Mass Communication Law

COMM 5300-003 | Spring 2020 | Mondays & Wednesdays, 4:50-6:45 p.m. | GC 3700

Professor: Glen Feighery
Contact: glen.feighery@utah.edu or Canvas
Office hours: By appointment
Office location: LNCO 2864

Overview

Materials


The course has a fee for the textbook. You will access the book via Canvas. If you don’t want this, opt out here: https://portal.verba.io/utah/login If you opt out, you will be responsible for buying a textbook on your own (remember, it must be the 20th edition). ISBN: 1259913902. Publisher: McGraw Hill Education.

► All other materials will be on Canvas or online.

Course Description

This course is organized into three parts:
► One: The First Amendment and Freedom of Expression
► Two: Libel and Privacy
► Three: Intellectual Property, Advertising, and Regulation

At the end of each part, there will be an exam.

Course Outcomes

In this class, you will:
► Learn basic legal concepts, laws, and regulations governing media.
► Understand how courts function and create legal precedents.
► Learn legal tests and apply them to facts.

Your Commitments

► Attend class, every day and on time (4:50 p.m. Mondays and Wednesdays).
► Participate, professionally and respectfully, in class discussions and exercises.
► Read. There is a lot. Some weeks, there are 2 chapters. Allow time for careful reading.
► Work on Canvas, every week and on time (Canvas locks after the deadline). There are 10 Canvas Comment and Contribution assignments to guide your reading, note-taking, and discussions.
University and Class Policies

► ADA: The University of Utah seeks to provide equal access to its programs, services, and activities. If you need accommodation, contact the Center for Disability and Access, Union Building Room 162, 801-581-5020, http://disability.utah.edu/.

► Content Accommodation: This course might expose you to things you find discomforting. I will not make accommodations in course content, requirements, or expectations. http://regulations.utah.edu/academics/6-100.php (See Section III, Part Q)

► Safety: The University of Utah values the safety of all campus community members. To report suspicious activity or to request a courtesy escort, call campus police at 801-585-COPS (801-585-2677). safeu.utah.edu

► Respect: Violence and harassment based on sex and gender (including orientation and identity/ expression) is a civil-rights offense and is treated the same as those against race, national origin, color, religion, age, disabled status, veteran’s status, or genetic information. https://oeo.utah.edu/

► Academic Integrity: http://www.regulations.utah.edu/academics/6-400.html (See Section I, Part B2, and Section V, Part A and Part B, 1-5)

► Attendance: http://regulations.utah.edu/academics/6-100.php (See Section III, Part O)
  • You must attend all classes. You get zero (0) free days. You earn points for attending and participating. You don’t if you don’t.
  • Note: If you are ill or have a genuine emergency, contact me within 24 hours.

► Grading, Registration, and Incompletes: https://catalog.utah.edu/#/policy/B12v3lx0G?bc=true&bcCurrent=Grading%20Policies&bcGroup=Grade%20Information&bcItemType=policies

► Semester calendar: https://registrar.utah.edu/academic-calendars/spring2020.php

Grading

Where Your Course Grade Comes From

<table>
<thead>
<tr>
<th>Category</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Attendance / Participation</td>
<td>104</td>
</tr>
<tr>
<td>Canvas Comments / Contribution</td>
<td>100</td>
</tr>
<tr>
<td>Case Briefs</td>
<td>96</td>
</tr>
<tr>
<td>Exam 1</td>
<td>100</td>
</tr>
<tr>
<td>Exam 2</td>
<td>100</td>
</tr>
<tr>
<td>Exam 3</td>
<td>100</td>
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<tr>
<td>Total:</td>
<td>600</td>
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Grading Scale

When I calculate your course grade at the end of the semester, I will use these percentages:

- 100-94 A
- 93-90 A-
- 89-87 B+
- 86-84 B
- 79-77 C+
- 76-74 C
- 69-67 D+
- 66-64 D
- 59-0 E
- 63-60 D-
### WEEK 1: INTRODUCTION: THE COURSE AND THE LEGAL SYSTEM

<table>
<thead>
<tr>
<th>In class Monday, Jan. 6</th>
<th>Syllabus, schedule, expectations.</th>
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| Before class Wednesday, Jan. 8 | • **Read**: Chapter 1.  
• **Optional**: Update your Canvas profile with a recent photo (for my reference only). |
| In class Wednesday, Jan. 8 | • **Discussion and Exercise**: Investigate the Supreme Court and other courts. What are legal tests? How do you apply them? |

### WEEK 2: THE FIRST AMENDMENT AND FREE EXPRESSION

| Anytime before 2 p.m. Monday, Jan. 13 | • **Read**: Chapter 2, pp. 38-55.  
• **Comment and Contribution No. 1**: See specific prompts in Canvas. |
| In class Monday, Jan. 13 | • **Discussion**: Freedom of expression cases. |
| In class Wednesday, Jan. 15 | • **Discussion and Exercise**: Apply legal tests to freedom of expression cases. |

### WEEK 3: FREE EXPRESSION AND PRIOR RESTRAINT

| Anytime before 2 p.m. Monday, Jan. 20  
(Yes, it’s Martin Luther King Jr. Day.  
Do this anytime before 2 p.m.) | • **Read**: Chapter 2, pp. 56-83.  
• **Comment and Contribution No. 2**: See specific prompts and cases in Canvas. |
| In class Wednesday, Jan. 22 | • **Discussion and Exercise**: From *Schenck* v. *U.S.* to *Brandenburg* v. *Ohio*.  
• **Exercise**: Prior Restraint and Pentagon Papers; the Michelle Carter case, 8chan, and others. |

### WEEK 4: FREE EXPRESSION AND HATE SPEECH

| Anytime before 2 p.m. Monday, Jan. 27  
Exam 1 Study Guide Posted. | • **Read**: Chapter 3, pp. 86-136.  
• **Listen to**: *More Perfect* podcast, “The Hate Debate” (36 minutes) (*Warning*: There is strong language toward the end. You can skip the last 3-5 minutes.) [https://www.wnyc.org/story/hate-debate/]  
• **Comment and Contribution No. 3**: See specific prompts in Canvas. |
| In class Monday, Jan. 27 | • **Discussion and Exercise**: Hate speech cases. |
| In class Wednesday, Jan. 29 | • **Discussion and Exercise**: True threats. |
### Week 5: Review and Exam 1

| In class Monday, Feb. 3                      | • Exam 1 Review. *Unit 1 Case Briefs DUE.* |
| In class Wednesday, Feb. 5                  | • Exam 1.                                      |

### Week 6: Libel, Part 1

| Anytime before 2 p.m. Monday, Feb. 10       | • **Read:** Chapters 4 and 5.  
|                                            | • **Comment and Contribution No. 4:** See specific prompts and cases in Canvas. |
| In class Monday, Feb. 10                    | • **Discussion and Exercise:** The elements of libel—our mantra. Why *New York Times v. Sullivan* is so important. |
| In class Wednesday, Feb. 12                  | • **Discussion and Exercise:** Types of persons and fault. |

### Week 7: Libel, Part 2

| Anytime before 2 p.m. Monday, Feb. 17       | • **Read:** Chapter 6.  
| (Yes, it’s Presidents Day. Do this anytime before 2 p.m.) | • **Comment and Contribution No. 5:** See specific prompts and cases in Canvas. |
| Wednesday, Feb. 19                           | • **Discussion and Exercise:** Libel defenses and the Moab city manager case. |

### Week 8: Privacy, Part 1

| Anytime before 2 p.m. Monday, Feb. 24        | • **Read:** Chapter 7.  
|                                            | • **Comment and Contribution No. 6:** See specific prompts and cases in Canvas. |
| In class Monday, Feb. 24                     | • **Discussion and Exercise:** Appropriation and Intrusion cases. |
| Wednesday, Feb. 26                           | • **Discussion and Exercise:** Appropriation and Intrusion—applying legal tests. |

### Week 9: Privacy, Part 2

| Anytime before 2 p.m. Monday, March 2        | • **Read:** Chapter 8.  
<p>| (Exam 2 Study Guide Posted This Week.)       | • <strong>Listen to:</strong> <em>This American Life,</em> Episode 675, Act One, “Anything You Say Can and Will Be Used ... on Television” (31 minutes) |</p>
<table>
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<tr>
<th><strong>WEEK 10: SPRING BREAK</strong></th>
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<tr>
<td><strong>WEEK 11: REVIEW AND EXAM 2</strong></td>
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<tr>
<td>In class Monday, March 16</td>
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<td>In class Wednesday, March 18</td>
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<tr>
<th><strong>WEEK 12: FREE MEDIA AND FAIR TRIALS</strong></th>
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| **Before class Monday, March 23** | • **Read:** Chapter 10, pp. 425-428; Chapter 11.  
• **No Comment and Contribution this week.** |
| In class Monday, March 23 | • **Discussion and Exercise:** The Bill of Rights; courts and contempt; prejudicial pretrial publicity. |
| In class Wednesday, March 25 | • **Discussion and Exercise:** When fair trials clash with Prior Restraint. |

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<th><strong>WEEK 13: INTELLECTUAL PROPERTY</strong></th>
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| **Anytime before 2 p.m. Monday, March 30** | • **Read:** Chapter 14.  
• **Comment and Contribution No. 8:** See specific prompts and cases in Canvas. |
| In class Monday, March 30 | • **Discussion and Exercise:** Types of intellectual property; copyright infringement; Fair Use. |
| In class Wednesday, April 1 | • **Discussion and Exercise:** Applying the Fair Use test to actual cases. |
## Week 14: Advertising

### Anytime before 2 p.m. Monday, April 6

- **Read:** Chapter 15.
- **Listen to:** *Life of the Law* podcast, “Call Now!” (23 minutes) [http://www.lifeofthelaw.org/2013/06/call-now/](http://www.lifeofthelaw.org/2013/06/call-now/)
- **Comment and Contribution No. 9:** See specific prompts and cases in Canvas.

### In class Monday, April 6

- **Discussion and Exercise:** Commercial speech and advertising cases and test.

### In class Wednesday, April 8

- **Discussion and Exercise:** Advertising and regulation via FTC procedures and remedies.

## Week 15: Media Regulation and Net Neutrality

### Anytime before 2 p.m. Monday, April 13

- **Read:** Chapter 3, pp. 136-144; Chapter 16, pp. 612-623.
- **Comment and Contribution No. 10:** See specific prompts and cases in Canvas.

### In class Monday, April 13

- **Discussion and Exercise:** Net Neutrality and / or political advertising.

### Wednesday, April 15

- **Exam 3 Review.** *Unit 3 Case Briefs DUE.*

## Week 16: Last Week of Class and Exam 3

### In class Monday, April 20

- **Exam 3.**