

MMC 4200 LAW OF MASS COMMUNICATION

Fall 2020

INSTRUCTOR: Steven Specht, Esq.

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. 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.

OPTIONAL TEXT: Mass Media Law by Clay Calvert, Dan V. Kozlowski, and Derigan Silver 21st 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 required for the final project. 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.

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.

DIVERSITY STATEMENT: In discussing the US legal system and constitutional system, it is impossible to escape the ugly truths of our founding. Objectively, the constitution speaks to freedoms that were slow in coming to the vast majority of the country. While I must teach the law as it is, not as it should be, I do take into account all of our history, not just the parts that make us feel comfortable.

To that notion, I will seek to be inclusive as reasonably possible. Please reach out to me if you feel like I have not been inclusive to ideology, race, ethnicity, nationality, gender, or any other classification.

CLASS PARTICIPATION: I don't offer a specific percentage of my grade for participation, but the small amount of writing assignments are intended to be completed with relative ease and they take up 10 percent of the 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/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 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 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 30-45 minutes in duration and cannot be stopped once you begin. The quizzes are mostly multiple choice.

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.

You must have sufficient citations to support your original work.

Project Timeline

Idea Deadline: I want your project ideas by Sunday, October 25, 2020. 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, November 1, 2020. The minimum requirement is five court cases and two news articles.

Final Draft: Your final draft will be due Wednesday, December 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. Citations must be in Bluebook format and must be in the form of endnotes.

Multimedia presentations tend to be a video or podcast. Recordings should be between 12 and 20 minutes and a bibliography must be included separately in Bluebook format.

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:

Because this is an online class I am getting away from the traditional “week system” and establishing deadlines for a large group of material at the end of each month. For the first half of the course, all deadlines will be September 30 with a midterm quiz on October 4th.

Subject 1: 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 **September 20** at 11:59 p.m.
- Complete personal assessment on sources. This is due by September 30 at 11:59 p.m.

Subject 2: Legal Citation and Case Brief

Goals

- Understand the differences between legal citation and other forms of citation
- Apply legal citation for professional Be able to predict the outcome of a defamation case
- Evaluate how to avoid defamatory communication

Assignments

- Complete case brief

Subject 3: The First Amendment—A Brief Outline

Goals

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

Assignments

- Read Chapter 2

Subjects 6-8:

A Walk through the Legal System

Political Speech and Opinion

Unprotected Speech

Symbolic Speech

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.
- Learn about doing a case brief

Assignments

- Read Chapter 3

- Writing Assignment: Find a current event from a credible news source regarding the First Amendment by September 30 at 11:59 p.m.

Subject 9: 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
- Complete Current Event Assignment on Obscenity by October 31 at 11:59 p.m.
- Complete Midterm Quiz by Sunday **October 4** at 11:59 p.m.

Subject 10: Defamation and Associated Conduct

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 Current Event Assignment on defamation by September 30 at 11:59 p.m.

Subject 11: Privacy Torts

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
- Complete Current Event Assignment on Privacy Torts by September 30 at 11:59 p.m.

Subject 12: 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
- Complete assignment on the Ramifications of Citizens United by October 31 at 11:59 p.m.

Subject 13: 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
- Complete Current Event Assignment on Intellectual Property by October 31 at 11:59 p.m.

Subject 14: 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
- Complete a diagram of constitutional regulation of speech by October 31 at 11:59 p.m.
- Submit Project Idea with 100 words by **October 25** at 11:59 p.m.

Subject 15: 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>
- Submit Project Idea by **November 1** at 11:59 p.m.

Subject 16: 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

Subject 17: 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
- Complete Writing Assignment on Law Review Article by October 31 at 11:59 p.m.

- Complete a current event on anything discussed in Subjects 10-12 by October 31 at 11:59 p.m.

Subject 18: Assorted Issues

This is a placeholder for issues that come up during the semester and will be updated in the final month of the semester.

Wrapping Up:

- Complete Quiz 2 by **November 15** at 11:59 p.m.
- Submit Final Project by **December 9** at 11:59 p.m.