



COMM 422: Legal Issues and New Media
4 units

Spring 2020 – Section # 20634

Tuesday, Thursday: 5:00 - 6:20 pm

Location: ANN 209

Instructor: Mark Lloyd

Office Hours: Tuesday & Thursday – 2pm to 4pm

Office: ASC 102a

Contact Info: marklloy@usc.edu

Course Description:

Legal issues impact nearly every facet of our digital age, this applies especially to new media – from how markets operate to what movies are produced to what code is introduced to the internet. What are the legal issues communication scholars and practitioners need to understand?

This is a communications seminar course which examines laws and regulatory policies shaping today's media. We will cover issues such as net neutrality, intellectual property, libel, data privacy, and other 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. and abroad, it will seek to ground the discussion in an historical framework. This is a rapidly changing field, as such the instructor reserves the right to modify or change the class assignments or readings listed in this Syllabus.

Learning Objectives:

Students will learn to look behind the headlines and to understand the operation of communication policy related to the practice of making media (including text, sound and video) and why the rules created by government matter to the practice. As important as theory is, this is a course about how rules are made in the real world, so the student will learn who makes and enforces the rules, what the policies are today, and how they may change tomorrow.

Special note: This is a seminar course, not a Socratic law course. It is designed to help students come up with their own answers regarding the global challenges and opportunities posed by information and communications technology, with a focus on the importance of policy. I understand a seminar course as a small group discussion, where students do assigned reading and then, under the professor's guidance and direction, grapple aloud with the ideas they've read. This is not a lecture course. This course assumes the student's ability to think critically and to be ready to engage in a scholarly manner with ideas and opinions they may initially disagree with.

Class Readings:

All readings will be on Blackboard. Students will be expected to read all assigned material and be prepared to discuss.

Class Assignments:*Weekly Response Posts/ Discussion Participation*

For each class (except otherwise noted), students will write a 1-2 page (double-spaced, approx.. 350-800 words) paper in critical response to the assigned readings that week. Except for the first week, each post is due the day before class via email, and in hard-copy form at class time. The post should demonstrate a clear understanding of the readings along with a thoughtful examination of the arguments the readings present. Class members should be prepared to say something about what they wrote, and to share and read to the class their post.

Everyone is expected to participate regularly in class discussion. Basic questions are encouraged, as is playing “devil’s advocate.” You will be judged on quality of contribution not quantity. A demonstration of open listening skills is essential, and respectful disagreement is encouraged, but nit-picking and personal attacks are not acceptable under any circumstances.

Mid-term

The mid-term will be a take-home exam intended to determine your understanding of the materials presented in the first half of class. I will be looking for a nuanced understanding of the readings and our class discussion.

Semester Project

Students must send to me a short description of a topic relevant to the course they would like to research in greater detail by March 1. A full proposal, roughly 3-5 pages, that includes research questions, identifies relevant readings from the course, and a research plan will be due no later than midnight March 8. A short presentation of your research to the class will be scheduled at an appropriate time. A formal scholarly paper will be due one week after class presentation.

Final Paper

All students will be required to write a final paper that summarizes and evaluates what they have learned from the course materials and each other.

Assignment Submission Policy:

All assignments are due on the dates specified. Lacking prior discussion and agreement with the instructor, late assignments will automatically be given a grade of F.

Assignments must be submitted via email in either Microsoft Word or PDF.

Breakdown of Grade:

Assignment	Points	% of Grade
Reading Posts	25	25
Midterm	25	25
Semester Project	25	25
Final Paper	25	25

Assignment	Points	% of Grade
TOTAL	100	100%

Course Grading Policy:

You will receive details about each assignment/exam separately. **All assignments need to 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 no wait until the end of the semester to sort things out.**

In order to pass this class you will need to complete ALL of the assignments. Failure to complete one or more of them will result in an F in the class.

Grades will be assigned as follows:

- A/A- outstanding, thoughtful and enthusiastic work
- B+/B above average work, demonstrating good insight into assignment
- B-/C+ needs improvement on ideas, argument and follow through
- C and below fulfilling the bare minimum and showing little understanding of the material

Each assignment will be worth 100 points and will be converted to a percentage score depending upon the weight assigned to each. Your percentage scores won the assignments will be totaled and translated to a letter grade per the scale shown below:

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

If you have concerns regarding a grade on a given assignment, you must appeal it in writing, stating the reasons why you feel the grade is inaccurate, within one week of receiving the graded assignment. No late appeals will be accepted for review.

Grading Timelines:

Reading posts will be graded on a credit/no credit basis. Posts turned in a day after the due date (before each Tuesday class) will be given half credit, later posts will be given no credit. All other assignments will be graded no later than two weeks after submission.

Other Classroom Policies:

Instructor: Attendance is expected and missed classes, which means missed participation will result in lower grades. You cannot get credit for participating in class discussion unless you come to class and participate in class discussion. You will be expected to check your email, and keep up with any changes to the syllabus.

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.

X. Add/Drop Dates for Session 001 (15 weeks: 1/13/20 – 5/1/20)

Friday, January 31: Last day to register and add classes for Session 001

Friday, January 31: Last day to drop a class without a mark of "W," except for Monday-only classes, and receive a refund for Session 001

Tuesday, February 4: Last day to drop a Monday-only class without a mark of "W" and receive a refund for Session 001

Friday, February 28: Last day to drop a course without a mark of "W" on the transcript for Session 001. [Please drop any course by the end of week three (or the 20 percent mark of the session) to avoid tuition charges.]

Friday, February 28: Last day to change pass/no pass to letter grade for Session 001. [All major and minor courses must be taken for a letter grade.]

Friday, April 3: Last day to drop a class with a mark of "W" for Session 001
Add/Drop Dates for Session 001 (15 weeks: 1/7/19 – 4/26/19) (optional)

Course Schedule: A Weekly Breakdown

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

	Topics/Daily Activities	Readings and Homework	Deliverable/ Due Dates
Week 1 Dates: 1/8-1/10	Where Are We Now - Part I: Trump vs the Press	CNN v. Trump	
Week 2 Dates: 1/15-1/17	Where Are We Now – Part II: Trump and Defamation	The Trump Clifford Non-Disclosure Agreement – A Violation of the First Amendment and Public Policy; Amicus Brief in Zervos v Trump	
Week 3 Dates: 1/22-1/24	Let's Back Up- The Civic Mandate for Communication	"From Franklin to Facebook: The Civic Mandate for Communications." Net Neutrality in California	
Week 4 Dates: 1/29-1/31	The Mandate for Communications Pt 2	The Case for the Web Report	
Week 5 Dates: 2/5-2/7	Move Fast and Break Things – The Case For and Against Silicon Valley	Zuckerberg and the Promise of AI	

Week 6 Dates: 2/12-2/14	Move Fast Part Two: EU vs. Silicon Valley	The GDPR	
Week 7 Dates: 2/19-2/21	Problems in Intellectual Property	<p>“On The Constitutional Reasons Behind Copyright And Patents” by Mike Masnick https://www.techdirt.com/articles/20080220/020252302.shtml</p> <p>“Copyright, Compromise and Legislative History,” Jessica D. Litman http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1223&context=articles</p>	
Week 8 Dates: 2/26-2/28	Problems in Intellectual Property Part Two	<p>AMERICAN BROADCASTING COS., INC., v. AEREO, INC. (2014) http://www.supremecourt.gov/opinions/13pdf/13-461_1537.pdf</p> <p>Woodmansee, Martha, “On the Author Effect: Recovering Collectivity”, 10 Cardozo Arts & Entertainment L. J. 279 (1992) http://cyber.law.harvard.edu/IPCoop/92wood.html</p>	
Week 9 Dates: 3/5-3/7	The Federal Trade Commission	Privacy Challenges and the Role of the FTC	Semester Project Proposal
Dates: 3/11-3/15	No Classes		[Spring Break]
Week 10 Dates: 3/19-3/21	Monopoly and Corporate Rights	Corporate Personhood and the Rights of Corporate Speech, Adam Winkler	
Week 11 Dates: 3/26-3/28	Terms and Conditions May Apply	<p>http://www.theguardian.com/technology/video/2013/sep/19/terms-and-conditions-may-apply-trailer-video</p> <p>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</p>	
Week 12 Dates: 4/2-4/4	Monopoly Rules	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	
Week 13 Dates: 4/9-4/11	Blockchain as law	Blockchain Technology as a Regulatory Technology From Code is Law to Law is Code	
Week 14 Dates: 4/16-4/18	Student Presentation		
Week 15 Dates: 4/23-4/25	Student Presentation		
FINAL EXAMS Dates: TBD	All classes must meet during the final exam period. It can be a “summative experience,” if there is no final exam or presentation.		Date: For the date and time of the final for this class, please consult the Spring 2019 Final Exam Schedule . Graded work (exam, paper, project, etc.) must be due on the scheduled date of the final exam.

Statement on Academic Conduct and Support Systems:

Academic Conduct:

Plagiarism

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 Part B, Section 11, “Behavior Violating University Standards” policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on scientific misconduct, policy.usc.edu/scientific-misconduct.

Support Systems

Counseling and Mental Health - (213) 740-9355 – 24/7 on call
studenthealth.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call
suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention and Services (RSVP) - (213) 740-9355(WELL),
press “0” after hours – 24/7 on call
studenthealth.usc.edu/sexual-assault
Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Office of Equity and Diversity (OED)- (213) 740-5086 | Title IX – (213) 821-8298
equity.usc.edu, titleix.usc.edu

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants. The university prohibits discrimination or harassment based on the following protected characteristics: race, color, national origin, ancestry, religion, sex, gender, gender identity, gender expression, sexual orientation, age, physical disability, medical condition, mental disability, marital status, pregnancy, veteran status, genetic information, and any other characteristic which may be specified in applicable laws and governmental regulations. The university also prohibits sexual assault, non-consensual sexual contact, sexual misconduct, intimate partner violence, stalking, malicious dissuasion, retaliation, and violation of interim measures.

Reporting Incidents of Bias or Harassment - (213) 740-5086 or (213) 821-8298
usc-advocate.symplcity.com/care_report

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office of Equity and Diversity |Title IX for appropriate investigation, supportive measures, and response.

The Office of Disability Services and Programs - (213) 740-0776
dsp.usc.edu

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

USC Support and Advocacy - (213) 821-4710
uscsa.usc.edu

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity at USC - (213) 740-2101
diversity.usc.edu

Information on events, programs and training, the Provost’s Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call
dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call
dps.usc.edu

Non-emergency assistance or information.

Annenberg Student Success Fund

<https://annenberg.usc.edu/current-students/resources/additional-funding-resources>

The Annenberg Student Success Fund is a donor-funded financial aid account available to USC Annenberg undergraduate and graduate students for non-tuition expenses related to extra- and co-curricular programs and opportunities.

Breaking Bread Program [undergraduate students only]

<https://undergrad.usc.edu/faculty/bread/>

The Breaking Bread Program is designed to provide individual undergraduate students with an opportunity to meet and have scholarly discussions with faculty members outside of the normal classroom setting. Through this program, students and faculty enjoy good company and great conversation by literally “breaking bread” over a meal together and USC will pick up the tab! Your meal event can take place anywhere outside of the normal classroom setting. Your venue can be a restaurant or eatery on or off-campus.

Professor Bio: Mark Lloyd is a Clinical Professor at the University of Southern California-Annenberg School of communication, and he manages the Consortium on Media Policy Studies (COMPASS) summer fellowship program in Washington, DC. He is also a professor of professional practice in the Max Bell School of Public Policy at McGill University in Montreal.

From 2009-2012 he served as an associate general counsel at the Federal Communications Commission, advising the Commission on how to promote diverse participation in the communications field with a focus on research into critical information needs and broadband adoption by low-income populations. His other government service includes time on the Clinton Transition Team, and working in the personnel office of the Clinton White House, focusing on the National Endowment for the Arts and advising the domestic policy office on cultural policy.

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. He was also the Director of the Media Policy Initiative at New America, a Senior Fellow at the Center for American Progress, and the Director of a research and advocacy institute he co-founded, The Civil Rights Forum on Communication Policy.

Mr. Lloyd has served on an advisory board or the board of directors for several organizations, including the Ad Council, the Smithsonian Institution Media Advisory Board, the Verizon Consumer Affairs Board, and chaired the board of the CPB-funded Independent Television Service (ITVS).

Previously Mr. Lloyd has been the General Counsel of the Benton Foundation, and an attorney at the DC law firm Dow, Lohnes & Albertson. Before becoming a communications lawyer, he was an Emmy award-winning broadcast journalist, working for public and commercial radio and television, including time at NBC and CNN.

Professor Lloyd has been teaching at the USC/Annenberg School since 2013. His academic career includes two years as a visiting scholar at MIT, and several years teaching communication policy at the Georgetown University Public Policy Institute. 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 he co-edited The Communication Crisis in America, and How to Fix It, 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.