

THE KANSAS PUBLISHER



OFFICIAL MONTHLY PUBLICATION OF THE KANSAS PRESS ASSOCIATION MAY 11, 2016

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KPA CALENDAR

SEPT. 22-24

National Newspaper Association 130th annual Convention & Trade Show, Franklin, Tenn.

DEC. 15

Help celebrate the 225th anniversary of the U.S. Bill of Rights.

APRIL 7-8, 2017

Kansas Press Association annual convention, Capitol Plaza Hotel, Topeka.

Gage, Berkely enter the Hall of Fame

Two long-time Kansas newspaper professionals were inducted into the Kansas Newspaper Hall of Fame at the annual meeting of the Kansas Press Association in Overland Park in late April

The meeting at the DoubleTree by Hilton also included recognition for journalists for community service, investigative reporting and career accomplishments.

Ralph D. Gage Jr., longtime executive with The World Company and its flagship newspaper, the Lawrence Journal-World, and Joe Berkely, founder and long-time publisher of the High Plains Journal in Dodge City, became the latest members of the Hall of Fame.

Gage, a native of Ottawa and 1964 graduate of the University of Kansas School of Journalism, served in several capacities through the years with the company. He was a reporter, managing editor,



Joe Berkely

assistant to the publisher, general manager and chief operating officer in his more than 40-year career in Lawrence.

Berkely bought a failing Dodge City weekly in the 1949 and transformed it into one of the nation's premier farm publications. He built the paid circulation of the publication from just 132 when he started



Ralph D. Gage Jr., one of two inductees into the Kansas Newspaper Hall of Fame, was introduced by Caroline Trowbridge, a former managing editor of the Lawrence Journal-World.

to more than 50,000.

Other awards presented included:

- Rod Haxton, editor and publisher of the Scott County Record, who was presented the Clyde M. Reed Jr. Master Editor Award.

Haxton's career began when he was a 7-year-old printer's devil for his father's newspaper, The Glasco Sun, and later at newspapers in Hugoton and Greensburg. The family purchased the Kinsley Mercury in 1974, where he became the managing

See CONVENTION on Page 5

Legislature acts on local government issues

While the overall results during the 2016 session of the Kansas Legislature were far from perfect, the Kansas

Press Association avoided losses on public notices, was successful on making private email accounts public records and got a huge victory with the passage of the Public Speech Protection Act.

"We made progress on a number of issues," said Doug Anstaett, KPA executive director.

Here's a breakdown:

SENATE BILL 361 AND SB 18

Gov. Sam Brownback signed the legislation that would define as records open to the public

See TRANSPARENCY on Page 10

Think carefully before posting what you think is ‘final word’

A mayor takes issue with an editorial that criticized a city council action, calling your facts into question.irate parents challenge your decision – your right – to report their son didn’t dress for the basketball game because he was suspended for violating school policy. A pastor is critical of an ad you accepted for publication, saying it was in poor taste.

Hardly a week passes that a newspaper’s policies and practices aren’t called into question. Many complaints are fielded in private conversation.

In other instances, though, readers want to share their opinions with a wider audience with a letter to the editor – which often spurs additional conversation both pro and con on the newspaper’s decision. The exchange soon dwindles, and the newspaper likely wins high marks for allowing readers to toss brickbats as well as bouquets.

There are cases when editors feel compelled to add a P.S. to a letter. I urge you to think twice – even three times – before doing so. Postscripts may give you a “feel good” sensation in the short term, but they can have long-term consequences in relationships with your readers, and rarely for the better.

Don’t get me wrong. Some letters warrant a response. I’m a firm believer in having a dialogue with readers. That includes writing columns to explain news decisions, especially when an issue is raised in your newspaper. But there are some important considerations.

First and foremost, don’t blind side the writer. It’s always best to have a conversation with the author. Explain your decision-making and your wish to explain your reasoning to the broader audience. Gauge the reaction; the conversation may dissuade you from writing anything. If you proceed with a column, the author deserves a heads-up. You may well view the column as an explanation; the writer will likely view it as a rebuttal. That’s all the more reason to

connect.

The process is fairly straightforward when dealing with the person who feels mistreated by a newspaper decision and pens a letter. It becomes more complicated with a “third party” complaint. Consider the



Pumarlo

woman who criticized a newspaper headline: “Drug defendant dies at 19; cause unclear.” She wrote, in part, “What you did was not responsible journalism. It was calous sensationalism.”

In this case, the more important consideration in any editor’s response is the family of the youth that will be drawn into additional limelight through no fault of their own. The letter itself will likely generate more attention; you’re in a difficult position to stop additional exchange. A column also may prolong the debate, and you do have a choice in that regard. A conversation with the family, at

minimum, gives you an opportunity to explain your decision in private.

Those conversations can be difficult. Individuals may refuse to talk and hang up abruptly. But the calls also might pay you dividends in the long run. I speak from experience. I made many a call to individuals when our news decisions were called in ques-

tion. Some remained a private conversation; some resulted in a column. In all instances, the readers – our customers – gained a better understanding of the hows and whys behind our decisions, even if they did not agree.

Jim Pumarlo writes, speaks and provides training on community newsroom success strategies. He is author of “Journalism Primer: A Guide to Community News Coverage,” “Votes and Quotes: A Guide to Outstanding Election Coverage” and “Bad News and Good Judgment: A Guide to Reporting on Sensitive Issues in Small-Town Newspapers.” He can be reached at www.pumarlo.com and welcomes comments and questions at jim@pumarlo.com.

2015-16 KPA BOARD

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Does your ad have stopping power, believability?

Years ago, I helped judge an advertising competition for a large agricultural association. By design, all of the judges were outsiders. We evaluated each ad on its merits, without being influenced by inside knowledge of individual advertisers or personalities.

I recently ran across a leftover scoring sheet in my files. There were five scoring areas, with points awarded in each one. Although it was an industry-specific competition, these areas easily apply to all advertising:



John Foust

1. Stopping power (described on the scoresheet as “attention getting ability”): This concept of stopping power is more important than ever. In the old days, we were exposed to about 500 ads per day. But today’s number is 5,000 or higher.

It takes a lot to break through that kind of clutter.

2. Clarity of message (“is message understandable?”): I once heard a speech by John O’Toole, president of the famous Foote, Cone & Belding advertising agency. After his talk, I chatted with him for a minute or two and asked what he thought was the most important principle of advertising. Without hesitation, he said, “Clarity.”

3. Interest of message (“does message hold attention of audience?”): Once an ad gets attention, the task is to maintain that attention. The surest way to do that is to appeal to the target audience’s interests.

And what are we human beings interested in? Ourselves. There’s real truth in the old cliché that we all listen to radio station WII-FM – “What’s In It For Me?” Every time we encounter an advertiser’s product or service – even for a split second – we automatically run it through the self-interest filter. If it holds some appeal, we’ll give it a few more moments of our time. If not, we’ll click, tap or turn to something else.

The key is to know the audience. Marketing textbooks emphasize the value of features and benefits. Along the way, it’s smart to narrow the list to those which are most relevant. Features A,B and C may not mean anything to potential buyers, but Feature D might hit the mark.

4. Believability (“will audience believe message?”): Although advertisers realize that there is no sale without trust, some of them hurt their chances by resorting to exaggerations and unsubstantiated claims. They lose credibility when they use shallow terms like

“unbelievable,” “one of a kind” and “best deals in town.”

I believe that people often exaggerate when they lack confidence in the truth. Sometimes this means the copywriter has not learned enough about the product and the audience to create a believable campaign. The remedy is to get the right information – and simply put that

information into words and pictures.

5. Tone (“good taste in keeping with audience”): This is a matter of likability. People would rather hear, “We understand you, and here’s something you’ll like” than to hear, “You’re making a big mistake if you don’t buy from us.”

At the end of the day, there’s something which can mean more to your advertisers than winning ad contests. And that’s winning customers.

John Foust has conducted training programs for thousands of newspaper advertising professionals. Many are using his training videos to save time and get quick results from in-house training. E-mail for information at jfoust@mindspring.com.

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Don’t overpay on USPS mislabeling charges

National Newspaper Association postal expert Max Heath has good news for Kansas newspaper publishers: you only have to pay once for a newspaper that was mislabeled if you provided a change of address order to the U.S. Postal Service.

The Kansas Press Association contacted Heath last year after Sterling Bulletin publisher Ben Marshall complained that a new postmaster was charging him for every one of the newspapers returned from the same customer, even though a change of address form had been completed.

Heath confirmed it was only necessary to pay the one time and that refunds can be requested for overpayments.

Don’t let them overcharge you. It’s not legal.



THIS MONTH’S QUESTION

Q. Do I still need to send five copies of the newspaper to the KPA office each day or week?

A. No. Three would be plenty. But if you agree to upload your newspaper to the NewzGroup site that helps KPA create its public notice website, you’ll eventually not have to send any hard copies to the office in Topeka. More and more advertisers are accepting digital tearsheets, so your participation in the uploading process would save you money, and also KPA. We pay much higher rates when NewzGroup has to manually scan your hard copies before uploading. To get on uploading bandwagon, call the KPA office for details.

CHANGE.

Who benefits the most?

ALL departments will benefit from our streamlined services where everything you need is at your fingertips.

- Production.
- Marketing.
- Editorial.
- Social.
- Sales.
- Classifieds.
- Digital.

Who benefits the MOST?
Your customers.

Creative Outlet

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Our print editions remain as vital as ever

It's May again and news and advertising staffs at community newspapers everywhere are likely breathing a sigh of relief. One more round of graduation sections is going to bed.

As I proofed our 2016 pages full of high school seniors' hopeful, happy faces, I reflected on our role in this rite of passage. We've watched and covered many of these youngsters as they've grown from bobbling balls at little league games and standing knee high to a steer at the county fair to this month's Pomp and Circumstance walk out of the high school stadium.

It takes a good part of two months to collect all the photos, names, bios and high school activity information for each graduating senior at four area high schools. Our ad staff calls potential sponsors for each graduate's entry in the section. After all information and advertisers are rounded up, they convert it to an organized display ready to clip out and paste into a scrapbook.

Last year we changed the format on our graduation section from broadsheet to tabloid. It drew numerous thanks from



Sarah Kessinger

parents noting the tab size fit better into their children's scrapbooks.

So much for digital. This section remains a must-print.

This we did while putting out the weekly newspaper and lining up feature stories and photos, ad sales and production for four other spring special sections on tourism, summer recreation, senior living and women of Marshall County.

It is, needless to say, a busy time. We focus on the print editions but will load the e-editions of each of these sections up for online readers as well.

The graduating seniors, normally bypassing the newspaper for their smartphone access to whatever's trending on Twitter, do stop and pick up a print copy of the graduation sections. They know they'll mean something years from now and they don't plan to scroll back and find them on Twitter, Instagram or their parents' Facebook pages.

Yes, we use social media to draw readers to our website, but the print edition of community newspapers remains as vital as ever in many circles across the globe. I doubt we'll be fading any time soon.

At the Kansas Press Association's April convention, I was struck by the energy and enthusiasm I heard. Much of it surrounded new digital products and experiments. Still, I spent an entire session jotting down notes about new print sections, guides,

magazines and more ideas for paper products.

At a time when vintage and nostalgia are all the rage in fashion, home decor and car shows, I continue to encounter readers who stop me on the street and say, "I tried reading the paper online, but I like to have that paper in hand."

I opened my Facebook newsfeed this morning and the first message to pop up was from a local father offering me a photo of his son's Tae kwon do class to run in our print edition.

It is truly a challenge — a puzzle of sorts — for community newspaper staffs these days as they try to keep up with every new cyber twist in online media developments, seeking the pieces that fit for advertisers. Meanwhile, local news and ad teams must maintain print production as well.

Advertisers and revenue streams have changed, moving in new directions that we must try and follow. But there's something to be said for just doing what we've always done and doing it as well as we can.

That end of this industry, at least at the community level, remains a solid piece of the puzzle.

Sarah Kessinger is the 2016-17 president of the Kansas Press Association and editor and publisher of The Marysville Advocate.

NEWS BRIEFS

Silent auction helps KNF

The silent auction at the annual Kansas Press Association convention in April raised just under \$2,000 for the Kansas Newspaper Foundation.

Items sold included KU autographed basketball, Royals tickets, zoo passes, luggage, wine baskets, casino packages, WSU tickets bundle, hockey tickets, hotel packages and pictures of the year by KPA member newspaper photographers.

Memorials honor Hawkins

Memorials in honor of Allen Webster "Web" Hawkins to the Kansas Newspaper Foundation last month totaled \$1,350.

Hawkins, 90, died April 8 in Osawatomie, where he and his wife, Schmitty, had published the Osawatomie Graphic from 1959 to 1998.

The family also donated \$100,000 to the KNF in the early days of its fund drive.

Give us convention feedback

We could still use your feedback on the recent Kansas Press Association convention in Overland Park.

Were there sessions you loved, and oth-

ers you could have done without?

Was there a topic you wished had been covered more thoroughly?

Were some sessions too long, and others too short?

[Go here](#) to complete the survey.

APRIL KDAN, KCAN WINNERS

The following newspapers sold either direct placement, Kansas Display Ad Network, Kansas Classified Ad Network or out-of-state network ads in April.

Remember, if you sell a KDAN or KCAN, which run in almost 150 Kansas newspapers, you keep half the money. Sell one outside of Kansas (SDAN or SCAN) or do direct placement in other papers and keep half the commission allowed to KPA.

Also, tell your potential clients their ad will have a readership of approximately 1 million with either program.

Do you have a local company that needs greater reach with its advertising dollars? KDANs and KCANs could be the answer.

KDAN — Anderson County Review sold two ads for a profit of \$1,650.

KCAN — GateHouse Media sold five ads for a profit of \$750.

Direct Sales — Hays Daily News extended the reach of local ads by placing them in area newspapers, profiting with half the regular commission on the placements.

Convention

Continued from Page 1

editor in 1975. He soon purchased the newspaper and remained as owner/publisher until 1992. In 1993, he founded the Scott County Record in Scott City and continues as owner/publisher.

Here's how Rod describes his operation: "If there's one thing that I hope characterizes what we bring to our newspapers, it would be a passion for our community. We like to boast of our community's accomplishments and yet, when necessary, we also recognize our responsibility to expose our faults in hopes we will make the necessary changes and become better for it."

- Gloria Freeland, recipient of the Gaston Outstanding Mentor Award for career as a Kansas State University professor and also as director of the Huck Boyd National Center for Community Media.

She also has advised more than 1,000 K-State students in her role as internship coordinator at the A.Q. Miller School of Journalism and is active with the National Newspaper Association, annually organizes the Huck Boyd Lecture in Community Media at K-State and is active in the Kansas Professional Com-

municators organization.

- Amelia Arvesen and Jodie Garcia of the Ottawa Herald, winners of the Murdock Award, given annually for outstanding journalism efforts aimed at local issues.

Arvesen and Garcia chronicled the 15-year saga of a local vehicle disposal site and its disputes with the Kansas Department of Transportation and the Environmental Protection Agency. What was ordered to be a total cleanup of the business in 2001 devolved into a series of orders, appeals and reviewed that delayed the cleanup, which has not been completed to this day.

- The Topeka Capital-Journal, honored with the Boyd Community Service Award for its project in support of volunteerism in the state's capital city.

The newspaper's effort entailed a comprehensive community service project to boost awareness of the community's nonprofit organizations and match those organizations with individuals and groups looking for ways to give back to the community.

- John D. Hanna, Topeka correspondent for the Associated Press, was named the AP's Kansas-Missouri Staffer of the Year.

- Abigail Taylor, a senior at Iola High School, and Rylee Crowell, a seventh grader at St. Benedict Catholic School in Atchison,

were recognized as the winners of the AT&T/KPA "It Can Wait" essay contest winners. The contest asked students to write essays on the dangers of texting and driving.

Sweepstakes award winners

Newspapers competed in six circulation categories in both news and advertising in the annual Awards of Excellence competition.

Sweepstakes winners included:

Daily Division I – Circulation 3,800 or less: News, the Ottawa Herald; Advertising, Leader & Times (Liberal).

Division II – Circulation 3,801 to 9,400: News, Garden City Telegram.

Division III – Circulation more than 9,401: News, Hutchinson News; Advertising, Great Bend Tribune (Divisions II and III were combined).

Nondaily Division I – Circulation 1,500 or less: News, Clarion (Andale); Advertising, Hugoton Hermes.

Division II – Circulation 1,501 to 2,800: News, Washington County News; Advertising, Kingman Leader-Courier.

Division III – Circulation more than 2,801: News, Kansas City Business Journal; Advertising, Atchison Globe.

More than 325 first-place plaques were handed out at the event.



When a community works together, nothing is impossible. That's why we strive to connect people with good jobs, create opportunities for all, advance education and promote the responsible use of our technology.

That's why we proudly support the Kansas Press Association.



MARKETPLACE

ADVERTISING

ADVERTISING DIRECTOR — The Garden City Telegram, an award-winning, seven-day-a-week morning newspaper serving a dynamic, diverse community in southwest Kansas, is seeking applications for an advertising director. The ideal candidate will be an innovative thinker experienced in creating new revenue streams and implementing successful strategies, with the ability to motivate and empower a sales team in display, classified and digital sales. The advertising director also manages the Print Plus division, which produces brochures, banners and other marketing materials for clients. Candidates should be goal-driven, organized and detail-minded. The exceptional candidate will have experience in newspaper and digital media sales — including management experience — and success in growing revenue across multiple platforms. Competitive pay based on sales performance. Full benefits package. Please submit a letter of application and resume to: Dena Sattler, Editor-publisher, The Garden City Telegram, P.O. Box 958, Garden City, KS 67846, or e-mail denas@gctelegram.com. (5-9)

NEWS

EDITOR — The Harvey County Independent is seeking an editor to lead our news team. The editor takes photos, writes stories, edits the weekly news report, and paginates on production day. Strong writing and news gathering skills needed. Must reside in Harvey County. The Independent has a tradition of strong coverage in the western part of Harvey County. We offer a productive work environment and give employees the freedom to get their jobs done. This is a fulltime, salaried position with paid vacation and holidays. To apply, send resume to robb@hcindependent.com. (5-6)

SPORTS EDITOR/REPORTER — Aggressive weekly newspaper in suburb outside of Wichita area is seeking a Sports Editor. Responsibilities include local high school sports coverage, sports features and occasional opinion columns and photography. Some additional reporting outside of sports will also be required. Posting and creating social media, digital and video files will also be necessary. Send resume to jeff@derbyinformer.com or P.O. Box 842, Derby, KS. 67037. (4-29)

EDITOR — Join the Wellington Daily News. Will write, design pages, take photos and post daily to web and social media. Competitive salary and benefits package offered. Respond with clips, resume and references to cjanney@butlercountytimesgazette.com. (4-25)

REPORTER - The Salina Journal is looking for a talented reporter with a knack for finding and writing great stories to join our newsroom as a general assignment reporter. We believe in telling

stories that reflect our community and readers and using multimedia to complement our storytelling. Our staff is encouraged to use alternative approaches in reporting the news, and we encourage collaboration and innovation. Our ideal candidate will be a resourceful and energetic self-starter who can manage multiple assignments and write in a style that will bring stories to life for readers. In addition, the candidate will be savvy with social media and be willing to work as part of our team to present information in the most effective way. We offer competitive wages, profit sharing, 401K and health and dental insurance. Pre-employment drug screening required. Send resume and three samples of work to Deputy Editor Doug Armbruster, Box 740, Salina, KS 67402-0740, or by email to darmbruster@salina.com. (4-26)

SPORTS EDITOR — The Manhattan Mercury is looking for a well-rounded editor who can oversee sports coverage of a Big 12 university and area high schools. We need a multi-talented person who will cover some of the major sports at Kansas State University while also juggling scheduling, copy-editing and pagination responsibilities. Strong news judgment, a wide-ranging knowledge of sports and a mastery of journalistic conventions are essential. The sports editor oversees two full-time sports reporters as well as a part-time reporter. In addition to covering Kansas State, the staff covers seven area high schools as well as youth sports. The Mercury is a family-owned publication with a circulation of about 10,000. It is an evening newspaper on weekdays with a Sunday morning edition. It offers a competitive salary as well as a benefits package that includes medical, vision, dental, three weeks paid vacation and a profit-sharing plan. Bachelor's degree and reporting or editing experience strongly preferred. To apply, please send a cover letter, resume and five work samples to executive editor Megan Moser at mmoser@themercury.com. No phone calls, please. (3-8)

NEWSPAPERS FOR SALE

Respected 131-year-old weekly newspaper in Southwest Kansas; only newspaper in the county. Owner moving out of state. Steady subscription, advertising, annual sales approximately \$140,000. Will include building and property in sale. (785) 341-7573 after 5 p.m. MST.

PRESSROOM

PART-TIME PRESS OPERATOR — The Great Bend Tribune is seeking a part-time press operator to join our printing team. The ideal candidate will have previous web press experience, including print of process color and press make-ready. Good work ethics along with mechanical skills and ability to react quickly to print related problems. We are willing to train the right person. Job requirements include: • Current valid driver's license with clean driving record,

ability to pass a written fork lift test and train on lift; • Color vision and depth perception; • Ability to lift a minimum of 75 pounds; • Ability to read and comprehend written and/or oral English instruction along with ability to communicate effectively with team members. To submit a resume with references or request an application contact jaudus@gbtribune.com.

DIGITAL MEDIA

For much less than you think, you can take charge of your online future. Let The Hays Daily News' Pixel Power Haus take your newspaper to the next level, whether you are considering your first website or looking to retool your existing one. Call Patrick Lowry at (785) 628-1081 to hear how we can help. Designed by a newspaper, for newspapers.

MISCELLANEOUS

FOR SALE — NEWSPRINT, 51 rolls, Basic weight 45.0. 11" - 34 rolls packed two per roll and 22" - 17 rolls packed one per roll. Diameter & core type- 106.7 cm- fiber core Mill- Thunder Bay- Resolute; misc. supplies, film, plates, chemistry. Call John G. Montgomery at 785-762-5000.

FOR SALE — Complete package or individual items separately. Composing, plate, pressroom and mailroom equipment. Typesetters: Panther Plus 46 Konica 31005 EV-jettsetter. Film Processor: Glunz & Jensen Multiline 720. Plate Burners: 2 NUARC UltraPlus. Plate Processor: FUJI Film PS-8509B. Cameras: 2 Acti. Light Tables Press: 6 unit Goss Community. Urbanite folder and Quarter folder Rebuilt 2012. Inserter: Kansa 760- 6 station Fork Truck: Lextro. Pallet Jack: ale. Pallet Jack- Yale. Call John G. Montgomery at 785-762-5000.

FOR SALE — Vanguard Model 1958, Serial BF 103, Last used December 2015. It worked well at that time. It has two units, but we've only used them separately. Buyer will need to dismantle and move it! \$4,000; ATF Chief 17, Model 11.17, \$300; ATF Chief 215 Model 2.15. Used mostly to print envelopes & two part forms, \$150; MGD Duplicator 20, \$100; Argyle 23 Process Camera Model G23, \$50 in 2012; Photostat Whitin Masterlith Duplicator Model 1115 Perforator, \$100; NuArc FT40UP Ultra-Plus Flip-Top Platemaker, \$175 in 2015; free negatives and plates, various sizes. Call Linda Foster (785) 413-0349 or email at thewholeisgreater@gmail.com (1-8)

FOR SALE — Hamada 800 DX w/spray unit, electrostatic unit, 3M dampening sleeves; LOG Etronics Film Processor Model #LL2218, 196-264 volts, single phase, 15 amps; Brown Ultralite 1500 plate burner; 2 Nu-Arc light tables; 1950 Anniversary Edition Heidelberg Windmill press, very good condition. Nor'west Press, Goodland, Kansas. Call 785-899-2338.

New anti-SLAPP legislation represents victory for speech

The citizens of Kansas and the state's newspapers received an early Christmas present recently, and from the Kansas Legislature no less.

Don't blink ... you read that right.

The Legislature passed a bill including the contents of House Bill 2054 that sets up a mechanism to protect those who speak out on issues of public interest from expensive lawsuits designed simply to shut them up.

Have you written a letter to the editor about a public issue that angered a government official, someone doing business with the government, or even another citizen? Have you publicly criticized a governmental official about his or her conduct in office? Have you written an editorial critical of a governmental action or quoted someone who spoke up at a public meeting about an issue of public interest?

If so, this legislation is designed for you.

Now, it doesn't protect you if the information you disseminate is false, or that you knew it was false but circulated it anyway.

But it would come into play in many instances where your speech was protected opinion or a statement of facts.

The bill, called the Public Speech Protection Act, was introduced during the 2015 session by Rep. Jan Pauls, R-Hutchinson.

What it does is similar to anti-SLAPP laws in other states. SLAPPs are Strategic Lawsuits Against Public Participation.

Anti-SLAPP legislation, therefore, provides protection against such lawsuits.

First of all, what is a SLAPP?

It's a lawsuit filed against a citizen or organization that has exercised their First Amendment right to free speech or to petition the government.

In some states, anti-SLAPP even applies to online reviews of businesses and their practices. The Kansas law addresses issues of public interest only, so those reviews may not come under the purview of the law except in specific cases.

How could this new law come into play in

Kansas, you ask?

Here's an example: a private citizen learns of unscrupulous activities by a government official or someone doing business with the government and decides to blow the whistle. Within days, he is served with notice of a lawsuit charging him with anything from libel to slander.



Doug Anstaett

However, the aim of the lawsuit is, of course, to cause you to curtail your speech, but also to make you pay a huge price for exercising your right to free speech. Since most of us cannot afford a lengthy lawsuit, we either agree to cease our speech or are driven into bankruptcy by deep-pocketed individuals, companies and even the government-paid attorneys as the case winds through

the legal system.

Anti-SLAPP laws are effective because they allow the defendant in a lawsuit to ask the court to intervene before expensive depositions and other evidence gathering takes place.

If the defendant files a motion to strike, the court can require the plaintiff to show probability he will prevail on the claim.

If the defendant files a motion to strike, the court can require the plaintiff to show probability he will prevail on the claim.

If not, the lawsuit can be stricken ... with the defendant entitled to recover attorney's fees and costs.

If not, the lawsuit can be stricken and the prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney's fees and costs.

For newspapers, this law would protect us when we have reported the facts but have been sued anyway.

Newspaper editors can rest assured that if

the reporting is factual, they will likely prevail by invoking the anti-SLAPP statute.

We owe a debt of gratitude to Rep. Pauls and to members of the Legislature who passed this legislation, for it is provides protections we previously didn't enjoy.

Being able to nip a SLAPP lawsuit in the bud — if we are in the right, of course — has the potential to save citizens and newspaper publishers lots of money. And the fact that you can recapture attorneys fees and costs of litigation is also good news.

Doug Anstaett is executive director of the Kansas Press Association.

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(Above) The Topeka Capital-Journal staff were winners of the Boyd Award for Community Service for a project to highlight the county's non-profits. Shown are (from left) Samantha Foster, Tomari Quinn, Luke Ranker, Jan Biles, Eric Smith, Tim Hrenchir and Susan Cantrell.



(At right) Jodie Garcia (left) and Amelia Arvesen of the Ottawa Herald were presented the Victor Murdock award for their investigation of a botched 15-year-old effort to clean up a vehicle disposal site.

KPA Convention 2016: Special award winners



John Hanna, AP Topeka correspondent, was named Missouri-Kansas AP Staffer of the Year.



Rod Haxton, second from left, received the Clyde M. Reed Jr. Master Editor Award; joining him were (from left) daughter Melissa Jasnoch, wife Kathy Haxton, and sister-in-law and brother, Sherry and David Haxton.



AT&T award winners in the "It Can Wait" anti-texting and driving essay contest were Rylee Crowell of Atchison and Abigail Taylor of Iola. Each received a \$500. check. AT&T representatives on hand were (from left) Katy Koupal, Chris Lester and Kevin Massie.



Gloria Freeland of Kansas State University received the Gaston Outstanding Mentor Award for her work as a professor and director of the Huck Boyd National Center for Community Media.



Dane Hicks, right, discusses the future of newspapers with Robin Clasen Wunderlich of the Eureka Herald at the KPA convention.

RIP, whippersnappers! Print is dead ... but wait!

By Dane Hicks

We all know the newspaper industry is dying – and we know this, of course, because the media and pop culture, known for their Kardashian-esque solid judgment and deeply fact-focused assertions, tells us so.

Which is why my observation at the recent Kansas Press Association convention was so ironic.

You would have expected that there, in the mortuary gathering of what used to be my industry, the sounds of the rattling of bones and the creaking of coffins being laid asunder would be solely and ruefully mixed with nothing but the latching of crypt lids and the fastening of rusty iron locks on ivy-covered mausoleum gates.

Instead, I heard the joyful sounds of gurgling infants and the laughter of play – they were evidence of, dare I say *procreation* within this industry of decay and impotence? Yes, there are children – *children* in the newspaper business. I'm reminded of my fellow Missourian and coiffure icon Mark Twain's response when word circulated that he had recently succumbed – "The reports of my death have been greatly exaggerated."

When I say "children," I'm being almost literal. But literally speaking, they're kids in their 20s, 30s – if you just turned 53 and have been putting pen to paper for over 30 years in this business, *they* seem like children. Why, our own Greg Doering from Garnett is news editor of the Manhattan Mercury; Joey Young's just topped 30 and running the Clarion and Hillsboro papers; Tommy Felts is, I'll bet, the first publisher of the Ottawa Herald to sport a Mohawk, Travis Mounts, Jason Jump, Zach Ahrens at the Topeka Capital Journal – all of them youngsters mowing grass and taking names at newspapers in their towns.

What gives? Don't these kids know the party's over? Don't they understand the rest of the world is tweeting and snapping and surfing and posting and that nobody needs newspapers anymore? And yet, I watched them – heading to and from instructional seminars, trading stories with their contemporaries about what works at their papers and what doesn't; talking about the "fun" of capturing a particular story or photo; the importance of telling stories about what their city council is doing; talking about being rung out by a reader over missing a story or boycotted by an advertiser because of some stance the paper took in their small town.

Odd ... Why would readers or advertisers still get their britches in a knot about what the newspaper does, if the newspaper business is dead and doesn't matter?

Strange ... an industry whose obituary has been codified in the bits and bytes of popular virtualdom has a bunch – and I mean a bunch – of young people working in it who could certainly just as easily go somewhere else to some other career. Smart ones too – they have smartphones and Facebook pages and websites and snap-thingsy ... all that. From Galena to Garden City; small towns and larger towns; they're covering their communities and doing things no one else can do with the same competence and professionalism – and audiences and advertisers are still buying.

A dead industry? Note quite. Did you know more people now read more content from more newspapers than ever before? No kidding. Newspaper websites lead the world

in consumed news content. The problem is that for the first 10 years of the Internet, our industry fell over backwards trying to give our product away online – and now we seem surprised to find out people would rather read it for free than pay for it. Go figure.

But these young kids aren't afraid of fixing the problem. They're hammering out and publishing more stories faster, with better photography and even video, transforming their small town newspapers into micro media centers that combine online speed and worldwide reach with the for-the-record permanence of ink on paper; something that can't be changed or revised or

fiddled with no matter who hacks the website.

It's not all rainbows and butterflies by any stretch – we're still in a cruddy economy and we have more competitors – just like every other business large or small. Larger papers in bigger towns have bigger problems holding revenues, and most times they're the worst about giving away their content for free, but they're not alone in their struggle. Everyone from Wal-Mart to Amazon to the local pool hall is trying to find more ways to fund their survival, and newspapers are no different.

But I like those odds a lot better knowing our industry is attracting and keeping young blood. Newspapers dead? All these kids think that's greatly exaggerated.

Dane Hicks is publisher of the Anderson County Review and a former Kansas Press Association board member.

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Transparency

Continued from Page 1

any records on private device that are made “pursuant to the official duties” of public officials. While some private information would still not be subject to Kansas Open Records Act, the bill did move us much nearer to closing a huge loophole in KORA.

In the sausage-making process, SB 361 was bundled into SB 22 along with SB 18, which was the body cam and vehicle cam legislation to designate the videos as investigative records exempted from KORA under the law enforcement investigation records exemption. Remember, SB 18 originally would have closed permanently any video captured by a law enforcement officer’s personal body cam or his or her vehicle cam.

On the SB 361 language, the approved bill amends the definition of “public record” to clarify that specified recorded information would fall under the definition regardless of the location of the information. The bill also would add to this definition any recorded information that is made, maintained, kept by, or is in the possession of any officer or employee of a public agency pursuant to the officer’s or employee’s official duties and is related to the functions, activities, programs or operation of any public agency.

There were other bills bundled into SB 22, but they didn’t directly affect KPA. This bundling of bills is particularly disturbing for open government advocates because it is how the Legislature is able to sneak legislation through that no one notices but that has long-term consequences.

SB 360

A bill to amend the Kansas Open Meetings Act’s language on closed or executive sessions did not make it into final legislation.

SB 98

Nothing happened on the bill to control the costs associated with KORA requests, so SB 98 is dead and will have to be resubmitted next year.

KPA legal hotline attorney Max Kautsch has produced new language that we will use to search for a sponsor during next year’s session. The Kautsch language would separate various public records requests into two categories — public interest and commercial interest — and require much lower costs for requests that are made by the media, researchers and others that are made in the public interest.

HOUSE BILL 2545

The bill to clean up the probable cause affidavits bill passed two years ago was amended to close inflammatory kinds of

evidence in affidavits and to include victims as another group to be informed when there is a request to disclose an affidavit. Mike Kautsch wrote language to mitigate those amendments, but we understand the attorney general expressed concern with that language.

Our original intent was to make a disclosed affidavit a part of the court record and open to the public rather than have future requesters of the same information have to go through the entire court procedure again to get the information.

The conference committee agreed to insert additional language that if a party cited a “clearly unwarranted invasion of personal privacy” in an affidavit that objection could only be used to redact, and not to seal, the affidavit.



HB 2573

The bill to allow for streaming of audio from the Kansas Legislature was approved. To what extent it will be used will be up to future legislators and the Information Network of Kansas.

HB 2054

This one is a major victory for free speech and also for freedom of the press. HB 2054 was bundled with SB 462, HB 2502 in SB 319. SB 319 was a bill concerning civil procedure for limited actions related to small claims.

Only HB 2054 appeared to relate to us. HB 2054 was the Public Speech Protection Act, which came as a gift from Rep. Jan Pauls during the 2015 session. It wasn’t approved last year, but got legs early this session.

It is an anti-SLAPP bill (SLAPP stands for Strategic Lawsuits Against Public Participation). Anti-SLAPP legislation is intended to keep deep-pocketed folks from trying to use lawsuits to muzzle those they disagree with. Kansas has chosen not to use the term anti-SLAPP, but that is essentially what this bill is about.

If, for instance, an organization or corporation wanted to shut someone up who was stirring the pot on a public issue they felt strongly about, they could sue them and try to bleed them dry financially with a lawsuit.

With anti-SLAPP type legislation, the court can require the instigator of the lawsuit to prove it has a legitimate case before proceeding. If not, the judge can throw it out. This is a bill to ensure public participation in the political process.

This statute will be also be available to be used by newspapers that are the subject of lawsuits when they investigate issues of public importance.

In addition, the bill allows for attorney’s fees and court costs to the prevailing party, which is a huge victory.

SNAG ALL THE BEST DEALS

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kspress.com

In the newspaper business, we’re always looking for house ads to fill space. A few years ago, the Kansas Press Association, working with New Boston Creative in Manhattan, produced a series of ads in numerous sizes to promote your newspaper. The ads are free and

available with the KPA logo and without so you can insert your own logo if you choose. The ads cover five different subject areas: shopping, voting, sports, babies and careers. Go here to access the ads: <http://kspress.com/267/keep-reading-campaign>