

## Belo Names Brad Ramsey to Lead WVEC

Television company Belo Corp. (NYSE: BLC) announced today that Brad Ramsey has been named president and general manager of WVEC-TV, Belo's ABC-affiliated station in Hampton/Norfolk, Virginia beginning November 5, 2012.

Since July 2008, Ramsey has served as vice president and General Manager of WCAV-TV (CBS), WVAW-TV (ABC), and WAHU-TV (FOX), all in Charlottesville, Virginia. Prior to that, he was vice president and General Manager at WHSV-DT (ABC) in Winchester, Virginia from 2006 to 2008 and an account executive for WHSV in Harrisonburg, Virginia. Ramsey began his career in 2000 as an anchor/reporter at WHSV.

"Brad is an up-and-coming leader in the television industry who has delivered consistent revenue and ratings growth in his previous positions," said Kathy Clements, Belo's senior vice president/Media Operations. "His experience in the Virginia marketplace will be a significant asset to WVEC."



Ramsey is the 2012-2013 president-elect of the Virginia Association of Broadcasters and is past campaign chair of United Way Thomas Jefferson Area. He earned a Bachelor of Arts in Communications Studies and a Master of Business Administration from Virginia Polytechnic Institute and State University (Virginia Tech). ■

*Article courtesy of belo.com.*

-2013-  
THE VIRGINIA ASSOCIATION  
OF BROADCASTERS

**BEST**  
*of the*  
**BEST**  
Leadership Program

Welcome to the  
inaugural year for the  
VAB's Best of the Best  
Leadership Program.

This is a six-month program designed to provide each participant with the maximum opportunity for professional and personal growth, while broadening their network base in an interactive environment. Candidates must have a minimum of two years experience in the broadcasting industry and be nominated by their station's general manager. Just 12 applicants will be selected to participate in this unique program.

*Watch your inbox for more details soon!*

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# Broadcast Networks Far Outpace Cable News in Debate Viewership

By a 2-to-1 margin, Americans preferred watching the presidential and vice presidential debates on broadcast television networks to cable networks according to Nielsen data, the National Association of Broadcasters has announced.

Nielsen ratings data show that 65.9 million viewers, representing 45.6 million television households, watched at least one of the three presidential debates between President Barack Obama and former Massachusetts Governor Mitt Romney. In total, 43.7 million viewers, representing 30.7 million TV households, watched at least one presidential debate on a broadcast TV network ((ABC, CBS, FOX, NBC, Telemundo, PBS and Univision) compared to 22.2 million viewers, representing 14.9 million TV households, who watched the debates on a cable channel (CNN, Fox News Channel, MSNBC, Current TV and CNBC).

"Broadcast television has a legacy as the leading source of information when there's breaking news or history is transpiring," said National Association of Broadcasters Executive Vice President of Communications Dennis Wharton. "The ratings from this year's debates are further proof that legacy remains intact."

Additionally, the October 11 vice presidential debate in Danville, Ky. between Vice President Joe Biden and Wisconsin Rep. Paul Ryan was watched by 51.4 million viewers representing 36.4 million TV households. Nielsen ratings data show that 32.2 million viewers, representing 23 million TV households, watched this debate on broadcast networks while 19.2 million viewers representing 13.4 million TV households watched on cable networks.

The debate ratings highlight the results of a recent survey which found broadcast networks are the top source of presidential election news, and television was the medium most voters cited as a resource in helping them decide for whom to cast their ballot.

Last week, WPP-owned Mindshare released a survey conducted in September that found 60% of respondents received news on the presidential election from broadcast network news coverage, more than any other source cited by respondents. The poll also found that the single most important factor for voters in deciding who to vote for was seeing the presidential candidates talk on television. ■

## 2012 National Edward R. Murrow Award Winners Announced

The Radio Television Digital News Association has announced the 2012 National Edward R. Murrow Award winners. The awards honor excellence in electronic journalism.

For the fourth consecutive year, NBC News won the Edward R. Murrow award for Overall Excellence in the network television grouping. NBC News also won National Murrows for Video Newscast and Writing. In the same television grouping, ABC News earned three Murrow Awards in 2012 – for Video Breaking News Coverage, Video Continuing Coverage and Video Reporting: Hard News. CBS News took the awards for Video Feature Reporting and Video Investigative Reporting in the network television grouping. In all, 67 news organizations are being honored with 99 awards.

WRVA-AM - Richmond, Va. won in the Radio: Small Market category for Audio Breaking News Coverage for *Shooting at Virginia Tech*. To view their entry, visit [http://media.ccomrcdn.com/media/station\\_content/1249/SHOOTING\\_AT\\_VA\\_TECH\\_1\\_1329232088\\_15820.mp3](http://media.ccomrcdn.com/media/station_content/1249/SHOOTING_AT_VA_TECH_1_1329232088_15820.mp3). ■

# Local Latin Radio Station Honored with Diversity Award

The region's widely celebrated Spanish radio station, La Selecta 1050 AM WVXX, is a recipient of this year's Diversity and Inclusion Leadership Award from SunTrust Bank. Locally owned under Hindlin Broadcasting, LLC, La Selecta will be recognized for their efforts in promoting and furthering the ideals and practices of diversity and inclusion within the greater Hampton Roads Community. Like La Selecta, SunTrust Banks are dedicated to serving and reaching out to the diverse segments of the community and have received many acknowledgements in the areas of community outreach and human rights, making this bestowed award a truly satisfying and welcome recognition for the radio station.

Since 2005, WVXX General Manager and owner, Andy Hindlin, has worked to build and grow the area's only mainstream Spanish speaking radio station to inform, entertain and service the Hispanic population(s) of our very own 757. "We try to be a total arm to the Hispanic community," said Hindlin in an article written by the Virginian Pilot on July 22, 2009.

"Our Latin audience is among the most loyal, supportive and enthusiastic of any large market listenership in the state, if not anywhere. Creating an electric medium to reach them in Hampton Roads has been an important mission, and an absolute pleasure."

On the air for 7 years, WVXX-AM has introduced and hosted many events and opportunities for Hispanic families and business including their annual Latino Job Fair, Latin 4th of July Celebration and the hugely popular Latin Fest and Zumba marathon held on the Virginia Beach Ocean Front, which SunTrust Banks sponsored in 2011. Another major event, an annual Radio-thon for St. Jude Children's Research Hospital, has allowed Selecta to raise over \$455,000 in donations for the worthy cause since first radio-thon in 2007.

The station's acclaimed morning program "Hasta El Tope con Ricardo Alegria y La Grin-



ga" has come to be known and loved as a fun, helpful way for listeners to learn important English phrases and even practice on air with their favorite DJ's. The upbeat show was recently the first and only Spanish language radio segment in Virginia to be recognized by the Virginia Association of Broadcasters and nominated for a VAB award. On June 22, 2012 Hindlin Broadcasting, LLC WVXX-AM was honored at the 75th Annual VAB Awards Program as 2nd place winner of the "Best Public Service/Community Event" for Large-Market Radio.

Located and operated out of Downtown Norfolk, WVXX-AM Selecta 1050 covers southeastern Virginia, the Eastern Shore of Virginia and northeastern North Carolina. Its format is contemporary Spanish and Latino music, along with public service, informational programming and local and international news, all delivered on air by 4 beloved Hispanic DJ's from 4 different Latin countries. ■

**"Our Latin audience is among the most loyal, supportive and enthusiastic of any large market listenership in the state, if not anywhere."**

Article courtesy of hrhcc.org.

# Bernie McCain Dies; Popular WOL Radio Talk Show Host Was 75

**"We want to do more than talk. We plan to bring people to the mike who have control and power, people who make decisions that affect other people's lives, so our listeners can question them and make suggestions."**

Bernie McCain, the WOL talk show host who for three decades was one of Washington's most popular figures in black radio, died Oct. 13. He was 75.

Mr. McCain had worked in radio for more than 15 years when WOL (1450 AM) hired him away from the Washington AM station WRC in 1981. Today, WOL is owned by Radio One, a media company that serves a largely African American and urban market.

He quickly became one of the station's flagship personalities and a daily presence known to listeners of his call-in show as "Uncle Bernie." In an interview, Radio One founder Cathy Hughes described him as "a black version of Mister Rogers."

"It was a learned voice, but he was sort of down-home," said Denise Rolark Barnes, the publisher of the Washington Informer, an African American, woman-owned newspaper. "He made people comfortable calling and expressing their opinions."

Mr. McCain was most associated with the afternoon drive-time but had also done morning drive-time and midday shows over the years.

He was, by all accounts, opinionated. But he distinguished himself from many on-air personalities in radio by not being rude to callers, even when conversation touched on such sensitive issues as economic empowerment, education, political engagement and parenting.

"We want to make a difference in people's lives," Mr. McCain told The Washington Post in 1981. "We want to do more than talk. We plan to bring people to the mike who have control and power, people who make decisions that affect other people's lives, so our listeners can question them and make suggestions."

Harold Fisher, who hosts a public affairs

program on WHUR (96.3 FM), said he first listened to Mr. McCain's show as a young man, alongside his grandfather.

"You need to listen to him because he's telling us what's going on in our community," Fisher recalled his grandfather saying.

Bernard Robert McCain was born Nov. 8, 1936, in Newark. He served in the Marine Corps in the 1950s and held a variety of jobs, including stints as the manager of a rock-and-roll group and, in Paris, as a produce truck driver.

The son and grandson of Baptist ministers, he was ordained a Baptist preacher at 29, The Post reported. Around the time of his ordination, a friend who disc-jockeyed at a Newark radio station asked Mr. McCain to fill in for him on the air.

Mr. McCain liked the work and continued on stations across the country before settling in Maryland in the late 1970s. He was a Bowie resident at the time of his death.

His first marriage, to Carolyn Allen, ended in divorce. His companion of five years, Sharron Lipscomb, died in 1998.

Survivors include his wife of 10 years, Wanda Hughes of Bowie; a daughter from his first marriage, Leslie Charleton of Pikesville, Md.; a daughter from his relationship with Lipscomb, Cairo McCain of Bowie; three stepchildren, Ja'nae Sturgis of Catonsville, Md., Mart'ian Hughes of Brooklyn and Julian Sturgis of Queens; and three grandchildren.

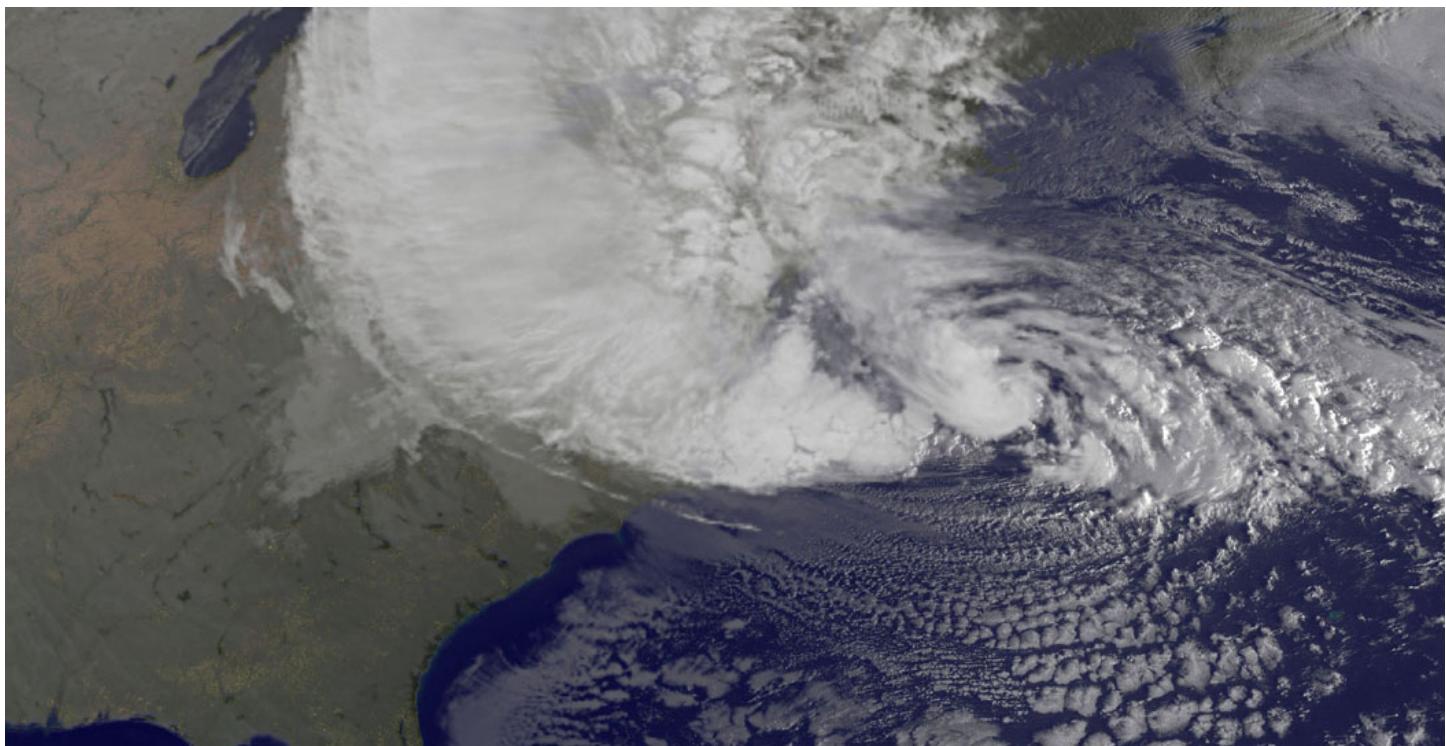
"Some people think I think I have all the answers," Mr. McCain once told The Post. "Man, all I have is a lot of questions."

Hamil Harris and Jeannine Hunter contributed to this report. ■

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*Article courtesy of Emily Langer of the Washington Post.*

# Sandy Will Help FM Chip Campaign



Hurricane Sandy may prove to be another national episode that states the case that radio should be a permanent icon on every cell phone sold in America. When the director of FEMA admits cell phones and the Internet are not 100 percent reliable when a natural disaster strikes, and advises citizens to listen to radio, even the staunchest critic of the chip has to take note. Several factors could make this moment in time perfect for local radio to own a permanent position on the one item the American public just can't leave home without.

Emmis CEO Jeff Smulyan has been working tirelessly on getting FM chips into all cell phones and he says his efforts are gaining momentum. In this election year, Washington appears very willing to listen to broadcasters as they push the safety issue on Capital Hill to try to secure chips in all phones. The fact that consumers spend three billion hours a year listening to local radio through the data networks is also a factor. A lot of that would be eliminated if the chips

were more common. Smulyans says, "The wireless networks understand that's not the wisest allocation of their resources."

It's inevitable that once Sandy is a memory, reports will follow that power was out and some residents were unable to receive information about shelters, where to get water and gas, and when the lights would come back on. It's like living in a Third World country when modern technology is available. There's no debating that radio provides listeners with all of that vital information. There's also no debating that every year some natural disaster will occur, maybe several, somewhere in the United States. The debate is whether the wireless providers want to give up, or sell, some of that valuable cell phone real estate. Smulyan says,

"It's too important. It makes too much sense. We're now starting to see this move very dramatically." ■

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*Article courtesy of radioink.com.*

# Big Issues Energize Small-Market Owners



The Independent Television Group, comprising a number of family-owned broadcasters, many with newspapers, meet twice a year to educate themselves and share knowledge on how to survive and thrive. Their leader, News-Press & Gazette Co.'s David Bradley, explains the group's goals and how they hope to accomplish them. The short list of priorities includes network-affiliate relations, spectrum repacking, station values, syndication as well as technical issues.

Over the past seven or eight years, more than a dozen small broadcasting companies with stations in small markets have coalesced into the Independent Television Group. Most are family-owned and longtime newspaper publishers.

They meet twice a year — once in con-

junction with the NAB Small-Market Television Exchange and once in the early spring — to compare notes, hear from industry experts and figure out how to prosper as small broadcasters and newspaper publishers in a digital world that has not been kind to legacy media of any size.

The current ITG roster includes Cowles California Media, Holston Valley (WKPT Tri-Cities, Tenn.-Va.), Duhamel Broadcasting, Forum Communications, News-Press & Gazette, Northwest Broadcasting, WMDT Salisbury, Md.; Lilly Broadcasting, Morris Multimedia, Calkins Media, Sarkes Tarzian, Schurz Communications and California-Oregon Broadcasting.

The leader of the group is David Bradley, chairman and CEO of News-Press & Gazette of St. Joseph, Mo., one of those family-owned newspaper groups that has accumulated radio and TV stations over the years.

In this interview with TVNewsCheck Editor Harry A. Jessell, Bradley talks about the ITG's mission and its ambitions. ■

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*Article courtesy of Harry A. Jessell from tvnewscheck.com.*

## Radio Personalities a Hit on the Dish

FOX says it has a new entertainment hit, featuring radio personalities from around the country. The show, developed by 20th Television and airing on the FOX TV stations – DISH NATION airs weeknights and features local radio personalities discussing pop culture. DISH NATION premiered in September and is currently cleared in 97% of the US.

Radio's stars appearing on the program include:

- ▶ The Big Show with Scott & Todd on WPLJ. Hosted by a pair of titans in the radio industry, Todd Pettengill and Radio Hall of Famer, Scott Shannon.
- ▶ Atlanta's Rickey Smiley Morning Show, heard locally on Atlanta's WHAT is hosted by comedian Rickey Smiley and features Ebony Steele.
- ▶ Texas' (Houston/Dallas) Kidd Kraddick in the Morning, hosted by Kidd Kraddick and featuring Kellie Raseberry, Big Al, Jenna, and J-Si.
- ▶ Detroit's Blaine & Allyson in The Morning have been together since 2005, and have been Detroit's #1 show for females for five years running. ■

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*Article courtesy of radioink.com.*

## Clyburn: Broadcasters Show Great Interest in Auctions



In a speech to the Americas Spectrum Management Conference in Washington this week, FCC Commissioner Mignon Clyburn emphasized that the FCC's upcoming incentive auctions are going to be voluntary, but also suggested there were some volunteers in the wings.

"[T]o me, the most important aspect of this auction is that it is voluntary. That means TV broadcasters may, if it is in their interests, choose to submit bids to give up their spectrum rights in exchange for payment...While we don't know exactly how much spectrum incentive auctions will free up, there has been great interest generated from broadcasters and wireless service providers," she said.

Asked to clarify what the commissioner meant by "great interest" -- the National Association of Broadcasters says it has seen

no rush by its members to cash out -- an aide said she meant both that the office had been hearing from broadcasters, including the National Association of Broadcasters, complaining as part of a public relations strategy prior to the statute being enacted. But her office also said she meant that she had heard from some folks who are carefully examining whether there are financial incentives to participate.

There have also already been a series of webinars on the auctions that her office estimated included participation by as many as 800 broadcasters. Broadcasters will also be looking for more info on the auctions Friday (Oct. 26) at the FCC's first incentive auction workshop. ■

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*Article courtesy of John Eggerton from  
Broadcasting & Cable.*



SAVE THE DATE  
**Virginia Association of Broadcasters**  
**76th Annual Summer Convention**  
**June 20-22, 2013**  
**Hilton Virginia Beach Oceanfront**  
**Virginia Beach, Virginia**

John G. Kruchko is a Partner with the Management Labor & Employment Law Firm of Kruchko & Fries in McLean, Virginia; Paul M. Lusky is a Partner with the Firm. For more information, please contact Mr. Kruchko at (703) 734-0554 or JKrucho@KruchkoandFries.com, or Paul Lusky at (410) 321-7310 or PLusky@KruchkoandFries.com. This article is published for general information purposes, and does not constitute legal advice.

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## Social Media Information: A Valuable Resource for Employers or a Liability Trap?

The wealth of information that can be gathered from social networks makes the internet an attractive resource for employers, both as a tool for informal surveys of employee sentiment about the company or as a vehicle for doing background searches on prospective employees. Of course, monitoring the off-duty speech of employees raises privacy concerns and potential liability under the National Labor Relations Act. Using internet

information as a screening device during hiring can trigger protections under Title VII, state discrimination statutes and the Fair Credit Reporting Act. The question becomes: Is the use of social media information worth the risk?

Addressing internet postings by employees that

are critical of their employers would seem to be a logical thing to do. Why should a company have to continue to employ an individual who is so unhappy with his employment that he resorts to public disparagement of the company or its management on the internet? Is not disloyalty to the company appropriate grounds for discharge of an employee?

Employers should be aware, however, that the National Labor Relations Board (“NLRB” or the “Board”) has, for some time now, been very aggressive in addressing discipline by employers for off-duty employee comments on social media sites. The National Labor Relations Act protects an employee’s right to engage in concerted activities for the purpose of “mutual aid or protection.” The NLRB has used the “mutual aid or protection” clause to protect employee communications on social media sites in a number of cases

even where the employee postings have been severely critical of the employer. For example, employee criticism of supervisors will likely be protected by the Board as long as the employees’ comments are made with or on behalf of other employees. Sarcasm, swearing and crude or vulgar descriptions of management are frequently found not to be sufficiently “opprobrious” under the Board’s standard to allow discipline or discharge.

As a result, many employers have drafted detailed policies addressing improper comments or criticism by employees on social media sites. Unfortunately, the NLRB is likely to find seemingly reasonable restrictions on employee conduct in such policies to be unlawful. For example, one case found the following non-disparagement rule to be illegal: “Making disparaging comments about the company through any media, including online blogs, other electronic media or through the media.” In another case, the Board rejected a confidentiality provision in a social media policy that prohibited employees from “disclosing or communicating . . . confidential, sensitive, or non-public information concerning the company . . . to anyone outside the company . . . .” Perhaps most troubling of all was a decision that found a disclaimer in a social media policy to be insufficient to cure the ambiguities of the policy. Many employers have begun using such saving clauses in their social media policies to inform employees that the policy is not intended to interfere with their rights under the National Labor Relations Act.

The overwhelming majority of NLRB cases dealing with social media policies have found employers’ attempts at regulating employee conduct on the internet to be invalid under the National Labor Relations Act. The published decisions are so one-sided that they provoke suspicion that the current Board is committed to making all social media policies ineffective as a tool for restricting employee misconduct on social media sites.



With respect to using social media sites to gather information about potential employees, many employers have authorized their hiring personnel to access such information before making offers of employment. A 2010 survey of human resource professionals found that 79% of those surveyed reviewed information found on the internet when screening job candidates. The emergence of on-line data brokers with extensive information about consumers is a valuable source for creating profiles of potential employees. Both kinds of background searches, in-house or through data brokers, can result in legal problems if the individuals doing the searches are not aware of the legal limitations on the use of the information they uncover.

Companies selling background information gleaned from social media sites are consumer reporting agencies (CRAs) subject to the Fair Credit Reporting Act (FCRA). The Federal Trade Commission (FTC) has made it clear that the FCRA applies to all aspects of background checks performed by on-line brokers, including social media searches. Recently, the FTC settled a complaint against a California company that assembled consumer information from social networking sites to create "profiles" that were marketed to HR departments, recruiters and screening businesses. Although the company denied that its practices violated the FCRA, it agreed to pay a fine of \$800,000 and submit to injunctive relief aimed at compliance with the FCRA in the future.

In-house social media searches during hiring can also have potential pitfalls for an employer. Although in-house searches will not subject the employer to the accuracy and disclosure requirements of the FCRA, the information found on social media sites will likely reveal characteristics of the applicant protected by state and federal discrimination statutes including race, creed, nationality, age, sex, marital status and/or disability. A rejected applicant who finds out that the employer accessed such information on the internet can charge the employer with discrimination, effectively placing the burden on the employer to show that it did not use such information in making its hiring decisions.

Internet searches on prospective employees may also reveal information about prior arrests or even a criminal record. Regulations issued by the Equal Employment Opportunity Commission ("EEOC") make it clear that employers should only use criminal record information in a manner that is job-related and consistent with business necessity. For exclusions based on convictions, the legal standard is that the criminal conduct be recent enough and sufficiently job-related to be predictive of performance in the position sought. The use of arrest records as a bar to employment will always be viewed with suspicion by the EEOC. This is because the EEOC believes that arrests are not reliable evidence that a person has actually committed a crime.

The accuracy of information found on the internet regarding a potential employee can be a troublesome issue. Obviously, not everything an individual says on a social network site is true. Boasting and exaggeration are quite commonplace on the internet. Employers should not assume that everything found on social network sites about an applicant accurately reflects the true character of the individual. There are exceptions, however. A police department recently reported that one of its prospective recruits posted the following comment on his Facebook page: "I just returned from an interview with the police department. I can't wait to get a gun and kick some butt." The individual was rejected for training as a recruit.

There are many other issues that should be addressed before an employer decides to use the internet as a tool for screening applicants or monitoring the conduct and/or attitudes of current employees. Any employer wondering whether it should proceed more aggressively in gathering available information on social media sites should proceed with caution. Social media searches can have potential pitfalls for an employer unless safeguards are maintained to ensure that the use of information found on such sites is fair and non-discriminatory. ■

**"Social media searches can have potential pitfalls for an employer unless safeguards are maintained to ensure that the use of information found on such sites is fair and non-discriminatory."**

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*Article courtesy of John G. Kruchko and Paul M. Lusky, Kruchko & Fries.*

## How to Submit to the VAB Job Bank

Jobs that are printed in the newsletter are pulled directly from the online Job Bank. To include your listing:

- ▶ Go to [www.vabonline.com](http://www.vabonline.com). Login with your user name and password.
- ▶ Be sure to include your station ID or company name, information on how the applicant can apply and where to send the applications materials.

### **Executive News Director**

**Hampton Roads, VA**

Bachelor's in broadcast communications or related field (master's preferred). 5 yrs. experience as broadcast news director/manager in a mid-to-major size market. Proven leadership skills, interacting with and managing a larger/diverse news staff. Excellent oral/written communication skills, strong organization abilities to meet daily deadlines. Responsible for the content of all WVEC's TV news programs and activities. Represent WVEC in local/national news matters, attend professional seminars and events. No phone calls. To apply by mail, send resume to: WVEC 613 Woodis Avenue, Norfolk, VA 23510 ATTN: Human Resources or email [jobs@wvec.com](mailto:jobs@wvec.com). EOE.

### **Digital Sales Director**

**Harrisonburg, VA**

WHSV TV-3 is seeking a motivated self-starter and team player to serve as our Digital Sales Director. Manage, create and sell digital and interactive advertising plans including web, mobile, contesting, texting and more. We are looking for someone that can not only sell a concept on their own, but also someone that can inspire a powerful sales team to embrace digital solutions. Rush your cover letter and resume to [salesjob@whsv.com](mailto:salesjob@whsv.com). EOE.

### **Art Director**

**Roanoke, VA**

The Grant Group has an opening in Creative Services for an Art Director. This position will be responsible for concept and design for promotion and programming on a broadcast, print, web and digital media platform. Must be able to conceptualize, design, animate and execute cutting edge

eye-catching creative. The designer will also be responsible for secondary support of news and sales products. Required are ideas, integrity, diligence and demonstrated achievement in the field. We are an equal opportunity employer and offer a happy place to work. Send your resume including technical qualifications and demo reel of your work to: Debbie Reardon - Corporate Director of Marketing, WFXR FOX 21/27, 2618 Colonial Ave. SW, Roanoke, Virginia 24015.

### **Reporter/Photojournalist**

**Harrisonburg, VA**

Reporter/Photojournalist TV3 Winchester is looking for a talented, organized and motivated multimedia reporter to help take our station to the next level. Knowledge and experience with internet news presentation is desired. Experience with I-News and non-linear show editing and production is a plus. Check us out on the web at [tv3winchester.com](http://tv3winchester.com) to see our product. If you think you can take us to the next level, please RUSH your resume, tape and news philosophy to: Tracy Vosika, News Director TV3 Winchester 633 Millwood Avenue Winchester, VA 22601 You may email your resume to [tracy@tv3winchester.com](mailto:tracy@tv3winchester.com). TV 3 Winchester is a drug-free workplace. EOE.

### **Web Producer FT**

**Lynchburg, VA**

The Web Producer is responsible for day-to-day maintenance of the website and content. In addition to news gathering, writing, creating graphics, editing and proofreading site content, the Web Producer will also work with WSET's social media sites, live streaming, video, mobile platforms, and apps and work with News, Programming, Marketing /

Promotions and Sales departments on various projects. The Web Producer will also perform other related duties as assigned by the Director of News. Advanced Education in the field of Broadcast Journalism or combination of education and work experience. Able to control high stress periods and heavy workload. Valid Virginia Driver's license within 30 days of employment. Knowledge of journalistic standards as they relate to on-air presentation of news stories. Accurate and comprehensive writing skills.

Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at [www.wset.com](http://www.wset.com). No phone calls please! Applicants for positions in the News Department should submit a non-returnable DVD resume tape with letter, resume, and references. EOE.

### **Local/National Sales Manager**

**Richmond, VA**

WWBT/NBC12 in Richmond, VA (#57) is looking for an experienced Broadcast professional to manage half of the Local AE team as well as managing half of their National business, alongside our other LSM/NSM. This is a great opportunity to be part of a great organization. We're looking for the best. Applicants should have a proven track record of success in multi-platform sales and new business development. Only candidates with above referenced experience will be considered. Send cover letter, salary expectations and resume to Judy Gibson, HR Director, NBC12, P. O. Box 12, Richmond, VA 23218 or [jgibson@nbc12.com](mailto:jgibson@nbc12.com). EOE M/F/D/V.

**Digital Sales Specialist  
Richmond, VA**

NBC12, the #1 TV Station in Central Virginia, seeks outgoing, energetic Digital Sales STAR. The position reports to Internet Sales Director and is responsible for day to day sales of our digital product portfolio. This person will work independently to develop advertising relationships. Applicant must be an excellent communicator, highly computer literate and passionate about the value of digital media. MOST of all, this person needs to know how to SELL!! 1-2 years experience required. Great upside potential for the right person. Email your resume to elumpkin@nbc12.com. Drug Screen & Motor Vehicle Record check required. EOE M/F/D/V.

**Master Control Operator FT  
Lynchburg, VA**

Efficiently and accurately execute the on-air programming of WSET-TV, as scheduled on the pre-printed log supplied daily by the Traffic Department. Knowledgeable in the operation of personal computers. Basic understanding of audio-video components, some knowledge of electronics is preferred, but not necessary. Availability to cover all shifts as needed. Please apply in writing to Director of Human Resources, WSET-TV, P. O. Box 11588, Lynchburg, VA 24506-1588. Applications may be obtained at the station from 8:30 a.m. to 5:30 p.m., Monday through Friday, or online at [www.wset.com](http://www.wset.com). No phone calls please! EEO/M/F.

**Director of Programming  
Winchester, VA**

The Director of Programming is responsible for the production and presentation of a programming format to ensure a saleable product in order for the station to be a profitable operation, and to maintain and/or improve station's market position. Plan, develop and schedule programming to include format, public affairs, news, public service and special programming. Hire, train,

motivate and schedule promotions program, and new employees to insure a quality which will improve station's market position. Formal education in radio broadcasting obtained through college degree or equivalent on the job training required. Three to five years experience in programming administration, with increased responsibility in general radio operations with emphasis on programming. Competitive salary and excellent benefits package await the successful candidate. Send cover letter, resume, air check, ratings success and salary requirements to: Valerie Mayer [vmayer@winc.fm](mailto:vmayer@winc.fm) Business Manager Centennial Broadcasting II, LLC 520 N. Pleasant Valley Rd. Winchester, VA 22601. EOE.

**News Photographer  
Roanoke, VA**

WDBJ7 is currently accepting resumes for a creative and self-motivated Photographer to join our award winning news team. In this position you will be responsible for breaking news coverage, news features, and live shots. 1-3 years of shooting and editing experience. Must have valid driver's license with good driving record. Excellent communication skills and strong attention to details. Ability to shoot and edit news video. Experience with P2 cameras and non-linear editing systems • Basic knowledge of I-News or other newsroom software • Basic knowledge of web posting software. Maintain camera and editing equipment. Some nights, weekends and holidays required. To apply, send resume and samples of your work to: Human Resources Attn: Photojournalist Position 2807 Hershberger Road Roanoke, VA 24017 Or email: [jobs@wdbj7.com](mailto:jobs@wdbj7.com). EOE.

**TV News Photojournalist  
Portsmouth / Norfolk / Virginia Beach, VA**

WAVY TV-10 (NBC)/WVBT Fox 43TV 2009, 2010 and 2011 NPPA Market Station of the Year, is looking for a talented photojournalist to join our

award winning news staff. NPPA style of shooting and editing preferred. Candidates must be experienced in live truck operations, non-linear editing and show a willingness to grow as a solo journalist. We shoot and edit in full HD. Requirements: At least 2 years experience and a good driving record required. Contact: Send your DVD/tape and resume, or URL link of your demo reel to: Jeff Myers, News Operations Manager/ Chief Photographer, WAVY/WVBT, 300 Wavy Street, Portsmouth, VA 23704. Send link to: [jeff.myers@wavy.com](mailto:jeff.myers@wavy.com) No phone calls please. EOE.

**General Assignment Reporter  
Portsmouth / Norfolk / Virginia Beach, VA**

WAVY-TV 10 / WVBT FOX 43 is searching for an aggressive general assignment REPORTER who wants to tell compelling stories at the number one station in the Norfolk, Va. market. The successful candidate will have strong journalistic skills in writing, interviewing, and ethical decision-making. The successful candidate will understand and demonstrate that live shots are part of storytelling. You will be responsible for generating sources, enterprise story ideas, and follow-ups. At least 2 years of experience as a reporter at a commercial station is required. We're looking for someone who puts high value on all of the tenets of journalism, possesses strong news judgment, and has proven ability to work within a team. This reporter will be a major part of the station's online success by posting stories and other content on WAVY.com. Please send cover letter, resume, and DVD examples of your most recent stories and live shots to: Jim Gilchrist, News Director, WAVY-TV 10 / WVBT-TV FOX 43, 300 Wavy St., Portsmouth, VA 23704. No phone calls, please. EOE.



## LEGAL REVIEW

This legal review should in no way be construed as legal advice or a legal opinion on any specific set of facts or circumstances. Therefore, you should consult with legal counsel concerning any specific set of facts or circumstances.

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# Hunter v. Virginia State Bar: First Amendment Protection for Lawyer Speech About Judicial Proceedings

In mid-October, VAB filed an amicus curiae brief in *Hunter v. Virginia State Bar*, a case involving the First Amendment rights of an attorney to publish an Internet "blog" discussing a variety of legal issues, including cases in which the attorney-blogger himself represented criminal-defendant clients.

Hunter involved proceedings brought by the Virginia State Bar to sanction Horace Hunter, a criminal defense lawyer in Richmond who writes an Internet "blog" entitled "This Week in Richmond Criminal Defense," on which Hunter writes about a variety of law-related topics. Although Hunter sometimes discusses national legal events and court cases in which he was not personally involved, the majority of the blog focuses on criminal cases in which Mr. Hunter represented the criminal defendant.

The Bar charged Hunter with misconduct, claiming that his blog violated the Rules of Professional Conduct, the ethical rules that govern the practice of law in Virginia. In particular, the Bar accused Hunter of violating rules that prohibit lawyer "advertisements" that contain false or misleading statements or statements that "create an unjustified expectation about the results the lawyer can achieve." The Bar took the position that any discussion by a lawyer about his or her case results is inherently misleading unless it is accompanied by a "disclaimer" informing the public that the lawyer cannot guarantee similar results in any other case. The Circuit Court in Richmond agreed that Hunter's blog violated the "advertising disclaimer" Rules, despite Hunter's insistence that his blog was intended to serve as commentary on important public issues, not as an advertisement for his law practice. Hunter appealed to the Virginia Supreme Court, reiterating the First Amendment protection that ought to apply to his classic political speech about the workings of the criminal justice system.

VAB filed a brief in the Virginia Supreme Court as amicus curiae, or "friend of the court," to highlight the serious implications of the Bar's decision for broadcast news departments. As VAB pointed out, broadcasters regularly seek out lawyers to analyze and discuss important legal issues and court proceedings. Indeed, coverage of noteworthy trials, and criminal cases in particular, has become a mainstay of modern television and radio. Public discussion of state and federal judicial proceedings is precisely the sort of speech the First Amendment is intended to safeguard.

Before the Hunter case, the practice of broadcasting lawyer commentary had not been thought to raise ethical issues related to the lawyer "marketing" himself or herself to viewers or listeners. But the implication of Hunter threatens to unsettle broadcasters' longstanding practice: Applying the Virginia State Bar's rationale in Hunter, a lawyer is no longer free to speak with the media without qualifying his or her comments with an advertising disclaimer, regardless of the content of that speech (even if the speech is nothing more than commentary about legal issues and court proceedings) and regardless of the lawyer's intent (or lack of intent) to market his or her legal services. After Hunter, every lawyer interview on the courthouse steps and every "talking head" legal commentary, at least in Virginia, must be accompanied by an advertising disclaimer. The technical and logistical burdens that rule would impose on broadcasters would create significant disincentives to air legal commentary—and thus would limit if not eliminate the public's access to informed opinion and analysis about important legal issues. As VAB's amicus brief pointed out, if the Virginia Bar's "disclaimer rule" remains in place, the public will pay an exceedingly high price.

The case will likely be argued in the Virginia Supreme Court in early 2013.

We'll keep you posted. Stay tuned. ■



**"The Bar charged Hunter with misconduct, claiming that his blog violated the Rules of Professional Conduct, the ethical rules that govern the practice of law in Virginia."**

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