



JOUR 462: Law of Mass Communication
4 units

Fall 2021 – Thursdays – 6-9:20 p.m.

Section: 21289D

Location: ANN 210

Instructor: Susan P. Gavigan

Office: ANN lobby

Office Hours: By appointment

Contact Info: sgavigan@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:

- Identify 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 for journalists under U.S. law and identify situations in which journalists should seek legal counsel.
- Explain claims of defamation and invasion of privacy and apply to situations in journalism.
- Use copyrighted and other works in accordance with legal limits and ethical best practices, including equity.
- Access court records and resources and file FOIA requests.

III. Description of Assignments

Students will be graded on assignments as stated below. 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 | % of Grade |
|---------------|-------------|
| Participation | 10% |
| Midterm | 30% |
| Paper | 30% |
| Final | 30% |
| 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

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 Aug. 26 | Law and Legal Structure | Chapter 1 – The Rule of Law in a Changing Communication Environment | Read assignments before class |
| Week Two Sept. 2 | Freedom of the Press | Chapter 2 – The First Amendment: Speech and Press Freedoms in Theory and Reality (Case law and additional reading to be posted on Blackboard) | Read assignments before class |

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| Week Three Sept. 9 | Limitations on Freedom of Speech & Press | Chapter 3 – Speech Distinctions: Different Categories Trigger Distinct Treatment (Case law and additional reading to be posted on Blackboard) | Read assignments before class |
| Week Four Sept. 16 | Obscenity and Indecency | Chapter 10 – Obscenity and Indecency: Social Norms, Equity and Legal Standards Readings on BB <i>and</i> Allissa V. Richardson, The Problem with Police Shooting Videos and Biasotti, Tony, Why Journalists Shouldn't Profile Mass Shooters . | Read assignments before class |
| Week Five Sept. 23 | Libel and Infliction of Emotional Distress | Chapter 4 – Libel and Emotional Distress: The Plaintiff's Case (Case law and additional reading to be posted on Blackboard) | Read assignments before class |
| Week Six Sept. 30 | Libel Defenses | Chapter 5 – Libel: Defenses and Privileges | Read assignments before class |
| Week Seven Oct .7 | MIDTERM | | |
| Week Eight Oct. 14 | FALL RECESS-NO CLASS | | |
| Week Nine Oct. 21 | Electronic Media Regulation | Chapter 9 – Electronic Media Regulation: From Radio to the Internet | Read assignments before class |
| Week Ten Oct. 28 | Privacy | Chapter 6 – Protecting Privacy: Conflicts Among the Press, the Government and the Right to Privacy | Read assignments before class |
| Week Eleven Nov. 4 | Reporting Reporting on the Courts | Chapter 7- Gathering Information Chapter 8 – Overseeing Justice: Speech and Press Freedoms in and About the Courts | Read assignments before class |
| Week Twelve Nov. 11 | Reporting on the Courts | Chapter 8- Overseeing Justice Chapter 11 – Intellectual Property | Read assignments before class |

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| | Intellectual Property | | |
| Week Thirteen Nov. 18 | Intellectual Property | Chapter 11- IP | Read assignments before class |
| Week Fourteen Nov. 25 | THANKSGIVING NO CLASS | | |
| Week Fifteen Dec. 2 | Advertising | Chapter 12-Advertising | PAPER DUE |
| Final Exam Period Dec. 9, 7-9 p.m. | Final | | |

VIII. Add/Drop Dates for Session 001

(15 weeks: 8/23/21 – 12/3/21)

Link: <https://classes.usc.edu/term-20213/calendar/>

Friday, September 10: Last day to register and add classes for Session 001

Friday, September 10: Last day to change enrollment option to Pass/No Pass or Audit for Session 001

Friday, September 10: Last day to purchase or waive tuition refund insurance for fall

Tuesday, September 14: Last day to add or drop a Monday-only class without a mark of “W” and receive a refund or change to Pass/No Pass or Audit for Session 001

Friday, October 8: Last day to drop a course without a mark of “W” on the transcript for Session 001. 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 (or the 20 percent mark of the session) to avoid tuition charges.]

Friday, October 8: 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, November 12: Last day to drop a class with a mark of “W” for Session 001

IX. Additional Information

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

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.

X. About Your Instructor

Susan P. Gavigan has been an attorney since 1990 and has handled hundreds of contested and uncontested cases, prepared and argued motions on a variety of family and criminal law issues and has represented many clients in protracted litigation. She has written appellate briefs and has argued before the California Court of Appeals. She has served as judge pro temp as needed in the Family law Court.

She has prepared and delivered many lectures regarding a variety of legal issues and has served as a panelist at various student law events. She has developed curriculum for and has taught business law. She currently teaches at USC and has taught Media Law and Ethics JOUR 208 and 408 and PR 428, PR 560 Social, Legal and Ethical Foundations there. She holds a B.A. in Journalism from San Diego State University and a Juris Doctorate from Western State University College of Law.