

**Introduction to Media Law**

**MEJO 340.2: 3 Credits**

**Summer I 2022**

**COURSE POLICIES & SYLLABUS**

**Professor:** Evan Ringel

* **Ph.D. student**, UNC Hussman School of Journalism and Media (degree expected May 2024)
* **J.D.**, UNC School of Law (2021)
* **M.A.**, Media and Communication, UNC Hussman School of Journalism and Media (2021)
* **B.M**., Jazz Trombone, UNC-Greensboro School of Music (2016)

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**Office hours**: Via Zoom: Tuesdays from 2:00 p.m to 4:00 p.m or by appointment

**Zoom Room**

* **Classes:**
  + <https://unc.zoom.us/j/92891397731?pwd=QU03OFhCcEVBc1kveUVoMmVnRmxHQT09>
  + **Meeting ID:** 928 9139 7731
  + **Passcode**: medialaw
* **Office Hours**:
  + <https://unc.zoom.us/j/94901794444?pwd=VVdYaUlOUHNFSFFEVndjY2M5blZkZz09>
  + **Meeting ID:** 949 0179 4444
  + **Passcode**: medialaw

**Class Meetings**

* Mondays-Fridays from 9:45 a.m. to 11:15 a.m. on Zoom

**Course Goals and Objectives**

* Explore the foundations and implications of the First Amendment, including its historical and philosophical bases.
* Help you to understand the mechanics of the U.S. legal system.
* Analyze foundational media law cases.
* Apply legal doctrine to hypothetical situations.
* Develop your ability to read and write with a critical eye.
* Introduce you to legal writing and research.

**Course Description**

Welcome! The mandatory media law course in the Journalism School at UNC has developed quite the reputation. I won’t (and can’t) lie to you. This class will be difficult. But I want you to think beyond the crushing weight of a mandatory graduation requirement for just a moment.

Our world is changing at a breakneck pace. Practically every day, a new technology emerges that changes how we interact with those around us. Communication and legal scholars are struggling with an existing body of law that fails to cleanly align with technological advances.

We will cover a lot of traditional areas of media law and the First Amendment during this course, including libel, defamation, privacy, indecency, obscenity, net neutrality, copyright, trademark, commercial speech, and prior restraint. We will read a lot of cases and study landmark judicial decisions. But I hope that you will keep the big questions in mind as we do! I look forward to exploring media law with you.

**Website**

All course materials will be available via Sakai, including this syllabus, announcements, supplemental readings, and your grades. You will also submit all assignments via Sakai, along with quizzes and exams.

You are responsible for checking Sakai daily and for meeting class deadlines. **Technical difficulties are not a valid excuse for lack of preparation or failure to complete assignments**. Please contact me if you experience any technical issues.

**Textbook**

* Susan Dente Ross, Amy Reynolds & Robert Trager, The Law of Journalism and Mass Communication (7th ed. 2020) (ISBN-13: 978-1544377582).
  + Some helpful study aids that accompany our textbook are available at this link: <https://edge.sagepub.com/medialaw7e>
* Any additional readings will be available on Sakai.

**Attendance**

**University Policy:**  No right or privilege exists that permits a student to be absent from any class meetings, except for these University Approved Absences:

1. Authorized University activities
2. Disability/religious observance/pregnancy, as required by law and approved by [Accessibility Resources and Service](https://ars.unc.edu/) and/or the [Equal Opportunity and Compliance Office](https://eoc.unc.edu/what-we-do/accommodations/) (EOC)
3. Significant health condition and/or personal/family emergency as approved by the [Office of the Dean of Students](https://odos.unc.edu/), [Gender Violence Service Coordinators,](https://womenscenter.unc.edu/resources/gender-violence-services/) and/or the [Equal Opportunity and Compliance Office](https://eoc.unc.edu/what-we-do/accommodations/) (EOC).

Please communicate with me early about potential absences. Please be aware that you are bound by the [Honor Code](http://catalog.unc.edu/policies-procedures/honor-code/) when making a request for a University approved absence.

## **Makeup/Late Work**

Any late work will be docked **one letter grade**.A late assignment will be docked **one additional letter grade** for each additional 24 hours that it is late. I will not accept late work if it is submitted more than **48 hours** after the initial due date.

I am mindful that things are stressful right now. You may be fighting an illness or dealing with a personal issue. If you know in advance that you will be unable to complete an assignment on time, reach out to me and we can work something out. I cannot guarantee that I will be able to give you full credit, but I promise to be fair.

**Course Assessments and Grade Scale**

**Grade Scale:**

A = 465-500 points (93-100%)

A- = 450-464 points (90-92.9%)

B+ = 435-449 points (87-89.9%)

B = 415-434 points (83-86.9%)

B- = 400-414 points (80-82.9%)

C+ = 385-399 points (77-79.9%)

**C = 365-384 points (73-76.9%) \***

C- = 350-364 points (70-72.9%)

D+ = 335-349 points (67-69.9%)

D = 300-334 points (60-66.9%)

F = 299 points or fewer (less than 60%)

**\* Undergraduate MEJO majors must earn a grade of “C” or higher to graduate – this means earning a final point total of at least 365 out of a possible total of 500.**

**Your individual grade will be determined by:**

**What When How much**

Class Participation Each Class 40 points

Reading Quizzes (20) See course schedule 40 points (2 each)

Forum Assignments (3) See course schedule 60 points (20 each)

Case Briefs (2) See course schedule 60 points (30 each)

Midterm Exam Friday, 6/3 during class time 100 points

Final Exam Wednesday, 6/15 or Thursday, 6/16 200 points

## **Class Participation**

**Forty points of your final grade (8%)** is based on class participation. The condensed schedule of a summer school course means that your attendance and preparation are crucial. I expect that you will be present and attentive in every class session. I will call on students in class to engage with the materials that we are covering. If you are present in class, you are fair game to be called on. You should expect that you will be called on to (1) provide the facts, holding, and reasoning for cases covered in the assigned readings; (2) analyze hypothetical situations applying doctrinal rules; and (3) engage in normative discussions about the state of the law.

Your participation grade also includes any group activities we do during class. Sometimes, the best way to understand a concept is to discuss it with your classmates. We will occasionally break into groups for exercises designed to increase your comprehension of a particular concept or legal doctrine.

I know that life is complicated and many of you will be balancing this class with other work/school/life responsibilities. If you are not prepared to be called on in class, you must inform me before class has started. **Otherwise, failure to properly prepare for and participate class** **will result in a lowered participation grade**.

## **Daily Quizzes**

**Forty points of your final grade (8%)** is based on twenty short quizzes administered on Sakai each day which we cover new material. Each quiz will have two multiple-choice questions pulled from the reading for that day. **Quizzes will be available on Sakai at 5 p.m the day before class and must be submitted before class starts.**

## **Forum Posts**

**Sixty points of your final grade (12%)** is based on your completion of three forum post assignments completed on Sakai. Each forum prompt will relate to a current issue we are covering in class. To receive full credit, you will be expected to (1) **draft your own forum post engaging with the provided prompt**; and (2) **offer at least one thoughtful response to a classmate’s forum post**.

I will use this rubric to grade your forum posts:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Score Range**  **(in points)** | 8 or less | 9-12 | 13-17 | 18-20 |
| **Frequency** | Does not participate. | Participates, but comments are not very meaningful. | Participates satisfactorily. | Participates with relevant comments that enhance the discussion. |
| **Content** | Posts information that is off- topic, incorrect, or  irrelevant to discussion. | Repeats but does not add substantive information to the discussion; lacks full development of concept or thought. | Posts are factually correct, reflective and substantive. | Provide analysis, synthesis and original thoughts that help the whole class move forward. |
| **References & Support** | Includes no references or supporting experience. | Uses personal experience, but little to no references to readings or research. | Uses relevant references to readings and personal experience/reactions to support comments. Posts relevant sketches that are easy to understand. | All previous aspects but expands beyond course readings to incorporate additional relevant scholarly and popular resources. |
| **Follow-Up**  **Postings** | Posts no follow-up responses to others. | Posts shallow contribution to discussion (e.g., agrees or disagrees); does not enrich discussion. | Elaborates on an existing posting with further comment or observation. | Demonstrates analysis of others’ posts; extends meaningful discussion by building on previous posts. |
| **Clarity & Mechanics** | Posts long, disorganized content that may contain multiple errors or may be inappropriate. | Posts have some errors in clarity or mechanics. | Contributes valuable information to discussion with minor clarity or mechanics errors. | Contributes to discussion with clear, concise comments formatted in an easy to read style that is free of grammatical or spelling errors. |

## **Case Briefs**

**Sixty points of your final grade (12%)** is based on your completion of two case brief assignments you will complete on Sakai. In the first week of class, I will walk you through the process of briefing a case. This practice is crucial in the legal field. I briefed hundreds of cases during my time in law school, and I strongly encourage you to brief each case you read during this course.

Your first case brief **(30 points)** will be due at the beginning of the second week of classes. This brief will be on *New York Times v. United States*, a seminal First Amendment case, and everyone will complete their first brief on the same case. I will return your first brief with feedback.

Your second case brief **(30 points)** will be due during the third week of classes. This brief will be on a case relating to your track in the journalism school (Advertising/Strategic Communication/PR *or* Journalism). I will return your second brief with feedback.

A case brief should include the facts, issue, holding, and rationale of the case, as well as a discussion of any concurrences and dissents.

**Facts**: Summary of the case and the process leading to the Supreme Court. Think of this section as answering the 5 Ws (who/what/where/when/why).

**Issue:** What is the core legal problem that the Court is ruling on? This should be phrased as a yes/no question.

**Holding:** What is the answer to the issue? This section should also include a one-statement of the rule the Court establishes.

**Analysis:** Why did the court rule the way that it did?

**Concurrences/Dissents**: Discuss the reasoning for any concurrences or dissents.

**Format:** The body of your report must be double-spaced and have 1-inch margins. Your references page must be single spaced. Your references page can use any citation style, just be consistent. Please use either 11 or 12-point Times New Roman or Century font. Your brief will likely be 1-2 pages, but there is no explicit length requirement. A professor once told me that a length requirement should be “however long you need to do good work,” and I hope to abide by that philosophy in our classroom.

## **Exams**

**Three hundred points of your final grade** (60%) is based on a midterm **(June 3, 100 points)** and final exam **(available June 15-16, 200 points)** to be completed remotely over Sakai on the assigned day. Each exam will be open book.

Your midterm exam will cover the first half of class material, while your final exam will predominately cover the second half of class material. Approximately two thirds of your final exam (130 points) will cover post-midterm class material, but the remaining approximately one-third of the final exam (70 points) ***may*** be cumulative.

Your midterm will be a mix of multiple-choice and “problem-solving” questions. The problem-solving questions will be practical exercises that teach you to apply the law you are learning in this course to the kinds of problems professionals encounter in the field. I will give you a real or hypothetical set of facts and then ask you a short set of very specific legal questions. You will identify the relevant legal issue or issues, identify the relevant legal rules and/or case precedents, explain how those rules and/or case precedents apply to the facts of the case, and state your conclusion. These are open-book exercises, but you can use only your assigned readings – *no outside research*.

Due to the quick turnaround time after your final exam, the final exam will be comprised exclusively of multiple-choice questions.

**Makeup exams will be given only in cases of proven emergencies and then only if I am notified in advance of the scheduled exam.**

**Accreditation Values and Competencies**

The School of Journalism and Mass Communication’s accrediting body (AEJMC, The Association for Education in Journalism and Mass Communication) outlines a number of values you should be aware of and competencies you should be able to demonstrate by the time you graduate from our program.  Learn more about them here: <http://hussman.unc.edu/accreditation>.

No single course could possibly give you all of these values and competencies; but collectively, our classes are designed to build your abilities in each of these areas.  In this class, we will these values and competencies:

* understand and apply the principles and laws of freedom of speech and press, for the country in which the institution that invites ACEJMC is located, 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 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;
* contribute to knowledge appropriate to the communications professions in which they work.

**Honor Code**

[The Honor Code](https://catalog.unc.edu/policies-procedures/honor-code/) forms a bond of trust among students, faculty, and administrators. The University of North Carolina at Chapel Hill operates under a system of self-governance, as students are responsible for governing themselves. As such, our University is transformed into a powerful community of inquiry and learning. The Honor Code embodies the ideals of academic honesty, integrity, and responsible citizenship, and governs the performance of all academic work a student conducts at the University. Acceptance of an offer of admission to Carolina presupposes a commitment to the principles embodied in our century-old tradition of honor and integrity.

It shall be the responsibility of every student at the University of North Carolina at Chapel Hill to obey and to support the enforcement of the Honor Code (http://instrument.unc.edu), which prohibits lying, cheating, or stealing when these actions involve academic processes or University, student, or academic personnel acting in an official capacity.

Please (**please!**) do your own work. I can tell the difference between your writing about the law and writing you’ve found online. I want to know your thoughts and see what you’ve learned from the readings, not what someone else thinks.

**Diversity & Inclusivity**

The University is committed to fostering a diverse and inclusive academic community, and it prohibits discrimination and harassment. The University’s policy statements on Equal Employment Opportunity and Nondiscrimination are outlined here: <http://policy.sites.unc.edu/files/2013/04/nondiscrim.pdf>. In summary, the University does not discriminate in offering access to its educational programs and activities on the basis of age, gender, race, color, national origin, religion, creed, disability, veteran’s status, sexual orientation, gender identity, or gender expression or disabilities. Moreover, the University does not tolerate harassment based on gender, race, religion, sexual orientation, culture, disability, or for any other reason. It is also a violation of the Honor Code and Title VII of the Civil Rights Act (1964) and Title IX of the Educational Amendments. I am fully committed to fostering the University’s goals and enforcing these policies. If you need assistance with a discrimination or harassment issue, please bring it to my attention or The Office of the Dean of Students, [dos@unc.edu](mailto:dos@unc.edu) or 919-966-4042.

**Special Accommodations**

Students with diagnosed or suspected disabilities that might impact their performance in the course should contact the Department of Accessibility Resources and Service (ARS) to determine whether and to what to extent services or accommodations are available for this course. It is the goal of ARS to “ensure that all programs and facilities of the University are accessible to all members of the University community.” If you need information about disabilities and accommodations, visit the Learning Center website at <http://learningcenter.unc.edu/ldadhd-services/> or call 919-962-3782. Relevant policy documents related to registration, accommodations determinations, and student registration forms are available on the ARS website at <https://ars.unc.edu/about-ars/policies>.

# **Reading Assignments & Class Schedule**

**MEJO 340.2**

**Professor Ringel**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Class | Date | Topic | Assignment | Notes |
| 1 | 5/11  W | Introductions & Overview of Court Systems and Civil Litigation | **Reading Quiz 1 due before class**  Read: Course syllabus  Skim: Chapter 1 (pgs. 1-35)  Visit: The Federal Courts website at <http://www.uscourts.gov/FederalCourts.aspx>  Read: From the menu across the top of the page, use the drop-down – “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 also).  Explore the website including the federal circuits map.  In which federal circuit is North Carolina? |  |
| 2 | 5/12  Th | Rule of Law | **Reading Quiz 2 due before class**  Chapter 1  Read: Pgs. 1-35  Read: *Marbury v. Madison* (pgs. 36-39) & *Citizens United v. FEC* pgs. 39-45)  [Textbook read: 45 pgs] | **Upcoming:**  **Graded case brief due before Class 3** |
| 3 | 5/13  F | 1st A Theories &  Prior Restraints | **Case Brief 1 due before class**  **Reading Quiz 3 due before class**  Chapter 2  Read: Pgs. 47-62  Read: *NYT v. US* (pgs. 77-80)  [Textbook read: 18 pgs] |  |
| 4 | 5/16  M | 1st A  Hierarchies | **Reading Quiz 4 due before class**  Chapter 2, cont.  Read: Pgs. 62-76  Read: *Reed v. Town of Gilbert* (pgs. 80-87)  [Textbook read: 21 pgs] |  |
| 5 | 5/17  T | Speech Distinctions | **Reading Quiz 5 due before class**  Chapter 3  Read: Pgs. 89-110  Read: *Elonis v. US* (pgs. 126-131)  [Textbook read: 26 pgs] |  |
| 6 | 5/18  W | Speech in the Schools | **Reading Quiz 6 due before class**  Chapter 3, cont.  Read: Pgs. 110-122  Read: *Tinker v. Des Moines* (pgs. 123-126)  [Textbook read: 15 pgs] | **Upcoming:**  **Forum: Speech Distinctions due before Class 7** |
| 7 | 5/19  Th | Obscenity | **Forum: Speech Distinctions due before class**  **Reading Quiz 7 due before class**  Chapter 10  Read: Pgs. 395-407  Read: *FCC v. Pacifica* (pgs. 418-424)  [Textbook read: 18 pgs] |  |
| 8 | 5/20  F | Indecency | **Reading Quiz 8 due before class**  Chapter 10, cont.  Read: Pgs. 407-417  Read: *FCC v. Fox* (pgs. 425-429)  [Textbook read: 14 pgs] |  |
| 9 | 5/23  M | Advertising & “Commercial” Speech | **Reading Quiz 9 due before class**  Chapter 12  Read: Pgs. 477-507  Read: *Central Hudson* (pgs. 508-513) & *Sorrell v. IMS Health* (pgs. 513-519)  [Textbook read: 41 pgs] |  |
| 10 | 5/24  T | Newsgathering | **Reading Quiz 10 due before class**  Chapter 7  READ: Pgs. 257-292  Skim: *DOJ v. RCFP* (pgs. 293-298) & *Wilson v. Layne* (pgs. 298-301)  [Textbook read: 35 pgs] | **Upcoming:**  **Forum: False Advertising/ Newsgathering due before Class 11** |
| 11 | 5/25  W | Overseeing the Courts | **Forum: False Advertising/Newsgathering due before class**  **Reading Quiz 11 due before class**  Chapter 8  Read: Pgs. 303-321  Skim: 321-343  Read: *Richmond Newspapers v. Virginia* (pgs. 344-349)  [Textbook read: 23 pgs] | **Upcoming:**  **Case Brief 2 due before Class 12** |
| 12 | 5/26  Th | Libel and Defamation  (Statement of Fact, Opinion, Publication & Identification) | **Case Brief 2 due before class**  **Reading Quiz 12 due before class**  Chapter 4  Read: Pgs. 133-143; 183-189  Read: *Milkovich v. Lorain Journal* (pgs. 200-203)  [Textbook read: 19 pgs] |  |
| 13 | 5/27  F | Libel and Defamation  (Defamatory Content & Falsity) | **Reading Quiz 13 due before class**  Chapter 4, cont.  Read: Pgs. 143-148  [Textbook read: 5 pgs] |  |
|  | 5/30  M | **Memorial Day Holiday** | **NO CLASS** |  |
| 14 | 5/31  T | Libel and Defamation (Actual Malice) | **Reading Quiz 14 due before class**  Chapter 4, cont.  Read: Pgs. 148-161  Read: *NYT v. Sullivan* (pgs. 169-171)  [Textbook read: 15 pgs] |  |
| 15 | 6/1  W | Emotional Distress; Defenses to Defamation & CDA § 230 | **Reading Quiz 15 due before class**  Chapter 4, cont.  Read: Pgs. 161-169  Read: *Hustler Mag. v. Falwell* (pgs. 171-173)  Chapter 5  Read: 175-183; 189-199  [Textbook read: 28 pgs] |  |
| 16 | 6/2  Th | Synthesize & Review | This day is built into the schedule for “spill-over” purposes to ensure you’ve been given all the material for the midterm. |  |
| 17 | 6/3  F | **Midterm Exam** | **Opens 8 A.M. 6/2, closes 8 P.M. 6/2 (administered remotely over Sakai)** |  |
| 18 | 6/6  M | Protecting Privacy;  Intrusion & Private Facts | **Reading Quiz 16 due before class**  Chapter 6  Read: Pgs. 213-243  Read: *Cox Broad. v. Cohn* (pgs. 246-249)  [Textbook read: 27 pgs] |  |
| 19 | 6/7  T | Privacy & Data Protection | **Reading Quiz 17 due before class**  Chapter 6, cont.  Read: Pgs. 244-245  Read: *Carpenter v. United States* (pgs. 249-255)  [Textbook read: 8 pgs] | **Upcoming:**  **Forum: Privacy due before Class 20** |
| 20 | 6/8  W | Copyright & Fair Use | **Forum: Privacy due before class**  **Reading Quiz 18 due before class**  Chapter 11  Read: Pgs. 431-449  Read: *ABC v. Aereo* (pgs. 472-475)  [Textbook read: 21 pgs]  VISIT: U.S. Copyright Office website at <https://www.copyright.gov>/ and then READ the “Frequently Asked Questions” – all of them (just click on the first one under each main heading, and it will take you to all of the FAQs for that section – note that there are two pages of categories); and also READ the various types of works that can be registered (click on “Register a Work” on the main page and then click on each category of works)  SKIM: “Fair Use” at <http://fairuse.stanford.edu/overview/fair-use/> 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. |  |
| 21 | 6/9  Th | Trademarks | **Reading Quiz 19 due before class**  Chapter 11, cont.  Read: Pgs. 454-465  Read: *Matal v. Tam* (pgs. 465-471)  [Textbook read: 18 pgs]  Skim: *Iancu v. Brunetti*  <https://www.supremecourt.gov/opinions/18pdf/18-302_e29g.pdf> |  |
| 22 | 6/10  F | Electronic Media Regulation | **Reading Quiz 20 due before class**  Chapter 9  Read: Pgs. 353-372  Read: *Red Lion v. FCC* (pgs. 383-387)  [Textbook read: 23 pgs] |  |
| 23 | 6/13  M | Synthesize & Review Course Materials | The last class is reserved for any materials we haven’t fully completed and is the forum for answering any substantive questions before the final exam. |  |
| Final Exam | **6/15-16** | **Final Exam** | **Opens 8 A.M. 6/15, closes 8 P.M. 6/16 (administered remotely over Sakai)** |  |