

MEJO 340 SYLLABUS

Introduction to Media Law

Summer I 2019

Carroll Hall Room 128

Monday through Friday 9:45am to 11:15 am

Instructor Information

Instructor

Kriste Patrow

Contact

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Office Location and Hours

369 Carroll

Thursdays 12:00-3:00 pm
or by appointment

General Information

COURSE DESCRIPTION

The study of mass communication law will help you assert your rights and avoid needless infractions of the law as a content creator. This course is designed to help you recognize your legal rights to gather, prepare and disseminate news and other communications. It is an intensive overview of First Amendment case law as it relates to journalism, advertising, public relations, marketing, and the many fields of mass communication. It is also designed to provoke critical thinking about ethical practice, help you understand legal reasoning, and craft a legal argument. This course is designed to impart a basic understanding of how the law is made and the importance of free expression in a democracy.

LEARNING OBJECTIVES:

1. Understand the origins and theory of the First Amendment and how the law and the court systems work.
2. Understand concerns about censorship in a democracy and how the law protecting against prior restraint is the backbone of the First Amendment.
3. Understand more advanced legal concepts such as privacy and reporter's privilege, how they are contested in the age of "new" media and what those challenges look like "on the job."
4. Be able to apply legal tests to new scenarios and hypotheticals.
5. Be able to read a case and identify its key components.
6. Understand and appreciate that changes in First Amendment law are almost always the result of social struggle in the United States.
7. Know the elements of libel and privacy claims, learn to avoid such claims or, alternatively, be prepared to defend oneself in the face of such claims.

8. Think creatively and speak knowledgeably about how mastery of media law will help you in your career in journalism/new media.

Attendance Policy

This is a required course in the School of Media and Journalism, which means that the school and the professors that teach this course believe it contains vital information for you to succeed in the mass communication field. As an instructor, I will do my best to make the material engaging and easy to understand. However, the key to success in both the academic and professional world is to take responsibility for your own learning, time management, and productivity. For this reason, I allow two absences during the Summer semester without penalty. If you should miss more than two classes **five points will be deducted from your final grade per additional absence**. Unless you have a school-excused absence the third time you miss class will result in point deductions. For this reason, please use your self-excused absences sparingly and wisely.

In summer classes especially, we cover a lot of material very quickly and every absence will put you at a disadvantage when trying to understand and retain the material. Remember, missing two classes means you missed an entire week of class during the normal semester.

Technology Policy

MULTITASKING

While I know it is tempting to multitask while in class, I strongly urge you to resist the temptation to tweet, snap, yak, message, text, Insta-anything, or surf during class. Research has repeatedly shown that when students multitask their grades and comprehension of course materials suffer.

LAPTOPS/TABLETS

Use of laptops and tablets for the purposes of note taking are welcome in this class. However, there may be days or times during class that I will ask you to put laptops away and focus on group work or class discussion. Again, I am strong believer in personal accountability so, rather than police classroom use of laptops/tablets, I trust you to use them responsibly.

PHONES

While I welcome the use of tablets and laptops in class, use of cellphones is strictly prohibited. I do make exceptions if there is an emergency. If you do need to use your phone, please let me know prior to the start of class.

Please keep your phone off or silent and stashed away while class is in session. Use of cellphones during class will hurt your contribution grade. Since I already have a sheet that keeps track of attendance, it is easy to mark who texts during class. If you try to "sneak" using your phone, I will probably notice. It is obvious what you are doing; as the joke goes, no one looks down at their lap

and smiles. **Unauthorized use of your phone during class will result in a 2-point reduction of your class contribution grade per infraction.**

Course Materials

COURSE MANAGEMENT SYSTEM (SAKAI)

To access the course site visit: www.unc.edu/sakai/. The Sakai site should be your first resource for questions. It contains announcements, readings, the syllabus, the course schedule, my office hours, and your grades. In addition, you will submit portions of your exams and other coursework via this site.

You are responsible for checking Sakai regularly. **Inability to access the course website is not a valid excuse for lack of preparation or failure to submit assignments by deadline.** Should you experience problems accessing the course website please call 919-962-HELP and tell them it's about Sakai or visit this webpage: <https://www.unc.edu/sakai/?3>. If you continue to experience problems after talking to an expert about Sakai, please let me know.

REQUIRED TEXTBOOKS

- Robert Trager et al. The Law of Journalism and Mass Communication, 6th ed.
- Additional readings will be posted on Sakai

Grades

Assignments	Total Points
Practice Case Brief	5
24/7 Case Brief	20
Class Contribution	25
5 Pop Quizzes	100
Midterm Exam	100
Final Exam	150

Grade	Points
A	367-400
A-	353-366
B+	340-352
B	322-339
B-	308-321
C+	295-307
C	277-296
C-	263-276
D+	249-262
D	218-248
F	217

Undergraduate MEJO majors must earn a grade of "C-" or higher in MEJO 340 as one of the School's graduation requirements – that means earning a final point total of 263 points or higher out of a possible total of 400.

Assignments and Assessments

#1. "PRACTICE" CASE BRIEF (5 POINTS).

In the first week of class you will be taught how to brief a case. Each student will complete a case brief of a case assigned by the instructor and hand in the case brief for feedback. This ensures that you get good feedback on a brief before completing your 24/7 brief. This assignment is worth 5 points and should include: the facts, issue, holding, rational, and decision of each case. Briefs must not exceed one page. Your brief must be single-spaced and written in either 11 or 12-point font. Please use Times New Roman or Century font and 1-inch margins.

#2 24/7 FULL CASE BRIEF (20 POINTS). DUE DATES SELECTED BY INSTRUCTOR

Throughout the semester, you will be presented with a series of important legal cases that have formed the First Amendment as we know it today. To help students learn and retain the importance of these cases, each student will present one of these cases, which will be assigned by the instructor. For the assignment, you are to research your case and write out a case brief and then prepare an explanation of the case in a 24/7 format: you have 24 seconds to explain the main points of the case and then summarize the case in 7 words.

You will write out both the case brief and this 24/7 information and post it to the course Sakai site. Be sure to post the 24/7 information at the top of your post as it will serve as a study tool for the course exams. You will also present this 24/7 in class on the day your case is discussed and answer questions regarding your case. Your grade will be based on the following:

- Summary of the case presented in the 24/7 (5 points: 2.5 points per part)
- Knowledge and understanding of the case and its facts (5 points)
- Sakai post (10 points)
 - 24/7 at the top
 - It should also include the: facts, issue, holding, rational, and decision of each case. Briefs must not exceed one page. Your brief must be single-spaced and written in either 11 or 12-point font. Please use Times New Roman or Century font and 1-inch margins.

#3. CLASS CONTRIBUTION (25 POINTS). CONSIDERED THROUGHOUT THE SEMESTER

I call this section of assessment "contribution" because I believe there are ways to show engagement with course material and the instructor beyond participation. Sharing your thoughts is a valuable practice for you and it benefits the whole classroom, but there are other ways to contribute to our learning environment. I will be grading you on preparation, participation, and listening.

PREPARATION

Most of your contribution in class depends on your preparation before the start of class. To be able to actively participate in every class, you must have a clear grasp of the concepts we have covered up to that class period. To ensure you understand these concepts you should: do all your

reading, review your class notes, and make notes about class articles, activities or concepts related to one another. Jot down any questions you have for these readings. You can also review material from last class; are any parts of the material still unclear to you?

PARTICIPATION

Part of participation is attending class! You cannot participate unless you show up. Second, make an effort to arrive early. Arriving late is disruptive to other students and arriving early gives you time to review your notes before class starts. Participation also includes asking questions and giving your opinion. With that in mind, here are ways you can easily lose points in the participation section of the contribution grade:

- **Arriving late** will result in a class contribution grade loss of **2 points per instance**. **If you arrive 15 minutes after class has started you will be counted absent for that day.**
- **Sleeping in class will not be tolerated.** If you are caught sleeping in class, you will be asked to leave and **will be marked as absent for the day and you will lose 5 participation points regardless of whether you have missed two classes already or not.**
- **Leaving the classroom is prohibited.** Leaving the classroom is just as disruptive to the learning environment as arriving late. **The only exception to this is if you are about to be sick in the bathroom or you are in urgent need of a bathroom and it cannot wait.** If you leave, I will assume you are not well and will likely inquire about your health. I have obviously experienced too many students coming in and out of lecture to text, so I have had to put this policy in place. If you leave the classroom **you will lose 2 points per instance.** In your future careers there will be many times when you are in meetings that last longer than an hour of which you will be required to fully attend. You will have to plan for your physical needs accordingly. I expect you to do that for this class.
 - **If you need to leave class early for a legitimate reason, please just let me know at the beginning of class.** Please sit in the back and quietly leave, watching the door on the way out. There should be no random departures and slamming doors while class is in session. **Departures requiring you to miss more than 15 minutes of class will result in being counted as absent for the day.**

LISTENING

I know that some people do not feel comfortable speaking up in class, I was one of those students for a long time. However, though I hope you do manage to speak up from time to time, I recognize that you can be actively engaged in class by thoughtfully listening to lecture and discussion. Students who actively listen take notes, focus on the instructor during class, and listen carefully to other students. This is not to say that you can come to class, never say anything, and still receive full participation points. **As a reminder, violation of the technology policy will result in contribution point loss of 2 points per instance.**

These three factors are equally weighted, and all contribute to your overall contribution grade.

#4. FIVE IN-CLASS POP QUIZZES (100 POINTS). GIVEN AT RANDOM

Students will complete 6 multiple choice quizzes during class time. Each quiz will consist of 5 or 10 questions, and students will be given 10 minutes to take the quiz. Students do not need to bring a scantron but need a pencil or pen. These quizzes are given at random, hence the name “pop quiz.” Only 5 quizzes will be used for your final grade, so I will drop your lowest quiz score. For this reason, missed quizzes may not be made-up.

#5. MIDTERM EXAM (100 POINTS) TUESDAY JUNE 5, NORMAL CLASS TIME IN ROOM 143

Students will take an in-class midterm exam that covers the first half of course material. The exam will include multiple choice, true/false, short answer and a written hypothetical.

#6. FINAL EXAM (150 POINTS) WEDNESDAY JUNE 20, 8 AM – 11 AM IN ROOM 143

Students will take an in-class final exam that covers the entire course material. The exam will include multiple choice and true/false questions. A review guide will not be provided.

Extra Credit

No individual extra credit opportunities are offered, and students should not ask for individual exceptions. If an opportunity for extra credit arises – of which there is no promise or guarantee of such an opportunity – it will be offered to the entire class.

Grade Disputes

Should you wish to dispute your grade on any of the assignments, you must first wait 24 hours before discussing it with me. I call this the “cooling off” period. Then, you must write me a detailed email explaining why I should re-consider your grade. You have one week to dispute the grade on an assignment after it has been returned to you. After I receive an email we will schedule a time to meet and discuss your grade. You must meet with me in person if you want me to alter your grade. I reserve the right to raise or lower any grade, if I conclude the original grade was faulty.

Deadlines

All assignments must be uploaded via Sakai or physically handed in by the assigned due date. This is a media school and deadlines are serious in media. Thus, I take deadlines seriously. **I do not accept late assignments. If you submit a file that is somehow corrupted or will not properly open on my computer, you will receive a zero.** Thus, please submit either PDF or MS Word Documents. What you submit is what you will be graded on. You cannot submit amended materials after the due date. Students who miss assignments will receive a zero for the missed work, unless they have a University-approved absence or a doctor’s note.

Makeup Exams

Makeup exams will be given only in cases of proven emergencies and then only if I am notified in advance of the scheduled exam. I reserve the right to change the content of make-up work (e.g. alternate test questions). No make-up quizzes are given.

Respect and Tolerance of Viewpoints

The study of free speech requires more tolerance and understanding than the study of some other subjects. Indeed, there is an entire theory of the First Amendment that is based on the principle of tolerance. When discussing speech that the First Amendment protects we will have to discuss speech that is hurtful and offensive. In addition to discussing speech that many people would find odious, there are and will be many political and social views in our classroom! This makes it the perfect place to talk about free speech, but it can also create tensions. Tensions are OK! What we don't want are tensions that escalate into "fighting words" or "speech that creates a chilling effect" on other students. (Stay tuned and we'll talk about these concepts.)

We want to create an atmosphere in which students feel safe to talk and in which they feel heard, even if other students do not agree with their views. There are ways to disagree passionately and remain respectful and cognizant that the classroom is a learning environment. While we want to encourage free speech in the classroom, courts have been very clear that speech that disrupts a classroom environment may not be tolerated. Let's not even go there. We want to create a room that embraces our differences and helps us learn through those differences.

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 Undergraduate Bulletin 2012-2013 at <http://www.unc.edu/ugradbulletin/>.

Special or High Needs Students

If you are a student with a documented disability or a student with a unique personal situation (e.g. – a terminally ill family member or you are struggling with depression, etc.), **you MUST let me know during the first week of class so that we can work together to make your experience in this class a success.** I am very happy to work with you to make the necessary accommodations, and I will keep these matters confidential. I also like to have some documentation. (There are, unfortunately, students who can and will take advantage of this privilege.) I cannot, however, accommodate you to the point that it would be unfair to other students in the class. **But there are many possibilities, and I urge you to come speak to me earlier rather than later in the semester. I cannot help you in this regard if you come to me at the last minute.**

Students with diagnosed or suspected disabilities that might impact their performance in the course should contact the Department of Accessibility Resources and Service (AR&S) to determine

whether and to what extent services or accommodations are available for this course. It is the goal of UNC 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 DARS by telephone at 962-8300 or visit the AR&S website at <http://accessibility.unc.edu/about-us> for additional information.

Honor Code

The Honor Code and the Campus Code, embodying the ideals of academic honesty, integrity and responsible citizenship, have for over 100 years governed the performance of all academic work and student conduct at the University. Acceptance by a student of enrollment in the University presupposes a commitment to the principles embodied in these codes and a respect for this most significant University tradition.

Your participation in this course comes with the expectation that your work will be completed in full observance of the Honor Code. Academic dishonesty in any form is unacceptable, because any breach in academic integrity, however small, strikes destructively at the University's life and work.

[The Instrument of Student Judicial Governance](#), which contains the provisions of the Honor Code, states that students have four general responsibilities under the Code:

1. Obey and support the enforcement of the Honor Code;
2. Refrain from lying, cheating, or stealing;
3. Conduct themselves so as not to impair significantly the welfare or the educational opportunities of others in the University community; and
4. Refrain from conduct that impairs or may impair the capacity of University and associated personnel to perform their duties, manage resources, protect the safety and welfare of members of the University community, and maintain the integrity of the University.

[The Instrument](#) defines plagiarism as "deliberate or reckless representation of another's words, thoughts, or ideas as one's own without attribution in connection with submission of academic work, whether graded or otherwise."

Please submit all written work with the following pledge: "On my honor, I have neither given nor received unauthorized aid on this assignment."

Inclement Weather Policy

If the campus is open, class will take place. Any other cancellations will be posted online before 9 a.m.

Course Schedule

This schedule is subject to change. Reading assignments may be added or removed and deadlines may be altered as necessary. Any changes will be announced on Sakai. You should complete all assigned reading before coming to class. **Reading assignments will often require a significant amount of time.** If at any point in the semester you are having difficulty understanding the required material, please let me know.

I will be happy to meet with you and clarify points and/or recommend additional resources to help you understand law. I fully believe that everyone can and should understand legal concepts and I am happy to help you do that. This is a topic I am passionate about so please do not be shy about asking for help or clarification. My desire to educate people about First Amendment law is part of the reason I spent so many extra years in school! That means I am serious about teaching you this stuff!

Week	Topic	Reading	Exercises/Assignments
Week 1 Wednesday May 15, 2019	Introduction to the Course	The course syllabus and two articles on multitasking while learning. You'll Never Learn! Multitasking Increases Study Time	
Week 1 Thursday May 16, 2019	Reading First Amendment Law: How to Understand/Brief a Case, State Action and the Sources of Law	Trager Chapter 1:7-17, 35-43 What is State Action? How to Read a Legal Opinion (Sakai)	Read how to brief a case, read Marbury v. Madison, attempt to brief it yourself and compare it to sample brief in book. We will discuss in class.
Week 1 Friday, May 17, 2019	How Law is Made and The Court System	Trager Chapter 1: 2-6, 18-35, 43-49 Understanding the Federal Court System (Sakai) Understanding the NC Court System (Sakai)	Look at circuit map on Sakai and figure out what circuit NC is in.
Week 2	First Amendment History and Theories	Trager Chapter 2: 51-61 Additional readings on Sakai	DUE TODAY at 9:45am: (Either

Monday, May 20, 2019			by Dropbox or hand in at the beginning of class) Practice Case Brief Citizens United
Week 2 Tuesday, May 21, 2019	Prior Restraint	Trager Chapter 2: 64-68, 85-88 Excerpt from Near v. Minnesota posted on Sakai Additional Readings Posted on Sakai	
Week 2 Wednesday, May 22, 2019	Speech on the Internet	Trager Chapter 9: skim 397-421, read carefully 421-426 Additional Readings Posted on Sakai	Case Brief Opportunity
Week 2 Thursday, May 23, 2019	Regulating Speech Based on Content	Trager Chapter 2: 69-74, 88-95 Additional readings on Sakai	Case Brief Opportunity
Week 2 Friday, May 24, 2019	Public Forums and Government Speech	Trager Chapter 2: 74-84 Additional Readings on Sakai	Case Brief Opportunity
Week 3 Monday, May 27, 2019	NO CLASS! HAPPY MEMORIAL DAY!	NO CLASS! HAPPY MEMORIAL DAY!	NO CLASS! HAPPY MEMORIAL DAY!
Week 3 Tuesday, May 28, 2019	Speech Distinctions and the First Amendment	Trager Chapter 3: 97-119, 131-133, 137-143	Case Brief Opportunity
Week 3 Wednesday, May 29, 2019	Speech Distinctions and the First Amendment	Trager Chapter 3: 97-119, 131-133, 137-143 Additional readings on Sakai	Case Brief Opportunity
Week 3 Thursday, May 30, 2019	Speech Distinctions and the First Amendment	Trager Chapter 3: 119-131, 134-137	Case Brief Opportunity
Week 3 Friday, May 31, 2019	Indecency and Obscenity	Trager Chapter 10 (all) including cases day.	Case Brief Opportunity
Week 4 Monday, June 3, 2019	Spill-over Day & In-class Practice Hypothetical	No readings: use extra time to prep for exam This day is built into the schedule for "spill-over" purposes. Historically, the schedule of this course can be interrupted by excellent class discussion, and as	

		such I plan for the need of an “extra” day of lecture to ensure you’ve been given all the material. If such a day is not needed, this class will be reserved for exam prep.	
Week 4 Tuesday, June 4, 2019	MIDTERM	Regular class time 9:45-11:15am in Room 128	Bring Scantron and Number 2 Pencil
Week 4 Wednesday, June 5, 2019	Defamation	Trager Chapter 4: 144-163 (stop at fault) Additional Readings Posted on Sakai	Case Brief Opportunity
Week 4 Thursday, June 6, 2019	Defamation	Trager Chapter 4: 163-178, 185-189	Case Brief Opportunity
Week 4 Friday, June 7, 2019	Defamation	Trager Chapter 5 (entire chapter and cases for study): 193-231	Case Brief Opportunity
Week 5 Monday, June 10, 2019	Privacy	Trager Chapter 6: 232-241 (stop at appropriation), 253-265, 275-278	Case Brief Opportunity
Week 5 Tuesday, June 11, 2019	Privacy	Trager Chapter 6: 241-253 Stanford University Libraries, Copyright and Fair Use, “Releases” in the context of using a person’s name or likeness <ul style="list-style-type: none"> • Main page and then each of the hyperlinked pages • “What is a Release?,” • “When to Use a Release,” • “Personal Lease Agreements,” • “Interview and Property Releases” • Additional Readings on Sakai	Case Brief Opportunity
Week 5 Wednesday, June 12, 2019	Copyright	Trager Chapter 11: 484-512, 531-535 Read “Fair Use”	Case Brief Opportunity

		<ul style="list-style-type: none"> • “What is Fair Use?,” • “Measuring Fair Use: The Four Fair Use Factors,” • “Summaries of Fair Use Cases,” • “Disagreements Over Fair Use: When are You Likely to Get Sued” – <p>Additional reading posted on Sakai</p>	
Week 5 Thursday, June 13, 2019	Trademark	<p>Trager Chapter 10: 512-523, 524-531</p> <p>VISIT USPTO website</p> <ul style="list-style-type: none"> • “Trademark Basics” (and watch videos), and • “Trademark Process,” (look for these links under “Learn about the process”) <p>Additional reading posted on Sakai</p>	Case Brief Opportunity
Week 5 Friday, June 14, 2019	Access, Journalistic Privilege, and Public Records	<p>Trager Chapter 7 (all): 287-339</p> <p>Trager Chapter 8: 372-376</p>	Case Brief Opportunity
Week 6 Monday, June 17, 2019	LAST DAY OF CLASS Regulated Financial Communications	<p>Middleton, et al., (10th ed. 2018), Ch. 8, pp. 379-396 (“Securities Transactions”) (PDF) (via University Libraries e-reserve service on Sakai)</p> <p>“Laws that Govern the Securities Industry”</p> <p>SEC guidance for using social media to disclose material nonpublic information (April 2013)</p> <p>Jay G. Buris and Bradley Berman, The Guide to Social Media and the Securities Laws (Aug. 2017)</p>	
Week 6	READING DAY	READING DAY	READING DAY

Wednesday, June 20, 2018			
Week 6 Wednesday, June 20, 2019	FINAL EXAM	8:00 am to 11 am Room 128	Bring Scantron and Number 2 Pencil