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### JRNL 567.01: First Amendment and Journalism Law

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# JRNL 567: First Amendment and Journalism Law

Syllabus – Spring 2015

## 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. A special emphasis is made on issues of access and other legal matters within the State of Montana. This course is required of all Journalism majors and minors at the University of Montana School of Journalism.

## Learning Outcomes

Successful JRNL 300 students will:

1. Understand the history of the First Amendment and current issues still being debated in a Constitutional context.
2. Know the impact of critical cases in the establishment of free speech, free press and media law cases.
3. Know the status of Montana laws and policies in terms of open meetings, freedom of information and public access.
4. Be able to read and understand core arguments outlined in court decisions.
5. Understand the importance of the legal system in ensuring the freest flow of information possible.

## 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 Meetings

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

## Instructor Info

Lee Banville, Associate Professor, School of Journalism.

Office: Don Anderson Hall 406

Office hours: Mondays 11 a.m.-12:30 p.m. and Thursdays 2-3:30 p.m. I'm also available at other times by appointment.

Office phone: 243-2577.

My regular e-mail: [lee.banville@umontana.edu](mailto:lee.banville@umontana.edu).

## Required Textbook

*Mass Media Law*, 17<sup>th</sup> Edition, by Don Pember and Clay Calvert. The UC Bookstore has this book for \$15 (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.

## Exams

Scheduled for March 18 and May 14. Midterm will be a series of short answers and one essay in class. The final will be a take home series of essays. Answers will be submitted via Moodle and must be submitted by May 14<sup>th</sup> at 10 a.m.

## Course Grading

Participation		15%
Legal Theory Analysis	15%	
Case Briefs		20%
Midterm		25%
Final Exam		25%

## Case Briefs/Decisions

You will write two two- to four-page, double-spaced case briefs for this class. These briefs will be due either on the day of the class argument or one week later for judges in those cases. Each paper will account for 10% of your final grade. Briefs must follow the structure outlined in the “How to Write a Brief” document posted to Moodle.

## Attendance and 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 within two days 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.

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/VPSA/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>.

## 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: (Special Law and Prior Restraint*

On Tuesday, we will have a special panel discussion connected to the Big Sky Documentary Film Festival. The panel, will take place at the UC Theater. It will cover a variety of issues connected to freelance and the law, including: What do you need to protect yourself, your film, and your money? Learn how to shield yourself from lawsuits that may arise due to the content of your material.

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

For Thursday: MIDTERM.

### *Week Nine: Invasion of Privacy*

For Tuesday: Read Pember, pp. 285-301 and “The Right to Privacy” posted to Moodle.

### *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: Access*

For Tuesday: Read Pember, pp. 368-410

### *Week Thirteen: Shield Laws and Whistleblowers and Leakers*

For Tuesday: Read Pember, pp. 498-546

### *Week Fourteen: Case #2*

For Thursday: Read Articles Posted on Moodle

For Tuesday: Read Pember, pp. 592-640

### *Week Fourteen: Copyright*

For Thursday: Read Articles Posted on Moodle

For Tuesday: Read Pember, pp. 592-640

*Final Due Thursday, May 14, 2014 at 10 a.m.*