

## MMC LAW OF MASS COMMUNICATION

Summer A 2020

INSTRUCTOR: Steven Specht

NOTE: This syllabus is a guideline. The professor may make changes from time to time and will announce them via 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.

I will provide my phone number in the first lecture video. Texts and calls are appropriate for urgent matters. Emails through the Canvas classroom email system are for less urgent matters. I will reply to texts within 24 hours and emails within 48.

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 21<sup>st</sup> Edition

(You may also use the Twentieth 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. While future law students are encouraged to purchase the Bluebook Citation Guide, for those who have no intention of studying law, please use this free resource for most citations.

<https://www.law.cornell.edu/citation/2-100>

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 as well as a final project discussed below.

**ATTENDANCE:** As this is an online course, attendance will be marked by participation in discussion boards and other weekly assignments. I offer no specific grade percentage for class participation, but there will be ample opportunity for easy grades in the writing 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.

## 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](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.

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 POSTS and WRITING ASSIGNMENTS:** I use Discussion Board Posts to discuss current events. They are graded as a writing assignment. You are responsible for reviewing the current events of your classmates as there will be some current event questions on the midterm and final quiz. All writing assignments (including these current events in DB Posts need to be in a paragraph format with some form of citation. If using an online source, I prefer at least a hyperlink.

**QUIZZES:** There are two **open-book/notes** quizzes to be completed, one halfway through the course, and the other toward the end of the semester. The final quiz is not cumulative, by this I mean that if I tested you in the midterm, I will not deliberately place redundant material on the final quiz. The quizzes will be 60 minutes in duration and cannot be stopped once you begin. The quizzes are predominantly multiple choice with the occasional T/F or essay answer. At least 5 questions include current events so you will need to review the posts by fellow students to remain informed for the quizzes.

**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. Note, we do not discuss the establishment clause or free exercise clause of the First Amendment.

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. Typically, I take broadcasts, podcasts, and similar types of projects ranging from 10-20 minutes. I hate Power Point projects and will likely not approve them unless you provide a compelling reason for me to do so.

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.

You must have sufficient citations to support your original work.

### Project Timeline

**Idea Deadline:** I want your project ideas by Sunday, May 31, 2020. This assignment will consist of 100 words about your subject and five citations supporting the idea. 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.

**First Submission:** Your first draft is due Sunday, June 7, 2019. This is an ungraded and optional assignment. I will briefly skim your draft and provide you limited feedback. I HIGHLY RECOMMEND YOU PARTICIPATE.

**Final Draft:** Your final draft will be due Sunday, June 14, 2020.

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. Endnotes are required and the pages used for end notes will not be counted toward your 8-10 pages.

**GRADING METRICS:**

WRITING/DB POSTS	30%
QUIZZES (AVERAGE OF 2)	35%
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:

With the exception of the first and last week, each week begins on a Monday and ends on a Sunday. With the exception of the final paper, assignments and quizzes are due on Sunday.

Week 1: May 11-17

### Module 1

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.

#### Assignments

- Read Chapter 1
- DB Post: Write a brief introduction about yourself. This is due by Sunday at midnight
- Writing Assignment. Complete personal assessment on sources

### Module 2

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
- Writing Assignment: Find a current event from a credible news source regarding the First Amendment by Sunday at midnight

### Module 3

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

Week 2: May 18-24

#### Module 4

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
- By midnight on Sunday, write a case brief for NY Times v. Sullivan, 374 U.S. 254 (1964).

#### Module 5-6

Subject: Privacy

#### 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
- Writing Assignment on Current Event (Sunday Night)

Week 3 May 25-31

Module 7

Subject: Obscenity

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
- Current event writing assignment (Sunday Night)
- Quiz (Sunday Night) (Does not include material on obscenity)

Module 8

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
- Writing Assignment (Sunday)

Module 9

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
- Writing Assignment (Sunday)
- Project idea consisting of 250 words and five citations supporting your idea.

Week 4 June 1-7

#### Module 10

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

#### Module 11

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>
- Current Event Assignment

## Module 12

Subject: Media and the Judiciary

### 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
- Writing Assignment on current events (Sunday)

## Module 13

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
- Writing Assignment on Law Review Article (Sunday)
- First Draft of Final Assignment

Week 5 June 8-14

## Module 14

- Complete Final Quiz
- Work on Paper
- Final Project is due by midnight on Sunday June 14, 2020