

## **JOUR 208: Media Law and Ethics** **2 Units**

**Spring 2018 – Tuesdays – 12-1:40 p.m.**

**Section:** 21065D

**Location:** ASC 331

**Professor: Mark Lloyd**

**Office:** ASC 102

**Office Hours:** Wednesdays, 12-4 p.m.

**Contact Info:** marklloyd@usc.edu

### **I. Course Description**

This is a course on law and ethics relevant to the contemporary practice of reporting and public relations. This is not a law course following Socratic teaching methods and students will not be assigned cases or legislation to analyze and deconstruct. The course will combine both lecture and seminar practice.

### **II. Overall Learning Objectives and Assessment**

Students will learn about their legal rights and obligations as journalists. The course will educate students on how to publish information without violating defamation and invasion of privacy, how to gather information to avoid legal and/or ethical trouble and how to deal with subpoenas. We will also examine how to navigate the digital space of contemporary journalism and focus on Fair Use, and other laws, policies and best practices in the use of photographs, trademarks, film clips and other copyrighted works. This is a rapidly changing and complex legal environment for journalists, publicists and other creative entrepreneurs. This is not a course to prepare you to practice law but how to see the fuzzy and the bright lines and when to call on legal help. Our goal is to keep you and your employer out of trouble.

In addition, in an ever evolving fast and competitive digital space, the course also will explore the temptations of sloppy and unethical practices, and the consequences of giving into those temptations. We will explore the impact of the internet on the practice of journalism and other creative fields and how new communications technologies are regulated today. Overall, this course will aim to give students the essential legal framework of their rights and responsibilities as journalists. Come prepared to think, discuss and participate.

At the conclusion of this course, students will:

- Recognize contemporary ethical and professional practices in the digital space.
- Define basic legal terminology.
- Explain the workings of the civil and criminal justice system.
- Articulate and defend legal rights and ethical values and responsibilities under U.S. law.
- 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.

### III. Description of Assignments

Students will be graded on classroom participation, quizzes, two exams, and one written paper. The mid-term and final examinations may present you with one or more complex fact patterns and you will be required to discuss the legal and ethical 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.

### IV. Grading

#### a. Breakdown of Grade

Assignment	Points	% of Grade
Class Participation & attendance	10	10
Quizzes on legal and ethical topics.	10	10
Midterm Exam [closed book]	30	30
Final Exam (closed book)	30	30
Paper: One article about a current legal issue facing journalists.	20	20
<b>TOTAL</b>		<b>100%</b>

#### 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

#### c. Grading Standards

The quizzes, Midterm and final 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.

- Fabricating a story or making up quotes or information.
- Plagiarizing a script/article, part of a script/article or information from any source.
- Staging video or telling interview subjects what to say.
- Using video shot by someone else and presenting it as original work.
- Shooting video in one location and presenting it as another location.
- Using the camcorder to intentionally intimidate, provoke or incite a person or a group of people to elicit more “dramatic” video.
- Promising, paying or giving someone something in exchange for doing an interview either on or off camera.
- Missing a deadline.

## **V. 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 in Word or pdf format must be submitted via email, and Turnitin via Blackboard.

## **VI. Required Readings and Supplementary Materials**

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

***All other readings will be posted on Blackboard.***

## **VII. Laptop Policy**

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 Digital Lounge](#) for more information. To connect to USC’s Secure Wireless network, please visit USC’s [Information Technology Services](#) website.

## **Add/Drop Dates for Session 001 (15 weeks: 1/8/18 – 4/27/18)**

**Friday, January 26:** Last day to register and add classes for Session 001

**Friday, January 26:** Last day to drop a class without a mark of “W,” except for Monday-only classes, and receive a refund for Session 001

**Tuesday, January 30:** last day to drop a Monday-only class without a mark of “W” and receive a refund for Session 001

**Friday, February 23:** Last day to drop a course without a mark of “W” on the transcript. [Please drop any course by the end of week three (or the week three equivalent for short sessions) to avoid tuition charges.]

**Friday, April 6:** Last day to drop a class with a mark of “W” for Session 001

### VIII. 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
<b>Week 1</b> <b>Date: 1/9</b>	<b>Class Topic:</b> Discuss course expectations and federalism, and US courts.	Messenger Book Chapters 1 Blackboard: SPJ Code of Ethics	Read assignment before first class.
<b>Week 2</b> <b>Date: 1/16</b>	<b>Class Topic:</b> First Amendment Theory and Practice.  <b>Class Activity:</b> Be prepared to discuss reading.	Messenger Book: Chapters 2  Pruneyard in BB.	Read assignment before class.
<b>Week 3</b> <b>Date: 1/23</b>	<b>Class Topic:</b> We take a closer look at how journalists must “show their work” in a digital age and demonstrate intellectual honesty to the public. Above all, any conflicts of interest, and the appearance of conflicts of interest, must be avoided. <b>Class Activity:</b> Be prepared to discuss reading, take quiz on Chapters 1 & 2 and BB readings.	Blackboard: Margaret Sullivan, <u>“Perfectly Reasonable Question: Quoting a Person or a Prepared Statement?”</u> ; <u>“Conflict of Interest in T Magazine’s Tech Article,”</u> <i>New York Times</i> , Aug. /Oct. 2015. <u>“Conflicted: The New York Times and the Bias Question,”</u> Knight Case Studies Initiative, Columbia University.	Read assignment before class.
<b>Week 4</b> <b>Date: 1/30</b>	<b>Class Topic:</b> The insensitive reporter.  <b>Class Activity:</b> Watch movie “Absence of Malice” (short essay questions will be assigned at end of class)	Readings: Franklin Foer, <u>“The Source of the Trouble,”</u> <i>New York Magazine</i> , May 2005.	Read assignment before class.
<b>Week 5</b> <b>Date: 2/6</b>	<b>Class Topic:</b> Defamation law  Learn the elements of defamation.	Messenger Book: Chapter 3	Read assignment before class.
<b>Week 6</b> <b>Date: 2/13</b>	<b>Class Topic:</b> Defamation law (continued)  Learn the defenses against a defamation claim.	Messenger Book: Chapter 3	Read assignment before class.

<p><b>Week 7</b> <b>Date: 2/20</b></p>	<p><b>Class Topic:</b> Invasion of Privacy and Right of Publicity.</p> <p>Learn to avoid privacy torts, right of publicity, claims for invasive newsgathering, trespass, false pretenses, and 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>Read assignment before class.</p>
<p><b>Week 8</b> <b>Date: 2/27</b></p>	<p><b>Midterm exam</b></p>		
<p><b>Week 9</b> <b>Date: 3/6</b></p>	<p><b>Class Topic:</b> Truth and transparency in journalism. We revisit some of the most high-profile scandals and controversial stories involving unethical or questionable journalistic practice.</p> <p><b>Class Activity:</b> Be prepared to discuss reading.</p> <p>Guest Speaker: Toni Loci</p>	<p>BB:Hanna Rosin, "Hello, Readings: My Name is Stephen Glass, and I'm Sorry," The New Republic, Nov. 2014.Dan Barry, et al,</p> <p>"Times Reporter Who Resigned Leaves Long Trail of Deception," New York Times, May 2003.</p> <p>Janet Cooke, Jimmy's World", Washington Post, 1980; Richard Prince, "Janet Cooke's Hoax Still Resonates After 30 Years."</p>	<p>Read assignment before class.</p>
<p><b>Date: 3/12-3/16</b></p>	<p><b>No Classes</b></p>		<p><b>[Spring Break]</b></p>
<p><b>Week 10</b> <b>Date: 3/20</b></p>	<p><b>Class Topic:</b> Access to Trials and Government Records, Reporter's Privilege. Learn how to get access to court trials, government documents, and cameras in courts.</p> <p><b>Class Activity:</b> Readings and the parameters – the length, topics, among other details -- of the final paper due at the end of the semester.</p>	<p>Messenger Book Chapters 11, 12</p>	<p>Read assignment before class.</p>

<p><b>Week 11</b> <b>Date: 3/27</b></p>	<p><b>Class Topic:</b> Reporter's privilege and subpoenas.</p> <p><b>Class Activity:</b> Be prepared to discuss reading, and role-play.</p>	<p>Messenger Book: Chapter 13 BB: <u>The First Amendment Handbook</u>, Reporter's Committee for Freedom of the Press.</p>	<p>Read assignment before class.</p>
<p><b>Week 12</b> <b>Date: 4/3</b></p>	<p><b>Class Topic:</b> Whistleblowers and sources. Is there a difference between Ellsberg, Snowden and Assange?</p> <p><b>Class Activity:</b> Be prepared to discuss reading, and take quiz on Chapters 11-13.</p>	<p>BB :Ellsberg, Snowden and the Modern Whistleblower</p>	<p>Read assignment before class.</p>
<p><b>Week 13</b> <b>Date: 4/10</b></p>	<p><b>Class Topic:</b> Copyright, Work for Hire, Trademark and Fair Use</p> <p>Learn Fair Use principles and how to use copyrighted works and trademarks for news and commentary, and how to protect your work. Also, work for hire rules the DMCA and takedown notices.</p>	<p>Messenger Book: Chapters 6-8</p>	<p>Read assignment before class.</p>
<p><b>Week 14</b> <b>Date: 4/17</b></p>	<p><b>Class Topic:</b> Regulation of Broadcasting, Cable, and Internet, with a focus on the different levels of protection afforded to speech depending on its medium as well as special rules regarding political speech, obscene and indecent material; and "commercial speech."</p>	<p>Messenger Book: Chapters 15, 17</p>	<p><b>Read assignment before class.</b></p>
<p><b>Week 15</b> <b>Date: 4/24</b></p>	<p><b>Class Activity:</b> Be prepared to take quiz on chapters 6-8. 15, 17</p> <p>Review for Final Exam.</p> <p><b>PAPER DUE</b></p>		

<b>FINAL EXAMS</b> Date: 5/9, 2-4 p.m.	<b>Final Exam</b>		
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## IX. Policies and Procedures

### Attendance

Attendance is mandatory. Students who miss more than two classes without a written excuse or prior permission from the professor will have their grade reduced. Most class sessions will be a short lecture on the reading scheduled for that day. This is your 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.

### 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 into the instructor by the last day of class. Note: The internship must be unpaid and can only be applied to one journalism class.

## Statement on Academic Conduct and Support Systems

### a. 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.

## **b. Support Systems**

*Student Counseling Services (SCS) – (213) 740-7711 – 24/7 on call*

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention. [engemannshc.usc.edu/counseling](http://engemannshc.usc.edu/counseling)

*National Suicide Prevention Lifeline – 1 (800) 273-8255*

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

*Relationship and Sexual Violence Prevention Services (RSVP) – (213) 740-4900 – 24/7 on call*

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. [engemannshc.usc.edu/rsvp](http://engemannshc.usc.edu/rsvp)

*Sexual Assault Resource Center*

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: [sarc.usc.edu](http://sarc.usc.edu)

*Office of Equity and Diversity (OED)/Title IX Compliance – (213) 740-5086*

Works with faculty, staff, visitors, applicants, and students around issues of protected class. [equity.usc.edu](http://equity.usc.edu)

*Bias Assessment Response and Support*

Incidents of bias, hate crimes and microaggressions need to be reported allowing for appropriate investigation and response. [studentaffairs.usc.edu/bias-assessment-response-support](http://studentaffairs.usc.edu/bias-assessment-response-support)

*The Office of Disability Services and Programs*

Provides certification for students with disabilities and helps arrange relevant accommodations. [dsp.usc.edu](http://dsp.usc.edu)

*Student Support and Advocacy – (213) 821-4710*

Assists students and families in resolving complex issues adversely affecting their success as a student EX: personal, financial, and academic. [studentaffairs.usc.edu/ssa](http://studentaffairs.usc.edu/ssa)

*Diversity at USC*

Information on events, programs and training, the Diversity Task Force (including representatives for each school), chronology, participation, and various resources for students. [diversity.usc.edu](http://diversity.usc.edu)

*USC Emergency Information*

Provides safety and other updates, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible. [emergency.usc.edu](http://emergency.usc.edu)

*USC Department of Public Safety – UPC: (213) 740-4321 – HSC: (323) 442-1000 – 24-hour emergency or to report a crime.* Provides overall safety to USC community. [dps.usc.edu](http://dps.usc.edu)

## **X. About Your Instructor**

Mark Lloyd is a professor of professional practice of communication, teaching in both the Communication School and the Journalism School. He also manages the Consortium on Media Policy Studies (COMPASS) summer fellowship program in Washington, DC. Lloyd is a lawyer, a public policy advocate and an Emmy award-winning broadcast journalist.

From 2009-2012 he served as the associate general counsel at the Federal Communications Commission, advising the Commission on how to promote diverse participation in the communications field. Prior to joining the FCC, Mr. Lloyd was the vice president for strategic initiatives at the Leadership Conference on Civil Rights/Education Fund, where, among other duties, he led a national campaign to assist the most vulnerable communities make the successful transition to digital television service. Previously Mr. Lloyd has been the General Counsel of the Benton Foundation, and an attorney at the DC law firm Dow, Lohnes & Albertson where he advised commercial and public clients on media torts, intellectual property law, and federal regulation. Before becoming a communications lawyer, Mr. Lloyd was a broadcast journalist, working for public and commercial radio and television, including work at NBC and CNN.

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. He has been teaching media law and policy at USC since 2014. The author of numerous popular and academic articles and essays, his book *Prologue to a Farce, Communication and Democracy in America* was published by the University of Illinois Press in 2007, and his edited book, *The Communication Crisis in America and How to Fix It* was published by Palgrave Macmillan in 2016. 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.