

## High Court rules in favor of Herald-Journal

In the first legal test of a state Freedom of Information law that governs how public bodies hire employees – in this case, school superintendents – the S.C. Supreme Court sided with the *Herald-Journal* July 16, upholding a lower court's decision against Spartanburg School District 7.

The decision should make it easier for parents, teachers and the community

### On The Web

This story was first published on [www.scpres.org](http://www.scpres.org)

to find out more about who is being considered to run the schools their children attend. It also should spell out the hiring process for other public positions, such as police chiefs and city administrators.

The justices unanimously determined that School District 7 violated state law in 2003 when it withheld the names of five finalists while seeking to fill a superinten-

dent spot.

Lynn Batten eventually got the job, though the school district claimed Batten was one of only two finalists, and that it was legally required to release information only on those two people. State law, however, requires public bodies to release information on "no fewer than three" finalists when seeking to fill a vacant position.

Please See **RULING** page 4

## Press Association hires coordinator, reorganizes staff

The SCPA staff structure has been reorganized.

Jennifer Roberts, Member Services Director and long-time employee, is no longer with the association.

Membership service matters will now be handled by Michelle Kerscher and Jen Barclay.

Kerscher is moving over from the S.C. Newspaper Network staff to become the Association's Director of Marketing and Programs.

Kerscher has been with SCPA for two and a half years and started as coordinator of the SCAN and 2x2 networks. She most recently has been working with graphics and new media. She will continue to handle those areas.

Barclay joined SCPA Aug. 6 as Communications and Development Coordinator.

She comes to us from the Girl Scouts of South Carolina, where she was PR and Communications Manager. She has worked at the Girl Scouts since graduating from USC in 2005. She has experience in InDesign and in Web site work and writing.

Barclay was a print journalism major at USC and was managing editor of *The Carolina Reporter*. She was on the dean's list at USC and was named Outstanding



**Barclay**



**Kerscher**



**Roberts**

Senior.

Roberts started with SCPA when it was housed at the USC College of Journalism more than 30 years ago.

"We certainly appreciate all of Jennifer's contributions to SCPA over the years," Rogers said. "She has made many friends over the years."

Administrative Assistant Jamie Allen left SCPA in June to work in the family business in Bluffton.

"We're seeing a lot of changes, but our staff is now up to speed and ready for new challenges," Rogers said.

## Weekly publisher's roundtable Oct. 4

The S.C. Press Association will host a weekly newspaper publisher's roundtable on Thursday, Oct. 4, from 10 a.m. to 2 p.m. at the SCPA office in Columbia.

The program is designed to let publishers share success stories, problems and solutions they face in publishing weekly newspapers. The roundtable is patterned after roundtables that the Southern Newspaper Publishers Association has been holding for daily publishers.

Topics of discussion will include weekly newspaper management, advertising revenues, subscription sales, printing and distribution.

Participants will be sent an anonymous survey so that South Carolina revenue and expense benchmarks can be discussed.

Jerry Bellune, of the *Lexington County Chronicle & The Dispatch-News*, will moderate this discussion and working lunch. The cost to attend is \$20.

Registration will be limited to 20 participants.

SNPA is tentatively planning to hold a similar roundtable for S.C. daily newspa-

Please See **ROUNDTABLE** page 2

## Calendar

### Sept. 27

Golf Tournament  
Ft. Jackson,  
Columbia

### Oct. 1

Deadline for  
Ownership  
Statement

### Oct. 4

Publisher's  
Roundtable  
SCPA, Columbia

# The view from Earth

## Can I use a photo from Google Earth with a news story?

Google, the Internet search engine, is not as ubiquitous as “no-see-ums” in a South Carolina summer, but one of its products seems to have blanketed the earth — at least in a fashion.



**By Carmen Maye**  
SCPA Attorney

Google Earth allows computer users to download software to capture high-resolution, three-dimensional satellite images of the earth.

The ability to easily survey specific geographic areas and capture pinpoint images has obvious appeal for those in the news business, both print and broadcast.

A SCPA member reporter wonders if images from Google Earth may accompany news stories, or if legal issues preclude such a use.

The answer: it depends.

Google offers several different versions of Google Earth software designed for different

uses. When you download the software, you agree to the licensing terms and conditions set forth by Google. Using Google Earth in ways not covered by the license can create contract issues, copyright issues, or both.

The most popular version of Google Earth — called simply “Google Earth,” is free and intended for personal use. Google encourages individuals to use Google Earth, and indeed to use images from Google Earth to accompany personal web pages, web logs and the like.

Using Google Earth for business purposes, including graphics and illustrations for news stories, however, is improper, with one likely exception: If Google Earth is the subject of the news story, then using an example of the types of images available through Google Earth would be a legitimate use.

Some police departments, for example, have begun using Google Earth as a monitoring device. News stories about these police practices could properly include images from Google Earth used by police. Beyond

this, be careful. Although the copyright law may provide for other proper media uses for Google Earth, the jurisprudence in this area is murky and litigation is costly.

News entities that wish to use Google Earth as a news coverage tool should consider subscribing to one of the versions offered for business use.

Google markets “Google Earth Pro” and “Google Earth Enterprise Solutions” for industry; the former costs about \$400 and should be adequate for newspapers.

For more information, type “Google Earth” into your favorite Internet search engine and look for product downloads.

## Roundtable

Continued from page 1

pers this fall.

For more details and to register, call SCPA at (803) 750-9561 or e-mail [jbarclay@scpress.org](mailto:jbarclay@scpress.org).

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## Search begins for new SCPA offices

The S.C. Press Association has begun a search for a new home.

An advisory committee recommended securing a commercial real estate broker to assist in the search and CB Richard Ellis has been retained.

"We are looking for offices that are convenient to the Interstates and have ample parking," said Bill Rogers, SCPA Executive Director.

Rogers said the staff and Executive Committee felt the time was right for the Association to look at owning its own building again.

The SCPA has been renting space in

the S.C. Education Association building since 1994. Prior to that, the Association was located in a converted house on Calhoun Street in downtown Columbia.

Randall Savely, SCPA Director of Operations, said staff has visited four sites.

"We are excited about the prospect of owning our own facility," Savely said. "A new building will greatly enhance our ability to serve our members and should also prove to be a great long-term investment for SCPA."

The timetable for the move is within the next year.

## FOI Briefs

### Commission mum on land sale

The Charleston County Park and Recreation Commission is not releasing any documents pertaining to its controversial \$10 million plan to buy land brokered by a state lawmaker.

"The last time I checked, if you're using public funds to purchase property, you need to put those documents out there," George Reeves, an attorney with the law firm of Baker, Ravenel & Bender, L.L.P., which represents the S.C. Press Association, told *The Post and Courier*.

...

The Clover school board failed to release the names of final candidates for the district's superintendent job in June until two days after it had made its selection.

Steve Brown, school board chairman, said the board didn't reveal the finalists sooner because there was never a second

round of interviews. By skipping the second batch of interviews, Brown said the board didn't think it needed to release the names before moving forward with its hire.

While skeptical of the process, Bill Rogers, executive director of the S.C. Press Association, said the board did not break the FOI law because it eventually released the names.

...

Attorneys for a recently fired men's basketball coach have filed an FOIA suit against his former employer, S.C. State University.

Attorneys for Jamal Brown filed the suit requesting to inspect and copy records pertaining to two investigations into their client. The investigations revolved around allegations of an inappropriate relationship with a female student-trainer.

Contending the allegations are false, Brown's attorneys say the university has refused to make the requested records available.

## Legal Q&A



**By Jay Bender**  
SCPA Attorney

**Q:** We recently received information that a doctor had filed a lawsuit against our local hospital. But when we checked the county clerk of court's office, no such suit could be found. Finally, we learned that a circuit court judge had taken the file from the clerk's

office and had it "under advisement." When I asked the clerk of court about the file, I was told he would get it the following day from the judge's assistant and would get a copy for us. I asked the clerk of court if he was familiar with the suit I was referring to and he said he was. No record of the suit existed in our local clerk of court's office and the clerk said the judges always take originals; they don't work from photocopies.

Had we not known to ask about it, the suit would not have been made public, possibly until its disposition. Is this practice legal? Should we start asking each week for copies of files that judges have "under advisement" to prevent suits from being hidden like this?

**A:** First, it shouldn't make any difference whether the judge has the file or not when it comes to determining if the suit has been filed. The clerks of court are required to keep a log of all cases filed. This log will contain the names of the parties, the nature of the suit and whether it is a jury or non-jury case. Second, judges commonly have the court file in their possession when they are hearing and deciding a case. It seems unlikely to me that a circuit judge would have taken a court file for the purpose of keeping the public from learning that a case had been filed.

Although, having said that, there was a case several years ago involving a USC football coach named Joe Morrison who was being sued by a paramour for child support. A family court judge removed the court file and directed the clerk not to make an entry on the court log that the case had been filed.

The Supreme Court of South Carolina stated clearly and forcefully that we don't have secret court in South Carolina and ordered the record made public.

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# Ruling

Continued from page 1

Because the school had five "semi-finalists," the school district should have released information on all five, according to the Supreme Court ruling.

In June, attorneys for the school board argued that if only one or two people were deemed qualified for a position, then only information on that person or those two people should be released. They said that's how they interpreted the law.

The state Supreme Court disagreed: "We will reject a statutory interpretation that leads to a result so plainly absurd that it could not have been intended by the legislature ..."

Batten resigned a year ago and was replaced by an interim superintendent. A permanent replacement, former Union County school chief Thomas White, was hired in May.

"We're pleased with the outcome," said Carl Beck, executive editor of the *Herald-Journal* and president of the S.C. Press Association.

"This case was about the public's right to know who is being considered for a public job. We're hopeful other govern-

ment bodies around the state will take note of the court's ruling as a strong affirmation of the state's Freedom of Information law."

District 7 has accepted the court's ruling, Chairman Chip Hurst said.

"The important thing to note is that we did not (withhold information) with intent or any sort of malice," he said. "We acted upon the advice of our attorney and upon the advice of the attorney of the (South Carolina) School Boards Association. We acted in a way we thought was just and proper."

When asked, Hurst said he could not recall the five semifinalists from 2003, but agreed to make that information available in the future.

Attorney Carlos Johnson, who represented District 7, affirmed that the court's ruling will have statewide implications.

"The Supreme Court has ruled, so their

opinion will have to be followed not just by school districts, but by every other public entity in the state," Johnson said. "This district and other districts will have to abide by that ruling, and they will abide by it."

Hurst said he was not sure how much money the district had spent on the case.

The July ruling also requires District 7 to cover the cost of the *Herald-Journal's* attorney fees.

Johnson said he is aware of at least \$3,025 in attorney fees ordered by a circuit court judge that District 7 will owe the newspaper. He and Hurst are still not clear on the total amount they will owe.

Bill Rogers, executive director of the S.C. Press Association, said the ruling was important "for the public, more than the press."

"Now, those certain members of the public who have information about a candidate can share that with a public body," Rogers said.

"If it had gone the other way, you would have seen a tremendous increase in secrecy in the hiring process. So, the public would totally be left out of the equation."

To view the complete ruling visit [www.scpres.org](http://www.scpres.org)

## Weekly Publisher's Roundtable

Thursday, October 4  
10:00 a.m. - 2:00 p.m.

Join other weekly newspaper publishers for a roundtable discussion. Topics will range from management and advertising revenue to subscription sales and distribution.

Jerry Bellune of the Lexington County Chronicle & Dispatch News will be the moderator.

**Sign up now!**  
**Registration is limited to 20 participants.**

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## People & Papers

### Dillon named Regional Ad Director of Morning News

**Jason Dillon** has been named regional advertising director of the *Morning News* in Florence, and its three affiliated weekly newspapers.



**Jason Dillon**

Dillon has been a group advertising manager of the *Richmond (Va.) Times-Dispatch* since 2004 and served in various other ad management and sales positions at the *Times-Dispatch* since 1991.

"Jason is a top notch advertising professional with a proven track record that has prepared him well for his key leader-

ship role in South Carolina," said regional publisher Mark Laskowski. "His drive and determination to succeed will serve our advertisers, our employees and our company well."

### The State gets new VP of advertising

**Parks Rogers** has been named vice president of advertising for *The State*.

Rogers most recently served as vice president of sales and marketing for the Fayetteville Publishing Co. He has also been vice president of advertising for the Army Times Publishing Co., vice president of advertising sales at the Newspaper Association of America and has served in several sales roles at *The Washington Post*.

"Parks is a veteran advertising executive with a record of success," publisher Henry Haitz said.

**Mike Pippin**, publisher of the *LaGrange Daily News* in Georgia, has been succeeded by **Lynn McLamb**. Pippin is the former publisher at the *Union Daily Times* and was on the SCPA Executive Committee. The change follows the recent sale of the *Daily News* by Mid-South Management/Crescent Media to Heartland Publications.

...

**Frank Johnson** will step down as editor/publisher of *The Citizen News* in Edgefield this month. Johnson has accepted a new position in Charleston.

Johnson joined *The Citizen News* a year ago as editor/manager and was promoted to publisher in January.

A search for Johnson's replacement has begun.

...

**Paul Barker** has been named publisher of *The Pickens Sentinel*, *The Easley Progress* and the *Powdersville Post*.

Barker has spent the last 31 years working in newspapers.

Please See **PEOPLE** page 11

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# Make your ads believable and specific

The headline is the most important part of an ad. Research shows that eight out of ten readers do not read past the headline of any given ad. You know from experience that, if a headline doesn't arouse interest, you simply turn the page.



By John Foust  
Advertising Trainer

Print is an information medium. That's why the best print ads – and their headlines – provide information to readers. It's as simple as that.

I recently ran across an ad in my files that provides a classic example of what not to do. The headline shouts, "Unbelievable Opportunity" in big bold type.

Does this headline provide information? No. Does it establish credibility for the advertiser? No. Does it communicate anything of value? No.

To understand why, let's take a closer look:

**"Unbelievable."** When something is exceptionally good – or exceptionally bad – it is often labeled as being unbelievable. As a sports fan, I've heard countless touchdowns, home runs and birdie putts described as "unbelievable."

While "unbelievable" may be harmless in sports broadcasts, this word creates more trouble than it's worth in advertising.

What does "unbelievable" really mean? Technically speaking, "un" means "against" or "the opposite of." That means that advertisers who use the word "unbelievable" are actually saying, "Don't believe this ad. It's filled with lies."

## Ad-libs®

Obviously, that's not the message they want to send; but that's the real meaning.

The first lesson here is to be believable. If you want your advertising to have the clear ring of authenticity – if you want it to convey information – start by eliminating baseless claims and exaggerations.

**"Opportunity."** The second lesson is to be specific. In the context of this advertiser's two-word headline, "opportunity" means nothing at all. To what kind of opportunity are they referring? We don't know, because they don't say.

Motivational speaker Zig Ziglar, once said, "Don't become a wandering generality. Be a meaningful specific." The same can be said of advertising. Legendary copywriter Claude Hopkins wrote, "The weight of an argument may often be multiplied by making it specific." To prove his point, he compared two advertising statements: (1) "Our prices have been reduced," and (2) "Our prices have been reduced by 25 percent." It's obvious that

the second headline has more impact – because it is specific.

The only way to make "opportunity" work is to use it as an idea generator – and not in a headline. The first step might be to ask, "Opportunity for whom?" or "Opportunity to do what?" First, identify a specific target audience. Then figure out how that group can benefit from buying that advertiser's product or service.

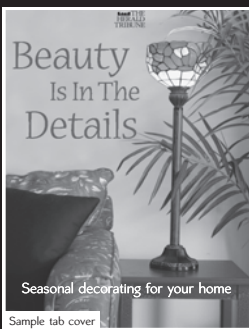
Once a specific benefit is identified, the word "opportunity" can be dropped. For example, an ad for lakeside homes might evolve from "Unbelievable opportunity" to "Here's your opportunity to live by the lake"...to "Live by the lake."

If you're looking for a guideline to create better advertising, consider the opposite of what is represented by the words "unbelievable" and "opportunity." Be believable, and be specific.

Do this, and your ads will be more effective.

### More Information

John Foust conducts on-site and video training for newspaper advertising departments. His three new video programs are designed to help ad managers conduct in-house training for their sales teams. For information, contact: John Foust, PO Box 97606, Raleigh, NC 27624 USA, E-mail: jfoust@mindspring.com, Phone 919-848-2401.



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# Two little words create big problems

Maybe it's creeping "Foxification" – that staccato, drop-all-the-helping-verbs style prevalent on the cable channel. But lately it seems we're casting adrift two old friends of the language – "to" and "that."

**Sentence:** The prosecutor declined comment.

Q: "Sir, would you like a bit more comment?"

A: "No, I'm pretty full. Maybe just a sliver of obfuscation?"

This one seems to go in cycles, and in the latest zeal to cut words, it looks to be headed for a periodic zenith. Let's see if we can bring it back to Earth.

The correct form is "declined to comment."

"Declined" can be a transitive or intransitive verb. When transitive, it wants an object – comment. But you aren't saying the person didn't want any more comment. You are saying, in effect, the person declined to give any comment. Think of "to" as the shortening of that gangly phrase and you'll get it right. Of course, if you'd



**By Doug Fisher**  
USC School  
of Mass  
Communication

## COMMON SENSE JOURNALISM

use the more conversational "would not comment," it wouldn't be a problem.

(Dropping that "to" sends Microsoft Word's grammar checker into suggesting the nonsensical "prosecutor-declined." Word is hardly definitive, but if it's having a breakdown, it's a good bet something is wrong with your sentence.)

**Sentence:** Lehman says it is proud of its role in helping provide credit to consumers who might otherwise have been unable to buy a home.

Lehman can be proud of helping Jim or Jane or the Smiths get credit. But the better phrase is "helping to provide credit."

In addition to signaling the intransitive verb, the infinitive provides a smoother read. In this, English is a bit idiomatic; the past participle, helped, does not seem to grate on the ear without the "to" (he helped [to] raise the barn) as much as the present participle, helping, does.

While leaving "to" out of a sentence can leave a reader feeling that something is slightly off-kilter, forgoing that can produce momentary misunderstanding. Bryan Garner, one of the most cited observers of

modern English usage, calls it a "miscue." It's seldom good because when readers pause to parse things, even momentarily, you risk losing them.

These miscues most often stem from dropping "that" with verbs that can be transitive or intransitive. Some of the more common ones:

- Warned
- Concluded
- Decided
- Pointed out
- Added

"Warned" illustrates the problem:

**Sentence:** The prosecutor warned the inmate was a flight risk.

Did the prosecutor say to the inmate, "Warning, you're a flight risk," or did the prosecutor turn to the judge and say, "Your honor, this person is a flight risk"?

The first one has the prosecutor warning the inmate – the momentary miscue. To get the prosecutor warning the judge, we again need a signal that the verb is intransitive, and the conjunctive "that" serves the purpose.

In this case, a paper got it right: The association denied that its members are engaged in a job action.

The AP Stylebook lists other verbs it says usually need the conjunctive "that": advocate, assert, contend, declare, estimate, make clear, point out, propose and state. The key here is "usually." Many can go either way depending on meaning, function and ear. (For example: He asserted his claim to the gold/He asserted that his claim to the gold was valid.)

"Estimate" seems the most likely candidate to drop "that": "He estimated 20,000 people were there" does not seem likely to cause much confusion.

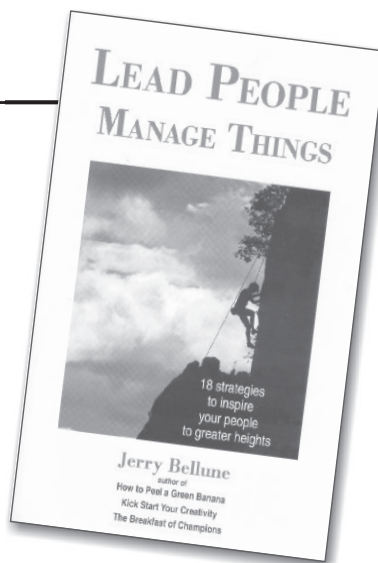
And, as I've written before, "that" should be used with "and" or "so" in special cases:

- Where attribution leads the sentence and controls all that follows: City leaders promised the work would be done by Monday and that everything would return to normal.

- When you have a "clause of purpose": She saved for years so that she could buy the brass bed. (The late Wilson Follett called using that "unassailable" here, but

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# Promotions East serves circulation ideas

Newspaper circulation and promotion departments missed a great opportunity to go window shopping this summer at Promotions East, the largest promotional products tradeshow in the Northeast. Held the first week of June in Atlantic City, N.J., the event is already lined up for June 2-4 next year.

It may be worth your paper's time to attend a future session. One of this year's major sponsors, the Promotional Product Association International, will team up with Imprinted Sportswear Shows for five regional tradeshows in 2008, including nearby Atlanta and Orlando. (See [www.ppa.org](http://www.ppa.org) for details on these and other similar events.) If one is nearby, it could be a chance to see the latest gadgets and incentives that can help entice consumers to become subscribers of your South Carolina newspaper.

More than \$18 billion is spent annually on the growing industry of promotional products. The largest category, accounting for about 30 percent of all sales, is in wearable items (hats, T-shirts, etc.). The next most popular purchases are writing instruments at a little over 10 percent, followed by calendars, drinkware (cups, mugs, water bottles), bags and desk/office accessories.

A survey I conducted among Tennessee Press Association member papers more than 10 years ago revealed that drinkware was most popular then in the Volunteer state. Calendars came in second, followed closely by caps/sunvisors and desk accessories.

But the items are always changing with the times. Among the imprinted products featured in Atlantic City were baseball caps with built-in miniflashlights, lanyards that can double as eyeglass retainers, flashing buttons, and computer flash drives. Other popular possibilities were magnets, games, toys, key chains, license plates and frames, and small health care items—



**By Randy Hines**  
Professor

## PRESSING ISSUES

such as lip balm, sanitizers, suntan lotion and pill containers. (Speaking of magnets, I have almost 50 from various newspapers attached to my metal office desk. If you have any, I would love to add them to my collection.)

One unusual creation on display at the Atlantic City Convention Center was a pair of sandals with a product name or logo engraved on the bottom of each outer sole. It's great if you plan a circulation promotion push along a sandy coast. Just hire a few teens to walk all over the beach that morning and your name will be everywhere.

Research has shown favorable response of promo products by recipients. In a 2004 study at Dallas-Fort Worth Airport, more than three out of four respondents could recall the advertiser's name on a product they had received within the past 12 months. More than half did business with that advertiser and the same number had a more favorable impression of the company or organization after getting the free item.

How about your paper? Are you finding good results from your promotional products? How are they being used? Do they serve as mini-billboards when they are dispersed throughout your circulation area? Some papers reward employees with such items. Others use them for parades and special events. A few give them away as an incentive with new subscription orders. When I conducted focus group sessions for one daily, we gave away imprinted umbrellas, coffee mugs and rubber grips (for opening jars) to the appreciative participants.

Apparently newspapers and other media are not as sold on the cost effectiveness of promo products as other industries. The top five purchasers of these articles are education (schools and seminars), financial, health care, nonprofits and construction. Media doesn't crack the top 10. However, newspapers actually get credit for the spread of the modern promotional product industry. According to PPAI, an Ohio printer named Jasper Meeks

in the 1880s saw children carrying their school books in burlap bags. He thought if he could convince local businesses to put their names on bags for children to tote around town, Meeks could make money imprinting the bags.

Many of the items are low cost. A 20-ounce water bottle with your paper's logo can be ordered for only 65 cents, for example. Buying in large quantities will reduce expenses.

Another advantage of promo products is that South Carolina papers can target who receives them. They can go to winning carriers, long-term employees, new subscribers, etc. As mentioned above, research has proven the items are appreciated by the recipients. Who doesn't enjoy receiving a free gift? Finally, the imprinted message continues its job of promoting your newspaper as long as the items remain in view or in use.

### More Information

Dr. Randy Hines teaches in the Department of Communications at Susquehanna University. His address is 514 University Ave., Selinsgrove PA 17870. He can be reached at [randyhinesapr@yahoo.com](mailto:randyhinesapr@yahoo.com).

## Oct. 1 deadline for ownership statement

Oct. 1 is the deadline to file your annual USPS Statement of Ownership, Management and Circulation (Form 3526) with your postmaster.

A reproduction of Form 3526 submitted to the U.S. Postal Service may be used to satisfy the publication requirement.

A current Ownership Statement is also a requirement for membership in the SCPA. This information is used to update circulation statistics, which are then used to help promote the industry and determine membership dues. All newspaper publishers are asked to submit their copy to Michelle Kerscher at [michelle@scpress.org](mailto:michelle@scpress.org).



# The one-armed paper-hanger editor-designer (Part 2)

They're so busy doing so many tasks that it's a wonder the paper ever gets to press on deadline. Somehow, they muddle through—and most do it well.

But there are day-to-day and deadline-to-deadline practices every editor can adopt so he or she no longer is frantic. With these, the editor is free to spend time on design that excels.

Here are some suggestions:

**Plan your day.** Over time, you'll develop a sense for how long it usually takes you to chat with reporters. How long to edit and design the usual number of pages. How long to answer phone calls. How long to deal with that late ad. Work these tasks into a schedule. Once you do, you'll know at any time if you're running behind—or if you've got extra time to spend on a design that you want to give some extra attention.

**Plan your coverage.** You can't know when the Northern & Western train that rumbles through your town is going to derail. But you can know when Christmas is coming. Or Thanksgiving. Or Mother's Day. Or... Work on coverage and design ideas for these stories months ahead of time. That will give you scads of time to decide, define and design those special packages.

**Delegate.** There's no reason for you to spend valuable editing time inputting a list of honor roll students. You've been hired to be an editor, not a typist. And when you have a particularly important story (when that train derails?), be ready to hand off some work to others. Any sports page designer, for example, shouldn't have too much trouble putting together the obits page on a very busy evening.

**Create priorities.** If you're on deadline, it's probably more important for you to finish up the design of page 1 than to handle a phone call from someone who didn't like your coverage of last night's county supervisors meeting. Earlier in your day, it's probably more important to chat with re-



**By Ed Henninger**  
Henninger is an independent newspaper consultant and director of Henninger Consulting in Rock Hill



For the editor who works efficiently, deadlines seem to matter less.

porters about their stories for the evening than it is to try to fix the newsroom copy machine yourself.

**Lock in meetings.** Make it clear to your reporters and editors that you expect them to be at the weekly long-term planning meeting. With each person missing, there's one less valuable contributor to your overall effort.

**Start—and end—meetings on time.** If someone comes in late, don't spend your time catching them up. Place that responsibility on their shoulders—having to repeat yourself takes valuable time from you and from others who came on time. One valuable trick: set a timer for the length of time you want the meeting to run. Place it where all can see how much time is left. When the timer goes off, get up and leave. After a few such departures, all those involved will get the idea that meetings are sessions where time is valuable and idle chit-chat just doesn't have a place.

**Expect the unexpected.** Build extra time into your day to allow for the extra-long phone call, the visit from the upset basketball coach who wants you to fire your young sports editor, the ad rep who wants to talk with you about an idea for a special section. If you know it really only

takes you two hours to edit and design your daily batch of pages, why not allow yourself closer to three hours? And if the unexpected doesn't occur, you have that extra hour to spend on making the design of those pages even better.

**Rid yourself of the stuff that doesn't matter.** Remember that it's not your job to fix the copy machine. Or to take I-didn't-get-my-paper calls. Or to take high school basketball scores.

It's your job to give your readers a newspaper that's well-written, well-edited and well-designed.

Set yourself free to do so.

IF THIS COLUMN has been helpful, you'll find more help in Ed's new book, *Henninger on Design*. With the help of *Henninger on Design*, you'll become a better designer because you'll become a thinking designer. Find out more about *Henninger on Design* by visiting Ed's web site: [www.henningerconsulting.com](http://www.henningerconsulting.com).

## More Information

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## Fisher

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given our propensity toward elliptic writing, we often drop it. At least don't use a comma.)

The hardest thing for some journalists, after years of being told to excise these words from copy, may be learning that these two short words are not our enemies.

## More Information

Doug Fisher, a former AP news editor, teaches journalism at the University of South Carolina and can be reached at [dfisher@sc.edu](mailto:dfisher@sc.edu) or 803-777-3315. Past issues of *Common Sense Journalism* can be found at <http://www.jour.sc.edu/news/csji/index.html>.

## Court

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their readers well by continuing to challenge those public bodies which refuse to conduct public business in an open and public manner. These challenges can be as basic as pointing out the inconsistency between the language of the law and the language used by public bodies or as committed as filing a suit to enforce the law.

We have a stronger law now because Carl Beck, his paper and the *New York Times* rejected the school district's new math that led the district to conclude that two somehow satisfied a statutory requirement of not fewer than three.

SOUTH CAROLINA PRESS ASSOCIATION  
**FOUNDATION**  
**GOLF TOURNAMENT**

Join us for a little friendly competition as we tee-off from one of the best courses in S.C. – the Fort Jackson Golf Club. You don't want to miss this great day of golfing on Thursday, Sept. 27, 2007.

The 18th annual S.C. Press Association Foundation Golf Tournament supports our state's up-and-coming journalists, so pull together a team or sign on as a sponsor today.

All proceeds go to the SCPA Foundation, which provides much needed scholarships and internships to deserving S.C. college students who are preparing for newspaper careers.

This year the SCPA Foundation has provided \$6,125 of dollars in scholarships to six deserving students. With the rising costs of education, the SCPA Foundation's scholarships are a welcome help to the state's journalism students.

Your support also allows us to offer invaluable on-the-job training with our summer internship program. Students gain practical experience in reporting, copyediting, advertising and photography during this ten-week apprenticeship at a SCPA member newspaper.

This past summer, the SCPA Foundation sponsored two internships. University of South Carolina student Chelsea Hadaway had a productive summer at The Post and Courier and North Greenville College student Ryan Stone gained experience as a photojournalist while interning at the Press & Standard.

Join your newspaper colleagues at this special event and have a great time while raising funds for the SCPA Foundation. Also, check out this year's sponsorship opportunities.

To sign up or to sponsor this event, contact Jen at the SCPA by calling (803) 750-9561 or e-mail [jbarclay@scpress.org](mailto:jbarclay@scpress.org).

## 2007 GOLF TOURNAMENT

### REGISTRATION FORM



**Individual Golfer Package - \$85 Includes greens fees, cart, box lunch, beer, sodas and barbecue dinner.**

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**Team Package - \$320 Put together a team from your newspaper, or a team of friends. The Team Package includes greens fees, cart, box lunch, beer, sodas and barbecue dinner for your group. You will play as a team.**

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## Obituaries

### Robert A. Pierce

Former editor, *The State*

#### COLUMBIA

Robert A. Pierce, 79, author and longtime editor of *The State* newspaper, died July 24.

Pierce, who served as managing editor and senior associate editor of the newspaper, retired in 1990 and began a second career as a writer.

He served as reporter, state news editor and news editor for *The State*. As managing editor, he directed the news operation. In the editorial department, he held the title of associate editor and senior associate editor.

During his 42 years at *The State*, he won awards for typography, editorial writing, column writing and news reporting.

He also edited and published a semi-weekly newspaper, the *Edisto Messenger*, in Springfield, for a brief period while working at *The State*.

Pierce served as president of the S.C. Associated Press News Council and the S.C. United Press International Editorial Association. He was a member of the Associated Press Managing Editors Association, the National Conference of Editorial Writers and Sigma Delta Chi, a national journalism fraternity.

Pierce wrote *Palmettos and Oaks*, a centennial history of *The State*; *South Carolina and Me*, a collection of sketches about the Palmetto State's people, places and times; *SCANA's First 150 Years: Building on Success*; and *The Story of a Phoenix*, a corporate history of Medical Affiliates and Doctor's Care. He also wrote the booklets *How to Promote in Print* and *Bridge For Beginners*, as well as co-writing *Legacy of Leadership* and 40 entries for *The South Carolina Encyclopedia*.

The son of a weekly newspaper publisher, Pierce was a native of Springfield and a journalism graduate of the University of South Carolina, where he worked on the *Gamecock*. He was one of the first two graduate students in journalism.

### Emily H. Fishburne

Former women's editor, *The Item*

#### SUMTER

Emily Elaine Hasell Fishburne died at a local nursing facility July 15. She was 88.

Born in Petersburg, Va., she retired after 29 years of service from the Sumter Daily Item, during which time she served as women's editor.

### Willard Hines Sr.

Columnist, *The Union Daily Times*

#### UNION

Willard Montgomery "Wishie" Hines Sr. died July 5 at Wallace Thomson Hospital. He was 86.

Born in 1921, Hines served in the U.S. Army in World War II as a tank driver. For more than 25 years, he wrote the "Around Town With Wishie" column for *The Union Daily Times*.

### Doug Martlette

Former cartoonist, *The Observer*

#### MISSISSIPPI

Doug Martlette, 57, was killed in a single-vehicle accident July 10 in northern Mississippi. He was a passenger in a pickup truck traveling from Memphis, Tenn. to Oxford, where he was planning to see friends and help a high school with a production of his musical, "Kudzu."

Martlette was a Pulitzer Prize winner in 1988 for editorial cartoons he drew at the *Observer* and the *Atlanta Constitution*. He was author of the comic strip "Kudzu," syndicated in hundreds of newspapers worldwide. He also authored two novels, "The Bridge," and "Magic Time."

### Sonny Smith

Former sports editor, *The Herald*

#### LUGOFF

Henry Walter "Sonny" Smith Jr., 72, of Lugoff, died July 7.

Born in Darlington, he was a graduate of Wofford College with a degree in English. Over his career he served as assistant sports editor for the *Spartanburg Journal*, sports editor for *The Herald* in Rock Hill, sports writer for WBTW-TV in Florence and editor for the S.C. Department of Agriculture Market Bulletin.

## People

Continued from page 5

**Jamie Hudson** has been hired by *The Item* in Sumter as the government reporter. Hudson, a Sumter native, is a 2007 graduate of the University of South Carolina with a bachelor's degree in mass communications.

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*The Item* launched a new free weekly newspaper in Sumter last month. *SumterCity* is being distributed throughout the city by racks, mail and home delivery. The tabloid newspaper is designed for people who are not daily newspaper readers, and will provide short, local stories from the previous week, according to **Jack Osteen**, publisher of *The Item*.

• • •

Camden Media Co. has launched a new publication serving Lugoff and Elgin. The free monthly, the *West Wateree Chronicle*, will have a distribution of 7,000 placed throughout Elgin and Lugoff in racks and at other prime locations. **LaDonna Beeker**, who will continue her role as Localife editor for the *Chronicle-Independent*, is serving as editor of the new publication.

• • •

**Debbie Tuma**, staff writer with the *Berkeley Independent*, won two awards in journalism from the Society of Professional Journalists' Press Club of Long Island chapter. The 2007 awards were announced June 14 at the Woodbury Country Club in Woodbury, Long Island. Tuma won third place for environmental reporting and third place for arts reporting for television.

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**John Brasier** joined the *Anderson Journal* in June, covering sports for the entire Upstate.

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**Allison Newton** was been promoted to assistant city editor of the *Anderson Independent-Mail* in June. Newton, who has spent most of her 11 years at the newspaper covering the education beat, is serving as the night city editor.

• • •

**Roger Adam MacInnis** joined the *Enquirer-Herald* news team last month. He is a May graduate of Winthrop University where he served as news editor for *The Johnsonian*.

# Not fewer than three

## *A review of the S.C. Supreme Court's July 16 decision*

**By Jay Bender**

SCPA Attorney

The FOIA exempts from mandatory disclosure material gathered by a public body in a search to fill an employment position, "except that materials relating to not fewer than the final three applicants under consideration for a position must be made available for public inspection and copying."

Spartanburg County School District Number 7, when looking for a superintendent responded to a request by the *Spartanburg Herald-Journal* for access to search information by stating that it would only release information regarding its "two finalists." The school district explained in a letter that it had assured applicants for the position that only information about its finalists would be released.

One small problem regarding that position was that the word "finalist" does not appear in the law. District 7, like other public bodies, chose to create its own exemption from the disclosure requirements, made promises to applicants that were inconsistent with the law

and required the newspaper to file suit.

The suit sought a determination that the district had violated the law by refusing to release information "relating to not fewer than the final three applicants under consideration," an injunction to prohibit future violations of the law and attorney fees.

Circuit Judge Roger Couch, a former school board chairman, ruled in the newspaper's favor on all three questions. The school district filed an appeal and asked the Supreme Court of South Carolina to hear the case rather than having the appeal go first to the S.C. Court of Appeals. The district argued that it hadn't violated the law by offering to disclose information about its "two finalists," and that it had been an error for the court to award the newspaper attorney fees and costs.

The district might have wondered what it had gotten into when Chief Justice Jean Toal remarked at oral argument that school districts spend a lot of money "hiring fancy law firms to avoid compliance with the law."

On July 16 the Supreme Court, in a unanimous opinion written by Justice Costa Plei-

cones, ruled that the trial court had been correct in its interpretation of the law and the relief granted to the newspaper. The opinion said that there was no ambiguity in a statutory requirement that information regarding "not fewer than the final three applicants under consideration" be made public. The court also rejected the district's claim that it should not be required to pay attorney fees because its failure to comply with the law was the result of a good faith mistake. The court noted that it had rejected the same good faith argument years earlier.

The school district, like many other public bodies, took a position based not on what the law requires, but on what the public body wished the law said. The problem is illustrated every time a public body goes into executive session for "personnel matters" or "contractual matters," as neither term appears in the law. Given the propensity of public bodies to rely on language not in the law to keep citizens in the dark, newspapers would serve

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