

COMM 4454-01D: Media Law
Monday/Wednesday 2:00 pm - 3:15 pm
Nursing Room 122
Fall 2017

GENERAL INFORMATION

Instructor: Patrick D. Hadley, Ph.D.

Office: Humanities 214

Physical Office Hours: Mondays & Wednesdays, 9:30 am - 10:30 am; 3:45 pm – 5:15 pm,
Friday (by appt)

Virtual Office Hours: Tuesdays & Thursdays, 9:30 am - noon (via CourseDen email or Google
Voice phone/text)

Google Voice Phone/Text: (404) 919-7349

Office Telephone: (678) 839-4931

E-mail: phadley@westga.edu (for use only if CourseDen email is unavailable)

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

1. Pember, D. R., & Calvert, C. (2015). *Mass media law* (19th ed.). New York:McGraw-Hill. (web site: www.mhhe.com/pember19e)
2. Connect Online Access Card for *Mass media law* (19th ed.). For this course **you are expected to purchase** McGraw-Hill Education Connect® access for our textbook. You have the option to either purchase a loose-leaf version of the textbook or use an eBook

version of the text. Please be aware if you purchase or rent a used textbook, you **MUST** purchase Connect access to complete assignments related to each chapter. (NOTE: Make certain that any Connect access code that you purchase is purchased directly from McGraw-Hill to ensure that it has not been used previously. Access codes from third parties will not work if they have been previously used.)

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

**It is not possible to successfully complete the requirements of COMM 4454 without reading the textbook and additional materials.

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 Study Assignments (1 percent/chapter x 12 chapters) = **12 percent**

Test #1 = **20 percent**

Test #2 = **20 percent**

Test #3 = **18 percent**

Case Brief (Writing to Learn) = **6 percent**

Participation regarding Assigned Case = **4 percent**

Draft Analysis/Script/Storyboard for Final Project (Writing to Learn) = **10 percent**

Final Project (Writing to Communicate) = **10 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 Study 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.”

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.

Deadlines for completion of each chapter's questions will be posted in LearnSmart.

Tests - Three (3) tests will be administered in class during the semester. The three tests are worth a total of **58 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 Brief – 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 **6 percent of your grade**.

Late postings: Case briefs must be posted on CourseDen **by 11:59 pm** on the deadline date. Grades for late case brief postings will be reduced by 50 percent if posted after 11:59 pm, but before noon the following day. [**Posting dates to be announced.**]

Participation regarding Assigned Case: Although you will not be delivering a formal presentation of your assigned case, you should be prepared on the day we are discussing your case to respond to questions about your case, share key facts and background on the case, and be able to explain the court's holding and rationale in the case.

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 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 **10 percent** of final grade). [**Deadline in separate Weekly Schedule.**]

ATTENDANCE

Attendance is not required (except on exam 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 exam dates.)

****Online Sessions Note:** Some of our class meetings will be conducted online using collaborative online meeting/webinar software. You will receive more information about the technology requirements for these online classes later in the semester.

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 we discuss your assigned case in class, 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/assetsDept/vpaa/Common_Language_for_Course_Syllabi.pdf

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 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 2017 - revised version

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: W-8/9	<i>Syllabus Review</i>	<i>No Assignment</i>
Wk 2: M-8/14 W-8/16	<i>M-Online resources on finding, reading, and briefing cases</i> <i>W-Random selection of cases to brief</i> <i>W-Begin reading Chapter 1</i>	<i>M-Review resources on how to brief cases</i> <i>W-Begin reading Chapter 1 for overview of American Legal System</i>
Wk 3: M- 8/21 W-8/23	<i>M/W-Ch. 1 - The American Legal System (and additional assigned resources)</i>	M-Continue reading Chapter 1 content (no Face-to-Face class)** **Tuesday-Chapter 1 LearnSmart Assignment (deadline: 8/20 @ 11:59 pm) (updated deadline: 8/22 @ 11:59 pm) W-Case brief practice in class (Class will meet in regular classroom)
Wk 4: M-8/28 W-8/30	<i>M/W-Ch. 2 - The First Amendment: Contemporary Problems (and additional assigned resources)</i>	Sunday-Chapter 2 LearnSmart Assignment (deadline 8/27 @ 11:59 pm) M/W - Read Chapter 2 and associated resources <ul style="list-style-type: none"> • Brandenburg v. Ohio, U.S. Sup. Ct.-1969 (Dr. Hadley) • Gitlow v. New York, U.S. Sup.Ct-1925 (Dr. Hadley) • Near v. Minnesota, US SupCt-1931 (Dr. Hadley)

<p>Wk 5:</p> <p>M-9/4</p> <p>W-9/6</p>	<p><i>M-Labor Day Holiday (no class)</i></p> <p><i>W-Ch. 3 – The First Amendment: Contemporary Problems</i></p>	<p>*Tuesday-Chapter 3 LearnSmart Assignment (deadline 9/5 @ 11:59 pm)</p> <p>**Tuesday - Post case brief #1 - #8 in designated discussion area (deadline Tuesday, 9/5 @ 11:59 pm)</p> <ol style="list-style-type: none"> 1. <i>Tinker v. Des Moines, US.SupCt-1969 (A. Warrior)</i> 2. <i>Barber v. Dearborn Public Schools - E.D. Mich. 2003 (M. Bohlander)</i> 3. <i>Hazelwood v. Kuhlmeier, US SupCT-1988 (V. Collier)</i> 4. <i>Bethel v. Fraser, SupCt-1986 (M. Bowsky)</i> 5. <i>Morse v. Frederick, SupCt-2007 (A. Mack)</i> 6. <i>Chaplinsky v. New Hampshire, SupCt-1942 (H. Courtney)</i> 7. <i>Gooding v. Wilson, SupCt-1972 (B. Hines)</i> 8. <i>Snyder v. Phelps, SupCt-2011 (B. Dixon)</i>
<p>Wk 6:</p> <p>M-9/11</p> <p>W-9/13</p>	<p><i>M/W-Ch. 14 - Copyright</i></p>	<p>Mon - No F2F class- Read assigned chapters and associated resources</p> <p>**Tues-Chapter 14 LearnSmart Assignment (deadline 9/12 @ 11:59 pm)</p> <p>**Tuesday - Post case brief #9 - #12 in designated discussion area (deadline Tuesday, 9/12 @ 11:59 pm)</p> <p>M/W - Read Chapter 14 and associated resources</p> <ol style="list-style-type: none"> 9. <i>Feist Publications v. Rural Telephone, SupCt-1991 (S. Conner)</i> 10. <i>Miller v. Universal City Studios, 650 F.2d. 1365 -1981 (J. Misutka)</i> 11. <i>Basic Books v. Kinkos, 6th Cir.-1991 (D. Jones)</i> 12. <i>Campbell v. Acuff-Rose Music, SupCt-1994 (J. Hampton)</i>
<p>Wk 7:</p>	<p><i>M- Ch. 14 - Copyright</i></p>	<p>Mon- Conclude copyright discussion</p> <p>Mon - No F2F class- Read assigned</p>

<p>M-9/18</p> <p>*W-9/20</p>	<p>**W- Exam #1</p>	<p>chapters and associated resources</p> <p>**W- Exam #1 (Chapters 1, 2, 3, 14, and Supplemental Resources)</p>
<p>Wk 8:</p> <p>M-9/25</p> <p>W-9/27</p> <p>F-9/29</p>	<p><i>M-Exam Analysis/Ch. 13-Regulation of Obscene and Other Erotic Material</i></p> <p><i>W-Ch. 13 - Regulation of Obscene and Other Erotic Material</i></p> <p>**9/29 is last day to withdraw from course with a "W"***</p>	<p>Mon - No F2F class- Read assigned chapters and associated resources</p> <p>T--Chapter 13 LearnSmart Assignment (deadline 9/26--@ 11:59 pm)</p> <p>**Tuesday - Post case brief #13-#15 in designated discussion area (deadline Tuesday, 9/26 @ 11:59 pm)</p> <p>13. Miller v. California, SupCt-1973 (J. Watson)</p> <p>14. Jenkins v. Georgia, SupCt-1974 (Jessica Murphy)</p> <p>15. Ginsberg v. New York, SupCt-1968 (J. Mewborn)</p>
<p>Wk 9:</p> <p>M-10/2</p> <p>W-10/4</p>	<p><i>M/W-Ch. 16 - Telecommunications Regulation</i></p>	<p>Mon - No F2F class- Read assigned chapters and associated resources</p> <p>Sunday-Chapter 16 LearnSmart Assignment (deadline 10/1 @ 11:59 pm) (**revised deadline Tues., 10/3 @ 11:59 pm)</p> <p>**Tuesday - Post case brief #16 in designated discussion area (deadline Tuesday, 10/3 @ 11:59 pm)</p> <p>M/W- Read Ch. 16 and associated resources</p> <p>16. Thurs: FCC v. Pacifica, SupCt-1978 (S. Cooley)</p>

<p>Wk 10: M-10/9</p> <p>W-10/11</p>	<p><i>M-Chaps. 4 - Libel: Establishing a Case/Ch. 5 - Libel: Proof of Fault</i></p>	<p>Mon - No F2F class- Read assigned chapters and associated resources</p> <p>Sunday Tuesday-Chap. 4 LearnSmart and Chap. 5 LearnSmart (** revised deadline for BOTH chapter assignments is-10/8 Tuesday, 10/10 @ 11:59 pm)</p> <p>**Tuesday - Post case brief #17-#20 in designated discussion area (deadline Tuesday, 10/10 @ 11:59 pm)</p> <p>M Wed- Case Discussions</p> <ol style="list-style-type: none"> 17. Tues-Damon v. Moore, 520 F.3d 98-2008 (A. Barnwell) 18. Tues-New York Times v. Sullivan, SupCt-1964 (S. Beatty-Schofield) 19. Tues-Curtis Publishing v. Butts, SupCt-1967 Tues-Gertz v. Welch, SupCt-1974 (N. Montgomery) 20. Tues-AP v. Walker, SupCt-1967 (J. Jorgensen)
<p>Wk 11: M-10/16</p> <p>W-10/18</p>	<p><i>M-Ch. 6-Libel: Defenses and Damages</i></p>	<p>Mon - No F2F class- Read assigned chapters and associated resources</p> <p>S Tuesday-Chapter 6 LearnSmart Assignment (**revised deadline 10/15 Tuesday 10/17 @ 11:59 pm)</p> <p>**Tuesday - Post case brief #21-#24 in designated discussion area (deadline Tuesday, 10/17 @ 11:59 pm)</p> <p>W-Read Ch. 6 and associated resources</p> <ol style="list-style-type: none"> 21. Old Dominion Branch No. 496, National Assn. of Letter Carriers v. Austin, 94 S.Ct. 2770 (1974) (B. Taylor) 22. Greenbelt Publishing Assn., v. Bresler, SupCt-1970 (M. Allen) 23. Milkovich v. Lorain Journal, SupCt-1991 (D. Hogan) 24. Ollman v. Evans, 750 F.2d

		970-1984 (M. Flynn)
<p>Wk 12: M-10/23</p> <p>W-10/25</p>	<p><i>M-Ch. 6-Libel:Defenses and Damages (con'd)</i></p> <p>**W-Exam #2</p>	<p>Mon - No F2F class- Read assigned chapters and associated resources</p> <p>**Exam #2 (covers Chaps. 13, 16, 4, 5, 6 and related materials)</p>
<p>Wk 13: M-10/30</p> <p>W-11/1</p>	<p><i>M-Exam Analysis/Discussion of Final Projects (legal scenario/legal analysis/bibliography, scripting, storyboarding, Powtoon animation software)</i></p> <p><i>W-Ch. 7 – Invasion of Privacy (Appropriation and Intrusion)</i></p>	<p>M-No F2F class - No Assignment</p> <p>T-Chapter 7 LearnSmart Assignment (deadline 10/31 @ 11:59 pm)</p> <p>**Tuesday - Post case brief #25-#28 in designated discussion area (deadline Tuesday, 10/31 @ 11:59 pm)</p> <p>M/W-Read Ch. 7 and associated resources/case briefs and presentations</p> <p>25. Midler v. Ford Motor Co, 849 F.2d 460-1988</p> <p>26. White v. Samsung Electronics, 971 F.2d 1395-1992</p> <p>27. Cardtoons v. Major League Baseball, 10th Cir.-1996 (R. Case)</p> <p>28. ETW Corp v. Jireh Publishing, 6th Cir-2003 (M. Doering)</p>
<p>Wk 14: M-11/6</p> <p>W-11/8</p>	<p><i>M-Ch. 8-Invasion of Privacy (Publication of Private Information and False Light)</i></p> <p><i>W-Ch. 10-Invasion of Privacy (Publication of Private Information and False Light) Protection of News Sources/Contempt Power</i></p>	<p>Mon - No F2F class- Read assigned chapters and associated resources</p> <p>§ Tues-Chapter 8 LearnSmart Assignment (**revised deadline 11/5 Tuesday, 11/7 @ 11:59 pm)</p> <p>**Tuesday - Post case brief #29 - #30 in designated discussion area (deadline Tuesday, 11/7 @ 11:59 pm)</p> <p>M-Read Ch. 8 and associated resources</p> <p>29. Toffoloni v. LFP Publishing</p>

		<p>Group LLC, 11th Cir-2009 (M. McKinney)</p> <p>T-Chapter 10 LearnSmart Assignment (deadline 11/7 @ 11:59 pm)</p> <p>W-Read Ch.10 and associated resources</p> <p>30. Branzburg v. Hayes, 408 U.S. 665 (1972) (M. Benefield)</p> <p>**Wednesday-11/8 (11:59 pm)- Deadline for submission in Discussion area of Draft Legal Analysis Script and Storyboard**</p>
<p>Wk 15:</p> <p>M-11/13</p> <p>W-11/15</p>	<p><i>M- Projects</i></p> <p><i>W-Projects</i></p>	<p>M- Independent work on team projects</p> <p>W-Independent work on team projects</p> <p>**Wednesday-11/15 (11:59 pm) - Deadline for submission in Discussion area of Draft Legal Analysis Script and Storyboard**</p>
<p>Wk 16:</p> <p>M-11/20</p> <p>W-11/22</p>	<p>**Thanksgiving Recess - No classes**</p>	
<p>Wk 17:</p> <p>M-11/27</p> <p>W-11/29</p>	<p><i>M-In-class updates on Final Projects</i></p> <p><i>W-Final Projects due by noon**</i> <i>W - In-class updates on Final Projects/Review for Final Exam</i></p>	<p><i>M - Class will meet face-to face</i></p> <p><i>W-Final Projects due by noon**</i> <i>W - In-class updates on Final Projects/Review for Final Exam</i></p>
<p>Final Exam Time Slot</p> <p>*Monday, 12/4, 2:00 pm - 4:00 pm (regular classroom)</p> <p>**Wednesday, 12/6, 11:59 pm</p>	<p><i>Final Exam (regular classroom)</i></p> <p><i>**W-Final Projects due by 11:59 pm</i></p>	<p>Exam #3 (in regular classroom- covers Chapters 7, 8, 10 and related content)**</p> <p>**W-Final Projects due by 11:59 pm</p>

