

Jour 706 – Seminar in Media Law

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Spring, 2012
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Semester course; 14 three-hour lecture classes. Three credits.

This is a seminar focusing on the laws, regulations and ethical issues related to mass communications. We try to blend a mix of the theoretical concepts underlying efforts to protect and enhance speech with the more practical aspects related to keeping you out of trouble in your professional careers.

The overall goal for this course, as it should be for any course taught in this university, is to prepare you to take your rightful place as a leader in society once you leave the academy. Specifically, our objectives are for you to become an articulate defender of the whole concept of freedom of speech, appreciate how speech can be harmful to others and develop an understanding of how legally and ethically to avoid unnecessarily so doing, and to comprehend how speech can become intellectual property and, therefore, how to both protect your speech and to not violate the property rights of others.

While everything is important, the essential thing to do to get a good grade in this course is to be prepared for each class by doing the readings assigned – and understanding them. We can forgive most things, but being unprepared is not among them. Please note that if you have advanced notice that you will be called upon for a specific topic or case and you are unprepared at that time, your grade will be reduced by one whole grade (e.g., B to C).

There will be a final examination covering all of the material in the course. Most likely, the examination will be due at the normal class time the Thursday of exam week. In addition, students working in teams will also be required to research the answers to specific questions in an exercise involving legal research methods. Team papers reporting on the results of this research will be due at the end of the term. At times throughout the term, students may be asked to read and report on books and/or articles related to the topics currently under discussion.

The primary “text” for this course is a collection of cases available from Blackboard and a number of Websites. In addition, readings in the non-required text – *Mass Media Law* (7th edition) plus current supplement – is listed to assist the student in understanding the material generally and for specific commentary on the cases in the readings.

Final Grade Calculation

90-100 points	A
80-89 points	B

70-79 points	C
Below 70 points	F

Assignment Breakdown

With a content-based course in this short timeframe, by definition, the final examination is the most important single assignment, counting 75 percent of the final grade. The final exam will be a take-home exam. The format of the exam is essay; there will be approximately 7-9 questions, either hypothetical situations or specific questions.

Fifteen percent of your final grade will be for in-class participation.

Ten percent of your final grade will be for the team paper/presentation.

Commitment to Diversity

It is vital that students in this course broaden their journalism/mass communications experiences, with guidance from the instructor, by including in their course work people and subjects such as ethnic, racial and religious minorities, people with disabilities, the disadvantaged, gay men and lesbians and other similar groups. This includes, but is not limited to, developing sensitivity to language and images that may create an appearance of bias. The intent is to ensure that student work reflects the diversity of the community and that students are exposed to diverse ideas and perspectives. In this class, it is the shared responsibility of the instructor and students to foster an environment that supports free expression.

The School of Journalism and Mass Communications is committed to diversity in all aspects of its program, including providing a climate of inclusion as well as addressing student and faculty hiring and retention, curriculum, research and scholarship, and outreach and service.

The University's Honor System Statement

Students are expected to follow the University Student Affairs Policy on Academic Responsibility in completing the work and assignments in this course. The Rules of Academic Responsibility can be found in the University of South Carolina Student Handbook and Policy Guide. Simply stated, it is the responsibility of every student at the University to adhere steadfastly to truthfulness and to avoid dishonesty, fraud or deceit of any type in connection with any academic program. Any student who violates this rule or who knowingly assists another to violate this rule shall be subject to discipline.

Disabilities

The American with Disabilities Act of 1990 requires the University to provide academic adjustments or accommodations for students with documented disabilities. If you have a disability that requires an academic adjustment or accommodation, please contact the

appropriate university office (see the university's Web page for services for students with disabilities).

Attendance

With a filled-to-the-brim content course, attendance at every class meeting is required. Please do not plan out-of-town vacation trips, family gatherings or other events that would take you away.

Finding Cases:

The primary readings in this course are cases decided by the Supreme Court of the United States. To acquire copies of these cases online, follow these directions.

1. Go to [www.http://p.findlaw.com/](http://p.findlaw.com/).
2. Click "cases and codes" on the left side of the top menu bar.
3. Click "US Supreme Court" in "Popular Federal Resources" in the middle of the screen.
4. Click "Party Name Search" above the search field.
5. Type in the first name in the above cases in the search field. You may be asked to create a free account. Do so. Print out each case and bring to class.

Note: You may be able to find the case with a Google search but be sure it is the right case and you have the full text, not just a portion.

Assignments:

Week one: Constitutional law, court structure, and other background material.

Week two: First Amendment interpretation. Read *Schenck, Abrams, Gitlow, Whitney, Dennis* and *Brandenburg*. Chapter 1

Week three: Prior restraint. Read *Near v. Minnesota, New York Times v. U.S.*

Week four: Time to catch up. Complete all required readings.

Week five: Defamation. Read *Sullivan, Curtis Pub., Rosenbloom* and begin *Gertz*. Chapter 4

Week six: Defamation continued. Read *Gertz, Firestone, Proxmire, Wolston, Greenmoss, Herbert, Edwards, Milkovitch* and *Masson*.

Week seven: Privacy. Read *Time v. Hill*, *Cox Broadcasting v. Cohn*, and *BJF v. Florida Star* plus the privacy chapters in any of the outside texts. Chapter 5 and Chapter 8

Week eight: Complete Privacy

Week nine: Commercial speech. Read *Valentine*, *Pittsburgh Press*, *Bigelow*, *Bellotti*, *Va. D. of Pharmacy*, *Central Hudson*, *Posadas*. Chapter 3, section D

Week ten: Copyright, Trademark and Other Intellectual Property Issues. Read the copyright chapters in any of the outside texts. Chapter 7

Week eleven: Other ways to protect “ideas.” Time to catch up. Complete all required readings to date. Legal research methods presentation.

Week twelve: The Federal Trade Commission, the Food and Drug Administration and the Securities and Exchange Commission. Other Federal and State Regulation of Commercial Speech. Chapters 10 and 11 in *Advertising and Public Relations Law* (2nd ed.)

Week thirteen: Reporter Privilege and Freedom of Information. Free Press/ Fair Trial. Read *Branzburg*, *Zurcher*, additional cases suggested in class. Read *Neb. Press Assoc.*, *Richmond Newspapers*, *Press Enterprise II*. Chapters 9 and 10. Chapter 3 section A and Chapter 11

Week fourteen: Finish week 13. Overview of new stuff. Additional cases.