



# SCMA Newsletter

January/February 2008

Southern Circulation Managers' Association • [www.scmaonline.net](http://www.scmaonline.net)

## 2008 SCMA Conference

The Hilton Baton Rouge Capitol Center Hotel  
April 20-23, 2008



LSU's Tiger Stadium

### *In this issue*

Message from the president	2
ABC update	2
SCMA membership	3
SCMA promotion competition	3
2008 SCMA conference speakers	4-5
Legally speaking	6
Hot ideas breakfast	6
NAA update	7
Member in the news	7
SCMA advertisers	back

# Message from the President

DEAN BLANCHARD  
SCMA President



Greetings to all SCMA members! It seems as though just a few weeks ago we were in Daytona for our 2007 annual conference. Yet here we are only weeks away from our 2008 conference in good 'ole Cajun country.....Baton Rouge, Louisiana.

The planning of the conference is going very well. We had our annual conference pre-planning meeting in Baton Rouge on Monday, January 21st. The pre-planning committee accomplished all of the goals we'd set. I would like to thank the executive board for all of their help and hard work in planning the conference. I would also like to thank all of our committee chairpersons, including: Veronica Ricard, Aaron Armand, Lance Cope, and Paul Fugarino. They are all working very hard towards developing another successful SCMA Conference.

I want to give a special thanks to Joel Greenstein, our vendor liaison. Joel represents all the great vendors that we rely on, and that support our industry. Please make sure to visit with all the vendors at the conference. If you have a need for products and services they will surely meet that need.

As you know, we included a tentative conference schedule in the last newsletter and an updated schedule with this newsletter. Most of the schedule is complete; however, a few minor changes may be necessary. I would like to encourage all member newspapers to submit multiple entries in the Promotion Competition. Please refer to the promotion competition materials that accompany this newsletter, or visit our website at [www.scmasonline.net](http://www.scmasonline.net). You may also contact Lance Cope, our promotion contest chairperson ([lcope@theadvocate.com](mailto:lcope@theadvocate.com)).

I would like to take this opportunity to review some of the highlights of the conference. Sunday morning we will have the Gordon Cox Memorial golf tournament. This was organized by our in-house golf coordinator Paul Fugarino. The buses will depart at 6:30 a.m. and there will be an 8:30 a.m. shotgun start with breakfast, lunch, and drinks included in the outing. Bingo will be provided for non-golfers and spouses at the Jim Long Memorial ice-breaker at 1:30 p.m. on Sunday.

**On Monday morning, be ready to get motivated!**

**We begin the conference with a message from the head coach of the 2007 National Football Champion LSU Tigers, Les Miles.** Then, our keynote address will be "The Positive Power of Humor — Happy People Are More Productive" given by Yvonne Conte. This will be positive, funny, and powerful. After that, we will move into the parade of Advertisers which will be led by Joel Greenstein, the "King" and the Master of Procession. Next, we will have an update from John Murray, VP of Circulation for NAA. The afternoon sessions will be filled with exciting material and interesting presentations including our publisher's panel entitled, "What's Our Future.". We will finish the day with a trip to Alligator Bayou. As I mentioned in previous newsletters, we will be dancing with the alligators! Some Cajuns refer to this type of event as a "Fais Do Do."

On Tuesday morning, we will have the traditional Hot Ideas Breakfast. This part of the conference has turned into an annual event and is well worth the price of admission. You are guaranteed to bring home some good ideas. Other notable sessions are the Executives of Circulation discussion panel in the morning and a variety of roundtables in the afternoon to end the day.

On the last day of the conference we will have an "ABC Update" and the Awards Luncheon.

Lastly, the theme of the conference is Greaxing (Growing) Circulation. This is a simple theme, but important. I believe as circulators we must keep a positive attitude toward growing circulation, despite recent loses. We must believe that we can actually grow circulation and readership. Let's not lose heart. The answers are right before us if we focus our minds and budgets toward marketing, sales, customer service, and retention. This conference will help you focus on these goals.

I'll see you on the bayou.

## ABC Update

DOUG DAVIS  
ABC Chairperson



The next ABC Board meeting is planned for March 12-14th. This and two more events will probably have already occurred by the time you receive this bulletin. A free webinar about Audience Fax was provided on March 6th, and a paid post board meeting webinar will occur on March 19th. We can expect some first and second passages on the new paid-verified audit format.

One of the buzz sessions at the NAA Marketing Conference in Orlando centered around what changes newspapers are planning in light of the proposed ABC format change. Some newspapers are taking another look at their Hotel-Motel opportunities since a rule exception will allow these copies to remain in the paid category.

I was disappointed to hear that several newspaper groups are trimming back on their third party programs. I did not hear of anyone who is planning to shift their third party into a deep discounted individually paid rate. The new proposed rule will let you go as low as .01cts. This would move your third party from verified to paid. Circulation departments are under a lot of pressure to generate more revenue. Although some newspapers may do this, most of our revenue budgets will prevent this from happening.

My feelings are that we need to do the right thing for the advertiser. If you have a quality third party readership program that gets eyes on the newspaper and results for your advertiser, then don't change it. Don't be concerned if this falls under the verified category. We all know that the industry is moving toward total audience. Eyes on your publication regardless of the distribution channel you use is the key. If newspapers shy away from the future verified category its going to send the wrong message to our advertisers. Our revenue and the industry will suffer.

Regardless of how the ABC Board structures our future audits, we need to do the right thing by developing programs that will make the advertisers cash register ring and grow readership. This will need to include a mix of readership venues including free. Our challenge will be to sell the value of this distribution to our publishers and advertising departments. If it makes money for our advertisers, its a good thing.

I will include an update of the March ABC Board meeting in the next bulletin.

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## Addresses

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## SCMA Membership

JIM BOYD  
SCMA Third Vice President



I'm a foxhole guy. Have been for a long time.

And it's been a mistake.

In short, by not having folks in our company regularly participating in Southern Circulation Managers' Association meetings, I've missed very tangible bottom-line affecting opportunities to advance my department.

I haven't attended SCMA activities often over the years; by nature, I've tended to mind my own store as best as I could, devoting less energy to activities beyond the narrow scope of my day-to-day responsibilities. Not long ago, I was asked to get involved in SCMA as an officer. Ultimately, I did so, and have now seen firsthand the clear benefit to my department of active participation in the work of SCMA.

I write to you with a singular purpose; that is, to encourage you to involve one or more members of your circulation team in SCMA programs. Be it the spring meeting or training seminars, I assure you, there's real value and real return. I'll spare you detailed personal testimony, and will leave you with this - - make the small investment in having your folks participate. If they can't show you a financial return, I'll refund SCMA's charge. In my 31-year career, I've not known a time that even approaches today's challenges. Nor have I known a time when SCMA involvement was more valuable.

I hope you'll consider and act upon my encouragement. Take a moment to complete the membership application in this newsletter. If you do, I'm certain to have little risk of sending refunds to your company.

## SCMA Promotion Competition

LANCE COPE  
SCMA Promotions Chairperson



The upcoming 2008 SCMA conference in Baton Rouge is a great place to showcase your best ideas. Once again we will have the annual SCMA 2008 Promotion Competition. I want to encourage every member newspaper to submit multiple entries for multiple categories. This competition is important to SCMA in several ways. It allows each newspaper to share quality ideas and results with other members which strengthens our industry and specifically strengthens all our member newspapers. Also, good ideas create growth and growth equals readership. Lastly, it is just plain fun to compete-just think of the bragging-rights.

There will be three group sizes and which group size your newspaper falls under will be determined by your combined daily circulation. Each group will be able to compete in seven circulation categories. Unlimited entries can be made by any newspaper in any category. The categories will include: Home Delivery Sales, Subscriber Retention, Carrier Recruitment/Training, International Carrier Day, Single Copy Sales, NIE and Audio/Visual. All categories will have three awards except for Audio/Visual which will have one winner. There will be one award for "best of show" which will be awarded to the best overall entry in the competition.

The Promotion Competition is open to all member newspapers. All mailed entries must be received by April 17th. Judging will be done on Sunday April 20th. Please start preparing your entries now. By now, you should have received a complete SCMA Conference packet. Included was the Promotion Competition packet---deadlines, information, rules and entry forms. In addition, promotion forms are available on the SCMA website ([www.scmaonline.net](http://www.scmaonline.net)). The packet or the website should answer all of your questions, but please feel free to contact me at any time.

# Yvonne Conte

CEO of Humor Advantage

Former Radio and TV Personality, Author, Comedian, Actress, Sales Executive, Entrepreneur, Union Carpenter, Great Mom, Yvonne's charismatic presence inspires her audience to take action in order to achieve greatness in their lives both personally and professionally. She has been providing her audiences with the Positive Power of Humor since 1990.

Yvonne says:

The difference between those people who consistently make their ideas work and those who say, "Now, why didn't I think of that?" is their ability to make creativity happen instead of leaving it to chance!



# Les Miles

Head Coach, LSU Tigers Football

It has been said that LSU is in the midst of the Golden Era of football at the school and head coach Les Miles has been the driving force behind the Tigers' dominance at the national level for the past three years.

Since taking over as head coach at LSU in January of 2005, Miles has guided the Tigers to the 2007 national title and to three straight top five rankings, a first at the school. Miles' three year record with the Tigers is an astonishing 34-6, which marks the best three-year stretch in the history of the program.

The Tigers becoming first school in the country to have won two BCS National Championships, the foundation for LSU football is more stable than ever. After 34 wins, including 14 over foes ranked among the nation's top 25, and with back-to-back consensus top five recruiting classes, Miles and the Tigers have solidified their standing as one of college football's premier programs.



## Legally Speaking

MARK HUNT  
Law Offices of King & Ballow



The newspaper industry is not alone when it comes to wrestling with the issue of whether its delivery personnel operate as independent contractors or employees. This column discusses recent and ongoing litigation between FedEx and a number of its delivery drivers in which the drivers are claiming that they are employees of FedEx and therefore are entitled to the benefits which accompany that classification. This part of the litigation dealt with a request by the drivers who brought the case that a class of drivers be certified so that their claims, which included fifty-six individual cases, can proceed as one instead of separately. The drivers were seeking to certify a class of drivers from thirty states, so that they can proceed collectively with their claims against FedEx for monetary damages, rescission of their written operating agreements and for relief under state wage statutes.

The drivers argued that the written agreement which they signed with FedEx reserves to FedEx the right to exercise pervasive control over the method, manner and means of how the drivers perform their work, rendering improper their classification as independent contractors rather than employees. The drivers maintained that litigating this case as a class action is appropriate and desirable because common evidence can resolve all of the drivers' claims. In that regard, the drivers alleged the following areas of commonality as it concerns their relationships with FedEx: All class members share the same job title, signed the same non-negotiable Operating Agreement, are paid under the same compensation formula, wear the same uniform, drive FedEx approved trucks bearing the FedEx logo, work exclusively for FedEx and are all similarly integrated into FedEx's operations.

FedEx responded that the drivers' claims should be litigated separately, and not as a class, because the issues are individualized to each driver; such as the issue of whether a driver is an independent contractor or an employee under a particular state's legal test. FedEx explained that the differences among the plaintiff drivers themselves show how diverse a class of drivers would be, because each driver's experience with FedEx is different: some plaintiffs reviewed the Operating Agreement before signing; some had others drive their routes; some bought their routes from contractors; and one even developed his own alternating day schedule.

With these arguments in mind the Court then turned to the issue of whether or not the drivers' cases should proceed as a class action. The court first indicated that the proposed class action must meet four prerequisites in order to proceed as a class action: numerosity, commonality, typicality, and adequacy of representation.

As to the "numerosity" issue, the court pointed out that the class of drivers in one state alone likely consists of at least 102 current drivers and an undisclosed number of former drivers who had entered into the agreement. Based on this number of drivers, as well as those in other states and throughout FedEx's delivery system, the Court found that this criterion had been satisfied because the class is so numerous that joining the drivers as individual plaintiffs would be impracticable.

As to "commonality", the court first noted that the drivers' claims under state wage statutes presented common factual and legal questions because the drivers were uniformly classified as independent contractors by FedEx. Therefore, to succeed on these state wage claims, the individual drivers will have to prove that they were employees and not independent contractors under the relevant state statute. The court applied this same logic to the drivers' request for rescission of their written agreements, concluding that because all class members signed the agreement, they share common factual and legal questions relating to the interpretation, execution, and enforcement of the agreement. The court concluded that not only had the commonality requirement been met, but that the plaintiff drivers' claims were "typical" of those of the driver class members, generally. In that regard, the state wage claims all spring from the same event, the drivers' classification by FedEx as independent contractors, and the drivers' claims under the agreement all had their genesis in the same standard-form operating agreement.

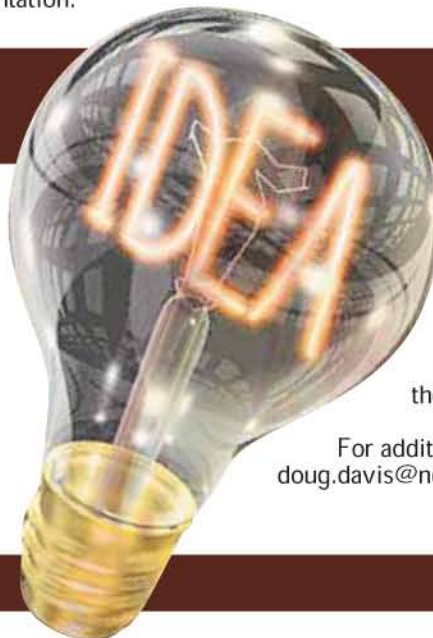
Lastly, the court addressed the issue of whether the plaintiff drivers can "fairly and adequately protect the interests of the class." The court noted that the group of plaintiff drivers includes both current and former drivers for FedEx whose interests don't differ from those of the class of drivers as a whole. In determining that the proposed class of drivers meets the legal prerequisites for a class action, the court concluded by noting that there is nothing in the plaintiff drivers' conduct which suggests that they won't continue to vigorously pursue the litigation on the class's behalf.

Mark Hunt is an attorney with the law firm of King & Ballow in Nashville, Tennessee, which serves as General Counsel to SCMA. Mark can be reached at (615) 726-5497 or [mhunt@kingballow.com](mailto:mhunt@kingballow.com). The foregoing column is descriptive in nature and is not intended to provide legal advice as to particular situations.

## Hot Ideas Breakfast

One of the things that make SCMA a great association is your willingness to share ideas. We all want and need to walk away from the Conference with some hot ideas to become more effective in our respective responsibilities. I can't think of a more challenging time in our business than now.

I would like to challenge each of you to bring something to share at the Hot Idea Breakfast. Don't assume that your idea isn't meaningful. If



DOUG DAVIS  
Hot Ideas Moderator

it works for you, its meaningful. Also consider bringing hand out material.

Lets make this years "Hot Idea Breakfast" the best ever.

For additional information contact: Doug at [doug.davis@news-jrnl.com](mailto:doug.davis@news-jrnl.com)





SCMA was well represented at the recent NAA Marketing Conference in Orlando Florida with both awards and presentations. The theme was centered around building audience and driving revenue.

Jeff DeLoach was recognized as the NAA 2008 Circulation Sales Executive of the year. That's quite an honor and Jeff did a great job with his acceptance speech. You may recall that Sharon Miser, a distributor from The Greenville (Tenn) Sun was previously recognized at the SCMA Conference in Daytona. She was recognized again as NAA's 2008 Newspaper adult Carrier of the year. Dale Long was there and had another opportunity to show case his DVD of his community and Sharon. Dale did justice to his community, newspaper and to Sharon and her family.



Jeff DeLoach  
NAA Executive of the Year



Sharon Miser  
NAA Adult Carrier of the Year

Jim Boyd from Knoxville was one of the presenters. He gave an interesting presentation on how to increase your revenue by distributing other publications. Something that would be worth repeating at a future SCMA Conference.

The Circulation Federation locked into the 2008 Circulation projects which includes Audience Metrics, Subscriber Retention, Single Copy, Legal Committee (Jeff DeLoach is chairing this committee), Operational Efficiency, Facts, Figures and logic for 2009 and the Future of Circulation.

NAA is going through some changes just like the rest of us. They are preparing a zero based budget with a goal of reducing their expenses by 20% or more. Not quite sure how this will affect the support NAA provides Circulation. It was mentioned that some of the time and expense NAA commits to Circulation facts, figures and industry research- then producing this information in a publication format doesn't pan out. They do not sell enough of the the publications to make this profitable. There is also some concern about low attendance both at the NAA Conference and also the mini conferences they provide. The Subscriber Acquisition and Retention Conference is planned for September 23-25th in Chicago. Its an important conference, will see how well its attended.

Part of the discussion with the Circulation Federation meeting was to recognize that newspapers are going through a difficult time with Advertising revenue and dealing with the economy downturn. Travel has been cut at many newspapers and this may not be any different in 2009. It was suggested that perhaps NAA could do more webinar

training seminars which are low cost as opposed to traveling to a training conference. Also to provide some of the training and research publications free on line as opposed to the cost of printing this information.

I thought NAA did a great job of packaging the NAA Conference and sending this out by e-mail last week. This is a great service to provide. If you were not able to attend the Conference, check it out by going on-line at NAA.Org. The e-mail update include pdf files of presentations and video replays of some of the presentations. One of the most meaningful presentations to me, and there were a few was Rick Dever's. He is the Circulation Director from Waco Texas. His presentations slides are on line. His newspaper has done a great job redesigning their front page. They first did it as a test for just single copy for one month. Sales increased by 6% so now they are using the same redesign for both single copy and home delivery. I also enjoyed hearing one of the general sessions getting a CEO's perspective on the future of our industry. Dean Singleton with the MediaNews group and the other CEO's on the panel were quite direct with their comments. Parts of their presentation are also available on-line to see.

I did hear more comments than usual from the Circulation folks who attended the Conference concerning a perceived shift in the Conference away from Circulation. For me it had more of an on-line and Advertising presence. Just walking through the Vendor area supports this perception. Also the frequency and quantity of the presentations which have a direct impact on Circulation. NAA is aware of this and I feel some changes will happen to address this. This is probably an expected shift with the growth of on-line and audience metrics.

Hope you can attend the SCMA Conference in Baton Rouge.

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## Member in the News



Walter Goggins

Walter Goggins has been promoted to Home Delivery Manager of the Times Daily in Florence, Alabama. Prior to this promotion, Walter was one of the newspapers Zone Managers. This is Walter's 2nd promotion in less than 2 years at the Times Daily. Walter continues to grow in every assignment he is given. Walter learned a lot from Dennis Dunn when he worked with him in Anniston and continues to grow in Florence.

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