

Loyola University Chicago

COMM 282

Media Law

FALL 2018

Tuesday & Thursday 11:30 A.M. - 12:45 P.M.

Frank Main, instructor

Office hours: after class

Cell phone: 630-487-0310

Work: 312-321-2543

Email:

fmain@luc.edu

fmain@suntimes.com

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 courts and the legal system process these thorny questions, students will gain a greater perspective on the difficult decisions that have formed the underpinnings of our 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 exercises.

The goal of this class is to understand the legal and constitutional framework of media law.

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 closely 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 written work in eight reading 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, to give a presentation on a particular case involving media law. The presentations will be on Thursdays.

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 may enhance your presentation with an exhibit such as a PowerPoint presentation, but that is not necessary.

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 I call on you in class and you are unable to answer a question, you will be docked 10 points. 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. But as you have seen above, you do not want to miss the class in which you are selected to give a presentation.

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

These three-page papers are due at the beginning of class on alternate Thursdays (see syllabus below for schedule). Before class, you will submit the paper to me on Sakai 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; newsgathering and free press; and obscenity and copyright law.

The general 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.

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.

Format:

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.

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.

Grade 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

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, Tuesday, Aug. 28 – Course overview

Thursday, Aug. 30 – The courts

WEEK 2, Tuesday, Sept. 4 – The First Amendment

- Required reading for this session: MML Chapters 1 and 2

Thursday, Sept. 6 – The First Amendment

- Presentations

WEEK 3, Tuesday, Sept. 11 – The First Amendment

- Required reading for this session: MML Chapter 3

Thursday, Sept. 13 – The First Amendment

- Reaction paper due on the First Amendment
- Presentations

WEEK 4, Tuesday, Sept. 18 – Libel, the basics

- Required reading for this session: MML Chapter 4

Thursday, Sept. 20 – Libel, the basics

- Presentations

WEEK 5, Tuesday, Sept. 25 – Libel, proof of fault

- Required reading for this session: MML Chapter 5

Thursday, Sept. 27 – Libel, proof of fault

- Presentations

WEEK 6, Tuesday, Oct. 2 – Libel, putting up a defense

- Required reading for this session, MML Chapter 6

Thursday, Oct. 4 – Libel, putting up a defense

- Presentations
- Reaction paper due on libel

OCT. 8-10 MID-SEMESTER BREAK

WEEK 7, Thursday, Oct. 11 – First Amendment and libel overview

WEEK 8, Tuesday, Oct. 16: MID-TERM EXAM

Thursday, Oct. 18 – Guest speaker TBA

WEEK 9, Tuesday, Oct. 23 – Invasion of privacy: appropriation and intrusion

- Required reading for this session: MML Chapter 7

Thursday, Oct. 25 – Invasion of privacy: appropriation and intrusion

- Presentations

WEEK 10, Tuesday, Oct. 30 – Invasion of privacy: publication of private information

- Required reading for this session: MML Chapter 8

Thursday, Nov. 1 – Invasion of privacy: publication of private information

- Presentations
- Reaction paper due on invasion of privacy

WEEK 11, Tuesday, Nov. 6 – News and Information Gathering

- Required reading for this session: MML Chapter 9

Thursday, Nov. 8 – News and Information Gathering

- Presentations

WEEK 12, Tuesday, Nov. 13 – News and Free Press

- Required reading for this session: MML Chapters 10 and 11

Thursday, Nov. 15 – Free Press

- Presentations
- Reaction paper due on news and information gathering and the free press

WEEK 13, Tuesday, Nov. 20 – Obscenity

- Required reading for this session: MML Chapter 13

THANKSGIVING BREAK, NOV. 21-24

WEEK 14, Tuesday, Nov. 27 – Copyright

- Required reading for this session: MML Chapter 14

Thursday, Nov. 29 – Obscenity and Copyright

- Presentations
- Reaction paper due on obscenity and copyright

WEEK 15, Tuesday, Dec. 4 – Course review, first half

Thursday, Dec. 6 – Course review, second half

WEEK 16, Tuesday, Dec. 11 – FINAL EXAM

