

Law of Mass Communication

Journalism 7025-001

Fall 2013, Meeman Room 106

5:30-8:30 p.m., Tuesday

Professor David Arant, Ph.D.

Office: Room 300 Meeman Journalism Building

Office Hours: 2-4:30 p.m., Monday-Wednesday and other hours by appointment

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COURSE REQUIREMENTS**CATALOGUE DESCRIPTION:**

The study of laws and regulations affecting mass media with attention to the social and political forces that shape the law; exploration of First Amendment theories as well as the constitutional framework of the legal system; in-depth legal research in the student's selected area of interest.

PREREQUISITE:

None

COURSE OVERVIEW:

Knowledge of laws and regulations and the legal system, as well as an understanding of the political and social forces that shape the law, are vital to every citizen, regardless of his/her chosen field. This knowledge is especially important to those individuals who choose to work in any field within mass communication.

The Seminar in the Law of Mass Communication is designed to provide students in mass communication with the opportunity to study laws and regulations in greater depth through selected readings, research projects and class discussions. These activities are designed to provide a historical perspective as well as up-to-date knowledge of the current laws and regulations affecting public communication. Students also will explore the ethical implications of developments in the law of public communication. In addition, students will become familiar with fundamentals of legal research through the use of such tools as Lexis/Nexis Academic and Lexis/Nexis Congressional databases and other research resources and will explore in greater depth an area of law related to their special needs and interests.

TEXTBOOKS REQUIRED:

- Pember, Don R., and Clay Calvert, Mass Media Law, 18th Edition, McGraw Hill, ISBN 978-0-07-352618-8.
- Selected media law cases and other materials (available online).
- Chicago Manual of Style available online at:
<http://owl.english.purdue.edu/owl/resource/717/01/>

Suggested Research Aids:

Black's Law Dictionary, West Publishing Company.

Wren, Christopher G., and Jill Robinson Wren, The Legal Research Manual. Adams and Ambrose Publishing Co.

Helpful legal research databases at <http://bibliotech.memphis.edu/search~S4/y?l>

Lexis/Nexis Academic

Lexis/Nexis Congressional

Legal Periodicals Full Text

Supreme Court of United States cases accessible in U.S. Reports at www.supremecourt.gov.

CLASSROOM FORMAT:

The class time will be divided into three segments: lecture, which will be followed by discussion and hypothetical legal problems to solve. It will be important to keep abreast of the assigned readings and to be prepared to discuss the night's topic and finally to be able to apply your knowledge to an actual legal problem.

GRADING:

- | | |
|---------------------------------------|------------|
| • Participation/hypotheticals/quizzes | 15 percent |
| • Exam One | 25 percent |
| • Exam Two | 25 percent |
| • Research Paper | 30 percent |
| • Research Paper Presentation Dec. 10 | 5 percent |

Number grades translate into these letter grades: A, 90-100; B, 80-89; C, 70-79; D, 60-69; F, below 60.

Course Specific Requirements:

1. Assigned readings.
2. Two in-class exams
3. A research proposal, paper and paper presentation.
4. Informed participation in class discussion/problem solving/pop quizzes. After two weeks of absences, each additional absence will result in a reduction of three points of the 15 percentage points for participation/hypotheticals/quizzes.

ADDITIONAL INFORMATION ON RESEARCH PROPOSAL AND RESEARCH PAPER.

Research Proposal: Due Sept. 17

By the date published in the calendar, you must turn in a proposal for a research paper on some topic within the general area of mass communication law.

1. Your proposal will begin by FIRST writing the questions your paper will attempt to answer.
2. The proposal will explain your topic, i. e., "Former Justice William Joseph Brennan--A Friend of the Press."
3. The proposal will outline the direction and scope of your paper as well as an overview of the types of sources you plan to consult. Such a topic as the one on Brennan would require examination of Brennan's opinions affecting the press. It may be the Court's majority opinion or a concurring or dissenting opinion by Brennan.

Another topic might be "The Fairness Doctrine--Should it Be Brought Back as Law?" This type legal topic would involve going to the Communications Act of 1934 and reading the section that provided for the doctrine, then looking at cases involving the doctrine, as well as the attempts by members of Congress to bring it back as law. You would also look at the Telecommunications Act of 1996. In addition, you would also look at arguments—pro and con—for and against the Fairness Doctrine.

Another topic might be the effect of blogging and other social media on the number of libel cases. Is the law of libel different for defamation in blogs or in a Tweet than in a newspaper? What problem does anonymity pose for libel suits?

The Research Paper: Due Nov. 19

You will write an original paper with a minimum of 15 pages or about 3500 words. You may use either the Blue Book on legal citations or the Chicago Manual of Style, 14th or 15th edition, for endnotes. **YOU MAY NOT USE APA OR ANY OTHER PARENTHETICAL REFERENCE STYLE FOR A LAW PAPER.** Case names are generally used as citations and would interrupt the reading of your paper because of their length

1. **Your papers will be graded on content, including writing quality, comprehensiveness of research, adherence to complete and proper citation style, grammar, punctuation and spelling. All of these will be analyzed to determine a final paper grade.**
2. **WHEN WRITING YOUR PAPER, PLEASE ATTRIBUTE ALL DIRECT QUOTES. DON'T JUST DROP THEM INTO THE MIDDLE OF THE TEXT WITH ONLY A FOOTNOTE NUMBER. GIVE DIRECT QUOTES THEIR OWN PARAGRAPH.**
3. **NEVER WRITE A RESEARCH PAPER USING FIRST PERSON PRONOUNS.**
4. **ALSO USE NO MORE THAN TWO TO THREE SHORT BLOCK QUOTES. IF THE QUOTE IS THAT IMPORTANT AND IS FOUR OR MORE LINES, SUMMARIZE IT IN YOUR PAPER AND PLACE THE ENTIRE QUOTE IN AN ANNOTATED FOOTNOTE/ENDNOTE.**
5. You will have a cover page with appropriate information. It is NOT part of the 15 pages. Within your paper, you will have an introduction, a statement of the problem and a review of pertinent literature, including major arguments pro and con on your topic. **After making an objective—not opinionated—study of the subject, you also are expected to come to some conclusions based on your analysis of the literature.**
6. **YOU MAY NOT CITE YOUR TEXTBOOK.** You will use a minimum of 25 acceptable sources—traditional, scholarly sources, such as law journal articles, legal newspapers, cases, statutes and scholarly books.
7. **A significant number of your sources must be “primary sources,” which means state and federal statutes, court cases, constitutions or congressional or state legislative proceedings. “Secondary sources” are scholarly journals or legal newspapers.**
8. **Popular magazines, newspapers, websites etc., are NOT acceptable sources and may be used only sparingly—three or four—in your paper. You may use limited citations—two or three from professional publications, such as Quill and Columbia Journalism Review.**
9. **Your written work will be submitted to Turnitin.com, or a similar electronic detection method, for an evaluation of the originality of your ideas and proper use and attribution of sources. Please submit a print copy as well as an electronic copy of your paper. (SEE THE SECTION OF THE SYLLABUS ON PLAGIARISM.) By taking this course, you agree that your paper may be included as a source document in Turnitin.com’s restricted access database solely for the purpose of detecting plagiarism.**

OTHER ISSUES

Professionalism

Students in this department are preparing for careers in which adherence to professional standards is a prerequisite to success; therefore, students will be expected to conform to practices that will in large part govern their professional success. Those standards include, but are not limited to:

Writing:

Students' literacy is assumed. Mistakes in spelling, structure, language and punctuation will produce grade reductions.

Assignments:

All assignments are due on the day assigned.

Copyright Policy:

When do you violate copyright?

- 1) Ideas cannot be copyrighted, but the way they are described can.
- 2) Anything set down in a tangible form, i.e., written, is by law copyrighted.
- 3) If, in a paraphrase, your work is "substantially similar" to a copyrighted work, you are guilty of copyright infringement.
- 4) A citation indicates where you got material. However, that portion you do not show as a direct quote must be "substantially original" to you. In other words, you can't just paste in something from another's work, put a citation at the bottom and call it your own. You need a full rewrite in your own words and syntax so the unquoted material is "substantially original" to you.

Plagiarism: From UM Student Handbook: The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full or clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

PAPER SUBMISSIONS TO AEJMC SOUTHEAST COLLOQUIUM

The Law and Policy Division of AEJMC invites scholars to submit original papers for the AEJMC Southeast Colloquium held this year at the University of Florida, Gainesville, FL, March 20-22, 2014. The deadline for submission is Dec. 9, 2013.

Papers may focus on any topic related to communications law and/or policy, including defamation, privacy, freedom of information, Federal Communications Commission issues, copyright, obscenity and other issues regarding freedom of speech and press.

A panel of judges will blind referee all submissions, and selection will be based strictly on merit. Authors need not be AEJMC or Law and Policy Division members, but they must attend the convention to present accepted papers. The Department of Journalism can provide financial support for your trip.

Law and Policy Division papers must be no longer than 50 double-spaced pages (including appendices, tables, notes and bibliography). You must use Chicago Manual of Style or Bluebook citations.

The top three faculty papers and top three student papers in the Law and Policy Division will be recognized. Student authors of single-authored papers should clearly indicate their student status to be considered for the student paper awards.

Each copy should include a 250-word abstract. Follow the guidelines for electronic submission.

Schedule of classes --Seminar in the Law of Mass Communication

(Additions or substitutions in reading assignments may be made. However, you will be given notice in advance of changes.)

Aug. 27. Introduction to the Study of Law and the U.S. Constitution

Read the U.S. Constitution and Bill of Rights and Pember, chapter 1.

Sept. 3. First Amendment History and Theory/Incorporation

Pember, chapter 2, 33-69

Sept. 10. Prior Restraints in War and Peace

Pember chapter 2, 70-77, chapter 3, 80-91, 123-135

Near v. Minnesota, 283 U.S. 697-723 (1931).

Sept 17. First Amendment Protections in Schools and Elections and Online

Pember, chapter 3, pp. 91-123, 135-143.

Paper proposal due

Sept. 24 Libel

Pember, chapter 4; chapter 5, pp. 179-183.

Read *New York Times v. Sullivan*, 376 U.S. 254-305 (1964).

Oct 1. Libel

Pember, chapter 5, pp. 183-215; and chapter 6.

Oct. 8. Exam 1, 5:30-7:30 p.m.

Oct. 15. Fall Break

Oct 22. Privacy

Pember, chapter 7 and 8.

Oct. 29. Access to Government Action, Legislative and Executive Branches

Pember, chapter 9.

Tennessee Public Records Law, Tennessee Code Annotated, 10-7-503 to 505.

Tennessee Open Meetings Law, Tenn. Code Annotated, 8-44-101 to 106.

Nov. 5. Journalistic Privilege

Pember, chapter 10.

Cohen v. Cowles Media Co., 501 U.S. 663-679 (1991).

Nov. 12. Free Press/Fair Trial

Pember, chapters 11 and 12.

Press-Enterprise Co. v. Riverside Superior Court II, 478 U.S. 1-15 (1986).

Nov. 19. Copyright

Pember, chapters 14.

Research Papers Due.

Nov. 26. Commercial Speech Doctrine

Pember, chapter 15.

Dec. 3. Exam 2, 5:30 -7:30 p.m.

Dec. 10. Present research paper findings 5:30-8:30

ASSESSMENT

PROFESSIONAL VALUES AND COMPETENCIES FOR JOURNALISM 7025

- Understand the origin and history of the development of free speech and free press and their importance in a Democratic society.
- Conduct legal research and learn to use legal research databases and research methods in law.
- Understand the constitutional framework of the legal system in general and how our court systems operate.
- Develop ability to analyze case law, statutes and regulations in selected areas of media law.
- Learn to apply law to solve hypothetical legal problems.

HOW PROFESSIONAL VALUES AND COMPETENCIES WILL BE MET:

Cognitive Objectives to be Mastered (Ability to explain, analyze, understand and think critically.)

- Upon completion of Journalism 7025, students will have a more in-depth understanding of the laws affecting mass media as well as how the laws affect those who plan to work in media-related fields. Students will learn the laws related to libel, privacy, copyright, access to government information, advertising and telecommunications.
- Students will learn to apply the law through the use of hypothetical legal problems they must solve at each class meeting following discussion. This exercise is intended to develop their abilities to think critically as application is the highest form of learning.
- Students will gain knowledge of the operation of the U.S. Supreme Court as well as its influence on their daily lives, including the effect of the law on the rights of women and minorities and their inclusiveness in American life.
- Students will gain knowledge of the importance of federal and state access laws and the ability to use these in their working lives.
- Students will learn to think critically about the political and social forces that help to shape laws that continue to evolve in response to these political and social forces.

Performance Standards to be Met (Demonstrable Skills, Abilities, Techniques, Applied Competencies.

- Students will demonstrate knowledge of media law through two in-class exams, informed class discussion and presentation of selected topics.
- Students will develop the ability to analyze and solve hypothetical legal problems.
- Students will prepare a research paper proposal on a specific topic related to their field of interest, which will be approved by the instructor. By the date listed in the calendar, students will submit a conference-quality research paper on a selected area/problem within media law, using a minimum of 25 primary legal sources.

HOW ASSESSMENT OF STUDENT LEARNING WILL BE MET FOR JOURNALISM 7025:

You will take two in-class exams of equal value (25 percent each) and complete a conference-quality research paper (30 percent) and make a formal presentation (5 percent). The final 15 percent of your grade will be based on your answers to the hypothetical legal problems you will be asked to solve following the lecture, an occasional pop quiz at the beginning of class plus your informed participation in class discussions.

PROFESSIONAL VALUES AND COMPETENCIES FOR JOURNALISM PROGRAM:

The Accrediting Council on Education in Journalism and Mass Communication requires that, irrespective of their particular specialization, all graduates should be aware of certain core values and competencies and be to

- understand and apply the principles and laws of freedom of speech and press, for the country in which the institution that invites ACEJMC is located, as well as receive instruction in and understand the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances;
- demonstrate an understanding of the history and role of professionals and institutions in shaping communications;
- demonstrate an understanding of gender, race, ethnicity, sexual orientation and, as appropriate, other forms of diversity in domestic society in relation to mass communications.
- demonstrate an understanding of the diversity of peoples and cultures and of the significance and impact of mass communications in a global society.
- understand concepts and apply theories in the use and presentation of images and information;
- demonstrate an understanding of professional ethical principles and work ethically in pursuit of truth, accuracy, fairness and diversity;
- think critically, creatively and independently;
- conduct research and evaluate information by methods appropriate to the communications professions in which they work;
- write correctly and clearly in forms and styles appropriate for the communications professions, audiences and purposes they serve;
- critically evaluate their own work and that of others for accuracy and fairness, clarity, appropriate style and grammatical correctness;
- apply basic numerical and statistical concepts;
- apply tools and technologies appropriate for the communications professions in which they work.

ASSESSMENT OF STUDENT LEARNING FOR JOURNALISM PROGRAM:

The Council seeks to promote student learning and encourages experimentation and innovation. Assessment is a system of evaluation of student learning at the course or unit level (as opposed to grading at the individual level). Three criteria should guide assessment of student learning:

- Awareness: familiarity with specific information, including facts, concepts, theories, laws and regulations, processes and effects.
- Understanding: assimilation and comprehension of information, concepts, theories and ideas.
- Application: competence in relating and applying skills, information, concepts, theories and ideas to the accomplishment of tasks.

DEPARTMENTAL POLICIES

EMAIL:

You must have your UM email account activated. If you are using another provider such as Google, you are required to have your UM email forwarded to that account. Go to the <http://iam.memphis.edu> website to implement forwarding of UM email. You are required to check your email daily. You are responsible for complying with any email sent to you by your professor or the University.

CELLPHONES:

You must turn them off during class.

ATTENDANCE:

Class attendance is mandatory in the Department of Journalism. You may be assigned a failing grade for the semester for nonattendance, or habitual late arrival. No late work will be accepted without prior arrangements, which are acceptable to your professor. Students may not be permitted to make up any missing work unless it is for an absence due to illness or other catastrophic emergency such as a death in the family that can be documented (e.g. with a doctor's note or a copy of the newspaper obituary). This is a professional program for journalists who are expected to understand and comply with deadlines. If you have some problem making it to class on time make arrangements to fix the problem or consider taking another class. You should consider this class your "job" in the educational process and be on time just as you would elsewhere.

ACADEMIC DISHONESTY:

In addition to university-wide policies stated in the Code of Student Rights and Responsibilities, the Department of Journalism considers making up quotes from sources, turning in substantially the same assignment for credit in two different courses, or a student receiving any assistance from others for work assigned to be done on his/her own, as acts of cheating punishable to the degree determined appropriate by the course instructor and department chair. That may include grade reductions or seeking dismissal of the student from the university.

"Your written work may be submitted to Turnitin.com, or a similar electronic detection method, for an evaluation of the originality of your ideas and proper use and attribution of sources. As part of this process, you may be required to submit electronic as well as hard copies of your written work, or be given other instructions to follow. By taking this course, you agree that all assignments may undergo this review process and that the assignment may be included as a source document in Turnitin.com's restricted access database solely for the purpose of detecting

plagiarism in such documents. Any assignment not submitted according to the procedures given by the instructor may be penalized or may not be accepted at all.” (Office of Legal Counsel, October 17, 2005)

ONLINE SETEs:

You are urged to complete the SETEs evaluation of this class. Once your instructor has posted your grade, you can immediately see that grade, provided you completed a teacher evaluation for that class. How to access your evaluation forms: Log in using your UUID and email password; click on the gray “Student” tab; complete an evaluation for each course listed and hit the “Submit” button at the bottom of the form. It will only take a few minutes of your time. We take the evaluations very seriously and use them to improve courses and instructional quality. Your feedback is essential and will be appreciated.

DISABILITY:

Any student who feels s/he may need an accommodation based on the impact of a disability should contact the Office for Disability Services at (901) 678-2880 in 110 Wilder Tower Hall to coordinate reasonable accommodations for students with documented disabilities.