

# MMC 4200: LAW OF MASS COMMUNICATION

FALL 2017 / 3 CREDIT HOURS / SECTION 12HC

**INSTRUCTOR:** Michele Bush Kimball, Ph.D.

*MicheleKimball@ufl.edu*

**OFFICE HOURS:** *Office hours: Mondays 4-6 p.m., Tuesdays, 8 -9 a.m., other times by appointment. We can do office hours by phone or video conference via Skype or Google+. Just let me know when you would like to speak and we can work out the logistics. Skype username: shelley-kimball*

**COURSE WEBSITE:** <https://ufl.instructure.com/courses/340983>

**COURSE COMMUNICATIONS:** The best way to contact me is by email at *michelekimball@ufl.edu*.

**TEACHING PHILOSOPHY:** I have been teaching media law for almost 20 years. But, more importantly, I remember being an undergraduate taking this very class: MMC 4200. My ultimate goal is to make sure you are never intimidated by the law, and that you know how to find, read and understand its provisions. Media law is an endlessly exciting field, and a topic you will find highly useful when you complete your degree.

## **REQUIRED TEXT:**

**MASS MEDIA LAW** by Don Pember and Clay Calvert, 19<sup>th</sup> edition, online version. (You can also get a loose-leaf paper version sent to you for an additional fee, but I recommend using the online version.) The online version is cheaper, even if you get that access and later order the loose-leaf version. The online version has additional instructional help (reading quizzes, checks on understanding, and highlighting assistance.) There is a link to the text from inside our course.

**COURSE DESCRIPTION:** According to the course catalog: "Understanding the law, which guarantees and protects the privileges and defines the responsibilities of the mass media. Includes problems of constitutional law, libel, privacy and governmental regulations."

**PREREQUISITE KNOWLEDGE AND SKILLS:** This class requires senior status for registration. Therefore, it is assumed that the bulk of the coursework in your chosen discipline has been completed. You will apply your professionalism and knowledge of your field of study to class discussion and assignments.

**PURPOSE OF COURSE:** The goal of this class is to build an awareness of the legal issues media professionals may encounter during their careers. This course will provide students with the legal and historical underpinnings of the many facets of media careers. This, in turn, will assist students in understanding their places within the rules and regulations in media law. That sounds little dry, but ultimately you will complete this class with a knowledge of the history and rules of media law that will give you the ability to apply it to new situations you may encounter.

**COURSE GOALS AND/OR OBJECTIVES:** By the end of this course, students will:

- Know their rights and responsibilities in accordance with media law.
- Be able to describe the legal and historical foundations of the laws affecting media careers.
- Be able to find, analyze and interpret the rule of law in judicial opinions and both state and federal statutes.
- Be able to apply the rule of law to real-life situations.

**INSTRUCTIONAL METHODS:** Each module is based on the same formula: students gain basic information in lectures and readings, and then apply that knowledge in quizzes, discussion threads and assignments.

## COURSE POLICIES:

**GENERAL OVERVIEW:** *All deadlines listed in the syllabus are Eastern Standard Time.*

The class will follow the same formula each week. Start in the announcements section to set the stage for the week. That will both set the stage for what is coming that week and shore up any lingering issues from the previous week. Then watch lectures in the beginning of the week.

Quizzes and lectures should be completed by Wednesday at 11 p.m. Any assignment can be turned in early. The deadlines provided are for an idea of the final date and time. Initial discussion posts must be in by 11 p.m. Wednesdays. Follow-up posts must be in by 11 p.m. Thursdays. Written assignments are due Fridays at 7 p.m.

**ATTENDANCE POLICY:** Taking attendance in this class is unnecessary, as you can complete the modules quizzes and assignments when convenient for you within the time allotted. However, all work must be completed by the deadline indicated. Extensions will not be granted.

**QUIZZES:** There are closed-book quizzes in every module to test your knowledge. There are no other exams in this class. The quizzes are based on content in both readings and lectures. You will have only one chance to take each quiz, so be sure you are prepared. Do not use outside materials while taking the quizzes. The quizzes must be completed by 11 p.m. Wednesdays each week. The intent is that you will finish the lectures and quizzes before embarking on the written assignments and discussion threads.

The quizzes will remain open for 30 minutes from the moment you start. Once they have been opened, they cannot be retaken. Therefore, ensure that you have set aside an uninterrupted 30 minutes. Additionally, the quizzes will automatically close at the deadline of 11 p.m. Wednesday. (So be sure you begin the quiz well before 10:30 p.m. Wednesdays.)

**LATE ASSIGNMENTS:** Due to the flexibility of this course structure, no late assignments will be accepted. If you miss the deadline for the assignment, you will receive no credit for it.

However, if an assignment is late due to a technology problem, it **MUST** be accompanied by the ticket number received from the UF Computing Help Desk when the problem was reported. The ticket number will document the time and date of the problem. You **MUST** e-mail your instructor within 24 hours of the technical difficulty if you wish to request a make-up.

**READING POLICY:** Readings should be completed by Wednesday of each module week. You will need the information to complete the quizzes and assignments.

**ASSIGNMENT POLICY:** Assignment descriptions, including deadlines, are in the syllabus and in the course materials. Rubrics for the assignments are also posted. If an assignment is not listed in the syllabus, complete directions will be posted. No late assignments will be accepted.

**CONTENT WARNING:** Through the course of this class we will be exploring adult content, which will include the use of profanity. If these are topics you will find offensive, please contact me so that we can discuss how best to proceed.

**CLASS PARTICIPATION:** Class participation will not be graded separately, but will be a component of every assignment in this class. Timely, valuable, relevant and respectful contributions to this class are essential to its success both to you as a student and to the class as a whole.

## UF POLICIES:

**UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES:** Students requesting accommodation for disabilities must first register with the Dean of Students Office : <https://www.dso.ufl.edu/drc/>. The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

**UNIVERSITY POLICY ON ACADEMIC MISCONDUCT:** I take academic integrity very seriously. Careers in the field of mass communication are based on honesty and credibility. That starts here.

Academic honesty and integrity are also fundamental values of the university community. Students should be sure that they understand the UF Student Honor Code at <https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>

Understand how to avoid plagiarism. Read the university's honor code in its entirety. The university defines plagiarism as representing as your own all or part of another's work. It can include quoting oral or written materials without attribution or submitting an assignment that is completely or partially authored by someone else.

A great resource for brushing up on citation and attribution in an effort to avoid plagiarism is <https://owl.english.purdue.edu/owl/resource/589/01/>

**NETIQUETTE: COMMUNICATION COURTESY:** All members of the class are expected to follow rules of common courtesy in all email messages and threaded discussions. The inability to maintain respect and decorum in all class-related communication will result, at the very least, in a deduction in class participation credit, and at the most, the inability to participate in discussions, both of which affect your final grade. <http://teach.ufl.edu/wp-content/uploads/2012/08/NetiquetteGuideforOnlineCourses.pdf>

## GETTING HELP:

For issues with technical difficulties, please contact the UF Computing Help Desk at:

- [helpdesk@ufl.edu](mailto:helpdesk@ufl.edu)
- (352) 392-HELP - select option 2
- <https://request.it.ufl.edu>

Any requests for make-ups due to technical issues **MUST** be accompanied by the ticket number received from LSS when the problem was reported. The ticket number will document the time and date of the problem. You **MUST** e-mail your instructor within 24 hours of the technical difficulty if you wish to request a make-up.

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.

## GRADING POLICIES:

<b>Assignment</b>	<b>Percentage of final grade</b>
Quizzes in modules	20%
Written assignments	40%
Discussion Threads	15%
Final project	25%

**GRADING SCALE:** I will not curve grades. In accordance with university policy, grade values will be as follows:

<b>A</b>	<b>A-</b>	<b>B+</b>	<b>B</b>	<b>B-</b>	<b>C+</b>	<b>C</b>	<b>C-</b>	<b>D+</b>	<b>D</b>	<b>D-</b>	<b>E</b>
100 - 93	92 - 90	89 - 87	86 - 83	82 - 80	79 - 77	76 - 73	72 - 70	67 - 69	66 - 63	62 - 60	59 or below

For more information about grading, see: <http://www.isis.ufl.edu/minusgrades.html>

## ASSIGNMENTS:

### WRITTEN ASSIGNMENTS: (WORTH 40% OF YOUR FINAL GRADE.)

---

There will be a written assignment required for every module during the course of the class. Due dates are listed in the syllabus. Each written assignment will require a thoughtful application of the relevant law. In all writing assignments for this class, I expect proper grammar, spelling and punctuation. Excessive mistakes will affect your scores.

**Current events assignments:** Many modules will require a current events assignment. The directions for these assignments remain the same. Only the topic changes.

The goal of the assignment is threefold: to show you how often media law issues come up in daily life, to encourage you to analyze a legal issue in a rational way, and to augment your knowledge and understanding of unit topics in this class.

For each assignment, you will be required to find a current (less than a year old) bona fide United States news story about the unit topic. (Newspapers, magazines, online articles, broadcast stories are great. No blogs, columns, commentary, etc. – I am looking for your opinion and analysis, not someone else’s.)

For each of the assignments, you will write an opinion paper about the legal issue. The paper should include three parts:

- A summary of the issue,
- A summary of what the law tells us about that issue, and
- Your personal opinion on the matter.

The paper should be typed and double-spaced. (Keep the font to 11- or 12-point.) It should not exceed three pages. Include a link to a copy of the news story with the assignment.

This should be a story about an American legal issue. I will not accept stories about international legal issues unless you have cleared it with me beforehand, and your treatment of the issue is comparative in nature.

The rubric for this assignment will be posted.

**Hypotheticals:** You will be assigned hypothetical situations in both discussion threads and as written assignments. The goal of the hypotheticals is to encourage you to apply your knowledge of the law to new facts with an unknown outcome. For every hypothetical, you will be required to:

- Explain the pertinent elements of the relevant area of law as completely as possible.
- Apply the law to the facts provided.
- Predict an outcome based on your application of the law.

Priorities in these assignments are: precise discussion of the legal topic and thorough application of relevant law.

A rubric for hypothetical responses will be posted.

**Module 7 assignment:** Module 6 contains a unique assignment in that it will require visiting a government office to access a public record. You can go get the document at any time to complete the assignment before the due date of Sunday, Oct.8 at 7 p.m. Therefore, the assignment document in Module 7 will be available from the beginning of the course.

### **DISCUSSION THREADS: (WORTH 15% OF YOUR FINAL GRADE.)**

---

Discussion threads are the ways we share our thoughts about course content, which is a valuable part of the learning process. Therefore, it's important that your participation is thoughtful, relevant, and moves the discussion forward in some way.

For each module, you will be required to post three times (at a minimum) in our discussion threads, an initial post and two response posts. In many cases, I will propose a hypothetical situation, and you are required to give your opinion on the situation using your knowledge of the law. I will post the initial question by 4 p.m. Mondays. Everyone must respond to the initial

question by 11 p.m. Wednesday. Then, you must respond to two other classmates' posts by 11 p.m. Thursdays.

Your posts should make it clear that you are relying on the knowledge you gained in lecture and readings to support your thoughts. That doesn't mean you should reiterate content verbatim. It means that you should analyze or interpret the content to apply to the topic of the discussion thread. And, as always, be sure that your posts are clear, with proper spelling, punctuation and grammar.

The second part of the discussion thread requirement is to respond to two other classmates' responses. When you do so, I expect respectful conversation about the topic and information presented. Disrespect will not be tolerated. This is the part of the class discussion in which you will share your views and learn from each others' diverse perspectives.

A rubric for discussion threads will be posted.

#### **FINAL PROJECT: (WORTH 25% OF YOUR FINAL GRADE)**

---

There are several ways to meet the requirements of the final project. All of the assignments must have the following:

##### **Requirements (regardless of format):**

You must use at least five court cases. Use the cases to explain the history of the legal issue and to support your conclusions. When you use cases in your paper, be sure to put them in your own words and cite them properly. Use either the Bluebook format we discussed in class, or another citation format, as long as it is used consistently and appropriately. Also, explain (at the least) the facts, issue and holding in the text of your paper for every case.

You must have at least two current examples (During the past 18 months) taken from news stories, magazine stories or the Internet. Again, no blogs, columns, commentary, etc. If you use the Internet, it must be from a reliable site, and you must **cite** to that site.

**Grading:** A rubric for the final project will be posted

##### **Due dates:**

Project idea: **Due Friday, Sept. 22, by 11 p.m.** Explain, typed, the topic of your final project. It must pertain to one of the topics in the modules presented this semester. Skim through the textbook for ideas on what will be covered. Your project idea does not have to be set in stone. You may discover another idea later in the semester, and you can change it. However, you



must resubmit the idea in writing. Please settle on a definite topic before the five case briefs are due (March 30). Once they are in, your topic should be set.

List of tentative citations: **Due Friday, Oct. 13, by 11 p.m.** At the top of the assignment page, explain your project idea. Then list the cases and articles you think you will be using, and why each is relevant to your topic. (Therefore, do not submit a random list of citations.)

Five case briefs: **Due Thursday, Nov. 9 by 11 p.m.** You must provide briefs for the five cases you plan to use in your project. Each brief must include the case citation, facts, issue, holding, reasoning and rule of law. Use your own words – do not plagiarize these briefs.

First submission: **Due Monday, Dec. 4 by 11 p.m.** Although this is a first submission, give yourself enough time to proofread thoroughly before turning it in. This should not be a rough draft.

Peer review: **Due Wednesday Dec. 6 by 11 p.m.** You will be randomly provided a peer's final paper for review. Please provide respectful, constructive suggestions for improvement as well as input on what you see as the strengths of the paper. Specifically discuss legal analysis, paper organization, and mechanics. A few sentences saying, "good job," will not suffice – this should be a resource for your partner. Turn in a written response, which will then also be sent to your peer. See the final project rubric for additional information about how this will be graded.

Final draft: **Due Wednesday, Dec. 13 by 11 p.m.** You may use the comments you receive in your peer review to revise any part of your paper. This is optional, and you are responsible for all changes you choose to make. (Meaning that if the suggestions from your peer are inaccurate, and you make the changes, that is your responsibility, not your peer's.) If you choose not to revise, the first submission stands as your final submission. If you know you will not revise, tell me as soon as you are sure so I can start grading.

**Format options:** You may choose either a traditional term paper or some kind of multimedia project. If you choose a multimedia project, please clear it with me by **Nov. 3**.

**Traditional term paper:** Consider the final project an expanded, formal version of the written assignments. You will be required to write a five- to 10-page paper taking a position on any U.S. media law issue discussed this semester. In the paper, you will discuss in a narrative form:

- (1) The current status of the legal issue. Explain the necessary historic / legal background to give the reader context. Explain the current status of the issue upon which you are focusing. Give present-day (within 18 months) examples from newspapers, magazines,

Internet, etc. Explain the relevant law as clearly and completely as possible, and apply it to your situation under study. Do not merely list legal findings – draw them back to your topic.

- (2) Proposed changes you would make, if any. Explain how those changes should be enacted and by whom and potential outcomes. If you do not believe any changes should be made, explain why the current status is acceptable and why potential changes would not benefit the citizenry.
- (3) Predict the future of the legal issue. Base your predictions on the information you presented in sections one and two. Tell the reader what will happen in the next five to ten years in this legal arena. Will it be positive or negative? Why? Make sure to support your predictions as much as possible.

**Multimedia Project:** All of these projects should be based on a U.S. legal issue discussed in class. The potential ideas are endless. The goal is to communicate a current legal issue relevant to the content of the class. You must incorporate the case analyses and citations, as required in the traditional project. You might:

- Develop a video or news story about the legal issue: This must include references to and explanations of the foundations of the legal issue. In the past, students have built videos and included blog posts as a way to incorporate some of the details required.
- Develop a website: This must explain the relevant area of law with all of the cases and current examples.
- Formulate a podcast (with script) and a blog post that incorporates the five relevant cases and two current examples.
- Put together an online slideshow with audio (and a script) that explains a particular area of law, incorporating five cases and two current issues.

## COURSE SCHEDULE:

*Note: This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected. If I make any changes, I will communicate them to you by email and in the announcements section of this class. If the changes are substantive and affect proceeding dates, I will revise the syllabus and repost it.*

## MODULE ONE: INTRODUCTION TO THE LEGAL SYSTEM

---

*Week: Aug. 21-25*

### Module learning objectives:

- Gain an understanding of the class and the syllabus
- Comprehend the structure of the American legal system and identify its essential elements
- Locate judicial opinions and federal and state codes

Lectures and quizzes: Due by Wednesday 8/23, at 11 p.m.

### Readings:

Syllabus (*Note: Please read the syllabus completely before beginning the course overview lecture.*)

Text: Chapter 1, The American Legal System

Tutorial: Take the overview tutorial for LexisAcademic:

[http://www.lexisnexis.com/tutorial/global/globaltutorial\\_frameset.asp?sPage=overview&adaptation=academic&lbu=US&locale=en\\_us](http://www.lexisnexis.com/tutorial/global/globaltutorial_frameset.asp?sPage=overview&adaptation=academic&lbu=US&locale=en_us) Lexis will be your best bet for accessing cases.

**Note:** LexisAcademic is available through the Smather's Library online databases. Before you open Lexis, you will need to connect through the library's off-campus access portal:

<http://cms.uflib.ufl.edu/offcampus>

The reference librarians have recommended that we go through the Virtual Private Network (VPN) for best results.

### Assignments:

- Introduction discussion thread: Initial post due Thursday 8/24 at 11 p.m. (Response posts are optional this week.)
- Legal scavenger hunt: due Friday 8/25 at 7 p.m.

## MODULE TWO: THE FIRST AMENDMENT: HISTORY AND STRUCTURE

---

*Week: Aug. 28-Sept. 1*

Module learning objectives:

- Know the five freedoms granted in the First Amendment and examine the relationship between them.
- Explore the history of the development of the First Amendment as a foundation to the rules of application.
- Apply First Amendment analysis to evaluate prior restraint.

Lectures and quizzes: Due by 8/30 at 11 p.m.

Readings: Text: Chapter 2: The First Amendment: The Meaning of Freedom

Assignments:

- Initial discussion post due 8/30 at 11 p.m.
- Follow-up post due 8/31 at 11 p.m.
- Current event written assignment due 9/1 at 7 p.m.

MODULE THREE: THE FIRST AMENDMENT: MODERN APPLICATION

---

*Week: Sept. 5-8 (Monday is a day off for the university, therefore the module will be opened early to allow extra time to complete assignments.*

Module learning objectives:

- Using history as a building block, analyze how the law applied to previous situations might parallel current ones, or even future ones.
- Evaluate the limits of government regulation on expression and how they apply to general categories of expression.
- Apply the rights guaranteed by the First Amendment to a variety of current situations to explore the limits of rights versus regulatory limits.

Lectures and quizzes: Due by 9/6 at 11 p.m.

Readings: Text: Chapter 3: The First Amendment: Contemporary Problems

Case: *Snyder v. Phelps*, 131 S. Ct. 1207 (2011)

*(Readings are very light this week – consider getting a head start on the readings for next week.)*

Assignments:

- Initial discussion post due 9/6 at 11 p.m.
- Follow-up post due 9/7 at 11 p.m.
- Hypothetical written assignment due 9/8 at 7 p.m.

MODULE FOUR: DEFAMATION

---

*Week: Sept. 11-15*

Module learning objectives:

- Know who carries the burden of proof and extrapolate common defenses in a defamation case
- Predict the outcome of defamation litigation based on the legal requirements of defamation and the facts presented
- Evaluate how to avoid defamatory communication

Lectures and quizzes: Due 9/13 by 11 p.m.

Readings:

Text: Chapter 4: Libel: Establishing a case, Chapter 5: Libel: Proof of Fault, and Chapter 6, Libel Defenses and Damages

Case: *New York Times v. Sullivan*, 374 U.S. 254 (1964).

Assignments:

- Initial discussion post due 9/13 by 11 p.m.
- Follow-up post due 9/14 by 11 p.m.
- Current event written assignment due 9/15 by 7 p.m.

## MODULE FIVE: PRIVACY, PART 1

---

*Week: Sept. 18-22*

### Module learning objectives:

- Define two of the four privacy torts, appropriation and intrusion, and explain the burdens of proof and defenses for each.
- Predict the outcome of privacy litigation based on the legal requirements of appropriation and intrusion and the facts presented.
- Evaluate how ancillary legal issues like trespass and wiretapping fit in the construct of privacy law and help develop the boundaries of personal privacy and newsgathering.

Lectures and quizzes: Due 9/20 by 11 p.m.

### Readings:

Text: Chapter 7: Invasion of Privacy: Appropriation and Intrusion

Case: *Food Lion, Inc. v. Capital Cities/ABC, Inc.*, 951 F. Supp. 1217 (1996).

### Assignments:

- Initial discussion post due 9/20 by 11 p.m.
- Follow-up post due 9/21 by 11 p.m.
- Current event written assignment due 9/22 by 7 p.m.
- **Final project idea due 9/15 by 11 p.m.**

## MODULE SIX: PRIVACY, PART 2

---

*Week: Sept. 25-29*

### Module learning objectives:

- Define the remaining two main privacy torts, publication of private facts and false light, and explain the burdens of proof and defenses for each.
- Evaluate how an ancillary legal issue like emotional distress fits in the construct of privacy law and help develop the boundaries of personal privacy and newsgathering.

- Predict the outcome of privacy litigation based on the legal requirements of publication of private facts and false light and the facts presented.
- Determine citizens' privacy rights as a whole legally and how to work responsibly and ethically within those confines.

Lectures and quizzes: Due 9/27 by 11 p.m.

Readings:

Text: Chapter 8: Invasion of Privacy: Publication of Private Information and False Light

Case: *Hustler Magazine v. Falwell*, 108 S. Ct. 876 (1988).

Listen to some of: [http://www.oyez.org/cases/1980-1989/1987/1987\\_86\\_1278/](http://www.oyez.org/cases/1980-1989/1987/1987_86_1278/)

Assignments:

- Initial discussion post due 9/27 by 11 p.m.
- Follow-up post due 9/28 by 11 p.m.
- Hypothetical written assignment due 9/29 by 7 p.m.

#### MODULE SEVEN: NEWSGATHERING, ACCESS TO GOVERNMENT INFORMATION

---

*Week: Oct. 2-8 (This is Homecoming Week for UF. Therefore, the due date for the written assignment is extended to Sunday.)*

Module learning objectives:

- Recognize that the laws that shape newsgathering are laws of general applicability and understand what they are.
- Evaluate the value of transparency and access to government information to democracy.
- Know how and to whom to file of freedom of information request

Lectures and quizzes: Due by 10/4 at 11 p.m.

Readings:

Text: Chapter 9: Gathering Information: Records and Meetings

Department of Justice, Freedom of Information Act: <http://www.justice.gov/oip/blog/foia-update-freedom-information-act-5-usc-sect-552-amended-public-law-no-104-231-110-stat>

Explore the *National Freedom of Information Coalition's* website on state resources: <http://www.nfoic.org/state-foi>

Find your home state at *the Reporter's Committee for Freedom of the Press Open government Guide*: <http://www.rcfp.org/open-government-guide>

Optional: Florida's Open Government Manual can be downloaded in its entirety at: [http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9UPM53/\\$file/2015SunshineLawManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9UPM53/$file/2015SunshineLawManual.pdf)

#### Assignments:

- Initial discussion post due 10/4 at 11 p.m.
- Follow-up post due 10/5 at 11 p.m.
- Access written assignment due **10/8 at 7 p.m.**

#### MODULE EIGHT: MEDIA AND THE JUDICIARY

---

*Week: Oct. 9-13*

#### Module learning objectives:

- Differentiate the pros and cons of access to judicial proceedings.
- Determine the history and philosophical value of access to the judicial system, and where to locate rules for specific courts.
- Identify whether public access to a judicial proceeding is warranted.

Lectures and quizzes: Due by 10/11 at 11 p.m.

#### Readings:

Text: Free Press- Fair Trial chapters: 11: Trial-level Remedies and Restrictive Orders, and 12: Closed Judicial Proceedings

#### Assignments:

- Initial discussion post due 10/11 at 11 p.m.



- Follow-up post due 10/12 at 11 p.m.
- Hypothetical written assignment 10/13 at 7 p.m.
- **List of tentative citations for the final project due 10/13 at 11 p.m.**

## MODULE NINE: REPORTER'S PRIVILEGE

---

*Week: Oct. 16-20*

### Module learning objectives:

- Evaluate the value of reporter's privilege and the history and jurisprudence behind it.
- Determine whether a state has a shield law and how it applies.
- Examine previously proposed federal shield law legislation.

Lectures and quizzes: Due by 10/18 at 11 p.m.

### Readings:

Text: Chapter 10: Protection of News Sources / Contempt Power

Case: *Branzburg v. Hayes*, 408 U.S. 665 (1972).

### Assignments:

- Initial discussion post due 10/18 at 11 p.m.
- Follow-up post due 10/19 at 11 p.m.
- Current event written assignment due 10/20 at 11 p.m.

## MODULE 10: INTELLECTUAL PROPERTY

---

*Week: Oct. 23-27*

### Module learning objectives:

- Categorize the rights granted by copyright protections and how to avoid infringing on them.
- Compare the copyright protection provided to a variety of media.

- Predict how to avoid copyright infringement, even on new media not yet developed.

Lectures and quizzes: Due by 10/25 at 11 p.m.

Readings:

Text: Chapter 14: Copyright

Watch: *A Fairly Use Tale*. You can find it by a Google search, as the creator has released his copyright. However, here is a YouTube link, just in case:

[https://www.youtube.com/watch?v=CJn\\_jC4FNDo](https://www.youtube.com/watch?v=CJn_jC4FNDo)

Assignments:

- Initial discussion post due 10/25 at 11 p.m.
- Follow-up post due 10/26 at 11 p.m.
- Current event written assignment due 10/27 at 7 p.m.

#### MODULE 11: COMMERCIAL SPEECH

---

*Week: Oct. 30 – Nov. 3*

Module learning objectives:

- Evaluate the history of First Amendment protections of commercial speech, and categorize where such speech sits on the hierarchy of First Amendment protection.
- Appraise existing permissible regulations and how to locate and distinguish future regulations.
- Determine how to characterize potentially false advertising.

Lectures and quizzes: Due by 11/1 at 11 p.m.

Readings:

Text: Chapter 15: Regulation of Advertising

Case: *Citizens United v. FEC*, 558 U.S. 310(2010).

Go to: [www.ftc.gov](http://www.ftc.gov) and find out how it handles false advertising.

### Assignments:

- Initial discussion post due 11/1 at 11 p.m.
- Follow-up post due 11/2 at 11 p.m.
- Current event written assignment due 11/3 at 7 p.m.

### RESEARCH WEEK

---

*Week: Nov. 6-9*

No modules will be due. Instead, the five case briefs for the final project will be due **Thursday, Nov. 9 by 11 p.m.** Put as much effort as possible into producing quality case briefs – it will pay off when you are putting together the final project.

### MODULE 12: OBSCENITY AND INDECENCY

---

*Week: Nov. 13-17*

#### Module learning objectives:

- Categorize the definitions of obscenity and indecency, and determine where they fall on the hierarchy of protected expression.
- Evaluate content of communication and determine if it is obscene or indecent and whether the expression receives First Amendment protection.
- Apply the permissible government regulations for obscene and indecent content to new situations.

Lectures and quizzes: Due by 11/15 at 11 p.m.

#### Readings:

Text: Chapter 13: Regulation of Obscene and Other Erotic Material

Cases: *Miller v. California*, 413 U.S. 15 (1973) and *FCC v Pacifica*, 438 U.S. 726 (1978)

#### Assignments:

- Initial discussion post due 11/15 at 11 p.m.
- Follow-up post due 11/16 at 11 p.m.

- Current event written assignment due 11/17 at 7 p.m.

#### THANKSGIVING WEEK:

---

No class

#### MODULE 13: BROADCASTING AND ELECTRONIC MEDIA

---

*Week: Nov. 26-Dec. 1*

##### Module learning objectives:

- Integrate the history of broadcast regulation and why it is relevant to First Amendment protections and permissible regulations, as compared to print journalism.
- Examine the concepts of spectrum scarcity and net neutrality and how they affect government regulations of broadcasting and electronic media.
- Predict whether expression can be regulated based on the medium in which it is communicated.

Lectures and quizzes: Due 11/29 at 11 p.m.

##### Readings:

Text: Chapter 16: Telecommunications Regulation

##### Assignments:

- Initial discussion post due 11/29 at 11 p.m.
- Follow-up post due 11/30 at 11 p.m.
- Current event written assignment due 12/1 at 7 p.m.

#### FINAL PROJECT FIRST SUBMISSION AND PEER REVIEW

---

*Week: Dec. 4-6*

First submission: **Due Monday, Dec. 4 by 7 p.m.** Please be sure this is not a rough draft. Soon after the deadline passes, you should automatically receive a peer's paper to review.

Peer review: **Due Wednesday, Dec. 6 by 11 p.m.** You will be randomly provided a peer's final paper for review. Please provide respectful, constructive suggestions for improvement as well

as input on what you see as the strengths of the paper. Discuss legal analysis, paper organization, and mechanics. Turn in a written response, which will then also be sent to your peer. Be as specific as possible. This will be incorporated into your final project grade, and is a line on the final project rubric.

#### FINAL PROJECT:

---

Final draft: **Due Wednesday, Dec. 13 by 11 p.m.** You may use the comments you receive in your peer review to revise any part of your paper. This is optional, and you are responsible for all changes you choose to make. (Meaning that if the suggestions from your peer are inaccurate, and you make the changes, that is your responsibility.) If you choose not to revise, the first submission stands as your final submission.