

JOURNALISM 303
SPRING 2012
SECTION 003
SYLLABUS

Instructor: Jay Bender
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Office hours: Monday 1:00 p.m. – 3:00 p.m. Law School
Tuesday 2:00 p.m.-4:00 p.m. Coliseum
Wednesday 1:00 p.m.-3:00 p.m. Law School
Thursday 10:00 a.m. –Noon Coliseum

Other times by appointment

Class meetings: We will have 28 class sessions which will be held Tuesday and Thursday from 12:30 to 1:45 p.m. in Coliseum 3020A. We will have a final exam on May 1 from 2:00 to 5:00 p.m. in Coliseum 3020A.

Course description: We will begin with a discussion of the constitutions of the United States and of South Carolina with an emphasis on the free speech and free press guarantees contained in each. We will explore the governmental structure created by the constitutions with an emphasis on courts. The role of law in protecting or limiting speech and the press will be explored as part of a general framework necessary to understanding how law operates with respect to communications. From the general framework we will shift focus to the development of the commercial speech doctrine, the formula by which the courts evaluate the constitutionality of restrictions on commercial speech. We will also explore libel, invasion of privacy, copyright and trademark law in the context of existing and developing technology together with related topics of access to government information, reporter privilege and obscenity.

Expectations and grading: As a student in a required, upper division course in a professional school you will be expected to come to every class prepared to participate in the day's discussion. The course will involve exposure to concepts and vocabulary that likely will be new to you, and which can be mastered only by reading the assignments and attending class. The University attendance policy will apply, and students with excessive absences may be barred from the final examination or have their final grade diminished in the discretion of the professor. There will be two tests each of which will count for 25 percent of the semester grade. There will be a cumulative final which will count for 40 percent of the semester grade. The final 10 percent of the semester grade will be awarded on the basis of your class preparation and participation, including performance on pop quizzes. You should anticipate that you will be called upon in class

to answer questions or discuss principles and theories. Pop quizzes may be given and will be a factor in the calculation of preparation and participation grades. You are expected to be in your seat ready to proceed with class when the period starts.

Announcements and handouts: I will use Blackboard to post announcements and assignments and transmit supplemental materials to you. It would be prudent to check Blackboard daily.

Text: *Communications Law* (6th edition) by John D. Zelezny, ISBN-13: 978-0-495-79417-2.

SETTING THE CONTEXT:

As was mentioned above, this course is a required, upper division course in a professional school. To put in perspective what is expected of students in this course, please consider the following questions:

1. Are you working toward a degree in hopes of becoming employed?
2. Do you want to be employed in a communications profession with prospects for developing a career?
3. Does the professional career to which you aspire require attention to detail, intellectual rigor, diligence and an ability to express ideas and concepts verbally and in writing?
4. Are you willing to pay for training to aid in the development of these characteristics?

PROFESSIONAL PREPARATION:

In aid of preparing students for their future, several constraints will apply in the belief that it is much easier to develop good habits than eliminate bad habits. No eating or chewing gum will be allowed in class. You may consume lawful beverages during class provided you take your cup, can or bottle with you at the end of the class. Unless you have a recognized religious or ethnic tradition calling for the wearing of a head cover, the wearing of a head cover will indicate that you are volunteering to answer all questions posed by your professor for that class session. If the classroom temperature drops below 60 degrees F., the hat rule may be suspended. **NO ELECTRONIC DEVICES MAY BE USED IN CLASS UNLESS YOU HAVE A VERIFIED NEED FOR A SPECIAL ACCOMMODATION. THIS PROHIBITION APPLIES TO CELL PHONES, LAPTOPS, PADS AND SIMILAR DEVICES.** The best equipment for mastering this course will be your eyes, ears, brain, hand, arm, pencil and notebook. Attend class, pay attention and take notes, and your chances for success will be very good.

VALUES AND SKILLS:

The School of Journalism and Mass Communications is committed to teaching professional values and skills. It will be the goal of this class to integrate these values and skills into each segment of the class. It is our belief as a school that these values and skills will serve you well as a journalist or in any other profession, and as a person.

THE VALUES:

Truth, accuracy and fairness
Freedom of Expression
Ethical ways of thinking and acting
Understand history and roles of media
Appreciate diversity

THE SKILLS:

Write clearly and accurately
Use technology as a tool
Apply professional theories
Engage in research and critical evaluation
Think creatively and analytically

JOURNALISM 303 OBJECTIVES

Students will learn how history shaped the provisions of the constitutions of the United States and of South Carolina with an emphasis on the free speech and free press guarantees contained in those documents.

Students will learn the structure of the governments created by the constitutions of the United States and of South Carolina with an emphasis on the judicial system.

Students will learn how the law and the courts within constitutional constraints balance freedom of speech and press against articulated governmental interests calling for control of speech and press.

Students will follow the development of the commercial speech doctrine to learn the principles that are applied by the courts to decide where to strike the balance between freedom and control of speech that may be classified as commercial speech in contrast with other classifications such as political speech.

Students will learn principles of defamation law to prepare them to avoid potential legal difficulty in the professions.

Students will learn principles of invasion of privacy to prepare them to avoid potential legal difficulty in the professions.

Students will learn basic concepts of the law of contracts to prepare them to avoid potential legal difficulty in the professions.

Students will learn to distinguish patents, copyrights and trademarks, and learn the legal constraints on the use of intellectual property by those not holding the rights to that property.

Students will learn to analyze the principles of law applicable to past and contemporary advertising and public relations activities and technologies to prepare them to forecast the application of these principles to developing technology.

A FEW WORDS ABOUT HOW TO STUDY FOR THIS COURSE:

Since the reading assignments utilize a vocabulary that is in many ways a foreign language for most of you it would be useful for you to consult the glossary of legal terms in your text or a dictionary of law terms to obtain the meaning of words the meaning of which you do not know. Two online dictionaries are available at dictionary.law.com and dictionary.findlaw.com. To make full use of the glossary or dictionary I would suggest that as you read a chapter the first time you write in your notes each word you do not know, then look up the meaning of that word and put the definition in your notes. As you read the material a second time, make reference to your notes and the vocabulary you have compiled there. Even if you decide you do not want to enter a profession where law has a prominent role (*e.g.*, you decide to be a professional tailgater), knowing the vocabulary and ways of the law will make you a better educated citizen. Taking notes by hand is a proven method of identifying and isolating significant material in the reading assignments and lectures. Highlighting pens, on the other hand, are regarded by your professor as impediments to cognition.

GRADING SCALE:

Over the years I have been told by students that there is an official USC grading scale, and that it is much more lenient than my scale. I have asked those who have conveyed this message to me to provide me with a copy of the official scale, but, to date, no official scale has ever been provided. If you believe there is an official grading scale, and can produce it, I will take it into consideration. Otherwise, I will use the scale set out below:

A	95-100
B+	89-94
B	83-88
C+	77-82
C	71-76
D+	65-70
D	59-64
F	58 and below

OTHER THOUGHTS:

1. If you don't understand something in the reading assignment, feel free to ask for an explanation. The only dumb question is the one you do not ask.
2. Your professor can do several things, some well, but he cannot read minds. If you don't ask a question, he may not know that you don't understand the material.
3. Your professor is not trying to make you a lawyer. The Law School does an excellent job of that, and at this stage of your education, you are probably not prepared for the intellectual demands of law school.
4. Come to class. You might learn something, and at a minimum you will be surrounded by intelligent people.
5. The testing schedule is announced in advance of the semester so you can avoid conflicts with the tickets your parents, uncles, aunts or friends buy for you to fly home or to Aruba or Las Vegas for spring break or other outing. You are expected to be present for the tests. Make-up tests or exams are not offered except in unusual circumstances.

6. In these troubled economic times, be thankful that you have the resources to be a college student, and make the most of the opportunity.
7. A prototypical study group has four members. It meets once a week to discuss the lectures during the week. Two members will guide the discussion on one day's class and the other two members will guide the discussion on the other class session of the week.
8. Each test and the final will be preceded by a voluntary tutorial session where you are encouraged to ask for information to assist you in your preparation for the test or examination.
9. Your professor considers the text and his lectures to be "study guides."
10. Employees are expected to think on the job; therefore, in an effort to assist you in honing this vital skill, you will be expected to think in this class.