

## MMC 4200 LAW OF MASS COMMUNICATION

Spring 2021

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. I will provide my phone number in the opening lecture. For urgent issues, please text me and I'll get back to you within 12 hours, usually immediately. For non-urgent issues, please email me through 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 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 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 asynchronous online course, there is no specific method of attendance. However, participation in weekly graded assignments counts for 30-percent of the final grade, so participation is important for passing the class.

**DEADLINES:** All listed deadlines are based on the Eastern Time Zone. The highest grade that can be received for a late assignment due to a foreseeable event is 50-percent. Whether you wind up as an attorney, journalist, or something else, being able to meet timely deadlines is an important life skill that transcends the material in this course.

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 AND DIVERSITY STATEMENT:** In discussing the legal system of the United States, we periodically face some very ugly truths about the country. While the Constitution outlines specific rights, they only applied to less than one-third of the population in the United States at the time of its founding. For some marginalized communities, rights remain elusive. For those in power, rights are often used as a weapon to hold others back. We discuss all of these things.

I urge you to embrace discomfort as a chance to learn something. In my role, I seek to be as inclusive and respectful as I know how to be. If at anytime you feel that I have not been inclusive to ideology, race, ethnicity, nationality, gender, or any other classification, please reach out to me so that I can learn how to improve.

## 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. In the past, you were responsible for submitting the information, but they now submit it to me directly. I will provide my email address in the initial lecture to that end.

**ACADEMIC MISCONDUCT:** Please do your own work. I understand that you feel pressure to elevate your GPA. I've been there. To be blunt, it is hard to catch cheating, but you demean yourself and me by not turning in original work. In the rare chances I actually catch someone cheating, I will have a zero-tolerance policy.

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 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, **March 14, 2021**. 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, **March 28, 2021**. You must turn in at least five sources at this time.

Final Draft: Your final draft will be due **Wednesday, April 21, 2021**

#### Minimum Requirements of a Final Paper:

Page Count: 8-10 pages

Font: Calibri (MS Word Default)

Text Size 11 (MS Word Default)

Styling: Double-spaced, no extra space between sections, one-inch margins

Subject: Something relevant to the course. It can be a current event, an emerging issue, or a summary of a subject you find interesting.

Citations: Bluebook citations and end notes

Other Comments: Cover pages, citation pages, and extra spacing between sections does not count toward the minimum page count.

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 have grouped deadlines toward a mid-point in the class and toward the end of the class. **Exceptions to this policy will be highlighted.** For the first half of the course, most deadlines will be March 7, 2021. For the second half of the course, most deadlines will be April 18, 2021.

### Subject 1: Introduction to the American Political System

#### Goals

- Read Syllabus
- Learn the structure of the American political 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 **January 24, 2021** at 11:59 p.m.
- Complete personal assessment on sources. This is due by March 7, 2021 at 11:59 p.m.

### Subject 2: Legal Citation and Case Brief

## Goals

- Understand the differences between legal citation and other forms of citation
- Learn about doing a case brief

## Assignments

- Complete case brief and submit by March 7, 2021 at 11:59 p.m.

## Subject 3: Introduction to the American Legal System

### Goals

- Understand how the legal system is set up.

### Assignments

- Read Chapter “The American Legal System in Mass Media Law

## Subjects 4-7:

The First Amendment

A Walk through the Legal System

Political Speech and Opinion

Unprotected 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.

### Assignments

- Read “The First Amendment: The Meaning of Freedom” and The First Amendment: Contemporary Problems” in Mass Media Law
- Writing Assignment: Find a current event relevant to political speech and opinion and submit an analysis by March 7, 2021 at 11:59 p.m. See the rubric standards.

## Subject 8-9

Symbolic Speech

Optional Bonus Lecture on Symbolic Speech

### Goals

- Understand the specific circumstances surrounding symbolic speech as opposed to verbal speech.

### Assignments

- Complete Current Event on Symbolic Speech by March 7, 2021 at 11:59 p.m
- Complete Midterm Quiz for Subjects 1-7 by March 7, 2021 at 11:59 p.m.

## Subject 10: 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 on Obscenity
- Complete Current Event Assignment on Obscenity by April 18, 2021 at 11:59 p.m.

## Subject 11: 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

## Subject 12: 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 Defamation or Privacy Torts by April 18, 2021 at 11:59 p.m.

### Subject 13: 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 April 18, 2021 at 11:59 p.m.

### Subject 14: 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 April 18, 2021 at 11:59 p.m.

### Subject 15: 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

### Subject 16: 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>

#### Subject 17: 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 18: 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 April 18, 2021 at 11:59 p.m.
- Complete a current event on anything discussed in Subjects 16-18 by April 18, 2021 at 11:59 p.m.

#### Subject 19: 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 April 18, 2021 at 11:59 p.m.
- Submit Final Project by April 21, 2021 at 11:59 p.m.