

Media Law

J350F/J395 (Unique No. 08020/08205)

Fall 2017

Class: T & Th, 8 – 9:15 a.m., BMC 1.202

Professor: Robert Jensen

Office: BMC 3.304; 471-1990

Office Hours: Wednesday, 9:15 a.m. – 12:15 p.m., and by appointment

Teaching Assistants' Office Hours: by appointment

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COURSE DESCRIPTION:

Media Law is designed to (1) introduce students to First Amendment doctrines and debates concerning freedom of expression, (2) explain applications of the law to the work of journalists, and (3) engage students in a conversation about the ethical and political issues facing the news media.

Students will learn to (1) place contemporary freedom-of-expression controversies in philosophical and historical contexts to understand how legal doctrines have developed; (2) use legal reasoning to predict how those doctrines would apply in new situations; (3) assess the interests at stake in ethical controversies; and (4) use moral reasoning to apply ethical guidelines in new situations.

Important Note about Computers: Students may not use computers, smartphones, or other electronic devices during class except in cases involving special needs. See the professor if you would like to make a request.

ATTENDANCE:

No attendance records will be kept. However, the exams and writing assignments in the course will be based in large part on lectures and discussions, and it will be difficult to earn a respectable grade without coming to class on a regular basis.

GRADES:

Your final grade will be based on:

--4 exams (15 points each)	60 points
--4 writing assignments (10 points each)	40 points

A- 90-93.5; A 94-100

B- 80-83.5; B 84-86.5; B+ 87-89.5

C- 70-73.5; C 74-76.5; C+ 77-79.5

D- 60-63.5; D 64-66.5; D+ 67-69.5

1. Exams:

There will be four exams during the semester, each worth 15 points toward your final grade. Each exam will be 30 questions, multiple-choice and true/false. So, each correct answer will be worth a half point toward your final grade. Each exam will cover material from the lectures and readings for a single segment of the course; exams will not be comprehensive. There is no final exam.

2. Writing assignments:

There will be four writing assignments during the semester, each worth 10 points toward your final grade.

On the Tuesdays marked on the schedule I will give you an assignment based on the material covered in recent lectures, discussions, and readings. Each assignment will include two questions, one legal and one ethical. You will write one page on each question, to be turned in the following Tuesday in class. Bring the assignment to class. Do not email assignments to the professor or a TA unless there's an emergency that prevents you from coming to class. If that happens, contact the professor as soon as possible.

Your answers must be double-spaced on no more than two pages (one page on the legal question and one on the ethical question). Don't write more than that; we will not read beyond two pages. Use 1-inch margins, 12-point type, and the Times New Roman font. Put your name, id, and the assignment number at the top of each page and staple them together. Do not use a title page. Do not use colored paper. Do not use exotic fonts. Do not use a paper clip.

No extra research beyond the readings and information provided in class is necessary to write these assignments. Do not use footnotes. Mention court cases if they are relevant, but you need not provide formal citations for cases.

Answer the question in your own words. In formulating your answer, you may talk with others. But the final answer and writing must be your own. Plagiarism—of published material or another student's work—will be punished in accordance with university regulations.

Your assignments will be graded on form and content. No late work will be accepted. If special circumstances arise, contact the professor (not one of the TAs) as soon as possible.

Keep copies of all assignments you turn in and keep your graded assignments until the end of the semester. A lot of paper changes hands in a class this large, and sometimes papers get lost. If there are discrepancies between our records and yours, you need to have your papers to help us resolve the problem.

If you don't think your grade on an assignment is fair, you can ask for an explanation. The first step is to talk with the TA who graded your paper *within one week* after the assignment is returned. If you want a formal re-evaluation of your grade, write a short (one paragraph to one page) explanation of why you think a higher grade is warranted. Be specific. If you can't work it out with the TA, ask the professor to resolve the dispute. If you wait longer than a week, we will not review your paper. Papers cannot be rewritten for a higher grade.

TEXTBOOKS:

REQUIRED: Anthony Weston, *A Practical Companion to Ethics*, 4th ed. (New York: Oxford University Press, 2011). (at University Co-op and available elsewhere)

OPTIONAL: Robert Trager, Susan Dente Ross, and Amy Reynolds, *The Law of Journalism and Mass Communication*, 5th ed. (Thousand Oaks, CA: CQ Press, 2016). (at University Co-op and available elsewhere)

ONLINE RESOURCE: *The First Amendment Handbook*, 7th ed. (Arlington, VA: Reporters Committee for Freedom of the Press, 2011). (on Canvas and online, <https://www.rcfp.org/first-amendment-handbook>)

OTHER READINGS:

Orin S. Kerr, "How to Read a Legal Opinion: A Guide for New Law Students, *The Green Bag: An Entertaining Journal of Law*, 11:1 (2007): 51-63. (on Canvas and online, http://www.greenbag.org/v11n1/v11n1_kerr.pdf)

UNIVERSITY POLICIES and INFORMATION

Scholastic Dishonesty: The University defines academic dishonesty as cheating, plagiarism, unauthorized collaboration, falsifying academic records, and any act designed to avoid participating honestly in the learning process. Scholastic dishonesty also includes, but is not limited to, providing false or misleading information to receive a postponement or an extension on a test, quiz, or other assignment, and submission of essentially the same written assignment for two courses without the prior permission of the instructor. By accepting this syllabus, you have agreed to these guidelines and must adhere to them. Scholastic dishonesty damages both the student's learning experience and readiness for the future demands of a work-career. Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University.

http://deanofstudents.utexas.edu/sjs/acint_student.php

University of Texas Honor Code: The core values of The University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the university is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.

Religious Holy Days: A student who misses classes or other required activities, including examinations, for the observance of a religious holy day should inform the instructor as far in advance of the absence as possible, so that arrangements can be made to complete an assignment within a reasonable time after the absence.

Students with Disabilities: The University of Texas at Austin provides upon request appropriate academic accommodations for qualified students with disabilities. For more information, contact Services for Students with Disabilities at ssd@austin.utexas.edu; (512) 471-6259 (voice); or (512) 410-6644 (videophone). <http://diversity.utexas.edu/disability/>

Helpful UT Resources:

Sanger Learning Center: <https://ugs.utexas.edu/slc>

Center for Strategic Advising & Career Counseling: <https://ugs.utexas.edu/vick>

Undergraduate Writing Center: <http://uwc.utexas.edu/>

Public Speaking Center, <https://ugs.utexas.edu/slc/support/speaking-center>

Counseling & Mental Health Center: <http://cmhc.utexas.edu/>

Student Emergency Services: <http://deanofstudents.utexas.edu/emergency/>

SCHEDULE
J350F/Fall 2017

(Chapters refer to *The Law of Journalism and Mass Communication*)

WEEK 1: August 31

topic: law, justice, and the U.S. legal system
reading: Chapter 1, Kerr

WEEK 2: September 5 and 7

topic: free speech basics: sedition, prior restraint
reading: Chapter 2

WEEK 3: September 12 and 14

distribute writing assignment #1 on Tuesday

topic: categories of speech
reading: Chapter 3

WEEK 4: September 19 and 21

writing assignment #1 due on Tuesday

topic: ethics basics
reading: SPJ codes of ethics (<http://www.spj.org/ethicscode.asp>)

WEEK 5: September 26 and 28

exam #1 on Tuesday

topic: libel
reading: Chapter 4

WEEK 6: October 3 and 5

topic: libel, cont.
reading: Chapter 5

WEEK 7: October 10 and 12

distribute writing assignment #2 on Tuesday

topic: privacy and the press
reading: Chapter 6

WEEK 8: October 17 and 19

writing assignment #2 due on Tuesday

topic: ethical thinking
reading: Weston book

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WEEK 9: October 24 and 26

exam #2 on Tuesday

distribute writing assignment #3 on Tuesday

topic: access to information

reading: Chapter 7, Texas Open Meetings and Public Information acts online (links below)

WEEK 10: October 31 and November 2

writing assignment #3 due on Tuesday

topic: free press/fair trial

reading: Chapter 9

WEEK 11: November 7 and 9

topic: journalists' privilege

reading: Chapter 8

WEEK 12: November 14 and 16

distribute writing assignment #4 on Tuesday

topic: anonymous sources

reading: SPJ (<http://www.spj.org/ethics-papers-anonymity.asp>); Online News Association (<https://ethics.journalists.org/topics/confidential-sources/>); NY Times (<http://www.nytimes.com/a-note-from-dean-baquet-matt-purdy-and-phil-corbett-new-guidelines-on-anonymous-sourcing/>)

exam #3 on Thursday

WEEK 13: November 21

writing assignment #4 due on Tuesday

topic: copyright; advertising; corporations and corporate speech

reading: Chapters 12 and 13

no class Thursday

WEEK 14: November 28 and 30

topic: broadcasting and cable regulation

reading: Chapters 10

WEEK 15: December 5 and 7

topic: cyberspace; obscenity/pornography

reading: Chapters 11

exam #4 on Thursday

**There is no final exam in this class.*

Useful web sites

Texas Open Meetings Act

<http://foift.org/resources/texas-open-meetings-act/>

https://www.texasattorneygeneral.gov/files/og/OMA_handbook_2016.pdf

Texas Public Information Act

<http://foift.org/resources/texas-public-information-act/>

https://www.texasattorneygeneral.gov/files/og/publicinfo_hb.pdf

Freedom of Information Foundation of Texas

<http://foift.org/>

Society of Professional Journalists

<https://www.spj.org/>

Reporters Committee for Freedom of the Press

<http://www.rcfp.org/>

Committee to Protect Journalists

<http://www.cpj.org/>

Student Press Law Center

<http://www.splc.org/>

Legal Information Institute

<http://www.law.cornell.edu/>

Oyez Project (U.S. Supreme Court news and links)

<http://www.oyez.org/>

U.S. Press Freedom Tracker

<https://pressfreedomtracker.us/>

Ethics codes online

Ethical Journalism Network

<http://ethicaljournalismnetwork.org/en>

Associated Press Managing Editors

<http://www.apme.com/?page=EthicsStatement>

Radio Television Digital News Association

http://www.rtdna.org/content/rtdna_code_of_ethics#.VXnxZoasiFw

National Press Photographers Association

https://nppa.org/code_of_ethics

American Society of Magazine Editors

<http://www.magazine.org/asme/editorial-guidelines>

American Society of Business Publication Editors

<http://www.asbpe.org/guide-to-preferred-editorial-practices>

National Association of Science Writers

<https://www.nasw.org/nasw-code-ethics>

Society for News Design

<http://www.snd.org/about/code-of-ethics/>

Public Relations Society of America

<http://apps.prsa.org/AboutPRSA/ethics/codeenglish/>