

Mass Communication Law

COMM 5300-003 | Spring 2024 | Canvas + **Tuesdays 2-5 p.m., LNCO 2120**

Professor: Glen Feighery

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Overview

Required Materials and Resources

- ▶ **Textbook:** *Mass Media Law* by Clay Calvert, Dan V. Kozlowski, and Derigan Silver (22nd edition, 2023). You ***must*** have the **22nd edition**.

The course has a fee for the textbook. You will access the book via the Canvas Bookshelf. (If you opt out of the electronic book, you must buy it yourself. The ISBN is 1260837424. The publisher is McGraw Hill Education.)

- ▶ A means (like your laptop) to take **good notes** in class.
- ▶ A **reliable Internet connection** to stream/download materials and to take exams.

How This Course Works:

- ▶ **On Canvas**, read the assigned chapter in your book via the **Bookshelf** tab.
- ▶ **On Canvas**, submit your **Comments and Contributions** (C+Cs) anytime *before* they're due. C+Cs are asynchronous to give you flexibility.
On exam weeks, submit Case Briefs instead of C+Cs.
- ▶ **In Person: Class meets 2-5 p.m. every Tuesday.** *Attendance is essential for success—we learn the law by questioning, discussing, and applying it. You earn points when you're in class, and you don't when you don't. There are zero "free" days. (Of course, if you're sick, just message me.)*
- ▶ **Deadlines are enforced.** Canvas will lock 1 minute after each assignment deadline (This includes exams). **Note due dates and times.**
- ▶ The Canvas calendar will remind you of assignment deadlines.
Questions? Let me know.

Course Structure

This course is organized into three parts. At the end of each, there is an exam.

- ▶ One: The First Amendment and Freedom of Expression
- ▶ Two: Libel and Privacy
- ▶ Three: Copyright/Intellectual Property, Advertising, and Media Regulation

Course Outcomes

In this class, you will:

- ▶ Learn basic legal concepts, laws, and regulations governing media.
- ▶ Understand how courts function and create legal precedents.
- ▶ Learn legal tests and apply them to facts.

Policies

- ▶ **Coronavirus Information:** People who wish to wear masks are encouraged to do so, especially people at high risk for COVID-19. University leadership [urges](#) us all to model the vaccination, masking, testing and self-reporting behaviors we want to see in our campus community. Let's be kind to one another.
- ▶ **Academic Integrity:** Because C+Cs and exams are online, I trust you to do your own work. University policies on plagiarism and honesty are [here](#).
- ▶ **Generative AI:** The U says [this](#). I say: You *may not* use these tools in this class without my written permission in advance. I might agree to it, but we need to discuss it first..
- ▶ **ADA:** The U seeks to provide equal access to its programs, services and activities. If you need accommodation, contact the [Center for Disability and Access](#), Union Building Room 162; 801-581-5020; info@disability.utah.edu.
- ▶ **Content Accommodation:** This course might expose you to things you find discomforting. I will not make accommodations in course content, requirements, or expectations. (See Section III, Part Q, "[Accommodations](#).")
- ▶ **Safety:** The U has [safety tips](#) and FAQs for wellness, crime prevention, and emergencies. Commuter Services offers [Safe Ride](#). Campus police: 801-585-COPS (801-585-2677).
- ▶ **Respect:** [The Office of Equal Opportunity and Affirmative Action](#) is dedicated to providing a fair and equitable environment for all to pursue their academic and professional endeavors and to equally access University programs. Violence and harassment based on sex and gender (including orientation and identity/expression) is a civil-rights offense and is treated the same as those against race, national origin, color, religion, age, disabled status, veteran's status, or genetic information.
- ▶ **Semester calendar:** Check the Registrar's [calendar](#) for key dates.

Grading

Where Your Course Grade Comes From

Comments and Contributions (C+Cs) (8 pts. x 10 weeks)	80 points
Tuesday classes (8 pts. x 14 weeks)	112 points
Case Briefs (5 pts. x 22 cases)	110 points
Exam 1 (Freedom of Expression)	98 points
Exam 2 (Libel & Privacy)	100 points
Exam 3 (Copyright & Advertising)	100 points
Total:	600 possible points

Grading Scale

When I calculate your course grade at the end of the semester, I will use these percentages:

100-94 A	89-87 B+	79-77 C+	69-67 D+	59-0 E
93-90 A-	86-84 B	76-74 C	66-64 D	
	83-80 B-	73-70 C-	63-60 D-	

WEEK 1: INTRODUCTION TO COURSE AND THE LEGAL SYSTEM	
Before class Tuesday, Jan. 9	<ul style="list-style-type: none"> • Read: This syllabus; “How to Comment and Contribute.” • Read: Chapter 1 and <i>prepare a question for class.</i> • Look at: Modules to see course structure. • Materials posted: Introduction and overview, including the Week 1 PowerPoint.
In class 2-5 p.m. Tuesday, Jan. 9 ► <i>Bring your question about Ch. 1.</i>	<ul style="list-style-type: none"> • Syllabus, schedule, expectations. • Discussion and Exercise: Investigate the Supreme Court and other courts. What are legal tests? How do you apply them?
WEEK 2: FREE EXPRESSION AND THE FIRST AMENDMENT	
Do by 11:59 p.m. Sunday, Jan. 14	<ul style="list-style-type: none"> • Read: Chapter 2, pp. 39-58. • Submit Week 2 C+C: See prompts in Canvas.
In class 2-5 p.m. Tuesday, Jan. 16	<ul style="list-style-type: none"> • Discussion: Freedom of expression history and cases. What is “state action”? Why does it matter? • Exercise: Does the law allow disinformation on social media? The Bill of Rights and legal tests.
WEEK 3: FREE EXPRESSION, INCITEMENT, AND PRIOR RESTRAINT	
Do by 11:59 p.m. Sunday, Jan. 21	<ul style="list-style-type: none"> • Read: Chapter 2, pp. 58-85. • Submit Week 3 C+C: See prompts and cases in Canvas.
In class 2-5 p.m. Tuesday, Jan. 23	<ul style="list-style-type: none"> • Discussion: Cases from <i>Schenck v. U.S.</i> to <i>Brandenburg v. Ohio</i>. Prior Restraint and the Pentagon Papers. Lessons from Megan Phelps-Roper. • Exercise: The case of Michelle Carter; the case of Kai Cenat.
WEEK 4: FREE EXPRESSION AND HATE SPEECH	
Do by 11:59 p.m. Sunday, Jan. 28	<ul style="list-style-type: none"> • Read: Chapter 3, pp. 87-146. • Listen to: <i>More Perfect</i> podcast, “The Hate Debate” (36 minutes) (<i>Warning:</i> There is strong language toward the end. You can skip the last 3-5 minutes.) https://www.wnyc.org/story/hate-debate/ • Submit Week 4 C+C: See prompts in Canvas.

In class 2-5 p.m. Tuesday, Jan. 30	<ul style="list-style-type: none"> • Discussion and Exercise: What is hate speech? What are true threats? <i>Elonis</i> and <i>Counterman</i> cases.
WEEK 5: CASE BRIEFS, REVIEW, & EXAM 1	
Do by 11:59 p.m. Sunday, Feb. 4	<ul style="list-style-type: none"> • Unit 1 Case Briefs.
In class 2-5 p.m. Tuesday, Feb. 6	<ul style="list-style-type: none"> • Exam Review: Study Guide competition and Q and A to prepare you for Exam 1. • Materials posted: Exam 1 Study Guide.
Available at 5:01 p.m. Tuesday, Feb. 6 Due by 11:59 p.m. Friday, Feb. 9	<ul style="list-style-type: none"> • Exam 1. On Canvas.
WEEK 6: LIBEL, PART 1	
Do by 11:59 p.m. Sunday, Feb. 11	<ul style="list-style-type: none"> • Read: Chapters 4 <i>and</i> 5. (Sorry.) • Submit Week 6 C+C: See prompts and cases in Canvas. <i>This is intensive material. Read the prompts before you start to read.</i>
In class 2-5 p.m. Tuesday, Feb. 13	<ul style="list-style-type: none"> • Discussion and Exercise: 1) The elements of libel—our mantra. 2) <i>New York Times v. Sullivan</i> and other cases. 3) Types of plaintiffs and fault. Why do they matter so much?
WEEK 7: LIBEL, PART 2	
Do by 11:59 p.m. Sunday, Feb. 18	<ul style="list-style-type: none"> • Read: Chapter 6. • Submit Week 7 C+C: See prompts and cases in Canvas.
In class 2-5 p.m. Tuesday, Feb. 20	<ul style="list-style-type: none"> • Discussion and Exercise: Libel defenses and the Moab city manager case; “Wheel of Fugitive.”
WEEK 8: PRIVACY, PART 1	
Do by 11:59 p.m. Sunday, Feb. 25	<ul style="list-style-type: none"> • Read: Chapter 7. • Submit Week 8 C+C: See prompts and cases in Canvas.
In class 2-5 p.m. Tuesday, Feb. 27	<ul style="list-style-type: none"> • Discussion and Exercise: Explaining Appropriation and Intrusion cases and applying legal tests.

WEEK 9: SPRING BREAK	
WEEK 10: PRIVACY, PART 2	
Do by 11:59 p.m. Sunday, March 10	<ul style="list-style-type: none"> • Read: Chapter 8. • Listen to: <i>This American Life</i>, Episode 675, Act One, “Anything You Say Can and Will Be Used ... on Television” (31 minutes) https://www.thisamericanlife.org/675/im-on-tv • Submit Week 10 C+C: See prompts and cases in Canvas.
In class 2-5 p.m. Tuesday, March 12	<ul style="list-style-type: none"> • Discussion and Exercise: Private Facts and False Light cases and legal tests.
WEEK 11: CASE BRIEFS, REVIEW, & EXAM 2	
Do by 11:59 p.m. Sunday, March 17	<ul style="list-style-type: none"> • Unit 2 Case Briefs
In class 2-5 p.m. Tuesday, March 19	<ul style="list-style-type: none"> • Exam Review: Study Guide competition and Q and A to prepare you for Exam 2. • Materials posted: Exam 2 Study Guides.
Available at 5:01 p.m. Tuesday, March 19 Due by 11:59 p.m. Friday, March 22	<ul style="list-style-type: none"> • Exam 2. On Canvas.
WEEK 12: INTELLECTUAL PROPERTY, PART 1	
Do by 11:59 p.m. Sunday, March 24	<ul style="list-style-type: none"> • Read: Chapter 14 (<i>see Canvas assignment for specific pages</i>). • Submit Week 12 C+C: See prompts and cases in Canvas. <i>This is intensive material. Read the prompts before you start to read.</i>
In class 2-5 p.m. Tuesday, March 26	<ul style="list-style-type: none"> • Discussion and Exercise: Types of intellectual property; copyright intro; copyright infringement.
WEEK 13: INTELLECTUAL PROPERTY, PART 2	
Do by 11:59 p.m. Sunday, March 31	<ul style="list-style-type: none"> • Read: The rest of Chapter 14 (<i>see Canvas assignment for specific pages</i>). • Submit Week 13 C+C: See prompts and cases in Canvas.

In class 2-5 p.m. Tuesday, April 2	<ul style="list-style-type: none"> • Discussion and Exercise: Applying the Infringement and Fair Use tests to actual copyright and Fair Use cases.
WEEK 14: NO CLASS	
WEEK 15: ADVERTISING & MEDIA REGULATION	
<u>Do</u> by 11:59 p.m. Sunday, April 14	<ul style="list-style-type: none"> • <u>Read:</u> Chapter 15. • <u>Also read:</u> Chapter 3, pp. 146-149 and 153-156; Chapter 16, pp. 654-666. • <u>Submit Week 15 C+C:</u> See prompts and cases in Canvas.
In class 2-5 p.m. Tuesday, April 16	<ul style="list-style-type: none"> • Discussion and Exercise: Commercial speech, advertising cases and legal tests, plus advertising regulation via FTC procedures and remedies. • Also, briefly address net neutrality and regulation.
WEEK 16: CASE BRIEFS, REVIEW, & EXAM 3	
<u>Do</u> by 11:59 p.m. Sunday, April 21	<ul style="list-style-type: none"> • Unit 3 Case Briefs
In class 2-5 p.m. Tuesday, April 23	<ul style="list-style-type: none"> • Exam Review: Study Guide competition and Q and A to prepare you for Exam 3. • Materials posted: Exam 3 Study Guides.
Available at 5:01 p.m. Tuesday, April 23 <u>Due</u> by 11:59 p.m. Saturday, April 27	<ul style="list-style-type: none"> • Exam 3. On Canvas. (Yes, you get an extra day.)