SYLLABUS

**J-430: Law of Mass Communications**

Sec. 01; Spring 2016:

Mon-Wed 8:00 – 9:15 am

LA4 Room 105

**Instructor:** Christopher Knap (Chris.Knap@csulb.edu)

**Office hours**: Mon-Wed 9:15-10 am

 LA4 Room 206F

**Course description:**

This course examines principles and case studies of media law, with an emphasis on constitutional guarantees of free speech, prior restraint, libel, privacy rights, shield laws, and other key statutes affecting the news media. In this course, we will emphasize a practical approach to the law: What rights and responsibilities do we as journalists have under the law and the US Constitution, where have other media organizations gone wrong and how do we guard against similar mistakes in our own work? Media law is often seen as a dry subject but in this class we will see that is usually not true: Contemporary cases include dramatic news stories about crime, sex, violence, espionage and international intrigue.

**Course outcomes:**

By the end of this course students should be able to:

* + Explain basic court structure and procedure
	+ Explain the legal standards applied to expression in areas such as libel, privacy, commercial speech and broadcasting
	+ Find and analyze judicial and administrative opinions
	+ Evaluate legal arguments and draft arguments in layman’s terms
	+ Explain constitutional principles of freedom of speech and press for the United States including the right to dissent, to monitor and criticize power and to assemble and petition for redress of grievances
	+ Discuss landmark cases that made current media law
	+ Understand where diversity in gender, race, ethnicity, sexual orientation and religion gets special protections under U.S. law and where community standards are sometimes more powerful.

**Required text and reading materials:**

* The basic text for this class is ***Mass Media Law****, by Pember and Calvert, 19th Edition, McGraw Hill.* Lectures and exams will be heavily based on this book and you will not be able to survive the class without it.
* Useful online guides are maintained by the **Reporters Committee for Freedom of the Press** (<http://www.rcfp.org/browse-media-law-resources/digital-journalists-legal-guide>), the California **First Amendment Coalition** (<https://firstamendmentcoalition.org/public-records-2/>) and the **California Newspaper Publishers Association** (<http://www.cnpa.com/legislative_and_legal/>)
* In addition your instructor may from time to time post news and legal articles, case citations and other reading on Beachboard. These will help to add currency to our class.

**Class presentation and participation**

 To encourage student engagement in this class we will form teams of three students each who will research and present to the class one of the milestone legal cases listed elsewhere in this syllabus. These brief presentations will be scheduled to be complementary to the instructor’s lectures.

 Presentations should include the following (it is recommended that these be turned into a one-page hand-out, which can be emailed to the instructor prior to the presentation):

1. The incident or publication that led to the legal case
2. The cause of action and argument of the plaintiff
3. The defense and legal arguments of the defendant
4. The findings of the judge and/or jury
5. Any appeals that may have changed the case
6. Legal milestones and lessons from the case

In addition to the class presentation students will be graded on their attendance, participation in class discussions, and overall contribution to the class. There may be an opportunity to do additional presentations for extra credit.

**Grading structure for this course:**

|  |  |
| --- | --- |
| **GRADING:** |  |
| Quizzes (5 quizzes worth 20 points) | 100 points |
| Midterm exam (objective questions + short essays | 100 points |
| Class participation (50 pts) and presentation (50) | 100 points |
| Final Exam (objective questions plus short essays)  | 100 points |
| **TOTAL AVAILABLE** | 400 points |

**Letter grade computation:**

A: 90 to 100 percent

B: 80 to 90 percent

C: 70 to 80 percent

D: 60 to 70 percent

F: below 60 percent

**About your instructor:**

 Chris Knap is an investigative reporter and editor with 30 years of experience covering public and consumer affairs, business, legal issues, government and health. His byline has been published in more than a dozen newspapers, magazines and online news sites including The Orange County Register, The San Francisco Chronicle, The Washington Post, Cosmopolitan Magazine and Southern California Public Radio.

 Knap was part of a three-man health-reporting team at the Orange County Register that was a finalist for a Pulitzer Prize in Explanatory Reporting in 2004. He was the 2002 recipient of the National Association of Consumer Advocates reporting award for an expose of a lease fraud scheme by two Southern California Toyota dealers who targeted immigrant buyers. His story sparked an Attorney General’s task force that took the license of the two dealers and returned some $2 million to defrauded consumers.

 From 2006 to 2014 Knap was the Investigations Editor at the Orange County Register, where he ran a team of investigative reporters who won awards and accolades from IRE, CNPA, APNEC, SABEW and Columbia Journalism Review.

 As Investigations Editor, Knap was the newsroom liaison to the Register’s First Amendment counsel, Levine Sullivan Koch and Schulz LLP, and spearheaded pre-publication legal reviews of investigative stories as well as demands for correction and retraction.

 From 2014 to 2015 Knap worked as a regional editor at Southern California Public Radio, where he edited radio and web stories on public affairs. You can read more about him on the Department of Journalism’s faculty profile page at

<http://www.cla.csulb.edu/departments/journalism/people/faculty/>

**Preliminary Class Schedule:**

(The instructor reserves the right to change the lecture, assignment and exam schedule without notice based on the students’ speed of learning, guests speakers and other factors.)

**Week One: Jan. 18-20**

Monday Jan 18: Campus closed for MLK Day.

Tuesday Jan 19: First day of Spring Semester

Wednesday Jan. 20: First day of class

Lecture topics: Introduction to this course, course syllabus, student introductions;

How to research a legal case.

Reading Assignment: Chapter 1, The American Legal System

**Week Two: Jan. 25-27**

Lecture topics: The American Legal Structure; the First Amendment:

Sign up for Class Presentations; Class Presentation #1 Jan. 27: First Amendment

Reading: Chapter 2: The First Amendment: The Meaning of Freedom

**Week Three: Feb. 01-03**

Lecture topics: Freedom and the First Amendment

Class Presentations 2,3,4: prior restraint

Reading: Chapter 3, The First Amendment: Contemporary Problems

**Week Four: Feb. 08-10**

Quiz #1 (material from Chapters 1-3)

Lecture topics: Libel and Defamation; CP-5: Libel

Reading: Chapter 4, Libel: Establishing a case

**Week Five: Feb. 15-17**

Lecture topics: Public and private persons; establishing fault;

CP-6: Actual malice

Reading: Chapter 5, Libel: Proof of fault

**Week Six: Feb. 22-24**

Lecture topics: Libel defenses and damages;

CP-7: Libel defense

Reading: Chapter 6: Libel: Defense and damages

**Week Seven: Feb. 29-March 02**

Quiz #2 (Libel; material from Chapters 4-6)

Lecture topics: Invasion of Privacy; CP-8: appropriation

Reading: Chapter 7: Invasion of Privacy: Appropriation and Intrusion

**Week Eight: March 07-March 11**

Lecture topics: Private information and False Light

CP-9: Privacy

Reading: Chapter 8: Invasion of Privacy: Publication of Private Information

**Week Nine: March 14-16**

Quiz#3 (material from Chapters 7-8)

Review for mid-term exam

**Mid-term exam:** Wednesday March 16

**Week Ten: March 21-23**

Lecture topics: The California Public Records Act and the US Freedom of Information Act; CP-10: Access to public sources

Reading: Chapter 9: Gathering information

**Week Eleven: March 28-April 01 (Spring Break)**

(No classes all week. Campus closed March 31)

**Week Twelve: April 04-06**

Lecture topics: Protection of news sources: Journalists, Jail and Confidential Sources;

CP-11: Protecting confidential sources

Reading Chapter 10: Protection of News Sources

**Week Thirteen: April 11-13**

Quiz #4: Public records and news sources (Chapters 9 and 10)

Lecture topics: Free Press and Fair Trial; CP-12: Pre-trial publicity

CP-13: Open court proceedings

Reading: Chapters 11 and 12: Free Press and Fair Trial

**Week Fourteen: April 18-20**

Lecture Topics: XXX, Obscene and Erotic Material

CP-14: Publication of obscene material

Reading Chapter 13: Regulation of Obscene and Erotic Material

**Week Fifteen: April 25-27**

Quiz #5: Chapters 11,12 and 13: Free Press, Fair Trial and Obscene material

Lecture Topics: Copyright, Fair Use, Advertising

CP-15: Copyright law; CP-16: False advertising

Reading: Chapter 14 and 15: Copyright and regulation of advertising

**Week Sixteen: May 02-04** (last week of spring classes)

Lecture topics: Regulating Broadcast and New Technologies;

CP-17: Broadcast obscenity; review for final

Reading: Chapter 16: Telecommunication Regulation

**Week Seventeen: May 09-14 (finals week)**

Final Exam:

Monday, May 9, 2016

8AM - 10AM

Final paper due!

**May 20: Last day of Spring Semester**

**MILESTONE MEDIA LAW CASES**

(FOR STUDENT-LED CLASS DISCUSSIONS):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **CP** | **CASE** | **YR** | **PRINCIPLE** | **CHP** | **CLASS DATE** | **PAGE** |
| #1 (pick one case) | Brandenburg v. Ohio | 1969 | incitement of violence | 2 | Jan. 27 | 64 |
| Conradt v. Universal | 2008 | news reports creating harm | 2 | 69 |
| Planned Parenthood of the Columbia v. American Coalition of Life Activists | 2002 | incitement of violence | 2 | 72 |
| #2 | New York Times vs. US. (Pentagon Papers) | 1971 | prior restraint | 2 | Feb. 01 | 79 |
| #3 (pick one case) | Bethel School District v. Fraser | 2007 | student speech | 3 | Feb. 03 | 95 |
| Board of Education v. Pico | 1982 | modern book-banning | 3 | 109 |
| Chaplinsky v. New Hampshire | 1942 | fighting words | 3 | 124 and 5 |
| #4 | Citizen's United | 2010 | Election spending | 3 | Feb. 03 | 134 |
| #5 | Auvil v. CBS "60 Minutes" | 1989 | trade libel | 4 | Feb. 10 | 169 |
| #6 | New York Times vs. Sullivan | 1964 | actual malice | 5 | Feb. 15 | 176 |
| #7 (pick one) | Masson v. the New Yorker | 1991 | actual malice | 5 | Feb. 22 | 201 |
| Hustler Magazine vs. Falwell | 1988 | emotional distress | 5 | 210 |
| #8  | Fraley v. Facebook | 2011 | appropriation | 7 | Mar. 02 | 259 |
| #9 (pick one case) | Catsouras v. California Highway Patrol | 2010 | offensive publicity | 8 | Mar. 07 | 298 |
| Bailey v. Mathers | 2005 | false-light privacy | 8 | 309 |
| #10 | Baltimore Sun v. Ehrlich | 2006 | access to information | 9 | Mar. 21 | 328 |
| #11 | Branzburg v. Hayes | 1872 | confidential sources | 10 | April 06 | 402 |
| #12 | Nebraska Press Association v. Stuart | 1976 | pre-trial publicity | 11 | April 11 | 456 |
| #13 | Press Enterprise v. Riverside Superior Court | 1986 | open courts | 12 | April 13 | 469, 472 |
| #14 | Miller v. California | 1973 | obscenity | 13 | April 18 | 498, 507 |
| #15 (pick one case) | Miller v. Universal Studios | 1978,1981) | copyright law | 14 | April 27 | 550 |
| Monge v. Maya Magazines | 2012 | fair use | 14 | 555 |
| #16 (pick one case) | Church & Dwight Co. v. Clorox Co. | 2012 | false advertising | 15 | April 27 | 597 |
| FTC vs. Colgate Palmolive | 1965 | false advertising | 15 | 612 |
| #17 | In re Complaints Against Various Television Licenses …Concerning Super Bowl XXXVIII Halftime show; FCC vs. CBS Corp 2012 | 2004; 2012 | broadcast indecency | 16 | May 02 | 658; 662 |

*Addendum 1 to Course Syllabus:*

**Department of Journalism Policies on Grading, Conduct of Classes, Drops, Absences and Cheating**

Grading: The grading policies and practices in this class are explained elsewhere in the syllabus. It is the student’s responsibility to read them and to seek clarification if necessary. The student should be fully aware of what is required for success in the course, such as group participation, writing, speaking, completing assigned.

Seat in Class: An enrolled student may lose his/her seat in class if he/she misses the first class meeting without notifying the instructor. At the instructor’s discretion, a student who attends the first class but not subsequent classes may also be dropped from the course.

Withdrawal from Class: Students may withdraw from a class from the third to the 12th week for “serious and compelling reasons.” Normally these are defined as anything of importance that is beyond the control of the student. This includes, but is not necessarily limited to, death or serious illness in a student’s immediate family or a documented change in a student’s work schedule. Poor performance, tardiness and unexcused absences are not considered serious or compelling reasons beyond the student’s control for purposes of withdrawing.

Absences from Class: Grades in a course may be adversely affected by absences, and students should seek clarification from the instructor regarding the course absence policy. Make-ups usually are granted in strict accordance with CSULB policy, which defines excused absences as (1) illness or injury to the student; (2) death, injury or serious illness of an immediate family member or the like; (3) religious reasons; (4) jury duty or government obligation; (5) CSULB-sanctioned or approved activities [2002-03 Catalog, p.75]. *These and any other requests for an excused absence must be documented*.

CSULB Cheating/Plagiarism/Fabrication Policy: CSULB takes issues of academic dishonesty very seriously. If you use any deceptive or dishonest method to complete an assignment, take an exam, or gain credit in a course in any other way, or if you help someone else to do so, you are guilty of cheating. Making something up constitutes fabrication. If you use someone else’s ideas or work and represent it as your own without giving credit to the source, you are guilty of plagiarism. This does not apply if the ideas are recognized as common knowledge, or if you can show that you honestly developed the ideas through your own work.

Any instructor can show you the correct ways of citing your sources, and you should use quotation marks, footnotes or endnotes and bibliographic references to give credit to your sources according to the format recommended by your instructor. The Department of Journalism has a zero-tolerance policy in these areas, and any instance of academic dishonesty -- cheating, plagiarism and/or fabrication -- may result in your failing of the assignment, immediate removal from class with a failing grade, removal from the College of Liberal Arts, expulsion from the university and/or other sanctions as the instructor deems appropriate.

Responses, Penalties and Student Rights: Students should consult the appropriate sections of the Catalog for examples of cheating, fabrication and plagiarism, and instructor and/or CSULB response options in such circumstances. The Catalog also outlines student rights.

**Accommodation of students with disabilities in journalism courses :**

Students with disabilities who need assistant or accommodation to participate in or benefit from university programs, services, and/or activities should inform the instructor and then contact Disabled Student Services. Students needing support services or accommodations should contact the instructor of the course within the first week of class. In addition, students should establish their eligibility for assistance by contacting the Disabled Student Services Office (Brotman Hall 270) at 562-985-5401.

Students are to provide to the instructor verification of their disability from Disabled Student Services. Typical accommodations available from Disabled Student Services, working with the journalism instructor, includes extended time for tests, test proctoring, private test rooms, note taking, Braille transcriptions, and referral for tutoring.

If the service offered is insufficient or inadequate, the student should confer with the instructor and the director of Disabled Student Services. If these efforts are unsuccessful, students have the option of directing their concerns to the Office of Equity and Diversity (University Student Union 301) at 562-985-8256. Responsibility for oversight and implementation of the Americans with Disabilities Act and the Rehabilitation Act has been delegated to the campus director for disability support and accommodation.

*Addendum 2 to Course Syllabus:*

***About CSULB’s Department of Journalism and Mass Communication***

**Advising**: If you are a journalism major or minor, the department recommends that you see one of our advisers at least once a year. We have two experienced advisers – Professor Jennifer Fleming (Jennifer.Fleming@csulb.edu) and Professor Danny Paskin (Danny.Paskin@csulb.edu) – to assist you with your course selection, answer questions about requirements, help you stay focused on your chosen path to graduation, and offer other relevant advice. Their information and advising hours are posted around the department and available in the department office (LA4-106).

**Internships**: The department recommends that you pursue internships, service-learning experiences, and extra-curricular activities to enhance your career preparedness and marketability when you graduate. Employers will expect to see examples of your work; they prefer applicants with experience. Therefore, you will find all internships and job opportunities that come to the department posted on the department’s BeachBoard site. A binder with hard copies of all internships is also kept in the department office for your review. In addition, internship postings are available online through the CSULB Career Development Center. Students pursuing opportunities through our BeachBoard or CDC sites should be aware that the department and CDC do not screen these opportunities for JOUR 498 credit. If you are seeking JOUR 498 credit, you must attend one of the mandatory orientations conducted the semester prior to your enrollment in JOUR 498. Students enrolled in a section of JOUR 498 will also receive advance notice of the orientations from their instructor.

**Student Media**: The department is home to the *Daily 49er* and *Dig Magazine* and closely tied to *KBeach Radio* and *College Beat TV*. Getting involved in student media will help you hone your skills and give you real-life experiences. Stop by the *Daily 49er* and *Dig Magazine* offices in LA4-201 and talk to the staff. Introduce yourself to the faculty advisers – Professor Barbara Kingsley-Wilson (*Daily 49er*, Barbara.Kingsley-Wilson@csulb.edu), Professor Gary Metzker (*Daily 49er* and *Dig Magazine*, Gary.Metzker@csulb.edu), and Professor John Shrader (*KBeach Radio* and *College Beat TV*, John.Shrader@csulb.edu) – who can answer any questions you may have.

**Bateman Case Study Competition**: Consider joining the *Bateman Case Study Competition Team*. The *Bateman Competition* (http://prssa.prsa.org/scholarships\_competitions/bateman/) is a prestigious inter-collegiate contest, often called the Super Bowl of collegiate public relations competitions. It is one of the most intense and rewarding experiences for our students. Participants on the *Bateman Team* receive JOUR 485 credit. See Professor Joni Ramirez (Joni.Ramirez@csulb.edu), our *Bateman* coach, for more information.

**Student Organizations**: The department is home to three active student organizations – the *National Association of Hispanic Journalists*, *Public Relations Student Society of America*, and *Society of Professional Journalists*. Each group has its own leaders and sponsors a variety of activities, including esteemed professionals as guest speakers. These three groups also work closely with the department to co-sponsor special events, such as Journalism and Public Relations Day. Get involved and have a blast with your classmates! Contact the respective faculty advisers for more information: Professor Danny Paskin (Danny.Paskin@csulb.edu) for **NAHJ**, Professor Holly Ferris (Holly@Ferriscomm.com) for **PRSSA**, and Professor Chris Karadjov (Chris.Karadjov@csulb.edu) for **SPJ**.

**Social Media**: Be sure to get connected to the department’s Facebook page (https://www.facebook.com/CSULBJournalism) and website (http://www.cla.csulb.edu/departments/journalism/) for photos and information about department happenings.

**Office Hours**: Each faculty member holds office hours to help you perform well in your classes, answer any of your questions, and offer advice. Take advantage of office hours and get to know your faculty.

**Accreditation**: The Department of Journalism and Mass Communication at California State University, Long Beach is accredited by the *Accrediting Council on Education in Journalism and Mass Communications* (ACEJMC, https://www2.ku.edu/~acejmc/). Accreditation by ACEJMC is an assurance of quality in professional education in journalism and mass communication. Students in an accredited program can expect to find a challenging curriculum, good facilities, and a competent faculty.

 ACEJMC lists 12 **professional values and competencies** that must be part of the education of all journalism, public relations, and mass communication students. Each one of your required courses in the journalism major addresses at least one of the 12 professional competencies. Therefore, graduates who majored in journalism and public relations should be able to do the following:

* understand and apply the principles and laws of freedom of speech and press in the United States, as well as receive instruction in and understand the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances;
* demonstrate an understanding of the history and role of professionals and institutions in shaping communications;
* demonstrate an understanding of gender, race, ethnicity, sexual orientation and, as appropriate, other forms of diversity in domestic society in relation to mass communication;
* demonstrate an understanding of the diversity of peoples and cultures and of the significance and impact of mass communication in a global society;
* understand concepts and apply theories in the use and presentation of images and information;
* demonstrate an understanding of professional ethical principles and work ethically in pursuit of truth, accuracy, fairness and diversity;
* think critically, creatively and independently;
* conduct research and evaluate information by methods appropriate to the communications professions in which they work;
* write correctly and clearly in forms and styles appropriate for the communications professions, audiences and purposes they serve;
* critically evaluate their own work and that of others for accuracy and fairness, clarity, appropriate style and grammatical correctness;
* apply basic numerical and statistical concepts;
* apply tools and technologies appropriate for the communications professions in which they work

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