

MMC 4200
Law of Mass Communications
Prof. Frank LoMonte
Spring 2019

Course description

The law influences many of the choices that go into the media you read, hear and see. This course will make you a more educated creator and consumer of information. You will learn the full range of legal concepts relating to how news is gathered and distributed across all platforms, from the First Amendment to the reporter's privilege to freedom-of-information laws to FCC regulation of broadcasting. The most important takeaway from the course is not to memorize legal trivia but to understand how, and why, legal concepts are applied to modern-day situations that you'll encounter in any profession that involves creating or distributing content.

Readings

The book for the course is *Mass Media Law*, 20th Edition, ISBN: 9781259913907, by Clay Calvert, Dan V. Kozlowski and Derigan Silver. I will selectively omit some sections of the book for time purposes, so make sure you check the syllabus and don't waste your time reading sections that aren't assigned. Also, I'm going to skip around in the book a bit -- so, again, check the syllabus for the readings that correspond to each week.

You are expected to check the Canvas course site regularly -- at least once a week, but I suggest more often -- to engage with the course content: Viewing the lectures, contributing to the discussions, and so on. Each week will have its own Page on the Canvas site, and the Page will include:

1. Links to my online lecture videos hitting the high points of the chapter. I will "release" these for viewing in waves over the course of the semester (no binge-watching, you know you want to!) and once released, they'll remain viewable over the entire term so you can refer back to them.
2. Supplemental readings / viewings in addition to the textbook.
3. Graded assignments, and instructions for completing them.

Grading and class expectations

Grading will be based on:

- (1) Two online quizzes (10% each x 2 = 20% of your total grade)
- (2) Three blog posts to the class discussion forum (10% each x 3 = 30% of your total grade)
- (3) Two "case briefs" (10% each x 2 = 20% of your total grade)
- (4) A final paper analyzing a legal issue raised by the course (30% of your total grade)

I will make grading rubrics available on the course website showing the expectations for each assignment and what will constitute an A, B or C-quality response.

(1) Quizzes

I will post a short quiz during the first and second halves of the course, and you'll submit responses online. The quizzes will be timed so that you can check them in and out during the week, but once checked out, you'll only have a limited time to respond.

(2) Discussion posts

I'll post news articles on the class website on which I'll seek your analysis and reactions. You'll need to write three blog posts over the course of the semester to get full credit. An "analysis" means just that: *Analysis*, not "yes, I agree." Each blog post should be at least 5 paragraphs long. (Posts are for class viewing only and not public.)

(3) Case briefs

You'll be asked twice, once during the first half of the course and once during the second half, to submit a "case brief" showing that you read, understood and analyzed a key court case pertaining to our subject matter. You'll be given "go-by" tips as to what a case brief should look like; see Week 1 of the syllabus below.

(4) Final paper

You will write a research paper on a legal topic of your choosing raised by the course. It may be about any of the subjects we've covered, but it needs to reflect research beyond just reading the textbook. It can be a neutral explanatory survey of the issue or it can be an advocacy paper taking sides on an issue, but whichever approach you choose, you need to cite at least five different sources (which may be five court opinions, or a mixture of court opinions and published articles). If you choose to use articles as sources, make sure they are from recognized reliable publications (not "some guy's Tumblr I found through Google"). You should shoot to write about 2,000 words, including footnotes/endnotes, which is about seven typewritten pages if you use 1-inch margins, 12-point font and double-spaced lines. I will give more detailed instructions about the paper over the course of the class.

You will have plenty of time for the final paper, so nobody should need to be late. For each 24-hour period you are late turning in the paper, you'll lose a full letter grade. If your paper is not turned in within 48 hours (2 days) of the deadline, it won't be accepted and that grade will be a zero.

During the week of March 11 following Spring Break, I will ask everyone in the course to schedule a 30-minute consultation with me (via video or in-person) to talk about your final paper. I will want you to bring to that consultation session (1) an outline of your proposed paper topic and (2) a list of sources you might include in the paper. I am assigning a light reading schedule during the period around Spring Break so you can be using that time to work on the paper. I want everyone to leave that consultation with a firm idea of the paper topic and a research plan for completing it.

Grading Scale

	PERCENT		PERCENT		PERCENT		PERCENT
A	100-94	B	86-83	C	74-70	D	63-60
A-	93-90	B-	82-80	C-	69-67	D-	50-55
B+	89-87	C+	79-75	D+	66-63	F	Below 55

Outside research

For the “case briefing” assignments, the court opinions will be easily findable on Google Scholar or on the Cornell Legal Information Institute website:

<https://scholar.google.com/>

<https://www.law.cornell.edu/>

For the final paper, it will be helpful to have access to LexisAcademic, which is free for UF students (and is a great thing to know how to use as a journalist or lawyer).

You can access LexisAcademic here:

<http://www.lexisnexis.com/hottopics/lnacademic/>

You can see a tutorial for LexisAcademic here:

http://www.lexisnexis.com/tutorial/global/globaltutorial_frameset.asp?sPage=overview&adaptation=academic&lbu=US&locale=en_us

Academic honesty

UF students are bound by the Honor Code 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.” You’re all responsible adults, so I don’t have to lecture you on plagiarism (cutting-and-pasting material from the web instead of doing your own work). If you plagiarize, you’ll get a zero on that assignment and may be referred to UF’s Student Conduct office. Please don’t make me do that. It’s fine to cite a reliable online source in a paper, if (1) you give proper credit and (2) you rewrite the material -- substantially -- into your own words.

Attendance

Since this is a purely online course, there is no “attendance policy.” Your successful completion of the assignments will demonstrate that you’re keeping up. Fair warning: As instructor, I can see whether you’re regularly logging into and remaining on the site, and if I see that you’re not, you can expect to get a “hey, what’s up?” from me, because I don’t want anyone falling hopelessly behind and banking on a miracle 9th-inning rally. Learning law doesn’t work that way. It’s like building fitness; you can’t make up for skipping your daily 5-mile run by running 500 miles all at once. Do yourself a favor and don’t procrastinate.

Because we can’t replicate the experience of having three hours of in-person lecture-hall interaction every week, your careful reading of the textbook becomes more important. I will make every effort in my recorded lectures and assignments to hit the “must-know” high points, but watching the lectures is not a substitute for doing the reading. You won’t do well in the course unless you do both: Watch the lectures and read the assigned sections of the book.

Disability accommodations

Students with disabilities requesting accommodations should register with the Disability Resource Center (352-392-8565) with appropriate documentation. Once registered, students will receive an accommodation letter to present to me, which ideally I hope you'll do as close to the start of the term as possible, so we can design accommodations that assist you in getting the maximum benefit out of the class.

Excuses from assignments

Because you have at least a week to complete each graded assignment, I will not excuse anyone from completing an assignment with the exception of the most extreme, documented reason (your own hospitalization, or a death or dire medical emergency involving a close family member). A trip for career, extracurricular or recreational purposes is not an "emergency," because all of our work is portable and can be done remotely.

Office hours and availability

For those who are in Gainesville, my office is in 3208 Weimer, the Brechner Center space behind the AHA! Lab. I'm pretty much always around from 8:30 until 6 and I welcome drop-ins, but my "official" office hours for class-related visits will be:

Tuesdays, 2-4 p.m.

Wednesdays, 10:30-12:30 p.m.

I'm happy to schedule either in-person or remote (Skype/Zoom/Facetime) visits with you. Please take advantage of that opportunity and if you get stuck or confused about anything, we'll work through it together.

Ask for help if you need it

I care, and this university cares, that you look after your own health, and always feel safe and welcome here. If there is anything interfering with your ability to get the most out of your UF experience, I want to know about it and help make it right. If I'm not the person to help, resources are available through the *U Matter, We Care* program that you should never be shy about using. You can ask for confidential help by emailing umatter@ufl.edu, by calling 352-294-2273 or by visiting the Care Area on the third floor of Peabody Hall. There are crisis counselors available, even on nights and weekends, at **352-392-1575**.

A word about words

When you study the First Amendment, broadcast indecency, libel and other such topics, you necessarily encounter some rough language, including profanity that is quoted in court opinions. You shouldn't encounter anything you haven't heard in a PG-13 movie, but be warned that the readings will include some words that might be considered offensive.

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WEEK 1 (Jan. 7) INTRODUCTION TO THE LEGAL SYSTEM

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 1

Outside readings (for reference in case-briefing assignments):

How to brief a case, John Jay Library (CUNY)

<https://www.lib.jjay.cuny.edu/how-to/brief-a-case>

How to brief a case, LexisNexis

<https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page>

WEEK 2 (Jan. 14) FIRST AMENDMENT HISTORY / PRINCIPLES

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 2

WEEK 3 (Jan. 21) FIRST AMENDMENT IN ACTION

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 3, stop at p. 136, skip p. 137-144

GRADED ASSIGNMENT:

BLOG POST 1 DUE, JAN. 25

WEEK 4 (Jan. 28) DEFAMATION PRINCIPLES

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 4 and Chapter 5, stop at p. 208, skip p. 209-212

WEEK 5 (Feb. 4) DEFAMATION / DEFENSES & DAMAGES

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 6

GRADED ASSIGNMENT:

QUIZ 1 DUE, FEB. 8

WEEK 6 (Feb.11) PRIVACY-APPROPRIATION & INTRUSION

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 7

GRADED ASSIGNMENT:

CASE BRIEF 1, DUE FEB. 15

WEEK 7 (Feb. 18) PRIVACY-FALSE LIGHT/PRIVATE FACTS

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 8

WEEK 8 (Feb. 25) FREEDOM OF INFORMATION & ACCESS

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 9 (only p. 325-368 will be covered this week)

Chapter 12, p. 455-464 (open/closed trials)

**GRADED ASSIGNMENT:
BLOG POST 2, DUE MARCH 1**

WEEK OF MARCH 4 / SPRING BREAK / NO ASSIGNMENTS

WEEK 9 (March 11) FREEDOM OF INFORMATION & ACCESS (continued)

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 9, p. 368-385 (state laws and privacy laws)

WEEK 10 (March 18) PROTECTING SOURCES

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 10

**GRADED ASSIGNMENT:
CASE BRIEF 2 DUE, MARCH 22**

WEEK 11 (March 25) INTELLECTUAL PROPERTY

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 14

**GRADED ASSIGNMENT:
QUIZ 2, DUE MARCH 29**

WEEK 12 (Apr. 1) COMMERCIAL SPEECH

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 15

**ASSIGNMENT:
BLOG POST 3, DUE APRIL 5**

WEEK 13 (Apr. 8) OBSCENITY / INDECENCY

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 13

WEEK 14 (Apr. 15) BROADCASTING / ONLINE

Textbook readings:

Calvert/Kozlowski/Silver, Chapter 16

WEEK 15 (Apr. 22) WRAP-UP / REVIEW

FINAL PAPER DUE : MAY 1, 5 P.M. Eastern