Mass Communication Law

COMM 5300-004 | Fall 2019 | Mondays & Wednesdays, 2-3:55 p.m. | BU C 107

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

Overview

Materials

► 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 (2 p.m. Mondays and Wednesdays).  
► Participate, professionally and respectfully, in class discussions and exercises.  
► Read. There is a lot—in some weeks, there will be 2 required chapters.  
► 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 <i>not</i> make accommodations in course content, requirements, or expectations. http://regulations.utah.edu/academics/6-100.php (<i>See Section III, Part Q</i>)

► 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/


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

► 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/fall2019.php

Grading

Where Your Course Grade Comes From

Class Attendance / Participation (4 pts. x 26 days) .................. 104 points
Canvas Comments / Contribution (10 pts. x 10 weeks) ............ 100 points
Case Briefs (4 pts. x 24 cases) ........................................... 96 points
Exam 1 ................................................................. 100 points
Exam 2 ................................................................. 100 points
Exam 3 ................................................................. 100 points
Total: ................................................................. 600 possible points

Grading Scale

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

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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**WEEK 1: INTRODUCTION: THE COURSE AND THE LEGAL SYSTEM**

<table>
<thead>
<tr>
<th>In class Monday, Aug. 19</th>
<th>Syllabus, schedule, expectations.</th>
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</table>
| **Before class Wednesday, Aug. 21** | • **Read:** Chapter 1.  
  • **Optional:** Update your Canvas profile with a recent photo (for my reference only). |
| **In class Wednesday, Aug. 21** | • **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, Aug. 26 | • **Read:** Chapter 2, pp. 38-55.  
  • **Comment and Contribution No. 1:** See specific prompts in Canvas. |
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<tbody>
<tr>
<td>In class Monday, Aug. 26</td>
<td>• <strong>Discussion:</strong> Freedom of expression cases.</td>
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<td>In class Wednesday, Aug. 28</td>
<td>• <strong>Discussion and Exercise:</strong> Apply legal tests to freedom of expression cases.</td>
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**WEEK 3: FREE EXPRESSION AND PRIOR RESTRAINT**

| Anytime before 2 p.m. Monday, Sept. 2  (Yes, it’s Labor 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, Sept. 4                                                             | • **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, Sept. 9 | • **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/](https://www.wnyc.org/story/hate-debate/)  
  • **Comment and Contribution No. 3:** See specific prompts in Canvas. |
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<tr>
<td>Exam 1 Study Guide Posted.</td>
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<td>In class Monday, Sept. 9</td>
<td>• <strong>Discussion and Exercise:</strong> Hate speech cases.</td>
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<td>In class Wednesday, Sept. 11</td>
<td>• <strong>Discussion and Exercise:</strong> True threats.</td>
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### Week 5: Review and Exam 1

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<th>Activity</th>
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<tbody>
<tr>
<td>In class Monday, Sept. 16</td>
<td>• Exam 1 Review. <em>Unit 1 Case Briefs DUE.</em></td>
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<tr>
<td>In class Wednesday, Sept. 18</td>
<td>• Exam 1.</td>
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### Week 6: Libel, Part 1

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| Anytime before 2 p.m. Monday, Sept. 23 | • **Read**: Chapters 4 and 5.  
  • **Comment and Contribution No. 4**: See specific prompts and cases in Canvas. |
| In class Monday, Sept. 23    | • **Discussion and Exercise**: The elements of libel—our mantra. Why *New York Times v. Sullivan* is so important. |
| In class Wednesday, Sept. 25 | • **Discussion and Exercise**: Types of persons and fault. |

### Week 7: Libel, Part 2

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<th>Activity</th>
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| Anytime before 2 p.m. Monday, Sept. 30 | • **Read**: Chapter 6.  
  • **Comment and Contribution No. 5**: See specific prompts and cases in Canvas. |
| In class Monday, Sept. 30    | • **Discussion and Exercise**: Libel defenses and the Moab city manager case. |
| Wednesday, Oct. 2            | **NO CLASS**: Glen at historians’ conference. |

### Week 8: Fall Break

### Week 9: Privacy, Part 1

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<th>Date</th>
<th>Activity</th>
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| Anytime before 2 p.m. Monday, Oct. 14 | • **Read**: Chapter 7.  
  • **Comment and Contribution No. 6**: See specific prompts and cases in Canvas. |
| In class Monday, Oct. 14    | • **Discussion and Exercise**: Appropriation and Intrusion cases. |
| Wednesday, Oct. 16          | • **Discussion and Exercise**: Appropriation and Intrusion—applying legal tests. |
## WEEK 10: PRIVACY, PART 2

**Anytime before 2 p.m. Monday, Oct. 21**

*Exam 2 Study Guide Posted.*

- **Read:** Chapter 8.
- **Listen to:** *This American Life*, Episode 675, Act One, “Anything You Say Can and Will Be Used ... on Television” (31 minutes) [https://www.thisamericanlife.org/675/im-on-tv](https://www.thisamericanlife.org/675/im-on-tv)
- **Comment and Contribution No. 7:** See specific prompts and cases in Canvas.

**In class Monday, Oct. 21**

- **Discussion and Exercise:** Private Facts and False Light cases.

**In class Wednesday, Oct. 23**

- **Discussion and Exercise:** Private Facts and False Light—applying legal tests.

## WEEK 11: REVIEW AND EXAM 2

**In class Monday, Oct. 28**

- **Exam 2 Review. Unit 2 Case Briefs DUE.**

**In class Wednesday, Oct. 30**

- **Exam 2.**

## WEEK 12: FREE MEDIA AND FAIR TRIALS

**Before class Monday, Nov. 4**

- **Read:** Chapter 10, pp. 425-428; Chapter 11.
- **No** Comment and Contribution this week.

**In class Monday, Nov. 4**

- **Discussion and Exercise:** What contempt is and why it matters; prejudicial pretrial publicity.

**In class Wednesday, Nov. 6**

- **Discussion and Exercise:** When fair trials clash with Prior Restraint.

## WEEK 13: INTELLECTUAL PROPERTY

**Anytime before 2 p.m. Monday, Nov. 11**

- **Read:** Chapter 14.
- **Comment and Contribution No. 8:** See specific prompts and cases in Canvas.

**In class Monday, Nov. 11**

- **Discussion and Exercise:** Types of intellectual property; copyright infringement; Fair Use.

**In class Wednesday, Nov. 13**

- **Discussion and Exercise:** Applying the Fair Use test to actual cases.
### WEEK 14: ADVERTISING

**Anytime before 2 p.m. Monday, Nov. 18**
- **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, Nov. 18**
- **Discussion and Exercise**: Commercial speech and advertising cases and test.

**In class Wednesday, Nov. 20**
- **Discussion and Exercise**: Advertising and regulation via FTC procedures and remedies.

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### WEEK 15: MEDIA REGULATION AND NET NEUTRALITY

**Anytime before 2 p.m. Monday, Nov. 25**
- **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, Nov. 25**
- **Discussion and Exercise**: Net Neutrality and / or political advertising.

**Wednesday, Nov. 27**
- **NO CLASS**: Happy Thanksgiving!

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### WEEK 16: LAST WEEK OF CLASS

**In class Monday, Dec. 2**
- **Exam 3 Review. Unit 3 Case Briefs DUE.**

**In class Wednesday, Dec. 4**
- **Exam 3.**