

MMC LAW OF MASS COMMUNICATION

SUMMER C 2019

INSTRUCTOR: Steven Specht, Esq.

NOTE: This syllabus is a guideline. This class has previously been taught in a 15 week session and the Summer C semester is 13 weeks, so we may need to drop some subject matter to keep up. This will be announced by email.

OFFICE HOURS AND COMMUNICATION: Because this is a virtual course, a dedicated office time can be unwieldy. Please consider the course to have a virtual open-door policy. Reach out to as necessary and you will receive a timely response. If there is an issue that requires immediate attention, please text or call. If your issue is less urgent, please use the canvas messaging system.

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 Clay Calvert, Dan V. Kozlowski, and Derigan Silver 20th Edition

(You may also use the Nineteenth Edition which is substantially similar).

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

OTHER RESOURCES: Bluebook citations are preferred but not required. This will be discussed in the first week. 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. I find <https://www.law.cornell.edu> to be sufficient in most cases, but you may also use Lexis Academic. I have included the following tutorial for LexisAcademic.

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

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 and skill 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 endeavors.

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.

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 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 disrespect to other students. I'm fine with attacking ideas, but keep away from ad hominem attacks.

CLASS PARTICIPATION: Discussion Board Posts require engagement with your fellow classmates. Participation will be part of the metric for these which account for approximately 25 percent of your final grade.

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 will have a zero-tolerance policy for academic misconduct. Do your own work.

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/sccr/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 maintain 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
- (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.

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: Reading the textbook will give you a broader understanding of the subject. You will need this information to do well on the final project.

DISCUSSION BOARD (DB) POSTS: DB Posts are due each Thursday at midnight. DB posts are intended to make you think. I am less concerned with a “right” answer than I am your willingness to engage tough subjects. Consider this a marker of participation. I will not grade you on style, spelling, grammar, etc.

FOLLOWUP DB POSTS: Unless otherwise stated, you must make at least one follow-up comment before Sunday at midnight. Follow-up comments must be substantive in nature. By this I mean you must add something to the discussion more than simply noting that you agree or disagree. If someone makes a comment on your initial post, you must respond to it.

Note: I will periodically weigh in if discussions become disrespectful or I feel like some insight can resolve a debate that is ongoing.

There will be 90 points for initial post and 10 points for a followup.

QUIZZES: There will be an **open-book/notes** quiz to be completed by midnight on Sunday. 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. With few exceptions, material on the quiz will come from lectures. Quizzes are mostly multiple choice, with some T/F and short-answer.

Quizzes are 10-20 questions in length and the total value is 100 points.

WRITING ASSIGNMENTS: There will be a weekly assignment due on Sunday. The type of assignment will vary. Sometimes it will be discussing a court case and other times it will be a current event. You are upper-level students in the College of Journalism and Communication. I will be grading you based on organization, spelling, and grammar.

FINAL PROJECT: The final project will be an analysis of a legal issue pertaining to the First Amendment Law we discuss in this class. You may discuss historical issues or emerging events.

You may do a traditional term paper consisting of an 8-10-page paper. If you are in advertising, broadcasting, public relations, or some other major and wish to do a multimedia project, you may present your idea for approval.

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; you must discuss:

- Five court cases
- Two current events

Project Timeline

Idea Deadline: I want your project ideas by Sunday, July 14, 2019. 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. You should consider skimming upcoming coursework for more ideas.

Citation List: A preliminary list of citations RELEVANT TO YOUR PROJECT will be due Sunday, July 21, 2019. The minimum requirement is five court cases and two news articles.

First Submission: Your first submission is due Sunday, July 28, 2019.

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 Sunday, August 4, 2019.

Final Draft: Your final draft will be due Friday, August 9, 2019.

If you are writing a traditional term paper, I expect 8-10 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 METRICS:

DISCUSSION BOARD POSTS	15%
QUIZZES	25%
WRITTEN ASSIGNMENTS	25%
FINAL PROJECT	35%

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+: 79-77
C: 76-73
C-: 72-70
D+: 69-67
D: 66-63
D-: 62-60
E: 59 and below

COURSE TIMELINE:

Each week begins on a Monday and ends on a Sunday

Week 1: May 13-19

Subject: Introduction to the American Legal System and Media

Goals

- Read Syllabus
- Learn the structure of the American legal system and its essential elements.
- Locate judicial opinions, federal statutes, state statutes, and regulations.
- Triage media by depth of coverage and bias.
- Read Bluebook citation guide

Assignments

- Read Chapter 1
- DB Post: Write a brief introduction about yourself. This is due by Thursday at midnight. (You do not need to respond to a post in this week's DB Assignment)
- Writing Assignment

Week 2: May 20-26

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 Thursday at midnight
- Complete follow-up DB posts by Sunday at midnight.
- Writing Assignment: Find a current event from a credible news source regarding the First Amendment by Sunday at midnight

Week 3: May 27-June 2

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 Thursday at midnight
- Complete follow-up DB posts by Sunday at midnight
- Complete Writing Assignment by Sunday at midnight
- Complete Quiz by Sunday at midnight (Covers all material through Week 3)

Week 4: June 3- June 9

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

- Skim Chapters 4-6
- Complete DB Post by Thursday at midnight
- Complete follow-up DB post by Sunday at midnight
- By midnight on Sunday, write a case brief for NY Times v. Sullivan, 374 U.S. 254 (1964).
- Complete Quiz by Sunday at midnight

Week 5 June 10-16

Subject: Privacy (Consolidated from two lectures in a normal semester)

Goals

- Define privacy torts of appropriation, intrusion, publication of private facts and false light and explain the burdens of proof and defenses 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.
- 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 7-8
- DB Post (Thursday Night)
- Follow-up Post (Sunday Night)
- Writing Assignment (Sunday Night)

Week 6 June 17-23

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 (Thursday Night)
- Follow-up DB Post (Sunday Night)
- Current event writing assignment (Sunday Night)
- Quiz (Sunday Night)
- Idea for Final Project Due (Sunday Night)

Week 7 June 24-30

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 (Thursday)
- Follow-up DB Post (Sunday)
- Writing Assignment (Sunday)

Week 8 July 1-7

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 (Thursday)
- Follow-up DB Post (Sunday)
- Writing Assignment (Sunday)
- Final Project: Citation list (Sunday)

Week 9 July 8-14

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 (Thursday)
- Follow-up DB Post (Sunday)
- First Draft of final project (Sunday)
- Quiz (Sunday)

Week 10 July 15-21

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 (Thursday)
- Follow-up DB Post (Sunday)
- Quiz (Sunday)

Week 11 July 22-28

Subject: Media and the Judiciary/ Reporter's Privilege (Combined Lesson of Two Weeks)

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 (Thursday)
- Follow-up DB Post (Sunday)
- Writing Assignment on current events (Sunday)

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 (Thursday)
- Follow-up DB Post (Sunday)
- Writing Assignment on Law Review Article (Sunday)

Week 12 July 29-Aug 4

Peer Review (Sunday)

Week 13 Aug 5-9

Final Project is due by midnight on Friday, August 9, 2019. 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.