



## **MEJO 341: Introduction to Media Law – Fall 2017**

### **Advertising, Public Relations and Strategic Communication Focus**

Section 1: Mondays and Wednesdays from 11:00 a.m. to 12:15 p.m. in CA 33

School of Media and Journalism

University of North Carolina at Chapel Hill

#### **Instructor**

##### **Michael Hoefges, J.D., Ph.D.**

- Office: 355 Carroll Hall
- Weekly Office Hours: Mondays and Wednesdays from 3:30 to 5:00 p.m. in CA 355
  - Appointments made in advance are appreciated. Other days and times are available for appointments – please send me an email to arrange. Email is great for quick questions.
- Telephone: (919) 843-0971 (direct line to my office, equipped with voice mail)
- Email: [mhoefges@email.unc.edu](mailto:mhoefges@email.unc.edu)
- Twitter: @mhoefges (please be sure to follow me on Twitter for the semester)
- **Graduate Teaching Assistant: Kriste Patrow, Roy H. Park Doctoral Fellow**
  - Weekly Office Hours: Thursdays from 12:30 to 2:30 p.m.
  - Office: CA 369
  - Email: [patrowk@live.unc.edu](mailto:patrowk@live.unc.edu)

#### **Course Description and Objectives**

**Welcome to MEJO 341: Introduction to Media Law: Advertising, Public Relations and Strategic Communication Focus!** The purpose of the course is to identify and explore significant legal issues that confront professionals in today's rich and rapidly evolving multimedia environment – mostly in the United States but internationally, as well. Specifically, the objective of the course is to equip you with relevant substantive knowledge and a framework within which to identify, comprehend, analyze and process current and evolving legal issues that you are likely to face in your professional media careers. View this course as an opportunity to strengthen your professional skill set and develop your analytical reasoning related to your intended professional field. Whether you pursue a career in advertising, public relations, or strategic communication, you'll find that legal issues will surface often and influence your daily work and professional career in many significant ways. Also, you'll find that media law is complex and evolves as rapidly as the professions themselves. It will serve you well to keep abreast of legal developments in media law including – and especially – those that most significantly impact your profession and career. **Please note:** This course has a prerequisite (successful completion of MEJO 153).

**ACCREDITATION:** Our School is proud to be accredited by the Accrediting Council on Education in Journalism and Mass Communication (ACEJMC). Among the Professional Values and Competencies for accreditation is “understanding and applying the principles and our laws of freedom of speech and press in the United States, as well as having an understanding of 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.” Another is the ability to “think critically, creatively and independently.” You may read the entire list of Professional Values and Competencies here <http://www.acejmc.org/resources/acejmc-guide-to-assessment/>. No one course can cover all the Professional Values and Competencies completely. Our focus in this course will be U.S. law, including relevant international treaties to which the United States is a signatory. The course also will incorporate relevant international and foreign media law principles and concepts that affect expression and other related rights globally. And, we'll learn how to critically analyze legal issues and problems and to develop a well-reasoned and supported conclusion or solution. The types of legal issues and problems that we'll study are among those that you may well encounter in your professional media careers.

## Required Course Materials and Resources

### Required Course Materials:

- (1) ROBERT TRAGER, ET. AL., THE LAW OF JOURNALISM AND MASS COMMUNICATION (5th ed. 2016).
- (2) NORTH CAROLINA MEDIA LAW HANDBOOK (Cathy Packer et al. eds., 2012-2013). This is an online resource that you'll have access to all semester for \$25. Visit <http://medialawhandbook.com> and click on the link to "Create an Account." Please note that although authors, including me, have received a stipend for writing our chapters, all proceeds from the online subscription sales go toward various non-profit efforts of the North Carolina Press Association (listed on the bottom of the page you'll reach when you click on the URL above) – chapter authors do not profit from the sales of subscriptions to the *Handbook*.

**PowerPoint Slides and Other Materials:** The PowerPoint slides for each day's lecture will be available in a PowerPoint file on the course Sakai site. Before coming to class each day, please access and read the PowerPoint slides for that day's lecture so that you'll have your own file of the slides in class and be familiar with the content before class. Many students open the PowerPoint files in the "Notes" view and take notes on their laptops during class in the notes space under each slide. ALSO: Readings from the Internet and other sources are indicated in the schedule and are available either on the Sakai site or on the Web via the Internet. 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 PDF "handouts."

**IMPORTANT REGARDING EMAIL CORRESPONDANCE:** All course-related email messages will be sent to your official UNC email address ONLY via UNC email, Sakai and/or ConnectCarolina. In addition, all course-related email messages that you send to the instructor and graduate teaching assistant should be sent using your official UNC email address ONLY please. Emails sent from other domains (i.e., gmail, hotmail, yahoo, etc.), especially with attachments, often are trapped by the UNC spam filters and not delivered. Please check your UNC email account regularly and be sure to clean out your "inbox" so that incoming email will not get "bounced." Also, a few words about email etiquette: Questions or concerns that require lengthy responses (or require follow-up questions before an answer can be provided) are best handled in a visit during office hours or a telephone call. So please feel free to come to office hours for those types of questions or concerns, or to call.

## Classroom Environment and Electronic Devices Policy

**Classroom discussion:** 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 your hand when you have a question or comment that relates to our topic of discussion, and please be respectful of others when they are speaking. Free and open discussion and expression of various viewpoints often helps each of us better understand issues and concepts – especially when we hear and think about viewpoints that we've not considered before and those with which we may not agree. Also, in consideration of your colleagues and our dedicated cleaning staff, please do not eat during class. Beverages are allowed only in non-spill containers. Please be kind and pick up after yourselves when you leave class. **Electronic devices: All electronic devices must be silenced and stored away during class. However, you may use a laptop (or similar device, i.e., electronic pad) ONLY to create class notes on the PowerPoint slides (open PowerPoint file in "Notes" view) or using word processing software. All other applications must be closed (no texting, messaging, Facebooking, Instagramming, etc.). Any non-class related use of laptops (or other electronic devices) during class is not permitted and may cause you to lose your laptop privileges for the semester at a minimum.**

## Important University Policies

**Honor Code:** The Honor Code is in effect in this course and all others at the University. As an instructor, I am required – and fully committed – to treating Honor Code violations seriously. Please make sure that you are thoroughly familiar with the terms of the Honor Code including your rights and responsibilities. For more information, please visit the Office of Student Judicial Conduct website at <https://studentconduct.unc.edu> (click on “For Students” and then “Rights and Responsibilities;” then, to obtain the Code itself in PDF format, click on “Instrument of Student Judicial Governance”). **If you have not yet done so, please complete the University’s Honor System Module at <https://studentconduct.unc.edu/students/honor-system-module>.** If you have questions, it is your responsibility to ask me about the Code’s application – so, please do. The University requires that all completed quizzes and exams be submitted with a signed statement by you verifying that you complied with the Honor Code. PLEASE NOTE: Among other things, for our course, it is a violation of the Honor Code to utilize unauthorized materials during an exam or quiz, give or receive unauthorized help during an exam or quiz, or to communicate anything about the contents of an exam or quiz given this semester to another student who has yet to take the exam or quiz and, similarly, to receive such communication from someone who’s completed an exam or quiz given this semester that you have yet to complete. In addition, it is a violation of the Honor Code to verify your presence in class by signing the attendance sheet when you’ve not attended the entire class period (i.e., signing in and leaving early, or coming late and signing in, without instructor approval), or to sign in for another.

**Accessibility Resources and Service (ARS):** According to ARS: “The University of North Carolina at Chapel Hill facilitates the implementation of reasonable accommodations, including resources and services, for students with disabilities, chronic medical conditions, a temporary disability or pregnancy complications resulting in difficulties with accessing learning opportunities. All accommodations are coordinated through the Accessibility Resources and Service Office.”

- Reach ARS by telephone at 919-962-8300 or by email at [accessibility@unc.edu](mailto:accessibility@unc.edu).
- Detailed information about the registration process is available at <https://accessibility.unc.edu/about-ars/policies/student-and-applicant-accommodations>.
- Additional information about ARS is available at <https://accessibility.unc.edu/about-ars>.

If you think this policy applies to you, please contact ARS immediately as I am not trained nor permitted to determine what reasonable accommodations you may need depending on your situation. That said, please know that I am fully committed to working with you and ARS confidentially if accommodations are recommended for you in this course. (ARS contact information above reformatted for clarity.)

**Diversity and Inclusivity:** The University’s “Commitment to Diversity” states: “The University of North Carolina strives for excellence both in academic engagement and cocurricular support. Sustaining a diverse and inclusive community is critical to achieving educational excellence.” You may read the entire commitment statement at <http://catalog.unc.edu/about/introduction/> and learn more information, including policies and procedures, by visiting the University’s Diversity and Multicultural Affairs (DMA) website at <http://diversity.unc.edu/>. Please know that I am fully committed to these policies and procedures.

## Course Grading Policies

**Evaluation:** There will be two (2) exams during the semester and a comprehensive final exam. The exams will comprise some combination of objective-type questions (i.e., multiple choice, true/false and/or identifications), and subjective-type questions (i.e., short answer and/or essay), as determined by the instructor. There will be ten (10) quizzes counted during the semester. The total points possible are:

<b>Quizzes</b>	<b>100 points (10 at 10 points each)</b>
<b>Exam 1:</b>	<b>100 points</b>
<b>Exam 2:</b>	<b>100 points</b>
<b>Final Exam:</b>	<b>150 points</b>
<b>COURSE:</b>	<b>450 points</b>

The following percentage grading scale will be used to convert all totals in the course to letter grades:

	<b>A = 93-100%</b>	<b>A- = 90-92%</b>
<b>B+ = 87-89%</b>	<b>B = 83-86%</b>	<b>B- = 80-82%</b>
<b>C+ = 77-79%</b>	<b>C = 73-76%</b>	<b>C- = 70-72</b>
<b>D+ = 67-69%</b>	<b>D = 60-66%</b>	<b>F = &lt; 60%</b>

Using this scale, your course grade will be based on the **total number of points** you earn on the exams and quizzes minus any points that you've lost for excessive absences during the semester (see attendance policy below). **Course grades** will be assigned utilizing the following point scale:

	<b>A = 417-450 points</b>	<b>A- = 403-416 points</b>
<b>B+ = 390-402 points</b>	<b>B = 372-389 points</b>	<b>B- = 358-371 points</b>
<b>C+ = 345-357 points</b>	<b>C = 327-344 points</b>	<b>C- = 313-326 points</b>
<b>D+ = 299-312 points</b>	<b>D = 268-298 points</b>	<b>F = 267 points and less</b>

Please expect reading QUIZZES to cover assigned readings for the day the quiz is administered. Dates of quizzes might NOT be announced in advance (but sometimes, I give clues). Please expect each EXAM to cover lecture material, handouts, any guest lectures, and all assigned readings from the text and other sources. It is strongly recommended that you review each of your exams and quizzes carefully and thoroughly when they are returned. Although I will not return the objective portions (multiple choice, and true and false questions) of the exams, you are welcomed and encouraged to come review those questions along with the answer key after each exam during office hours.

**IMPORTANT:** Undergraduate majors must earn a course grade of "C-" or higher in MEJO 341 as one of the School of Media and Journalism's graduation requirements – that means earning a **final point total of 313 points or higher** out of 450 possible points.

**IMPORTANT:** For each of the first TWO exams, you'll need to bring a blank scantron form, No. 2 pencils with erasers, your laptop with wireless Internet connection capability, MS Word® word processing software, and a blank Bluebook (as back-up in case of computer failure). The comprehensive FINAL EXAM will consist of objective-type questions only, and you only will need a blank scantron and No. 2 pencils with erasers. All you'll need for the quizzes will be a pencil or pen. Quizzes may be administered online via Sakai at the discretion of the instructor.

### Class and Exam Attendance Policies

- **Is class attendance required?** Yes. In the professional world, we all are expected to be present on time for a job and prepared to work. Please treat this course in the same professional manner. Please plan to attend every scheduled class meeting on time with the assigned reading(s) completed and your own electronic or paper copy of that day's PowerPoint slides in hand. According to University policy, "Regular class attendance is a student obligation . . . . No right or privilege exists that permits a student to be absent from any given number of class meetings." Pursuant to that policy, I'll take attendance each day by circulating an attendance verification sheet for you to sign verifying your own individual attendance for the entire period that day. It is your responsibility to please be in class on time and to sign the attendance sheet for yourself when it circulates. Otherwise, you will be counted "absent." Please do not sign the attendance sheet if you have arrived late or plan to leave class early without talking to me first before or after class.
- **Are there "excused" absences if I miss class?** Yes. Each of you will have two (2) self-excused absences to utilize at your own discretion on any class day on which we do NOT have an exam scheduled. It is not necessary to advise me when or why you use your self-excused absences – the decision is completely yours depending on your individual circumstances. However, please use your self-excused absences judiciously, sparingly and wisely for schedule conflicts arising from job interviews or unexpected illness, for example. There are no "excused" absences beyond the two (2)

self-excused absences that each of you is allotted. There is a separate policy for quizzes and exams below.

- **What if I run out of self-excused absences and then miss additional classes?** For each absence beyond your two (2) self-excused absences, five (5) points will be deducted from your final point total for the semester (450 points possible). Again, there are no “excused” absences after you’ve exhausted your two (2) self-excused absences. See policy for quizzes and exams below.
- **What is the attendance policy for quizzes?** Reading quizzes may or may not be announced in advance. There are NO make-up quizzes. There will be more than ten (10) quizzes during the semester but only your ten (10) highest scores will count. If you miss a quiz, that will be a score of zero (0) on that quiz. Thus, if there are twelve (12) quizzes, and you miss two of them, the ten (10) scores for the quizzes that you took will count. Again, there are no make-up quizzes (subject to policies below on excused absences for religious reasons and for regularly organized and authorized University activities).
- **What is the attendance policy for exams?** You must attend each exam as scheduled in the syllabus for the section of MEJO 341 for which you are registered. Ordinarily, there are no “early” exams. Make-up exams will be permitted and scheduled at the instructor’s discretion in the event of serious and documented circumstances that are beyond your control and prevent you from attending a scheduled exam. Such circumstances include serious illness or injury to you, or a death in your family. If you must request a make-up exam, please contact me as soon as possible – the sooner before the exam the better, if possible. Make-up exams are not guaranteed simply upon request. When permitted and when possible, make-up exams should be completed within one (1) week from the date of the original exam, and a make-up exam may be different in content and format than the original exam at the discretion of the instructor.
- **What if I have to miss the final exam?** The University has scheduled the date and time of the final exam for your section, which cannot be changed. PLEASE NOTE: Under University policy, it is necessary in most circumstances for a student to petition the Dean of the School in advance to reschedule her or his final exam in a course. Ordinarily, no one may take a final exam early or late except under the conditions outlined in the University’s policy statement on final exams in the current *Undergraduate Catalog*. If you have any questions about this policy, please ask me ASAP.
- **What about absences for religious reasons?** Under current University policy, “Students are authorized up to two excused absences each academic year for religious observances required by their faith. Students who wish to request more than two excused absences in an academic year for religious observances required by their faith will need to contact their course instructors and request the additional absence, which will only be granted with the course instructor’s permission. Primary holy days for religious observance are noted on a Web-based interfaith calendar site at [www.interfaithcalendar.org](http://www.interfaithcalendar.org). **Students are responsible for providing a written notice for an excused absence for a religious observance two weeks in advance of the date requested or as soon as possible if the date occurs within the first two weeks of the semester.** This policy also applies to students who have an excused absence for a religious observance during the summer. Students must be given the opportunity to make up tests and other work missed due to an excused absence for a religious observance. Make-up tests may entail an alternative examination, or other accommodation which allows the student not to be penalized for an excused absence for a religious observance.” (Emphasis added). To the extent that this policy applies to you, it supersedes any conflicting policies stated above. Please let me know if you have any questions. I am committed to making reasonable accommodations for students who request missing class for observance of religious observances required by their faith.
- **What if I have to miss class or an exam for an organized and authorized University activity that I am required to attend?** According to University policy, “Students who are members of **regularly organized and authorized University activities** and who may be out of town taking part in some scheduled event are to be excused during the approved period of absence. **Notification of such an**

**absence must be sent by the responsible University official to the instructor before the date(s) of the scheduled absence.”** (Emphasis added). To the extent that this policy applies to you, it supersedes any conflicting policies stated above. Please let me know if you have any questions.

### Learning Tips and Suggestions

- **General Tips for Preparing for Class and Exams:** There is a significant amount of material in this course, and many of the concepts are complicated and not always fully comprehensible until you've had time to process the information and review examples. Avoid “cramming” for exams – that almost never results in success in this course in terms of learning the concepts or performing well on the exams. It also provides for a very stressful experience, which is not best for learning. Instead, it's best to begin preparing as early as possible for each exam including **REVIEWING** the material that we cover each day before reading the next day's assignment.
- **Before each class period:** BEFORE each class period, please carefully complete the assigned reading(s). Also, it's best to download and print the PowerPoint slides from the Sakai site and have them available for class each day. Then review the readings, your notes and the PowerPoint slides after class each day. Is everything you need to know on the PowerPoint slides? Of course not! Does having the PowerPoint slides mean that you don't have to take notes during the lecture and discussion? Again, of course not! Is it enough just to study the PowerPoint slides for the exams? Once again, of course not! So, remember that the PowerPoint slides are bulleted outlines for class discussion and should not be considered a substitute for taking thorough notes during class or for completing the assigned readings. Often, we will cover points not listed on the slides, omit points that are listed, and cover in more depth points that are listed in abbreviated form on the slides.
- **Preparing for exams:** Begin to prepare for the exams by reviewing and synthesizing the material we cover. Many students in the past have found that making study outlines is beneficial. Work through the study guides that will be provided and make a comprehensive study outline for each topic. Please ask when you have any questions about the material or need any help with study methods or exam preparation. Sooner is always better than later in terms of seeking help and guidance, and when preparing for exams. Again, some friendly advice: Avoid “cramming” for these exams.
- **Please note that the exam dates and times are on the syllabus.** Friendly advice: Please record the dates and times of all exams on your calendar NOW to ensure that your schedules are clear for ALL EXAMS INCLUDING THE FINAL EXAM. Any changes will be announced in advance.

### Reading Assignments and PowerPoint Slides

Please complete each reading assignment before the class period on the day that it is scheduled below for discussion. The PowerPoint slides for each lecture will be posted in advance. Again, as mentioned previously, the PowerPoint slides are not a substitute for the assigned reading material, class lecture and discussion, or taking accurate and thorough notes during class. Please use the following key for most reading assignments referenced in the schedule on the following pages.

- **TRR:** The reading is from the main text, *The Law of Journalism and Mass Communication*.
- **NCMLH:** The reading is from the *North Carolina Media Law Handbook*.

## CLASS AND EXAM SCHEDULE

Our class and exam schedule is listed below by date. You'll be notified of any changes that may be necessary during the semester, which may well occur. Current topical readings may be added as appropriate during the semester and posted on Sakai or e-reserve, or referenced with an Internet link in an announcement to the class. Please be sure to complete the assigned readings **before** class on the dates that they are listed to be discussed.  
**Note:** [M] = Monday, [W] = Wednesday.



### Week 1

- **8/23 [W] – Introduction to MEJO 341; and the Sources of Law**
  - READ: Syllabus – available in PDF format on Sakai site
  - READ: TRR, Ch. 1, pp. 2-8 (to “The Court System”), 20-30 (“Sources of Law” to “The Case Process”)
  - READ: WWW, North Carolina Constitution – Preamble and Declaration of Rights at <http://www.ncga.state.nc.us/Legislation/constitution/nconstitition.html>

### Week 2:

- **8/28 [M] – The Courts – Federal and State Court Systems**
  - READ: TRR, Ch. 1, pp. 8-20 (“The Court System” to “Sources of Law”) and pp. 30-44 (“The Case Process” up to the *Citizens United* case excerpt in “Cases for Study”)
  - READ: NCMLH: *The North Carolina State System* chapter
  - VISIT: The Federal Courts website (2017) at <http://www.uscourts.gov/FederalCourts.aspx>
    - READ: From the menu on the left, use the drop-down menu – “About the Federal Courts” – and click on each subtitle and read each page (“The Federal Courts & the Public,” “Court Role and Structures,” and “Types of Cases” – and click on the hyperlinks to each sub-section on left and read those pages as well). Explore the website including the federal circuits map – in what federal circuit is North Carolina?
- **8/30 [W] – Federal and State Court Systems (finish) and In-Class Case Study Workshop**
  - We'll analyze how an important trademark law case decided by the U.S. Supreme Court progressed through the administrative process and judicial system to its final decision
  - The case we will study is *Matal v. Tam* (2017), and, we will use the timeline and materials provided at SCOTUSblog here <http://www.scotusblog.com/case-files/cases/lee-v-tam/> (more instructions to follow)



### Week 3

- **9/4 [M] – Labor Day holiday – No class today**
- **9/6 [W] – First Amendment: Values, Prior Restraint and National Security**
  - READ: TRR, Ch. 2, pp. 50-71 (stop at “Court Scrutiny...”), plus the “Cases for Study” at the end of the chapter
  - READ: TRR, Ch. 3, pp. 98-104 (stop at “Court Tests to Protect...”)

#### Week 4

- **9/11 [M] – First Amendment: Scope of Coverage; and Levels of Protection for Expression**
  - READ: TRR, Ch. 2, pp. 76-86 (start at “Political Speech”)
  - READ: TRR, Ch. 3, pp. 125-146 (start at “Symbolic Speech” and stop at the *Elonis* case excerpt in the “Cases for Study”)
  - READ: TRR, Ch. 11, pp. 513-532 (start at “Indecency”)
  - READ: Case synopsis for *United States v. Alvarez* (U.S. 2012)
    - WWW: [http://www.oyez.org/cases/2010-2019/2011/2011\\_11\\_210](http://www.oyez.org/cases/2010-2019/2011/2011_11_210)
    - REVIEW, TRR, Ch. 2, discussion of *Alvarez* case on p. 56
- **9/12 [W] – First Amendment: Examples of Unprotected Forms of Expression**
  - READ: TRR, Ch. 3, pp. 108-124 (stop at “Symbolic Speech”) and *Elonis* case excerpt in the “Cases for Study” section
  - READ: TRR, Ch. 11, pp. 496-513 (intro and “Obscenity” section, stop at “Indecency”)

#### Week 5

- **9/18 [M] – First Amendment: Content Regulations**
  - READ: TRR, Ch. 2, pp. 71-75 (start at “Court Scrutiny...”)
  - READ: Case synopsis for *Reed v. Town of Gilbert* (U.S. 2015)
    - WWW: [http://www.oyez.org/cases/2010-2019/2014/2014\\_13\\_502](http://www.oyez.org/cases/2010-2019/2014/2014_13_502)
- **9/20 [W]: First Amendment – Political Speech and the Constitution: Ballot Propositions; Public Issues; Political Elections; and Lobbying and the Right to Petition**
  - READ: Middleton, et al., Ch. 7 (“Political Speech”) (PDF) (library e-reserve on Sakai)
  - REVIEW: TRR, Ch. 2, pp. 76-78 (stop at “Anonymous Speech”)
  - READ: TRR, Ch. 13, pp. 611-613 (start at “Corporate Speech Regulation” and stop at “Legislative and Administrative...”)

#### Week 6: UNC First Amendment Day is Tuesday 9/26 – more details to follow!

- **9/25 [M] – First Amendment – Commercial Speech and the Constitution: Distinguishing “Commercial” Speech under the First Amendment and its Level of Protection**
  - READ: TRR, Ch. 13, 601-613 (stop at “Legislative and Administrative...”) plus read both “Cases for Study” (excerpts from *Central Hudson Gas & Elec. Corp. v. Pub. Svc. Comm’n of N.Y.* and *Sorrell v. IMS Health Inc.*)
  - READ: Case: *Kasky v. Nike, Inc.* (Cal. 2002) (from link, click on “Opinion”)
    - WWW: <http://scocal.stanford.edu/opinion/kasky-v-nike-inc-32202>
- **9/27 [W] – Finish up Commercial Speech and Review for First Exam**

#### Week 7

- **10/2 [M] – FIRST EXAM TODAY**
- **10/4 [W] – Libel Claims: Overview; Statement of Fact, Publication – including § 230 immunity for online publication of user-generated content – and Identification Elements**
  - READ: TRR, Ch. 4, pp. 152-168 (stop at “Defamation”)
  - READ: NCMLH, *Libel* chapter (first part, then “Publication” and “Identification” sections)

## Week 8

- **10/9 [M] – Libel Claims, cont'd: Defamatory Communication Element – including Product Disparagement and Trade Libel – and Falsity Element**
  - READ: TRR, Ch. 4, pp. 168-175 (start at “Defamation” and stop at “Fault”)
  - READ: PDF handout on Sakai about the *Texas Beef Group v. Winfrey* case
  - READ: Christine Hauser, *ABC's 'Pink Slime' Report Tied to \$177 Million in Settlement Costs*, N.Y. TIMES (Aug. 10, 2017) (and “Related Coverage” articles linked with this article on left) <https://www.nytimes.com/2017/08/10/business/pink-slime-disney-abc.html>
  - READ: NCMLH, *Libel* chapter (“Defamatory Content” and “Falsity” sections)
- **10/11 [W] – Libel Claims, cont'd: Fault Element – Public and Private Figures**  
**When are Companies Considered “Public Figures” in Libel Cases?**
  - READ: TRR, Ch. 4, pp. 175-191 (start at “Fault” and stop at “Emotional Distress”), and pp. 202-204 (*New York Times Co. v. Sullivan* excerpt in “Cases for Study”)
  - READ: PDF handouts with case examples posted on Sakai
  - READ: NCMLH, *Libel* chapter (“Fault” section – stop at “What defenses...”)

## Week 9

- **10/16 [M] – Libel Claims, cont'd: Fault Element – Actual Malice and Negligence; and Damages Element**
  - REVIEW: TRR and NCMLH readings from last time – focusing for today on the levels of fault including “actual malice” and “negligence”
  - READ: T. Rees Shapiro and Emma Brown, *Rolling Stone settles with former U-Va. Dean in defamation case*, WASH. POST (April 11, 2017) (and the two prior hyperlinked articles in this article) [https://www.washingtonpost.com/local/education/rolling-stone-settles-with-u-va-dean-in-defamation-case/2017/04/11/5a564532-1f02-11e7-be2a-3a1fb24d4671\\_story.html?utm\\_term=.dc3e112666c6](https://www.washingtonpost.com/local/education/rolling-stone-settles-with-u-va-dean-in-defamation-case/2017/04/11/5a564532-1f02-11e7-be2a-3a1fb24d4671_story.html?utm_term=.dc3e112666c6)
  - READ: NCMLH, *Libel* Chapter (“Injury” section)
- **10/18 [W] – Libel Claims, cont'd: Key Defenses and Privileges**
  - READ: TRR, Ch. 5 (entire chapter) plus “Cases for Study” at end of chapter
  - READ: NCMLH (“Defenses” section – starting at “What defenses...” to end of chapter)

## Week 10

- **10/23 [M] – Privacy Claims: False Light, Intrusion and Private Facts Claims**
  - READ: TRR, Ch. 6, pp. 248-266 (stop at “Appropriation”)
  - READ: TRR, Ch. 6, pp. 280-294 (just skim the section on “Intrusion” – we will not cover this in class – but focus here on the “Private Facts” section)
  - READ: TRR, Ch. 6, pp. 295-298 (*Cox Broadcasting Corp.* excerpt in “Cases for Study”)
  - READ: NCMLH, *Privacy* chapter (focus today on false light and private facts claims)
- **10/25 [W] – Physical Harm and Emotional Distress – Focus on Advertising Cases**
  - READ: TRR, Ch. 3, pp. 111-114 (stop at “Speech Assaults”)
  - READ: TRR, Ch. 4, pp. 191-201 plus *Hustler Magazine* case excerpt at end of chapter
  - READ: Trager, Ch. 11, p. 512 (“Emerging Law” box on “Online Adult Advertisements and Sex Trafficking”)
  - REVIEW: NCMLH, *Privacy* chapter (focus today on emotional distress claims)

## Week 11

- **10/30 [M] – Privacy Claims, cont'd: Appropriation Claims**
  - READ: TRR, Ch. 6, pp. 266-280 (start at “Appropriation” and stop at “Intrusion”)
  - REVIEW: NCMLH, *Privacy* chapter (focus today on appropriation claims)
  - READ: Stanford University Libraries, Copyright and Fair Use, “Releases” in the context of using a person’s name or image at <http://fairuse.stanford.edu/overview/releases/>
    - Read the main page and then each of the hyperlinked pages – “What is a Release?,” “When to Use a Release,” “Personal Lease Agreements,” and “Interview and Property Releases”
- **11/1 [W] – Intellectual Property Law: Trademarks – Rights; and Infringement, Dilution and Cybersquatting (note – this material will be on the final but NOT the second exam)**
  - READ: TRR, Ch. 13, pp. 580-590 (start at “Trademarks”)
  - VISIT USPTO website and READ: “Trademark Basics” (and watch videos) and “Trademark Process” at <https://www.uspto.gov/> (look for these links under “Learn about the process”)

## Week 12

- **11/6 [M] – SECOND EXAM TODAY**
- **11/8 [W] – Intellectual Property Law: Copyright: Protected Works and Rights**
  - READ: TRR, Ch. 12, pp. 542-564
  - READ: NCMLH, *Copyright* Chapter (all)

## Week 13

- **11/13 [M] – IP Law, cont'd: Copyright, cont'd – Infringement, Fair Use & DCMA “Safe Harbor”**
  - READ: TRR, Ch. 12, pp. 565-580 (stop at “Trademarks”)
  - READ: “Welcome to the Public Domain” at <http://fairuse.stanford.edu/overview/public-domain/welcome/>
  - READ: “Public Domain Trouble Spots” at <http://fairuse.stanford.edu/overview/public-domain/trouble-spots/>
  - READ: “Website Permissions” at <http://fairuse.stanford.edu/overview/website-permissions/> and be sure to scroll down and read the three subsections titled “Websites: Five Ways to Stay Out of Trouble,” “Transferring Information to and From a Website,” and “Connecting to Other Websites” – each of these subsections is a hyperlink you must click
  - READ: “Fair Use” at <http://fairuse.stanford.edu/overview/fair-use/> and be sure to scroll down and read the four subsections titled “What is Fair Use?,” “Measuring Fair Use: The Four Fair Use Factors,” “Summaries of Fair Use Cases,” and “Disagreements Over Fair Use: When are You Likely to Get Sued” – each of these sections is a hyperlink you must click
- **11/15 [W] – Regulated Financial Communications – Securities Laws and Investor Relations**
  - READ: Middleton, et al., Ch. 8, pp. 379-396 (“Securities Transactions”) (e-reserve on Sakai)
  - READ: “Laws that Govern the Securities Industry” at <http://www.sec.gov/about/laws.shtml>
  - READ: SEC guidance for using social media to disclose material nonpublic information at <http://www.sec.gov/litigation/investreport/34-69279.pdf> (April 2013)
  - READ: Jay G. Buris and Bradley Berman, *The Guide to Social Media and the Securities Laws* (Aug. 2017) at <http://media.mofo.com/docs/pdf/170814-guide-to-social-media-and-the-securities-laws/>

## Week 14

- **11/20 [M] – FCC Regulation of Electronic Media: Focus on FCC Ownership Rules, Privacy and Open Internet Rules, and Advertising; and FDA Regulation of Advertising and Promotion**
  - READ: TRR, Ch. 10, pp. 451-484 (omit “Cases for Study”) – focus on commercial advertising regulations and FCC Open Internet Rules (“net neutrality”) – there are some major updates that we will cover in class
  - READ: Steve Lohr, *Trump Completes Repeal of Online Privacy Protections from Obama Era*, N.Y. TIMES (April 3, 2017) at [https://www.nytimes.com/2017/04/03/technology/trump-repeal-online-privacy-protections.html?\\_r=0](https://www.nytimes.com/2017/04/03/technology/trump-repeal-online-privacy-protections.html?_r=0)
  - READ: Brian X. Chen, *What the Repeal of Online Privacy Protections Means for You*, N.Y. TIMES (March 29, 2017) at <https://www.nytimes.com/2017/03/29/technology/personaltech/what-the-repeal-of-online-privacy-protections-means-for-you.html?action=click&contentCollection=Technology&module=RelatedCoverage&region=Main&pgtype=article>
  - READ: FDA’s “Prescription Drug Advertising” (visit site and read each section listed in the menu on the right) (stop at “Give Us Feedback”) (be sure to study the “sample” ads – both correct and incorrect) at <https://www.fda.gov/Drugs/ResourcesForYou/Consumers/PrescriptionDrugAdvertising/default.htm>
  
- **11/22 [W] – Thanksgiving break begins – No class today**

## Week 15

- **11/27 [M] – FTC Advertising Regulation: Unfair and Deceptive Commercial Practices**
  - READ: TRR, Ch. 13, pp. 613-624 (start at “Legislative and Administrative Advertising Regulation”)
  - READ: FTC “Policy Statement on Deception” at <https://www.ftc.gov/public-statements/1983/10/ftc-policy-statement-deception>
  - READ: FTC “Guides Concerning the Use of Endorsements and Testimonials in Advertising” at <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>
  - READ: FTC FAQ’s about the Endorsement and Testimonial Guides at <http://business.ftc.gov/documents/bus71-ftcs-revised-endorsement-guideswhat-people-are-asking>
  
- **11/29 [W] – FTC Advertising Regulation, cont’d**
  - READ: FTC “.com Disclosures: How to Make Effective Disclosures in Digital Advertising” at <http://www.business.ftc.gov/documents/bus41-dot-com-disclosures-information-about-online-advertising> (click on “PDF” to obtain free publication)
  - READ: FTC’s “Commission Enforcement Policy Statement on Deceptively Formatted Advertisements” at <https://www.ftc.gov/public-statements/2015/12/commission-enforcement-policy-statement-deceptively-formatted>
  - READ: FTC’s “Native Advertising: A Guide for Businesses” at <https://www.ftc.gov/tips-advice/business-center/guidance/native-advertising-guide-businesses>

**Week 16**

- **12/4 [M] – FTC Advertising, cont'd; State Advertising Regulation and Industry Self-Regulation**
  - READ: Topical self-regulation readings and cases TBA
  - SKIM: NCMLH, *Advertising Regulation* chapter
  
- **12/6 [W] – Access to Government Records and Meetings; and Access to Courts and Prejudicial Publicity: What do advertising and PR professionals need to know?**
  - READ: TRR, Ch. 7, pp. 329-351 (start at “Newsgathering Protections”)
  - READ: TRR, Ch. 9, pp. 399-433 (start at “Access to Trials”)
  - SKIM: NCMLH, *Access to Government Meetings*, *Access to State and Local Documents* and *Access to Courts* chapters (all)

**FINAL EXAM – Tuesday, December 12, 2017, 12:00-3:00 p.m. in CA 33**

**Have a wonderful winter break everyone!**

**Congratulations and very best wishes to all graduating seniors!**