

Official Publication of the Tennessee Press Association

The Tennessee Press

Volume 83

January 2020

No. 7

INSIDE

Vass: Yoda offers his take on newspapers

Page 2

Daniels: Fair Report Privilege ruling explained

Page 3

Tracks

Page 5

Daily Herald carrier gets Good Samaritan award

Page 5

TPA Members Showcases

Pages 6-7, 12

Cross: A shout-out for granular local reporting

Page 8

Fisher: Mom files public-records lawsuit

Page 8

3 health-care companies file reverse public records suits

Page 9

Deadlines approach for TPA state contests

ROBYN GENTILE
Tennessee Press Association
December 16, 2019

The entry deadline for the 2020 Tennessee State Press Contests is Friday, Feb. 21. Once again, the Contests will utilize the BetterBNC online contests entry and judging platform.

The categories are the same as they were in 2019. 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.

The entry fee increased to \$10 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 2020 and the \$1 increase will go toward a website showcasing the winning work.

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

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



TPA file photo

First-place winners in the 2019 TPA State Press Contests show off their hardware at the 2019 TPA Summer Convention held in Chattanooga in July 2019.

- Division Four: Combined weekly total circulation of 50,001-200,000
- Division Five: Combined weekly total circulation of 200,001-plus.

The complete contests general rules and link to entry portal will be available at www.tnpress.com. 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 TPA Summer Convention

on Friday, June 19 in Pigeon Forge.

TPA will need judges to meet obligations to its reciprocal judging partner in April. If your newspaper enters the TPA contest, we ask that you provide a judge.

Ad/Circ Ideas Contest

Plan now to enter the 2020 Ideas Contest, Tennessee Press Association's contest for advertising and circulation ideas.

Entries will be submitted as PDFs online. The deadline is Friday, Feb. 28. There are no changes or additions to the categories for 2020.

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 Show Award. The contest has 29 categories and five divisions based on circulation. Awards will be presented during the TPA Summer Convention on June 19 in Pigeon Forge.

The divisions are as follows:

- (N-1) Non-daily with a total circulation less than 5,000
- (N-2) Non-daily with a total circulation of 5,000 or above
- (D-1) Daily with a total circulation less than 150,000
- (D-2) Daily with a total circulation of 15,000 or above.

Revised Schedule for 2020 TPA Winter Convention

Wednesday, Feb. 12
10:00 a.m. TPS Board of Directors
1:00 p.m. TPA Government Affairs Committee Meeting
2:00 p.m. TPA Board of Directors Meeting & Concurrent Business Session
3:30 p.m. TPA Foundation Board of Trustees Meeting
5:00 p.m. Opening Reception (all state legislators are invited)
7:00 p.m. Dinner on one's own

Thursday, Feb. 13
7:45 a.m. Breakfast: Public Notices
9:00 a.m. Address by Gov. Bill Lee
9:30 a.m. Uncovering the Police
10:30 a.m. Vanderbilt Poll
11:00 a.m. Lt. Gov. Randy McNally and Speaker of the House Cameron Sexton
Noon Luncheon address by Ken Paulson
1:45 p.m. Convention adjourns

Why America needs newspapers

The newspaper business didn't get off to a good start in America.

Publick Occurrences Both Foreign and Domestick, the first real newspaper in America, was supposed to be a weekly, but it lasted exactly one issue. It was shut down by the colonial government, in part because it published speculation about the king of France having intimate relations with his daughter-in-law. I assume this came from confidential sources.

I share this ancient account because at a time when many are



GUEST COLUMN

KEN PAULSON

writing the obituary of America's newspapers, it's helpful to remember that things have rarely been rosy for those who challenge the powerful, publish the truth and look

out for the American people.

- Despite a newly adopted First Amendment, President John Adams used the Alien and Sedition Act to target critics of his administration, including newspaper editors. By the end of his term, America had come to its senses, deciding that Freedom of the Press was real.

- Those fighting for equality for women and the end of slavery cou-

See **PAULSON** Page 3

The Tennessee Press

(USPS 616-460)
Published monthly by the

TENNESSEE PRESS ASSOCIATION, INC.
412 N. Cedar Bluff Road, Suite 403
Knoxville, Tennessee 37923
Telephone (865) 584-5761/Fax (865) 558-8687/www.tnpress.com


Subscriptions: \$12 annually
Periodicals Postage Paid At Knoxville, TN

POSTMASTER: Send address changes to The Tennessee Press,
412 N. Cedar Bluff Road, Suite 403, Knoxville, TN 37923

The Tennessee Press is printed by The Standard Banner in Jefferson City, Tenn.

Carol Daniels Editor
Mike Towle Managing Editor
Robyn Gentile Production Coordinator



 The Tennessee Press
is printed on recycled paper
and is recyclable.

TENNESSEE PRESS ASSOCIATION

Chris Vass, Chattanooga Times Free Press President
Daniel Richardson, Carroll County News Leader, Huntingdon Vice President
Darrell Richardson, The Oak Ridger Vice President
Joseph Hurd, The Courier, Savannah Secretary
Eric Barnes, The Daily News, Memphis Treasurer
Doug Horne, Republic Newspapers, Knoxville Immediate Past President
Carol Daniels Executive Director

DIRECTORS

Scott Critchlow, Union City Daily Messenger District 1
Keith Ponder, The Daily Herald, Columbia District 1
Daniel Williams, The Paris Post-Intelligencer District 1
Maria De Varenne, The Tennessean, Nashville District 2
Jack McNeely, Herald-Citizen, Cookeville District 2
Amanda Hill Bond, Pickett County Press District 2
Paul Mauney, The Greeneville Sun District 3
Dale Gentry, The Standard Banner, Jefferson City District 3
Sara Jane Locke, The Herald-News, Dayton District 3

TENNESSEE PRESS SERVICE

Dave Gould, Main Street Media of Tennessee, Gallatin President
Jana Thomasson, The Mountain Press, Sevierville Vice President
Ralph C. Baldwin, Cleveland Daily Banner Director
David Critchlow Jr., Union City Daily Messenger Director
W.R. (Ron) Fryar, Cannon Courier Director
Michael Williams, Paris Post-Intelligencer Director
Carol Daniels Executive Vice President

TENNESSEE PRESS ASSOCIATION FOUNDATION

Victor Parkins, The Milan Mirror-Exchange President
Mike Fishman, Lakeway Publishers, Morristown Vice President
Richard L. Hollow, Knoxville General Counsel
Carol Daniels Secretary-Treasurer

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 118 East Kingwood Drive, Suite F16, Murfreesboro, TN 37130, or email editor@tnpress.com. The deadline for the March 2020 issue is Tuesday, February 4.

Yoda gives his take (sort of) on the newspaper industry

The new year is off to a quick start, and with that comes a burst of optimism. We made it through another 365 days! Now, with a quick swipe to the 2020 calendar, we are energized about new beginnings and the promise and possibilities this new year offers. It's a good time to take stock of where we are and where we want to be.

Laying the groundwork for a successful 2020 means assessing how our newsrooms, sales teams and customer service/circulation departments fared last year. Of course, laying the groundwork for a future in this industry is daunting. In Episode V of the Star Wars saga, "The Empire Strikes Back," which was in theaters more than 35 years ago, Jedi master Yoda says, "Difficult to see. Always in motion is the future." He could have been talking about the newspaper industry.

Nonetheless, our future is in our hands (well, mostly). Getting started on a solid 2020 begins with a look at 2019's successes and stumbles before they are a distant memory:

- What worked? Do you know why?
- What didn't perform as expected? Do you know why?

Looking ahead, consider:

- What is holding you back?
- Is there specific training some of your staff need but you haven't found it, or found it at an affordable price?
- Are there specific challenges you need help with?

This is a great opportunity for you to express that need to the Tennessee Press Association because the TPA can help with training and networking. We need to hear from you.

One overlooked assessment is what you can stop doing. The financial reality of our industry has meant all teams are doing more with less. However, a thorough evaluation of what you do, why you do it and for whom you are doing it might lead to some insights about what we can live without.

Sometimes, we do things out of habit or simply because we've been doing them for years. But when we stop and reassess, we realize that



**YOUR
PRESIDING
REPORTER**

CHRIS VASS

task might no longer be important. If you ask why something is being done and the answer is, "Because we've always done it that way," you probably need to rethink the task.

For example, for the past 20 years at the Chattanooga Times Free Press, a designer has stayed late into the evening — or early into the morning on some days — to check the papers coming off the press. If we found a mistake, we'd stop the press, replate and ship a new error-free file. But the new press we built a few years ago runs so fast that even when we caught a typo, we'd only get it fixed for a small fraction of our papers. This year, we abandoned that practice. Sure, we felt a little queasy about giving up this last set of eyes on our product, but the move allowed us to put more effort into more important tasks earlier in the day.

What can you experiment with?

Can you test different sales tactics, pricing strategies or news features or columns? If so, measure results and resolve to fail faster — if something doesn't work, quit doing it. If it works, fantastic! Keep doing it, look for ways to expand it, boost it. At the Times Free Press, we have changed our morning meeting time and story budgeting process to support increased emphasis on our digital initiatives.

Do we know enough about our customers, our readers, our advertisers and our employees? How can we learn more? Again, this is a great chance to let your TPA director or TPA staff know about the need for this kind of research. That kind of data can help us all meet the needs of our constituencies. And they all matter.

And while we must stay focused on strengthening our individual papers, let's not forget that the strength

of our professional organization also needs our time and energy.

2020 TPA Winter Convention

I hope most of you will be in Nashville next month for our Winter Convention (early registration discounts are available until Jan. 17; final registration deadline is Feb. 7). Note that we are eager for students at the collegiate journalism programs to participate. TPA is offering 40 scholarships. (Contact Robyn Gentile at the TPA office at 865-584-5761).

There is plenty on deck at the convention, including our legislative reception on Feb. 12. This is an opportunity for all of us to talk to our legislators about our issues (and there are several this year) related to open records, public meetings, access, transparency, etc. These types of discussions never end; new issues are always showing up, ripe for debate. A strong turnout for this reception and our convention signals to lawmakers that we are united and committed. On the 13th, we will have a chance to hear from Gov. Bill Lee, Lt. Gov. Randy McNally and House Speaker Cameron Sexton. We will get a peek at some Vanderbilt polling data and hear from attorney Rick Hollow as well as veteran newspaper experts Jack McElroy and Ken Paulson. It's a dynamic program with presentations sure to spark thoughtful discussion and perhaps plant some seeds for ideas to take home, issues to follow up on and stories to pursue.

Twenty twenty will most certainly be a year that will push us, test us and hopefully reward us. Our success — and survival — requires our commitment to do whatever we can to meet our audiences' needs: with news only we can provide, with superior customer service and with a results-focused sales effort. Our readers are counting on us. Or as Yoda so succinctly said: "Do. Or do not. There is no try."

Chris Vass is president of the Tennessee Press Association for 2019-2020. Contact her at cvass@timesfreepress.com.

Happy New Year as we open the door to 2020!

We are looking forward to seeing everyone at the 2020 TPA Winter Convention in February. Please make plans to attend the legislative reception this year. The last couple of years have been very well attended, and I hear from our lawmakers how much they enjoy spending time with their local publishers, editors, etc.

In December, the Tennessee Supreme court ruled that Fair Report Privilege does not apply to non-public interviews. As you know our counsel, Rick Hollow, was involved in this case.

The Court ruling determined that the fair report privilege does not apply to a non-public, one-on-one conversation between a reporter and a detective of any sheriff's departments.

Jeffrey Todd Burke sued Sparta Newspapers, Inc. for defamation after the newspaper published a story by one of their reporters based on a non-public (not a press conference, official statement or sanctioned interview) conversation with a detective from the White County Sheriff's Department. Burke's lawsuit claimed the article published defamatory



FROM THE EXECUTIVE DIRECTOR

CAROL DANIELS

statements that came from that interview.

Rick Hollow's overview and summary of the ruling:

The fair report privilege was designed to encompass only public proceedings or official actions of the government that have been made public. The keys here are public proceedings and having been made public. A statement to which the privilege applies is worthy of public notice, not only because of the contents of the statement, but also because of the context in which it was made. The fair report privilege applies only to public proceedings or official actions of government that have been made public. This enables newspapers and other outlets to be the eyes and ears of members of

the public who would have been able to witness the proceeding or obtain the information had they been present to see or hear, but at the same time this limitation ensures that the fair report privilege remains closely connected to the rationale from which it originated, specifically the public's interest in being informed of official actions that are themselves public.

The fair report privilege can be defeated by showing that a report about an official action or proceeding was unfair or inaccurate. Records are generated of public proceedings or official actions. Any report on a public proceeding or official action can, therefore, be compared to the record from which it is taken. Therefore, the reader can easily determine whether the report is fair and accurate and entitled to protection or not. Judges, lawyers or litigants would have no objective means of determining the fairness and accuracy of a report if it is derived from a non-public one-on-one conversation. Only the parties to the conversation would know what was said. In such circumstances, every assertion of the fair report privilege would require testimony from the parties to the

conversation and an assessment of their credibility if there was litigation to determine whether the report was in fact fair and accurate.

In sum, we conclude that expanding the fair report privilege to nonpublic, one-on-one conversations would constitute a departure both from the rationale on which the privilege is based and from existing Tennessee law defining its scope and that such an expansion would unnecessarily complicate the task of determining whether a report should be protected by the privilege. For all these reasons, we hold that the fair report privilege applies only to public proceedings or official actions of government that have been made public.

Both Rick and I agree that this creates more questions than it answers. Rick will be at the Winter Convention on a panel to discuss public notices, I hope you all plan to attend.

Carol

Carol Daniels is executive director of the Tennessee Press Association.

PAULSON from Page 1

rageously and at considerable risk published newspapers to make the case for change.

- Throughout our nation's history, newspapers have made it their business to hold the powerful accountable. Newspapers haven't always made a lot of money, but they've always made a difference.

It's important to acknowledge newspapers' past, but also to express concern about their future.

Digital technology has been a game changer

Digital technology has upended countless industries, including popular music (remember CDs?), travel agencies, and greeting cards.

There's a new generation with no appetite for newsprint and who have a general sense that news should be free. Although newspapers have moved to build a business around online news – a

little slowly for a societal shift that began in 1993 – they were never able to charge ad rates comparable to what they earned in print. That, in turn, has led to a reduction in profits and a corresponding reduction in reporting resources. It's not a pretty picture.

That said, too many view this as a business story about an industry struggling with change and technology. That's shortsighted. If newspapers aren't around – in print or online – tax dollars will be wasted, government corruption will be widespread and our collective quality of life will suffer.

A world without newspapers would mean no one sitting in that press chair at city council meetings, monitoring how taxpayers' dollars are spent.

It would mean voters without any information upon which to base a vote, relying only on the social media and advertising onslaught of partisans and politicians.

A world without newspapers means we would know virtually nothing about the communities in

which we live. With all due respect to news broadcasters, they would be the first to tell you that newspaper content is critical to deciding what to cover.

Honest coverage could be a victim

The biggest loss, though, would be the disappearance of an honest broker, writing about the issues that matter most and giving citizens a real understanding of how their community is faring. I emphasize "honest."

I've written for newspapers as small as the Elmhurst (Ill.) Press and as large as USA Today, but the culture was always the same. Our job was to serve the public, take no prisoners and never play politics. Critics of the press will never believe this, but I've spent 25 years in America's newsrooms and never heard anyone dare suggest that a story take a certain slant to score political gains. That would lead to dismissal.

The truth is that newspapers need

our support today more than ever.

The first generation of Americans demanded a free press because they wanted a check on government and protection for the Bill of Rights. That's a big job, but newspapers have been doing it for the past 228 years.

I believe that most of America's local dailies and weeklies will continue to serve their communities for years to come, but we can't take that for granted.

All of us need to think about the high stakes facing a society without members of a free press maintaining a check on the powerful.

Read. Subscribe. Buy ads. And if you're not inclined to do any of those things, go ahead and write a check to your local paper anyway.

Think of it as an insurance policy on the kind of country we want – and need – America to be.

Ken Paulson is the director of the Free Speech Center at Middle Tennessee State University and the founder of the 1 for All campaign for the First Amendment.

FOR YOUR CALENDAR

JANUARY 2020

19-25: 2020 Tennessee Press Association Public Notice Week

FEBRUARY 2020

12-13: 2020 Tennessee Press Association Winter Convention, DoubleTree Nashville Downtown Hotel, Nashville
17-19: 2020 Key Executives Mega-Conference, Southern Newspaper Publishers Association, Omni Fort Worth Hotel, Fort Worth, Tex.

21: Entry deadline for 2020 TPA Press Contests

28: Entry deadline for 2020 TPA Ideas/Circ Ideas Contest

MARCH 2020

5-8: 2020 Investigative Reporters and Editors (IRE) Computer-Assisted Reporting (CAR) Conference, New Orleans, La.

11-14: College Media Association Spring National College Media Convention 2020, New York Marriott Marquis, New York City

APRIL 2020

17-18: Journalism Education Association National Convention, Gaylord Opryland, Nashville
23-28: 2020 International News Media Association (INMA) World Congress of News Media, Paris, France

JUNE 2020

18-19: TPA Summer Convention, Pigeon Forge

19: TPA Ad/Circ Conference, Pigeon Forge

19: TPA State Press Contests Awards Banquet, Pigeon Forge

18-21: 2020 Investigative Reporters and Editors (IRE) Annual Conference, Gaylord National, National Harbor, Md.

OCTOBER 2020

21-25: College Media Association Fall National College Media Convention 2020, in conjunction with Associated Collegiate Press, Atlanta Hyatt Regency, Atlanta, Ga.

JULY 2021

24-26: 2021 Tennessee • Arkansas • Mississippi Press Associations Tri-State Convention, Memphis

Meet them where they are, and that means preparation

Tim manages an ad sales team. “When I started my career in the newspaper business, I quickly learned that advertisers can be worlds apart in their knowledge of marketing,” he said. “That’s why one of my favorite sales principles is the old slogan, ‘Meet them where they are.’”

“This means we have to recognize that our prospects have different levels of experience. Most of them don’t have our knowledge of the intricacies of newspapers. If we don’t talk to them on their level, they will tune us out. And most of them are too polite to tell us we’re doing a poor job of explaining things.”

Tim’s comments remind me of the time my wife and I helped her



Ad-LIBS®

JOHN FOUST

father select a car. He loved his 14-year-old car, but it was time for a replacement, because expensive things were beginning to go wrong with it.

At the dealership, we found a nice used car with only 12,000 miles – a much-newer version of his old model. Our salesperson was sincere and down-to-earth, but unfortunately, he was hung up on technology. He spent most of the

test drive talking about the screen in the middle of the dashboard. He was a walking encyclopedia of Bluetooth and wi-fi and digital programming, but my father-in-law had no interest in those things. He just wanted to see how the car drove and learn the relevant differences between his old car and the new one. His patience with the barrage of comments like “Look at this other cool feature” was a clear sign that he liked the car.

In spite of the salesperson’s single-minded focus, my wife’s dad decided it was the right car for him. When the transaction was over, he mentioned that the salesperson was nice, but extremely confusing. The next day, he accepted my offer of a simple

tutorial. I sat in the car with him, placed my hand over the dashboard display and said, “The first thing we’re going to do is forget about all of this.” He said, “That’s a good start.” Then we reviewed and practiced some basics until he was comfortable. When we finished, he said he was more confident and even more excited about the car.

Age and experience make a big difference. That car salesperson should have known that a person of my father-in-law’s age wouldn’t care about fancy technology. But he was so blinded by his own interest that he couldn’t see things from another person’s perspective.

“It’s all a matter of common sense,” Tim said. “If a prospect is a

numbers person, we should talk in terms of numbers – even if we’re not numbers people ourselves. If someone is an idea person, we should focus on ad concepts. Of course, this means we have to be prepared to talk to about advertising from all angles.”

Meet your prospects where they are. Let that be your guideline, and you’ll be on the right road.

Copyright 2020 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

OBITUARIES

Larry K. Smith, former publisher of The LaFollette Press, died Dec.

26, 2019. His complete obituary will appear in the February edition.

NEWS

Annual Public Notice Week set for the week of Jan. 19-25

TPA’s 9th annual Public Notice Week is January 19-25. TPA is working to have material and information out to you in early January.

Please plan to participate in this observance to remind your readers of the importance of public notice. Contact Robyn Gentile for more information at rgentile@tnpress.com.

Webinars available at no charge and includes those archived

TPA member newspapers can take advantage of all of the webinars offered by the OnlineMe-

diaCampus.com for free in 2020. This access includes all archived webinars as well.

Based on the great participation in 2019, the TPA Board of Directors budgeted for this opportunity and hopes every member will take advantage of some training.

TPA members will need a special code to access the webinars. If you want to access archived webinars, a separate code will be needed.

Please contact Robyn Gentile, TPA member services manager, for more information and if you want to get a webinar code at rgentile@tnpress.com or (865) 584-5761, ext. 105.

January topics:

Jan. 10 – Cybersecurity

Jan. 16 – Classifieds 2020

The archived library includes more than 240 webinars.

Zachary named new president of GA First Amendment Foundation

**SUBMITTED
GA First Amendment Foundation
December 11, 2019**

Jim Zachary has been named president of the Georgia First Amendment Foundation.

Zachary, who is CNHI’s deputy national editor and editor of The Valdosta Daily Times, was elevated by the GFAP board of directors in Atlanta.

Before moving to Georgia, Zachary was an eight-time winner of the prestigious Edward J. Meeman Award from the Tennessee Press Association and the University of Tennessee, largely being recognized for open government advocacy and editorial writing there as well.

Zachary was also a presenter for a newsroom session at the 2019 TPA Summer Convention in Chattanooga, where he spoke about putting more of a focus on dynamic writing, print, and digital presentation, strong commentary, the value of social media and video, and the importance of solutions and enterprise journalism.

When he takes the reins Jan. 1, Zachary will be just the fourth president in the foundation’s history.

He succeeds retired CNN executive Richard Griffiths, who took over from Shawn McIntosh, edito-

rial director for the Atlanta Journal Constitution. GFAP founder and first president Hyde Post established the foundation in 1994 and served as president for more than two decades.

“It’s terrific to have someone like



Zachary

Jim, who has a broad understanding of the needs of Georgia outside Atlanta, be part of the organization and be in this leadership role,” Griffiths said. “This is all about the

battle for transparent government, and Jim has been a champion for that for years.”

Zachary’s long journalism career has been centered around defense of the First Amendment and open government advocacy.

He is the holder of the David E. Hudson Open Government Award. Zachary won the Associated Press Media Editors Award in 2015, 2016, 2017 and 2018.

He accepted the Georgia Press Association’s Freedom of Information Award in 2013, 2014, 2015, 2016, 2017 and 2018, for his work with three different Georgia newspapers.

Zachary has received multiple community service and public service awards from APME and GPA as the result of his work focused on government transparency. Previously in 2019, he was feted as CNHI’s Editorial Writer of the Year, and he has won multiple state and national recognitions for editorial writing, mostly focused on open government advocacy.

“Serving the Georgia First Amendment Foundation, and even more importantly, the people of Georgia who want access to public records and local government meetings, is important work that matters, really matters,” Zachary said. “Defending the First Amendment and advocating for government transparency are noble pursuits and crucial for our liberty.”

The Georgia First Amendment Foundation was established in 1994 and is a nonprofit organization that works to educate the public, public officials, journalists and lawyers on Georgia’s open records, open meetings and free speech laws. GFAP is the only organization in Georgia with the specific mission to advocate for government transparency, free speech rights and access to public information, meetings and proceedings.



Tennessee Press Service Advertising Placement Snapshot

	ROP:	Networks:
November 2019	\$146,308	\$9,101
Year* as of Nov. 30	\$1,297,893	\$155,529

* The TPS Fiscal Year runs Dec. 1 through Nov. 30

TRACKS

Simpson hired as editor at Mountain Press

The Mountain Press, Sevierville, recently hired Cindy Simpson as its new editor. Simpson comes to the publication from the Roane County News in Kingston, where she was assistant editor.

“We are really excited to have her. We think her years of experience in news will be an immediate asset for us,” said publisher Jana Thomasson.

Jason Davis, who had been editor at The Mountain Press since 2007, was to remain on as associate editor during the transition. He will be leaving the publication to pursue a degree in education.

Simpson spent 15 years at the Roane County News. She began as a reporter covering the city of Harri-man and town of Oliver Springs. She also was responsible for the weekly publication of the Harri-man Record, a small weekly that the Roane County News produced for a number of years.



Simpson

In addition to reporting, she also served briefly as an interim editor at the Morgan County News, Wartburg, before her promotion to assistant editor at the Roane County News, Kingston, in 2018.

She expressed her excitement for the opportunity to join the staff of The Mountain Press and continue providing excellent news coverage to beautiful Sevier County.

“I’m grateful for the opportunity to join the staff of The Mountain Press,” Simpson said. “I look forward to getting out in the community to meet the wonderful people of Sevier County. I’m impressed with the excellent staff at The Mountain Press and excited to get to work providing the best news coverage to the community.”

*The Mountain Press, Sevierville
Dec. 10, 2019*

Daily Herald carrier gets Good Samaritan Award

MIKE CHRISTEN
The Daily Herald, Columbia
December 4, 2019

Thirteen Columbia firefighters and a carrier of the The Daily Herald, Columbia, were recognized recently by city officials during a special pinning ceremony.

Inside the city council chambers, The Daily Herald’s Richard Musgrove was presented with the city’s Good Samaritan Award for his actions saving an elderly woman from a burning vehicle in November.

“This is an honor,” Musgrove said after the ceremony, holding the framed certificate presented to him by Columbia Fire and Rescue Chief Ty Cobb.

On Nov. 25, Musgrove was driving down Trotwood Avenue on his route just before 3 a.m., when he noticed a red Jeep Renegade that had caught fire near the rear of the vehicle.

He saw the car was parked next to a gas pump in front of a Kwik Sak convenience store and discovered that the car’s driver was still

inside, unaware of the fire.

“He set an example that everyone can follow,” Cobb said. “His actions saved a life. . . . That is what makes Columbia great and Maury County great — having great people.”

The car’s driver was reported to be in a state of confusion.

Musgrove and another carrier cut the woman’s seat belt and pull her from the car without harm as fire crews arrived to extinguish the flames.

No injuries were reported.

“We’re all very proud of Richard and his efforts to render aid to someone in need,” said Keith Ponder, publisher of The Daily Herald. “All of our contractors are a vital part of our business, and



Photo by Mike Christen, The Daily Herald, Columbia
Newspaper carrier Richard Musgrove, left, shakes hand with The Daily Herald publisher Keith Ponder, right, joined by Circulation Director Anthony Dezarn, center, after Musgrove was presented with a Good Samaritan Award.

like Richard, do big things and small things to serve our customers and our community.”

Musgrove says he has been delivering The Daily Herald on and off for about 40 years. He first took a position with the local paper delivering on bicycle to homes and businesses on West 7th Street.

Lessons from a failed newsletter on how to engage with your audience

QUINN RITZDORF
Reynolds Journalism Institute
May 8, 2019

Short Takes is an occasional series that captures interesting work by Missouri School of Journalism students.

As part of my RJI Student Innovation Fellowship with the Greeley Tribune in Greeley, Colorado, a co-worker and I were given the task to start and grow a paid subscription newsletter, The Playbook, that covered rural prep sports in Northern Colorado.

After five short months, the Tribune’s management ended the newsletter because we failed to get enough subscribers, causing the company to lose money.

I may have learned far more about audience engagement through the struggles than I would have if the newsletter succeeded.

I was forced to get creative, to do whatever I had to lure and keep the audience engaged and coming back for more. In some ways, we did just that, even though we ran out of time.

One of the things I learned is that audiences love lists, so here are three ways to engage with your audience.

1. Give the audience what they want

The most important aspect of any journalism is understanding who your audience is and what your audience wants.

This seems self-explanatory but this idea gets lost on journalists, as many create content they would want rather than thinking about their audience. We fell into this trap.

The Playbook covered 11 small schools across Northern Colorado, and when it first started, we covered about two schools per issue with long, in-depth featured stories.

This meant that we were leaving out nine other schools and their communities, which added up to be about 500 potential subscribers. So we realized we needed to create shorter sections with a wider variety of schools in each issue. We tried to never leave a school out.

These new sections included highlighting players of the day and giving fun facts about each school in the league all while still maintaining the main feature story in the newsletter.

2. Interact with your audience

Once we changed the format of The Playbook, we turned our attention to the big question — how do we keep and bring in new subscribers?

We came up with strategies for interaction. Readers will come back if they are personally invested in the content and have a say in some of the sections. We added special sections, such as trivia questions about the high school league, and contests, where we asked the subscribers their predictions of a certain games and kept a running leaderboard.

We also asked subscribers for submissions of videos or photos of sporting events to include in the newsletter, hoping that it would create more interaction between us and our readers.

The problem was this newsletter covered such a specific niche that we didn’t have many subscribers in the first place, which affected how many people actually interacted with us. The strategy was sound, but it would have been more effective with a bigger base.

3. Take advantage of social media

We had more than double the number of followers on our social media accounts than subscribers to the newsletter, which helped spread the word of the newsletter more than we could have done by word of mouth. The Playbook quickly gained recognition and was beginning to grow.

This was in large part due to another new section we added to the newsletter. Every Monday, we compiled the top four male and female athletes and created a Twitter poll for the community to vote on the athlete of the week.

It was interesting to see how much support these athletes received from their communities.

It became a competition between schools to vote their athletes to the top of the poll.

Many of these Twitter polls would receive 300-500 votes and have numerous interactions between athletes and school communities.

Note: Use social media for growth

Near the end of the newsletter, schools were tweeting to our account about score updates or sports news, which goes to show how much social media can be used to grow a publication or even a brand in a short amount of time.

Quinn Ritzdorf is a convergence journalism student at the University of Missouri. During Spring 2019, he worked at the Greeley Tribune on a prep sports newsletter that covered 11 schools in Northern Colorado.

Previously he has created multimedia stories for KBIA, KOMU, Missouri Business Alert and the Columbia Missourian. Follow him on Twitter @QRitz7.

TPA MEMBER COVERAGE SHOWCASE I: Jackson Sun

The heartbreaking reason why school officials spent one night on roof of elementary school

LASHERICA THORNTON
Jackson Sun
May 7, 2019

The South Gibson County Elementary School principal Billy Carey and the district's superintendent Eddie Pruett spent Monday night, May 6, on the roof of the elementary school after its students surpassed two funding goals of \$7,000 and \$15,000.

In less than a month, the preschool-through-third grade students raised \$28,830.74 for St. Jude Children's Research Hospital and its patients.

Even though the fundraiser ended in February, the arms of St. Jude reached South Gibson last week when a teacher's two-year old daughter was diagnosed with B cell lymphoblastic leukemia and has been at the hospital since.

Rachel Sanford, a first-grade teacher at the school, found out Thursday about her daughter Josey's diagnosis.

They went to the doctor Thursday night because of bruising on her legs. Sanford said she thought it was normal for a toddler, but was shocked when they had to go to St. Jude immediately.

"St. Jude has been wonderful at helping and answering all of our many questions," she said. "Our community of Medina has shown so much love and prayers the past five days."

Carey said the raised funds are now being used by people the school and community work with, care about and love.

"It's amazing for this age group to see how donations toward organizations help people," he said.

Sanford's friend Callie Craig, the St. Jude coordinator and a first-grade teacher, said they were blessed to be in a community, where parents and students care.

Even though students learned about the children their donations would impact, Craig said the kids were distant, in a sense, because the children were unknown. With Josey's diagnosis, the kids knew a child that would receive toys, food and shelter at St. Jude.



Photos by Kenneth Cummings, The Jackson Sun

Top photo: South Gibson County Elementary School principal and Gibson County Special School District superintendent Billy Carey and Eddie Pruett wave to students from the roof of the school, Monday, May 6. Carey and Pruett told students if they reached their fund raising goal for St. Jude, they would sleep on the roof for one night. **Below:** South Gibson County Elementary School students look up at their principal and superintendent Billy Carey and Eddie Pruett on the roof of their school.

Fundraiser goals

The school does the fundraiser each year between late winter and early spring. Last year (2018), the elementary students raised between \$12,000 and \$13,000.

More than doubling that amount made Craig proud. She said students recognized the cause they were donating to.

The school, itself, had a math-a-thon, where they did math to save a life. For students who raised funds, some made the fundraising unique, like a student who baked hot cinnamon rolls for donors and a past student who painted a strawberry on a rock for every donation.

When Carey set a goal of \$7,000,



South Gibson County Elementary School principal Billy Carey stands next to a tent on the roof of the school, Monday, May 6.

Pruett, the superintendent, said it was low considering previous year donations. So, he challenged students to raise \$15,000, which the students exceeded as well.

As the superintendent, Pruett said many families and students are blessed, yet just as many are struggling. He said no matter what families are going through, it's rewarding to see a community give back.

To outdo a camel

When a goal is reached, the principal is challenged. For example, Carey rode a camel two years ago and did a golf cart race last year.

Craig said she thought, "What could outdo a camel?"

Wanting to make it bigger and better, she got the idea to have the principal, and later the superintendent, camp out on the roof.

Equipped with tents, food, and shade, he and Pruett braced themselves in the hot sun. On Monday before he took to the roof to set up shade, Carey said he'd wake up in his pajamas and start Tuesday as any other day. Because Tuesday would be pajama day for the students and teachers — another reward of the fundraiser — he'd be able to blend right in.

"Thank goodness we have pajama day tomorrow (Tuesday)," Carey said. "I'll probably be in my pajamas and the coffee will

be brewing in here, hopefully. We'll just get up and get ready for another day."

Awareness, connection and a difference

Before the teacher's daughter was diagnosed, Craig said the fundraiser was amazing even after the last day because students would still donate. She said it showed how thoughtful the children were, like a student who donated

her birthday gifts to the kids of St. Jude.

"It was because of this fundraiser; this fundraiser brought awareness," she said.

But, with news about the diagnosis, students were able to make a connection.

When Sanford told her kindergarten daughter Stella about her sister Josey's leukemia, Stella replied that she was like the kids they raised money for at school, Craig said.

"She made a connection because she had participated at school," she said. "It touches lives. It really makes a difference in their lives because their world was turned upside down in a matter of hours."

"And, you don't know what you're going to do. Through fundraisers and people helping St. Jude, you don't have to wonder what you're going to do."

Sanford said her six-year old daughter Stella knows and understands more than normal because of the St. Jude fundraiser at the school.

Yet, the hardest part of it all has been the fact that Josey is just two years old and doesn't understand what is going on, Sanford said.

"We are taking this day by day and hour by hour," Sanford said. "This will be a long road and we are thankful for those who are on Josey's Journey with us."

TPA MEMBER COVERAGE SHOWCASE II: Hendersonville Standard

Toddler saved by first responders becomes Hendersonville firefighter 18 years later

TENA LEE
Hendersonville Standard
May 10, 2019

For Hendersonville resident Tim Jones, watching his son Zack graduate from the Tennessee Fire Service and Codes Enforcement Academy recently was a full-circle moment he won't soon forget.

Zack Jones, 20, was one of nine Hendersonville firefighters to officially graduate from the academy on May 3. His father couldn't help but think about the near-tragic event 18 years ago that Zack credits for inspiring him to become an emergency responder.

'Touch-and-go'

Tim Jones had been working out of town in Kentucky in March of 2001 when someone told him he needed to call home immediately.

After learning that his youngest son, two-year-old Zack, had choked on a gum ball and aspirated, Jones headed down I-65 to Huntsville, Ala., where the toddler was being taken via Lifeflight helicopter.

"My mother told me what happened, and I drove down the interstate at like 90 miles per hour," recalled Jones. "All of the beds were full at Vanderbilt and the closest pediatric ICU was in Huntsville. He was in surgery when I got there."

Jones would learn later that Zack had gotten ahold of a gum ball meant for one of his older siblings. No one was sure how long the toddler's airway was blocked because his brother Corey had to first get the attention of their mother, Michelle



Submitted photos

Zack Jones (left), pictured here with his father Tim, has wanted to become a Hendersonville firefighter since he was helped by first responders as a toddler.

Detwiler, who was deaf. Someone alerted a neighbor who dislodged the gum ball and called 911.

According to a news report at the time of the incident, paramedics and firefighters stationed at Fire Station 1 on Luna Lane responded to the Lakeshore Apartments within minutes of receiving the call. Zack was taken to Hendersonville Hospital before being flown to the Huntsville hospital.

"No one knew how long he had been without oxygen," said Jones. "That's what made it so touch-and-go. The doctors could never tell us he was going to be OK until he woke up."

The toddler was kept in a medically induced coma for eight days before waking up. He was released from the hospital four days later.

Tim Jones says he stayed by his son's side the entire time watching movies like "Toy Story" and "A Bug's Life" more than a dozen times. The dad says he knew for sure his son would fully recover when he started singing a local radio station's jingle unprompted on the way home from Huntsville.

"When he chimed in to sing, that was the first thing he responded to on his own," Tim Jones recalled. "It was something so small, but we knew then he was going to be OK."

'A noble career'

Zack says he has little memory of the accident, but always remembers wanting to become a firefighter.

"I vaguely remember my dad vis-



Nine Hendersonville firefighters graduated from the state fire academy on May 3. Zack Jones is third from the left.

iting me," he said. "But I've heard about it over the years. Hearing the stories of what happened, it just sparked an interest in that career."

Zack remembers visiting the Luna Lane fire station for years after the incident at Christmas time.

"We used to always take them food to sort of say, 'thank you,'" he recalls.

In 2016, Zack and Corey met with HFD Capt. Dennis Allen, who has since retired. The two told Allen they were thinking about joining the fire department and Allen told them what they needed to do to make their goals a reality.

The two brothers went to take the eligibility test in September of 2016, but Zack was just shy of turning 18.

"I had to wait another year to take the test," he said.

Corey Jones, 23, joined the fire department in 2017 while Zack was

hired in December of 2018.

"I love that I get to work with my community – that I get to see familiar faces everywhere I go," said Zack, who is assigned to Station 3 on Bonita Parkway. "I want to give other people the second chance that I got when I was two years old."

Tim Jones says he's proud of both of his sons.

"I couldn't ask for a more noble career for the both of them," he said. "They made me proud growing up and it kind of continues now."

And then there's that full-circle moment he had recently with his youngest son.

"How many people have the opportunity of having what could have been such a tragic event like this come full circle in such a positive way?" he asked. "Hopefully the story will continue with other people who will have their lives saved through him."

Innovative journalism projects sought by RJJ

SUBMITTED
Reynolds Journalism Institute
December 11, 2019

Is there a journalism challenge you or your newsroom has wanted to tackle, but haven't had the time or resources to focus on the idea?

Could the project benefit the industry as a whole in some way and strengthen democracy through better journalism?

If you answered 'yes' to both of those questions, then consider applying for a 2020–21 fellowship at the Donald W. Reynolds Jour-

nalism Institute at the Missouri School of Journalism. Application deadline is Jan. 17.

RJJ Fellowship projects typically devise new strategies or models for solving a problem, build new tools, or create a prototype or advance a prototype so it is ready for investment or launch during an eight-month fellowship. This year's fellows are working on a variety of projects, which include developing a best practices guide for better gun violence reporting, helping news outlets take advantage of push notifications, and

developing a platform to produce audio stories on smart speakers that can contrast or expand based on the reader's interest level in a topic.

"We are looking for projects that are innovative, practical and useful to journalists and newsrooms worldwide," says Kat Duncan, RJJ's interim director of innovation. "We want to fund ideas that will not only accomplish something that the individual or organization believes in, but that

See **PROJECT** Page 11

Board to consider Dickson Post's application Feb. 12

The Dickson Post's membership application is recommended for approval by the TPA Membership Committee. The Board of Directors will consider this application on Feb. 12, 2020.

On Dec. 17, in accordance with procedures, the Board of Directors notified the membership. If there are no objections from a TPA member newspaper within 30 days (by 5:00 p.m. EST on Thursday, January 16, 2020) then the agenda will include the application.

In the event a member objects to membership by a publication based upon criteria outlined in the bylaws as qualifications of newspaper members 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 provide documentation supporting their position that the applicant is not eligible for membership based on the bylaws. Objections should be addressed to TPA President Chris Vass (cvass@timesfreepress.com) and Membership Committee Chairman Keith Ponder (kponder@c-dh.net).

The objecting newspaper shall provide supporting evidence to the Membership Committee chair within 10 business days of the objection.

Expenses incurred by the subcommittee in the course of their investigation will be borne by the TPA member objecting to the membership application. The board's ruling is binding.

Family research in old community newspapers in Indiana shows value of printed page and granular local reporting

When Jim Phillips of Lexington, Ky., started poring through microfilm copies of old newspapers to research his family history, he thought it would be “a legacy to be left for my family and others, documenting the world of my parents’ youth and their home Pulaski County, Indiana,” as he writes in a research paper for an independent-study course I supervised at the University of Kentucky.

But Phillips experienced something that may make printed newspapers last longer than many think: the serendipity that often manifests itself in scanning the pages of a newspaper, discovering and digesting information that you aren’t specifically seeking.

He also discovered a fundamental element of community newspapers that may also make them survive, in whatever form: the granular coverage of individual lives that weave together to form a community. That led him to expand his work to the independent-study course in journalism.

“When this project started, I was merely looking for items mentioning my family, but it soon expanded to other items that interested me,” Phillips writes. “This occurred – as my journalism professor, Al Cross, aptly pointed out – because of the wide variety of information displayed on each newspaper page.”

Newspaper serendipity was well-described in *The New York Times* by Bill McKen, chairman of the Department of Journalism at Boston University, when he held



ABOUT COMMUNITY WEEKLIES

AL CROSS

the same job at the University of Florida (after teaching at my alma mater, Western Kentucky University). Bill required his students to read the *Times* in print, not online, when you “find only what you’re looking for.” He defined serendipity as “the ability to make fortunate discoveries accidentally” and called it “a historian’s best friend, and the biggest part of the rush that is the daily magic of discovery. It’s one of those small things that make life worth living, despite all the torment, pain, tragedy and stifling Interstate traffic.”

As Phillips scanned the pages of the *Pulaski County Democrat* and the *Winamac Republican*, he found not only things that he didn’t know about his family, but many other happenings -- some of which constituted narratives about individuals and families, and economic, technological and cultural trends from 1924-25, the years his parents were born, to 1947, the year he was born. It’s all there: the Ku Klux Klan, Prohibition, the Great Depression, World War II and so on.

The project showed the value of newspaper archives in researching trends, some of which Phillips

notes with striking examples, such as Chet Reynolds, who wrote a letter to Santa Claus in 1925, when he was 7, asking for “an electric moving picture machine.” In October 1947, as manager of the Home Appliances and Radio Store, he ran an ad announcing that it had a “television,” and in May 1948 one of the papers pictured him installing the antenna for “the first home television set in Pulaski County.”

Phillips writes in the first paragraph of his research paper,



“I came to know my hometown just before my birth, because the reporting of these weeklies was relentlessly local.”

And granular. In those days, there was no enterprise reporting, but plenty of personal reporting. “Births, marriages, deaths, and courthouse reports were front-page staples,” he writes. “In each issue, Sunday dinners, family visits, short trips and parties were routinely reported by correspon-

dents for each of the county’s five to eight communities and their adjacent farms. Hospitalizations and long trips were also announced, without concern for confidentiality and burglaries.”

This amounted to a lot of information. “The number of people mentioned in an issue was about 2,500,” Phillips estimated, including as one of his many illustrations a house ad that bragged about 2,630 names in one edition. “Although it included visitors from outside the county, that number is significant in a county with a population of about 11,000.”

Community correspondents are much less common today, but are still seen in some rural newspapers. I wish there were more of them. Times have changed, and most of the information a weekly correspondent might report would already be known, but the best correspondents also include insightful personal observations and valuable background knowledge of their communities.

I like to say that every American has the First Amendment right to commit journalism. At a time when every American has the ability to publish, without understanding the responsibilities of journalism, it would serve us well to have a cadre of correspondents in every county, citizen journalists, serving as connectors to the local newspaper and helping their neighbors identify with it.

This column was originally posted Aug. 24, 2019. Al Cross edited

2630	
Different persons were mentioned by name in last week's issue of <i>The Democrat</i> . Reporters and correspondents did a splendid job of securing news concerning Christmas visitors and trips by home folks to other places. Some were missed, no doubt, yet the high figures set an enviable record. Following is the count by pages:	
First	208
Second	232
Third	528
Fourth	536
Fifth	335
Sixth	101
Seventh	383
Eighth	307
Total	2630
More than the above number of names appeared on most pages, but persons whose names appeared more than once were counted only the first time.	
Few local newspapers can claim such complete news coverage as that provided by <i>The Democrat</i> .	

and managed weekly newspapers before working 26 years for the *Louisville Courier Journal* and serving as president of the Society of Professional Journalists. For 15 years, he has directed the Institute for Rural Journalism and Community Issues at the University of Kentucky, where he is professor of journalism.

News media are the first and most effective means for exercising our five First Amendment freedoms

DAVID CHAVERN
News Media Alliance
December 11, 2019

For centuries, citizens have turned to their local news publication for local breaking and investigative news, as well as to learn about hot-button issues in their communities. In the last 15 years, with the rise of digital communications, many readers have changed their preferences to digital formats and social media over print for their news. But long



Chavern

were raising awareness about our five First Amendment freedoms, as outlined in the U.S. Constitution — freedom of the press, speech,

before social media came onto the scene, news media have enabled us to exercise all five freedoms.

As we recently celebrated National Newspaper Week, we

were raising awareness about our five First Amendment freedoms, as outlined in the U.S. Constitution — freedom of the press, speech,

religion, petition and assembly — and the ways the news media help promote and protect those freedoms. Those five freedoms seem so basic, and we sometimes may take them for granted, but there are surprisingly few channels that allow us to exercise all five freely.

Through news media, citizens can express themselves and advocate for their causes, whether they be political, religious or just personally meaningful to us; share our thoughts and ideas; petition the government; and plan assem-

blies. News media can be our own personal amplifier for sharing our unique perspectives, as well as a wider lens through which to view and engage with our communities.

Much in the way we use social media (but more civil, in my opinion), news media offer a forum, for the people who matter most — the members of our own community.

But beyond offering a means for citizens to exercise their First Amendment freedoms, news media also help protect those rights: through their role as government

watchdogs. News media are often the first to report when government officials try to overstep their bounds and hinder Americans’ right to information, made available through freedom of the press. Journalists work to keep the legislative process transparent and hold government officials accountable. Perhaps because of our prominent mention in the Constitution, news media are uniquely committed to

Williamson County mother files public records suit against Tennessee School Boards Association

A Williamson County mother, represented by the Beacon Center of Tennessee, has filed a public records lawsuit against the Tennessee School Boards Association after being denied access to the association's records.

The lawsuit, *Marren v. Tennessee School Boards Association*, claims that the association is the "functional equivalent" of a government entity under the functional equivalent doctrine established by the Tennessee Supreme Court, and thus its records are subject to the Public Records Act.

The school board association, in denying public records requests from Karrie Marren, claimed it was "a private, nonprofit organization" and was not subject to the Tennessee Public Records Act.

Marren had requested:

- TSBA's training materials for school boards;
- "Any and all communications with legislators, school board members, superintendents and other elected or public officials about your 2018 and 2019 Legislative Agendas;" and
- "Any and all documents



TCOG Blog

DEBORAH FISHER

specifically pertaining to TSBA's position statements on governance (particularly TSBA's desire to 'reduce state education law for the purpose of eliminating unconstitutional, conflicting, redundant, and unnecessary statutes), and allocation of public funds (particularly advocacy supporting the idea 'that funds raised by general taxation for educational purposes should be administered by public officials and should not be used to support privately operated schools through tuition tax credits, vouchers, or block grants')."

Functional equivalent doctrine established in 2002

The functional equivalent doctrine in Tennessee was established in 2002 by the Supreme Court in

Memphis Publishing Company v. Cherokee Children and Family Services.

Cherokee, which had been contracted by the Department of Human Services to connect parents with publicly subsidized daycare, had refused a request by The Commercial Appeal in Memphis for records of their operations.

In finding that Cherokee was subject to the Public Records Act, the Court said that the public records act "serves a crucial role in promoting accountability in government through public oversight of governmental activity" and added that Cherokee provided a service that traditionally was a government function.

The determination of whether an entity falls under the "functional equivalent" doctrine hinges on "whether and to what extent the entity performs a public function" the Court determined.

Factors the Court said would be used to analyze who might be covered included "the totality of circumstances" but included four considerations:

1. Whether and to what extent

it provides a public or government function;

2. The level of government funding;

3. The extent of government's involvement, regulation of or control over the entity; and

4. Whether it was created by the legislature or had been found earlier to be open to public access.

Since the Cherokee decision in 2002, courts have applied the "functional equivalent doctrine" to groups such as the TSSAA (Tennessee Secondary Schools Athletic Association), CCA (Corrections Corporation of America, a prison-management firm), and a private firm that has a contract to manage Nashville's Bridgestone Arena.

Suit argues School Boards Association is subject to Public Records Act

In this case, Marren argues that TSBA is the functional equivalent of government because of:

- The public service it performs;
- Its significant amount of public funding;

- Its legal recognition, board composition and level of state control; and

- Its designation as a "political subdivision" and its ability to participate as an employer in the state's retirement plan.

The case was assigned to Davidson County Chancellor Patricia Head Moskal.

Braden Boucek, attorney with the Beacon Center, is representing Marren in the case. (Boucek is on the board of directors for Tennessee Coalition for Open Government.)

While the case only deals with the Tennessee School Boards Association, its significance could reach much further. Several government associations exist that do the same type of work as TSBA for other types of government entities, such as for municipalities, county governments, public utilities and public hospitals.

Deborah Fisher is the executive director of the Tennessee Coalition for Open Government. (TCOG). This blog was originally published on the TCOG website on Dec. 19, 2019.

Consider cost and employee comfort when replacing computers

WILMA NEWBY
Oklahoma Press Association
September 1, 2019

Editor's note: The following commentary is reprinted by permission of the Oklahoma Press Association. It appeared in the September 2019 edition of their monthly membership publication, The Oklahoma Publisher.

If it's time to retool your newspaper's computer equipment, you may be weighing the options of an Apple Mac computer vs. a Windows PC.

You also might be considering used equipment that can run the new Adobe Creative Suite and has a fast WiFi/Ethernet.

Let's do a comparison. I'm going to use a 1TB hard drive, 8GB RAM memory and an i5 coprocessor as the minimum requirement.

The first thing everyone looks at is the price. That used Apple computer is going to cost at least \$100 more than a comparable Windows 10 system.

With the Apple setup, you can

expect to get a beautiful monitor with great resolution and a 1000 BT Ethernet. The operating system may be a little older, but it can be updated for free.

Apple's suite of software comes with Preview, a PDF editor that will read text in a PDF in the newer OSX versions. You'll also get Apple's iWork suite, which includes Pages, a word-processing program with layout capabilities; Numbers, a spreadsheet program similar to Excel; and Keynote, similar to Windows' PowerPoint. However, to really deal with Word documents on a Mac requires LibreOffice or OpenOffice. But that suite of software for the Apple is free, which means all you need to put out the newspaper is the Creative Suite, accounting software and a setup to run circulation programs.

Now let's look at the Windows setup. Again, I'm using the i5 coprocessor with 8GB Ram memory.

This PC will come with Windows 10, Microsoft's latest operating system, but will most likely require some updates. If you can afford it, look for Windows 10

Professional.

Now let's look at the software. Microsoft Office 365 is \$69.99 annually, or you can pay by the month. Or, just like the Mac, you can use the free OpenOffice or LibreOffice.

Refurbished PCs often come with a USB WiFi device that's not very fast. You may want to purchase a faster one. If so, make sure it's a 1000 BT Ethernet.

Whether it's a Mac or PC, both platforms require antivirus protection. Macs may get fewer viruses, but they can still be infected.

It all boils down to what your staff is most comfortable with. Most new employees are familiar with both platforms.

Mac computers tend to last longer simply because many PCs get bogged down with virus attacks.

Walmart and Amazon are running neck and neck on prices these days, and there are many used dealers that have been around for a long time. The computers described in this column are around four to five years old but have a few more years of life in them. Prices

for the PCs starts at around \$350; Macs start at \$465.

When you start looking at new computers, the price goes up. The least expensive iMac is \$1,099; a comparable Dell PC system is \$979.99.

You might consider a Dell tower with a cheap monitor for around \$779.99 (knock off \$100 if you already have a monitor). The Mac Mini is \$799 but you're going to need your own keyboard, mouse and monitor. Prices run neck and neck for new or used.

It is attractive to find a \$300 computer and run with it as long as it lasts. Over a 10-year time frame it will probably even out whether you buy used or new.

New Apple iPhones

Apple announced some new iPhones at its lackluster press event (in 2019), but most customers will wait for the G5-based phones expected to be out next year.

The iPhones released this past year are better versions of 2018's with three camera lenses, includ-

ing an ultrawide-angle lens. The co-processors on the new phones are faster than any other phone out there. They also have much longer lasting batteries – four to five hours more than the last phones. Apple also claims the devices are waterproof to a maximum depth of 2 meters for up to 30 minutes.

The press event also showcased a beautiful, new 10.2-inch iPad. The iPad was to come with iPad OS 13, Apple's Smart Connector, Apple Pencil support and A10 Fusion processor – all for \$329. Apple TV+ is being launched for \$4.99 per month for 6 people. Apple Arcade, a gaming subscription service, will be available for \$4.99 a month for 5 devices.

Mac OS Catalina 10.15, a new operating system, was to be released in October and includes a new feature called Sidecar. Sidecar extends your workspace by allowing you to use your iPad as a second Mac display. This is really going to improve file sharing between the

10 things I'd tell publishers about their newspapers

Editor's note: Ed Henninger recently retired after 30 years as a newspaper design consultant. This column, originally published in the February 2016 edition of The Tennessee Press, is reprinted here with Ed's permission.

Some time back, I was asked to give a quick after-lunch talk to a group of publishers at a statewide newspaper convention. It was short notice. I only had a half-hour to put together some thoughts. I decided I'd seize the opportunity and give them my "Top Ten" list of ideas for community newspapers.

Here they are:

1. Print is not dead. More new community newspapers are starting up. Advertisers believe in the value of print. Readers still want print. So, please, let's stop with the "newspapers are dying" garbage! It's just not true.

2. Local, local, local. We all know the mantra. Metro and regional newspapers have tried time and again to go "local." They can't. They don't have (or won't commit to) the resources it takes—in people, energy and time—to do community journalism. But we can. And we prove that in every issue. We are focused on local people, places and events. It's what we do . . . and we do it very well.

3. Sports is big. We often struggle to find ways to get younger readers. To my mind, the answer here is simple - and most of you are already doing a good job with



By
DESIGN

ED HENNINGER



Illustration by Ed Henninger

Get younger readers into your paper by highlighting sports . . . it's all about them and their friends.

stockholders: cut costs. They're into hubs and outsourcing and layoffs. At community newspapers, we're already thin. But we're also aggressive when it comes to generating new revenue. Let's keep searching for new approaches, like selling ad position and selling our photos online and creating more options for advertisers. This takes some rethinking on our part but that's what got us here.

6. Invest in your people. If your editor and/or writers need some training, look for ways to get that for them. Your state press association is always a good resource. If you've just invested in some new software, give those who will use it some training so they can make Get younger readers into your paper by highlighting sports . . . it's all about them and their friends. the best use of it. If your ad staff has won some awards in the annual press association contest, reward them by sending them to the state

convention so they'll know how much you appreciate their work.

7. Invest in your product. You don't need to be the first to buy that new Mac, but don't be the last. You don't need to be the first to upgrade your system software, but keep it at least reasonably up to date. Your newspaper is your business. It's just sound business practice to make sure you have the tools you need to get the job done.

8. Design matters. What's the first thing your readers and advertisers see when they look at your newspaper? Right: its design. If your design is outdated, if your text makes your paper difficult to read, if your content placement is inconsistent . . . your newspaper is less than it can be. And readers and advertisers will find it wanting. Some might choose not to read, some might choose not to advertise...until you fix those problems.

9. Be the best at who you are.

You're not a metro or a regional newspaper. Most of you don't carry wire, but you do carry those obits and events listings and city and county council meetings that are important to your readers. Most get only limited national advertising, but you are the only source of advertising for that shoe shop down the street. Don't try to be what you're not - but do everything you can to be the best at what you do. Your newspaper is part of the lifeblood of your community. Keeping that in mind will drive you to do your best.

10. Remember who the boss is. Sorry . . . you may be the publisher, but you're not in charge here. Your readers and advertisers are the real boss. It's your obligation as a publisher to bring them your best—in every issue. You're the chief support person for your folks who do the writing, editing, designing and selling of your product. You're all working toward giving readers and advertisers a newspaper they're proud to call "my paper." It is theirs, you know . . . they're only letting you run it for them while they go about the important business of living their lives and contributing to the success and welfare of your community.

COMPUTERS from Page 9

two devices.

Also announced was the new Apple watch Series 5 with new materials and types of bands that can be put together any way you want. The watch also has a new retina display that is always on. You can still pick up a Series 3 watch without all the new bells and whistles for \$199.

Remove backgrounds

This month's most frequently asked question is how to knock out a photo's white background and place another photo on top of it.

There's actually two ways to do it - one in Photoshop and one in InDesign. If the project is complicated, I use Photoshop.

There are several ways to do this,

but the one I'm going to describe is a quick way to go about it when you're on deadline.

Open and correct the photo for print in Photoshop. It's easiest when your background is white. If it isn't white, you're going to need to cut out the object with a slightly feathered selection tool, around 2 to 3 pixels.

Use the Magic Wand tool and select the white art by clicking in the white area. (Note: the Options bar at the top of the screen allows for tolerances to make a better selection. Just play with the numbers until a desired selection is found.)

Then go to **Select menu > Modify > Feather**. Use a 2 or 3 pixel Feather Radius to take the hard edge off the art. Next, go to **Select menu > Inverse**. This should select the art and not the back-

ground. Then go to **Edit > Copy**.

Now go to **File > New**. When the new document box comes up make sure the resolution is the same as your original document and that the background content is transparent.

The new file should have a checkered pattern, which indicates a transparent background. Now go to **Edit > Paste**. Now this is the trick. Go to **Save As** and choose Photoshop as the file format. It will hold the layers in InDesign and the art can be layered on top of the background art in InDesign or Quark. The end result gives clean lines and a good ending product.

This method works great but if your art is simple, you can accomplish the same thing without ever leaving InDesign.

Start by placing your art in

InDesign (**File > Place**). Now go to **Object menu > Clipping path > Options**.

Choose **Detect Edges** from the dropdown menu under **Type**. Now use the threshold and tolerance setting to get the desired result.

If things still aren't perfect, choose the **Pen tool** by holding it down and selecting the **Delete Anchor Point tool**. Click on the handles around your art until the extra handles are eliminated and things look smooth. If you need to add a point, select the **Add Anchor Point tool**.

These tools take a little practice but are well worth learning. The **Convert Direction Point Tool** lets you change how the Anchor points work as far as creating a curve or corner. The white pointer tool is your friend and allows you to move the lines closer to the art.

Free webinars for TPA members

Jan. 10
Cybersecurity

Jan. 16
Classifieds 2020

Visit
www.OnlineMediaCampus.com
to register for webinars.

Contact rgentile@tnpress.com
for the coupon code.

240 archived webinars
are available

3 health-care companies file reverse public records suits to stop release of price information

DEBORAH FISHER
TN Coalition for Open Government
December 16, 2019

Three large health-care companies who contract with the state of Tennessee to administer the state's employee health-care plan have filed lawsuits to prevent the Department of Finance and Administration from releasing payment information.

They claim the release would reveal confidential price information that they have negotiated with health-care providers for certain medical and health procedures — information that they say is proprietary though the state pays the bills through its self-funded plan.

Releasing price information violates Sherman Act, companies claim

Laurie Lee is executive director of Benefits Administration in the state Department of Finance and Administration. Her office was preparing to release information about the state's health plan price information under the Tennessee Public Records Act and notified the companies that administer the plan. Those companies then filed reverse public records lawsuits to oppose release of negotiated price information. The state did not oppose their requests for temporary restraining orders to prevent the release.

BlueCross BlueShield of Tennessee and Cigna filed separate actions in federal court on Friday, Dec. 13 (BlueCross Blue Shield of Tennessee, Inc. v. Lee et al,

Cigna Health and Life Insurance Co. v. Lee et al), claiming that the release of state payment information would violate federal antitrust laws (the Sherman Act) and the 5th Amendment to the U.S. Constitution.

Optum, which provides an employee assistance program and behavioral health organization services for the state's health-care plan, filed a lawsuit in state court, claiming violation of the state trade secret laws, among other claims.



Lee

The suits are known in public records circles as “reverse public records” lawsuits because they are suits by third parties against a governmental entity to preemptively prevent the release of government information to public records requesters. In some cases, the third party also files suit against the requester. They can be particularly pernicious because oftentimes there is no one representing the public's interest in protecting access to public records and open government in these actions.

State does not oppose and judges grant temporary restraining orders

The state attorney general's office, represented by Deputy Attorney General Janet Kleinfelter, did not oppose the companies' requests for temporary restraining



Daniel

order in the BCBST case. Chancellor Ellen Hobbs Lyle granted a temporary restraining order on Dec. 13 in the case filed by Optum in state court.

Daniel sought payment information in state health plan

State Rep. Martin Daniel, R-Knoxville, requested de-identified information about state payments under the health-care plan.

The public records request that set off the lawsuits was made by Daniel, a member of the Joint Fiscal Review Committee. Daniel requested payment information — minus any personally identifiable information — for health-care services. Such information would show the prices that BCBST, Cigna and Optum agreed to for certain services, sometimes referred to as the “allowable amount” under their contracts with health-care providers.

According to court filings, the state was preparing to release the information after implementing exceptions to the Tennessee

orders to prevent information release. Two TROs were issued by judges on Friday, the same day the suits were filed.

District Judge Eli Richardson granted a temporary restraining

Public Records Act and applying the HIPAA de-identification standards. They notified the companies that they intended to provide information to Daniel at 1 p.m. today (Monday, Dec. 16.) The notification allowed or prompted the companies to file for the temporary restraining orders.

The Nashville Post reported that Daniel made the request on behalf of the fiscal review committee after the state's finance department sought to extend the five-year contract of BlueCross BlueShield and Cigna by an additional year without going through a formal bidding process.

While a national debate is shaping up over transparency over health-care plan prices for services, Daniel told the Nashville Post that he just wants to figure out what's going on with the taxpayer-funded state health plan for employees. “Someone is trying to hide something here, and we are going to get to the bottom of it,” he told the Post.

Companies: Knowledge of negotiated prices would promote anti-competitive behavior

The antitrust claim by BlueCross BlueShield and Cigna argues that the data is “extremely competitively sensitive, valuable, confidential, proprietary, and trade secret information.”

BCBST claims, for example, that knowledge of such information would “(ii) promote

anticompetitive coordination amongst BCBST's actual and potential competitors, (iii) facilitate anticompetitive coordination by health-care vendors and providers, and (iv) otherwise destroy efficiencies in the markets for health-care products and services to the detriment of third-party payors, including the State, other employer-sponsored group health plans, and consumers.”

The companies also claim that Daniel asked for the information at the behest of companies trying to interfere with their business.

Daniel told TCOG that he was seeking the information as part of his work on the fiscal review committee, and said he was concerned about potentially unreasonably high payments that could be costing taxpayers in the millions of dollars. He said he had initial information showing a wide variation of costs for the same procedure but needed more detail to analyze.

Companies claim Sherman Act trumps state open records law

BCBST in its filing said the Sherman Act and the Fifth Amendment “trump any claim of obligation under a state open records law” and cited a 6th U.S. Circuit Court of Appeals decision, United States v. Napier (2000) ruling that said, “any state law that conflicts with federal law is

See **FISHER** Page 12

PROJECT from Page 7

can help the industry too.”

Fellows can either work on projects themselves through a residential or nonresidential fellowship or work directly with an organization on a project with an institutional fellowship through RJI's flexible fellowship options. Residential fellows are required to move to Columbia, Mo. Fellowships are open to those in the U.S., as well as international journalists.

Among the various resources available to fellows includes access to a communications team that

can help promote the project, as well as assistance from programmers and students who can produce marketing plans. There is also support for those wanting to conduct market research or test an idea at one of the Journalism School's newsrooms.

Where could an RJI Fellowship take your idea?

Learn more about RJI Fellowships and apply at RJionline.org/fellowships.

If you have questions, contact Kat Duncan, interim director of innovation at RJI, by emailing her at duncank@rjionline.org.

Lead the Way

for Local Advertisers & Consumers



Stand out as your community's leading local media choice with Metro's creative ad development solutions. From planning tools that help you capitalize on every promotional opportunity to coordinated print, online and mobile offerings designed to expand sales, Metro's services empower you to meet the evolving demands of readers and advertisers, taking ad sales to the next level.

Try Any Service Free for One Month
 Call our Client Services Team at 800.223.1600 to get started today!

METRO 800.223.1600 • service@metro-email.com
CREATE. SELL. PROFIT. www.metrocreativeconnection.com

TPA MEMBER COVERAGE SHOWCASE III: Southern Standard, McMinnville

When an emergency strikes, dispatchers try to bring calm

ATLANTA NORTHCUTT
Southern Standard, McMinnville
March 17, 2019

When a crisis occurs, the first number people call is 911. And often they're screaming and crying. Warren County Emergency Communication is the recipient of the entire county's landline and cellphone calls to 911. Dispatchers work diligently around the clock to properly handle the situations. When a 911 call arrives, it's the dispatcher's job to gather correct information, give proper instructions to the caller, and contact the safety department most suitable to deal with the emergency.

"During people's worst moments, we have to be our best to provide the highest quality of assistance," said Warren County Emergency Communication director Chuck Haston.

Some calls are ones that will last forever in the minds of the dispatcher who received it. After a tragic suicide that was heard over the phone, a dispatcher ended his career. Those are the types of intense situations which could arise at any time.

There are 14 dispatchers who work at Warren County Emergency Communication. Typically, four dispatchers work during the day and two work throughout the night. Any call made in Warren County requesting police, EMS or



Photo by Atlanta Northcutt, Southern Standard, McMinnville

E-911 dispatchers Myosha Clark, left, and Jack Godwin work the main command center at Warren County Emergency Communication.

fire departments is answered by these dispatchers. These individuals are the lifeline between the person on the phone and the help they need.

There's no difference in the number of calls received during the week compared to the weekends, 911 officials say. Often, warm afternoons during the

spring and fall tend to create a rise in phone traffic due to increased activity.

Heeding the old wives' tale, full moons often create a surge as well, Haston said. The highest number of incidents usually occur from 2 to 11 p.m.

Dispatchers ask many questions to protect both the callers and

the emergency responders from dangerous situations. The questions appear on the dispatcher's computer based on the nature of the call. All dispatchers are trained in Emergency Medical Dispatching on how to properly handle medical situations.

If a call comes through with no response on the line, the dispatchers can track the approximate lo-

cation of the landline or cellphone to send help. However, the more information that can be gained from the caller, the better help that person can receive. Dispatchers realize each call is different and all are taken seriously with responders being sent.

The most common law enforcement calls are for domestic violence or family altercations, both verbal and physical. The majority of medical issues are due to respiratory problems.

With the opiate crisis increasing, more drug-related calls are being made to 911. Police aren't sent for everything, but if the caller has attempted previous dangerous actions toward medical responders or has a history of violence, police will be sent for protection.

"We have an equal responsibility to the caller, the community and also those responders who are going to go to a location with limited information," said Haston. "You have to be so careful to ensure everyone's safety."

Not all calls are traumatic or troublesome. Some positive moments, such as a baby being born, bring light to the dispatcher on the other end of the line. Staff members are close and continuously support each other due to the experiences only they have endured and understand.

FISHER from Page 11

without effect."

BCBST also attached to its filing a 2015 letter from the Federal Trade Commission to the Minnesota House of Representatives who at the time was involved in proposed legislation that would have required public health plans in that state to disclose information related to price and cost.

In that letter, the FTC said sharing information such as fees, discounts and other pricing terms could lead to sharing information among competitors and health-care providers and "facilitate their ability to coordinate or fix prices, allocate markets, or engage in other conduct that harms competition."

In that letter, the FTC argues

that providing consumers price information as proposed by the legislation would not necessarily be helpful to consumers in making informed decisions. But even if there was greater transparency, there was significant risk of anticompetitive behavior where health-care providers could know whether their prices were above or below others and give them more leverage in negotiating with the health plans.

The temporary restraining order in the BCBST case was granted without a hearing, although an undocketed court hearing was held Monday morning in federal court.

Although Chancellor Lyles granted a temporary restraining order in the Optum case, a hearing was scheduled for noon Tuesday because in that case,

Optum also sued Rep. Daniel in an individual capacity and it was unclear if he was notified when the TRO was being considered.

BCBST is represented by Robert Boston of Waller Lansden Dortch & Davis.

Cigna is represented by Erin Polly and Gibeault C. Creson of Butler Snow LLP.

Optum is represented by Todd Presnell, Junaid Odubeko and Edmund Sauer of Bradley Arant Boult Cummings LLP.

The state is represented by Janet Kleinfelter, the state's deputy attorney general.

Deborah Fisher is the executive director of the Tennessee Coalition for Open Government (TCOG). This blog was originally posted on the TCOG website on Dec. 16, 2019.

CHAVERN from Page 8

their pursuit of the truth.

But news publishers are finding themselves currently without a way to recoup their investment in quality news, which puts the future of journalism in jeopardy. The tech platforms currently do not pay for their use of news content, making it increasingly difficult for publishers to reinvest in journalism. The Alliance has called for news publishers to be granted an antitrust safe harbor to be able to come together to negotiate for better business terms with the platforms. This is the best solution to correcting the imbalance in the digital ecosystem and ensuring a sustainable future for digital news. We are encouraged that a bill that would do just that – the Journalism

Competition & Preservation Act – was introduced in the House and the Senate earlier this year.

News media have made our democracy stronger, our citizenry more informed and engaged, and our Constitutional rights secure and strong. As we marked National Newspaper Week, we asked that anyone who relies on news for their information – whether in print or online – to ask Congress to support the Journalism Competition and Preservation Act.

David Chavern serves as President & CEO of the News Media Alliance. Chavern has built a career spanning 30 years in executive strategic and operational roles, and most recently completed a decade-long tenure at the United States Chamber of Commerce.