

# LAW OF MASS COMMUNICATIONS

MMC 4200, Section 0738  
Summer A, 2016

**Mr. Minch Minchin**

Room 0103 in Matherly Hall

Class meeting times:

Tues., Periods 3 – 4 (11:00 – 1:45)

Wed., Periods 3 – 4 (11:00 – 1:45)

Thurs., Period 3 (11:00 – 12:15)

**Office:** Weimer G040

**Office Hours:** Tues., 3:00 – 4:30; Thurs., 1:00 – 3:00.

**Email:** [minchminchin@ufl.edu](mailto:minchminchin@ufl.edu)

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**Course Description:**

This class presents an overview of the various legal issues that affect media practitioners of all kinds, especially the four major tracks offered at the University of Florida College of Journalism and Communications: those who work in journalism, public relations, telecommunications and advertising. The class begins with an introduction into the U.S. legal system and then moves on to address basic First Amendment history and philosophy. Once this foundation is laid, most of the class is spent discussing potential problem areas for media personnel, including—among other

topics—defamation, privacy, trespass, intrusion into seclusion, intentional infliction of emotional distress, hidden cameras, shield laws, newsroom searches, copyright, trademark and fair use.

**Advice and Learning Outcomes:**

Learning media law may prove difficult. This class requires hard work and effort to do well. Even with hard work, you may not do as well as you would like. Without it, you certainly will not do well. You may use a laptop during class if you wish, although in my experience (and empirical evidence suggests), you will likely perform better and retain more information if you use pen and paper for your notes. The only technology necessary for this class is pen or pencil and paper (and access to a computer near the end of the semester for the course evaluation). Thorough note taking will be critical to your success in this class.

By the end of this course, you should be able to:

1. describe the primary justifications for the freedom of expression in constitutional jurisprudence
2. ascertain at what point their expression moves from protected under the First Amendment to unprotected and subject to criminal or civil liability
3. describe the legal means of establishing trademarks to protect brands from genericide and encroachment
4. explain the importance of the freedom of expression within a Western, liberal democracy
5. articulate their rights when gathering news while also respecting the rights of those around them
6. recognize practical steps to avoid liability in a range of potentially tort-inducing situations

**Book:**

*Mass Media Law, 19<sup>th</sup> Ed.* (2015). Don R. Pember & Clay Calvert. McGraw-Hill.

You may elect to purchase an older version of the textbook, yet you do so at your own risk. The most recent edition includes new material, some of which will be tested.

In addition to this book, I will distribute a few case excerpts, articles and other handouts during class. If you are absent on a day that a case, article or other handout is distributed, you are still responsible for its content and any discussion about it, and you should try to obtain a copy from a classmate or see me in office hours to pick one up. All material covered in class, including lecture, handouts, and the textbook, is subject to testing. The assigned reading for each day should be done prior to arrival at class.

**In-Class Expectations:**

No guests, cellphone use or food consumption are permitted during class. If you need to get up and

leave at any point during class, go ahead. On Tuesdays and Wednesdays, we will be meeting for two class periods; we will break sometime in the middle.

**Attendance:**

Attendance is not mandatory (except on exam dates) but is strongly encouraged. Likewise, tardiness will not count against you (except on exam dates). This class only meets a total of eighteen times, four of which are for exams, so the pace of the class is incredibly rapid. Material covered in class that is not assigned in the readings and/or in handouts may be tested. I will not require an excuse or reason from you if you miss a class. If you miss a class, I will not re-lecture to you in office hours. The bottom line is that if you miss even one class, you are unlikely to get the grade you want.

**Examinations:**

There are a total of four exams, each counting equally for 25 percent of your overall grade. They are not cumulative, though some of the terminology presented on the first couple of days will likely recur and be built upon throughout the rest of the semester. The last exam (Exam No. 4) is not a comprehensive “final” exam but rather is narrowly focused on material assigned, discussed and/or handed out after Exam No. 3.

All exams are closed-notes, closed-books format. You must work alone on exams. No communication with others is allowed during the exam. Giving or receiving aid during an examination is not allowed. No questions are allowed during examinations, with the exception of pointing out typographical errors or dropped or missing words. If you do not understand what a word means on the exam, please do the best you can with it.

All exams consist of anywhere from 30 to 45 questions, comprised mostly of multiple-choice and short-answer questions. It is your responsibility to bring No. 2 pencils and erasers to the exam. They will not be supplied for you.

All material from assigned readings, in-class discussions/lectures, overheads, assigned cases and handouts distributed in class or the class website is subject to testing.

**Exam Dates:**

Exam No. 1: May 18

Exam No. 2: May 26

Exam No. 3: June 8

Exam No. 4: June 16

Fifty (50) minutes are allotted for the completion of all exams. All exams start at the beginning of the class period. Do not be late for exams; no extra time is given if you arrive late. To preserve

academic integrity, you will not be allowed to enter and start to take an exam after any one person in the class has already turned in his/her exam. Do not be late.

If you must miss an examination due to a religious holiday, serious family emergency, special curricular requirements or your participation in an official university activity such as an athletic event, you must notify me by e-mail at least 24 hours in advance of the exam in question.

Make-up exams without such prior notification will only be allowed due to clearly documented medical excuses or a death in your immediate family (spouse, sibling, parent, child, or grandparent). You will need to provide me with clear documentation, and contact details to verify the excuse.

### **Make-Up Exam Format:**

To preserve academic integrity, make-up exams are not identical to the regular exam and generally require more writing than the standard tests, though the material covered is the same. Make-up exams involve any combination of short-essay, short-answer, fill-in-the-blank, multiple-choice and true-false questions. Make-up exams are scheduled based upon my schedule and my availability.

It is your responsibility to contact me by e-mail at [minchminchin@ufl.edu](mailto:minchminchin@ufl.edu) no later than 24 hours following the time of a missed exam. You will not be allowed to take a make-up exam if I do not receive an email from you within 24 hours following the time of a missed exam. Missed exams will result in a grade of zero unless all of these requirements are met. You are hereby advised that, among other things, job interviews, internship interviews, graduate school interviews, weddings, projects or exams in other classes, oversleeping, power outages, vacation plans, internships, jobs, airplane tickets, bus tickets, and other reservations are not sufficient reasons for taking make-up and/or early exams. This serves as your notice of this policy, distributed on the first day of class. If you object, you should drop the class before the drop-add period ends. No exceptions are provided for job interviews and graduate school interviews. It is your responsibility to schedule those interviews around this schedule, which you received on the first day of class, with all exam dates clearly noted.

### **Grading:**

Numerical grades in this course translate to the following letter grades:

A =	93 - 100
A- =	90 - 92
B+ =	87 - 89
B =	83 - 86
B- =	80 - 82
C+ =	77 - 79
C =	73 - 76
C- =	70 - 72

D+ =	67 - 69
D =	63 - 66
D- =	60 - 62
E =	59 and below

There is no curve. The grades fall where they may within these cut-off points.

**Academic Integrity:**

The Student Honor Code and The Honor Pledge are applicable to this class and are incorporated by implication into all four exams by this reference. They can be found online at:

<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>

Among others, key provisions are The Honor Pledge: “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity by abiding by the Honor Code.”

On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.”

**U Matter, We Care:**

Your wellbeing is important to the University of Florida. The U Matter, We Care initiative is committed to creating a culture of care on our campus by encouraging members of our community to look out for one another and to reach out for help if a member of our community is in need. If you or a friend is in distress, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu) so that the U Matter, We Care Team can reach out to the student in distress. A nighttime and weekend crisis counselor is available by phone at 352-392-1575. The U Matter, We Care Team can help connect students to the many other helping resources available including, but not limited to, Victim Advocates, Housing staff, and the Counseling and Wellness Center. Please remember that asking for help is a sign of strength. In case of emergency, call 9-1-1.

**Offensive Language Alert:**

This class largely is about freedom of expression. You will be reading about (and we will be discussing in class) cases involving language that may offend some of you. This language will be used in class to the extent that it is germane to the subject matter. The First Amendment, as you’ll discover from reading *Cohen v. California*, protects a vast amount of speech that some find offensive. The U.S. Supreme Court must (and does) address cases involving offensive speech, and so will we.

**Accommodations for Students with Disabilities:**

Students with disabilities requiring accommodations should immediately contact the Disability Resource Center Office for complete information at <https://www.dso.ufl.edu/drc>.

All support services provided to and for University of Florida students are individualized to meet the needs of students with disabilities. To obtain individual support services, each student must meet with one of the support service coordinators at the Disability Resource Center and collaboratively develop appropriate support strategies. Appropriate documentation regarding the student's disability is necessary to obtain any reasonable accommodation or support service. Procedures for obtaining accommodations can be found at

<https://www.dso.ufl.edu/drc/students/how-to-get-started/>

Please notify me on the first day of class if you require special accommodations.

If you or a fellow student needs help, do not hesitate to reach out to UF's Counseling and Wellness Center at <http://www.counseling.ufl.edu/cwc/uf-students>.

**Evaluations:**

You are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester.

**No Extra Credit:**

There are no extra credit projects, papers or exams. Please do not ask for any extra credit work.

**Addenda:**

The professor reserves the right to make reasonable changes to the reading schedule, exam schedule & exam formats at any time during the semester.