

Introduction to Media Law

MEJO 340.01

Summer II 2022

COURSE POLICIES & SYLLABUS

Professor: Dr. Joseph Czabovsky, JD

E-mail: cabosky@live.unc.edu

Office hours: Tuesdays and Thursdays from 3:00 p.m to 4:00 p.m or by appointment

Classroom: Carroll Hall Room 58

Class time: M-F 1:15pm – 2:45pm

Office: Room 223, Carroll Hall

Note: This is an in-person class, but materials will also be shared on Sakai – if needing to take a quiz or exam remotely, online options will be available, as I know some may need to participate in various ways with summer internships, etc. But, you must do quizzes and exams at the same time as the rest of the class, and professor approval is required **in advance**; otherwise a 0 will be given for that assignment.

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.

SAKAI

You are responsible for checking Sakai daily and for meeting class deadlines.

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](#) and/or the [Equal Opportunity and Compliance Office](#) (EOC)
3. Significant health condition and/or personal/family emergency as approved by the [Office of the Dean of Students](#), [Gender Violence Service Coordinators](#), and/or the [Equal Opportunity and Compliance Office](#) (EOC).

Please communicate with me early about potential absences. Please be aware that you are bound by the [Honor Code](#) when making a request for a University approved absence.

That said, this is college. Attending class is up to you, and no class points, other than participation points, apply to your attendance.

MAKEUP/LATE WORK

Your case brief will be docked one letter grade, per day, that it is late. Reading quizzes and exams cannot be made up or turned in late; they will be a zero.

COURSE ASSESSMENTS AND GRADE SCALE

Grade Scale:

A = (93-100%) A- = (90-92.9%)
B+ = (88-89.9%) B = (83-87.9%) B- = (80-82.9%)
C+ = (78-79.9%) C = **(73-77.9%)** * C- = 70-72.9%)
D+ = (68-69.9%) D = (60-66.9%)
F = (less than 60%)

*** Undergraduate MEJO majors must earn a grade of “C” or higher to graduate.**

Your individual grade will be determined by:

What

Class Participation
Reading Quizzes (4)
Case Brief
Midterm Exam
Final Exam

How much

100 points total
100 points (25 each)
100 points
250 points
450 points

CLASS PARTICIPATION

The summer 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 discussions about the state of the law. If you need to attend remotely, I consider office hours and other forms of participation to be part of your grade. This will help facilitate active engagement throughout the course. An "A" requires active engagement.

READING QUIZZES

Four reading quizzes will be given this semester. They will cover the readings that are due for that day. They're on the schedule below. They will begin at the start of class and will need to be turned in within 10 minutes from the start of class, so, be on time these days. If needing to take a quiz remotely, you can; they will be posted at the start of class, and you will have 10 minutes to take them. Any quizzes not completed within 10 minutes of the start of class will result in a zero.

CASE BRIEF

In the first week of class, I will walk you through the process of briefing a case. This practice is common in the legal field. 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: This should be single-spaced. Your brief will likely be about a page, but there is no length requirement.

EXAMS

Your midterm exam will cover the first half of class material, while your final exam will mostly cover the second half of class material; though, the latter will cover the key info from the first half. No make-up exams will be given, unless you've noted a university-approved absence in advance.

These exams will mostly be multiple choice, short-answer or T/F. I'll always give you an exam review before these two exams.

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](#) 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.

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 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 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

| CL ASS | DATE | TOPIC | ASSIGNMENT | NOTES |
|--------|------|---------------------------------|--|-----------------------|
| 1 | 6/20 | INTROS & OVERVIEW OF SYLLABUS | READ COURSE SYLLABUS | |
| 2 | 6/21 | RULE OF LAW | CHAPTER 1 BODY OF THE LAW; STRUCTURE OF THE JUDICIAL SYSTEM | |
| 3 | 6/22 | PROCESSES OF LAW + INTRO TO 1A | CHAPTER 1 PROCESSES OF THE LAW; READING CASE LAW; CASES FOR STUDY: <i>MARBURY V. MADISON</i> ; <i>CITIZENS UNITED V. FEC</i> CHAPTER 2 WHERE THE FIRST AMENDMENT CAME FROM | |
| 4 | 6/23 | 1A CONT'D | CHAPTER 2 WHEN THE PRESS CHANGES; HOW THE FIRST AMENDMENT IS UNDERSTOOD; WHY WE VALUE THE FIRST AMENDMENT; HOW GOVERNMENT RESTRAINS FIRST AMENDMENT FREEDOMS; HOW THE SUPREME COURT REVIEWS LAWS AFFECTING THE FIRST AMENDMENT; SPEAKING POLITICS; SPEAKING FOR AND AS THE GOVERNMENT; REQUIRING SPEECH; POLITICAL CAMPAIGNING AND FINANCING ELECTIONS; SPEAKING ANONYMOUSLY; ASSOCIATING AND SPEAKING IN PUBLIC AND NONPUBLIC PLACES | READING QUIZ I |
| 5 | 6/24 | 1A WRAP-UP; SPEECH DISTINCTIONS | CHAPTER 2 ASSOCIATING FREELY; CASES FOR STUDY: <i>NEW YORK TIMES CO. VS. UNITED STATES</i> ; <i>REED V. TOWN OF GILBERT</i> CHAPTER 3 EVOLVING COURT TESTS TO PROTEST DISRUPTIVE SPEECH; SPEECH HARMS | |
| 6 | 6/27 | SPEECH CONT'D | CHAPTER 3 SYMBOLIC SPEECH; DO MEDIA INCITE HARM; NATIONAL SECURITY AND TRANQUILITY; SPEECH IN SCHOOLS; EMERGING LAW; <i>TINKER V. DES MOINES INDEPENDENT SCHOOL DISTRICT</i> ; <i>ELONIS V. UNITED STATES</i> | |

| | | | | |
|----|------|--|---|------------------------|
| 7 | 6/28 | LIBEL | CHAPTER 4 A BRIEF HISTORY; THE ELEMENTS OF LIBEL; THE PLAINTIFF'S CASE | READING QUIZ II |
| 8 | 6/29 | EMOTIONAL DISTRESS | CHAPTER 4 EMOTIONAL DISTRESS; INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS; NEW YORK TIMES CO. V. SULLIVAN; HUSTLER MAGAZINE INC. V. FALWELL | |
| 9 | 6/30 | LIBEL: DEFENSES AND PRIVILEGES | CHAPTER 5 TRUTH; ANTI-SLAAP PROTECTION; FAIR REPORT PRIVILEGE; OPINION; SECTION 230 IMMUNITY; OTHER DEFENSES; ADDITIONAL DEFENSE CONSIDERATIONS; EMERGING LAW | |
| 10 | 7/1 | LIBEL DEFENSES AND PRIVILEGES CASES + CONFLICTS TO PRIVACY | CHAPTER 5 CASES FOR STUDY: MILKOVICH V. LORAIN JOURNAL CO.; DALLAS MORNING NEWS V. TATUM CHAPTER 6 CONSTITUTIONAL RIGHT TO PRIVACY; PRIVACY TORTS; INTRUSION: FALSE LIGHT | CASE BRIEF |
| 11 | 7/5 | CONFLICTS TO PRIVACY | CHAPTER 6 APPROPRIATION; PRIVATE FACTS; PRIVACY AND DATA PROTECTION; CASES FOR STUDY: COX BROADCASTING CORP. V. COHN; CARPENTER V. UNITED STATES | |
| 12 | 7/6 | GATHERING INFO | CHAPTER 7 BRIEF OVERVIEW OF ACCESS; FIRST AMENDMENT RIGHT OF ACCESS; STATUTORY RIGHT OF ACCESS; STATUTORY LIMIT TO ACCESS | |
| 13 | 7/7 | GATHERING INFO CONT'D | CHAPTER 7 OTHER LIMITS TO GATHERING INFORMATION; CASES FOR STUDY: U.S. DEPARTMENT OF JUSTICE V. REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS; WILSON V. LAYNE | |
| 14 | 7/8 | JUSTICE | CHAPTER 8 ACCESS TO COURTS AND COURT RECORDS; ADVANCING FAIRNESS IN TRIALS; BALANCING INTERESTS | |

| | | | | |
|----|------|--|---|-------------------------|
| 15 | 7/11 | MIDTERM EXAM | | |
| 16 | 7/12 | JUSTICE CONT'D | CHAPTER 8 ADVANCING THE FLOW OF NEWS; CASES FOR STUDY: RICHMOND NEWSPAPERS INC., V. VIRGINIA; PEOPLE V. OWENS | |
| 17 | 7/13 | ELECTRO MEDIA | CHAPTER 9 BRIEF OVERVIEW OF ELECTRONIC MEDIA; HISTORY OF BROADCAST REGULATION; REASONS TO REGULATE BROADCASTING; FEDERAL COMMUNICATIONS COMMISSION; BROADCAST PROGRAMMING RULES; MULTICHANNEL VIDEO PROGRAMMING DISTRIBUTOR REGULATION | |
| 18 | 7/14 | ELECTRO MEDIA CONT'D; START OBSCENITY AND INDECENCY | CHAPTER 9 INTERNET REGULATION; CASES FOR STUDY: RED LION BROADCASTING CO., INC V. FEDERAL COMMUNICATIONS COMMISSION + TURNER BROADCASTING SYSTEM, INC. V. FEDERAL COMMUNICATIONS COMMISSION CHAPTER 10 OBSCENITY | READING QUIZ III |
| 19 | 7/15 | COPYRIGHT | CHAPTER 11 COPYRIGHT | |
| 20 | 7/18 | TRADEMARK | CHAPTER 11 TRADEMARKS; CASES FOR STUDY: MATAL V. TAM; AMERICAN BROADCASTING COMPANIES, INC. V. AAREO, INC. | |
| 21 | 7/19 | ADVERTISING | CHAPTER 12 DEFINING COMMERCIAL SPEECH; TESTING COMMERCIAL SPEECH PROTECTION; COMPELLING COMMERCIAL SPEECH; PROMOTING DISFAVORED PRODUCTS; ADVERTISING ON GOVERNMENT PROPERTY; PROMOTING AND PUBLICIZING BUSINESSES AND PROFESSIONALS; RESTRICTING FALSE AND MISLEADING COMMERCIAL SPEECH | READING QUIZ IV |

| | | | | |
|---------------|-------------|--|--|--|
| 22 | 7/20 | ADVERTISING CONT'D | CHAPTER 12 REGULATING COMMERCIAL SPEECH CONCERNS; CASES FOR STUDY; EMERGING LAW; CASES FOR STUDY: CENTRAL HUDSON GAS & ELECTRIC CORP., V. PUBLIC SERVICE COMMISSION OF NEW YORK + SORRELL V. IMS HEALTH, INC. | |
| 23 | 7/20 | REVIEW | REVIEW DAY FOR YOUR FINAL! | |
| FINAL EXAM | 7/26 | FINAL EXAM (11:30-2:30) | | |