



JOMC 740.01: Mass Communication Law – Fall Semester 2013

Tuesdays and Thursdays, 3:30-4:45 p.m. in CA 283
School of Journalism and Mass Communication
University of North Carolina at Chapel Hill

Instructor

Michael Hoefges, J.D., Ph.D.

- Office: 381 Carroll Hall (third floor in the “new” part of the building)
- Weekly Office Hours: 1:00-3:00 p.m., Tuesdays and Thursdays.
- Appointments made during office hours will be honored first. Otherwise, it will be first-come, first-served. Other days and times are available for appointments – just let me know please.
- Telephone: 843-0971 (direct line to my office, equipped with voice mail)
- Email: mhoefges@email.unc.edu

Course Description and Objectives

Welcome to JOMC 740 –Mass Communication Law.

The purpose of the course is to foster and develop a substantial and intensive knowledge of important and evolving principles and concepts in the field of mass communication law. You should expect to master skills needed to access, comprehend, analyze and synthesize secondary and primary legal resources including legal texts, academic and scholarly legal journals and law reviews, court opinions, legislation and related materials, and various administrative materials. You should expect to develop proficiency in communicating legal knowledge and analysis of legal materials and cases both in writing and orally. You should expect to learn how to formulate original legal research questions and conduct original legal research to answer these questions using appropriate, sufficient and relevant secondary and primary sources located with various legal indexes and computerized databases. You should expect to learn to produce an original piece of legal research that includes appropriate introduction, background, literature review, research questions, methods, analysis, and conclusion sections.

Required Course Materials and Resources

Required books for the course:

- (1) KENT R. MIDDLETON & WILLIAM E. LEE, THE LAW OF PUBLIC COMMUNICATION (9th ed. 2014 Update)
- (2) HARVARD LAW REVIEW ASSOCIATION, THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (19th ed. 2010)

Please be sure to have the correct edition of each of the required books. The first two listed should be available for purchase at the campus bookstore. Note: The *Bluebook* may be slightly less expensive in the Bull’s Head section of the bookstore rather than in the textbook department.

PowerPoint Slides and Online Resources: PowerPoint slides for daily classes will be available on the course Sakai site. Before coming to class each day, please access and read the PowerPoint slides for that day’s class so that you’ll have your own copy of the slides in class and be familiar with the content before class. Readings from Internet and other sources are indicated in the schedule. You will need Internet access and will need to monitor the course Sakai site and your UNC email account on a regular basis for important course information, announcements and digital “handouts” and materials. All course email messages will be sent to your official UNC email address only. Please check your UNC email account regularly and clean out your “inbox” so that incoming email messages will not get “bounced.” IMPORTANT NOTE: Please send email to the instructor ONLY via your UNC email account because email from other domains, including attachments, are subject to being screened out by the University “spam” filters and may not be received. Please avoid sending any assignments via email from any other email address or server (i.e., Gmail, Yahoo, etc.) other than the UNC server using your UNC email address in order to best ensure that the email and attached documents are delivered timely.

Classroom Environment

It's important to the success of class discussion for everyone to feel comfortable asking questions, discussing issues, and expressing opinions and viewpoints. Please feel free to raise questions or comments that relate to our topic of discussion, and please be respectful of others when they are speaking. Free and open discussion of various viewpoints often helps us better understand issues and concepts. Also, to best utilize our class time, let's all do our part to prevent our various electronic devices from disturbing the class. Your participation in class discussion is a key component of the course, and class participation is a component of your final grade (see below).

Important University Policies

Honor Code: The Honor Code is in effect for this course and all others at the University. Please make sure that you are thoroughly familiar with the terms of the Honor Code including your rights and responsibilities as set out in *The Graduate School 2012-2013 Record* available online at <http://www.unc.edu/gradrecord/front/univregulations.html#honor>. The University requires that exams be submitted with a signed statement of Honor Code compliance. We'll discuss in detail how the Honor Code applies to assignments in class. Throughout the semester, please see me immediately if you have any questions about how the Honor Code applies in the context of the course or specific assignments.

Accessibility Resources and Service: Students with diagnosed or suspected disabilities that might impact their performance in the course should please contact the Department of Accessibility Resources and Service (DAR&S) to determine whether and to what extent services or accommodations are available for you for this course. It is the goal of DAR&S to "ensure that all programs and facilities of the University are accessible to all members of the University community." If you think this might apply to you, please contact DAR&S by telephone at 962-8300 or visit the DAR&S website at <http://accessibility.unc.edu/about-us> for additional information.

Diversity and Inclusivity: The University is committed to fostering a diverse and inclusive academic community, and prohibiting discrimination and harassment. Please review the University policy statements on diversity and inclusivity, and prohibited harassment and discrimination, both in *The Graduate School 2012-2013 Record* available online at <http://www.unc.edu/gradrecord/>.

Course Requirements and Grading

Graded components: Your course grade will be determined based on the following components:

Case Brief	5%
First Exam	25%
Second Exam	25%
Legal Research Paper	35%
Class Participation	10%

Grading: Generally, grades will be assigned based on the following criteria:

H (clear excellence and superiority): The grade of "H" is earned by students who clearly, convincingly and constantly demonstrate a superior ability to critically analyze, synthesize and apply assigned readings through class discussion and all written examinations; and who produce outstanding legal research papers that demonstrate a superior ability to formulate and conduct an original legal research project that utilizes a variety of highly relevant and appropriate secondary and primary legal sources, contributes substantial and original knowledge to the field, and is excellently documented and sourced using *The Bluebook: A Uniform System of Citation* or other appropriate citation system as may be approved by the instructor.

P (entirely satisfactory): The grade of “P” is earned by students who consistently demonstrate a clear and substantial ability to critically analyze, synthesize and apply assigned readings through class discussion and all written examinations; and who produce sound legal research papers that demonstrate a clear and substantial ability to formulate and conduct an original legal research project that utilizes sufficient, relevant and appropriate secondary and primary legal sources, contributes original knowledge to the field, and is well documented and sourced using *The Bluebook: A Uniform System of Citation* or other appropriate citation system as may be approved by the instructor..

L (low passing): The grade of “L” is earned by the student who demonstrates substantial achievement of most requirements necessary for the grade of “P” but has not fully demonstrated sufficient achievement in each area necessary to earn the higher grade. The grade of “L” is earned by the student who achieves the minimum passing requirements for all components of the course but whose work is, on average, below the level of being worthy of the grade of “P.”

F (failure): The grade of “F” is reserved for the student who occasionally misses class, does not demonstrate having completed assigned readings or other assignments, and fails to meet the minimum requirements for each examination, the legal research project and class participation.

Attribution: These descriptions are based in part on those prepared by Drs. Jane Brown, Pat Curtin and Rhonda Gibson.

Attendance and Class Participation

Attendance and Class Preparation: Please plan now to attend every scheduled class meeting on time and in full. Absences from class or portions of class periods will negatively affect your participation grade and, perhaps, your final course grade. When you arrive to class each day for lecture and discussion, please have your copies of all assigned readings and notes for that particular day. You should carefully read all assigned readings for each class meeting prior to the day on which they are scheduled for discussion. In other words, the readings are listed in the schedule below for the day on which they will be discussed in class. More information on preparing for class is found below.

Class Participation: Class participation is a component of your course grade. Reading and analyzing the assigned materials before class and then participating actively and intelligently in class discussion of those materials is one of the most effective methods of learning and analyzing legal concepts that we will cover. Please be prepared to participate in a focused class discussion of the assigned readings at each class session. You should be able demonstrate that you’ve read the assigned materials carefully, critically and thoughtfully. It is helpful to take notes when you read to synthesize your comments and thoughts. Be sure to bring the assigned readings along with your notes to class each day. This will help facilitate class discussion.

Exams

We’ll have two exams during the semester. The exams will be distributed for you to complete on your own time within the parameters of an assigned due date and time, and page limitation. You’ll receive more instructions for completing the exams including the materials you may utilize to take the exams. If emergency circumstances arise that prevent you from completing the exams on time, please let me know as soon as possible in advance of the due date. Extension of exam due dates are at the discretion of the instructor with good cause demonstrated in advance.

Legal Research Paper

Each of you will complete an original work of legal research in the form of an academic convention-quality paper with sufficient, relevant and appropriate use of secondary and primary legal sources and authorities. You’ll receive further and detailed instructions on completing the legal research paper. Your paper should be approximately 5,000 words in length not including footnotes. The sourcing and documentation in the paper should conform to *The Harvard Bluebook: A Uniform System of Citation* (19th ed. 2010) or perhaps another appropriate citation system approved in advance by the instructor. We’ll discuss the research project in more detail in class. The due dates for various components of the research paper are listed in the syllabus along with the due date for the final paper. Extensions of these

due dates are only available for good cause demonstrated in advance and at the discretion of the instructor.

Course Schedule

Our schedule for the semester including the assigned readings is listed below. Please be sure to note important dates such as the distribution and due dates for the exams, and the due dates related to the case brief and legal research paper. The schedule may change due to unforeseen circumstances, and you'll be notified accordingly in such circumstances. For the reading assignments, "M&L" refers to the main text by Middleton and Lee. Some readings are accessible on the Internet as indicated. Also, you'll receive instructions on accessing court opinions by citation in the legal databases we'll be using.

Week 1

- **8/20/13 [T] – Course Overview, and Class Meet-and-Greet**
 - READ: Course Syllabus (available on Sakai site)
- **8/22/13 [R] – Sources of U.S. Law**
 - READ: M&L, Ch. 1, pp. 1-9
 - READ: M&L, Appendix A (All)

Week 2

- **8/27/13 [T] – U.S. Court Systems**
 - READ: M&L, 9-25
 - IN CLASS: How to locate and "Shepardize" a Supreme Court of the United States opinion (utilizing HeinOnline and LexisNexis)
- **8/29/13 [R] – First Amendment: Free Expression Theory, and First Amendment Coverage**
 - READ: M&L, Ch. 2, pp. 26-33 (stop at "Regulating Expression"), and pp. 55-69.
 - READ: Case: *Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241 (access using both HeinOnline and LexisNexis, and Shepardize the case as well)

Week 3:

- **9/3/13 [T] – RESEARCH SESSION – Locating Secondary Legal Research Sources and Writing the Project Proposal**
 - **Guest Speaker:** Timothy J. Galina, J.D., Clinical Assistant Professor of Law/Emerging Technologies Librarian, UNC School of Law
 - READ: Instructions for Project Proposal on Sakai
- **9/5/13 [R] – First Amendment: Hierarchy of Expression – Protected v. Unprotected Speech**
 - READ: M&L, Ch. 2, pp. 47-55 (start at "The Hierarchy..." and stop at "Who Is Protected?")
 - READ: Case: *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992)
 - READ: Case: *Virginia v. Black*, 538 U.S. 343 (2003)
 - READ: Reading and Briefing Appellate Court Opinions (Sakai site)

Week 4:

- **9/10/13 [T] – First Amendment: Prior Restraints (v. Postpublication Punishment)**
 - READ: M&L, Ch. 3, pp. 70-90 (stop at "Content-Neutral Regulations")
 - READ: Case: *Near v. Minnesota*, 283 U.S. 697 (1931)
 - READ: Case: *Simon & Schuster, Inc. v. New York State Crime Victims Bd.*, 502 U.S. 105 (1991) and sample case brief posted on Sakai

- **9/12/13 [R] – First Amendment: Content v. Content-Neutral Regulation**
 - READ: M&L, Ch. 2, pp. 33-46 (start at “Regulating Expression”)
 - READ: M&L, Ch. 3, pp. 90-93 (start at “Content-Neutral Regulations”)
 - READ: *Reno v. ACLU*, 521 U.S. 844 (1997)
 - **DUE: BRIEF of *Reno v. ACLU* case due at start of class (printed copy)**

Week 5:

- **9/16/13 [M] – Topic Proposal DUE by noon (via email as Word document – no PDFs please)**
- **9/17/13 [T] – Defamation Law**
 - READ: M&L, Ch. 4, and selected court opinions (TBD).
- **9/19/13 [R] – Defamation Law, cont’d**
 - READ: Specific reading assignment for today will be announced.

Week 6:

- **9/24/13 [T] – In-Class Research Workshop: Putting the Research Project Together**
 - Discussion of Introduction, Background and Literature Review Sections
 - Discussion of the Research Questions, Methods/Limitations, Analysis, Conclusion Sections
 - READ: Instructions for Legal Research Project on Sakai site.
 - READ: Sample Research Papers on Sakai site: Many thanks to the JOMC 740 students from previous years who have graciously allowed us to use their excellent papers as samples
 - **7-8:00 p.m. this evening: Attend: First Amendment Day Keynote Lecture:** Bruce Brown, Executive Director, Reporters Committee for Freedom of the Press (location TBA)
- **9/26/13 [R] – Defamation Law, cont’d**
 - READ: Specific reading assignment for today will be announced.

Week 7:

- **10/1/13 [T] – Defamation Law, cont’d:**
 - READ: Specific reading assignment for today will be announced.
- **10/3/13 [R] – Privacy Law**
 - READ: M&L, Ch. 5, and selected court opinions (TBD).

Week 8:

- **10/07/13 [M] – DUE by noon (submitted via email as Word document – no PDFs please)**
 - Introduction, Background and Literature Review sections of legal research project (15% of paper grade)
- **10/08/13 [T] – Privacy Law, cont’d:**
 - READ: Specific reading assignment for today will be announced.
- **10/10/13 [R] – Privacy Law, cont’d**
 - Specific reading assignment for today will be announced.
 - **NOTE: First Exam** will be distributed today via Sakai site (due before class 10/15)

Week 9:

- **10/15/13 [T] – RESEARCH SESSION – Locating Primary Legal Research Sources; and Writing the Legal Research Questions, and Methods and Limitations Section**
 - **Guest Speaker:** Timothy J. Galina, J.D., Clinical Assistant Professor of Law/Emerging Technologies Librarian, UNC School of Law
 - **DUE: First Exam – Before class via email to instructor as Word document (not PDF)**
- **10/17/13 [R] – No Class Today: Enjoy the Fall Break!**

Week 10:

- **10/22/13 [T] – Intellectual Property Law**
 - READ: M&L, Ch. 6.
 - READ: Case: *Harper & Row Publishers, Inc. v. Nation Enterprises*, 471 U.S. 539 (1985)
- **10/24/13 [R] – Intellectual Property Law, cont'd:**
 - READ: Case: *Moseley v. V Secret Catalogue, Inc.*, 537 U.S. 418 (2003)

Week 11:

- **10/28/13 [M] – DUE by noon (submitted via email as Word document – no PDFs please)**
 - Revised Introduction, Background and Literature Review Sections PLUS Research Questions and Methodology/Limitations Sections (20% of paper grade)
- **10/29/13 [T] – Political Speech: Referenda and Public Issues and Elections**
 - READ: M&L, Ch. 7, 281-301 (stop at “Regulation of Political Candidate...”)
- **10/31/13 [R] – Political Speech, cont'd: Political Candidate and Issue Programming**
 - READ: M&L, Ch. 7, pp. 301 to end (read “Lobbying” but we won’t cover that topic in class)

Week 12

- **11/5/13 [T] – In-Class Research Workshop: Writing the Analysis and Conclusion Sections**
- **11/7/13 [R] – Commercial Speech**
 - READ: M&L, Ch. 8, pp. 321-336 (stop at “Unfair and Deceptive Advertising”)
 - READ: *Sorrell v. IMS Health, Inc.*, 131 S.Ct. 2653 (2011)

Week 13

- **11/12/13 [T] – Commercial Speech, cont'd**
 - READ: M&L, Ch. 8, pp. 337-396 (start at “Unfair and Deceptive Advertising”)
 - READ: TBD depending on class interests.
- **11/14/14 [R] – Obscenity and Indecency**
 - READ: M&L, Ch. 9
 - READ: Case: *Miller v. California*, 413 U.S. 15 (1973)

Week 14:

- **11/19/13 [T] – Media and the Judiciary**
 - READ: M&L, Ch. 10
- **11/21/13 [R] – Media and the Judiciary, cont'd; and Access to Information Law**
 - READ: M&L, Ch. 12, pp. 537-548 (stop at “Access to Records”)

Week 15

- **11/26/13 [T] – Access to Information Law, cont'd**
 - READ: M&L, Ch. 12, pp. 548 to end (start at “Access to Records”)
- **11/27/13 [W] – DUE by noon (submitted via email as Word document – no PDFs please)**
 - Final Paper (60% of paper grade)
- **11/28/13 [R] – Enjoy the Thanksgiving Break while I read your papers!**

