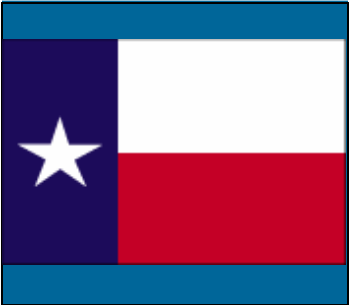


August 2003



TEXAS CIRCULATION
MANAGEMENT ASSOCIATION

TCMA Lone Star Review

Get Nautical: Steering Circulation

President **Lane Aten** has selected a theme for the 89th Annual Texas Circulation Management Conference. **Get Nautical, Steering Circulation** will set the pace as conference attendees set sail for Corpus Christi on October 27-29, 2003.

The host newspaper, *The Corpus Christi Caller-Times*, under the direction of Vice President of Circulation, **Ginger Nolte**, is busy making sure TCMA members will have a good time while in Corpus Christi. The President's Dinner will be held at the Texas State Aquarium.

It has been ten years since TCMA met in Corpus Christi. Located in the Marina District, **The Omni Bayfront Hotel**, a AAA Four Diamond Hotel, offers sweeping views of Corpus Christi Bay. All of the TCMA functions will be at the Omni. The hotel is now accepting reservations.

The week will begin with the TCMA Golf Tournament at the Padre Isles Country Club.

The business sessions begin on Tuesday, October 28, 2003 and continue through Wednesday afternoon. The conference concludes with the Carrier of the Year Banquet honoring the winners of the annual carrier of the year competition.

The keynote speaker opening the conference will be **Yvonne Conte** from Crack-A-Smile. She will re-introduce you to a sense of humor that you can use in handling the ups and downs in the workplace today. **Mark Henschen**, Circulation Director in Escondido, California, will deliver an exciting message regarding EZ Pay and retention of your subscribers. Other newspaper related speakers will bring topics of interest from the current ABC rulings, telemarketing updates, and legal issues. Registration packets will be mailed in early September 2003. Hotel reservations need to be made by **October 5, 2003** in order to receive the conference rate.

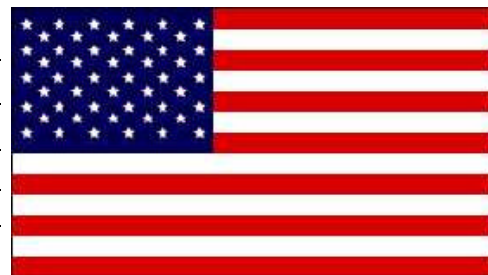


Yvonne Conte



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THE ZINSER LAW FIRM

L. Michael Zinser, TCMA General Counsel

Court forces employer to take baby steps

The U. S. District Court for the Southern District of New York ordered an employer in a sex discrimination case to review a sample of the e-mail on its backup tapes. The court will then determine whether the plaintiff or the defendant should be required to pay the expense of having the employer recover and produce all the e-mails responsive to the employee's production request.

Although it is normally the obligation of the responding party to pay the expense related to responding to discovery requests, a party can seek a protection order in cases where the cost of responding to the request for production outweighs the value of the information requested. In such situations, the United States Supreme Court has ruled that courts should undertake a cost-shifting analysis to determine who should pay the costs of responding to the production request. In this case, the plaintiff sought the production of all e-mail that referred to her. The defendant estimated the probable cost of production to be approximately \$300,000. The case had a potential value of \$13,000,000.

The court held that when information is relatively inaccessible, such as e-mail stored on backup tapes, the court should 1)

gain a thorough understanding of the responding party's computer system; 2) require the responding party to produce all responsive documents from a small sample of the requested material; 3) conduct a cost-shifting analysis considering, among other things, the cost of production compared to the amount in controversy and the resources available to the parties, the importance of the issue at stake and the relative benefit to the parties of obtaining the information.

The court requested the employer to produce a small sample of the requested material to determine whether further production was warranted, and if so, who should pay for the cost of producing the information.

Court squeezes life out of sex harassment claim

On her way out of her employer's facility at the end of her shift, Collette Meriwether was grabbed from and on the behind by a fellow coworker (Winston). Meriwether described the rear assault as a "grab with force, not merely a pinch, but a hold near the upper thigh." After Winston put the pinch on Meriwether, she punched Winston and yelled at him.

The next day, Winston stopped Meriwether and joked about the incident with another coworker. Meriwether reported the incident to her supervisor and requested a shift-change,

which the employer granted. Winston was initially suspended for two days and was suspended for five more days following the employer's investigation into Meriwether's complaint.

In order for an employee to establish a sexual harassment claim, the employee must show that he/she suffered severe and pervasive conduct that altered the conditions of the employee's workplace. Merely rude or unpleasant behavior is not sufficient evidence to make out a harassment claim.

The U.S. Court of Appeals for the 8th Circuit agreed with the trial court that a lone grabbing incident and subsequent encounter does not rise to the level of severe or pervasive conduct. Additionally, the court held that Meriwether failed to show that her employer failed to take prompt remedial action.



Omni Bayfront Hotel
To receive the TCMA
Conference rate, call before

October 5, 2003

361 887 1600

Our Newest Members!

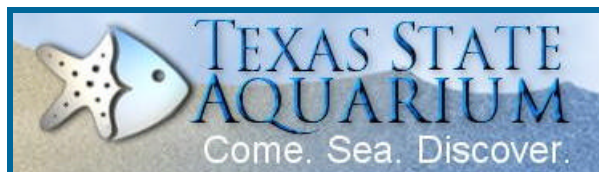
Craig Pauling	New Braunfels Herald-Zeitung
Terri Heil	Envision Data Systems
Mike Pitzer	Midland-Reporter Telegram
J'Nita Howard	Midland-Reporter Telegram
Patricia Hobbs	Midland-Reporter Telegram
Eric Bjorlie	Midland-Reporter Telegram
Deann Allen	Midland-Reporter Telegram
Rob Oden	Circulation Development, Inc.
Donald Van Ackern	The Houston Chronicle
Joe Neuhof	Publishers Circ. Fulfillment

2003 Conference

The Corpus Christi Caller-Times will host the 2003 TCMA Fall Conference at the Omni Bayfront Hotel. The conference dates will be October 27-29, 2003. The Association last met in Corpus Christi in 1993.

Additional information about the conference site is on the TCMA Web site including conference and vendor room layouts. Hotel room reservations are now being taken by calling the hotel at **(361) 887-1600**.

The golf tournament will be held at the Padre Isles Country Club on Monday, October 27, 2003. Click on the link to the country club on the TCMA web site.



The President's Dinner will be held at the
Texas Aquarium on
Tuesday, October 28, 2003



Texas Roundup!

Hearst Marketing Excellence Award

Charles Lawson, Circulation Director for the *Plainview Daily Herald*, has headed the circulation department for the last 18 months of his five-year tenure at the Plainview Daily Herald. In that time, his clever promotion, telemarketing and incentive planning has tripled the Newspaper in Education income this past quarter; boosted home delivery sales by 6%, and increased single copy sales by 14%. More than that, circulation delivery complaints have dropped to one-third of prior volumes. Productivity in the mailroom he supervises is higher than at any time in the past two decades. He is active in the community, president of the Kiwanis Club, and last year received the Dale Carnegie Program's Highest award for achievement. Charles was recently awarded the Hearst Marketing Excellence Award that recognizes individual contributions to the continuing success of Hearst Newspapers.

Wanted: Texas Roundup News

Do you have some news to report regarding your newspaper? There is a simple form on the TCMA web site (Newsletters) that only takes seconds to complete for news, promotions, or departures at your paper. We want to know and Texas wants to know! Share your good news and your successes with your TCMA members through the Newsletter!

www.texascma.org

Regional Director Election at Fall Conference

By J W Smith

The Texas Circulation Management Association's By-Laws require new Regional directors to be elected at the annual conference. The regional directors serve on the Board of Directors for two consecutive years. Article IV, Section 4 of the by-laws state: **Section 4. In addition to the Officers mentioned in Section 1, the board shall consist of five directors representing five regions of the state (West, North, Central, East, South). Each Regional Director will be elected from a caucus representing their region. A person may serve as Regional Director for a term of no more than two consecutive years. The duties of a Regional Director shall be to promote and recruit membership to the Association.** On Tuesday, October 28, 2003, during the luncheon, TCMA newspaper members will be asked to sit with their region to elect their Regional Director. Maps and a list of counties that make up the regions are available online under the membership section at www.texascma.org. If you would like to be a nominee for a Regional Director, please send your request to **Lane Aten** at tcma@texascma.org or call Lane at 956 430 6296. Your name will be submitted to your caucus table. Regional Directors must be current TCMA Newspaper members with their dues current for 2003. Upon election, the Regional Director term begins at the end of the conference for two years. The first board meeting will be held in January 2004.

Conference 2005

If your newspaper would like to host the TCMA Conference in October 2005, please make your request known to President **Lane Aten** tcma@texascma.org or call 956 430 6296.

The local newspaper is only responsible for hosting the conference and providing the President's Dinner along with some local logistics. President Aten can give you more details and can share how previous convention cities have been able to host the conference with very little expense.

The TCMA by-laws require the host city to be selected two years in advance.

2004 Spring Seminar

May 13-14, 2004

Mark your calendars and make plans to be in Austin, Texas for the 2004 Spring Seminar. The Association will meet at the Omni Southpark, which was the site for the 2002 and 2003 Seminar.



TCMA Regional Directors



Ginger Nolte (South)	(361) 886-3612
Corpus Christi Caller-Times	
Dolan Stidom (North)	(817) 215-2204
Fort Worth Star-Telegram	
Gary Wamsley (West)	(432) 687-9002
Midland Reporter-Telegram	
(Central)	
(Open)	
(East)	
(Open)	

TCMA Board of Directors

Paul Jauma	Chairman/NAA Federation Rep.	Houston Chronicle
Lane Aten	President	Valley Morning Star
Bobby Perry	President-Elect	Texarkana Gazette
Steve Jordan	First Vice President	Houston Chronicle
Jack Light	Second Vice President	Amarillo Globe -News
Ginger Nolte	Regional Director (South)	Corpus Christi Caller-Times
(Open)	Regional Director (Central)	
Dolan Stidom	Regional Director (North)	Fort Worth Star-Telegram
(Open)	Regional Director (East)	
Gary Wamsley	Regional Director (West)	Midland Reporter-Telegram
Jeff Hechler	Associate Director	Schermerhorn Brothers
Curtis Smith	Associate Director	K-Jack Engineering Co., Inc.
James Smith	Secretary/Treasurer	Houston Chronicle

Second Vice President

Election In October

According to the TCMA By-Laws in Article IV, Section 4, election of officers shall take place at the annual conference. Nomination speeches will be limited to two minutes during the morning session on Tuesday, October 28, 2003. While seated by TCMA regions during the Tuesday business lunch, (*see Regional Directors, page 4*) election of the second vice president will take place by secret ballot.

Officers elected will begin their term immediately following the conference. Beginning with the Second Vice-President and serving through Chairman is a five year commitment. Officers advance from Second Vice-President, First Vice-President, President-Elect, President, and Chairman. The By-Laws are online at www.texascoma.org.

Texas Circulation
Management Association
TCMA Lone Star Review
August 2003

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