

**Prerequisite: None****Fall 2016 — Tuesday —noon -1:40pm****Section: 21140D****Location: ASC 331****Instructor: Mark Lloyd****Office: ASC 102****Office Hours: Tuesday 10am – 11am****Contact Info: marklloy@usc.edu****Course Description**

Students will learn about their legal rights created by the First Amendment to the U.S. Constitution and other sources of law. The course will teach journalists how to navigate the digital space of contemporary journalism and offer laws, policies and best practices in the use of photographs, trademarks, film clips and other copyrighted works without being sued for copyright infringement. The course also will educate students on how to publish information without being sued for defamation and invasion of privacy, how to gather information without getting into legal and/or ethical trouble and how to deal with subpoenas, among other things.

Against the backdrop of the evolving digital space, the course also will explore the blurring between public and private information, the impact of the Web on the practice of journalism and other creative fields and how internet communications will be policed, regulated and possibly litigated. Overall, this course give students the essential legal framework of their rights and responsibilities as journalists. Come prepared to think, discuss and participate.

**Overall Learning Objectives and Assessment**

At the conclusion of this course, students will:

- Recognize best contemporary ethical and professional practices in the digital space, as dictated by legal standards.
- Define basic legal terminology.
- Explain the workings of the civil and criminal justice system.
- Articulate and defend legal rights and ethical values practices and responsibilities under U.S. law, especially the First Amendment.
- Recognize the limits of legal rights.
- Understand when to seek legal counsel when needed.
- Explain current legal issues impacting journalists.
- Avoid claims of defamation and invasion of privacy.
- Properly use copyrighted works and trademarks.
- Access court records and resources.

## Description of Assignments

Students will be graded on weekly quizzes, two exams and one written paper. The examinations will present you with one or more complex fact patterns and you will be required to discuss the legal issues that arise from those facts. The purpose of the examinations is to evaluate your knowledge and understanding of media law and to test your ability to express that knowledge and understanding clearly, precisely, and succinctly. The paper will not be a research project, but students will be required to read, understand and articulate the legal principles set forth in various cases and write a paper that the student would be proud to publish on the front page of a major newspaper.

Grading Breakdown Assignment	Percentage of Grade
Weekly quizzes on legal and ethical topics.	20 percent
MidTerm Exam [closed book]	25 percent
Paper: One written paper about a current legal issue impacting journalists.	25 percent
Final Exam:	30 percent
<b>TOTAL</b>	<b>100 percent</b>

## Grading Scale

95 to 100: A	80 to 84: B	65 to 69: C	50 to 54: D
90 to 94: A-	75 to 79: B-	60 to 64: C-	45 to 49: D-
85 to 89: B+	70 to 74: C+	55 to 59: D+	0 to 44: F

## Grading Standards

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

The final 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.

## Assignment Submission Policy

- A. The paper is due on the date specified. Lacking prior discussion and agreement with the instructor, late papers will automatically be given a grade of F.
- B. Papers must be submitted via email and in class in hard copy form.

## Required Readings and Supplementary Materials

**Textbook:** *A Practical Guide to Media Law, Ashley Messenger (Pearson 2015).*

## Laptop Policy

Effective fall 2014, all undergraduate and graduate Annenberg majors and minors are required to have a PC or Apple laptop that can be used in Annenberg classes. Please refer to the Annenberg [Virtual Commons](#) for more information. To connect to USC's Secure Wireless network, please visit USC's [Information Technology Services](#) website. You are more than welcome to bring your laptop to class to take notes. Please note, however, that use of your laptop during class to do anything other than take notes or perform research specifically requested by the instructor will result in the student's immediate removal from class.

## Class Sessions

Most class sessions will be a short lecture with an opportunity for questions and class discussion. The assigned reading will provide the background necessary for class preparation. The lectures, however, may not cover precisely the same material as the text or other readings. For this reason, attendance is very important. Students are expected to have completed the relevant readings prior to class and to **participate in classroom discussion**. If you do not understand any portions of the materials or the lectures, *you are expected to seek clarification in class* or by contacting me.

## Course Schedule: A Weekly Breakdown

**Important note to students:** *Be advised that this syllabus is subject to change – and probably will change – based on the progress of the class, news events, and/or guest speaker availability.*

	Topics/Daily Activities	Readings and Homework	Deliverable/ Due Dates
8/23	<p><b>Class Topic:</b> <i>First Amendment Rights</i> Introduction to U.S. court system: How to research and report about court cases, legal issues.</p> <p>First Amendment: History and overview of constitutional protection for free press and democracy; limits on prior restraint, theories on purpose of First Amendment.</p> <p><b>Class Activity:</b> Be prepared to discuss reading, role-play, and take short quiz.</p>	<p>Messenger Book Chapters 1-2</p> <p>Supplemental material 1-124</p>	Read assignment before class.
8/30	<p><b>Class Topic:</b> <i>Continuation of discussion of American Legal system and First Amendment; Sedition, Prior Restraints and Incitement &amp; Imitation lawsuits</i></p> <p><b>Class Activity:</b> Be prepared to discuss reading, role-play, and take short quiz.</p>	<p>Messenger Book: Chapters 1-2</p> <p>Supplemental material 1-124</p>	Read assignment before class.

9/6	<p><b>Class topic:</b> We discuss truth, falsehood and consequences based on a series of readings about recent journalist's examples of ethical lapses.</p> <p>Students should familiarize themselves with the recent troubling ethical case of journalists entering an apartment – with the apparent help of a willing landlord – still under investigation in its connection to the 2015 San Bernadino, Calif., mass shooting</p> <p><b>Class Activity:</b> Be prepared to discuss reading, role-play, and take short quiz.</p>	<p><b>Readings</b></p> <p>Robert Mackey <a href="#">U.S. Media Mocked Abroad for Reporting False Name of California Shooting Suspect,</a> New York Times, Dec. 2015.</p> <p>Jordan Burchette, <a href="#">"Fox News Apologies for Misreported Baltimore Police Shooting: 'We Screwed Up,'" The Wrap,</a> May 2015.</p> <p>Brian Montopoli, <a href="#">"Distorted Story Spawns Distorted Theories,"</a> Columbia Journalism Review, May 2005.</p> <p><a href="#">"Misinformation and Fact-checking: Research findings from Social Science,"</a> Journalist's Resource, 2012.</p> <p>Brendan Nyhan, <a href="#">"Why the 'Death Panel' Myth Wouldn't Die: Misinformation in the Health Care Re-form Debate,"</a> The Forum, 2010.</p>	Read assignment before class
9/13	<p><b>Class Topic:</b> Watch movie "Absence of Malice" (short essay questions will be assigned at end of class)</p>		
9/20	<p><b>Class Topic:</b> Defamation law</p> <p>Learn to avoid libel, slander and other defamation-related claims.</p>	<p>Messenger Book: Chapter 3</p> <p>Supplemental material 125-182</p>	Read assignment before class.
9/27	<p><b>Class Topic:</b> Defamation law (continued)</p> <p>Learn to avoid libel, slander and other defamation-related claims</p>	<p>Messenger Book: Chapter 3</p> <p>Supplemental material 125-182</p>	Read assignment before class.
10/4	<p><b>Class Topic:</b> Invasion of Privacy and Newsgathering law</p> <p>Learn to avoid privacy torts, right of publicity, claims for invasive newsgathering, trespass, false pretenses, limits on hidden cameras, recording phone calls.</p> <p><b>Class Activity:</b> Be prepared to discuss reading, role-play, and take short quiz.</p>	<p>Messenger Book: Chapters 4-5</p> <p>Supplemental material 183-300</p>	Read assignment before class.

10/11	<p><b>Class Topic:</b> <i>Privacy and Newsgathering law (continued), Review for midterm</i></p> <p>Learn to avoid privacy torts, right of publicity, claims for invasive newsgathering, trespass, false</p>	<p>Messenger Book: Chapters 4-5</p> <p>Supplemental material 183-300</p>	Read assignment before class.
10/18	<p><b>In-Class Exam:</b> <i>In-class closed-book written exam.</i> <b>EXAM</b></p>		Be prepared to take exam.
10/25	<p><b>Class Topic:</b> <i>Access to Trials and Government Records, Reporter's Privilege</i></p> <p>Learn how to get access to court trials, government documents, cameras in courts. Also the Reporter's privilege and subpoenas.</p> <p><b>Class Activity:</b> Be prepared to discuss reading, role-play, and take short quiz.</p>	<p>Messenger Book Chapters 11, 13</p> <p>Supplemental material 301-394</p>	Read assignment before class.
11/1	<p><b>Class Topic:</b> <i>Access to Trials and Government Records, Reporter's Privilege (continued)</i></p> <p>Learn how to get access to court trials, government documents, cameras in courts. Also the Reporter's privilege and subpoenas.</p> <p><b>Class Activity:</b> Be prepared to discuss reading, role-play, and take short quiz. Watch episode of Mary Tyler Moore show regarding journalist privilege.</p>	<p>Messenger Book Chapters 11, 13</p> <p>Supplemental material 301-394</p>	Read assignment before class.  <b>PAPER ASSIGNED</b>
11/8	<p><b>Class Topic:</b> <i>Copyright and Trademark</i></p> <p>Learn how to use snippets of copyrighted works and trademarks for commentary, news. Also, the DMCA and takedown notices.</p> <p><b>Class Activity:</b> Be prepared to discuss reading, role-play, and take short quiz.</p>	<p>Messenger Book: Chapters 6-8</p> <p>Supplemental material 395-409</p>	Read assignment before class.
11/15	<p><b>Class Topic:</b> <i>Regulation of Obscene and Indecent Material; Regulation of Advertising</i></p> <p>Learn the protections (or lack thereof) for obscene and indecent speech and First Amendment protection for "commercial speech."</p> <p><b>Class Activity:</b> Be prepared to discuss reading and take short quiz.</p>	<p>Messenger Book: Chapters 15, 17</p>	Read assignment before class

11/22	<p><b>Class Topic:</b> <i>Engaging community; minimizing harm and respecting privacy</i></p> <p>We discuss the journalist's relationship with an increasingly wired public. We explore the dual imperatives to facilitate the capacity of the community to communicate and engage on issues, and to minimize the harm to community members when journalism must tell tough and revealing stories in an online environment. Readings touch on communicating controversial or sensitive issues.</p> <p>-</p>	<p><b>Readings:</b> Joseph Lichterman, "<a href="#">How Renée Kaplan, the FT's first head of audience engagement, approaches her new role,</a>" Nieman Journalism Lab, June 2015.</p> <p>"<a href="#">Crowdsourcing at the Fort Myers, FL, News-Press Part B: 'Help Us Investigate,'</a>" Knight Case Studies Initiative, Columbia University.</p> <p>Anne Johnson, "<a href="#">Policing The Trolls: The Ins and Outs of Comment Moderation,</a>" org, Sept. 2015.</p> <p>Molly De Aguiar, "<a href="#">Building News with Not Just For the Community,</a>" Nieman Journalism Lab, Dec. 2015.</p> <p>Helen Lewis, "<a href="#">How Newsrooms Handle Graphic Images of Violence,</a>" Nieman Reports, Jan. 2016.</p>	Read assignment before class.
11/29	<b>Class Topic:</b> Review for Final Exam; <b>PAPER DUE</b>		<b>PAPER DUE</b>
	DEAD WEEK – NO CLASS SCHEDULED		
12/13	<b>In-Class Exam:</b> <i>In-class</i> closed-book written exam. Tuesday, Dec. 13, 2016		Be prepared to take exam

## Policies and Procedures

### Statement on Academic Conduct and Support Systems

#### Academic Conduct

##### Plagiarism

Presenting someone else's ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards* <https://scampus.usc.edu/b/11-00-behavior-violating-university-standards-and-appropriate-sanctions/>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct/>.

### *USC School of Journalism Policy on Academic Integrity*

The following is the USC Annenberg School of Journalism's policy on academic integrity and repeated in the syllabus for every course in the school:

"Since its founding, the USC School of Journalism has maintained a commitment to the highest standards of ethical conduct and academic excellence. Any student found plagiarizing, fabricating, cheating on examinations, and/or purchasing papers or other assignments faces sanctions ranging from an 'F' on the assignment to dismissal from the School of Journalism." All academic integrity violations will be reported to the office of Student Judicial Affairs & Community Standards (SJACS), as per university policy, as well as journalism school administrators."

In addition, it is assumed that the work you submit for this course is work you have produced entirely by yourself, and has not been previously produced by you for submission in another course or Learning Lab, without approval of the instructor.

### **Support Systems**

#### *Equity and Diversity*

Discrimination, sexual assault, and harassment are not tolerated by the university. You are encouraged to report any incidents to the *Office of Equity and Diversity* <http://equity.usc.edu/> or to the *Department of Public Safety* <http://dps.usc.edu/contact/report/>. This is important for the safety whole USC community. Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person. *The Center for Women and Men* <http://www.usc.edu/student-affairs/cwm/> provides 24/7 confidential support, and the sexual assault resource center webpage <https://sarc.usc.edu/> describes reporting options and other resources.

#### *Support with Scholarly Writing*

A number of USC's schools provide support for students who need help with scholarly writing. Check with your advisor or program staff to find out more. Students whose primary language is not English should check with the *American Language Institute* <http://ali.usc.edu/>, which sponsors courses and workshops specifically for international graduate students.

#### *The Office of Disability Services and Programs*

[http://sait.usc.edu/academicsupport/centerprograms/dsp/home\\_index.html](http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html) provides certification for students with disabilities and helps arrange the relevant accommodations. Students requesting test-related accommodations will need to share and discuss their DSP recommended accommodation letter/s with their faculty and/or appropriate departmental contact person at least three weeks before the date the accommodations will be needed. Additional time may be needed for final exams. Reasonable exceptions will be considered during the first three weeks of the semester as well as for temporary injuries and for students recently diagnosed. Please note that a reasonable period of time is still required for DSP to review documentation and to make a determination whether a requested accommodation will be appropriate.

### *Stress Management*

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.

### *Emergency Information*

If an officially declared emergency makes travel to campus infeasible, *USC Emergency Information* <http://emergency.usc.edu/> will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology.

### **Internships**

The value of professional internships as part of the overall educational experience of our students has long been recognized by the School of Journalism. Accordingly, while internships are not required for successful completion of this course, any student enrolled in this course that undertakes and completes an approved, non-paid internship during this semester shall earn academic extra credit herein of an amount equal to 1 percent of the total available semester points for this course. To receive instructor approval, a student must request an internship letter from the Annenberg Career Development Office and bring it to the instructor to sign by the end of the third week of classes. The student must submit the signed letter to the media organization, along with the evaluation form provided by the Career Development Office. The form should be filled out by the intern supervisor and returned to the instructor at the end of the semester. No credit will be given if an evaluation form is not turned in to the instructor by the last day of class. Note: The internship must be unpaid and can only be applied to one journalism class.

### **About Your Instructor**

Mark Lloyd is a professor of professional practice of communication at the USC-Annenberg School of Journalism and Communication, he began teaching at USC in 2013. 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.

From 2009- 2012 he served as an associate general counsel at the Federal Communications Commission. Previously Mr. Lloyd has been the General Counsel of the Benton Foundation, and 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.