

Media Law

JRSM 4700-M50

Summer 2022

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COURSE REQUIREMENTS

Catalog Description

Origin and development of legal principles affecting freedom of expression and provisions of laws of libel, slander, copyright and other statutes that affect communication in fields of publishing and broadcasting.

Prerequisite

60 credit hours earned (undergraduate)

Required textbook

W. Wat Hopkins, editor, *Communication and the Law*, Vision Press, 2022

Course objectives

Media Law examines the body of law concerning the freedom and regulation of American media. This course is designed to give you a basic understanding of the law affecting free expression as well as communication in the media professions. If you plan to work in public relations, advertising, broadcasting, news, magazines, creative mass media or other online publishing, this course will help you understand the laws that will affect your work daily.

First, we study the U.S. legal system and the philosophical and historical foundations of freedom of expression in America as well as the political and social forces that helped to shape our system. We next examine government prior restraint/censorship of expression, including government attempts to restrict student expression. Then, we consider the civil lawsuits most commonly filed against media publishers: libel. Next, we examine copyright law and the regulation of advertising. Finally, we examine public access to government information and meetings.

For most of you, this course is your only opportunity to study law. The material is interesting but challenging. You must read your textbook assignments and view the Canvas PowerPoint slides/lectures carefully, so you will be able to discuss the material, answer the essay questions and complete the quizzes on each chapter. This is not an abstract legal theory class. As a journalist, broadcaster, advertiser or public relations communicator, you need to understand the basic principles of media law in order to successfully navigate your domain. While this course is not designed to make you an authority on media law, you will gain an understanding of your rights under the First Amendment as well as your responsibilities as citizens and as media

professionals.

Accessing the course website

1. Go to the University of Memphis eLearn home page: <https://memphis.instructure.com>
2. Log in using your University of Memphis username and password.
3. On your Canvas Dashboard, click on the link for JRSM 4700-M50 to enter your course. It is the one with the picture of fictional TV lawyer Saul Goodman.
- 4.

Course structure, grades and attendance

You will have several assignments for this asynchronous course for each of the ten weeks of the Summer Term, which is five weeks shorter than a typical fall or spring semester. Each week you will read the week's chapter from the Watkins textbook and view on the Content page the PowerPoint/lecture covering that material for that week. The PowerPoint slides should serve to guide your textbook reading.

By Wednesday of each week you will post a response to the question/issue posed in the Discussions section of the Canvas site. Then by Friday you will post at least two more times, commenting on at least two fellow student's discussion board posts in the JRSM 4700 Canvas site. Responding to more than two students is encouraged. This is a discussion. Each week's Discussion closes Friday at 11:59 p.m.

Each week you will answer a few essay questions on the assigned reading and PowerPoint lecture. You will find the answers in the assigned textbook chapter and my PowerPoint/lecture posted on Canvas. Be sure to answer all parts of the question. You will answer each question in complete sentences. Remember this course is taught as part of journalism and strategic media programs. Grammar, punctuation and clear writing in your answers do matter. By 11:59 p.m. each Sunday, you will upload your essay answers in the assignment area of the Canvas JRSM4700 course site. I will evaluate each answer and post my evaluation in Canvaseach week.

Finally, to test your comprehension/retention of the material, **you will take a timed quiz each week on the assigned readings and the PowerPoint/lecture for that week.** This quiz will be timed, so you can't wait to start reading the chapter and just look up answers when you log-in for the quiz. **You will have 30 minutes to answer the 15 multiple-choice/true-false questions.** There's not time to look up all the answers to the questions when taking the quiz. I suggest that before taking the quiz you study the assigned readings and PowerPoint/lecture for the week as well as complete the essay questions on the chapter. You will take the quiz in the Quizzes tool of the Canvas JRSM4700 site with a deadline each week of Sunday, 11:59 p.m.

No late work will be accepted without prior arrangements acceptable to your professor unless an absence is due to illness or catastrophic emergency that can be documented. This is a program for media professionals who are expected to understand and comply with deadlines. You should consider this class your "job" in the educational process and complete assignments on time just as you would in your job.

Grading for JRSM 4700

Quizzes	30%
Discussion Board	20%
Essay Questions	50%

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

Class assignment schedule

All PowerPoint slides, discussion board postings, quizzes taken and essay question answers will be done through the Canvas site. Click on the link to Canvas and then on the course, JRSM4700-M50.

You should complete your postings to each week's Discussion Board no later than Friday night at 11:59 p.m. Central Daylight Time for that week. The first Discussion deadline is 11:59 p.m., Friday, June 4.

The deadline for submitting the essay questions and completing the quiz covering the weekly readings is no later than 11:59 p.m. Central Daylight Time, Sunday night of each week. The first deadline for submitting the essay question and completing the quiz is 11:59 p.m., Sunday, June 6.

The instructor reserves the right to change the schedule with notice in advance of assignments. Page numbers of the readings in the 2021 edition of the Hopkins' textbook are listed first, followed by the 2020, 2019 and 2018 edition page numbers in parentheses.

Deadlines to Meet every week

Complete Discussion response by 11:59 p.m. Wednesday

Complete Discussion replies twice by Friday

Week 1, May 30 to June 5, Introduction to law and the U.S. legal system.

Read in your textbook the U.S. Constitution and Bill of Rights, pp. 342-348; and chapter 1, The Law in Modern Society, pp. 1-21

Complete Week 1 Quiz by 11:59 p.m., Sunday

Submit Week 1 Essay Questions to Dropbox by 11:59 p.m. Sunday

Week 1 Essay Questions:

Discuss these seven sources of the law in the American legal system: common law, law of equity, statutory law, constitutional law, administrative law, international law and contract law. Explain how each was created and discuss what purpose each serves. To which source does the Bill of Rights belong? List the rights that are included in the Bill of Rights? (50 points)

Explain the process by which the Supreme Court of the United States agrees to hear an appeal of a lower court case. Include in your answer discussion of a writ of certiorari and the rule of four. Then, once the Supreme Court agrees to hear a case, explain how the petitioner and respondent present a case before the Supreme Court. Finally, explain how after the case is heard the Supreme Court justices reach a decision in a case and write their opinion/s for the case. (50 points)

Week 2, June 6 to 12, History and theory of free expression and the First Amendment

Read chapter 2, pp. 23-34 (23-34; 23-35; 23-36).

Week 2 Essay Questions:

The U.S. Constitution provides a high level of protection for free expression in the United States because freedom of expression serves important purposes in our society. Discuss the four

purposes that Thomas Emerson suggests that free expression serves in U.S. society, as outlined in your textbook and the PowerPoint slides. Which purpose is most important to you and why? (34 points)

List the five freedoms protected by the First Amendment and give examples from your own life in which you have exercised each of these freedoms or examples from recent news events illustrating U.S. citizens exercising each of these freedoms. (33 points)

Explain the hierarchy of protected expression outlined in your textbook. Explain whether you agree that certain categories of speech should receive greater First Amendment protection than other categories. (33 points)

Week 3, June 13 to 19, Prior restraint

Read chapter 4, pp. 47-65 (47-64; 49-66; 49-67)

Answer Week 3 Essay Questions

Discuss the differences between a government prior restraint of speech and press versus a government post-publication punishment of speech and press. Illustrate each with examples from the review of the history of free expression in the United States in your textbook. Include in your answer why many consider a prior restraint of publication to be almost always an unacceptable infringement on free speech and press while punishment after publication is a more acceptable infringement of free speech and press. Also, what was the U.S. Supreme Court's central ruling about prior restraint in *Near v. Minnesota* as well as the few occasions when the majority opinion suggested a prior restraint might be justified. (60 points)

In *Nebraska Press Association v. Stuart* what did the U.S. Supreme Court rule about a judge's prior restraint on the news media reporting a criminal trial? According to the U.S. Supreme Court in *Nebraska Press Association v. Stuart*, under what circumstances can a trial court judge impose a prior restraint on the news media reporting a criminal trial without infringing the reporter's First Amendment protections? (40 points)

Week 4, June 20 to 26, Libel Part 1: Establishing a case

Read chapter 6, pp. 81-95 (79-93; 83-98; 83-99).

Answer Week 4 Essay Questions

Explain each of the six elements the plaintiff must prove to support an actionable libel suit: defamation, identification, publication, falsity, fault and actual injury. (50 points)

Discuss the circumstances of the case, *New York Times v. Sullivan*, and tell how the Supreme Court of the United States ruled in this case. Explain how the Supreme Court's ruling in *New York Times v. Sullivan* dramatically changed state libel law in the United States. (50 points)

Week 5, June 21 to July 3, Libel Part 2: Categories of fault and plaintiffs and libel defenses

Read chapter 6, pp. 95-112 (93-113; 98-117; 99-118).

Answer Week 5 Essay Questions

Explain the meaning of fault in a libel suit and explain the meaning of and the requirements to prove these different standards of fault: actual malice and negligence. Then, explain how the courts have defined these different categories of libel plaintiffs: public official, public figure and private person. Discuss what type of fault each category of plaintiff must show under various circumstances to support a libel suit. Be sure to include a discussion of a public controversy in determining the fault requirement for a public figure plaintiff. (66 points)

Explain three libel defenses you could assert in response to a libel lawsuit. (34 points)

Week 6, July 4 to 10, Regulating Student Expression

Read chapter 7, pp. 117-122 (115-120; 119-124; 119-146).

Answer Week 6 Essay Questions

When the speakers and recipients of information are high school students, how do the First Amendment protections for free speech/press change from the protections that adult citizens enjoy? Illustrate with court cases. (50 points)

Explain what high school administrators lawfully can do in censoring high school student publications such as newspapers and yearbooks versus what university administrators lawfully can do in censoring college newspapers and yearbooks? Illustrate with court cases. (50 points)

Week 7, July 11 to 17, Regulating Advertising

Read chapter 8, pp. 123-137 (121-135; 125-140; 147-162).

Answer Week 7 Essay Questions

How has U.S. constitutional protection for advertising/commercial speech changed over the years? Explain the U.S. Supreme Court's current view of First Amendment protection for advertising/commercial speech. Explain the four-part test courts use to determine the constitutionality of government regulations on commercial speech. Illustrate with court cases. (50 points)

Explain each of the various remedies available to prevent the dissemination of deceptive ads: the preventive measures the Federal Trade Commission uses to guide good advertising practices (advisory opinions, industry guides, policy statements, trade regulation rules) as well as the various halting measures (consent agreements, cease-and-desist orders, injunctions) the FTC uses to stop or punish unfair or deceptive advertising. (50 points)

Week 8, July 18 to 24, Intellectual Property: Copyright and Trademark

Read chapter 13, pp. 225-247 (223-245; 233-259; 257-286).

Answer Week 8 Essay Questions

Define copyright and trademark and explain the differences between copyright and trademark. (34 points)

Explain the fair use doctrine in copyright law. Then explain what the courts have found to be acceptable fair use of copyrighted materials for educational purposes as well as what the courts consider fair use copying of copyrighted music. Illustrate with court cases. (33 points)

Explain why the protection of copyright is important in our society, especially in the digital era when it is so easy to copy and share copyrighted music, movies and other copyrighted materials online without copyright permission. (33 points)

Week 9, July 25 to 31, Access to Public Documents and Meetings

Read chapter 17, pp. 317-331 (317-329; 339-355; 367-384).

Answer Week 9 Essay Questions

According to the U.S. Supreme Court, does the First Amendment free speech/press clause require government officials to grant journalists and the public access to government meetings and information? If so, in what area of government function has the Court found a First Amendment right of access, and in what areas has the Court not found a right of access? Support your answer from information in the textbook and the PowerPoint slides, citing the rulings of specific court cases. (50 points)

The Federal Freedom of Information Act (FOIA) provides access to U.S. federal executive-branch

agency information. Explain the extent and limits of the act. To which federal government entities does the FOIA apply and to which does it not apply? What categories of government records are exempted from access by FOIA requests? What are some of the difficulties people encounter when trying to access federal records under FOIA? (50 points)

ASSESSMENT

Five Pillars in JRSM 4700

- *Professionalism*: Students learn the First Amendment protections for and legal constraints on journalism and mass communication publication and consider these in the context of professional standards of media practice.
- *Writing*: Students are required to articulate the legal concepts covered in the course by writing essays on these areas of media law.
- *Multimedia*: Students examine the copyright limitations of using multimedia elements, including images and music, as well as creative commons/open-source material available for multimedia presentation.
- *Critical Thinking*: Students analyze case scenarios and find applicable media law principles to suggest whether First Amendment protections prevail or government sanctions might be permitted in that case.
- *Media Literacy*: Students examine professional media practice in advertising, public relations and journalism to develop understanding of the role of media in society and why society provides special protections publication under the First Amendment.

Professional Values and Competencies for JRSM 4700

- Understand and apply the principles and laws of freedom of speech and press in the United States as well as 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 media professionals and institutions in shaping communications

How professional values and competencies will be met

Cognitive objectives to be mastered (ability to explain, analyze, understand, think critically)

- Students will have a basic understanding of the law affecting mass media as well as how the law affects those who plan to work in media-related fields. In particular, students will learn basics of First Amendment protections, libel, privacy, copyright, access to government information, as well as government regulation of advertising, corporate speech and telecommunications.
- Students will learn about the political and social forces that help to shape the law in order to understand that law is not static but an evolving system of legal principles and government regulations.
- 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 confidence in the exercise of their legal protections for free expression in the practice of journalism, public relations and advertising.
- Students will gain an understanding of the workings of state and federal access law, through

textbook readings, class lectures and speakers from local media.

Performance standards to be met (demonstrable skills, abilities, techniques, applied competencies)

- Students will demonstrate knowledge of media law in general through successful completion of the following: complete essay questions and a series of quizzes over assigned materials.
- Students will participate in class discussions of media law principles and court cases that affect the meaning and application of the First Amendment today in both their personal and professional lives as well as explore emerging trends in specific areas of media law such as web/social media publication, deregulation in advertising and broadcast expression, and barriers to access of government information.

How assessment of student learning will be met

Awareness

- Awareness of the historical progression of First Amendment freedoms and their application in journalism and media practice.

Understanding

- Understanding how media law principles protect and, in some cases, limit publication in the practice of advertising, creative mass media, journalism and public relations.

Application

- Successfully apply media law principles to legal dilemmas presented by various case scenarios in the practice of advertising, creative mass media, journalism and public relations.

JOURNALISM AND STRATEGIC MEDIA POLICIES

Portfolio requirement

All students in the Department of Journalism and Strategic Media are required to develop and maintain an active portfolio of their work. Undergraduate students are to begin the portfolio in JRSM 3900 and graduate students are to begin in JRSM 7002. Students are to contribute to it in every skills course thereafter. The portfolio should contain samples of the student's work from courses and/or professional experiences and should develop as the student builds skills. Portfolios will undergo a final, external review while students are enrolled in their capstone courses.

Students may use any type of web hosting for their portfolios, but it must have an independent and professional URL. Students may use any content management system, but students are encouraged to use WordPress, Wix or SquareSpace. Students are encouraged to consider purchasing a URL and hosting if they plan to use the portfolio for a long term, but they must keep the portfolio active for six months following graduation from the University of Memphis.

Students should have a professional email address they plan to use throughout their professional lives, via a common email service, such as Gmail.

All portfolios must contain the following items:

- Samples of work from courses and/or professional activities. (Example: Broadcasting students must include a video reel)
- A current résumé
- A personal profile

- Contact information/means of contact
- Social media links

Students might wish to include a blog, video reels, photograph galleries, SoundSlides presentations, design PDFs, audio files and writing pieces as examples of professional work. The professional work should ultimately be tailored to the career the student seeks after graduation. Thus, each student's portfolio should show a unique blend of work.

Email

Students must have their UofM email accounts activated. Students using another provider, such as Google, are required to have all UofM email forwarded to that account. Students should go to the <http://iam.memphis.edu> website to implement forwarding of UofM email. Students are required to check their email daily. They are responsible for complying with any email sent to by professors or others in the University.

Electronic devices

Some classes require a tablet, laptop or a smartphone. Others do not. Instructors will set the policy for their specific classes.

Attendance

Class attendance is mandatory in Journalism and Strategic Media. Students may be assigned a failing grade for the semester for nonattendance or habitual late arrival. No late work will be accepted without prior arrangements with the class professor. Students may not be permitted to make up any missing work unless it is for an absence because of 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). Journalism and Strategic Media is a professional program, and students are expected to understand and comply with deadlines. Students who have some problem making it to class on time should make arrangements to correct the problem or consider taking another class. Students should consider this class as a "job" in the educational process and be on time just as they would elsewhere.

Course repetition

Majors and minors who fail to earn the minimum passing grade ("C-") in a class required by their program of study in Journalism and Strategic Media more than three times will be dropped from the program.

Academic integrity

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

Further, as this is a journalism and strategic media class, students are expected to comply with copyright law and must have sufficient permission to use any copyrighted materials used in creative projects, unless otherwise informed in cases of exercises or reproduction.

Your written work may be submitted to Turnitin.com, or a similar electronic detection method, for rating originality of your ideas. Also to evaluate proper use and assignment of sources. As part of this process, you may require to submit electronic as well as hard copies of your work. Other instructions to follow may also be given. By taking this course, you agree that all assignments may undergo this review process. The assignment may be included as a source document in Turnitin.com's restricted access database. It is solely for the purpose of detecting plagiarism in such documents. Assignments not submitted according to the instructor's procedures may be penalized or may not be accepted at all. (*Office of Legal Counsel, October 11, 2018*)

ONLINE SETEs

Students are urged to complete the SETEs evaluation of this course. Once the instructor has posted grades, student can immediately see that grade, provided they have completed a the SETE for that class. To access evaluation forms, students should log in to MyMemphis using their UUIDs and email passwords; click on the gray "Student" tab; complete an evaluation for each course listed and hit the "Submit" button at the bottom of the form. Completing the SETE will only take a few minutes. Faculty take the evaluations very seriously and use them to improve courses and instructional quality. Student feedback is essential and is appreciated.

DEADLINES

All deadlines are firm. This is journalism and strategic media. Students needing an extension on an assignment must receive approval from the instructor. Exceptions will be made for reasonable circumstances if the student notifies the instructor prior to the due date.

AP STYLE AND GRAMMAR

All written work in this class must follow the AP Stylebook and accepted rules of grammar and punctuation. Students are responsible for learning these rules and checking their work for errors.

DISABILITY

Students who need an accommodation based on the impact of a disability should contact the Office for Disability Resources for Students at 901-678-2880 in 110 Wilder Tower Hall to coordinate reasonable accommodations for students with documented disabilities.

DIVERSITY

Students are required to respect the differences of others and treat all persons with respect. Discriminatory, derogatory and threatening language or behavior will not be tolerated. Further, students are expected to consider their work through a diverse mind. Media reach a mass audience, and students should be aware of how those messages are received by a diverse audience.

WEATHER POLICY

Always check with local media and the University of Memphis website regarding inclement weather. If the University is closed or classes are canceled, this course will not meet. However, students will still be responsible for that day's work.

STUDENT SUPPORT

Student who are experiencing personal or academic challenges including, but not limited to food or housing issues, family needs, or other stressors, should visit the Office of Student Accountability,

Outreach & Support page to learn about resources that can help: <https://www.memphis.edu/saos/sos/crisis-resources.php>. Any student who faces personal challenges including, but not limited to securing their food or housing and believes this may affect their performance in the course is urged to contact the Office of Student Accountability, Outreach & Support (901-678-2187) located in the University Center, Suite 359 for assistance. Students may also talk with course instructors about the challenges they are experiencing. Instructors may be able to assist in connecting with campus or community support.