

# MMC LAW OF MASS COMMUNICATION

FALL 2018

SECTION 25E8

INSTRUCTOR: Steven Specht

OFFICE HOURS: I will make myself available on from 12-2 PM and Thursday 8-10 AM and by appointment. We can do office hours by phone, video conference, and chat. Though I will have the four hours of dedicated time outlined above, it will be best if you email me ahead of time on your issue and availability so that I can prepare for you and work through as many students as possible during that time.

COURSE WEBSITE:

COURSE COMMUNICATION: The best way to reach me is [stevenspecht@hotmail.com](mailto:stevenspecht@hotmail.com)

TEACHING PHILOSOPHY: My goal is to bring the same level of excitement to the Law of Mass Communication that I felt in August 2005 as I entered my final semester at the UF College of Journalism and Communication. Whether you are going to work in journalism, advertising, a courtroom, or somewhere else entirely, the critical thinking tools and exposure to the legal system you have in this course should guide you in future dealings.

REQUIRED TEXT: Mass Media Law by Don Pember and Clay Calvert, Nineteenth Edition.

You may use an online or physical version of the textbook.

You will need to use Bluebook Citations in the Final Project. Please use this free resource for most citations. <https://www.law.cornell.edu/citation/2-100>

You will need to access court cases in your final project. You may also use law.cornell.edu for most court cases but also consider LexisAcademic:

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>

COURSE DESCRIPTION: Per the Course Catalogue "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:** You have to be a junior to take this course, but I anticipate that most of you will be seniors. I expect a level of professionalism commensurate with your experience in university.

**PURPOSE OF COURSE:** This course will explain our legal system, the protections and limitations of First Amendment freedoms, and the place of media professionals within that framework. This course will rely heavily on constitutional law but also some statutory interpretation. With a knowledge of the law, you will be better prepared in your future professional endeavours.

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

- Know their rights and responsibilities in accordance with media law.
- Know the constitutional law relevant to these rights and responsibilities
- Be able to engage in basic legal analysis
- Be able to apply this knowledge to real-life situations

**INSTRUCTIONAL METHODS:** The course will consist of reading assignments, quizzes, lectures, and written assignments.

## **COURSE POLICIES**

**ATTENDANCE:** As this is an online course, attendance will be marked by participation in discussion boards and other weekly assignments.

**DEADLINES:** All listed deadlines are based on the Eastern Time Zone. I will have zero tolerance for late assignments due to foreseeable events. The sole exceptions to this are an illness that extends five days in duration and technical issues with the course website. I respect that there are life events, health issues, family concerns, and a host of other reasons why an assignment might be late. However, deadlines are laid out ahead of time and there is ample time to plan ahead. Whether you wind up as an attorney, journalist, or something else, you will find my deadline to be one similar to those you will face after graduation.

For illness, documentation is required. Preferably this will be in the form of a doctor's note or a prescription slip. I will consider photo evidence of car accidents, pox scars, and demonic possessions on case-by-case basis.

For technical issues with the website, you must receive a ticket number from the UF Computing Help Desk when the problem was reported. The ticket number will document the time and date of your issue. This ticket number must be emailed to me within 24 hours of the issue for you to make up a late assignment due to a technical issue.

**CONTENT:** From time to time we will discuss issues that involve profanity, disrespectful language, sex, and the like. It is necessary to have these discussions to understand our legal system. If you take issue with any of the above, please take it up with James Madison, John Jay, Alexander Hamilton, and Thomas Jefferson.

However, discussion of sensitive subjects does not excuse being disrespectful to other students. I'm fine with attacking ideas, but keep away from ad hominem attacks.

CLASS PARTICIPATION: There is no separate percentage for participation, but assume that you are being graded for participation by thoughtful and original content in DB Posts.

## UF POLICIES

UNIVERSITY POLICY ON ACCOMODATING 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.

ACADEMIC MISCONDUCT: I've been in some sort of structured educational program for a total of 24 years including one online Master's Degree. If you cheat, I will catch you and I will deal with academic dishonesty severely as I can.

Hint: I also have access to the internet and I know a copy-paste when I see it.

Read the Student Honor Code: <https://www.dso.ufl.edu/scer/process/student--conduct--honor--code/>

Read this information on plagiarism: <https://owl.english.purdue.edu/owl/resource/589/01/>

NETIQUETTE: As noted in the previous section, I expect common courtesy in emails and discussions. An inability to remain respect and decorum in all class-related communication will affect your DB grade.

Please read the following UF Policy: <http://teach.ufl.edu/wp-content/uploads/2012/08/NetiquetteGuideforOnlineCourses.pdf>

## ASSISTANCE

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

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

As noted, 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 email me within 24 hours of the technical difficulty if you wish to request a makeup.

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.

## ASSIGNMENTS:

READING ASSIGNMENTS: I have no way to know if you complete the reading assignments except through your performance on DB Posts and Quizzes. Proceed at your own peril.

DISCUSSION BOARD (DB) POSTS: The initial post on the assignment is due on Saturday at midnight. DB posts should be original thought and work. Any fool can Google the answer. I want you think about the issue and be original. Extra consideration is given to novel ideas.

FOLLOWUP DB POSTS: Two comments on posts by other students must be completed by Monday at midnight. Comments must be substantive in nature. By this I mean you must add something to the discussion more than simply noting that you think someone made a good point. Note: I will periodically weigh in if discussions become disrespectful or I feel like some insight can resolve a debate that is ongoing.

QUIZZES: There will be an **open-book** quiz to be completed by midnight on Tuesday. The quizzes will be 30 minutes in duration and cannot be stopped once you begin, so be sure to have 30 minutes of uninterrupted time.

WEEKLY ASSIGNMENTS: There will be a weekly assignment consisting of your original work due by midnight on Tuesday. These will usually be a written assignment pertaining to a current event, but the content will vary.

**Please note that the assignment due Tuesday November 20, 2018 will likely require more than a week to complete.**

FINAL PROJECT: The final project will be an analysis of a legal issue. You may discuss historical issues or emerging events.

You may do a traditional term paper or some sort of multimedia project.

**I will be fairly liberal in a passing grade for original work. but I encourage you to be bold and think outside the box.**

We live in interesting times as the issue of unfettered anonymous speech and foreign incitement have had an effect on our institutions. Novel presentation and creative legal analysis will reflect well in your final grade.

Minimum requirements of the final project:

- Five court cases
- Two newspaper articles
- Bluebook citation

### Project Timeline

Idea Deadline: I want your project ideas by Tuesday, October 30, 2018. This assignment will consist of 100 words about your subject. You can change your idea as we progress through the semester, but you need to have something down in writing by this time.

Citation List: A preliminary list of citations RELEVANT TO YOUR PROJECT will be due Tuesday, November 6, 2018. The minimum requirement is five court cases and two news articles.

Case Briefs: Five case briefs will be due Tuesday, November 13, 2018.

First Submission: Your first submission is due Tuesday, November 20, 2018.

Peer Review: You will receive a redacted copy of one of your classmates' first submission. You will write a constructive critique that is due by November 27, 2018.

Final Draft: Your final draft will be due December 4, 2018.

If you are writing a traditional term paper, I expect 5-10 pages of double-spaced, Times New Roman, Size 12. The format of this paper will consist of identifying the current issue. Outlining the history that brings us to the present, an opinion on how things should be and a prediction of how a court will view the issue.

If you are engaging in some sort of other project, you must still make explicit reference to five court cases and two news articles.

### **GRADING METRIC:**

DISCUSSION THREADS	25%
QUIZZES	25%
WRITTEN ASSIGNMENTS	25%
FINAL PROJECT	25%

**GRADING SCALE:** I will grade in accordance with University Policy on grade values as follows:

A:	100-93
A-:	92-90
B+:	89-87
B:	86-83
B-:	82-80
C+:	89-77
C:	76-73
C-:	72-70
D+:	69-67
D:	66-63
D-:	62-60
E:	59 and below

## **COURSE TIMELINE**

Week 1: August 22-28

Subject: Introduction to the American Legal System

### Goals

- Read Syllabus
- Learn the structure of the American legal system and its essential elements.
- Locate judicial opinions, federal statutes, state statutes, and regulations.

### Assignments

- Read Chapter 1
- DB Post: Write a brief introduction about yourself. This is due by Saturday at midnight. (You do not need to respond to two posts in this week's DB Assignment)
- Legal Scavenger Hunt: This will count for your weekly writing assignment and is due on Tuesday at midnight.
- There is no quiz this week.

Week 2: August 29-September 4

Subject: The First Amendment—History and Structure

### Goals

- Learn about the First Amendment and its five freedoms
- Learn about incorporation doctrine
- Explore prior restraint

### Assignments

- Read Chapter 2
- Complete DB Post by Saturday at midnight
- Complete followup DB posts (Monday is a holiday, so you may complete on Tuesday by midnight if you wish.
- Writing Assignment: Find a current event from a credible news source regarding the First Amendment.
- Complete Quiz by Tuesday at midnight

Week 3: September 5-11

Subject: The First Amendment—Modern Application

### Goals

- Based on historical context, explore how the law is applied to current and future issues.
- Evaluate the limits of government regulation on expression and explore how they apply to general categories of expression
- Apply the rights guaranteed by the First Amendment as well as the limits placed upon it.

### Assignments

- Read Chapter 3
- Complete DB Post by Saturday at midnight
- Complete followup DB posts by Monday at midnight
- By midnight on Tuesday, write a case brief for *Snyder v. Phelps*, 131 S. Ct. 1207 (2011)
- Complete Quiz by Tuesday at midnight

Week 4: September 12-18

Subject: Defamation

### Goals

- Know who carries the burden of proof in a defamation case
- Learn about libel per se
- Be able to predict the outcome of a defamation case
- Evaluate how to avoid defamatory communication

### Assignments

- Read Chapter 4
- Complete DB Post by Saturday at midnight
- Complete followup DB post by Monday at midnight
- By midnight on Tuesday, write a case brief for *NY Times v. Sullivan*, 374 U.S. 254 (1964).
- Complete Quiz by Tuesday at midnight

Week 5 September 19-25

Subject: Privacy Part 1

Goals

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

Assignments

- Read Chapter 7
- DB Post
- Followup Post
- Writing Assignment

Week 6 September 26-October 2

Subject: Privacy Part 2

Goals

- Define the privacy torts of publication of private facts and false light and explain the burdens of proof and defenses
- 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 facts presented
- Determine the privacy rights of citizens as a whole legally and how to work responsibly and ethically within those confines.

Assignments

- Read Chapter 8
- DB Post
- Followup DB Post
- Writing Assignment
- Quiz

Week 7 October 3-9

Subject: Newsgathering and Access to Government Information

Goals

- 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 you file a freedom of information request

#### Assignments

- Read Chapter 9
- Introduce yourself to the 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>
- DB Post
- Followup DB Post
- Begin writing assignment that is due November 20.
- Quiz

Week 8 October 10-16

Subject: Media and the Judiciary

- Goals
- Identify the pros and cons of access to judicial proceedings
- Determine the history and the 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.

#### Assignments

- Read Chapters 11-12
- DB Post
- Followup DB Post
- Writing Assignment on current events

Week 9 October 17-23

Subject: Reporter's Privilege

#### Goals

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

### Assignments

- Read Chapter 10
- DB Post
- Followup DB Post
- Writing Assignment on Law Review Article
- Quiz

Week 10 October 24-30

Subject: Intellectual Property

### Goals

- 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

### Assignments

- Read Chapter 14
- DB Post
- Followup DB Post
- Writing Assignment
- Project Idea

Week 11 October 31-November 6

Subject: Commercial Speech

### Goals:

- Evaluate the history of the 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.

### Assignments

- Read Chapter 15
- DB Post
- Followup DB Post
- Writing Assignment
- Final Project: Citation list

Week 12 November 7-13

Research Week: Do case briefs for at least five cases in your citation list from last week. There is no DB Post or specific writing assignment for this week. However, you should exercise as much diligence in your case briefs as you would if there were a writing assignment or post. This assignment will be graded as a writing assignment.

Week 13 November 14-20

Subject: Obscenity and Indecency

Goals

- Categorize the definitions of obscenity and indecency; determine where they fall in the continuum of protected expression
- Evaluate the communication and determine if it is obscene or indecent or whether it deserves First Amendment protection
- Apply the permissible government regulations for obscene and indecent content to new situations

Assignments

- Read Chapter 13
- Initial DB Post
- Followup DB Post
- Current event writing assignment
- Quiz
- First Draft of Final Project due

Week 14 November 20-26

Subject: Broadcasting and Electronic Media

Goals

- Integrate the history of broadcast regulation and why it is relevant to First Amendment protections and permissible regulations as compared to print journalism
- Examine spectrum scarcity
- Predict whether expression can be regulated based on the medium in which it is communicated

Assignments

- Read Chapter 16
- Initial DB Post
- Followup DB Post
- Peer Review (Due on Sunday)

Note the peer review is due on Sunday to give everyone more than a week to complete their final project after critiques have been received. Your constructive and anonymous peer review of your classmates project will count as your writing assignment for the week.

Week 15 November 27-December 4

Final Project is due by midnight on December 4, 2018. Accept or ignore recommended changes by your classmate at your own peril. The ultimate decision is yours and you will be graded solely on your final product, not suggestions from a classmate. If you choose to make no revisions, then your first submission will suffice for your final grade.