

SYLLABUS

COMM 422: Legal Issues and New Media

Section: 20636R Session: 001

Units: 4.0

Classroom: ANN405

Time/Days: 8:30-9:50am Mon, Wed

Semester: Fall 2014

Professor: Mark Lloyd

Cell Phone: (202) 255-2122

Email: marklloy@usc.edu

OFFICE HOURS

Please email me or call my cell phone if you have questions or want to set up an appointment.

COURSE DESCRIPTION:

This is a communications course which examines laws and regulatory policies shaping new media, especially the Internet. We will cover issues such as net neutrality, intellectual property, libel, privacy, and legal issues related to electronic and digital media. While the course will focus on current legal issues that impact the practice of communication in the U.S., it will seek to ground the discussion with an historical framework and constitutional context. The instructor reserves the right to modify or change the class assignments or readings listed in this Syllabus.

All readings, except Astra Taylor, "The People's Platform" will be on Blackboard. *Students will be expected to read all assigned material and be prepared to discuss.*

Aug. 25 and 26 Where Are We Now - Part I

Taylor, Astra, "The People's Platform: Taking Back Power and Culture in the Digital Age," (Metropolitan Books/Henry Holt & Company:New York, 2014).

September 3 Where Are We Now – Part II

Note: The first few sessions will be an opportunity to ground our learning moving forward. The goal is to assist the student think broadly about new media and issues most relevant to you.

Sept. 8 & 11

The Constitution – The Mandate for Communications

<http://www.annenberghclassroom.org/page/article-i-section-8>

“From Franklin to Facebook: The Civic Mandate for Communications.” In *To Promote the General Welfare: The Case for Big Government*. Edited by Steven Conn, pp. 156-172. New York: Oxford University Press, 2012.

http://www.journalism.columbia.edu/system/documents/702/original/John-Franklin_to_Facebook.pdf

Sept. 15 &17

The Mandate for Communications – Part Two

The 1996 Telecommunications Act, Sections 254, 706 and 257

http://www.civilrights.org/publications/1996_telecommunications/

<http://www.fcc.gov/page/summary-e-rate-modernization-order>

Section 706 Report 2011 (read PPs 1-16)

<http://www.fcc.gov/document/inquiry-concerning-deployment-advanced-telecommunications-capability-all-americans-reason-0>

<http://www.fcc.gov/blog/review-literature-regarding-critical-information-needs-american-public> and

http://www.fcc.gov/ocbo/Executive_Summary.pdf

Sept. 22 &24

The Mandate for Communications – Part Three

The National Broadband Plan and Net Neutrality

<http://transition.fcc.gov/national-broadband-plan/national-broadband-plan-executive-summary.pdf>

Verizon v. FCC

[http://www.cadc.uscourts.gov/internet/opinions.nsf/3AF8B4D938CDEEA685257C6000532062/\\$file/11-1355-1474943.pdf](http://www.cadc.uscourts.gov/internet/opinions.nsf/3AF8B4D938CDEEA685257C6000532062/$file/11-1355-1474943.pdf)

Sept. 29 & Oct. 1 Intellectual Property

“On The Constitutional Reasons Behind Copyright And Patents” by Mike Masnick <https://www.techdirt.com/articles/20080220/020252302.shtml>

“Copyright, Compromise and Legislative History,” Jessica D. Litman <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1223&context=articles>

Oct. 6 & 8 Other Problems in Intellectual Property

AMERICAN BROADCASTING COS., INC., v. AEREO, INC. (2014) http://www.supremecourt.gov/opinions/13pdf/13-461_1537.pdf

Woodmansee, Martha, “On the Author Effect: Recovering Collectivity”, 10 Cardozo Arts & Entertainment L. J. 279 (1992) <http://cyber.law.harvard.edu/IPCoop/92wood.html>

Oct. 13 Review

Oct. 15 Mid-Term Exam

Oct. 20 & 22 The First Amendment

<http://www.annenbergclassroom.org/page/first-amendment>

New York Times Co. v. Sullivan, 376 U.S. 254 (1964) <http://supreme.justia.com/cases/federal/us/376/254/case.html>

Brandenburg v. Ohio, 395 U.S. 444 (1969) <http://supreme.justia.com/cases/federal/us/395/444/case.html>

Red Lion Broadcasting Co., Inc. v. FCC, 395 U.S. 367 (1969) <http://supreme.justia.com/cases/federal/us/395/367/case.html>

Oct. 27 & 29 The First Amendment Again

Hudson David, “Defamation and the First Amendment” <http://www.freedomforum.org/packages/first/defamationandfirstamendment/>

Obsidian v. Cox <http://cdn.ca9.uscourts.gov/datastore/opinions/2014/01/17/12-35238.pdf>

Nov. 3-5

Monopoly and Telecom

Gabel, Richard, “The Early Competitive Era in Telephone Communication, 1893-1920”

<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3246&context=lcp>

Mueller, Milton, “Saving Dual Service? The Kingsbury Commitment”
<file:///C:/Users/milloyd/Downloads/Mueller%20Chapter%2010.pdf>

Mueller, Milton, “UNIVERSAL SERVICE: A CONCEPT IN SEARCH OF A HISTORY”

<file:///C:/Users/milloyd/Downloads/Mueller%20Chapter%202.pdf>

Sullivan, Lawrence & Hertz, Ellen, “The AT&T Antitrust Consent Decree: Should Congress Change the Rules?”

<http://www.law.berkeley.edu/journals/btlj/articles/vol5/Sullivan/html/text.html>

Nov. 10-12

Monopoly and Speech

Associated Press v. United States, 326 U.S. 1 (1945)

<http://supreme.justia.com/cases/federal/us/326/1/case.html>

Curtin, Thomas “Achieving the Franchise: The Comcast - NBC Universal Merger and the New Media Marketplace”

<http://commlaw.cua.edu/res/docs/articles/v19/19-1/08-v19-1-REVISED-Curtin-Final.pdf>

COMCAST/NBC-U Decision (Selections)

Nov. 17 – 19

New Issues/Digital Media

United States v. Google, Inc., Case No. 5:12-cv-04177-HRL, FTC Docket No. C-4336 (N.D. Cal. Aug. 8, 2012).

http://itlaw.wikia.com/wiki/U.S._v._Google

Nov. 24 **Terms and Conditions May Apply**

<http://www.theguardian.com/technology/video/2013/sep/19/terms-and-conditions-may-apply-trailer-video>

Riley, Catherine, “Signing in Glitter or Blood?: Unconscionability and Reality Television Contracts” http://jipel.law.nyu.edu/wp-content/uploads/2013/12/4_Riley_SigningInGlitterOrBlood_NYUJipel_F13.pdf

Dec. 1 **Project Presentation**

Dec. 3 **Final Exam**

Dec. 17 **Final Paper Due**

COURSE REQUIREMENTS AND ATTENDANCE:

This is a seminar, not a lecture. Students are required to do all of the reading and come prepared to discuss in class. Students are required to complete all assignments.

Students are advised to attend the first class meeting of their classes or the instructors may drop them from their classes. The School of Communication adheres to the university policy, which states “an instructor may replace any student who, without prior consent, does not attend... the first class session of the semester for once-a-week classes. It is then the student’s responsibility to withdraw officially from the course through the Registration Department.”

Personal computers and wireless Internet are a key part of today’s technological culture, but they also can distract you from the class discussion and dampen participation. I expect you to use computers for note-taking purposes only, and to avoid using other mobile devices during class time. Any deviation will result in laptops being banned from the classroom and participation grades being impacted.

You will receive details about each assignment/exam separately. All assignments must be completed and handed in on time to avoid a grade reduction. If you are unable to turn in an assignment due to illness or a personal emergency, you must provide written documentation that will allow you to be excused, or discuss your situation with me in a timely manner. Do not wait until the end of the semester to sort things out. Remember: this is YOUR responsibility.

CLASS WORK:

The class work may include a short written quiz at the start of each class. A handful of students will be selected in class to propose answers and the entire class will be expected to discuss. This class participation will not be graded but if students demonstrate they have not done the reading, the classroom responses will be factored into the overall grade.

Exams. Two graded exams will be given. The exams are closed-book tests based on materials from the readings *and* class lectures. Test questions will include true-false, multiple choice, and essay questions. **50 percent of grade (25 percent per exam).**

Oral Presentation. Students are required to give an oral presentation of their research project in class. The presentation is not graded but will provide an opportunity for feedback from classmates and an opportunity for the instructor to give guidance to the student on the final written version of the paper.

RESEARCH PROJECT. Students will write a detailed report about a current communication policy issue of their choice. Minimum length: 3,000 words. The report must include: (1) original investigation and analysis; (2) a fair presentation of contrary views; (3) a clear, concise summary of the issue and its importance; (4) a discussion of the student's views and the support for the student's perspective; and (5) a conclusion that includes a possible resolution of the issue or a prediction of the outcome of the issue. All topics must be approved by the instructor. **50 percent of grade.**

HONESTY/PLAGIARISM/ACADEMIC INTEGRITY POLICY

USC Statement on Academic Integrity:

USC seeks to maintain an optimal learning environment. General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by an instructor, and the obligations both to protect one's own academic work from misuse by others as well as to avoid using another's work as one's own. All students are expected to understand and abide by these principles. SCampus, the Student Guidebook, contains the Student Conduct Code in Section 11.00, while the recommended sanctions are located at <http://scampus.usc.edu/university-governance>. Students will be referred to the Office of Student Judicial Affairs and Community Standards for further review, should there be any suspicion of academic dishonesty. The review process can be found at <http://www.usc.edu/student-affairs/SJACS>

SCHOOL GRADING POLICIES:

Undergraduate Degrees: The School of Communication expects its students to maintain at least a 2.7 (B-) grade point average in all communication classes. Those who fall below this will receive additional counseling from faculty and advisement staff. Students are required to complete each communication class with at least a grade of C-. Communication courses with a grade of D+ or below must be repeated. Please note that the university's cumulative grade point average will include both grades in its calculations and students must maintain a minimum 2.0 GPA to graduate from USC.

Graduate Degrees: A minimum grade of C (2.0) is required in a course to receive graduate credit. Work graded C- or below is not acceptable for subject or unit credit toward any master's or doctoral program. A grade point average of at least 3.0 (B) on all units attempted at USC toward a graduate degree is required for graduation. In addition, a grade point average of at least 3.0 on all graduate work attempted at USC, whether or not all such units are applied toward the degree, is required.

COURSE GRADING POLICY:

The exams will be graded based ability to provide correct answers and clear explanation of applicable legal rules.

The research paper will be graded based on accuracy, clarity, organization, and adequate sourcing.

“A” work clearly describes the relevant facts, parties, and legal rules, the key question or issue, and the correct history of the issue, case, or lawsuit, and contains only minor organizational problems or minor errors in describing the facts and legal rules, applying the legal rules to the facts, and includes all of the required number of required sources/research materials.

“B” work requires more than minor reorganization or fails to adequately explain one legal rule or fails to include one required sources/research materials.

“C” work requires major reorganization and misstates more than one legal rule or misapplies the legal rule to the facts several times and fails to include more than one of the required sources/research materials.

“D” work has excessive organizational problems and numerous errors in describing the legal rules and facts and applying the law to those facts or fails to include several of the required sources/research materials.

“F” work has significant organizational problems or errors in describing the legal rules and facts and applying the law to those facts, fails to include any required sources/research materials, or all of the above.

A+ = 97-100 B+ = 89-87 C+ = 79-77 D+ = 69-67

A = 96-94 B = 86-84 C = 76-74 D = 66-64

A- = 93-90 B- = 83-80 C- = 73-70 D- = 63-60

DISABILITY ACCOMODATIONS:

Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me as early in the semester as possible. DSP is located in STU 301 and is open 8:30 a.m.- 5:00 p.m., Monday through Friday. The phone number for DSP is (213)740-0776.

ESL STUDENT ACCOMODATIONS:

Please inform me as soon as possible if you require special accommodations based on your understanding of the English language.

STRESS AND ANGST

Students are under a lot of pressure. If you start to feel overwhelmed, it is important that you reach out for help. A good place to start is the USC Student Counseling Services office at 213-740-7711. The service is confidential, and there is no charge.

KEY DATES:

Sept. 12	Last day to register and add classes for Session 001
Sept. 12	Last day to drop a class without a mark of “W,” except for Monday-only classes, and receive a refund for Session 001
Sept. 12	Last day to change enrollment option to Pass/No Pass or Audit for Session 001
Sept. 12	Last day to purchase or waive tuition refund insurance for Session 001
Sept. 16	Last day to drop a Monday-only class without a mark of “W” and receive a refund or change to Pass/No Pass or Audit for Session 001
Nov. 14	Last day to drop a class with a mark of W for Session 001

Exams and Paper:

October 15	Exam in-class (closed book)
Dec. 1	Project Presentation
Dec. 3	Final Exam
Dec. 17	Final Paper Due

INSTRUCTOR BIOGRAPHY

Mark Lloyd is a visiting professor and Wallis Annenberg Chair in Journalism and Communication at the USC-Annenberg School of Journalism and Communication. From 2009-2012 he served as an associate general counsel at the Federal Communications Commission. Mr. Lloyd’s academic career includes two years as a visiting scholar at MIT, and several years as an adjunct professor of public policy at the Georgetown University Public Policy Institute. Mr. Lloyd has lectured at Harvard, UCLA, Penn State and other institutions in the U.S. and abroad.

Previously Mr. Lloyd has been the General Counsel of the Benton Foundation, a domestic policy advisor at the Clinton White House, and the Vice-President for Strategic Initiatives at the Leadership Conference on Civil Rights. He served as the chairman of the boards of ITVS and the Center for Strategic Communications. As an attorney at the DC law firm Dow, Lohnes & Albertson he represented a broad range of media and telecom clients. Before becoming a

communications lawyer, Mr. Lloyd was an Emmy Award-winning broadcast journalist, including work at NBC and CNN.

Mr. Lloyd graduated from the University of Michigan-Ann Arbor with a double major in journalism and political science, and from the Georgetown University Law Center.