

Webinar:
**TRICKS FOR
PROCESSING PHOTOS
FASTER**

with Russell Viers,
Adobe Certified Trainer
June 21 • 2-3 pm

Webinar:
**COVERING THE
PRESIDENTIAL
ELECTION: WHY AND
HOW**

with Al Cross, Institute for Rural
Journalism & Community Issues
June 22 • 2-3 pm

**GOVERNMENT AFFAIRS
COMMITTEE MEETING**

July 10 • 11 am
teleconference

Webinar:
**HOW TO USE
PINTEREST**

with Joan Stewart,
The Publicity Hound
July 12 • 2-3 pm

**NJPA EXECUTIVE
COMMITTEE MEETING**

July 26 • 10:30 am
North Jersey Media Group,
Woodland Park

**GOVERNMENT AFFAIRS
COMMITTEE MEETING**

August 7 • 11 am
teleconference

For more information about
these events and webinars:
www.njpa.org

Your next issue of *InPrint*
will arrive in mid-June.
The advertising and editorial
deadline is August 27.



KILGORE SCHOLARSHIP WINNER: Emily Masters receives her award from Jim Kilgore, publisher of the *Princeton Packet*. The award is named in honor of his father, Bernard Kilgore, former chairman of Dow Jones and the *Packet*. Emily also was named the New Jersey High School Journalist of the Year for 2012.

Borg New Media Internship announces its first recipient

The first winner of the Mac Borg New Media Internship is Rachel Auerbach, a sophomore majoring in journalism at the University of Maryland. She is from Ocean, N.J.

Rachel was chosen by a panel of judges from New Jersey media companies. She will serve her summer internship at APP.com, the online division of the *Asbury Park Press*, in Neptune.

Rachel is a regular contributor to her university's *Diamondback* and *Eclipse* newspapers, and has written for *Jersey Girl Soccer* newspaper. She volunteers for Terps TV and UMTV as a reporter and a floor director.

One of her instructors wrote, "Rachel is a poised and qual-

ity deadline writer. She asks the right questions and has become a polished journalist."

She was chosen from more than 20 applicants for the internship, which honors the chairman of North Jersey Media Group. NJMG publishes *The Record* (Bergen County) and the *Herald News* (Passaic County), forming the nation's 64th largest



Auerbach

daily newspaper. The company also publishes nine paid- and more than 35 free-distribution community newspapers in Bergen, Essex, Morris, Passaic and Sussex counties.

The internship is one of several student programs administered by New Jersey Press Foundation, the charitable arm of New Jersey Press Association.

W.J.A. v. D.A. libel case:

Court limits damages in website libel case

In a significant victory for free speech advocates, the New Jersey Supreme Court issued a corrected opinion that limits private defamation damage awards to nominal damages in the absence of proof of actual harm.

The new opinion came on May 21 in the defamation case of *W.J.A. v. D.A.* (The initial ruling was issued on May 17. See link to a related article below).

Defamation has long been an oddity of tort law, by allowing juries to presume damages in the absence of evidence of actual injury. The May 21 opinion significantly limits the ability of a jury to award a windfall to a plaintiff, by limiting presumed damage awards to nominal damages only.

According to NJPA General Counsel Tom Cafferty, the original (May 17) opinion from the state's highest Court provided that an award of nominal damages may support a claim for punitive damages.

On May 21, NJPA attorneys advised the Court that they intended to file a motion for reconsideration of that portion of the decision, because the N.J.

Punitive Damages Act specifically precludes a punitive damage award in the absence of an award of compensatory damages. A punitive damage award, under the Act, may not be based solely on an award of nominal damages (less than \$500 in New Jersey).

The Court issued a corrected opinion, removing the language that a nominal damage award is a foundation for a punitive damage award. Thus, in order to receive punitive damages in a defamation case, a plaintiff must first prove compensatory damages. Otherwise, the plaintiff is limited to nominal damages.

In this case, the plaintiff—referred to as W.J.A. in court records—brought a defamation complaint against his nephew, D.A., in response to D.A.'s website accusations that his uncle sexually abused him as a child.

D.A.'s 1998 lawsuit against his uncle for child molestation was dismissed on statute of limitations grounds, and D.A. was hit with a \$50,000 defamation judgment as a result of a counterclaim filed by his uncle.

— Continues on Page 10



ADAM ANIK, NUTLEY SUN

OBIE'S NEW HOME: The *Nutley Sun* won this year's Obie Award for having one of its first place ads chosen as best of show in NJPA's advertising contest. Welcoming Obie to his new digs are, left to right, Celeste Federico, *Nutley Sun* account manager, Diane Lombardy, graphic designer, and Nancy Connelly, advertising manager of North Jersey Media Group's Essex Division.

INPRINT

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A PUBLICATION OF

New Jersey Press Association

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Find newspaper news and resources quickly on NJPA's Facebook page.

NJPA matters —

Mid-year review

So far so good these first five months. The NJPA Executive Committee meets July 26 at North Jersey Media Group to conduct its annual mid-year review. Here's an early snapshot:

Government Affairs

The *W.J.A. v. D.A.* libel case had its twists and turns. However, the final positive outcome validated all the reasons NJPA joined the case as an amicus. See Page 1 for the wrap-up on the court's decision.

The Government Affairs Committee meets by teleconference on a monthly basis. Chaired by Richard Diamond, of *The Star-Ledger*, the committee reviews bills of business and constitutional interest to our members.

As of June 1, there are 5,405 bills posted in the state legislature. Of these, we are actively tracking 845. Of those, about 10% we support; 10% we oppose; 15% would require our seeking an amendment should the bill be scheduled for a hearing; and about 65% we "monitor" to assure that amendments aren't made by other interests that would impact press freedom or open government.

This spring, the committee has welcomed two new members: Bruce Tomlinson, executive editor/general manager of the *New Jersey Herald*; and Paul D'Ambrosio, investigations editor for the *Asbury Park Press*. Paul joined the committee in April upon the retirement of long-time *APP* Managing Editor Gary Schoening.

NJNN ad networks

NJNN continues to produce solid results for the association and is



George H. White
Executive Director
NJPA

having a particularly successful 2nd quarter. The Statewide Classified Ad Network has remained steady and is on plan through the first five months. The statewide 2x2 network, however, is below plan.

Contests & awards

The shift to a "non-hotel" venue seemed to work very well this year for both awards banquets. By booking the events at The Hamilton Manor we were able to reduce ticket costs. The turnout for the advertising awards banquet was even with the prior year. However, Press Night for the editorial awards showed a healthy increase with 178 in attendance.

Thanks to those members who came out to support the great journalism and creative advertising NJPA member newspapers and websites are producing for readers and businesses alike. You will see some wonderful photos on Pages 6 and 7.

North Carolina Press Association judged both contests for us this spring. Missouri Press Association is on tap for 2013.

Webinars

NJPA continues promoting the offerings of Online Media Campus, the cooperative undertaking of 20 state press associations administered by

the Iowa Newspaper Association. I occasionally send notes to NJPA participants seeking input on their learning experience. However, the input of those who DO NOT participate is extremely important, too. Please email me at gwhite@njpa.org and let me know what topics would benefit you and/or your operations the most — or if, perhaps, you would respond favorably to a different format.

NJPA Legal Hotline

The hotline is a wonderful free resource available to all newspaper and online members. Expert legal advice on most newspaper-related issues is available as a member service (see examples below) with some reasonable restrictions. Contact Lauren James-Weir at (973) 596-4861 or ljamesweir@gibbonslaw.com for details.

NJPA office location

In the category of "deep back-office," NJPA's current office lease is set to expire December 31, 2013. We have been in West Trenton the past 16 years, after being near the Statehouse in the '80s and early '90s. The space occupied now is too large following the staff layoffs and attrition of recent years.

In light of this, we have begun reviewing options both financially and geographically. Conditions in central New Jersey's commercial real estate market are such that substantially better terms, along with our reduced space needs, should result in a sizable reduction in NJPA's annual expense for office space.

I will keep you posted as we work diligently to achieve the most positive outcome.

NJPA Hotline answers your legal questions

Here are some questions NJPA members recently asked our free Legal Hotline:

Q A municipality has been accused of wrongdoing. It hired a private attorney in connection with the allegations. The retention of the attorney was announced in the meeting minutes, but the rate was not included. The newspaper made an OPRA request for the attorney bills and received an invoice for \$6,500 that simply stated, "for services rendered."

Shouldn't more have been done prior to entering into this contract and isn't the bill supposed to be itemized?

A Yes. Under the Division of Local Finance within the Department of Community Affairs, there are regulations that require that before a government entity enters into a contract, it must certify that adequate funds exist to pay that contract and the entity must also encumber those funds so that they are not spent elsewhere.

Furthermore, *N.J.S.A. 40A:5-16* provides, in relevant part, that a local governing body shall not pay out any money without first obtaining an itemized bill and certification

as to the correctness of that bill.

Q Do members of city council have a conflict of interest in voting on issues relating to the construction of a building to house the chamber of commerce, to the exclusion of other businesses, when those members of city council are also voting and non-voting members of the chamber of commerce? Also, if members of a governing body have conflicts of interest and, without their votes, there is no quorum, what happens?

— Continues on Page 10

People & Papers

Sports site joins NJPA

Welcome to NJPA's newest associate member.

NJPA's board of directors approved NYNJSports.com's application at its recent meeting.

Michael Cohen, the company's president, describes NYNJSports.com as a "digital sports journal." It reports on Yankees and Mets baseball teams, football's Giants and Jets, hockey's Devils and Rangers, as well as minor league baseball, college and high school sports.

Cohen is a journalist, talk radio show producer and host. He currently is Club Journalist/PR for the Newark Bears Baseball Club of the Independent League.

He has worked as a sports reporter for *The Jersey Journal*, Patch.com, and the *County Seat* of Bergen County.

To contact NYNJSports.com, call (973) 366-3622 or email Mr. Cohen at mcohen07834@yahoo.com. The company is located in Denville, N.J. The web address is nyjnjsports.com.

Evergreen earns awards

The Graphic Arts Association has selected four entries from Evergreen Printing as "Best of Category" in the Neographics 2012 print competition.

"Best of Category" honors were given for Evergreen's work on *Backstage*, *International Herald Tribune*, *Philadelphia Business Journal*, and *Politico*.

Evergreen also earned "Franklin Awards of Excellence" for *City Arts*, *KM World*, *The National Law Journal*, and *The Produce News*.

In a contest sponsored by the Web Offset Association, Evergreen Printing received a first place for *The Bond Buyer* for "Coldset on Newsprint."

Additional trophies were awarded for *City Arts* in the "Combination- Heatset and Coldset" category and for Trail-walker for "Coldset 4-Color."

Evergreen is located in Bellmawr, N.J., outside Philadelphia.



TOASTING WINNERS: Elizabeth Oguss of *The Montclair Times* and Maria Karidis of the *Verona-Cedar Grove Times* are toasting editorial and photo winners at the Press Night cocktail reception.



ENJOYING BANQUET: Rui Wang joins her husband Ron Ostroff of *The Star-Ledger*, Richard Diamond of *The Star-Ledger*, and Sheila Gallagher-Montone of *The Times*, Trenton, at the Spring Awards Banquet honoring advertising contest winners. For more coverage of NJPA's awards banquets, see Pages 6 and 7.

A note from 2011 Kilgore winner

It's been a year of big changes for the 2011 Bernard Kilgore Scholarship recipient formerly known as Yuhui Liang.

"Right before starting college, I changed my name to Ellis and chopped off my hair," she reports.

"But what didn't change was my passion for journalism. At Princeton, I created layouts for *The Daily Princetonian* before joining the University Press Club, a society of undergraduate freelancers.

"Now I write as a stringer for *The Princeton Packet*, covering everything from town hall meetings to speeches by Daniel Ellsberg of the *Pentagon Papers*, former Israeli Prime Minister Ehud Olmert, and President of Planned Parenthood Cecile Richards."

Liang, from Edison, graduated from John P. Stevens High School.

"In terms of academics," she writes, "I'm majoring in eco-

nomics and possibly pursuing a minor in environmental studies or political economy.

"Since high school, I have been passionate about journalism. I hope to pursue a career using media to promote environmental awareness and policy.

"This summer, I will be traveling to China and Singapore to learn about global development. I will also be volunteering in Vietnam for two weeks to eliminate the social taboos of disability. Please support my cause by visiting: tinyurl.com/projectvietnam2012

"I am grateful to the New Jersey Press Foundation and to the Kilgore family for giving me the confidence to start off what was initially an intimidating freshman year. It is with their help that I have and will continue to pursue my journalistic and academic goals.

"Thank you and best wishes to you all,"

— Ellis Liang

Two 'true pros' retiring from Asbury Park Press

Two long-time managers have retired at the *Asbury Park Press*.

Managing Editor Gary Schoening, 64, and Regional Vice President for Customer Development Sam Sciliano, 66, retired in April.

"I have no plans to work," said Schoening.

"I'm going to dust off my golf clubs and maybe get some new ones. The ones I have are almost as old as I am."

He joined the paper in March, 1972 as a reporter in the Toms River bureau.

In 1974 and 1975, he and Gary Deckelnick, wrote an investigative series about Ocean County politics that was a finalist for the Pulitzer Prize. He said, "The thing I was most proud of with that was we never wrote one correction on all the stories we wrote."

Schoening also served as a general assignment editor and the Sunday editor before assuming his current post in 2003.

He said he hoped his legacy would be of a person who "tried to do journalism the right way, and who adhered to my favorite saying, 'comfort the afflicted, and afflict the comfortable.'"

An Asbury Park native, Sciliano joined *The Press'* marketing department in February 1966, during his first year at what



Schoening



Sciliano

was then Monmouth College. He worked days and attended school at night.

Along the way he served at every level of sales, including vice president of advertising.

"I loved it," Sciliano said. "I loved selling... I want to thank everyone I've ever worked with."

"I'm just 12 credits shy of my marketing degree," he said. "Maybe what I should do is get those 12 credits."

But that's not his plan. Now that he's retired, Sciliano will pursue his other love—music. He has been playing in bands for more than four decades.

His current band, PS4, includes himself and his siblings.

Recently he reunited with his first singing group, Ray and the Darchaes. They recorded their first singles, "Little Girl So Fine" and "Carol," in 1961.

Sciliano and his brother Patsy are credited with being among the creators of "The Sound of Asbury Park." His name is engraved outside Convention Hall on the boardwalk, along with those of Bruce Springsteen, Southside Johnny Lyon, Clarence Clemons, Norman Seldin and others.

"I'm going to go back to singing, playing and writing," he said. "Music is in my cells."

More state house news

The Record is expanding its State House bureau, to provide more breaking news to NorthJersey.com and to extend its analytical coverage in *The Record* and the *Herald News*. The bureau will increase from five to nine full-time staff members.

The expanded staff will cover Governor Christie, the Legislature, the state economy and issues of particular concern to Bergen and Passaic counties.

It will contribute to a running blog that will help set the day's agenda in Trenton with exclusive insight and analysis.

"New Jersey politics have national influence and stature," said Martin Gottlieb, editor of

The Record, "and our Trenton coverage is critical to readers."

"At a time when many news organizations are cutting budgets, especially for statehouse reporting, we are increasing our high-quality coverage," said Publisher Stephen Borg.

INPrint

(ISSN 1067-5132)

Published 4 times annually for \$15 per year by New Jersey Press Association, 840 Bear Tavern Road, Suite 305, West Trenton, NJ 08628-1019. Periodicals postage paid at Trenton, NJ, and additional mailing offices. POSTMASTER: Please send address changes to: InPrint, New Jersey Press Association, 840 Bear Tavern Rd, Ste 305, West Trenton, NJ 08628-1019.



NJNN Update

Amy Lear
Director
New Jersey Newspaper Network

Summer's on my mind

I hear a song in my head—it's called "Summer Wind." I love the approaching season and I can't wait to smell the salt air and sink my toes in the sand.

Summer is a time for many people to enjoy a vacation. And now, more than ever, I think hard-working newspaper staffers deserve one!

Across the board in this tough economy, personnel cuts have resulted in heavier workloads for those who—gratefully—remain employed. We see it not only in our own "newspaper" world, but also in the world of our customers—ad agencies and advertisers who are constantly challenged to produce more with less.

Fewer resources and now the vacation season, along with an "I want it now" mentality, can create a desperate need for prompt information and expertise.

As a result, the demand for ad services offered by state press associations is stronger than ever. It's our job here at the New Jersey Newspaper Network to help you exceed your revenue goals by helping your customers to easily invest in print and digital newspaper advertising. Here are some testimonials from a few of our clients:

"Using NJNN has made newspaper buying infinitely easier. Your expertise and quick turnaround make you an invaluable part of our media team."

— *John Thomsen, SVP-Media Director, Brushfire, Inc.*

"The folks at NJNN always strive to be helpful while providing prompt and seamless service to us as an agency. They simplify the process of print planning and placement in New Jersey with accuracy and accountability."

— *Shelly Corno, Media Director, Della Femina & Gianettino*

"NJNN is the perfect resource to go to when you need quick response time. They have saved me more than once when clients

need specific area placements for a campaign to start right away. They know their business, which keeps my business running smoothly. One-stop shopping and you can't go wrong!"

— *Lisa Riley, Media Buyer, SGW Integrated Marketing Communications*

New advertising ideas

In other news, I recently attended the national Newspaper Association Managers (NAM) advertising conference, where my counterparts from states across the country echoed this perspective. We gather each year to share best practices and new ideas with the common goal of generating more revenue for newspapers.

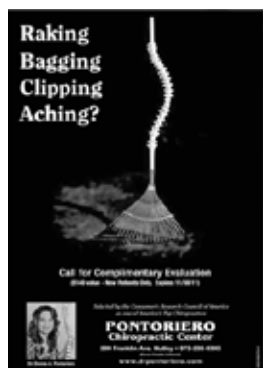
Hot topics at the conference included digital ad networks, selling with research (hats off to Florida Press!), and staying relevant in a sea of media options.

We concluded our meeting by viewing award-winning ads and statewide campaigns submitted by each attending state. For some wonderful advertising ideas, take a quick look at the PowerPoint I presented at that NAM session.

It was prepared by NJPA Communications Manager Catherine Langley. To view it, just visit this link: www.njpa.org/nam

Don't miss the Florida Press self-promotion campaign. I think it's time we do something similar for New Jersey. Send me your thoughts and suggestions.

Then take a vacation. You deserve it!



THIS CLEVER AD by the *Nutley Sun* won the top award in this year's NJPA's contest. Recently I showed it to press association ad managers from across America.

NJNN welcomes 2 additions

Congratulations to Jennine and Derek Remington on the birth of their first child, Oscar Eugene, born May 24. Jennine is Major Account Specialist for NJNN.

And Carolyn Banks (formerly Carolyn Winters) has returned to the NJNN team for the summer. As Marketing and Media

Specialist, Carolyn will help clients with planning and placement requests until Jennine returns from maternity leave. In addition, she will focus on special projects including updates to various advertising databases and marketing tools. Carolyn can be reached at 609-406-0600, ext. 31 or cbanks@njpa.org

Obituary

Mary Louise Sprague

Former NJPA publisher Mary Louise Sprague died at home in Chatham on May 19, 2012.

She was former publisher of *The Item of Millburn and Short Hills*, which she and her husband owned from 1968 until 1987.

Born in South Orange, Mrs. Sprague grew up in Maplewood and graduated from Columbia High School.

At Oberlin College she met classmate Wallace A. Sprague and they married in 1942. He was a commissioned U.S. Navy officer in WW II. She earned a master's degree in English at Columbia University. In 1951, they moved to Short Hills, eventually bought the weekly from the Paulsen family, and became active in NJPA affairs.

"She loved that paper," John Sprague recalled, in an obituary for his mother written by *Item* Editor Harry Trumbore. John Sprague said, "She brought the paper to great influence, losing a few friends in the process, but gaining the respect of all."

As editor of *The Item*, Carter J. Bennett worked with Mrs. Sprague for 19 years. Upon her death he recalled that, "She was completely dedicated to the town."

"She was the most honest person I have ever known," he said. "She didn't mince words."

John Sprague said his mother

sometimes wrote or assisted Bennett with editorials. "He and my mother agreed on everything," he said. "They were pretty direct and I think people in town appreciated it."

He said his mother was a moderate Republican, a life-long believer in women's rights and an outspoken critic of the Vietnam War. "She would never have

characterized herself as a trailblazer," John said, "but in her modern views and willingness to express them, in a small way she was."

Bennett, who retired in 2000 and now lives in Delaware, said Mrs. Sprague knew when to loosen the reins or pull him back.

"We had our disagreements, but she'd always back me up in public," he said.

"She was the best thing an editor could ever have happen to him."

The Spragues sold the newspaper to Barbara Lewis in 1987.

Wallace Sprague died in 1998. Mrs. Sprague is survived by two sons, Charles W. of River Hills, Wis., and John A. of New York City; and three grandchildren.

A funeral service was held May 25 at Christ Church in Short Hills. In lieu of flowers, donations may be made to The Pingry School, P.O. Box 366, Martinsville, NJ 08836.



Sprague



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EDITORIAL GENERAL EXCELLENCE, DAILIES OVER 45,000 CIRCULATION: *The Star-Ledger* staffers celebrate winning the top editorial award for its division in NJPA's annual newspaper contest. NJPA President Jenny Chciuk presents the award at Press Night, which honors winners in the editorial and photography competitions.



EDITORIAL GENERAL EXCELLENCE, DAILIES UNDER 45,000: The *Burlington County Times* staff accepts its award from Jenny Chciuk, who is holding the plaque. The *Times* tied with the *Daily Record* for General Excellence in their division.



EDITORIAL GENERAL EXCELLENCE, DAILIES UNDER 45,000: *Daily Record*'s Jim Flachsenhaar and Bob Katz accept the award.

NJPA
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EDITORIAL GENERAL EXCELLENCE, WEEKLIES UNDER 6,500: The *South Bergenite* crew accepts its contest division's top editorial award from NJPA President Jenny Chciuk.



EDITORIAL GENERAL EXCELLENCE, WEEKLIES OVER 6,500: *The Ridgewood News*' Richard DeSanta and Ed Virgin accept their award from Jenny Chciuk.

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RETAIL ADVERTISING GENERAL EXCELLENCE, DAILIES OVER 45,000: *The Star-Ledger's* Michele Hayes accepts the award from Jenny Chciuk



RETAIL ADVERTISING GENERAL EXCELLENCE, DAILIES UNDER 45,000: *The Courier News* award is presented to Deanna Ditty and Lynnette Canedy by NJPA President Jenny Chciuk at the Spring Awards Banquet on April 26 at The Hamilton Manor.



CLASSIFIED ADVERTISING GENERAL EXCELLENCE, DAILIES: *The Star-Ledger's* Kimberly Alvarez accepts the award from Jenny Chciuk.

NJPA honors winners at awards banquets

NJPA's annual awards banquets brought together journalists, photographers, sales representatives and artists to celebrate their accomplishments over the past year.

Press Night, held on April 12 at The Hamilton Manor in Hamilton, honored winners in the 2011 editorial, photography and editorial online contests.

Retail, classified and online advertising awards for 2011 were

presented at the Spring Awards Banquet on April 26 at The Hamilton Manor.

Attendance at both events was up significantly for the second year in a row.

The Star-Ledger earned three General Excellence awards: in the Daily over 45,000 circulation category for Editorial and Retail Advertising, and the Classified General Excellence award for dailies.

Tied for first

For dailies under 45,000, the *Burlington County Times* and the *Daily Record* tied for the Editorial General Excellence award. The *Courier News* earned General Excellence for Retail Advertising.

The *Asbury Park Press* received the awards for Best Overall Website and Photography Best of Show.

Editorial awards for General Excellence among weekly newspapers went to *The Ridgewood News* in the over 6,500 category and the *South Bergenite* for under

6,500.

The *Ocean City Sentinel* won General Excellence among weeklies for its classified section.

For complete lists of winners and to view the slide presentations shown at the awards banquets, go to njpa.org.

Photos taken at the events are posted on NJPA's Facebook page.

NJPA thanks SmallTownPapers, Inc., for sponsoring the banquets.

NJPA also thanks AFL Web Printing for donating these three pages for coverage of the awards banquets.



CLASSIFIED ADVERTISING GENERAL EXCELLENCE, WEEKLIES: *Ocean City Sentinel's* Rob Elder accepts its award from Jenny Chciuk.



OBIE AWARD: NJPA President Jenny Chciuk presents the advertising best-of-show trophy to NJPA Chairman Jen Borg for the *Nutley Sun*.



RETAIL ADVERTISING GENERAL EXCELLENCE, WEEKLIES: *The West Essex Tribune* celebrates its award with NJPA's Peggy Stephan, second from right. Accepting the award are Karen Trachtenberg, NJPA President Jenny Chciuk who is publisher of *The Tribune*, and Diane Driggs.

And DID YOU KNOW ...?

AFL provides Circulation Services for some publications that it does not print. If your printer only prints, call Michele Nesbihal at 856-566-1270 to discuss how AFL can help with your circulation needs.





VISUALIZING: College journalists close their eyes to imagine a scene Nat Clymer is describing. The point is to demonstrate the importance of images to people's understanding of what's going on – in the world around them and in the media they consume.

Image can dominate, expert tells students

"Close your eyes," says photographer Nat Clymer.

This gets his listeners' attention, because they're college kids and it's a Saturday morning. They'd love to grab a few more Z's.

But Clymer's engaging voice won't let them. It glides into a visualization exercise.

"Think of a beautiful place on your campus," he says. "There's a blue sky. Someone is tossing a red Frisbee, which a golden retriever is chasing across the green grass..."

His trap is set.

"Now open your eyes," Clymer says. "Did you see the word 'blue'? No, you saw a blue sky."

And that's how images work, he says. They are powerful captors of our imaginations – in most cases more powerful than words.

Clymer is speaking to award-winning student journalists at a gathering that the N.J. Press Foundation conducts each year in partnership with the N.J. Collegiate Press Association. A former top newspaper photographer who now shoots for an impressive list of corporate clients, Clymer is helping these young writers and editors to grasp that good images are essential to their stories.

Another visualization exercise. He says, "The word is 'homelessness.' What picture does this create in your mind?"

A man? Dressed in rags? Living on a city street or under a bridge?

"Actually," Clymer says, "68% of homeless people are women, frequently with children – but we don't see them because they are often in shelters. What would change if your readers and viewers understood this?"

Clymer talks about photo composition basics like the rule of thirds, leading lines, and using contrast to create energy. All important techniques for composing images. And he gives a great deal of practical advice. "Take lots of pictures. Lots of pictures!" he tells the young journalists.

"When shooting an event, get overall views to set the scene, medium-range views to convey the story, and detailed close-ups to pique readers' interest.

"When photographing people, you can't move in on them too quickly or you will scare them. Gradually move closer.

"When photographing a person for a feature article, take as much

time as you can to begin to know them. How do they move? Do they tend to left or right? Do they move a lot or not? How much eye contact do they make? Think about what elements in their body language will make the photo a portrait, not just a picture?

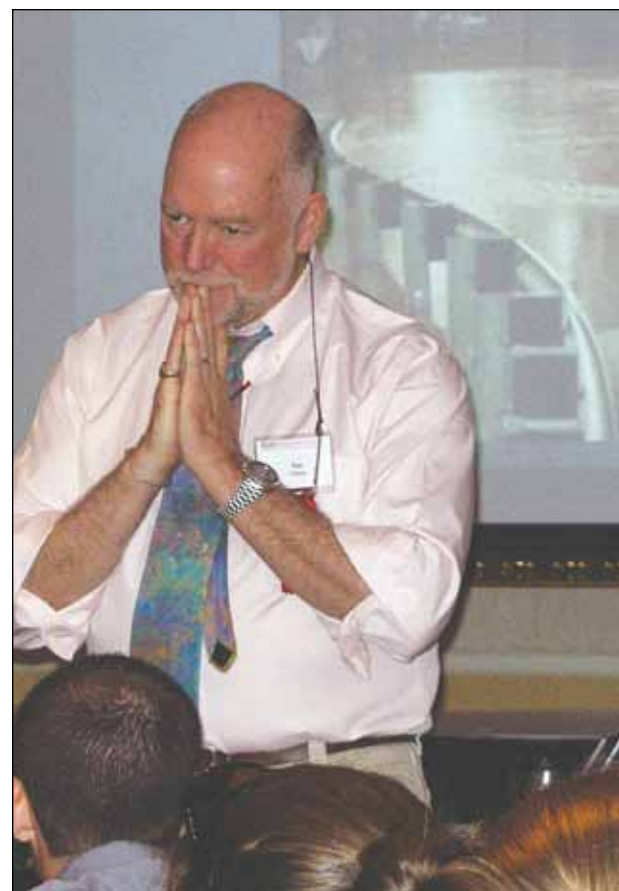
"Most people don't like having their picture taken. How do you get people to open up?"

"Reciprocity. If you share stories with them, they will respond with their own stories. If you start laughing, they will laugh. "People trust really good reporters. The same is true for photographers. Make connections with people. Trust your intuition."

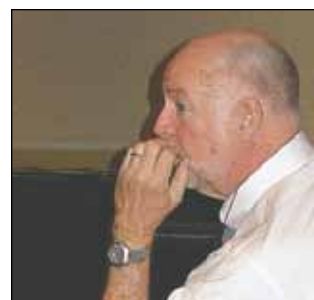
To hammer home his point about the importance of images he talks about first impressions. What happens when we meet someone?

"You have only three to four seconds to make a first impres-

— *Continues on Page 9*



LISTENING AND OBSERVING are skills that help award-winning photographer Nat Clymer build rapport with the people he photographs.



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NJPF Update

John J. O'Brien
Director
New Jersey Press Foundation

Good judges make good contests

One thing I've learned since retiring, and then reappearing as director of the New Jersey Press Foundation, is that in addition to money, the greatest need of your foundation is...JUDGES!

This spring we conducted our collegiate better newspaper contest, our summer internship competition, several scholarship competitions and our new Borg New Media internship competition. All of these programs require the assistance of judges to read and rate the entries.

My thanks go out to all of you who volunteered to take on the challenge of picking winners. It is not an easy task!

Technology has made the process a bit more user-friendly than in years past. Our slick contest software allows judges to download and view contest entries in the sanctity of their own office or home. Many judges recruit co-workers to assist them and make it a team effort. This is enabled by the digital format we use for judging. What a change from the days when judges from around the state would congregate in a windowless conference room somewhere and read stacks of entries from 9 in the morning until 5 or 6 at night.

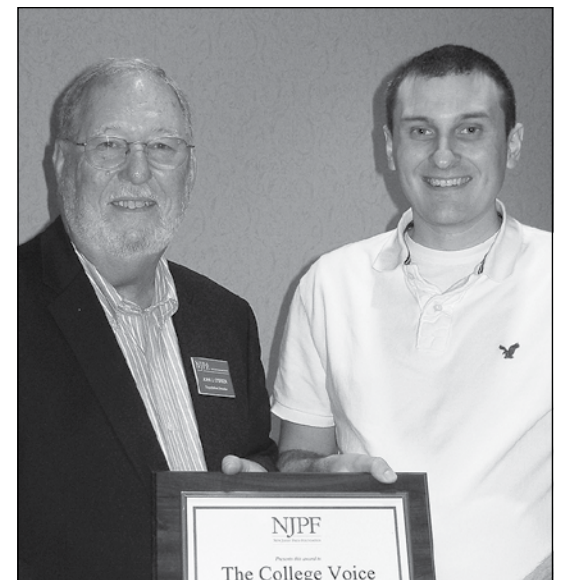
In some instances we still receive paper applications (for some internships and scholarships). Those judgments are also aided by technology in the form of UPS overnight services. We can have the entries delivered to judges' homes or offices in a snap and then they can return them to us with a minimum amount of effort. All the while we track them to assure nothing gets lost. It works smoothly and is very efficient.

The real gems in this whole process, however, are the dedicated editors, journalists and retirees who volunteer to be judges. Many have done this for years and tell me they look forward to the challenge each spring. Again, because of technology, a retired journalist can sit at home in Virginia or on the deck of a beach house at the Jersey shore and complete the assignment on his or her own terms.

We are always looking to expand our ranks with new judges. If you'd like to try it, just drop me an email at jjobrien@njpa.org and I'll be happy to add you to the list. Judges tell me they often get as much out of it as they put in. Give it a try!



THE DAILY TARGUM, Rutgers, New Brunswick, is the top 4-year college newspaper in the annual contest of the N.J. Collegiate Press Association. Olivia Prentzel accepts for *Targum's* staff from John O'Brien.



THE COLLEGE VOICE, Mercer County Community College, is the best 2-year college paper in this year's contest. Stephen Harrison accepts for the *Voice* staff from N.J. Press Foundation Director John O'Brien.

Drukker Scholarship award presented

Jade Leach, of Irvington, has won the 2012 scholarship given in memory of Richard Drukker, who was president of the New Jersey Press Association in 1969.

Drukker was publisher of the *Herald News* in Passaic, and he was instrumental in creating the New Jersey Press Foundation (NJPF), which oversees the administration and awarding of this scholarship and many others.

At the time of his death, his family created The Richard Drukker Memorial Scholarship fund, whose purpose is to recognize an outstanding Montclair State University student-journalist annually. Eligibility for this scholarship is limited to staff members at the student newspaper *The Montclarion* and/or MSU journalism minors.

The scholarship award is \$2,000.

"We received an impressive array of outstanding entries," said NJPF Director John O'Brien. "It is a privilege to present the award to Jade Leach."

Leach is a columnist for *The Montclarion*. She also served as an editorial assistant during an internship at *New Jersey Business Magazine*. She is currently serving an internship as an editorial assistant at MTV Networks.

In her application, Leach wrote, "During my time at Montclair State I have learned just how im-



DRUKKER SCHOLARSHIP: Jade Leach accepts the award from NJ Press Foundation Director John O'Brien.

portant journalism is to our democracy and humanity. My goal is to become a better journalist and to help improve journalism in our society."

The mission of NJPF is to assist talented young journalists across the state.

Image can dominate, expert tells students

Continues from Page 8

sion. How many words can you say in that time to make an positive impression?" Clymer asks. "None. What people respond to is how you look and act, to your energy. Eighty-four percent of conversation is visual, only sixteen percent is verbal. Visual is such a part of our everyday life that we don't think about it. We don't think about how we are responding to pictures, or what influence they have on us."

Back to advising young journalists:

"But a photograph is not a snapshot. A snapshot is quick; it doesn't require any real thought. Photographs take time and thought.

"To really communicate a story, you need your

photographs to work together with your text."

For more philosophy, some great shooting tips, and lots of wonderful photos, visit Clymer's blog, "The Wandering I," at www.natclymer.com

Every little gift adds up!

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www.njpressfoundation.org/giving



Application deadlines

- Dec. 31** – Summer Internship Program & Borg New Media Internship
- Feb. 15** – Bernard Kilgore Scholarship
- Mar. 29** – Richard Drukker Scholarship

For more information and applications:
www.njpressfoundation.org

Court limits libel damages

Continues from Page 1

D.A. then moved to Florida and continued to post the same accusations of child molestation against his uncle online, while denying the validity of the judgment against him, which D.A. refused to pay.

The Court found D.A.'s statements were less protected because they concerned a private plaintiff and involved a matter of private concern.

New Jersey has previously ruled that presumed damages in defamation cases are not available for speech about public officials, public figures, or matters of public concern -- absent a showing of actual malice. But now the Court has said that presumed damages will still have some viability, in the form of nominal damages, in cases brought by private plaintiffs where the subject of the alleged defamatory statements are of purely private concern.

Speech about matters of purely private (as opposed to public) concern is less protected, as is evidenced by the lower level of fault and burden of proof required. In New Jersey, a plaintiff does not have to show actual malice to win a lawsuit over statements about a matter of private concern - only negligence.

And the burden of proof is lower in that the claim must be proven by a "preponderance of the evidence" standard. By contrast, in lawsuits alleging defamatory statements about public officials, public figures, or involving matters of public concern, the level of fault that must be proven is higher, that of actual malice, and the burden of proof is higher as well, namely a "clear and convincing" evidence standard.

Because of this lower standard of fault and the lower burden of proof in private plaintiff/private

speech cases, NJPA attorney Tom Cafferty argued in his friend-of-the-court brief that presumed damages are unnecessary and should be ended in New Jersey.

"[New Jersey has] already addressed the greater interest in protecting reputation by lowering the standard of fault. Why do we provide a windfall in damages that may be unrelated to the injury?" he said.

While the Court determined that presumed damages are still necessary to protect reputation in private plaintiff/private speech matters, the decision came with a victory for First Amendment attorneys.

In limiting the scope of presumed damages to nominal damages, in the absence of proof of actual harm, the Court determined that presumed compensatory damages would no longer be available.

And, significantly, the N.J. Punitive Damages Act precludes an award of punitive damages based solely on nominal damages. Both Cafferty and Bruce Rosen, one of the authors of the New Jersey chapter of the American Civil Liberties Union's friend-of-the-court brief, agreed that this would take much of the teeth out of presumed damages lawsuits.

Rosen noted that under the new law, presumed damage awards will be both smaller and harder to establish, which will discourage litigation.

"This will make it harder for plaintiffs to find lawyers," Rosen said.

For the related article: <http://www.rcfp.org/browse-media-law-resources/news/new-jersey-supreme-court-limits-libel-damages-distinguishes-online-s>

For the corrected decision: <http://66.39.23.240/njpa/legal/WJAvDA-CorrectedOpinion.pdf>

Legal Hotline questions answered

Continues from Page 2

A It appears that these members would have a conflict of interest in voting on such issues, as N.J.S.A. 40A:9-22.5(d) and the city's ethical standard provide that "No officer or employee shall act in his or her official capacity in any matter where he or she or a member of his or her immediate family or any business organization in which he or she has an interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment."

However, there are limited situations in which a governing body may, despite the existence of a conflict, be permitted to act under a principle called the "doctrine of necessity." This doctrine is limited in its application but will be invoked "in those circumstances in which there is a pressing public need for action (that is, the matter cannot be laid aside until another date), there is no alternative forum which can grant the same relief and the body is unable to act without the members in conflict taking part." See *Allen v. Toms River Regional Board of Education*, 233 N.J. Super. 642, 651 (L. Div. 1989).

Generally speaking, the doctrine of necessity is utilized when "a pressing public need exists, and it would be detrimental to the public's well-being to bar the disqualified members from participating in a vote." *Gunthner v. Planning Board of the Borough of Bay Head*, 335 N.J. Super. 452, 462 (L. Div. 2000).

Q Can the newspaper obtain access under OPRA to information on accumulated sick time and vacation days of a Board of Education School Superintendent who has resigned. Also, can the newspaper get access to the amount of his pension.

A Yes. N.J.S.A. 47:1A-5 provides, in pertinent part, that "[i]mmediate access ordinarily shall be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information."

Additionally, while OPRA provides that pension records are not considered public information, generally, there is an exception contained in N.J.S.A. 47:1A-10 that "an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received shall be a government record."

Q Our newspaper has been asked to run a "legal advertisement" in which two individuals assert a "common law" lien on a specified parcel of land. Please advise.

A We advise that the paper not accept the advertisement without evidence to support the basis for the asserted "common law" lien. We are unaware of any such concept in New Jersey and publication of the ad might constitute slander of title.

Q What is the law in NJ with respect to access to police blotters?

A Police blotters constitute "government records" under OPRA and are not exempt as criminal investigatory records because there is no criminal investigation at the time a call is made and recorded in the police blotter. See *Serrano v. South Brunswick Township*, 358 N.J. Super. 352 (App. Div. 2003).

Q Can we use a Google or Mapquest picture in an ad to show where a street is located, since it is a brand new street and is hard to find?

A No. Google and Mapquest maps are copyrighted, and use in an advertisement would not fall within the fair use exception of the general copyright prohibition against using copyrighted material without a license.

Q As a rule, advertising bingo games in New Jersey is prohibited, but suppose the bingo game is a fundraiser for a local Boy Scout troop?

A N.J.S.A. 5:8-63 prohibits the advertising of the location, time or prizes of any game of chance (bingo is such a game) in any newspaper. The statute contains no exception based on the purpose for which the game of chance is being conducted.

The "Legal Hotline" is a free service to NJPA member newspapers.

If you have a newspaper-related legal question, contact the Hotline at Gibbons, P.C.:

*Lauren James-Weir
phone (973) 596-4861
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Account Executive (Real Estate)

This position requires experiences in creating marketing solutions targeted to real estate agents, real estate brokers, mortgage companies or other real estate

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For more information, visit us at www.centraljersey.com EOE E-063012

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