



JOUR 462: Law of Mass Communication
4 Units

Spring 2020 –Tuesdays – 9 a.m.-12:20 p.m.

Section: 21374D

Location: ANN L115

Instructor: Jill Stanley, Esq.

Office: ANN Classroom or Lobby

Office Hours: Tuesdays, 12:30-3:30 p.m. All other days available by appointment.

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I. Course Description

Journalism has never been a choice of the lazy or the unafraid. Certainly it has always carried an element of danger and risk but in recent years the American news media has found itself facing challenges the likes and level of which it has not faced before. Sadly, there is now a sense that professional standards have dropped. Is this due to the proliferation of media outlets, the seemingly endless number of blogs, podcasts, websites, and social media pages? Has the digital age made professional journalists somehow less legitimate? Or, perhaps, have professional journalistic standards dropped as a result? What role does the law play in this? Might strict adherence to the letter of the law improve or change this? Further, if professional journalists strictly adhere to the law as a guiding principle and couple that with “optimizing for trust” can that positive reputation be regained? These are just some of the questions we will tackle as we explore the relationship between law and mass communication.

This course will examine the legal and ethical world in which today’s journalists must work. We will investigate the impact of the digital news explosion on the practice of journalism and we will analyze how the law applies to such communication. We will examine carefully the touchstone of all US communication law: the First Amendment. A solid understanding of the First Amendment and how it relates to other provisions of the Constitution as well as other US laws and policies is a must for the well-rounded, working journalist.

We will delve deeply into the topics of defamation, invasion of privacy, copyright and trademark infringement, including, but not limited to, best practices for using photos and film clips. You will learn how to ethically and legally publish and gather information. And, should you find yourself served with a subpoena or a lawsuit, you will learn how best to handle that as well.

Guided by the study of case law, precedent, statute, and best practices, among other things, this course will provide you with the essential legal framework of your rights and responsibilities as journalists. The law is complex, the doctrines are complicated, but learning and understanding them will serve you well in your careers because what distinguishes the professional journalist’s approach to information gathering and reporting is an unwavering commitment to the highest ethical standards and to truth telling based on verifiable facts, information and knowledge. This commitment is most easily achieved with a solid grasp of the applicable law.

Come prepared each week to think, to question, and to discuss.

II. Overall Learning Objectives and Assessment

At the conclusion of this course, students will:

- Have a working knowledge of the First Amendment and how it relates to other US laws
- Know how to define relevant, basic legal terminology
- Be able to properly read case law
- Understand the basic framework of the US justice system, both criminal and civil
- Appreciate the limits and breadth of journalists' legal rights
- Know when and if to seek legal counsel
- Know how to access court records and other legal documents
- Learn how to use copyrighted and trademarked material
- Be in a strong position to best avoid claims of defamation and invasion of privacy
- Be able to explain current legal issues impacting journalists
- Learn how to use the law to defend professional choices
- Recognize and embrace best practices in both the digital and traditional space as guided by legal standards

III. Course Notes

Lecture PowerPoints, additional case law and assigned reading, and links will be posted on Blackboard. Current events will form a large part of weekly discussions. Read the news--especially political and celebrity matters that center on concepts of the law of mass communication and the topics we will cover during this course.

IV. Description and Assessment of Assignments

Students will be graded on 6 pop quizzes (only 5 will count toward your grade, lowest to be dropped), class participation, a midterm exam, and a final exam. The pop quizzes and exams will be based on lectures, in class work, discussion, and assigned reading. The exam will include multiple choice questions, definitions, short answer and present fact patterns. You will be required to identify the legal issues in the fact pattern, analyze them, and apply applicable law. The purpose of the exams is to evaluate your understanding of media law and its application as well as to test your ability to clearly express that understanding. Class participation is what makes this course come alive. I cannot understate the importance of joining in on the discussion, raising relevant current events, and sharing your opinions and ideas. Also, there are rarely wrong answers and participation is a big part of your grade.

V. Grading

a. Breakdown of Grades

Assignment	% of Grade
6 Pop quizzes (lowest grade dropped)	25%
Class Participation	15%
Midterm Exam	25%
Final Paper	35%
TOTAL	100%

b. Grading Scale

95% to 100%: A	80% to 83%: B-	67% to 69%: D+
90% to 94%: A-	77% to 79%: C+	64% to 66%: D
87% to 89%: B+	74% to 76%: C	60% to 63%: D-
84% to 86%: B	70% to 73%: C-	0% to 59%: F

c. Grading Standards

Journalism

All assignments will be edited on a professional basis and you will be judged first on the accuracy, fairness and objectivity of your stories. You will then be evaluated for broadcast style, editing, production value, originality and the ability to meet deadlines.

“A” stories are accurate, clear, comprehensive stories that are well written and require only minor copyediting (i.e., they would be aired or published). Video work must also be shot and edited creatively, be well paced and include good sound bites and natural sound that add flavor, color or emotion to the story.

“B” stories require more than minor editing and have a few style or spelling errors or one significant error of omission. For video, there may be minor flaws in the composition of some shots or in the editing. Good use of available sound bites is required.

“C” stories need considerable editing or rewriting and/or have many spelling, style or omission errors. Camera work and editing techniques in video stories are mediocre or unimaginative, but passable. Sound bites add little or no color - only information that could be better told in the reporter’s narration.

“D” stories require excessive rewriting, have numerous errors and should not have been submitted. Camera work is unsatisfactory or fails to show important elements.

“F” stories have failed to meet the major criteria of the assignment, are late, have numerous errors or both. Your copy should not contain any errors in spelling, style, grammar and facts. Any misspelled or mispronounced proper noun will result in an automatic “F” on that assignment. Any factual error will also result in an automatic “F” on the assignment. Accuracy is the first law of journalism. The following are some other circumstances that would warrant a grade of “F” and potential USC/Annenberg disciplinary action:

- 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.

d. Grading Timeline

Grades on pop quizzes will be posted on Blackboard within one week of the quiz. Grading on the midterm exam will be posted within 3 weeks of the exam. Final exam grades will be timely posted.

VI. Assignment Submission Policy

- a. All assignments are due on the dates specified. Unless there is prior discussion and agreement with the instructor, late assignments will automatically be given a grade of F.
- b. Assignments must be submitted in .pdf format via email to: jill@proofwithjillstanley.com and in class in hard copy form.

VII. Required Readings and Supplementary Materials

Textbook: *A Practical Guide to Media Law*, Ashley Messenger (Pearson 2015) *****You do need to purchase this book.**

Supplemental: Throughout the semester I will be discussing current cases as well as current issues in media law. Most material will be provided to you but there may be times when you are required to locate a case via a case citation that I will provide. If material is not generally available, I will make such supplemental reading available to you. From time to time, however, we will also discuss articles published in various reputable websites and periodicals, I will make that information available to you. **Please know that due to the nature of this class, it is my expectation that you will be very aware of emerging ideas, current cases and current matters about media and the law. Read the news!**

VIII. 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.

IX. 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

X. Course Schedule: A Weekly Breakdown

Class Sessions

Most class sessions will be a lecture and attendant extensive in-class discussion. The assigned reading and discussion will provide the necessary backdrop for class participation as well as for the quizzes and exams. As the semester progresses we will be building on legal issues, cases, current events, etc. discussed in prior sessions, as such, attendance is very important. Students are to have completed all assigned reading prior to class so that participation can be full and vibrant. If you do not understand what is assigned, seek clarification by contacting me in a timely manner prior to class.

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
Week 1 Date: 1/14	Introduction, discuss syllabus, course objectives, expectations, and policies. Brief intro to the US Justice System, including discussion of the Supreme Court and how lawyers get paid/free structure.	Messenger Text: Chapters 1 and 2 Read: A Free Press Needs You (this is a NY Times link. I will also post article on Blackboard)	Read prior to first class.
Week 2 Date: 1/21	The First Amendment and relevant landmark case law (<i>O'Brien</i> test, <i>Reed v. Gilbert</i>). What is speech? Are "likes" speech? Protected speech?	Messenger Text: Chapters 1 and 2 Case law and additional reading to be posted on Blackboard	Read prior to class
Week 3 Date: 1/28	Nobody Speak: Trials of the Free Press (Hulk Hogan/Gawker documentary) *Continue First Amendment limitations	Read Hogan v. Gawker : https://globalfreedomofexpression.columbia.edu/cases/hogan-v-gawker/ Case law will be posted on Blackboard	Read prior to class as we will discuss the case prior to viewing the film.
Week 4 Date: 2/4	Defamation including landmark case discussion: <i>Times v. Sullivan</i> and <i>Hustler Magazine Inc. v. Falwell</i>	Messenger Text: Chapter 3 Case law will be posted on Blackboard	Read prior to class
Week 5 Date: 2/11	Defamation continued	Spencer and Sisario, <i>Rolling Stone Loses Defamation Case Over</i>	Read all assignments prior to class (please be well versed on Messenger Chapter 3)

	We will discuss Bill Cosby, Jesse Ventura, and UVA fraternity rape article in great detail.	<u>Rape Story</u> , The New York Times, Nov. 2016 Ventura v. Kyle, 825 F.3d 876 (8th Cir. 2016) Additional material will be posted on Blackboard	
Week 6 Date: 2/18	Truth and Transparency in Journalism. Scandalous and controversial practices. Including Katie Couric, Stephen Glass, Janet Cooke, Jayson Blair, and others.	Virginia Citizens Defense League v. Couric, et al. No. 17-1783 (4th Cir., Dec. 2018) Hanna Rosin, " <u>Hello, My Name is Stephen Glass and I'm Sorry</u> ," The New Republic, Nov. 2014 Janet Cooke, <i>Jimmy's World</i> , (fabrication, retracted), Washington Post, 1980); Richard Prince, <u>Janet Cooke's Hoax Still resonates After 30 Years</u> ," The Root, Oct. 2010. Dan Barry, et. al. " <u>Times Reporter Who Resigned Leaves Long Trail of Deception</u> ," The New York Times, May 2003	Read all assignments prior to class.
Week 7 Date: 2/25	Invasion of Privacy. Right of Publicity. Using someone's likeness. Social media. Revenge porn. Lindsay Lohan, Tiger Woods, Kim Kardashian, and many others will be part of the discussion.	Messenger Text Chapters 4-5 Additional material will be posted on Blackboard.	Read assignment prior to class
Week 8 Date: 3/3	Privacy Continued, Fake News, False Light, etc. Midterm review	50 Cent, Floyd Mayweather, Erin Andrews. Reading to be posted on Blackboard.	Discussion of the public figures noted will be in the context of Chapter and 5 in Messenger text and additional reading posted on Blackboard.
Week 9	Midterm		

Date: 3/10			
Spring Break Date: 3/16-3/20	No Class		
Week 10 Date: 3/24	Free Press v. Fair Trial (1st Amendment v 6th Amendment) Cameras in the courtroom. Gag orders (Jay Leno/Michael Jackson)	Messenger text Chapters 11,13	Read assignment prior to class
Week 11 Date: 3/31	Access to place--public and private. Trespassing. Information gathering. Access to government records (FOIA). Reporter's privilege (shield laws), protecting sources, and subpoena discussion.	Additional reading and case law to be posted on Blackboard.	
Week 12 Date: 4/7	Information gathering continued	Messenger text Chapters 11,13	Read assignment prior to class
Week 13 Date: 4/14	Potential guest lecturer-TBD and/or information gathering continued.		
Week 14 Date: 4/21	Intellectual property discussion. Copyright, trademark, and patent. Fair use. DMCA takedown requests. We will discuss Tupac the Kardashians, Cardi B, Ariana Grande, and Beyonce, among others.	Messenger text Chapters 6-8	Read assignment prior to class
Week 15 Date: 4/28	Final interesting issues in the world of law of mass communication. Course wrap up. Course Evaluations	Reading to be posted on Blackboard.	Read assignment prior to class
Final Exam Period Date: 5/12, 8-10 a.m.	Summative Experience		

XI. Policies and Procedures

Additional Policies: Attendance!

I want to see your faces and hear your voices **every single week**. It is never acceptable to miss class because you have a conflict with an assignment or obligation in another class or with a student activity. As soon as such a conflict becomes apparent, it is incumbent upon the student to inform the professor, instructor or advisor in the course or activity who/that has created the conflict that you have an academic obligation elsewhere. Thereafter, it is the professional responsibility of the said professor/instructor/advisor to respect your prior obligation and to take whatever steps are necessary to ameliorate the conflict which his/her course or activity assignment created. These conflicts, created by others, are not your problem. Do not make it one by remaining silent, attempting to be two places at once, or worse, choosing to skip class.

I am not a believer in the “It's easier to ask forgiveness than it is to get permission” school of thought. Please do not test me on this. It's unprofessional, it's disrespectful and will not be tolerated. With that said, I am a reasonable person so in the highly unlikely event you are unable to resolve a scheduling conflict after taking the aforementioned steps, please immediately notify me so that you are not caught in the middle of a situation for which you are not responsible. And, if you are going to miss class for some reason other than an academic/activity conflict, prior notification is expected.

Failure to attend class means you risk missing a day of a pop quiz. Makeups of pop quizzes will not be offered--that's why I allow one to be dropped.

Eating During Class

Food is allowed in the classroom but please be respectful of others in terms of odor, loud wrappers and mess. We must leave the room as we found it.

Cell Phone Use—Read This!

The use of cell phones during class for any purpose is strictly prohibited.

When class begins your cell phones should be turned off and should remain that way except during official class breaks. **If your cell phone goes off, you will be asked to leave the class.**

And a final word about laptops

Laptops are not to be used for messaging or personal surfing. They are to be used solely for work related to what is occurring in the classroom. As such, they will only be allowed out and open when required. **As with cell phones, violators of this rule will be asked to leave the class.**

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 or public relations class.

Statement on Academic Conduct and Support Systems

a. 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.

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

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.symplicity.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

uscса.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://annenbergsuccessfund.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.

XII. About Your Instructor

Jill Stanley is a trial lawyer, law professor, and legal commentator. She began her legal career as a prosecutor in NY at the Queen’s County District Attorney’s Office. She then worked as a freelance correspondent for the long running fugitive catching show, “America’s Most Wanted,” and as a criminal defense attorney in Washington, DC. She then co-founded Cohen, Cohen, Leighton & Rodney, PC, one of the most highly regarded boutique litigation law firms in the country. Ms. Stanley has argued at all levels of the US justice system.

Ms. Stanley teaches trial skills at George Washington University Law School’s College of Advocacy and at Emory Law School’s Kessler Eidson Program for Trial Techniques. She has also served as a guest lecturer at various other academic institutions. In April 2019, she was a featured speaker at USC’s *Next Generation Ethics Conference*.

Ms. Stanley founded and runs the celebrity legal news website, [Proof with Jill Stanley](#) and is a frequent legal news commentator on national and local media outlets including, but not limited to, NBC, HLN, CBS, CNBC, CNN, Inside Edition, ABA Journal, Law360, USA Today, Yahoo, and Refinery29.