

Law of Mass Communications

MMC 4200 | Section 0738 | Summer '17 | FAB 0105 | T & W 8–10:45 a.m.; R 9:30–10:45 a.m.



Instructor: Austin Vining
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Hours: Wed.: 11 a.m. to 2 p.m.
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Course Goals

This course introduces you to First Amendment jurisprudence, as well as to common law and statutory law as they affect journalists, the media and, more broadly, all citizens of the United States.

Examples of issues covered in this course:

- Historical underpinnings of the First Amendment freedoms of speech/press
- Free speech theories and rationales
- Prior restraint
- Libel
- Privacy
- Trespass
- Hidden cameras
- Newsroom searches
- Broadcast indecency
- Obscenity
- Child pornography
- Fighting words
- Violent media content
- Advertising/commercial speech
- Student speech rights
- Copyright and trademark

Required Text

There is only one required textbook:

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

In addition to the textbook, I will distribute cases, articles and other handouts either during class or on Canvas.

If you are not present 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 during office hours to pick one up.

Material contained on handouts (as well as readings in the textbook) is subject to testing.

If you use an older version of the textbook, you do so at your own risk. The 19th edition includes much new material not found in older editions, and some of that new material will be tested.

Assigned Readings

Assignments are contained in the “Reading Schedule & Study Suggestions” packet distributed on the first day of class and posted in Canvas. They should be completed prior to the day on which they are assigned. Do the reading *before* class.

Course Schedule

<i>Topic</i>	<i>Assignments</i>	<i>Due By</i>
Course & First Amendment Intro	None	T — May 9
Law & Legal System	Read Chapter 1	W — May 10
Free Speech Theory	Read pp. 35–54 (part of Ch. 2)	R — May 11
Free Speech in Schools	Read pp. 84–89 (Part of Ch. 3)	T — May 16
Fair Trial v. Free Press, Newsroom Searches, Sources, & Anonymity	Read pp 467–488 (part of Ch. 12) and pp. 430–434, 399–401, 413–417 (parts of Ch. 10)	W — May 17
Exam I	STUDY	R — May 18
Defamation Law	Read Chapter 4 and pp. 175–208 (Part of Ch. 5)	T — May 23
Defamation Defenses	Read pp. 213–239, 243–245 (Part of Ch. 6)	W — May 24
Prior Restraints	Read pp. 74– 81 (Part of Ch. 2)	R — May 25
Privacy Torts — Private Facts & Appropriation	Read pp. 291–307 (Part of Ch. 8) and pp. 256–277 (Part of Ch. 7)	T — May 30
Privacy Torts — Intrusion & Emotional Distress	Read pp 329–338 (Part of Ch. 9), pp. 278–289 (Part of Ch. 7), and pp. 209–211 (Part of Ch. 5)	W — May 31
Exam II	STUDY	R — June 1
Fighting Words, Offensive, Speech & Hate Speech	Read pp. 124–132 (Part of Ch. 3)	T — June 6
Regulating Sexually Explicit Expression	Read Chapter 13	W — June 7
Broadcast Indecency	Read pp. 653–665 (Part of Ch. 16)	R — June 8
Intellectual Property (Copyright & Trademark)	Read pp. 534–570 (Part of Ch. 14)	T — June 13
Advertising & Commercial Speech	Read pp. 585–592, 594–616 (part of Ch. 5) and pp. 105-107 (part of Ch. 3)	W — June 14
Exam III	STUDY	R — June 15

↖ Week 1 →
 ↖ Week 2 →
 ↖ Week 3 →
 ↖ Week 4 →
 ↖ Week 5 →
 ↖ Week 6 →

Assignments

Case Brief

Each student will be required to brief one case that I will assign at the end of the first week of class.

I will try my best to match the cases assigned to each student's interests as reported in the questionnaire sent out the first week of class.

During the first week of class, I will detail how to brief a case using the IRAC (Issue, Rule, Application, Conclusion) formula, and I will present a case brief.

Students will be required to brief a case in 1–2 pages and give a 5-minute presentation on the assigned date. Attendance is mandatory on this date.

15 points

News Brief

It is important that each student understands the importance of keeping up with ever-changing legal trends in our field.

Once you graduate, you will likely no longer have resources to LexisNexis and other library resources, so this assignment is designed to get you familiar with outside resources for legal news.

Each student will be required to post a news article about an assigned legal topic to a discussion board in Canvas, and each student must respond to at least two other posts describing why you found the articles both useful and interesting.

10 points

Optional Bonus Assignment

There will be an out-of-class opportunity to earn bonus points. This assignment is not mandatory. Students will be shown a film related to communication law and will write a 3-page analysis for up to **5 bonus points**.

Learning Outcomes

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

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

Attendance

Attendance is not required (except on exam and presentation dates) but is strongly encouraged. Material covered in class that is not assigned in the readings and/or in handouts may be tested. I will not ask for excuses if you miss a class, and I will not accept excuses from you if you don't earn the grade you wish.

In my experience, it is clear that students who attend class after having done the readings tend to do better than those students who do not attend class and do not do the readings. If you miss a class, I will not re-lecture to you in office hours, and I do not have notes to give out.

Bottom line: Come to class!

Grading

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

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

No minus grades will be awarded in this courses.

Assignments:

Exam I	25
Exam II	25
Exam III	25
Case Brief	15
News Brief	10

Total Points Possible: 100

A = 90 - 100

B+ = 87 - 89

B = 80 - 86

C+ = 77 - 79

C = 70 - 76

D+ = 67 - 69

D = 60 - 66

E = 59 - 0

Examinations

Number of Exams:

Three (3) exams each counting for 25 points for a total of 75 points. This is 3/4 of your final grade.

Non-Cumulative Exams:

Exams are not cumulative, unless specific areas, topics, cases, rules and/or concepts are covered again in new reading and/or in class. The last exam is NOT comprehensive.

Format of Exams:

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.

Exams will include involve any combination of 40 to 50 questions, including any combination short-answer, fill-in-the-blank, multiple-choice and true-false questions. It is your responsibility to bring a pen or pencil to the exam.

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

Seventy minutes is 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 to start to take an exam after any person in the class has already turned in his/her exam.

Make-up Exams

If you must miss an examination due to a religious holiday, serious family emergencies, 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 48 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 details to verify the excuse. It is the responsibility of the student to contact me by e-mail at avining@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. Otherwise, missed exams will result in a grade of zero.

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 now.

To preserve academic integrity, make-up exams are not identical to the regular exam. Make-up exams will involve any combination of short-answer, fill-in-the-blank, multiple-choice and true-false questions. Make-up exams are scheduled based upon my schedule and my availability.

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.

Additional Information

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 are set forth 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.

University Honesty Policy

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida

community, pledge to hold ourselves and our peers to the highest standards of honor 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." The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please contact me.

Class Demeanor

Students are expected to arrive to class on time and behave in a manner that is respectful to the instructor and to fellow students. Please avoid the use of cell phones and restrict eating to outside of the classroom. Opinions held by other students should be respected in discussion, and conversations that do not contribute to the discussion should be held at minimum, if at all.

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. Your feedback is very important to me, as it not only goes to my department head for year-end evaluations, but also allows me to improve the course. Thank you very much in advance for taking the time to do this!

Health and Wellness

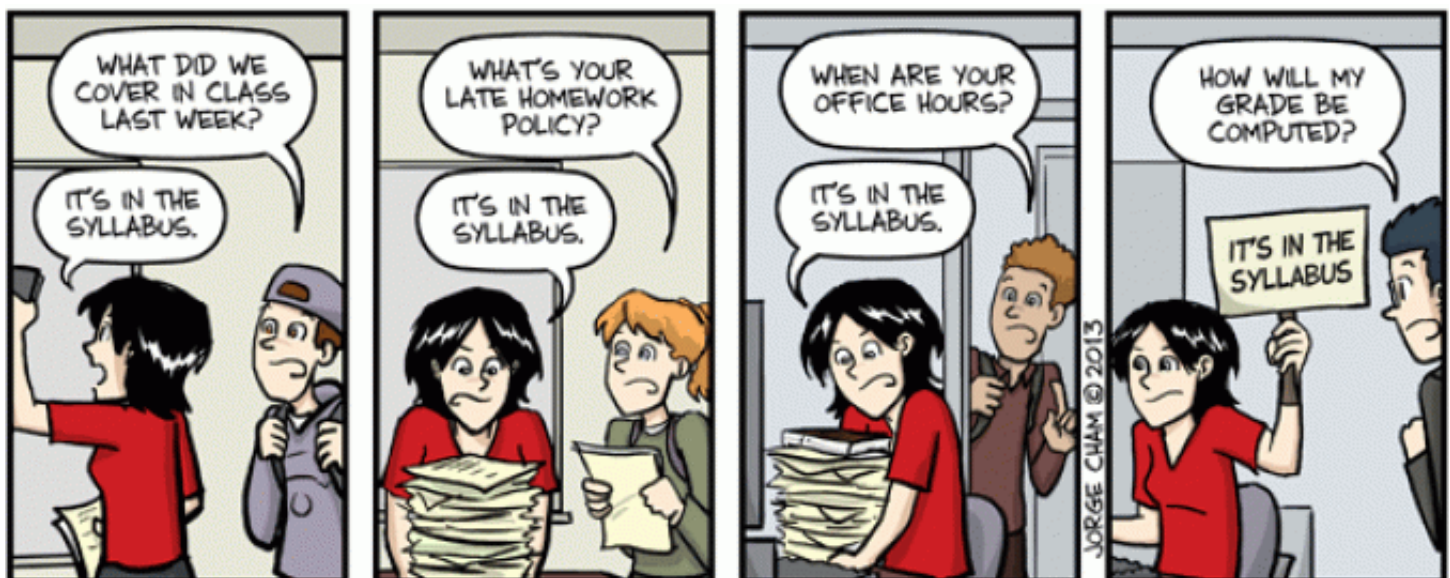
Contact information for the Counseling and Wellness Center: <http://www.counseling.ufl.edu/cwc/Default.aspx>, 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

Fees

There is a \$1 fee for this course.

Addenda

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



IT'S IN THE SYLLABUS

This message brought to you by every instructor that ever lived.