

**Mass Communication Law**

JOUR 7025-M50

Spring 2014

M 5:30-8:30

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**COURSE REQUIREMENTS**

**CATALOGUE/COURSE DESCRIPTION:** Per the official course description, you will learn the origin and development of legal principles affecting freedom of expression and provisions of laws of libel, slander, copyright, and other statutes and regulations limiting communication in fields of publishing and broadcasting.

You will learn the basics of the US court system as well as how to read and understand court cases and statutes. The Constitution will be analyzed on its face as well as how judges apply different levels of scrutiny. News outlets eagerly await legal opinions and new legislation, and access to information has become easier due to journalists and lawyers working together. This course will provide a basic understanding of the law and legal system, which impacts your professional and personal lives. You will learn basic pitfalls to avoid as a journalism professional.

**PREREQUISITE:** None

**TEXTBOOK:** *The Law of Journalism and Mass Communications* by Trager, R., Russamanno, J., Dente Ross, S., CQ Press, Third Edition

**CLASSROOM FORMAT:** This class will have both lecture and discussion components. Given the amount of material to be covered, I will lecture on key concepts. Students will be assigned cases and material to present during class. Powerpoints will be provided as a sample. The student will be able to use these Powerpoints as a starting point.

**GRADING:**

Test #1	20%
Discussion Participation	25%
Research Presentation in April/May	25%
Final Exam (Comprehensive)	30%

A=90%

B=80%

C=70%

D=60%

The plus and minus system will not be utilized for grading this class.

PLEASE NOTE: 25% of your grade is discussion and participation. I expect you to attend every class for the entire class. I will take off points for lack of attendance. Negative behavior in class, which distracts other students or the professor will not be tolerated and can impact your participation grade. Please be courteous to other students in the class. Examples of unprofessional conduct: making mean comments about other students in the class, disrupting class discussion, etc. This is a professional program, and professional behavior is expected. Any student acting inappropriately will be asked to leave the virtual classroom.

#### **TENTATIVE TIMETABLE:**

Please note that you must read the assigned pages including the cases in the book BEFORE the assigned Class Date below.

<b>Class Date</b>	<b>Class Discussion/Examination</b>	<b>Pages</b>
1/27/2014	<ul style="list-style-type: none"> <li>• Class Overview</li> <li>• How to Read a Case (<a href="http://euro.ecom.cmu.edu/program/law/08-732/Courts/howtoreadv2.pdf">http://euro.ecom.cmu.edu/program/law/08-732/Courts/howtoreadv2.pdf</a>)</li> <li>• The Rule of Law</li> <li>•</li> </ul>	2-47
2/3/2014	<ul style="list-style-type: none"> <li>• The First Amendment</li> <li>• NY Times v Sullivan</li> <li>• US v O'Brien</li> <li>• Boehner v. McDermott (191 F.3d 463) READ Cases in book first</li> </ul>	48-97
2/10/2014	<ul style="list-style-type: none"> <li>• Speech Distinctions</li> <li>• Texas v Johnson</li> <li>• Tinker v Des Moines</li> </ul>	98-137
2/17/2014	<ul style="list-style-type: none"> <li>• Libel: The Plaintiff's Case</li> <li>• NY Times v Sullivan</li> <li>• Gertz v Robert Welch, Inc</li> </ul>	138-185
2/24/2014	<ul style="list-style-type: none"> <li>• Libel Defense and Privileges</li> <li>• Ollman v Evans</li> <li>• Milkovich v Lorain Journal</li> </ul>	186-221
3/3/2014	<ul style="list-style-type: none"> <li>• Test 1</li> </ul>	
3/10/2014	<ul style="list-style-type: none"> <li>• Spring Break</li> </ul>	
3/17/2014	<ul style="list-style-type: none"> <li>• Protecting Privacy</li> <li>• Cox Broadbasting Corp v Cohn</li> <li>• City of Ontario v Quon</li> <li>• Emotional Distress and Physical Harm</li> <li>• Hustler Magazine v Falwell</li> <li>• Rice v Paladin</li> </ul>	222-319
3/24/2014	<ul style="list-style-type: none"> <li>• Newsgathering</li> <li>• Wilson v Layne</li> <li>• US Dept of Justice v Reporters Committee for Freedom of the Press</li> </ul>	320-379
3/31/2014	<ul style="list-style-type: none"> <li>• Reporter's Privilege</li> <li>• Branzburg v Hayes</li> </ul>	380-419, 640-676

	<ul style="list-style-type: none"> <li>• Cohen v Cowles Media Co</li> <li>• Advertising</li> <li>• Central Hudson Gas &amp; Electric Corp v Public Service Commission of New York</li> <li>• Lorillard v Reilly</li> </ul>	
4/7/2014	<ul style="list-style-type: none"> <li>• Electronic Media Reg.</li> <li>• Red Lion Broadcasting v FCC</li> <li>• Turner Broadcasting v FCC</li> <li>• Obscenity, Indecency, and Violence</li> <li>• Miller v California</li> <li>• Fox TV v FCC</li> </ul> <p><b>**STUDENT PRESENTATION PROPOSALS DUE VIA EMAIL BY 10 PM 4/7**</b></p>	474-577
4/14/2014	<ul style="list-style-type: none"> <li>• Intellectual Property</li> <li>• Eldred v Ashcroft</li> <li>• MGM v Grokster</li> </ul>	578-639
4/21/2014	<ul style="list-style-type: none"> <li>• The Media and the Courts</li> <li>• Sheppard v Maxwell</li> <li>• Richmond Newspapers v Virginia</li> </ul>	420-473
4/28/2014	<ul style="list-style-type: none"> <li>• Student Presentations</li> </ul>	

## ASSESSMENT

### PROFESSIONAL VALUES AND COMPETENCIES FOR MASS COMMUNICATION LAW:

You will understand and apply U.S. Supreme Court decisions applicable to journalism professionals; the First Amendment and how it applies to advertising, broadcasting, news reporting, and public relations; the laws allowing access to government records; and regulations governing advertising, broadcasting, news reporting, and public relations

### HOW PROFESSIONAL VALUES AND COMPETENCIES WILL BE MET:

#### Cognitive Objectives To Be Mastered (Ability To Explain, Analyze, Understand, Think Critically):

- You will gain an understanding of the legal system.
- You will read about the First Amendment.
- You will understand how to apply the First Amendment.
- You will be able to explain what types of speech are not protected.
- You will analyze applicable cases and think about both sides of the argument.

**Performance Standards To Be Met (Demonstrable Skills, Abilities, Techniques, Applied Competencies):**

You will be expected to:

- understand and apply the laws surrounding freedom of speech, intellectual property protection, libel, and privacy;
- summarize and discuss judicial opinions and the level of scrutiny applied to the case;
- understand the judicial process

**HOW ASSESSMENT OF STUDENT LEARNING WILL BE MET FOR MASS COMMUNICATION LAW:**

You will be assessed through class discussions, quizzes at the beginning of most classes containing assigned reading, two tests, and a comprehensive examination. Class attendance is vitally important to your understanding of the content and your final grade. Your lowest two quiz scores will be dropped from the average. This will allow for any unexpected absences. However, if you miss three quizzes, that portion of your grade will be a zero.

Your textbook was chosen because of the student resources available on the publisher's website. Please visit <http://college.cqpress.com/sites/medialaw/Home.aspx> for access to the resources for each chapter.

**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.

## **DEPARTMENT 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.

### **CHEATING:**

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 course. 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.