

Journalism 493—Mass Communication Law

Tuesday/Thursday 1:10-2:25 p.m.

Location: Milton Hall 171

Instructor: Dr. Mary Lamonica

Office: Milton Hall 159

Office Hours: M & W 9:30-10:20

Tues. And Thurs 9:30-11:00 a.m.

Phone: 646-4638

Email: mlamonic@nmsu.edu

Text:

The Law of Public Communication 2008 ed., by Kent R. Middleton and William E. Lee

Also: visit the website www.rcfp.org every week—this is the Reporters Committee for Freedom of the Press. This organization tracks every law case concerning the First Amendment and journalists (both student and professional). This important website not only will keep you (and me!) up to date on all of the current cases and issues, but, it also explains often difficult legal issues in plain English. Each case or issue has a short article written on the topic explaining it clearly. Check it out every week. You may also use Find Law to look up full versions of cases. **DO NOT USE WIKIPEDIA.** Not only is Wikipedia not a legitimate source for legal information, the website has had repeated problems with inaccurate information. Anyone and their dog can post to Wikipedia. Do not use it.

Purpose: This course is designed to help students understand and apply First Amendment theory, principles, and rules. Although a benign Socratic method is used as a teaching method, this course is not aimed at training future lawyers. Instead, the course is designed to take a practical approach by providing future communicators with the skills they need to enter professional practice. That said, other students, including political science and pre-law majors, also will benefit from this class as we review legal theory and practice.

Tips for Success: Law courses by their very nature are not easy courses. Understanding and applying laws correctly is a complex process. To succeed in this course, consider the following:

1. See your instructor if you have any questions. You are always welcome during my office hours, or, if they conflict with your schedule, we'll try to find a mutually agreeable time. Also, feel free to email any questions. I will get back to you as soon as possible.
2. Make certain that you read your textbook chapters slowly. Go over the material several times (not just a cursory read through). Really THINK about the legal

issues put before you. Remember that law does not exist in a vacuum. How did the relevant events occurring in the nation/world at the time the law was announced affect the decision?

3. Make use of the internet. There are many terrific websites that will elaborate upon the meanings and implications of specific cases and various areas of law. Just be certain to look at the authority of the URL. You will find that a search engine, such as Google, can lead you to many further elaborations of cases. Make use of web-based tools.
4. Remember—there are no stupid questions. Always ask. Your college years are a learning process. And, I am here to help.

Attendance:

Attendance to this course is mandatory. Participation is also mandatory. You must speak—not merely sit in class. You do receive a participation grade and those who do not participate receive an “F” for that grade which will bring your course grade down half a letter grade. You cannot expect to do well in this course if you do not attend on a regular basis. If you miss a class, consult your colleagues for any assignments given out that you might have missed. I will not repeat a lecture in my office. But, I will answer questions on the readings. My door is always open to you.

Objectives:

By the end of this course you should:

- Have a basic understanding of the areas of law relevant to professional communication practices.
- Understand the theories, principles, and rules behind relevant media law decisions.
- Understand the history of the First Amendment.
- Understand how courts, legislative bodies, and administrative agencies function.
- Understand how laws and regulations affect the various practices of professional communication.
- Improve your critical thinking skills and writing abilities.
- Be aware of the limitations that exist upon freedom of expression.

Grading:

Your final grade is based upon the following:

| | |
|--------------------------|------------|
| Three Exams | 60 percent |
| Four written assignments | 40 percent |

Written assignments will be graded based on your understanding and application of the law, your ability to cite and apply relevant case law, the thoroughness and correctness of your argument, the organization of your argument, the clarity of your expression, and your ability to use correct grammar, spelling, punctuation, paragraphing, etc. Written assignments will include both case studies and legal thought questions.

A note on examinations: Your tests are not cumulative. When we finish with one section of law, you will not be tested on it again. Your third exam is scheduled for finals week, but it is just a third exam—not a cumulative final.

A note on written assignments: All work must be typed, double-spaced in 12-point type with one-inch margins. No handwritten work will be accepted. No late work will be accepted. All written work is due at the start of class.

A note on academic dishonesty: Do not plagiarize. All work must be original and must be your own. Any case law that you mention must be cited. Direct quotes must have quote marks around them. Case names must be underlined: example: New York Times v. Sullivan.

A word on civility: This class will involve many controversial issues. Please be respectful of all viewpoints. Personal attacks or any attempts to discourage people from speaking will result in your being made to leave the class that day. Continued problems will result in your dismissal from the class. We are all entitled to our viewpoints, but a culture of tolerance must prevail for robust discussion to succeed. This class very much represents the “marketplace of ideas.”

A note on attendance: If you miss more than three classes, your final grade will be dropped one whole letter grade. You must stay the entire class, not sign in and leave. If you miss six classes or more, your final grade will be dropped two whole letter grades. Miss eight or more classes and you will be given a failing grade for the course. Also, do not arrive late. This class begins on time. Walking in late is rude to your classmates and your instructor.

Please bring a blue book to class on exam day and bring them down front to the instructor. Do not write anything in the blue books.

Schedule

(Note: Syllabus is tentative. Illness, weather-related issues, or professional development issues may force changes in the schedule)

Jan. 17 Introduction to Course, The Rules of Law, The First Amendment

Readings: Chapter 1,

- Jan. 22 Guest Speaker–Dr. Roger Mellen, George Mason Univ., Washington, D.C. will speak on the Colonial Origins of the First Amendment
- Jan. 24 Nineteenth and twentieth Century Development of a Free Press; Theories of Freedom of Expression
Readings: Chapt. 2, pgs. 26-31.
- Jan. 29 Regulating Expression, Tests, Scope of the First Amendment
Readings: Chapter 2, pgs. 32-51
Written Assignment #1 given out. The assignment is due in one week and must be typed, double-spaced, 12-point type.
- Jan. 31 The Scope of First Amendment Protection
Readings: Chapter 2, pgs. 52-65.
- Feb. 5 Guest speaker – Professor David Deeley, Univ. of Florida; Topic TBA
- Feb. 7 Methods of First Amendment Control
Readings: Chapter 3
- Feb. 12-14 Libel
Readings: Chapter 4
- Feb 19-21 Privacy
Readings: Chapter 5
Written Assignment #2 given out. The assignment is due in one week, and as always, must be typed, double-spaced, 12-point type.
- Feb. 26 Exam #1–Bring a Blue book to class
- Feb. 28 Intellectual Property
Readings: Chapter 6
- Mar. 4 Intellectual Property
Readings: Chapter 6
- Mar. 6 Commercial Speech
Readings: Chapter 8
- Mar. 11 Commercial Speech
Readings: Chapter 8

Written Assignment #3 given out. Same rules apply on deadlines and appearance.

- Mar. 13 Obscenity and Indecency
Readings: Chapter 9
- Mar. 18 Obscenity and Indecency
Readings: Chapter 9
- Mar. 20 Exam #2 – As always, bring a blue book.
- Mar. 24-28 Spring Break
- Apr. 1-3 The Media and the Judiciary
Readings: Chapter 10
- Apr. 8-10 Journalists' Protection of News Sources, Notes, and Tapes
Readings: Chapter 11
- Apr. 15-17 Access to Information
Readings: Chapter 12
Written Assignment #4 given out—same rules on appearance and due date.
- Apr. 22-24 Political Speech
Readings: Chapter 7
- Apr. 29-May1 Broadcasting
Readings: TBA

This class does have a final exam. The exam is not cumulative, it will include the material covered since exam #2. Your exam will be held during the regularly scheduled finals week period which will be announced as soon as the instructor is given the schedule.