

COMM 421: Legal Communication (4 Units)

Summer 2021 – MWF – 9:30 – 12:20PM

Section: 20633 (Session 050)

Location:

Instructor: Michael K. Park, Ph.D., Esq.

Class Meeting ID: 916 1914 6966

Class Zoom Link:

<https://usc.zoom.us/j/91619146966?pwd=ajRqSVpybm paQ0hrMGExL0dCdGpYQT09>

Passcode: NyML_cv4XF

Office Hours: By Appointment

Office Personal Zoom ID: 611 872 4062

Personal Zoom Link: <https://usc.zoom.us/j/6118724062>

Contact Info: parkmk@usc.edu

“From what I have seen of Americans, I think that life would not be worth living without this freedom of self-expression.”

-Albert Einstein (1944)

I. Course Description

This course examines the rhetoric of American legal discourse, with an emphasis on how legal professionals communicate in the formal structure of the U.S. legal system, and in the world outside of the courtroom. Furthermore, this course will examine how law and legal issues are discussed by lay people, and how lawyers and judges are viewed in popular culture.

This course will examine the institutional history of the U.S. Supreme Court, major decisions the Court has issued, and major cases currently pending before the Supreme Court. When looking at specific court decisions, this course will stress their “story-telling” content, their impact on their constitution, and the social, moral and political values they reflect and influence. This course will also pay particular attention to cases and controversies centered on free expression, communication law and policy, and First Amendment (free speech clause) jurisprudence. Such cases will be used as vehicles to understand how legal professionals communicate a story, apply the facts to the law, and advocate for a particular position and narrative.

For written assignments, students will prepare one op-ed article, one legal memo, and one mock appellate brief and/or one mock Supreme Court opinion on their selected cases.

Throughout the course, we will also actively monitor the news on the latest legal issues affecting the country as the news breaks on a weekly basis.

II. Student Learning Outcomes

By the end of the course, students should be able to:

- Comprehend and communicate the principles of legal argumentation.
- Summarize the principles and structure of the U.S. legal system.
- Describe the historical and legal framework of the First Amendment to the U.S. Constitution, including seminal cases that have shaped our commitment to free expression.
- Identify and articulate a position on important legal controversies from the past and present.
- Describe how legal communications are made outside the courtroom in academic, journalistic and popular media contexts.
- Articulate how legal professionals and the U.S. legal system are viewed in popular culture.

III. Course Notes

Course information and materials will be posted on Blackboard. Please note that this syllabus may change based on student feedback, the progress of the class or other events, and I will communicate any syllabus and content changes in class and via Blackboard.

Remote learning resources and information about accessing and navigating Blackboard and Zoom can be found through USC Keep Teaching (<https://keep-teaching.usc.edu/students/student-toolkit/>) and the Annenberg Digital Lounge (<http://www.annenbergdl.org/>)

IV. Policies and Procedures

a. Fostering a Respectful and Inclusive Classroom Environment

USC Annenberg is committed to providing an academic experience that values an inclusive college setting allowing all people to succeed in their academic and professional endeavors. This class provides a place where all voices are welcomed to bring about awareness, understanding and attitudes that build respect, trust and collaboration. Be respectful; we all have our own views and opinions on the topics we cover, so we can debate the merits of the underlying policies or reasoning but please - no ad hominem attacks. Some of the issues we cover is sensitive, and it is perfectly fine if we agree to disagree. If you find any of issues/cases uncomfortable, please let me know.

b. Communication with the Instructor

This course will introduce you to legal vocabulary and concepts you may not be familiar with. If a definition or concept is unclear, it will be to your advantage to quickly clarify it by reaching out to me via email and/or attend office hours. I am available via email (parkmk@usc.edu) and I should reply to your emails within 24 hours. If I have not responded within that period, please resend your email. Office hours are by appointment; please email me to schedule an appointment time.

c. Technological Proficiency and Hardware/Software Required

All undergraduate and graduate Annenberg majors and minors are required to have a laptop that can be used in Annenberg classes. USC students can apply to rent a laptop or internet hotspot from The Student Basic Needs department (<https://studentbasicneeds.usc.edu/resources/technologyassistance/>). Please check your laptop's camera and microphone capabilities and let me know about any technological questions or concerns that may arise. Your active participation and attentive engagement will be an important part of this course. Please be mindful of your technology use and avoid utilizing laptops and other technologies for non-course purposes during class time. To create a connected learning community, you are encouraged to turn your camera on during each class session and to mute your microphone when you are not speaking. To reduce the potential for disruption, please ensure that you join our class sessions on time.

d. Required Readings and Supplementary Materials

The required reading will primarily be based on **web links, articles, and case law** (actual legal cases) posted on online (on Blackboard).

V. Description and Assessment of Assignments

Exams (15% + 15%)

The exams will cover the material in lectures and readings and may include multiple choice, short answer, and/or essay questions. The midterm exam will be worth **15%** and the final exam will be worth **15%** of your final grade. If you need accommodations for an exam or assignment, please contact the university disability support services.

Media Law Research Assignment (10%)

Each student will participate in a short presentation regarding a significant communication law issue. Each student will prepare a presentation (using a platform such as Prezi, Powerpoint, etc.) on a legal case assigned to the student. Each student is expected to prepare a 15–20-minute presentation that highlights a U.S. court case/controversy/issue related to the communication law topic that the student is assigned. Each student will orally/visually “brief” their assigned case for the class.

You need to include multimedia/visual aid such as Prezi or Powerpoint, etc. You will be graded holistically on the entire process of completing this project. There are several steps in this process:

- (1) Meeting with me (online or in-person); please schedule a time with me a few days before the due date.
- (2) Final project presentation to the class.

You will be evaluated on the clarity of your presentation, including the summary of your case, the dynamism of the presentation, and how well you follow instructions.

Op-ed (10%) **Due June 3rd by 6:00pm (500-600 words)**

Write an Op-Ed addressing the Depp v. Heard civil defamation trial. Analyze and discuss how the trial has been contextualized by (1) media, (2) legal professionals and (3) by the public. I have posted some links from Court TV, NY Times, but go further; look into other platforms (like TikTok, other social media) to analyze how the trial has been analyzed by the public. What does the public focus on? Why? How about media outlets; what do they center their attention to? Discuss how legal professionals contextualize the case, and compare/contrast the issues that the the public, media and legal professionals focus on. In other words, how does the public (lay people) compared to the media, compared to legal professionals, appear to understand the case; what is important to them?

Mock Legal Memo (10%)

Detailed instructions will be provided later in-class.

Mock Appellate Brief OR Judicial Opinion (20%) + **Oral Argument** (10%)

Detailed instructions will be provided later in-class.

VI. Grading

a. Breakdown of Grade

Assignment	Points	% of Grade
LEGAL ANALYSIS EXERCISES (25pts + 75pts)	100	10
LEGAL OP-ED	100	10
COMM LAW BRIEF PRESENTATION	100	10
MOCK LEGAL MEMO	100	10
MIDTERM EXAM	150	15
MOCK APPELLATE BRIEF / JUDICIAL OPINION	200	20
ORAL ARGUMENT	100	10
FINAL EXAM	150	15
TOTAL	1000	100%

b. Grading Scale

94% to 100%: A	80% to 83%: B-	67% to 69%: D+
90% to 93%: 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

Letter Grade	Description
A	Excellent; demonstrates extraordinarily high achievement; comprehensive knowledge and understanding of subject matter; all expectations met and exceeded.
B	Good; moderately broad knowledge and understanding of subject matter; explicitly or implicitly demonstrates good, if not thorough understanding; only minor substantive shortcomings.
C	Satisfactory/Fair; reasonable knowledge and understanding of subject matter; most expectations are met; despite any shortcomings, demonstrates basic level of understanding.
D	Marginal; minimal knowledge and understanding of subject matter; more than one significant shortcoming; deficiencies indicate only the most rudimentary level of understanding.
F	Failing; unacceptably low level of knowledge and understanding of subject matter; deficiencies indicate lack of understanding.

VIII. Assignment and Exam Submission Policy

- A. All assignments and exams are due on the dates specified. Lacking prior discussion and agreement with the instructor, late assignments will automatically be given a ZERO (0).
- B. Assignments, including online quizzes must be submitted via Blackboard unless instructed otherwise.

IX. 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, news events, and/or guest speaker availability.

	Topics/Issues	Readings and Homework	Deliverables/Due Dates
Week 1 May 18 – May 20 th	Introduction to Course; the U.S. Constitution; review of the the American Legal System, federal and state. State action; Public perception of free speech, civil liberties.	Wed, May 18 Read: Review links on U.S. court system on Blackboard Friday, May 20 Read: “Facebook suspends Donald Trump” (WSJ) AND “Florida, in a first, will fine Social Media” (NYT); Biden v. Knight (2021).	Review links on U.S. court system on Blackboard.
Week 2 May 23 – May 27 th	Introduction to legal analysis; Seditious and Inciteful Speech; Jan 6. Capital Insurrection. Defamation: the law and how public perceives libel/slander Depp v. Heard Defamation Trial	Monday, May 23 – Schenk v. U.S. (1919) & Brandenburg v. Ohio (1969). Wed, May 25 *No in-person class Online Lecture on Defamation (see Blackboard) Read: NY Times v. Sullivan (Skim majority opinion); McKee v. Cosby (2017) Friday, May 27 *No in-person class Read: “Amber Heard Op-ed” (2018); “Depp, Heard and the \$50 Mil lawsuit” (2022); Depp Legal Complaint (2019); Heard Memo in Support of Demurrer (2019)	Legal Analysis: Inciteful Speech Exercise (Due May 24) (350-500 words) Legal Analysis: Depp v. Heard Defamation (Due June 1, 6pm) (500-600 words)
Week 3 May 30-June 3 rd	May 30 Academic Holiday How the law and legal professionals are represented in popular culture Government Regulation of Communication (Media Industries)	Monday, May 30 NO CLASS (Memorial Day) Wed, June 1 *No in-person class Screen Film: Philadelphia (1993) Read: Intro and Chap 13 from <u>Law and Popular Culture</u> (answer Friday, June 3 Read: F.C.C. v. Pacifica (1978); Visit and Read: “Wired Guide to Net Neutrality” link on Blackboard;	Extra Credit: Answer questions from Chapt 13 – Law and Popular Culture (Q #3, #5 and #8), 300-350 words. Due: June 2, by 6pm Legal Op-Ed (Due June 6, 6pm): Analysis of how Depp/Heard trial is contextualized

		https://www.wired.com/story/guide-net-neutrality/ Read: “California Can Now Enforce Net Neutrality ...” (Wired)	by media, legal professionals and public (500-600 words)
Week 4 June 6-June 10th	U.S. Supreme Court: An overview; who sits on the Court; a crisis in legitimacy? MIDTERM EXAM	<u>Monday, June 6</u> Read: “Pentagon Papers Leaker Explains ...”; “Supreme Court is Ready to Strike Down Roe”; Dobbs v. Jackson (read p. 1-21, skim rest) <u>Wed, June 8</u> MIDTERM EXAM <u>Friday, June 10</u> TBD	MIDTERM EXAM Wed June 8 9:30am (open for 24 hours)
Week 5 June 13-17th	Mechanics of writing a legal memo and legal Brief writing Trials v. Appeals; What’s the difference? Direct v. Cross examination? Closing Arguments. The Role of Juries, trial judges v. appellate judges. Evidence: What can be admitted, hearsay, exceptions, and issues of relevance.	<u>Monday July 13th</u> Legal Writing / Brief Writing Read: TBD <u>Wednesday June 15</u> Trials v. Appeals In-class screening: <i>A Civil Action</i> Read: TBD <u>Friday, June 17</u> Evidence Read: TBD	
Week 6 June 20-June 24th	Copyright: What can be legally copied? Public perception v. reality. Mock Oral Arguments Summarizing of course content; identifying future areas of student interest in legal careers and education; tips / insight into the legal profession	<u>Monday, June 20</u> Read: Luke Campbell v. Acuff-Rose (1994); Dr. Seuss v. ComicMix (2020) (p. 2-17). <u>Wednesday, June 22</u> Mock Oral Arguments <u>Friday, June 24</u> Summarizing course content; legal education and careers in law	GoldieBlox Copyright Exercise Mock Oral Arguments (in-class)

Week 7 June 27-28 th	FINAL EXAM WEEK	Final Exam Opens June 27 th , 9:30am for 24 hours. Exam closes June 28 at Noon.	
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X. 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.

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 Campus Support and Intervention - (213) 821-4710

campussupport.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.