

**August
2014**

TypeRider

Arizona Professional Writers

Formerly Arizona Press Women

Writer's Retreat earns 'Merritt' with attendees

Story, photos by Carol Osman Brown

A cool mountain breeze greeted writers arriving at the rustic Merritt Lodge near Payson on July 19 as they eagerly gathered for some R&R during the APW Writer's Retreat. Planned and hosted for the second year by Rim Country District, the intimate event attracted 15 participants. Some travelled from distant cities including Yuma, Ariz., and Winterhaven, Calif., as well as the Valley.

Special thanks go to APW members Gail Hearne and Marie Fasano, who planned the event and devoted countless hours to publicity, leading program sessions and other details.

See Retreat, Page 4



From left: Jodi Weisberg, Sheila Roe, Rev. Linda D. Wescott and Joanne Moore were among the attendees at the 2014 APW Writer's Retreat.

Reminiscing: Arlene Sadev Uslander



Arlene Uslander, left, with Brenda Warneka at a November 2011 *Skirting Traditions* Presentation.

by Brenda Warneka

When Arlene Uslander passed away on June 29, I was with her family at her home in San Diego, holding her hand. I can't express the loss I feel from her absence in my life. We met on a writer's website in 1999 when I submitted a story for an anthology she planned to publish. For most of the time since then, until she became too ill, we emailed on a daily basis. There were so many emails, we numbered them so we knew the order in which to read them. This was because we worked on joint projects, but also because we became good friends who kept in constant contact years before Twitter and text messages were invented.

At the time we became friends, she lived in Glenview, a suburb of Chicago, and I lived in Paradise Valley. We met in person

See Uslander, Page 3

Writing and the Law: Photography of people in public places

by Brenda Warneka, JD

I moved in with my camera to take a close shot of the old Japanese woman chatting with my husband. We were at a reunion of survivors and descendants of internees from the WW II Poston Internment Camp. She placed a hand squarely over her face, blocking my lens. I moved away, coming back later to try again. She again placed her hand over her face. Okay, I got the message.

Generally speaking, in the United States – not necessarily in other countries – you do not require consent to take photographs of people in public places. This extends to private property open to the public, unless the owner of the property denies or limits permission. Photography is considered a form of free speech protected by the First Amendment and is important in the reporting of newsworthy events and matters of public interest. There is no invasion of privacy if the person photographed has no expectation of privacy. You are free to use and sell such photos. An exception is commercial use for the purposes of advertising or trade, which is not protected by the First Amendment and may require consent from subjects.

But what happens if, unlike the Japanese woman, the subject does not know she is being photographed, so can't deny permission?

In a tradition known as "street photography," starting in 1999, a photographer took photographs of hundreds of passersby on New York City streets without their knowledge. In 2001, he used 17 of the photographs in an exhibit called "Heads" at a Manhattan gallery. The photographs were for sale and appeared in a



A woman prevents Brenda Warneka from taking her photograph.



"Erno Nussenzweig, from The Heads exhibit, ©Philip-Lorca Di Corcia"

catalog, in the popular press and on the Internet. In 2005, one of the 17 subjects, Erno Nussenzweig, Holocaust survivor and Orthodox Hasidic Jew, sued for invasion of privacy, alleging the use of his image violated his religion's prohibition against graven images. He demanded monetary damages and an injunction to stop further use of his photo. In a 2006 judgment that relied on prior New York cases establishing art as constitutionally protected speech, the trial court held that the First Amendment trumped Nussenzweig's

right to privacy and dismissed the case. An appellate court found the case barred by the statute of limitations, but noted agreement with the trial court on the constitutional issue.

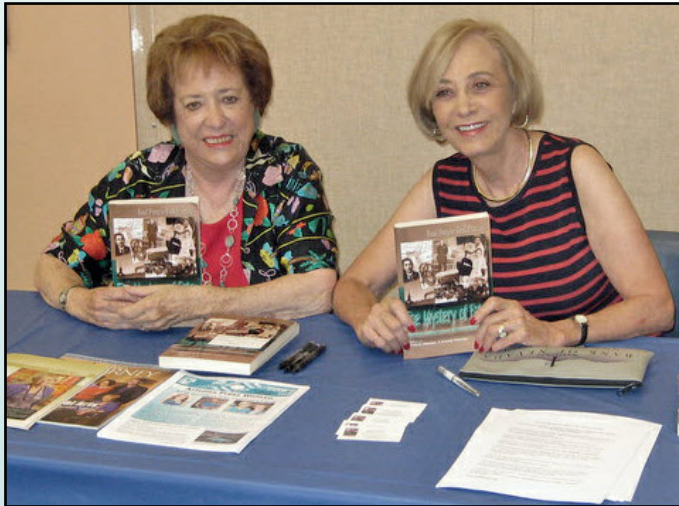
What if the photographer's subjects are in a private place but visible in a public place? In a 2013 case, reminiscent of the movie *Rear Window*, a New York City photographer used a telephoto lens to photograph people going about their daily lives in a neighboring apartment building. He exhibited them for sale in an art gallery exhibit called "The Neighbors." The par-

ents of two children, whose photos were involved, sued for an injunction and damages. By this time, the photos were no longer being displayed or sold. The trial court dismissed the case based on the First Amendment and held that display and sale of the photos had not constituted use in advertising or trade. There was no mention of any exception to the law because the case involved children. On appeal, the appellate court did grant a temporary restraining order and its opinion is being awaited.

A 2014 Massachusetts case, in a criminal law context, involved a man on the Boston subway who was "upskirting," taking photos up women's skirts with his cell phone. The state's highest court overturned a trial court conviction finding him guilty of voyeurism because the criminal statute involved did not apply where the woman was fully clothed. The statute was quickly amended. In civil proceedings, this would seem to be an instance where

See Photography, Page 3

Uslander from Page 1



Arlene Uslander and Brenda Warneka with *Skirting Traditions* at a book fair in Las Vegas, Nev.

when my husband, Dick, and I attended a convention in Orlando and agreed to go on to Sanibel Island where Arlene and her family were vacationing. Upon hearing we were going to meet, an acquaintance of hers asked her, "What if she turns out to be an ax murderer?" Today, I think it is commonplace to arrange to personally meet someone with whom you've had Internet contact, but not so then.

Against my protestations, since I was busy with an active law practice, Arlene convinced me to become co-editor of the anthology. Once she set her mind on something, you might as well say yes. We divided up the tasks involved, from soliciting the stories to publishing the book. One of her tasks was to find a

publisher since she had experience with book publishers, which I lacked. However, she sometimes had too much faith in people, and we ended up wasting many months with an agent and two different publishers, with no publishing date in sight. The authors of the stories for the anthology were clamoring to see their work in print. So Arlene decided we would self-publish. This was not an accepted practice then the way it is today, but Arlene said it was the wave of the future – and that is what we did. She always kept up with trends in writing and publishing so she could advise the authors in her editing business. She did find a publisher for our second book.

In 2008, Arlene decided to join NFPW, but there was no affiliate in California where, by then, the Uslanders lived. She and her husband, Ira, visited Dick and me, and their other friends in Arizona often enough that I convinced her (and Sheila Roe may also have had something to do with this) to join APW. Arlene's activities in APW included being the proofreader for the *TypeRider* under editor Carol LaValley; winning awards in the APW and NFPW communications contest; writing the Erma Bombeck chapter in the APW anthology, *Skirting Traditions*; and participating in the marketing of *Skirting Traditions*. She was featured in "Meet Arlene Sadev Uslander" in the Aug. 2013 *TypeRider*.

In addition to the family obituary, the *Chicago Tribune* posted a news obituary about Arlene's passing on July 21. Both are on the Internet.

Farewell, dear friend, until we meet again.

Photography from Page 2

there *is* an expectation of privacy in a public place, as is true of public restrooms.

Should the fact that the photographer's subjects in a public place are children make a difference? California recently passed a criminal statute intended to stop the harassing of the children of celebrities by paparazzi, which includes jail time of up to a year and penalties up to \$30,000 for repeated violations. Parents are also allowed to file a civil case. The law remains to be tested in the courts.

These cases give guidance to the type of actions on a photographer's part that can cause subjects to sue, but each state has developed its own privacy law, which it constantly refines. Decisions by courts of other states are not binding on Arizona courts, but if they are official opinions, they may be argued for their persuasive value in an appropriate case in Arizona.



"From The Neighbors exhibit, © Arne Svenson"

Disclaimer: My articles are intended for educational purposes and are not to be construed as legal advice or relied on for that purpose. There are many issues I cannot address in a short article. You must consult your own attorney about legal matters involving your work.

Retreat from Page 1

“It was a great group of interesting ladies who shared their experiences, jokes and writing tips. I think everyone really enjoyed themselves, and some newcomers expressed an interest in joining our organization,” says Hearne. “They showed up and were willing to take time to nurture themselves and have fun.”

People at the laid-back retreat enjoyed massages, walked the labyrinth, took naps or read books in a hammock under the pines. They learned about the value of journaling to gain clarity and examine fears or attitudes that may block success. Keeping a gratitude journal was suggested as a way to become aware of each day's many blessings.

One individual shared her thoughts of being grateful for the opportunity to watch the hummingbirds, elk and other wildlife around the cozy lodge. Jill Morris helped everyone relax to the soothing sounds of music, the playing of crystal bowls and drumming.

Writers also learned a few low-key exercises to boost creativity by using a handout provided by Cristina Whitehawk, a Brain Gym teacher from the Valley. The simple PACE movements can be done as a computer break or in the mornings to help one stay positive, active, clear and energetic. Amazingly, the PACE techniques also help conquer jet lag.

Author Marsha Ward helped keep the group grounded by demystifying social media and using it to promote books and writing careers. Writers had an opportunity to sell their books at this event, too.

Evening entertainment came from talented APW member Kathleen Kelly and husband Jim. Their “Take Two” band is popular at Payson events and restaurants. In addition,



Top left: Carol Osman Brown leads a right-brain experience while wearing a mask and beads. Right: Marie Fasano blows a bubble during the Creativity Workshop. Bottom: Writers at the 2014 APW Writer's Retreat near Payson

attendees enjoyed watching the APW video *News Women, 50 Years of Change*, produced by Pam Stevenson Communications, Inc. That night, they were able to gaze at the star-filled heavens while enjoying a cup of tea or cocoa.

Sunday morning, Betty Merritt led a silent meditation walk through the forest to Indian ruins and conducted a sacred ceremony. Before breakfast, Fasano led a Tai Chi session.

Later, Carol Osman Brown got silly, wearing a mask and Mardi Gras beads to help writers get in touch with their “inner child” as they blew bubbles. The room was filled with giggles and gasps of amazement as the magical bubbles burst everywhere. Then the writers used crayons while brainstorming

ideas, which fostered more right brain use. Some people had not touched a crayon in 20 years, and this experience brought back many childhood memories. Hearne followed with a workshop about how to make your dreams come true.

APW and the Writer Retreat participants thanked Al and Betty Merritt for sharing their special place and its natural setting, as well as providing the delicious, healthful meals and snacks. As the retreat came to an end, people snapped photos and gave hugs. On behalf of the group, Hearne presented two books to Betty Merritt and offered some advice to the writers, “Always take time to enjoy the journey, follow your heart and be grateful.”

Meet APW Member Suzanne Pickett Martinson

Interviewed by Brenda Warneka

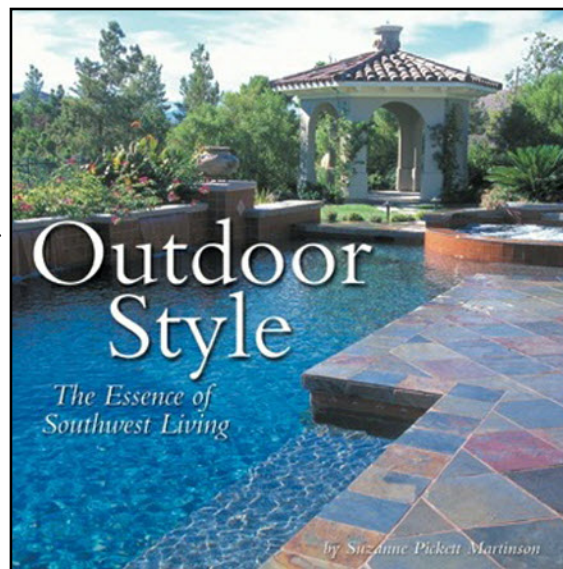
Suzanne Pickett Martinson, a “proud native” of Arizona, grew up in Phoenix, where she graduated from Arcadia High School. A sports lover, she fancied herself as the first female play-by-play announcer for the Dallas Cowboys. With that passion and family in Texas, she headed to Southern Methodist University for college. She earned a Bachelor's of Fine Arts with a major in broadcast news in 1986. In her senior year, she interviewed for a public relations position with the Dallas Cowboys, but ended up with the Dallas Sidekicks, a major indoor soccer league team start-up.

After a few years in Dallas, Martinson returned to Arizona when her father had health issues. Following her move back, she interned at the Fiesta Bowl, working on more than 30 events in less than a year. She credits this “amazing experience” with teaching her how much she could achieve with “organization, planning, teamwork and a lot of energy.”

In 1988, Martinson met Eileen Bailey, who was in the process of creating *V Magazine* (“V” for Valley.) She says Bailey “took me under her wing and provided me with opportunities to write and learn the ropes of running a magazine behind the scenes. Those experiences formed the foundation of my love of writing.” During this time, Martinson was also a freelance writer and special events planner, and did public relations for various businesses.

After *V Magazine* folded, she went back to school and earned a master's in mass communication from Arizona State University in 1991. She also acquired a teaching certificate in secondary education and student taught in 1995.

Martinson started freelancing for *Phoenix Home & Garden* and the *Arizona Republic* in 2000. Her assignments for *Phoenix Home & Garden* focused on gardening and design in the Southwest, leading her to take programs and classes to enhance her knowledge in



these areas. Her writing for *Arizona Republic* and its specialty publications like *AZ Style* focused on home design, entertaining, events, businesses and personality profiles.

In early 2002, she received a telephone call “out of the blue” from Northland Publishing, which she describes as “a dream come true.” Referred by her editor at *Phoenix Home & Garden*, Northland asked her to write a book on outdoor living. The result was Martinson's two books, *Outdoor Style: The Essence of Southwest Living* (2003) and *The New Southwest Home: Innovative Ideas for Every Home* (2005). Before she started a third book, Cooper Square Publishing bought Northland.

Other interests led Martinson to acquire a master's in humane education from the Institute of Humane Education and Cambridge College in 2009, and a master's in education from ASU, focusing on gifted education in 2014. She volunteers with the

Arizona Association for Gifted and Talented organization and other community groups.

Suzanne is married to John Martinson, a founder and owner with a business partner of China Mist Tea Company. They have two children: a son, Neo, 13, and a daughter, Eco, 11; multiple cats; and two dogs.

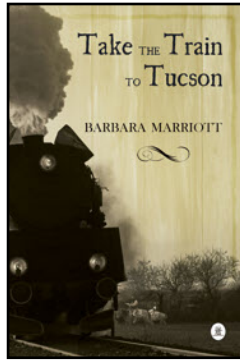
Martinson had long been interested in APW and joined in 2013 after attending a writing group where Brenda Warneka made a presentation.

Get profiled!

If you would like to be profiled in the APW newsletter, contact Brenda Warneka at brendawarneka@yahoo.com.

IN TOUCH WITH APW

Barbara Marriott, PhD, has a new book, a cozy historical mystery called *Take the Train to Tucson*. It was recently released by Fireship Press. Other award-winning books by Marriott include: *Annie's Guests*, *In Our Own Words*, *Contact Creede*, *Outlaw Tales of New Mexico* and *The Fleet Angels of Lakehurst*.



Linda Radke's publishing company, Little Five Star Publications, which specializes in children's books, was recently accepted as a member of the Children's Book Club. The application process is lengthy and admission is restricted to quality, vetted publishers. CBC is a "national nonprofit trade association of children's book publishers, who are dedicated to supporting and informing the industry and fostering literacy." Info: CBCbooks.org, LittleFiveStar.com.



Pearl Newmark, a previous longtime APW member and frequent contest winner for the *Jewish News* where she was editor, passed away on June 25 at age 98. After her daughter and son-in-law, Flo and Paul Eckstein, bought the newspaper in 1981, Pearl became founding executive director of the Arizona Jewish Historical Society for 12 years.



Betty Webb, author of the bestselling *Lena Jones* books and the humorous *Gunn Zoo* mysteries, was interviewed by the *Examiner*, about a workshop she conducted at Changing Hands Bookstore. The topic was "How to Write Mysteries and Thrillers."



Submissions wanted!

Share industry related news with fellow APW members including committee reports, event news, writing contests, industry articles, industry-related

personal accomplishments ... anything you think would be of value to members! Send submissions, photos and art to Lynda Exley at exlent@aol.com. The deadline for the September issue is Aug. 21.

Letter to the editor

"Lynda, thanks for another terrific newsletter (July, 2014). It certainly helps to keep all of us informed and up-to-date. Thanks also to Brenda Warneka and Carol Osman Brown for the article on Elizabeth Lewis. Her son, Joseph, who lives in Tempe is a friend of mine. I forwarded him the newsletter and he was grateful for all the kind words. Such an interesting woman—I wish I had gotten to know her."

—Gail Fisher

Body, mind, spirit for cancer patients

Virginia Piper Cancer center at Scottsdale Healthcare seeks writers or journalists who are willing to conduct a class to help cancer patients and patient survivors write about their feelings or thoughts.

The Virginia Piper Cancer Center at Scottsdale Healthcare is at 10460 N. 92nd Street, Suite 206, in Scottsdale. To volunteer, contact Dale Yavitt at 480-323-1981.

Free e-books

If you want more new books to read, but don't want to spend the money, Book Bub offers a daily selection of five or six e-books from Amazon.com – at least one of which is free. You "buy" it for \$0.00. You don't even need a Kindle, because you can download a free app from amazon.com and read the books on your computer or some smartphones. Sign up at BookBub.com.

MARK YOUR CALENDAR FOR THESE LOCAL EVENTS

Aug. 9 and 23: 10 a.m. to noon. Writer's Critique Group at Maricopa County Library District's Sun City Branch Library, 16828 N. 99th, Sun City. Receive enthusiastic support and honest feedback on anything from poetry to prose. Newbies receive New Member Packets. Info: 602-652-3000, mcladaz.org.

Aug. 12: 6 p.m. Fiction Workshop—Intermediate: Masks & Secrets at the Maricopa County Library District's Queen Creek Branch Library, 21802 S. Ellsworth Road, Queen Creek. Learn the basic elements of storytelling and move deeper into crafting fiction and nonfiction. Whether writing your memoirs, a family history or the next bestseller, this hands-on workshop gives you tools to help shape your craft. Learn to build complex, intriguing characters with distinct voices, wants and dynamics. Bring something to write with. Registration required: 602-652-3000. Info: mcladaz.org.



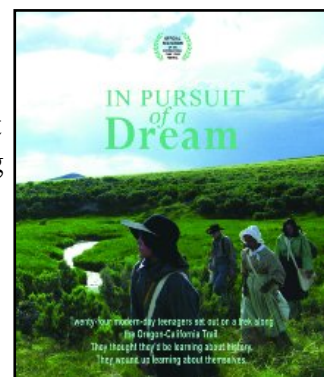
Aug. 12: 6:30 to 8 p.m. Queen Creek Writer's Group at Maricopa County Library District's Queen Creek Branch Library, 21802 S. Ellsworth Rd., Queen Creek. This critique and networking association is open to writers of all genres and experience levels. To participate in the critique portion, bring a one- to two-page selection on which you have a specific desire for feedback. Be prepared to accept both praise and criticism. Group meets monthly. Info: 602-652-3000, mcladaz.org.

Aug. 15 and 16: 10th Annual WriteNow! Conference is Desert Sleuths, the Phoenix chapter of Sisters in Crime, annual writers' workshop at the Embassy Suites Phoenix-North, 2577 W. Greenway Rd., Phoenix. The event features mystery writers including Catriona McPherson, who penned *The Day She Died, As She Left It*, and others; Timothy Hallinan, who writes YA mysteries; and Mark Sullivan, author of *Rogue*, *Outlaw*, and *Triple*



Cross. Cost: Members \$100, nonmembers \$120. Registration includes Friday evening social and Saturday continental breakfast, lunch, afternoon snack. Info: desertsleuths@gmail.com.

Aug. 16: 4 p.m. Tucson Arizona History Museum celebration of the 150th Birthday of the Arizona Historical Society. Includes: an "Old West menu" dinner, raffle, access to all museum exhibits, sneak preview of the new AHS 150 exhibit, a special exhibit just for the evening featuring pioneer artifacts and the inspiring documentary movie *In Pursuit of a Dream* about modern-day teenagers who experience pioneer life as they travel the Oregon-California Trail (inpursuitofadream.org). Come dressed for the 19th Century; prizes for the best outfits. Cost: \$30 adults; \$20 ages 10 and younger. Prepaid reservations required. Proceeds benefit Museum Courtyard Improvement Plan, which includes preservation of the Arizona Pupfish exhibit. Reservation, info: 520-628-5774.



Aug. 24: 4 to 7 p.m. Central Phoenix Open Mic for poets and writers. Location changes; call for info: 602-300-1830.

Sept. 20: Noon. A joint event – Arizona Newspaper Association's fall awards and Valley of the Sun Chapter of SPJ's annual Arizona Freedom of Information Awards, which honor excellence in journalism and in open government in Arizona. Location: Chaparral Suites Resort, 5001 N. Scottsdale Road, Scottsdale. The nomination period has been extended, with entries needing to be postmarked no later than Friday, July 11. SPJ contest entry is free. The First Amendment Award nomination form can be downloaded at phoenixspj.org, click on "Awards & Scholarships." Self-nominations are welcome. Info: Teri Carnicelli at 602-410-1267, teri@phoenixspj.org.



See Calendar, Page 8

Oct. 1 through Dec. 15: Applications accepted for 2015 Hubbell Trading Post National Historic Site Artist in Residence Program. Residence for up to two weeks in 2015 scheduled at the convenience of the park. The Hubbell Trading Post and Navajo Nation landscapes will inspire you to paint, draw, photograph or write while living in a historic, fully furnished stone hogan. Program is for artists with professional credentials and legitimate standing within the art community. Application form at nps.gov/hutr/planyourvisit/artist-in-residence.htm. Info: 928-755-3475.

Oct. 4: 9 a.m. to 5 p.m. The 2014 Sedona Book Festival at the Sedona Elks Lodge, 110 Airport Road. Features local and regional authors, publishers, organizaions and others affiliated with books and reading. Free parking. Details and registration: wellredcoyote.com/sedonabookfestival-reg.html. Info: Joe Neri books@wellredcoyote.com or 928-282-282-2284.



Oct. 26: 1:30 to 3:30 p.m. APW Board of Directors Meeting at the boardroom, Scottsdale Waterfront Condominiums, 7181 E. Camelback Road, Scottsdale. All members welcome. Optional lunch together, Dutch treat, at noon at nearby Sauce. Info: Pam Stevenson 602-301-9595.

Nov. 1 through 30: National Novel Writing Month (NaNoWriMo). Join writers from around the world with the goal of writing a rough draft of a 50,000-word novel in one month. In 2013, 548,031 people signed up to track their daily progress, get pep talks and support, and meet fellow writers online and in person. Municipal liaisons host writing events in their local regions for participants. The event is free though the 501(c) (3) nonprofit organization welcomes donations. Sign up to participate this November at nanowrimo.org.



May 2, 2015: Save the date for the APW annual conference. Program, place and times TBA.

Keeping up with APW member Jane Eppinga

For Jane Eppinga, summer meant a trip to Morocco. In Rabat she saw the Royal Palace and the ancient ruins of Chellah, the Oudaya Kasbah and the Hassan Tower. She visited the ancient ruins of the Roman city of Volubilis, a UNESCO project with wonderfully preserved original mosaics and a Roman Road.

Next, she saw Fez with its large medina, famous for its tanneries, Moroccan carpets and ceramic works. Fez served as Morocco's capital for 400-plus years and is home to the University of Al Karaouine, the oldest operating university in the world.

Eppinga also toured Erfoud via the middle Atlas Mountains and Ouarzazate, which is posed to be a "Moroccan Hollywood." There was also a visit to Ait Benhaddou, a UNESCO World Heritage Site.

At Marrakesh, she visited the Saadian Tombs, dating back to the 16th century, and saw the Marrakesh Medina, a UNESCO World Heritage Site.

Eppinga returned home in time for Arizona Historical Society's Arizona History Convention. A week later, she attended The Society of Woman Photographers



Jane Eppinga snaps a photo to commemorate her trip to Morocco this summer.

convention in Pittsburgh and presented a paper on cemeteries of southern Arizona.

In June she visited the Netherlands and Luxembourg. She attended a family reunion at the historic Eppinga farm in Sondel, dedicated as a family farm museum. She visited the monastery museum in Ter Appel and Bourtange, an open air museum. She finished with a visit with friends in Luxembourg and tours of the city's museums.