to be chasing tips, gathering information and writing as many as six stories a day, including some big scoops," Barry said.

Longtime journalist Pat Embry hired Ward as a business reporter at the Nashville Banner after his graduation from TSU, where he served as editor of the campus newspaper, The Meter.

"Getahn was one of the youngest and last of what could be called an old school scoop-oriented journalist," Embry said. "He never lost the underdog's edge of competing in a two-newspaper city."

He was also a staunch advocate for black journalists and held past leadership positions with the Nashville chapter of the National Association of Black Journalists.

*USA Today Network - Tennessee  
Dec. 16, 2017*

# Thanks to Trump, news organizations are in a revival

Maybe I was just in the right mood for a metaphor, or maybe the girl on the swing was just a girl on a swing.

But she bolstered my faith in the resurgence of newspapers.

On a chilly Saturday morning, as my wife, Sharon, and I walked past a park, we saw a 12-year-old whirling on the kind of swing set we remembered from our childhoods.

Later, as we passed in the opposite direction, the girl still was flying.

"Notice," I said to Sharon, "no cellphone, no texting, no earbuds. She's just swinging."

When we were her age, the Cold War was raging, so all we had to worry about was nuclear holocaust; she is facing something much more perilous: social media.

Watching her, I thought: Maybe 1950s' passions – swings and Elvis and TV dinners and newspapers – are making comebacks.

(Oops. Sorry, Elvis.)

It was a Saturday in the school year, so the girl had the day to herself. She could have stayed inside, warm and connected electronically to her friends, even her president.

Instead, she sought the yesterday thrill of the swing.

It's a metaphor for newspapers' future.



## WRITING COACH

JIM STASIOWSKI

First, a young person disdains social media in favor of real life.

Second, reading isn't easy. Unlike zombieing in front of TV or YouTube, reading requires the mental labor of processing words arrayed in sentences, paragraphs and stories. Similarly, swinging requires arm strength, leg push, weight shift, balance and, that morning, a sweater. The Internet requires one finger's movement.

Third, the girl's swinging illustrates the line from the "Casablanca" song: "The fundamental things apply, as time goes by."

Take macaroni and cheese, long derided as the nutritional equivalent of cigarettes. Today even the most protective parents and renowned chefs are serving it, hoping arteries won't notice.

Or records. Despite modern listening methods, music on vinyl, declared dead decades ago, is reviving. Magazines and newspapers say so.

And baseball. Prehistorically

crowned "the national pastime," baseball, we constantly hear, is archaic: too slow, too static, too Nixonian.

But we just had a second consecutive compelling World Series, as the Dodgers and Astros awakened the nation's enthusiasm.

Newspapers are next.

Today a "newspaper" is not necessarily printed on paper. Although I personally despise reading the news on electronic screens, I'm 70, so my three-dailies-tossed-onto-the-driveway addiction will end someday (not soon, I hope).

But in some form – electronics, Morse Code, skywriting – aggressive, credible news reporting will not die with me. In the age of President Trump, it should thrive.

Already a Trump Bump is fueling circulation growth of large newspapers covering national politics.

Local papers?

They're next. Trump's electoral success will encourage local candidates to adopt his tactics. Not all will be Republicans; anyone with a political itch may conclude that boisterous name-calling and abstract vows to "Make (whatever) great again" can win.

(Although Virginia voters rejected Republican gubernatorial candidate Ed Gillespie, who acted like Trump, that won't stop others

from trying.)

More than ever, voters need sober coverage that cuts bombast down to size.

Why didn't the coverage of candidate Trump thwart him?

At least in part because journalists didn't know how to handle him. First, they made fun of him, laughed at him. Later, they labeled him a sure loser. Recognize that millions of Americans are resentful because they've been laughed at, dismissed as losers, and you grasp why some identified with Trump.

But here's one Trump loss: His excoriation of serious news organizations is fueling their revival. Voters are hungry for the very journalistic traits that would starve social media: care, substance, integrity, responsibility.

And no laughing.

Thoughtful local election coverage will attract thoughtful voters. When they come for the candidate stories, we woo them with the nonpolitical: creative features, analytical government stories, investigative projects. We expose local Harvey Weinstains, the bullies and abusers.

But there's more to my faith in newspapers than that.

Journalists see themselves as gritty realists and the rest of the population as delusional dreamers.

That's so wrong. All of us,

all Americans, are an illogical amalgam of trusting no one, yet trusting in a brighter future.

And that's why readers are poised to come back to us.

You see, along with being skeptics, journalists are optimists. We are convinced our every story about social ills will cure them; convinced our every story about corruption will eradicate it; convinced our every story about decaying roads, bridges and utilities will repair them.

Even without immediate results, we persist, convinced our next stories, more powerful than those preceding, will make all the difference. Such displays of optimism and activism appeal to Americans, who know they want more but don't always know what.

We fulfill the role of pointing them toward the what.

We owe such diligent coverage to all potential readers, and especially to one inspiring girl on a swing.

**THE FINAL WORD:** I once asked a crusty copy editor to help me come up with a fitting metaphor. "Metaphors?" he growled, "I don't believe in them."

*Writing coach Jim Stasiowski welcomes your questions or comments. Call him at (775) 354-2872 or write to 2499 Ivory Ann Drive, Sparks, Nev. 89436.*

# Stick to the basics: Present all sides of the story

Most reporters can likely relate to this scenario. Someone speaks up at a public meeting to unleash criticism about an individual or organization. Reporters have little difficulty presenting a balanced report – recording all sides of the story – if the accused is at the meeting.

But what happens if the individual is not present? And what if deadlines do not permit time to get the other side of the argument?

It's the classic case of a "single source" story. These types of stories are no doubt the easiest to write, and they are the most likely to prompt calls of "foul play" from readers – for good reason.

Consider this editor's note which prefaced a story:

*Note: The following article pertains to a presentation which represented one side of a highly controversial topic. Representatives for the alternative position were not available to contest or counter statements made and statistics shared. As such, that perspective is not a component of*



## COMMUNITY NEWSROOM SUCCESS

JIM PUMARLO

*this report.*

Give the newspaper credit for acknowledging the shortcomings in its report, but say what?

The editor's note – the newspaper's lack of initiative in pursuing and presenting the other side of the story – is rather remarkable in today's 24/7 communications landscape. Multiple avenues are available to get the opposing view from picking up the telephone to sending an email to checking out organization websites.

Blind-sided attacks are a common occurrence in reporting the news. Newsrooms, as the clearinghouse of information in your communities, are often in

perfect position to anticipate the circumstances and double down your efforts to present all sides of a story.

A simple brainstorming session at a staff meeting can reveal additional opportunities for broader coverage. The more voices in a story, the more balanced a report. Coverage of public affairs affords ample opportunities for including multiple voices.

A school board is prepared to act on a recommendation to switch from half-day to all-day kindergarten; the packet of materials accompanying the agenda details the reasons. A preview of the meeting is a chance to provide "pro" and "con" arguments including interviews with a variety of individuals. Follow-up reports on a variety of board actions present similar opportunities.

Review other everyday coverage in your newspapers.

A community's selection of a "citizen of the year" is an automatic feature story – usually a one-on-one sit-down with the

honoree. Inject some flavor to the story by including comments from other individuals.

A big-box retailer comes into a town with great fanfare. A sidebar is appropriate to capture the sentiments of those who believe existing local retailers will be helped or hindered.

Most items in police blotters are sufficiently summarized in a few sentences. On occasion, take the time to quiz police on some incidents, and the circumstances can lead to an interesting story.

Tracking down all the voices – all the perspectives – of a story is just the first step, however. Two other points are important in the spirit of fairness.

No. 1, give the opposing voices equal prominence. Court proceedings are a great example. In other words, don't put the prosecutor's arguments on page one and bury the defense's rebuttal on jump page. Readers' attention is limited on the web, too; present the opposing viewpoints in the first few paragraphs.

No. 2, don't be afraid to hold a story if it means delivering a more complete – and fairer – report. That's especially the case with nondaily newspapers where it can be a few days to a week before readers receive the "other side." In these cases, the web is a great friend. Newspapers can wait a few hours to pursue all the voices and still deliver a timely report.

Seeking and incorporating the many varied – yet pertinent – voices in a story is not always easy. It can take time and hard work – solid journalism that benefits the newspaper and readers alike.

*Jim Pumarlo writes, speaks and provides training on Community Newsroom Success Strategies. He is author of "Votes and Quotes: A Guide to Outstanding Election Coverage" and "Bad News and Good Judgment: A Guide to Reporting on Sensitive Issues in a Small-Town Newspaper." He can be contacted at [www.pumarlo.com](http://www.pumarlo.com).*

# NRLB Administrative Law Judge finds contractor status

*Author's note: This month's column reports on two National Labor Relations Board Administrative Law Judge (ALJ) decisions involving the issue of whether someone is an employee or an independent contractor. In both cases, former NLRB General Counsel Richard Griffin had urged the ALJ to rule that merely classifying someone as an independent contractor is an independent violation of the National Labor Relations Act. This is legal adventurism in an attempt to make new law.*

*In one of the cases, the ALJ found independent contractor status and chose not to reach that novel issue. In the second case, the ALJ found employee status and agreed with the NLRB General Counsel, finding that the misclassification of the individuals as independent contractors was a per se independent violation of the NLRA. With a new Management majority sitting on the NLRB in Washington, let us hope that this legal adventurism will be reversed.*

*I also report on a new NLRB case involving an Employer's texting and confidentiality rules, as well as a new court case addressing the ability to discover social media passwords in litigation.*

On August 16, 2016, former NLRB General Counsel Richard Griffin (appointed by President Barack Obama) issued an Advice Memorandum containing a new legal theory alleging it was an independent violation of the National Labor Relations Act to misclassify individuals as independent contractors. The NLRB has never taken this position.

In a recent case in Minneapolis,



## LEGAL UPDATE

L. MICHAEL ZINSER

ALJ Paul Bogas ruled that delivery drivers were independent contractors, and therefore declined to reach that issue in his case. The ALJ noted that for this novel area of law, he believed that the General Counsel, rather than the Company, would have the burden of proof.

The case involved delivery drivers who delivered merchandise purchased from a Menard's to its customers. The ALJ found independent contractor status and relied on the following factors:

- **The Written Contract** – Even though the language of the contract was standardized, the ALJ noted that Menard's has greater bargaining power than the delivery drivers; that was not relevant to independent contractor status. On balance, he found that the delivery drivers had the right to control the manner, means and methods of delivery.

- **Negotiations** – The evidence indicated that some contractors, in fact, negotiated increased contract payments.

- **Sequence of Delivery** – The delivery drivers controlled the sequence of delivery. The ALJ noted that this was an extremely important factor affecting the profitability of their businesses.

- **Insurance** – The contractors purchased and paid the premiums

for insurance on their vehicles and were required to name Menard's as an additional insured. The ALJ noted that such a requirement actually weighed in favor of independent contractor status, since, in an employer/employee relationship, the employer generally assumes the risk of third-party damages and does not require indemnification from its employees.

- **Equipment** – The delivery drivers purchased their own trucks and had the right to use the trucks to perform services for other companies.

- **Place of Work** – The ALJ noted that most of the haulers' work was performed away from the Company's facilities or premises; the contractors were not required to return their trucks to Menard's facilities afterhours.

- **Engaged in a Distinct Business** – The ALJ found that the delivery drivers were engaged in a distinct business of providing hauling and delivery services; the ALJ noted that the Company took pains to track outside contractors so as to avoid having to get into the delivery business.

- **Method of Payment** – The Company did not guarantee the delivery drivers any minimum amount of compensation or number of deliveries; did not pay a salary or hourly rate; and did not withhold taxes, cover the drivers for Workers' Compensation or provide benefits such as health insurance or paid vacation.

- **Intention of the Parties** – The ALJ ruled that both the hauling contractors and the Company generally believed that they were in an independent contractor relationship.

- **Entrepreneurial Opportunity** – The delivery drivers had the right to hire or partner with other individuals, and that gave them the time and ability to work for other companies; the ALJ noted that some contractors either could not or chose not to expand their business; the ALJ was not troubled by a non-compete clause because the drivers had the right

to contract with other companies not in competition with Menard's; the written contract gave them the right to subcontract their work to others.

- **Cell Phones** – The delivery drivers were required to have cell phones for contact purposes; the ALJ rejected the NLRB General Counsel's contention that it was evidence of control and characterized that position as "frivolous." The ALJ noted:

For better or worse, it has become a common expectation that people will be available by cell phone to employers, customers and clients. It is not unusual for cell phone contact information to be included on business cards and on websites in order to facilitate contact. According to one recent study, 95 percent of all American adults have cell phones." See [www.pewinternet.org/fact-sheet/mobile](http://www.pewinternet.org/fact-sheet/mobile) (Pew Research Report from January 2017.)

## Misclassification of contractors a per se violation

In a case originating in Region 21 of the NLRB in Los Angeles, ALJ Dickie Montemayor ruled that drivers for Intermodal Bridge Transport (hereinafter "Company" and "IBT") are employees under the National Labor Relations Act (NLRA), and not independent contractors.

The Company used two types of drivers: those who lease their trucks and those who own their trucks. The litigation involved only the drivers who lease their trucks from the Company.

While these cases are always fact-intensive, the ALJ emphasized the following factors in finding employee status:

- Many drivers could not speak English and no translation services were provided; they were simply instructed where to date and initial the Agreement.

- The Agreements were not negotiable.

- The drivers were not provided a copy of the full Agreements they

signed.

- The Agreements did not provide a fixed term, but rather were of indefinite duration by either party on 24 hours' notice.

- The Company provided the drivers a safety vest with its logo on it and required the vest to be worn.

- The Company provided each driver a radio at the beginning of a shift; drivers were required to use the radio to contact the Company. The drivers would call in on the radio after they finished delivery. The drivers were required to return the radios to the Company at the end of the day.

- The drivers were provided a safety and policies manual, which was printed only in English; failure to follow the Company's policies resulted in progressive discipline, which was set out in the policy manual. The manual specifically prohibited the drivers from contacting customers directly.

- While the drivers leased the Company's trucks for \$60 per day, that amount was not negotiable.

- The Company required drivers to complete a driving proficiency test and a written test. Drivers were given entry-level "driver awareness" training and HAZMAT training.

- The drivers were required to keep the trucks clean and were assessed a fee for not doing so.

- The Company prohibited smoking in the trucks.

- The drivers operated under the name of the Company and drove trucks with both the DOT and CA numbers of the Company displayed on the doors.

- Drivers were required to complete paperwork, including a daily inspection report for the trucks, delivery slips, hours of service logs, and daily manifests; the inspection form had to be turned in daily.

- The ALJ found entrepreneurial opportunity was only theoretical and not actual; none of the drivers provided services to any company other than IBT while leasing trucks owned by the Company.

After reaching the conclusion that the drivers were employees and therefore misclassified under the NLRA, the ALJ said the determination was not merely a mechanism that triggered the applicability and protections of the Act, but rather that misclassification rises to the level of a per se violation of Section 8(a)(1) of the NLRA.

## Texting and confidentiality rules are legal

The Employer had the following



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## Political Advertising Reminders

- Newspapers should not create "Election pricing" - all pricing should come from regular rate cards.
- Frequency discounts can be offered to candidates just as you would a regular customer.
- Newspapers should not offer different pricing options to candidates based on their party preference or their location.
- All ads must include a notation that the ad is "paid for by xxxxxx, and authorized by (or not authorized by) xxxxxx."
- Publishers always have the right to refuse an ad.

**TPA member newspapers may contact the TPA Legal Hotline with advertising law questions.**

# 10 ways to distinguish amateurs from professionals

What sets advertising amateurs apart from professionals? Let's examine some key skill areas.

1. Amateurs do most of the talking in sales appointments. Professionals do most of the listening. When they meet with prospective advertisers, they work to learn marketing goals. They concentrate on discovering "pain points." And they learn about the results of previous campaigns. That's accomplished with questions – along with attentive listening.

2. Amateurs use puffery in ad copy. Professionals use relevant information. They stay away from empty claims and exaggerations such as "unbelievable," "fantastic" and "incredible." Instead, they focus on specific features and benefits that mean something to readers.

3. Amateurs sell one ad at a time. Professionals sell cam-



AD-LIBS®

JOHN FOUST

paigns. The best ads are not stand-alone sales, they are elements of bigger marketing campaigns. By taking the time to develop an overall strategy, professionals have a guideline to follow. There's no mystery about what to do next. They simply follow the plan.

4. Amateurs create spec ads before learning the prospect's needs and developing a marketing strategy. Professionals believe it's important to diagnose the patient before writing a prescription. I cringe when I hear stories of ad

ideas that have been created without doing any homework first. Most of those ads are laughably off target.

5. Amateurs don't know the difference between image ads and response ads. Professionals know that distinction can make or break advertisers' expectations. Image ads are designed to create and strengthen brand identities, while response ads are designed to motivate consumers to "buy now."

6. Amateurs see print and digital as separate entities. Professionals know that print and digital work together to project a cohesive brand image for their clients. In today's multi-media environment, the companies with strong marketplace identities understand that everything must work together. Logos, type fonts, benefit statements, theme colors – they all play important roles.

7. Amateurs run anything their advertisers request, because they don't want to risk offending paying customers. Professionals know they're obligated to stand up for solid advertising principles (with diplomacy, of course). I've never seen a sales person's business card that listed "Order Taker" as a job title.

8. Amateurs wing their way through appointments. Professionals provide prospects with a printed agenda and follow it carefully. They know how to keep things on track. They stay away from running down rabbit trails that can derail a presentation. It's a matter of respecting the other person's time and making a professional impression.

9. Amateurs don't care about typography. Professionals understand that type has been called "the voice of print" for a good reason. They know that all

upper-case type should be used sparingly in headlines – and almost never in body copy. They understand the nuances of serif and sans serif fonts. And they know how to use line-breaks to create readable headlines.

10. Amateurs think they know everything. Professionals are not complacent. They strive to learn more about their prospects, their market, their competitors, and advertising in general. There's truth in the old saying, "The biggest room in the house is room for improvement."

*Copyright 2017 by John Foust. All rights reserved. John Foust has conducted training programs for thousands of newspaper advertising professionals. Many ad departments are using his training videos to save time and get quick results from in-house training. E-mail for information: john@johnfoust.com.*

## What precisely do we mean when we discuss 'classified'?

PETER W. WAGNER  
N'West Iowa Review  
December 10, 2017

I admit I get confused when the conversation turns to the loss of "classified" advertising. Are we talking about those small 30-to-50-word reader ads or the more serious classified displays?

If the discussion is how to resurrect the small reader ads – the word ads advertising an apartment for rent or a wedding dress, only worn once, for sale cheap – that revenue is gone, most likely forever. Our Iowa Capital City daily, once heavy with a fat special section of classified ads, is reduced to a single page today in our rural market editions.

The paid five- or six-line classifieds began disappearing fifty years ago when local, low-wattage radio stations began entering our once exclusive markets. In need of both cheap program material and a way to build listener loyalty, those small-market radio stations offered listeners a daily program where they could call in and share what they had for sale or wanted to buy. Why pay the newspaper \$5.00 or more for a classified ad when they could get their message out for free?

Many free-circulation publications copied that formula when they began publishing small community or regional editions. Smart move, since classified or liner ads make good fill when the ads on a Shopper page didn't fit together tightly. For Shopper Publications, the free ads served as a form of

publication promotion.

Most recently, nearby metro television stations have gotten into the game, offering free employment and other classified ads on their website "as a sign of commitment" to the regional communities in their viewing area.

But wait a second. Aren't those the same television stations that have blatantly appropriated traditionally print automotive advertising to their websites? Aren't those the same once cash-rich TV outlets that have grabbed our once print committed farm and construction equipment advertising with their website deals? The very same television stations that, because they too are losing local traditional advertising dollars, are currently offering digital copies of national and some local ad inserts on their website?

The answer to print's classified problem is not one thing but several things. It starts with creating confidence in ourselves and our publication and with effective promotion of that positive image.

It continues with a fresh commitment to (1) creating a quality product that exhibits a reason for existing and offers (2) good local content, (3) increased use of process color (when did you buy your last black and white television set), (4) great page design, (5) well-designed ads that produce results, (6) unique, original sales promotions, and (7) a sales department staffed with as many inside specialists as outside sales representatives.

### 1. Quality over reason

At our publishing company, we use the word quality over the word reason as our mission statement. Our sales promotion department makes every effort to create quality special sections that attract advertisers and readers alike. Beyond that, our advertising and page designers work overtime to make every ad and every page exciting, informative and effective. Our 55-year old Golden Shopper, regional N'West Iowa Review and recently purchased Sioux Center Shopper – as well as three "hometown" paid circulation newspapers – succeed because there are no other weekly or daily publications capable of competing with us. No publication will thrive if it isn't unique and valuable in the eyes of potential readers.

### 2. Great original content

Original local content is what separates successful community publications from the existing negative perception of many large metro newspapers.

Americans in every size city have learned to tune to CNN and Fox News for breaking national and international updates, but they need their hometown paper for local news, sports information, heartfelt features and local advertising. Yes, readers still buy a paper as much for the ads as they do the editorial value.

And don't forget the three "C's" of community shopper and newspaper publishing. Local newspapers prove to be more "credible" than most online sources

and often are the single media capable of building both "consensus" and a sense of "community" in their market.

### 3. Increased process color

An average edition of The N'West Iowa Review provides readers 80 or more pages published in five to six sections. As many as half those pages, and half the paid ads, are printed in process color. We're seeing the addition of one or two new customers every month at our family-owned White Wolf Web printing plant – some from as far away as 300 miles – because of our ability to print numerous pages of quality process color in a single section. Growing classified advertising, just like its retail and national counterparts, requires the ability to publish full color on any page on demand.

### 4. Great graphic page design

There is much debate today on what format best creates reader interest and loyalty. Some editors believe it is necessary to produce every story short and sweet. "Today's readers don't have the time or interest to read past the first three paragraphs," they say.

Other editors believe today's reader is looking for the full story, with details beyond what is on some blog or radio station website. In either case the presentation of the story is as important as the quality of the reporting and writing. Great newspapers break their reporting into several easy-to-scan parts including the

main story, illustrative photos, factoids, quote boxes, sidebars and cut lines skillfully designed to draw the reader in at many points of the skillfully designed presentation.

### 5. Well-designed ads that produce results

Too many newspaper ads fall short because they don't motivate any action. Rather than offering an opportunity that requires immediate response, the ads simply say nice things about the client's service or way of doing business. When the advertiser doesn't see immediate customer response, they eventually pull their ads or reduce their print budget. A good salesperson encourages the advertiser to list a unique or often purchased item, describe the item's many benefits and offer it at a motivating price. The right message also must be published in a clear, creative, attention-grabbing design.

The same is true of classified employment ads, whose purpose is to get readers motivated to apply for the available positions being offered.

### 6. Original sales promotions

Classified display advertising, like all newspaper advertising, sells best when the salesperson provides an incentive to buy. At The N'West Iowa Review, we offer area manufacturers the opportunity to participate in exceptional Fourth of July and Labor Day tabloids. The first is centered on praising the firm's con-

See **WAGNER** Page 12

# Cultivating journalists: They might be closer than you think

Hardly a week goes by that a publisher doesn't tell me he or she is finding it difficult to find young reporters, designers, editors and ad reps. We could argue for hours about the root of the issue, but I feel like I might have gotten a clue as to part of the reason there seems to be fewer young journalists these days.

Today, I led my second webinar for high school journalists in Tennessee, and as I looked over the list of schools attending, I could have easily been pleasantly surprised by the number of young journalists in the audience. But after doing a little research to see which Tennessee high schools weren't attending, I was more surprised by the schools in our state that do not have high school journalism programs.

Mike Towle, managing editor of Tennessee Press, was kind enough to remind me that my column was due shortly after completing the webinar, so I didn't have time to do detailed research. But I did hop online and checked out a couple of



**THE NEWS GURU**  
KEVIN SLIMP

helpful websites.

Looking over the Tennessee High School Press Association, there seemed to be approximately 15 printed news members from high schools in our state. A dozen of these were newspapers, while a few were listed under the "magazine" and "news magazine" categories. There were also a few schools listed as having "online news" or a similar designation.

I located a listing of online high school news sites in Tennessee, which totaled more than 30. After a little digging, I found about two-thirds of the sites were updated within the past month.

I also compared the total membership of the Tennessee High

School Press Association to the Kentucky High School Journalism Association. It appears Kentucky's group boasts approximately twice the membership of Tennessee's.

I think it's important to note there are probably a number of high school newspapers and online sites in both states that aren't official members of the state associations, so the numbers are probably higher than reported by the two associations.

By now, you're surely wondering what I'm trying to get at. Here's my point in a nutshell: In my experience, most high school newspapers are started by either a teacher or administrator with a love for journalism – or a community newspaper – that takes the initiative to get involved and assist the students in learning the nuts and bolts of creating a newspaper.

Thinking back a few years, I remember at least two times – and there might have been more – when the Morristown Citizen Tribune invited me to lead daylong

events for high school journalists. They rented a large facility and, if memory serves me correctly, there were more than 100 young journalists in attendance each time.

I'm sure some of you remember the late Danny Phillips. The National Newspaper Association gives out an annual award in his name. When Danny was the publisher of the daily newspaper in Oxford, Mississippi, he would invite me to Oxford every two years or so to work with the high school newspaper. When I saw the hundreds of students involved in the journalism program at Oxford High School, I wasn't surprised to learn they were regular winners of the annual award for best high school newspaper in America.

I got the idea to begin leading webinars for high school journalists after a friend in South Dakota told me she had recently helped the local high school begin a print newspaper. The problem in her area was the same as in most places – there was very little funding,

if any, allocated for a high school newspaper, so she took it upon herself, with the help of a journalistic-minded teacher, to work with the students to begin a newspaper.

I'm proud of the newspaper in Morristown and other newspapers in our state who make the effort to work with their local high schools to train and equip young journalists.

Sure, we can debate the future of our industry. We can ask ourselves if we would go into journalism if we had it to do over again. But it might just be that a key to creating future reporters, editors, designers and ad reps is involvement with youth in our own communities.

Many TPA members are already working with their area high school newspapers. If you are, thank you. If not, let me suggest this might be a good time to do some digging of your own and learn how your newspaper can work with local schools in your area. It's the right thing to do, and it's an investment in our future.

## CONTESTS, from Page 5

Show Award. The contest has 29 categories and five divisions based on circulation. Awards will be presented during the summer convention Friday, July 13 in Franklin, Tenn.

The categories are as follows:

### Advertising

- Best Marketing Materials
- Best Niche Publication

- Best Special Section
- Best Sales Promotion for an Advertiser

- Best Use of Multi-Color Ad
- Best Use of Single-Color Ad
- Best Black & White Ad
- Best Feature Page or Pages
- Best 1/4 Page or Smaller Ad
- Best Food Store Ad
- Best Automotive Ad
- Best Professional Service Ad
- Best Furniture and/or Appli-

### ance Ad

- Best Internet Banner or Tile Ad for an Advertiser
- Best Classified Section

### Circulation

- Best Subscription Promotion Idea
- Best Carrier Contest Idea
- Best Single Copy Promotion
- Best NIE Promotion
- Best Carrier Recruitment
- Best NIE Sponsorship Recruit-

### ment

- Best Dealer/Vendor Promotion
- Best Bulk Promotion
- Reader Contest
- Best Subscriber Retention Program
- Best Internet Subscription Promotion
- Best Self-Promotion of a Newspaper
- Other**
- Best Rack Card

### • Best Overall Website

- The divisions are as follows:
- (N-1) Non-daily with a paid circulation less than 5,000
  - (N-2) Non-daily with a paid circulation of 5,000 or above
  - (D-1) Daily with a paid circulation less than 10,000
  - (D-2) Daily with a paid circulation of 10,000 but less than 25,000
  - (D-3) Daily with a paid circulation of 25,000 or above.

## WAGNER, from Page 11

tributions to the American Dream and the second on the commitment and ability of their workers. Other ideas are limited-time discount promotions and holiday tabloids reaching potential workers home for a family visit.

### 7. An inside/outside sales team

Today's effective print advertising departments are a combination of outside and

inside sales professionals. At The N'West Review, our sales team is equally divided with the inside team members calling smaller, occasional advertisers, selling our many community support pages, servicing our auto and farm accounts and selling employment classified display ads.

Over the years we've built a weekly call relationship with major employers in the multi-county area. That effort results in 8 to 14 pages of employment ads weekly.

Most accounts are called weekly to update their employee needs. Those who are not called normally call us when they need help because of the regular contact and personal service they've experienced in the past. Many of the classified display customers buy a combination of our various print products and our website.

I don't spend much time worrying over the loss of the individual reader word ads. But I am watching our commitment to

traditional machinery, auto, auction and employment classified display ads. They will remain part of our paper's franchise only if we continue to put their interests first in every way.

\* \* \*

GET REAL is a monthly training memo available exclusively through state and regional press associations. For Wagner's uniquely different, free PAPER DOLLARS digital newsletter for

editors, publishers and sales managers, contact him at the email address shown below,

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## ZINSER, from Page 10

work-related rules:

a. All documents are considered confidential and the sole property of Green Apple Supermarket and are not to be distributed or taken off the premises. There is to be no copying, faxing or photographing of documents. Failure to comply may result in dismissal and legal action.

b. Texting and playing electronic

games is strictly prohibited and will result in a warning; three warnings will result in a dismissal.

The union representing the employees filed an unfair labor practice charge, alleging that the rules "interfered with, restrained, or otherwise coerced employees in the exercise of their rights under the National Labor Relations Act."

ALJ Kenneth Chu ruled that the Employer's rules are lawful. The

ALJ noted that the rules do not explicitly restrict activities protected by Section 7, and that the rules were not promulgated in response to union activity.

Editor's Note: The rule with respect to documents is very important. In recent years, the NLRB has been very disparaging of Employer property rights. If this ALJ case is appealed to the full Board in Washington, we now have a fully constituted Board

with three Management appointees in the majority. Let us hope they maintain the legality of this rule.

## Social media passwords not disclosed

The plaintiff had filed suit against the Employer for sexual harassment and an intentional infliction of emotional distress. In the discovery process, the Employ-

er wanted to compel the plaintiff to provide direct access to her social media accounts – or, in the alternative, provide copies of her social media communications. The Employer's discovery requests in that regard related to the "incident" described in the Complaint.

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