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JRNL 567.01: Press/Broadcast Law

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JRNL 567: Press/Broadcast Law

Syllabus – Spring 2018

Subject to Change

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.

Learning Outcomes

Successful JRNL 567 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.**
- 6. Have a basic understanding of legal concepts of copyright, privacy and how digital technologies are effecting both.**

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 p.m. — 12:20 p.m., in DAH 301.

Instructor Info

Lee Banville, Associate Professor, School of Journalism.

Office: Don Anderson Hall 406

Office hours: Mondays 9:30-11:00 a.m. and Thursdays 3:30-4:30 p.m. I'm also available at other times by appointment.

Office phone: 243-2577.

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

Required Textbook

Mass Media Law, 18th Edition, by Don Pember and Clay Celvert. You can rent it from the bookstore or Amazon. There are also a boat-load of places that you can order it from for fairly cheap. **YOU MUST OWN THE 18th EDITION.**

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

The Thursday reading will always be a specific case. This case will be posted on Moodle.

Course Grading

Participation	30%
Legal Theory Analysis	15%
First Amendment Analysis Paper	25%
Final Paper and presentation	30%

Case Discussions

Each week, you will be assigned one side in a famous First Amendment case. Your job is to research your side's argument, read the decision as presented by the Supreme Court (or lower court, when appropriate) and come to the Thursday class ready to discuss their case, the decision and its ramifications from your side's perspective. This assignment will force you to take different sides, and often sides you disagree with personally, to make the strongest possible case from your perspective. You will be graded on your response to questions and contributions to the discussions.

Attendance and participation

Students are expected to participate through both active contributions to the class and to be ready to respond to questions from the professor on the assigned readings. Attendance is required for a seminar class and so 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 outlines 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

TUESDAY: A general discussion of media and legal issues surrounding the industry. Expectations for the course as well as assignments will be made.

THURSDAY: Chapter 1 of Pember

Week Two: First Amendment and Incitement

TUESDAY: Pember 33-69.

THURSDAY: *Schenck v. U.S.* (1919)

Week Three: Prior Restraint

TUESDAY: Pember 70-91.

THURSDAY: *Near v. Minnesota*

Week Four: Speech in Schools

TUESDAY: Pember 91-123.

THURSDAY: *Morse v. Frederick*

Week Five: Disruptive Speech and Other Speech

TUESDAY: Pember 123-143.

THURSDAY: *RAV v. St. Paul*

Week Six: Libel Elements

TUESDAY: Pember 180-200.

THURSDAY: *New York Times v. Sullivan*

Week Seven: Libel Fault and IED

TUESDAY: Pember 201-215.

THURSDAY: *Gertz v. Robert Welch, Inc.*

Week Eight: Libel Defenses

TUESDAY: Pember 217-250.

THURSDAY: *Milkovich v. Lorain Journal*

Week Nine: Privacy

TUESDAY: Pember 253-288.

THURSDAY: *Krakauer v. State of Montana*

Week Ten: SPRING BREAK

Week Eleven: Privacy

TUESDAY: Pember 291-315.

THURSDAY: *Time, Inc. v. Hill*

Week Twelve: Free Press/Fair Trial

TUESDAY: Pember 431-456.

THURSDAY: *Nebraska Press Association v. Stuart*

Week Thirteen: Access

TUESDAY: Pember 317-362 and Montana Laws.

THURSDAY: *Missoulia v. Board of Regents* (1984)

Week Fourteen: Confidentiality

TUESDAY: Pember 3805-429.

THURSDAY: *Branzburg v. Hayes*

Week Fifteen: Copyright

TUESDAY: Pember 517-565.

THURSDAY: Creative Commons copyright material

You will also meet with me separately on two matters – a research project connected to a specific legal case that is moving through the courts (or legislature) and a document request effort that will ideally focus on your Master's project.

In addition, you will be presenting to the JRNL 300 Media Law class about this case.

Here are the topics you may choose from for your in-depth work. You may also pitch me something different, if you have a specific interest.

- **Ag-Gag**
- **Goodman v. North Dakota (DAPL protests and the law)**
- **Montana digital documents (emails and social media) violating records law**
- **Butte Standard v. EPA (Superfund Negotiations)**
- **Montana Digital Shield Law**
- **Media Law Issues about Reporting on Native Reservations**

In each case, I will meet with the pair of you three times over the semester and it will culminate in the presentation to class, the draft ruling and a paper that explore the potential ramifications on journalism/public discourse.

The three meetings will be split this way: 1) You brief me on the key elements and history of the case or laws. 2) A full examination of relevant court precedent. 3) You do a run-through of the class presentation.

Paper will be 15-20 pages. Details to follow.

Presentation will run 15-20 minutes.