

COMM 4454-01: Media Law
Tuesday/Thursday 11:00 am – 12:15 pm
HUM 228
Fall 2016

GENERAL INFORMATION

Instructor: Patrick D. Hadley, Ph.D.

Office: Humanities 144

Physical Office Hours: Tuesdays & Thursdays, 10 am - 10:30 am; 3:30 pm – 5:30 pm, Friday (by appt)

Virtual Office Hours: Mondays & Wednesdays, 10:00 am- 12:00 noon (via CourseDen email or Google Voice phone/text); Fridays, 2:30 pm - 3:30 pm

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CourseDen: <https://westga.view.usg.edu/>

Important Note: Read this entire course syllabus **carefully**. You are responsible for all the information contained herein. Ignorance of the policies of the class will not be an acceptable excuse.

OFFICE HOURS

I am available to address matters of concern **during** my office hours. If those hours are not convenient, please schedule an appointment with me or send me an email through CourseDen D2L. If you visit my office at other times, I may not be available because of other duties I must attend to.

If you have problems in the class, **it is YOUR responsibility** to initiate contact with me. I cannot help you if you do not communicate with me. Let me know of any problems **early** in the semester.

REQUIRED COURSE MATERIALS

For this course **you are expected to purchase** McGraw-Hill Education Connect® access for Mass Media Law (19th edition) by Don Pember and Clay Calvert. You have the option to either purchase a print version of the textbook or use an eBook version of the text. Please be aware if you purchase or rent a used textbook, you still need to purchase Connect access to complete assignments related to each chapter. (NOTE: Make certain that any Connect access code that you

purchase is new and has not been used previously. Access codes will not work if they have been previously used.)

Access to Connect can be purchased during registration to the program. A representative from McGraw-Hill will visit our class in the first week of classes to help you complete this process. Alternatively, if you would like a print version of the text to accompany Connect, the bookstore is carrying a discounted bundle that combines a full color, binder-ready, loose-leaf version of the text, along with a Connect access code. If you elect not to purchase the bundle at the start of the semester, the loose-leaf version of the text also is available via Connect if you find yourself wanting a print companion at a later point in the semester.

Additional content from other resources will be assigned throughout the semester.

TECHNOLOGY REQUIREMENTS

Computer-compatible **microphone**: In this course, you will need the ability to record audio (for a final project that involves creating an animated video with narration). Most laptops have integrated microphones that will work adequately. Alternatively, a headset microphone should work fine as well. If you do not have access to a microphone, please contact the instructor to discuss alternative options.

ABOUT THE COURSE

COMM 4454 is an examination of the legal context regulating print, telecommunication, and electronic media as well as advertising and public relations industries. Emphasis is placed on libel, privacy, copyright, free press, fair trial, and obscenity law. Furthermore, COMM 4454 is a Discipline-Specific Writing (DSW) course and will require “Writing To Learn” and “Writing To Communicate” assignments to develop your communication skills. This is a D2L-enhanced course.

Department of Mass Communications Learning Outcomes:

1. Awareness: Students will demonstrate *awareness* of mass communications scholarship, i.e., theory/research; paramount economic, ethical, legal/policy, social, and technological issues; and the role of principal personalities and stakeholders within the context of freedom of speech, freedom of press, media competition, media convergence, diversity, and/or social responsibility. ACEJMC defines awareness as familiarity with facts, concepts, theories, laws and regulations, processes and effects.
2. Understanding: Students will demonstrate *understanding* of mass communications scholarship, i.e., theory/research; paramount economic, ethical, legal/policy, social, and technological issues; and the role of principal personalities and stakeholders within the context of freedom of speech, freedom of press, media competition, media convergence, diversity, and/or

social responsibility. ACEJMC defines understanding as assimilation and comprehension of information, concepts, theories and ideas.

3. Application: Students will demonstrate effective application of mass communications scholarship, i.e., relate and/or apply concepts, theory/research, and professional principles to analyze and synthesize information, create, develop, produce, and/or write for converging digital, multimedia, and traditional media. ACEJMC defines application as competence in relating and applying skills, information, concepts, theories and ideas to the accomplishment of tasks.

Course Learning Outcomes:

1. Students will identify the Constitutional principles, statutes, and administrative and common laws that apply to communicators in any medium. (*Awareness*)
2. Students will analyze the philosophy supporting the liberty of speech and the press and the legal principles that both protect and limit that liberty. (*Understanding*)
3. Students will apply practical guides to coping with legal problems likely to confront communicators in the area of freedom of speech and press, censorship, libel, invasion of privacy, fair trials, obscenity, advertising and copyright. (*Application*)

GRADING POLICY

Grades **earned** in this class are based solely on the following:

- LearnSmart Chapter Assignments (1 percent/chapter x 12 chapters) = **12 percent**
- Test #1 = **15 percent**
- Test #2 = **15 percent**
- Test #3 = **12 percent**
- Case Brief (Writing to Learn) = **4 percent**
- Oral Case Presentation (Actual Ruling + Changed Key Fact/Alternate Analysis) = **7 percent**
- Draft Script/Storyboard for Final Project (Writing to Learn) = **10 percent**
- Final Project (Writing to Communicate) = **25 percent**
- Total = 100%**

Grading Scale:

- Points needed to receive grade
- A=90% - 100%
- B=80% - 89%
- C= 70% - 79%
- D= 60% - 69%
- F= 59% and below

*Note: The instructor reserves the right to modify the assignments and in an effort to meet the objectives of the course. Ample notice will be provided if such changes are made.

ASSIGNMENTS

LearnSmart Assignments - For each assigned chapter, you will complete a LearnSmart assignment before we begin class discussion on that chapter. LearnSmart is described as follows on the McGraw-Hill Higher Education website:

LearnSmart is an interactive study tool that adaptively assesses students' skill and knowledge levels to track which topics students have mastered and which require further instruction and practice. Based upon student progress, it then adjusts the learning content based on their knowledge strengths and weaknesses, as well as their confidence level around that knowledge.

[As an] online study tool that maximizes time spent with your course textbook or eBook, LearnSmart® tests your knowledge of key concepts and pinpoints the topics on which you need to focus your study time.”

A representative from McGraw-Hill will visit our class during the first week to help you get registered in Connect so that you can access LearnSmart. There are several tutorials available in Connect as well to assist you in getting familiar with this educational resource.

Each LearnSmart assignment is worth 1 percent of your grade, for a total of **12 percent** of your final grade over 12 chapters.

Tests - Three (3) tests will be administered in class during the semester. The three tests are worth a total of **42 percent** of your final grade. There is A LOT of reading in this course. Begin reading the chapters immediately so you do not fall behind.

Case Briefs – You will be randomly assigned one case from a list of cases to be provided, all of which are found in various chapters in our textbook. (You are free to trade cases with a classmate after you receive your assigned case, but you are required to inform the instructor of your switch at least a week in advance of the presentations.) Some cases are major turning points in case law and others are important because of the presence of a specific factual issue or development. Your initial information should come from the textbook, but for full credit your case brief should examine the full case using the Lexis/Nexis Academic database available through the UWG Library website.

Submission format: You will post your case brief in the Discussions area of CourseDen, using the name of your case as the title of your message. Cut and paste the text of your brief into the body of the message field in the Discussions area. If you wish, you also may submit your brief as an attachment to the Discussion message. However, to have the opportunity to earn full credit you must paste the text of the brief into the body of the message field in the Discussion area.

You will complete one case brief, worth up to **4 percent of your grade**.

Late postings: Case briefs must be posted on CourseDen **by 11:59 pm** the night before the brief is due to be presented. Grades are reduced by 25 percent if case briefs are not posted by 11:59 pm. If your brief is posted after 11:59 pm, but before noon on the day of the presentation, the grade earned will be reduced by a total of 50 percent. Briefs not posted by the start of class will receive a zero grade. [Posting **dates to be announced**.]

Oral Case Presentations (worth up to 7% of grade) -You will prepare an oral presentation, with visual aids, to present (a) the key elements of your case, and (b) an alternative scenario with one key fact changed that would impact the court's analysis. You must select the key fact to be changed and discuss briefly how that would change the court's analysis from that in the actual ruling. Other points:

- You will lose points on this assignment if you merely read directly your brief. Use index cards only.
- If using PowerPoint, Prezi, or another presentation application, you should NOT read directly from the slides.
- If using PowerPoint or Keynote, you MUST include images in your slides. Slides should not be text-only, unless the text is large and prominently displayed. Small, bulleted text with no images will score lower than text that is integrated with relevant images.
- Be prepared to answer questions from the instructor or your classmates about your case and the changed key fact and alternative analysis.

Absences: Oral presentations are due on the date indicated without exception. If you will be absent on the date indicated, it is your responsibility to switch cases with another student. If you are absent and have not switched, you will receive a zero for the oral presentation portion of the assignment. [**Presentation dates to be announced**.]

Draft Legal Analysis Script/Storyboard: This is a team project that is a preliminary step in preparing your final project. Your team will prepare a draft script for a narrator to present your legal analysis in Powtoon. In addition, your team will prepare a storyboard that will accompany key aspects of your script. More detail on the process will be provided later in the semester (worth up to **10 percent** of final grade). [**Deadline in separate Weekly Schedule**]

Final Project: Final Legal Analysis Script and Animated Video: This is the final team project for which your team will submit (1) a revised script presenting the analysis of your legal scenario, and (2) your animated video presenting that legal analysis (with actual narration by one or more of your team members). More detail will be provided later in the semester (worth up to **25 percent** of final grade). [**Deadline in separate Weekly Schedule.**]

PARTICIPATION/ATTENDANCE

Attendance is not required (except on exam and your presentation dates) but is strongly encouraged. Supplemental material highlighted in class that is not assigned in the readings and/or in handouts may be included on exams. While attendance does not count separately toward your grade, completion of the readings and the corresponding LearnSmart assignments, along with regular class attendance, should give you the best opportunity for success in the course. I will take daily attendance for university administrative purposes, but absences will not count against your grade (although, as stated above, attendance is expected at all exams and on your presentation dates.)

CLASS DISCUSSION AND PARTICIPATION

Preparation: When you are in class, I expect you to come to be prepared. The course syllabus shows your reading and LearnSmart assignments. Adhere to that reading/LearnSmart schedule and you should be prepared for class discussions. You may be called on at random to contribute to class discussions. Of course, on the day of your case presentation, you are expected to be exceptionally well prepared to lead the class discussion regarding your case.

Class Communication: It will be necessary to keep in contact with one another using either your myUWG email account or using the CourseDen mail tool. In addition, you will be responsible for checking our course site on CourseDen on a regular basis for class announcements, assignments, and discussion topics. If you do not use your UWG email account, make certain to have your myUWG emails forwarded to your personal email account so that you do not miss any important class announcements or information that might be delivered through that network.

BEHAVIOR IN THE CLASSROOM

You do not need me to tell you how to behave in a classroom environment. However, I want you to know what I expect from you in order to avoid embarrassing situations.

- You are expected to participate in class discussions. None of us will have answers to all of the issues that are raised in this course. Some of the issues are very difficult to resolve.

Even the courts disagree. There will – hopefully - be a lot of debate and conflict. Feel free to speak your mind during class, no matter how outrageous your comments may be. I expect, however, that you show respect to your classmates. If you disagree with their point of view, please express that disagreement in a way that is not offensive. When one person is talking, everyone else should listen. The same goes for discussions via CourseDen.

- I will frequently add material to that contained in your text and discuss topics that are not covered in your text. Keep up with your reading so that you can make an informed response when you are asked questions.
- Do not ever hesitate to state your opinion on issues even when it may differ from the opinion of others. We will frequently play “devil’s advocate” with you so be prepared to defend your views.
- Throughout the semester I will cross-examine individuals in class over material you should know.

ACADEMIC DISHONESTY

Academic dishonesty is NOT tolerated. It will result in failure on assignment(s) as well as possible disciplinary sanction(s) as stipulated by university rules. University of West Georgia Student Conduct Code defines academic dishonesty as cheating, fabrication, plagiarism and facilitating or allowing academic dishonesty in any academic exercise.

Cheating: using or attempting to use unauthorized materials, information or study aids

Fabrication: falsification or unauthorized invention of any information or citation

Plagiarism: representing the words or ideas of another as one's own. Direct quotations must be indicated and ideas of another must be appropriately acknowledged.

Academic dishonesty in any form compromises your grade and lowers the quality of your diploma. A fellow student who cheats may actually lower your grade, sometimes causing unfair and inflated grading scales. I hope each of you values your college education enough to protect yourself from dishonest classmates. If you are aware of cheating taking place, please contact Dr. Camilla Gant, chair of the Department of Mass Communications or me and proper action will be taken. If you are not certain of the definition of plagiarism in practice, please inform the instructor **before** submitting your written work.

SPECIAL ACCOMMODATIONS

I will make special arrangements for students with special needs. Please contact me at the beginning of the semester, outside of class if you prefer. Don’t wait until after the first test to talk with me. Don’t try and “wing it” without telling me about your particular problem or needs.

If you need special accommodations for tests, let me know **early**, not a few days before the test. I am here to facilitate your learning, but I need to be informed to do so.

Additional information about university policies related to classes is available at the following URL: <http://www.westga.edu/UWGSyllabusPolicies/>

CLASS SCHEDULE (see separate document)

The class schedule and assignments are **subject to change** in order to accommodate guest speakers, reinforce course material, and maintain some flexibility with case brief presentations and other assignments. **Additional reading, listening, and viewing assignments will be made throughout the semester. You are responsible for all material assigned.**

COURSE SCHEDULE

COMM 4454

Fall 2016

The Course Schedule may change over the course of the semester, so do not ONLY look at a paper version you have printed. Visit the online version regularly through the semester.

Class Dates	CONTENT TOPICS/NOTES	DUE
Wk 1: Th-8/11	<i>Th - Syllabus Review</i> <i>Th-Discussion of LearnSmart</i>	<i>Th- No Assignment due</i> <i>Th-Begin reading Chapter 1 for overview of American Legal System</i>
Wk 2: T-8/16 Th-8/18	<i>T-Online resources for finding, reading, and briefing cases</i> <i>T-Random selection of cases to brief</i> <i>T-Chapter 1 - The American Legal System</i> <i>Th-Ch. 1 - The American Legal System (and additional assigned resources)</i>	T-Read Chapter 1 **W-Chapter 1 LearnSmart Assignment (deadline: 8/17 @ 11:59 pm) (deadline revised from earlier email) Th- Chapter 1 discussion
Wk 3: T-8/23 Th-8/25	<i>Ch. 2 - The First Amendment: Contemporary Problems (and additional assigned resources)</i>	**M-Chapter 2 LearnSmart Assignment (deadline 8/22 @ 11:59 pm) T-Conclude discussion of Chap. 1 T-Begin discussion of Chap. 2 Th - Discussion of Chapter 2 and associated resources and sample case briefs and presentations <ul style="list-style-type: none"> ● <i>Brandenburg v. Ohio, U.S. Sup. Ct.-1969 (Dr. Hadley)</i> ● <i>Gitlow v. New York, U.S. Sup.Ct-1925 (Dr. Hadley)</i> ● <i>Near v. Minnesota, US SupCt-1931 (Dr. Hadley)</i>

<p>Wk 4:</p> <p>T-8/30</p> <p>Th-9/1</p>	<p><i>Ch. 3 – The First Amendment: Contemporary Problems</i></p>	<p>**M-Chapter 3 LearnSmart Assignment (deadline 8/29 @ 11:59 pm)</p> <ol style="list-style-type: none"> 1. Tues-<i>Tinker v. Des Moines</i>, US.SupCt-1969 - 2. Tues-<i>Barber v. Dearborn Public Schools</i> - E.D. Mich. 2003 (Kenya Foster) 3. Tues-<i>Hazelwood v. Kuhlmeier</i>, US SupCT-1988 (V. Michelle Michael) 4. Tues-<i>Bethel v. Fraser</i>, SupCt-1986 (Stephanie Busch) 5. Tues-<i>Morse v. Frederick</i>, SupCt-2007 (Ashley Derden) 6. Thurs- <i>Chaplinsky v. New Hampshire</i>, SupCt-1942 (Annierra Matthews) 7. Thurs-<i>Gooding v. Wilson</i>, SupCt-1972 (Vick Martin) 8. Thurs-<i>Snyder v. Phelps</i>, SupCt-2011
<p>Wk 5:</p> <p>T-9/6</p> <p>Th-9/8</p>	<p><i>Ch. 14 - Copyright</i></p>	<p>T-Introductory discussion of copyright</p> <p>**W-Chapter 14 LearnSmart Assignment (deadline 9/7 @ 11:59 pm)</p> <ol style="list-style-type: none"> 9. Th-<i>Feist Publications v. Rural Telephone</i>, SupCt-1991 (Bree Johnson) 10. Th-<i>Miller v. Universal City Studios</i>, 650 F.2d. 1365 -1981 (Rachel Gaymon) 11. Th-<i>Basic Books v. Kinkos</i>, 6th Cir.-1991 12. Th-<i>Campbell v. Acuff-Rose Music</i>, SupCt-1994 (Asher Bryan) 13. Th-<i>HarperCollins v. Gawker Media</i>, S.D.N.Y-2010 (Alex Cato)
<p>Wk 6:</p> <p>T-9/13</p>	<p><i>Review Exam 1 topics</i></p>	<p>T- Complete discussion of Chapters 1, 2, 3, 14</p>

<p>**Th-9/15</p>	<p>**EXAM #1</p>	<p>**Th- Exam #1 (Chapters 1, 2, 3, 14, and Supplemental Resources)</p>
<p>Wk 7: T-9/20 Th-9/22</p>	<p><i>T-Exam Analysis/Ch. 13-Regulation of Obscene and Other Erotic Material</i> <i>Th-Ch. 13 - Regulation of Obscene and Other Erotic Material</i></p>	<p>14. Tues-Miller v. California, SupCt-1973 (Katie Stanton)</p> <p>MW-Chapter 13 LearnSmart Assignment (**revised deadline 9/49 9/21 @ 11:59 pm)</p> <p>15. Thurs-U.S. v. Kilbride, 9th Cir-2009 (Gerri Marroquin) 16. Thurs-U.S. v. Little, 11th Cir-Feb. 2, 2010 (Malinda Baker) 17. Thurs-Jenkins v. Georgia, SupCt-1974 (Jordan Head) 18. Thurs-Ginsberg v. New York, SupCt-1968 (India Westbrook)</p>
<p>Wk 8: T-9/27 Th-9/29</p>	<p><i>Ch. 16 - Telecommunications Regulation</i></p>	<p>M-Chapter 16 LearnSmart Assignment (deadline 9/26 @ 11:59 pm)</p> <p>T -Discuss FCC/Telecom Regulation</p> <p>19. Thurs: FCC v. Pacifica, SupCt-1978 20. Thurs-FCC vs. Fox Television Stations, SupCt-2012 (Bria Malry)</p>
<p>Wk 9: T-10/4</p>	<p><i>Chaps. 4 - Libel: Establishing a Case/Ch. 5 - Libel: Proof of Fault</i></p>	<p>M-Chap. 4 LearnSmart and Chap. 5 LearnSmart (deadline for BOTH chapter assignments is 10/3 @ 11:59 pm)</p> <p>T - Read Ch. 4 and 5 and associated resources</p> <p>21. Tues-Damon v. Moore, 520 F.3d 98-2008 (Kiera Lindsey) 22. Tues-New York Times v. Sullivan, SupCt-1964 23. Tues-Curtis Publishing v. Butts, SupCt-1967</p>

<p>**Th-10/6 (Fall Break)</p>	<p><i>Th - Fall Break - No Classes</i></p>	<p>(Brandisha Braddy) 24. Tues-Gertz v. Welch, SupCt-1974 25. Tues-AP v. Walker, SupCt-1967 (Marshala Cofer)</p> <p>Th - No assignments</p>
<p>Wk 10: T-10/11</p> <p>Th-10/13</p>	<p><i>T-Ch. 6-Libel:Defenses and Damages</i></p> <p><i>Th-Review of Chapters 13, 16, 4, 5, 6</i></p>	<p>M-Chapter 6 LearnSmart Assignment (deadline 10/10 @ 11:59 pm)</p> <p>26. Tues - Old Dominion Branch No. 496, National Assn. of Letter Carriers v. Austin, 94 S.Ct. 2770 (1974) (Derick Lingerfelt) 27. Tues-Greenbelt Publishing Assn., v. Bresler, SupCt-1970 (Kota Aranda) 28. Tues-Milkovich v. Lorain Journal, SupCt-1991 (Erin McSwain) 29. Tues-Ollman v. Evans, 750 F.2d 970-1984</p> <p>Th-Discussion of Chapters 13, 16, 4, 5, 6 for Exam #2</p>
<p>Wk 11: T-10/18</p> <p>*Th-10/20</p>	<p>T-Exam #2</p> <p><i>Th-Exam Analysis/Discussion of Final Projects (legal scenario/legal analysis/bibliography, scripting, storyboarding, Powtoon animation software)</i></p>	<p>**T-Exam #2 (covers Chaps. 13, 16, 4, 5, 6 and related materials)</p> <p>Th-No assignment</p>
<p>Wk 12: T-10/25</p>	<p><i>Ch. 7 – Invasion of Privacy (Appropriation and Intrusion)</i></p>	<p>M-Chapter 7 LearnSmart Assignment (deadline 10/24 @ 11:59 pm)</p> <p>30. T-Midler v. Ford Motor Co, 849 F.2d 460-1988 (Allayah</p>

<p>Th-10/27</p>		<p>Carr) 31. T-White v. Samsung Electronics, 971 F.2d 1395-1992</p> <p>32. Thurs-Cardtoons v. Major League Baseball, 10th Cir.-1996 (*Malinda Baker - updated*)</p> <p>33. Thurs-ETW Corp v. Jireh Publishing, 6th Cir-2003</p>
<p>Wk 13: T-11/1</p> <p>Th-11/3</p>	<p><i>T-Ch. 8-Invasion of Privacy (Publication of Private Information and False Light)</i></p>	<p>M-Chapter 8 LearnSmart Assignment (deadline 10/31 @ 11:59 pm)</p> <p>34. Tues-Bailey v. Mathers, Michigan Ct. of Appeals - 2005. BoHea v. Gawker [citation to final ruling to be provided] (Madison Mcenery)</p> <p>T-Discuss Chap. 8</p> <p>*Th-11/3 (by 11:59 pm)- Deadline for submission in Discussion area of Draft Legal Analysis Script and Storyboard**</p>
<p>Wk 14: *T-11/8</p> <p>Th-11/10</p>	<p><i>T- Ch. 10-Invasion of Privacy (Publication of Private Information and False Light)</i></p> <p><i>Th-Projects (in-class work)</i></p>	<p>M-Chapter 10 LearnSmart Assignment (deadline 11/7 @ 11:59 pm)</p> <p>T- Discuss Chap. 10</p> <p>Th-In-class work on team projects</p>
<p>Wk 15:</p>	<p>T- Exam #3</p>	<p>*T-Exam #3 (Chapters 7, 8, 10)</p>

T-11/15 Th-11/17	<i>Th-Projects (in or outside class work)</i>	Th-Projects (In or outside class work)
Wk 16: T-11/22 Th-11/24	<i>Thanksgiving Break - No Classes</i>	T/Th-No assignments due
Wk 17: T-11/29 Th-12/1	<i>T-Final Projects/Semester Wrap-Up</i> <i>Th-Semester Wrap-up/Discussion of Final Projects (**NO F2F CLASS**)</i>	T-Final Projects (Status Presentations-required attendance) Th-In-class discussion of final projects (Attendance required for teams unable to present on Tuesday) (**No F2F class**)
Final Exam Time Slot *Tuesday, 12/6, 11:00 am - 1:00 pm (regular classroom)	*Optional meetings on Final Project during final exam time slot	*Final Project posting deadline-Tuesday, 12/6, 11:59 pm (guidelines for posting will be provided) (**Post final video in Powtoon classroom and post on YouTube with link in CourseDen Dropbox)