



# Law of Mass Communications

MMC 4200-Fall 2018

**Professor Sandra F. Chance**

**Course Schedule:** Wed. – 6-8<sup>th</sup> period (12:50-3:50 p.m.)

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**Office Hours:**

Wednesday – 10:30-11:30 a.m. and  
4-5 p.m.

Available by appointment, too.

Welcome to the first special section of the Law of Mass Communications. You were selected for this class because you have an outstanding academic record and expressed an interest in law school and studying media law. Unlike the large lecture class, this will be a small discussion section. In addition, you will benefit from having graduate and law students in the class, who have similar interests.

This course focuses on the First Amendment and the federal and state laws that most directly affect mass communication in the United States. The course will serve as a “survival kit” for students by helping you understand and deal with the many legal questions and issues faced by media professionals in disseminating news and information to the public. You will acquire practical knowledge and learn legal principles and methods of analysis necessary for professional communicators. This course is specifically designed to cover the essential legal issues for all of the majors within this college.

Through a combination of lectures, class discussions and other resource materials, you will study the laws governing the media, analyze legal cases and problems and gain practical skills. We’ll begin with an overview of the legal system, including the sources of law, the structure of the state and federal court system and the importance of legal precedence. Whenever possible and appropriate, we’ll look at the different ways freedom of expression is protected or restricted around the world.

We’ll examine the First Amendment, what it means and why it’s important not only to members of the media, but to all citizens. Following this overview, we’ll focus on freedom of expression and the issue of censorship. We’ll also study defamation, sometimes known as libel, and privacy, the right to be let alone.

We’ll also discuss First Amendment protections for political and commercial speech and the laws of copyright. We’ll be looking at the new rules and regulations governing the Internet and the issues of indecency and obscenity.

In the final few weeks of the semester, we’ll learn about restrictions on court reporting and journalists’ confidentiality, and the potential conflict between a free press and a fair trial. Finally, we’ll cover access to government documents and meetings.

## **Required Texts:**

Middleton, Kent R. and Lee, William E., Stewart, Daxton R.; *The Law of Public Communication, Tenth Edition*. This text is required. There are older editions available, but buy this one. It's the most up-to-date and includes information that we will be discussing and you will be tested on.

## **Course Objectives:**

At the end of the semester, you will have gained:

- (1) a basic understanding of the American legal system, its institutions, and some of its terminology;
- (2) a broad understanding of the First Amendment principles as they relate to mass communication;
- (3) a working knowledge of the laws that directly enhance or restrict information gathering and message dissemination in the mass media, and an understanding of the reasons and rationales behind these laws; and
- (4) an appreciation for the importance of understanding these legal issues to professional communicators who wish to minimize their legal exposure.
- (5) an understanding of legal research and writing.

## **How Will We Do This?**

You'll be assigned readings in the texts, legal opinions and other relevant outside readings. With the knowledge you've gleaned from the readings, you'll have an opportunity to engage in class discussion and expand your critical thinking skills and ability to critically analyze and problem-solve.

Ultimately, you'll learn how to read a case opinion, where to find cases, how to analyze cases, and why these cases are important. You'll use the skills you've learned to understand and analyze critical legal issues facing the communications industry.

## **How Grades Will Be Determined:**

**My grading policy:** Grades in this course are awarded solely on the basis of your performance. No credit or grades will be awarded based on need or on your status as a graduate student. (Translation: No guaranteed grades. You can earn and will receive a C, D or E if you fail to meet the course requirements.)

**Grades will be based on a combination of written assignments, in-class participation and presentations, and written examinations.**

## **Details:**

**Class preparation and participation:** These grades will be based on quality (NOT quantity) of class discussion, case briefs, and other class preparatory assignments. If you are tardy three times (more than 10 minutes late), this will count as one hour of missed class. If you miss 3 hours of class, your class participation will go down one letter grade. If you miss six hours of class, your grade will go down two letter grades. If you miss more than six hours of class, your class participation grade will be an E.

**Discussion/Position Papers:** These papers will be limited to 6-12 typed, double-spaced pages. You will be required to read and **analyze** cases and apply your understanding of the appropriate law and legal precedents discussed in the texts and in class to a hypothetical. You need to outline the legal arguments the parties will likely present, explain the legal reasoning the court will engage in, based on assigned court decisions. Finally, take the position you believe the court deciding this case should follow. Most importantly, explain and support your position fully. An important part of this assignment will be the extent to which you demonstrate your ability to engage in **critical analysis and thinking**. You'll also be graded on your understanding of and use of your **legal research skills** to bring in additional and relevant legal information to your discussion. While I will not expect you to master the Blue Book style of footnoting, I will expect you to begin to understand and use it.

**Discussion Leader:** Each student will be assigned to lead class discussions this semester. Discussion leaders will be expected to be the experts on these subjects during the class discussions. Students must turn in copies of preparatory materials, including overheads and handouts to instructor at the beginning of the discussion session. If you are absent on the day you are leading the discussion, you will receive a 0 for that assignment.

### **Final Project/Final Paper:**

The options for the final project will be determined by the number of students in the class. I'll explain the project at the mid-point of the semester. You will have a choice between the project and a major research paper.

**Discussion Leader:** Each student will be assigned to lead class discussions this semester. Discussion leaders will be expected to be the experts on these subjects during the class discussions. Students must turn in copies of preparatory materials, including overheads and handouts to instructor at the beginning of the discussion session. If you are absent on the day you are leading the discussion, you will receive a 0 for that assignment.

### **Final Project/Final Paper/Written Examination**

Again, depending on the background and interests of the members of the class, I will assign a final project/paper or schedule a written exam.

### **Class Web Site:**

In order to better serve you, answer questions, provide class information and additional study aids, I have established a Canvas class web site. You'll need to pull down the complete syllabus from the website as soon it's available.

### **Attendance**

This is a small discussion class. Your attendance is vital to your success and to our class discussion. If you are tardy three times (more than 10 minutes late), this will count as one hour of missed class. If you miss 3 hours of class, your class participation will go down one letter grade. If you miss six hours of class, your grade will go down two letter grades. If you miss more than six hours of class, your class participation grade will be an E.

Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found in the online catalog at:

**Finally, if you must miss class, it is your responsibility to pick up any handouts, check with classmates to see what was covered and make-up any work you may have missed.**

## **Grading Policy:**

Grades in this course are awarded solely on the basis of your performance on the class assignments and scheduled exams. No credit or grades will be awarded based on need.

This course is **NOT graded on a curve**. However, I reserve the right to utilize a curve, and the decision will be made only at the end of the semester after the final grades have been tabulated and averaged.

## **About Your Professor:**

First of all, I'm passionate about teaching and dedicated to making this a valuable and rewarding learning experience for all of us. When I took this class as an undergrad, it changed the way I thought about the law. Yes, it was hard, but it was also exciting and challenging in new and different ways. This class, and the professor who taught it, were huge factors in my decision to become a media lawyer, and ultimately, to teach this class.

In addition to my faculty responsibilities, I'm the former Executive Director of the Brechner Center for Freedom of Information at UF and the McClatchy Professor in Freedom of Information. I help reporters, broadcasters, public officials, lawyers and citizens understand the First Amendment, Government-in-the-Sunshine laws and gain access to governmental information. I was named the National Journalism Teacher of the Year, the College's Teacher of the Year, and have received a University Teaching Award and a University Superior Accomplishment Award. I'm a member of, the Florida Bar, the federal bar and I'm admitted to practice before the U.S. Supreme Court. I was directly involved in two U.S. Supreme Court cases in the last few years.

I believe students must be involved in the learning process and develop their critical thinking skills in order to truly understand the myriad of legal issues facing professional communicators. My courses are structured to develop, nurture, and reward critical thinking skills. Throughout the semester, I will encourage you to apply the knowledge you acquire through the lectures, texts and discussions to "real-world" situations. At the end of the semester, you will have a better understanding of how the First Amendment works in the real world and be able to apply legal principles to daily situations faced by media professionals.

I joined the faculty in July 1993 after practicing media law with one of the nation's largest law firms, Holland & Knight. I represented *The Tampa Tribune*, *The Miami Herald*, *The Orlando Sentinel*, and *The New York Times'* regional newspapers, including *The Gainesville Sun*, and various television and radio stations around the country. I've traveled to Colombia, Peru, Chile, Brazil, Uruguay, Guatemala, and Jamaica for the U.S. State Department to discuss freedom of information and access issues in emerging democracies. During the summer, I teach judges from around the country in the Advanced Judicial Studies Program at the National Judicial College. I am the Society of Professional Journalists' state Sunshine Chair.

I've published dozens of scholarly articles in legal journals and law reviews, presented at more than 50 national and international conferences and participated in several cases heard by the U.S. Supreme Court.

I'm a native Floridian and received my law degree from the University of Florida with honors in 1990 and was inducted into the Order of the Coif. I also earned a Master's Degree in 1985 with distinction, and a B.S., with high honors in 1975, from UF's College of Journalism and Communications.

## **Access to the Professor:**

One of my favorite things about teaching is getting to know students. Please don't be a stranger. I will be free to talk with you on Wednesday from 10:30-11:30 a.m. and 4-5 p.m. If these times are not convenient, stop by and we'll set something up. I would enjoy having an opportunity to get to know you.

In addition, feel free to send me an e-mail if you have a question that can't wait until class or office hours. I'll respond as quickly as I can, usually within 24 hours.

If there is an emergency or a problem that can be handled quickly, I will generally be available to help at almost any time you can catch me in my office or building. I'll be glad to discuss course material, studying procedures, individual problems with the course, as well as personal counseling on career choices, graduate school or law school admissions. **Exception: I will not be available the hour before class.** I use that time to focus on final course preparation.

## **Directions for E-Learning System:**

This course will rely on the tools and communication devices available through UF's Canvas System. For help or questions regarding your Gatorlink account, please visit <http://gatorlink.ufl.edu/>.

## **Honor Court Statement:**

Academic honesty and integrity are fundamental values of the university community. Students who enroll at the university commit to holding themselves and their peers to the high standard of honor required by the Honor Code. Any individual who becomes aware of a violation of the Honor Code is bound by honor to take corrective action.

*The Honor Code: We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity. 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."*

By remaining in this course, you agree to abide by the Honor Code. If you are aware of cheating, please advise our class teaching assistant, me, the Department Chair, or the Student Honor Court, and proper action will be taken.

At a minimum, this includes avoiding the following:

**Plagiarism:** Plagiarism occurs when an individual presents the ideas or expressions of another as his or her own. Students must always credit others' ideas with accurate citations and must use quotation marks and citations when presenting the words of others. A thorough understanding of plagiarism is a precondition for admittance to graduate studies in the college.

**Cheating:** Cheating occurs when a student circumvents or ignores the rules that govern an academic assignment such as an exam or class paper. It can include using notes, in physical or electronic form, in an exam, submitting the work of another as one's own, or reusing a paper a student has composed for one class in another class. If a student is not sure about the rules that govern an assignment, it is the student's responsibility to ask for clarification from his instructor.

**Research integrity:** The integrity of data in mass communication research is a paramount issue for advancing knowledge and the credibility of our professions. For this reason any intentional misrepresentation of data, or misrepresentation of the conditions or circumstances of data collection, is considered a violation of academic integrity.

Misrepresenting data reported in a thesis or dissertation is a clear violation of the rules and

requirements of academic integrity and honesty.

**Any violation of the above stated conditions is grounds for immediate dismissal from the program and will result in revocation of the degree if the degree previously has been awarded.**

By your continued presence in the class, you agree to abide by the College's and my positions on academic honesty and agree to be bound by the University's Honor Code, which reads: "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity. 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.'"

If you are aware of plagiarism, cheating, or questionable research integrity, please contact me immediately and proper action will be taken.

### **Students Registered with UF's Disability Resource Center:**

Students requesting classroom accommodation must first register with the Dean of Students Affairs Office. The Dean of Students Affairs Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. **You must present an official letter from that office by the end of the second week of class** and meet with me regarding any necessary individual arrangements.

### **My Expectations:**

To avoid any misunderstandings, let me state a few obvious guidelines for class and class assignments. This information is intended to inform you fully of my expectations and avoid problems later in the semester.

**Attendance:** You are graduate students and I expect you to be **ON TIME, PREPARED** and **PARTICIPATE** in class discussion. Participate in an informed, intelligent way. Express yourself thoughtfully and respect your peers.

Obviously, if you are not in class, your class participation and preparation grades will be dramatically affected. (See earlier discussion.)

You are responsible for all material covered in class. That means it's up to you to talk to your colleagues and get copies of handouts and notes. In addition, I will ask you (and usually without warning) to summarize and discuss the assigned readings. You will get an excused absence in the event of illness, serious family emergencies, and/or religious holidays. However, if you miss all or part of more than three (3) classes, you will fail the class. If you are more than 10 minutes late, you will be marked absent, even if you show up after that.

Finally, I reserve the right to adjust a final grade based on superlative class attendance and participation.

**Quality of Submissions:** Everything turned in **MUST BE TYPED**. Spelling, grammar and typographical errors will count against your grade. You must use footnotes, in *The Bluebook* style. If you are using a computer printer, you must insure the printing is legible. If I can't read it, I can't grade it. It must be in 12 pt. type, with 1-inch margins, double-spaced.

**Method of Submissions:** You **MUST TURN IN ONE HARD COPY** of your assignment by the deadline and one electronic copy. I cannot accept electronic submissions.

**Deadlines: Papers must be turned in by the deadline. You will receive an automatic letter grade deduction for each day the assignment is late. I will not accept any assignment that is more than 48 hours late.**

**Important:** Please consider the course requirements and the schedule now. Students often sign up for too many classes, commit to numerous outside activities, have difficult work schedules or need to be away for any number of reasons during the semester. PLEASE, DO NOT ask me for extensions or make-ups for these reasons. In fairness to all the students in the class, I cannot accommodate these requests.

So, give serious thought to these course requirements. I estimate that the class readings and assignments will probably take between 10 and 15 hours a week. If you cannot make the necessary time commitment this semester, we'll be offering the class again next year.

### **Your Responsibilities**

1. Come to class, on time and prepared.
2. Read the assignments and think about what you've read and what it means.
3. Participate thoughtfully and respectfully in the class discussion.
4. Turn in written assignments on time.
5. Come see me at least once during the semester to "check in."
6. See me with any concerns or questions you have about this class, assignments or grades.

### **My Responsibilities**

1. Establish a challenging, rewarding learning environment.
2. Be prepared to lead discussions. Involve everyone in the discussion, whenever possible.
3. Ensure high-quality learning opportunities by holding students accountable for participating in classroom dialogues.
4. Grade written assignments and give feedback and suggestions for improvements.
5. Meet with each of you at least once during the semester to "check in."
6. Answer any concerns or questions you have about this class, assignments or grades.

**I take my responsibilities seriously.**  
**I expect the same of you.**

**Best advice for doing well in MMC 5206:** Keep up with the readings, use critical thinking skills, turn in assignments on time and participate fully in this educational process.

**Informed Consent:** By remaining in the class, you agree to meet the course expectations, requirements and deadlines.

**Reservation of Rights:** I reserve the right to change this syllabus depending on the make-up, participation and experience of the class.

### **On-Line Course Evaluation Process:**

Students are expected to provide feedback on the quality of instruction in this course based on 10 criteria. These evaluations are conducted online at <https://evaluations.ufl.edu>. Evaluations are typically

open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results> .

### **Additional Resources:**

Contact information for university counseling services and mental health services is available at: <http://www.counseling.ufl.edu/cwc/Default.aspx>; 392-1575. Contact the University Police Department at 392- 1111 or 9-1-1 for emergencies.

Detailed reading assignments, will be available after the first class, once I've been able to evaluate class and student's particular interests.



