



THOUGHT LEADERS

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With the proliferation of social media and the spread of technology, journalists are at the center of a continued discussion on what should or shouldn't be written as they try to report the unbiased truths of news.

Panelists discussed that and more during the monthly Thought Leaders talk on media and the First Amendment. The Sept. 17 virtual session was hosted by Hodgson Russ LLP with partner Ryan Cummings and senior associate Aaron Saykin on hand from the firm's practice area in the discipline.

"It's not sustainable the direction we're going in in terms of trust," said panelist Aaron Chimbél, dean of the Jandoli School of Communication at St. Bonaventure University.

In addition to the attorneys, Chimbél was joined by Matt Davison, chief business officer, The Martin Group; Dave Debo, news director, WBFO; Rob Heverling, news director, WKBW-TV; and Lisa Polster, news director, WIVB-TV.

"The 24-hour news cycle has created this blurring of what we can call fact-based, hardcore news reporting and opinion pieces," attorney Cummings said. "For the consumer, they don't necessarily distinguish between what has just been reported as fact-based news and the commentary that follows."

Many challenges are ahead for news-media organizations as they simultaneously navigate reporting operations and budget crunches that result in fewer reporters in newsrooms. Thrown into that mix is a reporter's or broadcaster's increased duties to have a voice through social-media platforms such as Twitter.

"There's a lot of pressure in terms of brand building on social media that begins to pull a young journalist or even an experienced journalist away from neutrality and toward subjective points of view," Heverling said.

Debo said he encourages staffers to entrench themselves in the communities they cover to establish relationships.

"I think the trust issue is really linked to community engagement and the visibility a reporter has, to be out there to hear from different voices more often," he said. "That does shape your product a little bit, but in ways that they start to trust you and think of you as a source."

Polster, in her work with the WIVB news team, has seen the good and bad of social media.

"It has its negative aspects, but there's been so many situations over the last six months where it's shown people that media isn't necessarily the bad guy and that we can shed light on things," she said. "Some things that have been happening would have never been out in the public if they weren't caught on camera and put out on social media."

Over the years, Polster has recruited

CURRENT STATE OF THE MEDIA



Matt Davison, top left,
and Rob Heverling.

At right, Aaron Chimbél, who said:
"As we've talked about with social media, there's just so much coming at us all the time that it's really hard for people, unless they're going to put in the work to see if this is vetted, reliable information or if it just confirms whatever bias or opinion they came in with. That's a challenge for journalism because we have to operate in this context."



ALL PHOTOS SUPPLIED BY PARTICIPANTS

▲ HODGSON'S TAKE

"With a more polarized country that sees things through their own prism, these are the challenges that journalism is going to have to sort out over the next several years."

AARON SAYKIN,
senior associate, Hodgson Russ LLP



with AARON CHIMBEL, MATT DAVISON,
DAVE DEBO, ROB HEVERLING and LISA POLSTER



Journalists discuss the inherent responsibilities when reporting news



Lisa Polster and Dave Debo. Polster, news director of WIVB-TV, said: *“We’re showing as many sides as we can from our cameras, and those are things that the public would have normally not been a part of. With all the tools that we have to show people the news, we can be as transparent as we can possibly be.”*



“I think the 24-hour news cycle has now proliferated into these specialized blogs, podcasts and more. What it’s done is driven the country apart in many ways because you can go find some sort of online news source that reaffirms opinion pieces.”

RYAN CUMMINGS,
partner, Hodgson Russ LLP

Saykin, a former TV journalist, to assist in training news staffers about how the First Amendment applies to their work.

“It’s always good to have a refresher and keep up with our training,” Polster said.

Saykin credits his previous career in broadcasting for providing a strong background for his work in media law.

“I love what I do now, but I wouldn’t have traded my prior career for anything in the world because I think that it has helped me immensely, not just to think about some of the issues that we’re able to practice, but also understand them and how they have a practical effect.”

Cummings and Saykin visit with newsrooms to provide a legal overview of items they may encounter surrounding First Amendment rights.

“We do it for the public good,” Saykin said. “It helps promote our practice area, but I think more than that, it’s about being involved in part of the community.”

Journalists now face more pressure than ever before, the panelists agreed.

“I think the biggest threat to our First Amendment rights now is the abuse to those rights that are guaranteed,” Cummings said.

Davison advises business clients to be transparent with a reporter before an interview about what is and isn’t off-limits.

“I’ve found that transparency in the dialogue plays to much better coverage – much more truthful coverage – and that sets the expectations better for both sides, so they know that if they need another angle for a story, they can go elsewhere to get that viewpoint.”

Before he lines up interviews, Davison considers the legal ramifications.

“Legal counsel is critical on our end before we engage with media,” he said. “We’re constantly having those discussions about liabilities and what we should not discuss.”

At St. Bonaventure, Chimbel said he relishes his ability to pass along what he’s learned to a crop of budding journalists.

“It’s really important that the students understand that with that privilege of the press also comes great responsibility,” he said. “We should, as journalists, want to live up to that and live up to that special protection of the only industry specifically in the Constitution.”

► CLOSER LOOK AT THOUGHT LEADERS

Thought Leaders is an ongoing series of discussions with Western New York business leaders and attorneys at Hodgson Russ LLP.

Ten times a year, leaders in diverse industries meet for a roundtable discussion moderated by Business First journalists.

The conversations are usually held in the law firm’s Pearl Street offices in Buffalo, but have shifted to a virtual format during the COVID-19 crisis.