

Law of Mass Communication

JRSM 7025-S01

Fall 2022

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COURSE REQUIREMENTS

Catalog Description

The study of laws and regulations affecting mass media with attention to the social and political forces that shape the law; exploration of First Amendment theories as well as the constitutional framework of the legal system; in-depth legal research in the student's selected area of interest.

Prerequisite

None

Required textbook

Clay Calvert, Dan Kozlowski and Derigan Silver, *Mass Media Law, 22nd Edition* (2023), McGraw Hill, ISBN 1260837424.

Here's the link to the University of Memphis Library's eBook license of *Mass Media Law*, 22nd edition that allows up to three users to access the textbook at the same time:

<https://ebookcentral.proquest.com/lib/memphis/detail.action?docID=6976088>

Course objectives

Media Law examines the body of law concerning the freedom and regulation of American media. Knowledge of these laws and regulations and the legal system itself, as well as an understanding of the political and social forces that shape the law, are vital to every citizen, regardless of his/her chosen field. This knowledge is especially important to those individuals who choose to work as media professionals. This course is designed to give you an understanding of the law affecting free expression as well as your media practice. If you plan to work in public relations, advertising, broadcasting, news, magazines, creative mass media or social media, this course will alert you to legal concerns that will affect your work daily.

The Seminar in Media Law offers graduate students the opportunity to study media law and regulations through selected readings, research projects and class discussions. These activities are designed to provide a historical perspective as well as up-to-date knowledge of the current laws and regulations affecting media practice. Students also will explore the ethical implications of developments in media law. In addition, you will become familiar with the fundamentals of legal research through reading original case texts and using research resources such as our Lexis/Nexis databases to explore in greater depth an area of media law related to your interests.

First, we study the U.S. legal system and the philosophical and historical foundations of freedom of expression in America as well as the political and social forces that helped to shape our system. We next examine government prior restraint/censorship of expression, including government attempts to restrict student expression. Then, we consider the civil lawsuits filed against media publishers for libel and invasion of privacy. Finally, we examine public access to government records/meetings and copyright law.

For most of you, this course will be your first opportunity to study media law. The material is interesting but challenging. You carefully must read your textbook assignments and the legal case readings to answer the questions posed on the exams and to participate in class discussion of these issues each week.

This is not an abstract legal theory class. Whether a journalism, broadcast, advertising, public relations or social media professional, you need to understand the principles of media law in order to successfully navigate legal concerns presented by your media practice. While this course is not designed to make you an authority on media law, you will gain an understanding of your rights under the First Amendment as well as your legal responsibilities as citizens and as media professionals.

Accessing the Canvas website

Although the class meets in Zoom each week, you will use the Canvas course site to participate in the Discussion board, access grades, PowerPoint slides and case texts as well as upload exam and research paper files.

1. Go to the University of Memphis home page: <http://www.memphis.edu>
2. Click on the "Canvas" link at the bottom left.
3. Log in using your University of Memphis username and password.
4. Click on the JRSM7250-S01 button to enter the Media Law course.
5. Read all the items on the Course Home page and follow their instructions.

Schedule/Access for Monday 5:30-8:30 sessions in the Zoom classroom.

Time: 5:30-8:30 p.m. Central Time, Aug 22 through Dec. 5 (except for Sept. 5 and Oct. 10).

Join Zoom meeting at:

<https://memphis.zoom.us/j/85799101780?pwd=RytoMURPdkc0Nk5BeTg5M05LYXdiUT09>

Meeting ID: 857 9910 1780

Passcode: 832784

Course structure, grades and attendance

Each week you will read the assigned reading from the Mass Media Law textbook and as well as the text of any additional media law case assigned that week. This case text will be available for download from the Canvas course site.

Before each Monday class, you will post a response to the question/issue posed in the Discussions section of the Canvas site. After you post, you will have access to the posts of fellow students. We will begin each class discussing that issue. I will assign two students to lead the discussion each night. I will evaluate your post in Canvas as well as your contribution to class discussion that night for a grade. These discussion grades will constitute 20 percent of your semester grade.

You will write two out-of-classroom exams on the assigned textbook and legal case readings as well as my class presentations. Be sure to answer all parts of each question. Answer each question using complete sentences (no bullet points). Remember this course is taught as part of journalism and strategic media programs. Grammar, punctuation and clear writing in your answers do matter. I will evaluate your exam and post my evaluation on Canvas. The grades on these two exams will constitute 45 percent of the semester grade.

No late work will be accepted without prior arrangements acceptable to your professor unless an absence is due to illness or catastrophic emergency that can be documented. This is a program for media professionals who are expected to understand and comply with deadlines. You should consider this class your “job” in the educational process and complete assignments on time just as you would in your job.

You will write a Semester Research Paper

Media law students must write a research paper, which counts 35 percent of the course grade: 5 percent for the paper proposal; 5 percent for the first draft; 5 percent for its presentation; and 20 percent for the final paper. The paper is a legal analysis of a specific, focused question/topic about Media Law. Your seminar paper should be at least 3,000 words, or about 12 typed, double-spaced pages. You should read and cite in the text of the paper *at least* 15 sources other than the textbook (legal cases, journal articles, law review articles, books or web information relevant to your paper). Submit a one-page proposal for this paper by Sept. 19. The proposal should have a purpose statement/research questions for the paper followed by an outline describing the various sections of the paper you plan to address. Then, you list the cases and/or statutes as well as the secondary sources about your paper’s topic that you’ve found so far.

The first draft of the paper is due Nov. 7. I’ll give you feedback on your first draft. After you receive my feedback, you will complete the final draft of the paper. Final papers are due Nov. 28, the last class day of fall semester. At class on Nov. 28, you will make a five-minute presentation on your paper. As part of the presentation, you will prepare a 150-word abstract to share with your classmates.

This paper’s style should follow The Chicago Manual of Style, which is a footnote style that provides for clearer references when citing legal cases. An overview of citations of books, journals and websites in the Chicago Manual of Style is available online at:

https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/chicago_manual_of_style_17th_edition.html

For citing law cases and other legal sources in Chicago style see:

https://owl.purdue.edu/owl/research_and_citation/chicago_manual_17th_edition/cmos_formatting_and_style_guide/legal_public_and_unpublished_materials.html

You will find several helpful legal research databases in the UofM Library Resources at:

[http://bibliotech.memphis.edu/search~\\$4/y?](http://bibliotech.memphis.edu/search~$4/y?)

Legal Periodicals and Books

Lexis-Nexis Academic (Nexis Uni) and Lexis-nexis Federal and State Cases (Nexis Uni): <https://advance-lexis-com.ezproxy.memphis.edu/practice/index?crd=acabe684-5e37-4e10-ac4b->

[cb9cb1521e12&pdpermalink=8aabafb7-5cd3-4022-9a88-ec4dac9ab855&pdmfid=1516831&pdisurlapi=true](https://www.supremecourt.gov/cb9cb1521e12&pdpermalink=8aabafb7-5cd3-4022-9a88-ec4dac9ab855&pdmfid=1516831&pdisurlapi=true)

The Supreme Court of United States has posted its case texts, oral arguments and other resources on its U.S. Supreme Court website at <https://www.supremecourt.gov/>

Grading

Issue Post/Class Discussion	20%
Two Exams	45%
Semester Paper Proposal	5%
First Draft Semester Paper	5%
Final Draft Semester Paper	20%
Semester Paper Presentation	5%

Number grades on tests and quizzes translate into these letter grades:
A, 90-100; B, 80-89; C, 70-79; D, 60-69; F, below 60.

Research Proposal: Due Sept. 19

By Sept. 19 you must upload in Canvas a proposal for a research paper on some topic within the general area of media law.

1. Your proposal will begin by FIRST writing the paper's purpose and the questions your paper will attempt to answer.
2. The proposal will explain your topic/questions and why the topic is important.
3. The proposal will outline the direction and scope of your paper as well as an overview of the types of sources you plan to consult.
4. List of the articles and cases you've already identified.

Some media law issues currently receiving a great deal of attention that might be a good starting point for finding a topic your paper include:

Recent recommendations by two Supreme Court Justice justices as well as by former President Trump that we need to reexamine the Times v Sullivan decision that created a high fault standard for public officials to win libel suits.

The calls to revise Section 320 of the Communications Decency Act that shields Internet Service Providers from liability for content posted by others on their sites or their social media platforms. Part of this discussion includes those advocating the creation of a better mechanism to force ISPs to take down hateful/threatening content. Included in this discussion are recommendaitons by some that pervasive social media platforms such as Facebook and Twitter should be regulated by government.

A recent issue related to the law of privacy is the U.S. Supreme Court's recent decision in Dobbs v. Jackson overturning of Roe v. Wade, a landmark case that found a constitutional right of privacy that provided protection for a woman's right to abortion.

First Draft of the Research Paper Deadline: Nov. 7

Your first draft should be a fairly complete version of your paper. I will read and give feedback on the paper so that you can address its deficiencies and clean up style and writing errors before submitting the final draft on Nov. 28.

Final Research Paper Deadline: Nov. 28

You will write an original paper with a **minimum** of 12 pages or about 3000 words. You must use the footnote reference style of the Chicago Manual of Style. (For those already familiar with the Blue Book Legal footnote style, you may use it if you prefer). **YOU MAY NOT USE APA OR ANY OTHER PARENTHETICAL REFERENCE STYLE FOR A LAW PAPER.** Case names are often used as citations in law papers, and parenthetical references make it difficult to understand what level of court is being cited (district or appeals court).

1. **Your papers will be graded on content, including writing quality, comprehensiveness of research, adherence to complete citation, grammar, punctuation and spelling. All of these will be analyzed to determine a final paper grade.**
2. **When writing your paper, please attribute all direct quotes. In his majority opinion for the court, Chief Justice John Roberts wrote, "Direct quote." Don't just drop them into the middle of the text with only a footnote number to identify the speaker/source.**
3. **Never write a research paper using first person pronouns.**
4. **Also use no more than two to three short block quotes.** You should use only the most important sentence or perhaps two sentences in a direct quote. Paraphrase the rest of it. This paper assignment is not an exercise in copy and paste but requires you to articulate the legal issues in your own words.
5. You will have a cover page with appropriate information. It is NOT part of the 12 pages. Within your paper, you will have an introduction, a statement of the problem and a review of pertinent literature, including major arguments pro and con on your topic. **After making an objective—not opinionated—study of the subject, you also are expected to come to some conclusions based on your analysis of the literature.**
6. **You will use a minimum of 15 acceptable sources—traditional, scholarly sources, such as law journal articles, legal newspapers, cases, statutes and scholarly books. Your textbook does not count as one of the 15 sources. You should cite the textbook sparingly.**
7. **A significant number of your sources must be "primary sources," which includes state and federal statutes, court cases, constitutions or congressional or state legislative proceedings. Your "secondary sources" should be mostly scholarly journals and law review articles as well as authoritative magazines and newspaper articles. Popular magazines, newspapers, and random website commentary on a topic may be used only sparingly—three or four—in your paper.**

Class assignment schedule

Your weekly discussion postings, two exams and the research papers will all be uploaded to the Canvas site.

You should upload your response to each week's Discussion board no later than Monday at 5:30 p.m.

Central Daylight Time. Then, the next day we will begin class by discussing this issue. Two students will be assigned to lead the discussion of each week's issue/scenario. The first Discussion posting deadline is 5:30 p.m., Sunday, Aug. 29.

Please complete the textbook and case reading listed each week before coming to class so that you can discuss the materials with some understanding that day.

Schedule of Classes/Assignments for Seminar in Media Law

(The instructor reserves the right to change the schedule with notice in advance of assignments. Additions or substitutions in reading assignments may be made. However, you will be given notice in advance of changes.)

Week 1, Aug. 22. Introduction to the Study of Law and Legal Research

Week 2, Aug. 29. U.S. Legal and Court Systems

Read: U.S. Constitution and Bill of Rights; Calvert, Chap 1 pp 1-37.

Complete Week 2 Discussion by 5:30 p.m. Aug. 29.

Sept. 5. Labor Day Holiday: No class meeting

Week 3, Sept. 12. Freedom of Expression and the First Amendment

Read: Calvert, Chap 2 pp 40-77

Brandenburg v. Ohio 395 U.S. 444 (1969)

Complete Week 3 Discussion by 5:30 p.m. Sept. 12.

Week 4, Sept. 19. Prior Restraint of Expression

Chap 2 pp. 78-85, Chap 3 pp 130-134; **paper proposal due**

Near v. Minnesota, 283 U.S. 697-723 (1931).

Complete Week 4 Discussion by 5:30 p.m. Sept. 19.

Week 5, Sept 26. First Amendment Protections in Schools

Calvert, Chap 3, pp 87-115

Hazelwood v. Kuhlmeir, 84 U.S. 260 (1988)

Complete Week 6 Discussion by 5:30 p.m. Sept. 26.

Week 6, Oct. 3. Out-of-class Exam 1 Deadline: Upload to Canvas by 11:59 p.m.

Oct. 10. Fall Break: No class but continue work on your Research Paper this week.

Week 7, Oct. 17 Libel: Establishing a Case

Calvert, Chap 4, pp. 160-192

Complete Week 7 Discussion by 5:30 p.m. Oct. 17.

Week 8, Oct 24. Libel: Fault

Calvert, Chap 5, pp 195-227

Read *New York Times v. Sullivan*, 376 U.S. 254-305 (1964).

Week 9, Oct 31. Privacy: Constitutional Right of Privacy, Appropriation and Intrusion

Calvert, Chap 7, 268-312.

Dobbs v Jackson, 597 U.S. ____ (2022), pp. 1-20

Complete Week 9 Discussion by 5:30 p.m. Oct 31.

Week 10, Nov. 7. Privacy: Publication of Private Information

Calvert, Chap 8, pp 315-333

First Draft of Research Paper Due by 11:59 p.m., Nov. 7

Week 11, Nov. 14. Access to Government Action, Legislative and Executive Branches

Calvert, Chap 9, pp 346-407.

Tennessee Public Records Law, Tennessee Code Annotated, 10-7-503 to 505.

Tennessee Open Meetings Law, Tenn. Code Annotated, 8-44-101 to 106.

Complete Week 11 Discussion by 5:30 p.m. Nov. 14

Week 12, Nov. 21. Copyright and Trademark

Calvert, Chap 14, pp. 544-600

Complete Week 12 Discussion by 5:30 p.m., Nov. 21.

Week 13, Nov. 28. Final Research Papers Due.

Each student makes a five-minute presentation of research paper findings during class.

Week 14, Dec. 5. Out-of-class Exam 2 Due, upload by 11:59 p.m., Monday, Dec. 5

JOURNALISM AND STRATEGIC MEDIA POLICIES

Portfolio requirement

All students in the Department of Journalism and Strategic Media are required to develop and maintain an active portfolio of their work. Undergraduate students are to begin the portfolio in JRSM 3900 and graduate students are to begin in JRSM 7002. Students are to contribute to it in every skills course thereafter. The portfolio should contain samples of the student's work from courses and/or professional experiences and should develop as the student builds skills. Portfolios will undergo a final, external review while students are enrolled in their capstone courses.

Students may use any type of web hosting for their portfolios, but it must have an independent and professional URL. Students may use any content management system, but students are encouraged to use WordPress, Wix or SquareSpace. Students are encouraged to consider purchasing a URL and hosting if they plan to use the portfolio for a long term, but they must keep the portfolio active for six months following graduation from the University of Memphis.

Students should have a professional email address they plan to use throughout their professional lives, via a common email service, such as Gmail.

All portfolios must contain the following items:

- Samples of work from courses and/or professional activities. (Example: Broadcasting students must include a video reel)
- A current résumé
- A personal profile
- Contact information/means of contact
- Social media links

Students might wish to include a blog, video reels, photograph galleries, SoundSlides presentations, design PDFs, audio files and writing pieces as examples of professional work. The professional work should ultimately be tailored to the career the student seeks after graduation. Thus, each student's portfolio should show a unique blend of work.

Email

Students must have their UofM email accounts activated. Students using another provider, such as Google, are required to have all UofM email forwarded to that account. Students should go to the <http://iam.memphis.edu> website to implement forwarding of UofM email. Students are required to check their email daily. They are responsible for complying with any email sent to by professors or others in the University.

Electronic devices

Some classes require a tablet, laptop or a smartphone. Others do not. Instructors will set the policy for their specific classes.

Attendance

Class attendance is mandatory in Journalism and Strategic Media. Students may be assigned a failing grade for the semester for nonattendance or habitual late arrival. No late work will be accepted without prior arrangements with the class professor. Students may not be permitted to make up any missing work unless it is for an absence because of illness or other catastrophic emergency, such as a death in the family that can be documented (e.g. with a doctor's note or a copy of the newspaper obituary).

Journalism and Strategic Media is a professional program, and students are expected to understand and comply with deadlines. Students who have some problem making it to class on time should make arrangements to correct the problem or consider taking another class. Students should consider this class as a “job” in the educational process and be on time just as they would elsewhere.

Course repetition

Majors and minors who fail to earn the minimum passing grade (“C-”) in a class required by their program of study in Journalism and Strategic Media more than three times will be dropped from the program.

Students may not use or submit work from a previous course, even if it is the same course being repeated, to fulfill requirements for assignments in another course. If students wish to substantially rework the original submission, or to work with the same general idea, that may be permissible upon discussion with and written approval from the professor of the current course. All written work will be checked for policy adherence via TurnItIn.com. All creative work will be checked for policy adherence by the professor and judged against previous submissions. The only exception to this policy is the student’s online portfolio and its attendant pieces (for example, the résumé and logo).

Academic integrity

In addition to University-wide policies stated in the Code of Student Rights and Responsibilities, the Department of Journalism and Strategic Media considers making up quotes from sources, turning in substantially the same assignment for credit in two different courses or students receiving any assistance from others for work assigned to be done on their own, as acts of cheating punishable to the degree determined appropriate by the course instructor and department chair. Punishment may include grade reductions or seeking dismissal of the student from the University.

Further, as this is a journalism and strategic media class, students are expected to comply with copyright law and must have sufficient permission to use any copyrighted materials used in creative projects, unless otherwise informed in cases of exercises or reproduction.

Your written work may be submitted to Turnitin.com, or a similar electronic detection method, for rating originality of your ideas. Also to evaluate proper use and assignment of sources. As part of this process, you may require to submit electronic as well as hard copies of your work. Other instructions to follow may also be given. By taking this course, you agree that all assignments may undergo this review process. The assignment may be included as a source document in Turnitin.com's restricted access database. It is solely for the purpose of detecting plagiarism in such documents. Assignments not submitted according to the instructor's procedures may be penalized or may not be accepted at all. (*Office of Legal Counsel, October 11, 2018*)

Online SETEs

Students are urged to complete the SETEs evaluation of this course. Once the instructor has posted grades, student can immediately see that grade, provided they have completed a the SETE for that class. To access evaluation forms, students should log in to MyMemphis using their UUIDs and email passwords; click on the gray “Student” tab; complete an evaluation for each course listed and hit the “Submit” button at the bottom of the form. Completing the SETE will only take a few minutes. Faculty take the evaluations very seriously and use them to improve courses and instructional quality. Student feedback is essential and is appreciated.

Deadlines

All deadlines are firm. This is journalism and strategic media. Students needing an extension on an assignment must receive approval from the instructor. Exceptions will be made for reasonable circumstances if the student notifies the instructor prior to the due date.

AP Style and grammar

All written work in this class must follow the AP Stylebook and accepted rules of grammar and punctuation. Students are responsible for learning these rules and checking their work for errors.

Disability and accommodations

Students who need an accommodation based on the impact of a disability should contact the Office for Disability Resources for Students at 901-678-2880 in 110 Wilder Tower Hall to coordinate reasonable accommodations for students with documented disabilities.

Diversity and inclusivity

Students are required to respect the differences of others and treat all persons with respect. Discriminatory, derogatory and threatening language or behavior will not be tolerated. Further, students are expected to consider their work through a diverse mind. Media reach a mass audience, and students should be aware of how those messages are received by a diverse audience.

Weather policy

Always check with local media and the University of Memphis website regarding inclement weather. If the University is closed or classes are canceled, this course will not meet. However, students will still be responsible for that day's work.

Student support

Student who are experiencing personal or academic challenges including, but not limited to food or housing issues, family needs, or other stressors, should visit the Office of Student Accountability, Outreach & Support page to learn about resources that can help: <https://www.memphis.edu/saos/sos/crisis-resources.php>. Any student who faces personal challenges including, but not limited to securing their food or housing and believes this may affect their performance in the course is urged to contact the Office of Student Accountability, Outreach & Support (901-678-2187) located in the University Center, Suite 359 for assistance. Students may also talk with course instructors about the challenges they are experiencing. Instructors may be able to assist in connecting with campus or community support.

COVID-19 protocols

If a student tests positive for COVID-19, they need to notify the Dean of Students Office at deanofstudents@memphis.edu and notify the University of their result. Faculty are expected to be accommodating with extra time for assignments; however, decisions will vary on a case-by-case basis according to the severity of the student's illness. To prevent the spread of COVID-19, students are encouraged to wear masks indoors, wash hands frequently and wipe down their workstations with sanitizing wipes before and after class.