

SYLLABUS AND CALENDAR

J462: Law of Mass Communication

Section 21321

Tuesdays, 6:45-10:05 p.m.

ACS G34

INSTRUCTOR

Donald L. Zachary, Esq.

TEXTBOOK

Mass Media Law (2007/2008 ed.) by Don R. Pember and Clay Clavert

CLASS OBJECTIVES

This course has five objectives: (1) to help you understand basic legal terminology and the workings of the civil and criminal justice system; (2) to enable you to understand what your rights are as a journalist (and as an American) under our system of laws, and especially under the First Amendment to the Constitution of the United States; (3) to train you to be able to articulate clearly and accurately your rights and responsibilities as a journalist under the law; (4) to keep you out of trouble, that is, to enable you to recognize the limits of your legal rights; and (5) to alert you as to when it is time to call the lawyers!

KEY DATES

October 16: Midterm Examination, 6:45 p.m. to 10:05 p.m.

December 18: Final Examination, 6:45 p.m. to 10:05 p.m.

EXAMINATIONS

There only will be two examinations, a Midterm and a Final. The examinations will present you with three factual situations that you might face in real life as a journalist. You will be required to discuss the legal issues that arise from those facts. You also will be given a 20 true/false and short answer questions. The purpose of the examinations is to evaluate your knowledge and understanding of media law, your ability to apply that knowledge and understanding to a factual situation that you might face as a working journalist and to determine if you can express your thinking and analysis clearly, precisely and succinctly.

For both the Midterm and the final exam, you will be given the three essay questions in advance. You will get the questions the night of the review for each test, and your answers will be due by Midnight on the day the exam is scheduled (see the preceding page for the schedule). The short answer portion of the final will be taken in class on the test date, although you may opt to take the short answer part of the exam on the night of the review. If you exercise that option, you will not need to show up the evening of the Midterm or the Final. Instead, you simply may email your answers to me.

The exams will not be cumulative. The scope of each will be the specific reading covered in the course segment before that examination only. After the Midterm, we will discuss the exam. By arrangement, I will arrive early for class or stay late to discuss your performance on the Midterm, or I will be available by appointment in my office or by telephone to discuss the grades received on both the Midterm and the Final.

CLASS SESSIONS AND ATTENDANCE

Most class sessions will involve some amount of lecture, but the emphasis will be on questions and class discussion. The assigned reading will provide the background necessary for both. As pointed out below in the section on grading, you will receive points for showing up (attending the class) and for participating in the discussions. For this reason, attendance is very important.

Students are expected to have completed the relevant readings before class and to participate in classroom discussion. Your final grade will be based in part on your classroom participation, as discussed in the Grading section below. If you do not understand any portions of the materials or the classroom discussion, you are expected to seek clarification in class or by contacting me.

I treat each class as if it were a meeting of professionals, and I expect the same from you. I will start class on time and expect you to be in class and prepared to start at 6:45 p.m. If you have to be late, or leave early (either of which I would prefer that you avoid), please let me know ahead of time (just as I hope you would do if you had a business appointment). Food and drinks are fine, but try not to be noisy and clean up your mess! I take attendance, and I expect you to attend every class, but please let me know if you cannot for some (substantial) reason. **Even if you have an excuse for not being in class, and you let me know that you will be absent, you will lose the class attendance and participation points.**

OFFICE HOURS

I will be more than happy to talk to you about your work any time during the semester. Please keep in mind, however, that I am a practicing attorney and do not have formal office hours. I will make time to meet before class, after class and during breaks. If you have specific questions about material discussed in class, I highly recommend that you contact me via email – it gives me a better opportunity to provide you with a detailed answer (and it gives you a chance to provide me with a thoughtful question). If necessary, by appointment you can meet me at my office in Century City or I will meet you at USC.

GRADING

The two examinations are weighted equally. Each will be worth a total of 100 points, 60 points coming from the essay questions and 40 points coming from the short answer section. Each essay question will be worth 20 points, for a total of 60 points, and the 20 short answer questions are worth two points each, for a total of 40. The exams will be graded on content/analysis and on presentation (coherence, organization, spelling and grammar). After all, you all are journalists and expected to present material clearly and properly. There will be no class curve. Each student's grade will reflect his or her own performance, and not that of anybody else in the class.

There are 15 class sessions, two of which are review sessions. Attendance gets you one point per class, and participation gives you another point per class, so these will be the easiest 28 points you'll ever earn (you do not get points for the Midterm). That means you need only 60.5 points on each exam to pass, but you need 95.5 points on each exam to get an A.

Grades will be as follows:

Points	Grade
219-228	A
209-218	A-
199-208	B+
189-198	B
179-188	B-
169-178	C+
159-168	C
149-158	C-

ABOUT THE INSTRUCTOR

I am a partner in the law firm of Spillane Shaeffer Aronoff Bandlow LLP (www.ssablaw.com), where I handle First Amendment, media (broadcast, print and Web based), copyright, trademark, trade secret, entertainment and business litigation. I also have an Intellectual Property transactional (contract) practice involving clients in the news, entertainment and "content-provider" industries, and I do trademark and copyright licensing. Before joining SSAB in November, 2002, I was in Nashville for six years, where I headed the Intellectual Property, Entertainment and Communications Law Practice Group for a large firm. Before that, I was with a small law firm in Century City. I spent 12 years with NBC as Vice President, Law, West Coast, where my major clients were the network's West Coast News Bureau and the KNBC News Department, as well as the network Entertainment Division. I began my legal career as a trial lawyer with a large business law firm in Los Angeles. I graduated from the University of Virginia Law School, from which I also got my B.A. in Political Science

I was an Adjunct Professor in the School of Journalism at the University of Southern California from 1988 to 1995, and resumed my teaching duties in the Annenberg School in the Fall of 2002.

SCHEDULE

"Chapter" references are to the *Mass Media Law*. You will be expected to have read the applicable chapters and any supplemental materials before class so as to be able to participate meaningfully in classroom discussions.

August 28: Introduction to the Course;
Outline of the American Legal System.
Text: All of Chapter 1.

September 4: The First Amendment.
Text: All of Chapter 2; Chapter 3, Pages 104-110; 113-121; 125-147; 150-153.

September 11: The Common Law of Libel.
Text: Chapters 4 & 6.

September 18: Fault and Other Defenses in Libel Cases.
Text: Chapter 5

Supplemental Reading: You are required to obtain a copy of and read *New York Times v Sullivan* (1964), 376 U.S. 254, 84 S.Ct. 710, 11 L.Ed.2d 686. Be sure to get a version that has page numbers from the U.S. edition so we can all be on the same page (literally).

- September 25: Invasion of Privacy
Text: Chapter 7 **and** Chapter 9, Pages 353-363.
- October 2: Invasion of Privacy
Text: Chapter 8
- October 9: Review for Midterm
(Potluck dinner anyone?)
- October 16: **Midterm Examination**
The Midterm examination will cover Chapters 1-8 of the text, supplemental materials and classroom discussions.
- N.B.: I am scheduled to begin a six week trial on February 27th. If the trial goes forward, we may have to adjust the schedule.**
- October 23: Return and discuss Midterm Exams
Gathering Information
Text: All of Chapter 9
- October 30: Protection of News Sources/Contempt Power
Text: All of Chapter 10.
- November 6: Free Press/Fair Trial.
Text: All of Chapter 11.
- November 13: Access to Information
Text: All of Chapter 12.
- November 20: Copyright
Text: All of Chapter 14.
- November 27: Regulation of Advertising
Text: Chapter 15.

December 4: Review for Final
(Another potluck?)

December 18: **Final Examination**
The Final examination will cover Chapters 9 – 12, 14 and 15 of the Text and classroom discussions.

CHANGES TO CLASS SCHEDULE

The class schedule is subject to change in the event of extenuating circumstances. As you might suspect, I define “extenuating”.

PLAGIARISM

Plagiarism is defined as taking ideas or writings from another and passing them off as one’s own; in journalism, this includes appropriating the reporting of another without clear attribution. The following is the Annenberg School of Communications’ policy on academic integrity as published in the University catalog: “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 guilty of plagiarism, fabrication, cheating on examinations or purchasing papers or other assignments will receive a failing grade in the course and will be dismissed as a major from the School of Journalism. **THERE ARE NO EXCEPTIONS TO THIS POLICY.**”

ACADEMIC ACCOMMODATIONS

Any student requesting academic accommodations based on a disability is required to register with disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP when adequate documentation is filed. Please be sure the letter is delivered to me as early in the semester as possible. DSP is open Monday through Friday, 8:30 a.m. to 5:00 p.m. The office is located in the Student Union, Room 301, and their phone number is (213) 740-0776.