

LOYOLA UNIVERSITY CHICAGO

COMM 282-201

MEDIA LAW

Spring 2019

School of Communications, Room 14

Wednesday 7-9:30 p.m.

Frank Main, instructor

Office hours: after class

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DESCRIPTION

This course will focus on the First Amendment and how the protections it provides for free speech have evolved over more than 200 years – and continue to adapt to our newest technology.

By learning how the legal system processes the thorny questions about free speech and free expression, students will gain a greater perspective on the underpinnings of American democracy. Students will look at media law from historical and theoretical perspectives and will be asked to provide their own analysis in written assignments and classroom presentations.

The goal of this class is to understand the legal and constitutional framework of media law and how it pertains to modern society.

Students will be required to meet strict deadlines, stay informed on the news (especially how it relates to First Amendment issues) and use proper spelling, grammar and punctuation in every assignment.

Students are advised to read the section on plagiarism in this syllabus. There will be no tolerance for plagiarism.

REQUIRED MATERIALS

Textbook: Mass Media Law, 19th edition, Don R. Pember and Clay Calvert, McGraw Hill Education @ 2015. ISBN 978-0-07-786141-1 OR Mass Media Law, 20th edition. ISBN-13: 978-1259913907

The book is referred to in the syllabus as MML.

GRADING (total points=1,050)

Your grade in this class will take into account your regular participation in our discussions as well as your performance in a class presentation; your work on five writing assignments; and the knowledge you demonstrate in a mid-term exam and a final exam.

The breakdown includes:

EXAMS (2 x 200): a total of 400 points

You will take one mid-term exam and one final exam to demonstrate your knowledge of the history of media law, the constitutional cases and statutes that have formed the basis of that law, and the theories of media law. Each exam is worth 200 points.

CLASS PRESENTATION: a total of 100 points

Students will be assigned, by alphabetical order based on last names on the class roster, to give a presentation on a particular case involving media law.

You will present a 10-minute case, beginning with an introduction, then provide the facts and history of your case, including previous cases that have a bearing on your own case.

Your preparation will include the MML readings on your topic. But you should also do additional Internet research, reading any articles that might shed more light on the background, the legal arguments and the historical significance of your case. Use the legal citation number for your case (i.e. Student Press Law Center v. Alexander, 778 Supp. 1227 (1991)) to begin your search on Google. It should provide you with the actual decision, which will include the detailed history of the case, the arguments on both sides, and the court's ruling.

Your grade is based on how well you present your case – both factually and persuasively. You are encouraged to enhance your presentation with an exhibit such as a PowerPoint presentation.

PARTICIPATION: a total of 50 points

At the beginning of the semester, you will have already been allocated 50 points. To keep these points, you must come to class prepared to participate in discussions. If you miss class without prior approval you will be debited 10 points from the original 50.

You are given three (3) missed classes without a penalty as long as you receive prior approval.

You do not want to miss the class in which you are selected to give a presentation.

At the end of the semester, I will evaluate your participation and give you whatever points you deserve.

REACTION PAPERS (5 x 100): a total of 500 points

These three-page papers are due at the beginning of class (see syllabus below for schedule). Before class, you will submit the paper to me on Sakai, email me at fmain@luc.edu and fmain@suntimes.com and provide me with a **printed copy** when you arrive in class (see the format requirements below).

Five of these papers will be assigned during the semester, covering the major topic of the past few weeks. Each paper is worth a total of 100 points.

Do not provide a summary of the reading. Instead, focus on the cases or legal theories that you find most interesting and write about them. Try to apply the cases or theories to what is going on today. The five papers will cover the First Amendment; libel; invasion of privacy; news-gathering and free press; and obscenity and copyright law.

STANDARDS FOR WRITTEN WORK

A: Publishable work with no spelling, grammatical or punctuation errors.

B: Minimal spelling, grammatical and punctuation errors; minimal missing information and source information; and minimal problems with the first paragraph and organization.

C: Notable number of the above errors.

D: Significant problems with the work.

F: Misspelled proper names; other major spelling, grammatical and punctuation errors; an almost total lack of information and sources; and severe problems with the first paragraph and organization.

Here's my pet peeve on punctuation: parenthesis goes after a period or comma like this: "Wow," he said. Not, "Wow", he said.

Learn from the mistakes I point out on your papers.

FORMAT FOR WRITTEN ASSIGNMENTS

Please submit hard copies of assignments in Times New Roman, 12 point, double spaced in paragraph form with name, date, name of assignment and word count in the top right corner. Please provide one-inch margins on the sides. Staple your papers.

CLASS EXPECTATIONS

You also are expected to keep abreast of the news. Read the Chicago Tribune or Chicago Sun-Times for local news and the New York Times, Washington Post or USA Today for national news. Our classroom discussions will often touch on the news of the moment.

Students are expected to act in a professional way as if this were a job. That means attending class regularly, arriving on time, being prepared for class and participating in lectures. Surfing the

web or checking your email and Facebook accounts won't get you very far in this class. If you expect to be absent or late, please call or email me.

DEADLINES

Late assignments will drop one letter grade each day they are filed past deadline. No in-class work may be completed out of class due to an absence unless the instructor excuses the absence. I expect you to print out your assignments and turn them in to me before class. Remember to follow the format above. I grade with comments handwritten on your printed assignment. ALSO, please email me your assignment so that I have an electronic record of it.

REWRITES

If a student receives a grade of 73 or less on a writing assignment, she or he may rewrite it. You will have one week to submit the rewrite. The average of the two scores – the original and the rewrite – will be used to calculate the final grade for the assignment.

GRADING SCALE

A: 100-94
A-: 93-90
B+: 89-88
B: 87-83
B-: 82-80
C+: 79-78
C: 77-73
C-: 72-70
D+: 69-68
D: 67-63
D-: 62-60
F: 59-0

OUTSIDE WRITING HELP

For additional help, please visit the writing center: <https://www.luc.edu/writing/index.shtml> if needed. Be aware that journalism is a distinctive type of writing, so some of your issues may not be addressed by the writing center, which can help you with English and sentence construction.

ACADEMIC DISHONESTY POLICY

Academic dishonesty can take several forms, including but not limited to cheating, plagiarism, copying another student's work, and submitting false documents. Cheating includes, but is not limited to:

- Obtaining, distributing, or communicating examination materials prior to the scheduled exam without the consent of the teacher.
- Providing information to another student during an exam.
- Obtaining information from another student or any other person during an exam.
- Using any material or equipment during an exam without the consent of the instructor, or in a manner that is not authorized by the instructor.

Plagiarism is a serious violation of the standards of academic honesty. Plagiarism is the stealing of ideas, language, work or intellectual property of another, either by intent or negligence, without sufficient public acknowledgement and appropriate citation that the material is not one's own. It is true that every thought probably has been influenced to some degree by the thoughts and actions of others. Such influences can be thought of as affecting the ways we see things and express thoughts. Plagiarism, however, involves the taking and use of specific words and ideas of others without proper acknowledgement of the sources. One example: lifting an entire passage from Wikipedia and using it as one's own.

Students should be guided by the principle that it is of utmost importance to give proper

recognition to all sources. To do so is both an act of personal, professional courtesy and of intellectual honesty. Any failure to do so, whether by intent or neglect, whether by omission or commission, is an act of plagiarism. A more detailed description is found at <http://luc.edu/english/writing.shtml#source>.

In addition, a student may not submit the same paper or other work for credit in two or more classes, even in different semesters.

Plagiarism or any other act of academic dishonesty will result minimally in the instructor assigning an F to the assignment or exam. The instructor may impose a more severe penalty such as a grade of F for the course. All instances of academic dishonesty must be reported by the instructor to the appropriate area head and to the office of the Dean of the School of Communication.

A complete description of the School of Communication's academic integrity policy is at <http://www.luc.edu/media/lucedu/soc/pdfs/resourceforms/School%20of%20Communication%20Statement%20on%20Academic%20Integrity.pdf>

THE CLASS SCHEDULE (subject to change):

WEEK 1, Wednesday, Jan. 16 – Course overview. The First Amendment and how it relates to sedition law.

- Lecture on the courts, the U.S. constitution and sedition.
- Homework for next class: Read MML Chapters 1, 2 and 3. The next week, students whose names come first alphabetically will be assigned presentations.

WEEK 2, Jan. 23 – The First Amendment and how it relates to schools and elections.

- Lecture on the First Amendment
- Reaction paper No. 1 due on the courts/First Amendment
- Presentations
- Homework for next class: Read MML Chapter 4.

WEEK 3, Jan. 30 – Libel (the basics – what is defamation law?)

- Lecture on libel law
- Presentations
- Homework for next class: Read MML Chapter 5

WEEK 4, Feb. 13 – Libel (proving fault: private v. public plaintiffs)

- Lecture on libel, emphasizing the *Sullivan* case
- Presentations
- Homework for next class: read MML Chapter 6

WEEK 5, Feb. 20 – Libel (defenses and damages)

- Reaction paper No. 2 due on libel
- Lecture on libel

- Presentations
- Mid-term exam prep

WEEK 6, Feb. 27, MID-TERM EXAM

WEEK 7, March 6, SPRING BREAK

WEEK 8, March 13 – Invasion of privacy (appropriation and intrusion)

- Lecture on invasion of privacy: appropriation and intrusion
- Homework: Read MML Chapters 7 and 8

WEEK 9, March 20 – Invasion of privacy (publication of private information)

- Lecture on publication of private information
- Presentations
- Homework: Read MML Chapters 9 and 10

WEEK 10, March 27 – Free press: (meetings, the Freedom of Information Act and news sources)

- Reaction paper No. 3 due on privacy: appropriation, intrusion and publication of private information
- Lecture on records & meetings, and protecting news sources
- Presentations
- Homework: Read MML Chapters 11 and 12

WEEK 11, April 3 – Free press (fair trials)

- Lecture on fair trials
- Presentations
- Homework: Read MML Chapter 13

Week 12, April 10 – Obscenity

- Lecture on obscenity
- Presentations
- Homework: Read MML Chapter 14

WEEK 13, April 17 – Copyright and patents

- Reaction paper No. 4 due on obscenity
- Lecture on copyright and patent law
- Presentations

WEEK 14, April 24

- Reaction paper No. 5 due on copyright
- Presentations
- Course review

WEEK 15, May 1 – FINAL EXAM (7 p.m. in COMM Room 14)