

1-2014

JRNL 300.01: First Amendment and Journalism Law

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JRNL 300

First Amendment and Journalism Law

Syllabus – Spring 2014

Scope: This course aims to do two things: expose students to the full scope of First Amendment issues both historically and in contemporary America and introduce students to the core laws and legal issues they may face as reporters.

Grading options: This course must be taken for a traditional letter-grade. No-credit grading is not permitted. The Montana University System's plus/minus grading system will be used in this class.

Class meets Tuesdays and Thursdays, 11:00 a.m. – 12:30 p.m., in SS 352.

Frequency of Offering: This course is offered in spring semesters.

Instructor: Lee Banville, Associate Professor, School of Journalism.

Office: Don Anderson Hall 406

Office hours: Tuesday 2 - 4 p.m. and Friday 10 a.m. – noon.

Office phone: 243-2577.

My regular e-mail: lee.banville@umontana.edu.

Required textbook: *Mass Media Law*, 17th Edition, by Don Pember and Clay Calvert. The UC Bookstore has this book (you may also use the custom text Clem Work used in this class if you have an old copy.)

- Read the assigned chapters before class.
- Additional Readings may be assigned and posted on Moodle.

Examinations. There will be a take home final for this class due at the end of the finals test slot for this class. The final will cover both case law and practical examples of laws affecting reporters.

Successful JRNL 300 students will:

- Understand the historical underpinnings of the First Amendment and the evolution of legal thought around freedom of speech and the press.
- Have a strong familiarity with key Supreme Court decisions governing First Amendment freedoms.
- Understand key state and federal laws around questions of libel, access and invasion of privacy.
- Appreciate the different legal standings of printed versus electronic press.
- Understand core legal concepts behind copyright and the current debate around the Internet.
- Have a strong familiarity with contemporary issues facing journalists and the public when it comes to questions of the First Amendment.

Course Grading

Participation	10%
Shorter Writing Assignments	15%
Case Briefs	30%
Final Paper	20%
Final exam	25%

A/A-	90-100
B+/B/B-	80-90
C+/C/C-	70-80
D	60-70
F	Below 70

Participation: Participation in this class will be based upon your ability to answer at least two questions over the course of the class. Approximately 5-10 times each class a student will be called on to explain a case, concept or issue highlighted in the readings for that class. Students who are not in class that day without an excused absence will receive a "0" for that assignment. Students who are in class, but cannot answer the question will receive 25% credit. Students who can offer a basic understanding of the issue receive 75% credit and those who answer the question fully and accurately receive 100%. These assessments will appear in Moodle the day of the class.

If a student cannot attend a class are responsible for emailing me BEFORE class and they will not be called on. Documented medical or family emergencies will also receive consideration.

Final Paper: You will write one six- to seven-page, double-spaced paper for this class. The paper will account for 20% of your final grade. You will write about one of the four issues/cases currently unfolding in First Amendment and Media law. The paper will require extensive research and reporting. The paper is **due on the last day of class (May 8, 2014)**. Issues and cases will be distributed before Spring Break.

Final Exam: The final exam for this class will be distributed during the last class and will be due printed out and delivered to DAH 406 by 3:10 p.m. on Wednesday, May 14, 2014.

Cell phones must be off or on vibrate while you are in class and must be off and totally out of your sight during examinations. Do not answer a call during class. Anyone whose phone rings during class will be made fun of by me.

Academic Honesty

I expect your honesty in presenting your own work for this course. Academic misconduct at The University of Montana is subject to an academic penalty ranging from failing the assignment to expulsion from the university. Students need to be familiar with the Student Conduct Code. <http://www.umt.edu/SA/VP/SA/index.cfm/page/1321>

Plagiarism

As defined by "The University of Montana Student Conduct Code" plagiarism is: "Representing another person's words, ideas, data, or materials as one's own." This is strictly prohibited in this class and any case of plagiarism in this course will be subject to the penalties outlined in the student code of conduct.

Students with Disabilities

Students with disabilities will receive reasonable modifications in this course. Your responsibilities are to request them from me with sufficient advance notice, and to be prepared to provide verification of disability from Disability Services. Please speak with me after class or during my office hours to discuss the details. For more information, visit the Disability Services for Students website at <http://life.umt.edu/dss>.

Class Schedule

SUBJECT TO CHANGE

Week One: The Law

Class requirements and an introduction to the core ideas and issues surrounding the law and media as well as the First Amendment. How is the American legal system structured and how did legal systems deal with printing and expression?

For Thursday: Read Pember, Pages 1-38 (POSTED ON MOODLE)

For Next Tuesday: Read Pember, pp. 46-65

Week Two: First Amendment and Legal Theories

Explores the uncertain beginnings and early tests of the First Amendment and its protection for free speech and the press. How does the court consider and rule on First Amendment cases? This class outlines major theories of free speech and the press.

For Thursday: Read Pember, pp. 38-46

For Next Thursday: Paper due (Assignment on Moodle). Read Pember, pp. 65-117

Week Three: Prior Restraint

NO CLASS ON TUESDAY. From government censorship to limiting student protests, when can the government stop you from publishing or speaking?

For Tuesday: Read Pember, pp. 118-132

Week Four: Limits on Speech, Hate Speech

Week Five: Symbolic Speech

Week Six: Court is in Session

NO CLASS TUESDAY

Thursday: First Case Arguments

For Tuesday: Read Pember, pp. 135-166

Week Seven: Libel

For Thursday: Read Pember, pp. 167-204

For Tuesday: Read Pember, pp. 205-239

Week Eight: Libel Part Deux

For Tuesday: Read Pember, pp. 249-284

Week Nine: Invasion of Privacy

For Thursday: Read Pember, pp. 285-301

Week Ten: SPRING BREAK

For Tuesday: Read Pember, pp. 414-437

Week Eleven: Free Press/Fair Trial

For Thursday: Read Pember, pp. 439-466

Week Twelve: Case Arguments/Access

Tuesday: CASE ARGUMENTS #2

For Tuesday: Read Pember, pp. 368-410

Week Thirteen: Shield Laws and Whistleblowers and Leakers

For Tuesday: Read Pember, pp. 498-546

Week Fourteen: Copyright

For Thursday: Read Articles Posted on Moodle

For Tuesday: Read Pember, pp. 592-640

Week Fifteen: Broadcast law/Case Arguments

Thursday: CASE ARGUMENTS #3

Paper Due on the Last Day of Class

Final Due Tuesday, May 13, 2014 at 10 a.m.