



JOUR 462: Law of Mass Communication
4 units

Fall 2020 – Mon. & Wed. – 2-3:40 p.m.

Section: 21289D

Location: Online

Professor: Mark Lloyd

Office: ASC 102

Office Hours: Tues. & Thurs., 1-3 p.m.; and by appointment

Contact Info: marklloy@usc.edu

I. Course Description

This is a course on law relevant to the contemporary practice of reporting. This is not a law course following Socratic teaching methods. 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 be able to:

- Recognize contemporary legal issues relevant to journalism.
- Define basic legal terminology.
- Explain the workings of the U.S. justice system.
- Articulate and defend legal rights and responsibilities under U.S. law.
- Recognize the limits of legal rights.
- Avoid claims of defamation and invasion of privacy.
- Properly use copyrighted works and trademarks.
- Access court records and resources and file FOIA requests.
- Understand when to seek legal counsel.

III. Description of Assignments

Students will be graded on four quizzes, and two exams. 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 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.

IV. Grading

a. Breakdown of Grade Assignment

Assignment	Points	% of Grade
Quizzes	20	20%
Midterm Exam	40	40%
Final Exam	40	40%
TOTAL	100	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

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

“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.

“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.

“F” work demonstrates significant confusion and errors in describing the legal rules and facts and applying the law to those facts, or all of the above.

V. Assignment Submission Policy

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

VI. Required Readings and Supplementary Materials

Textbook: The Law of Journalism and Mass Communication, Susan Dente Ross; Amy Reynolds; Robert Trager (7th ed.; SAGE Publications, Inc. (US), 2020.)

All other readings will be posted on Blackboard.

VII. Course Schedule: A Weekly Breakdown

Class Sessions

Most class sessions will be a lecture and 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.

	Topic	Readings/Classwork	Homework/ Deliverables
Week One August 17, 19	Law and Legal Structure	Chapter 1 – The Rule of Law in a Changing Communication Environment	Read assignments before class
Week Two August 24, 26	Freedom of the Press	Chapter 2 – The First Amendment: Speech and Press Freedoms in Theory and Reality (Additional reading posted on Blackboard)	Read assignments before class

Week Three August 31, Sept. 2	Limitations on Freedom of Speech & Press	Chapter 3 – Speech Distinctions: Different Categories Trigger Distinct Treatment (Additional reading posted on Blackboard)	Read assignments before class
Week Four Sept. 7 (Labor Day—no class) Sept. 9	Obscenity and Indecency	Chapter 10 – Obscenity and Indecency: Social Norms and Legal Standards (Additional reading posted on Blackboard) QUIZ	Read assignments before class
Week Five Sept. 14, 16	Libel and Infliction of Emotional Distress	Chapter 4 – Libel and Emotional Distress: The Plaintiff’s Case (Additional reading posted on Blackboard)	Read assignments before class
Week Six Sept. 21, 23	Libel Defenses	Chapter 5 – Libel: Defenses and Privileges (Additional reading posted on Blackboard) QUIZ	Read assignments before class
Week Seven Sept 28, 30	Review Midterm		
Week Eight October 5,7	Electronic Media Regulation	Chapter 9 – Electronic Media Regulation: From Radio to the Internet (Additional reading posted on Blackboard)	Read assignments before class
Week Nine October 12,14	Privacy	Chapter 6 – Protecting Privacy: Conflicts Among the Press, the Government and the Right to Privacy (Additional reading posted on Blackboard) QUIZ	Read assignments before class
Week Ten October 19, 21	Reporting	Chapter 7 – Gathering Information: Opportunities and Obstacles (Additional reading posted on Blackboard)	Read assignments before class
Week Eleven Oct. 26, 28	Reporting on the Courts	Chapter 8 – Overseeing Justice: Speech and Press Freedoms in and About the Courts (Additional reading posted on Blackboard) QUIZ	Read assignments before class

Week Twelve Nov. 2,4	Intellectual Property	Chapter 11 – Intellectual Property: Protecting and Using Intangible Creations (Additional reading posted on Blackboard)	Read assignments before class
Week Thirteen Nov. 9, 11	Advertising	Chapter 12 – Advertising: When Speech and Commerce Converge (Additional reading posted on Blackboard) QUIZ	Read assignments before class
Final Exam Period Fri., Nov. 20, 2-4 p.m.	Finals	Review and Final Exam	

VIII. Add/Drop Dates

Friday, September 4: Last day to register and add classes for Session 001

Friday, September 4: Last day to change enrollment option to Pass/No Pass or Audit for Session 001

Friday, September 4: Last day to drop a class and receive a refund to avoid a mark of “W” on student record and STARS report

Friday, September 4: Last day to purchase or waive tuition refund insurance for fall

Friday, October 2: Last day to drop a course without a mark of “W” on the transcript only. Mark of “W” will still appear on student record and STARS report and tuition charges still apply. [Please drop any course by the end of week three for session 001 (or the 20 percent mark of the session in which the course is offered) to avoid tuition charges.]

Friday, October 2: Last day to change a Pass/No Pass course to letter grade

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

IX. Additional Information

a. Online learning

This is an online course. Students will be participating using Zoom and Blackboard. All classes will be recorded and made available on Blackboard to accommodate persons with disabilities and those students who cannot participate because of the great time zone differences. Those students who are able to participate are strongly encouraged to turn on their camera for both the lecture and any breakout sessions. Resources to help in using Zoom effectively can be found at:

<https://annenberg.usc.edu/faculty-and-staff-resources/online-teaching-and-learning-resources-annenberg>

b. 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
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://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.

X. About Your Instructor

Mark Lloyd is a clinical professor 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.

Professor Lloyd is a lawyer, a public policy advocate and an Emmy award-winning broadcast journalist. 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. Prior to joining the FCC, he 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 he 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.

He is 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.