



Iowa Newspaper Association Bulletin

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How you can still lose while winning in court

RANDY EVANS, EXECUTIVE DIRECTOR
IOWA FREEDOM OF INFORMATION COUNCIL

Many years ago, during a conversation with an old lawyer, he made a comment I still remember: “You can sue the bishop of Boston for bastardy, but that doesn’t mean you are going to collect.”

It was Frank Karpan’s way of reminding a young editor that merely filing a lawsuit is not the most important occurrence in a dispute. The outcome is.

My friend’s Frank-isms have been quoted in these columns before. My favorite is the rarely wrong observation, “I never had a client listen himself into trouble, but I’ve had plenty who talked themselves into trouble.”

Frank’s comment about the bishop occurred back when it was easier to figure out winners and losers in court fights. These days, however, someone can win in court but ultimately lose, because the cost of a skilled legal defense can be staggering.

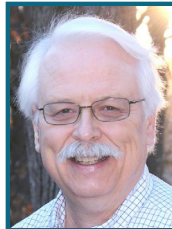
A bill in the Iowa Legislature tries to address this legal conundrum, and lawmakers’ efforts are worthy of support.

House File 456 was unanimously approved in the Iowa House. A Senate subcommittee approved the bill last week, moving it closer to a final Senate vote.

This is an important bill because retaliatory lawsuits can have a profound effect on people’s freedom of expression — particularly when cases are filed to intimidate opponents or critics from speaking out on matters of public concern or when cases try to discourage newspapers from reporting on these matters.

House File 456 is called the anti-SLAPP bill. The acronym stands for strategic lawsuits against public participation.

The bill establishes an expedited process for judges to decide lawsuits arising from people or businesses exercising First Amendment rights on matters of public



Randy Evans

concern. It is not unusual for such cases to move at a snail’s pace in court, even when the issue has little merit. That delay translates into higher costs for the defendant.

Under House File 456, if such a freedom-of-expression case is decided in favor of the defendant, the plaintiff would be responsible for the defendant’s reasonable attorney fees.

Two Iowa cases illustrate what is at stake with “SLAPP” suits.

In 2018, a Carroll police officer sued the Carroll Times Herald for reporting on his sexual relationships with two teenagers, including a high school senior who moved in with him after a fight with her parents. The newspaper also reported the officer was hired in Carroll after being fired in Sumner, in part for inappropriate Facebook messages to a 16-year-old girl in that town.

The officer accused the newspaper of libel, though he admitted having sex with the high school girl and knew his actions were wrong. But it still took nearly a year, and tens of thousands of dollars in legal expenses, before the judge dismissed the lawsuit.

Doug Burns, the newspaper’s co-owner, said while the paper was victorious, the case was still devastating financially. “There’s a lot at stake when you’re facing something like this,” he told the Washington Post.

There’s a lot at stake in a case now before the Iowa Supreme Court. It involves Richard Bauer, a businessman in the Woodbury County town of Sloan, who sued an area resident, Bradley Brinkman.

Bauer manages an apartment building owned by a family trust. He first sued Sloan city officials for not stopping the owner of a dog grooming and boarding business from erecting an exercise area on a lot next to his building.

The owner of the dog business went onto Facebook to comment about the dispute. Brinkman joined the discussion and compared Bauer to feces and said he was “nothing more than a slum lord.”

Bauer sued Brinkman for libel, but the judge granted summary judgment in Brinkman’s favor. The

COURT - cont. on page 2

CALENDAR of EVENTS

MEETINGS

INA, INF, INA Services
Company Board Meetings
Friday, April 23
@ 10 a.m. via Zoom

COURT - cont. from page 1

Iowa Court of Appeals upheld the ruling.

“Brinkman’s comments may have been vulgar, offensive, insulting, and just plain rude,” the appeals court said, “but they did not rise to the level of defamatory statements because they were expressions of opinion protected by the First Amendment.”

Bauer has asked the Supreme Court to overturn the appeals court decision.

The American Civil Liberties Union of Iowa, in a legal brief to the Supreme Court, explained the importance of the case: “To allow the litigation against Brinkman to proceed to the jury based on these figurative epithets would chill free speech and debate on matters of public concern on social media in Iowa.”

Winning is not necessarily the top goal of SLAPP lawsuits, the ACLU said. Instead, the motive is to silence and harass critics by forcing them to spend time and money defending themselves against meritless claims.

Iowans should use their First Amendment rights and tell senators to support House File 456.

Randy Evans is executive director of the Iowa Freedom of Information Council. He can be reached at IowaFOICouncil@gmail.com.

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Gordon Borrell Is (Finally) Bullish on Newspapers

"E&P" REPORTS

VIDEO/PODCAST

It's true that over the years, we have seen the Borrell Associates' Advertiser Research Studies show a downward trend in local advertiser spending for printed newspapers. But today, Borrell Associates CEO Gordon Borrell feels that those same newspaper companies are now in the right position to gain larger shares of local digital dollars as those advertisers look to shift their expenditures to those companies with the right solutions. According to Borrell's latest newspaper study, most local ad directors feel they are poised for significant growth over the next year. It's all part of a new study being performed by Borrell Associates and

America's Newspapers to help the industry find the best growth opportunities in 2021.

In this segment of "E&P REPORTS," Publisher Mike Blinder goes one-on-one with Borrell on initial findings and what opportunities are available now for garnering new ad dollars.

For more information about participating in the Borrell/America's Newspapers study visit:

<https://newspapers.org/stories/borrell,4157947>

Borrell Associates Website:

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Visit <https://www.editorandpublisher.com/stories/gordon-borrell-is-finally-bullish-on-newspapers,188544?newsletter=188545> to listen to the podcast.

National Newspaper Association adds voice to the call for Congressional Action on USPS

TONDA RUSH

NATIONAL NEWSPAPER ASSOCIATION

National Newspaper Association Chair Brett Wesner, president of Wesner Publications, Cordell, Oklahoma, today echoed the call of Postmaster General Louis DeJoy for quick Congressional action in providing \$58 billion in financial support to the Postal Service.

Wesner's comments came at the conclusion of DeJoy's release of the USPS 10-year plan "Delivering for America," in which multiple changes in USPS' approach to preserving Universal Service were laid out in broad strokes. Much detail in how the plan will be executed is yet to come. Wesner said NNA would take a "wait and see" approach on specifics, but was watchful for any threat to service reliability.

The plan includes the expectation of \$44 billion in higher postage revenue from mailers and package businesses over 10 years, following the Postal Regulatory Commission's authorization of higher postage rates that could cost newspaper mailers up to 9% increases each year. The plan also asks Congress for \$58 billion in changes for funding of employee benefits. DeJoy said if Congress acts, the Postal Service might not need to use the full authorized postage rate increase.

USPS will eliminate air transportation for much of

its long-distance First-Class mail, but does not expect a loss of actual service performance for local First-Class mail, DeJoy said. He noted that by reducing hand-offs of mail and packages to multiple legs of air travel, USPS hopes to make surface transportation more dependable than air freight.

USPS also rolled out a plan for a new service called USPS Connect to make it easier for local businesses to send packages. More detail on that service also is expected in days to come.

Wesner said NNA was concerned about losses in service performance as well as higher prices, but said he believed the key action would be from Congress.

"USPS has faced many challenges from reduced mail volume to COVID shutdowns," Wesner said. "But the point where we find ourselves today is largely because of inaction from Congress, which has spent a decade failing to find the sweet spot to support the nation's need for universal service. NNA has long called for Congress to change the requirement for USPS to prefund its retiree health benefit, to use the Medicare benefit that mailers have paid for on behalf of postal workers and to make sure the money captured in the Civil Service Retirement System is actually the Postal Service's obligation only and not money being used to support other federal needs.

"Now we amplify this call. If Congress does not act, the entire system is in jeopardy."

FREE MEMBER EXCHANGE

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ADVERTISING SALES OPPORTUNITIES. Eastern Iowa Media Group - Solon Economist in Solon, Iowa. Support your business community and your neighbors with local advertising in print and online. This position is full-time, ensures a competitive wage and is eligible for a truly comprehensive benefit package. Apply online and include your resume and a cover letter. The Solon Economist is a product of Woodward Community Media, a division of Woodward Communications, Inc. Account Executive – Outside Sales – EIMG-S – Solon wcinet.com/careers 0224

FEATURE/SPORTS REPORTER. Feature/Sports reporter needed for The News of Kalona Iowa. Must be able to cover meetings, do features and help with covering high school sports events. Full or part time position Must also be able to do some photography. Hourly pay depends on ability and experience. Contact Ron Slechta, The News 319-400-7072 or publisher@thenews-ia.co.m

MANAGING EDITOR. Enterprise Media Group, a progressive regional publishing company headquartered in Blair, Neb., is seeking a managing editor for our community newspaper group based out of Seward, Neb. Duties will include managing an editorial staff, story assignments, reporting, photography and oversight of our online digital products. If you're an experienced journalist, with good management skills, this could be a great opportunity for you. We're looking for someone who has a love of community journalism, and can bring new ideas to the table to help us better serve our communities. At Enterprise Media, you'll know your bosses. We have been a family-owned media company for six generations with 12 community newspapers in Nebraska and Iowa. We offer competitive pay, paid vacation, health insurance, retirement plan and other benefits. Let us tell you more about this great opportunity. Please send your resume and cover letter to Group Editorial Director Leeanna Ellis: editor@enterprisepub.com

NEWS REPORTER. The Le Mars Daily Sentinel, a four-day-a-week newspaper in northwest Iowa, seeks a motivated news reporter who can generate ideas, turn in accurate and well-organized stories, meet daily deadlines and work well with our newsroom. The ideal candidate must have experience using InDesign and be comfortable with digital photography. The Daily Sentinel also offers a competitive starting salary and solid benefits package. Please forward resume, cover letter and clips to Kim Fickett, senteditor@gmail.com, or mail to Editor, Le Mars Daily Sentinel, 41 First Ave. N.E., Le Mars, IA, 51031.

MANAGING EDITOR. What's not to like? Great newspaper town, big coverage area, assistant editor, sports editor, experienced ad and design staff, publisher from the news side, insurance and benefits, family ownership that cares about the product in addition to the bottom line - how does it get better in this modern media age? So, are you interested in discussing being the next managing editor

of the Kossuth County Advance in Algona, where you will plan, write, shoot, design and impress the community with a great product? Are you ready to step in where our retiring ME is leaving off? Email your credentials, list of skill sets, accomplishments and resume to publisher@algona.com. This position requires relocation to the immediate area. All applications held in the highest confidence.

REPORTER. The Southeast Iowa Union is a regional daily newspaper searching for its next rising star reporter to cover stories throughout Southeast Iowa communities including Mt.Pleasant, Fairfield and Washington, Iowa. This position will be based in our Washington, Iowa, office. Our ideal candidate is hard-working, motivated and a self-starter willing to work with a team to produce exciting print and digital news products. You'll cover a wide variety of topics, from government meetings to community celebrations throughout Southeast Iowa. We are a part of a progressive employee-owned print and digital media company including our daily regional publication, as well as our parent company, The Gazette in Cedar Rapids.

Our ideal candidate will be someone who is curious about our communities and residents and is as comfortable covering a city meeting as you are writing a great feature or diving into an in-depth story. You'll work on multiple stories simultaneously and can jump between projects easily. We're looking for a candidate that has solid news judgment and is someone that finds themselves asking why or how, in addition to just telling readers what. You should be comfortable shooting video and still pictures and able to write a good outline.

You'll be thinking about engaging with the audience through digital channels and be thinking how to present news and connect to the audience in an ever-changing media landscape. You should enjoy trying new things. Benefits: This is a full-time position with benefits including health, dental, vision, 401k, and participation in the employee stock ownership program.

Requirements: You should have an undergraduate degree in journalism, English, communications or a related course of study. Prior experience is desired, but we'll consider you if you are a recent college graduate. You'll need a valid driver's license, a dependable car and a history of safe-driving habits.

EOE pre-screening drug and background tests required. To apply go to SoutheastIowaUnion.com/careers. 0331

SPORTS EDITOR. The Tipton Conservative, a weekly newspaper in eastern Iowa, is seeking as sports editor. Strong writing, photo and layout (InDesign) skills required. Send cover letter and resume to Stuart Clark c/o The Tipton Conservative, Box 271, Tipton, Iowa 52772 or stuartC108@aol.com. 0414

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For sale: Northwest Iowa weekly newspaper with supplement and printing shop. County legal plus legal for four towns. New-

MEMBER EXCHANGE - cont. on page 6

MEMBER EXCHANGE - cont. from page 5

ly remodeled brick/block building, equipment, large inventory included. Selling because of age/health. Phone 712/230/1405 or e-mail rouse@nethtc.net

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View and submit ads on the Internet at www.INAnews.com. Students and professionals may also submit their resumé's for online viewing.

There is no charge for most of these ads. They are a free service to INA active (newspaper) members only. The name of the newspaper in the ad must be the same as published in the current INA Directory.

If you are trying to help an employee relocate, please send us the ad information on your letterhead, rather than having the employee write us. We will not run ads for persons living in a member's town without first clearing the ad with the publisher.

Please have copy to the INA office no later than noon on Monday. The INA will make the determination of whether an ad qualifies for free or paid publication. If payment for an ad is not enclosed with the ad, the INA will require payment in advance before the ad will be published.

Ads for products or services which could be marketed for a profit may be published for a fee of \$10 per insertion, paid in advance, with a 40-word maximum.

Recruitment (help wanted) ads for positions in states other than Iowa may be published for a fee of \$25 per insertion, with a 100-word maximum.

For more information, contact Cicely Gordon at cgordon@inanews.com.



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