

MEDIA LAW

Political Science and Communications 290 Professor: Dr. Joseph Patten
Monmouth University Spring 2004
Office: 246 Bey Hall Office Hours: M 1:00-2:15, T 3:15-4:15
Time: Tuesday, 4:30-7:15, W 1:00-2:15, Th 1:00-2:15 and by appt.
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Course Description and Goals:

This course is designed to assist you in gaining an understanding of the legal environment that affects the field of mass communication. We will first examine the historical context of the First Amendment before engaging subsequent Supreme Court interpretations of it. This course will also concentrate on law and the media in the United States from both historical and contemporary perspectives, with substantial time devoted to the impact of technology on established legal doctrines. It is my hope that you will leave this class with a greater understanding of the obstacles that may present themselves as you publish, write and/or broadcast information to the public.

We will study various Supreme Court cases and examine them in their political and social context. We will examine how seminal cases have been applied in subsequent disputes as guiding legal precedents. We shall also study how numerous political factors and public opinion can influence the Court's decisions and shape the development of constitutional law.

I do not intend the course to follow a strict lecture format, but rather prefer enough lecturing to cover the basic material and enough discussion and active engagement of the material to help you further develop your own critical and analytical abilities. Each student is expected to actively participate in discussions and in mock-trial simulations. You are also encouraged to respectfully challenge not only what you read but also what is said in class by your colleagues, and even by your professor, when you find his arguments questionable or his ignorance beyond the limits which any reasonable person should have to endure.

Required Text: Teeter, Dwight L. and Bill Loving, 2001. Law of Mass Communication: Freedom and Control of Print and Broadcast Media. 10th edition. Foundation Press

Grading:

Grades will be determined by evaluating your performance in six areas. They are as follows:

1. Attendance and Participation	10%
2. Submission of Weekly Outlines	15%
3. Research Paper	15%
4. Mid-Term Exam	20%
5. Supreme Court Briefs (Petitioner and Respondent Brief) and oral arguments	20%
6. Final Exam	20%

Grading Scale:

93 – 100	A	71-75	C
90– 92	A-	68-70	C-
86-89	B+	65-67	D+
82-85	B	60-64	D
80-81	B-	55-59	D-
76-79	C+	0-54	F

Weekly Outlines:

Crucial to your participation will be the preparation and submission of the weekly case briefing assignments. Each week you will be expected to submit a brief for a case contained in the text. You will receive a handout on how to prepare these briefs and are expected to follow this format for your weekly assignments. These outlines will be incorporated into class discussions.

Attendance and Participation:

As this is a three-credit course held only one afternoon a week, your attendance is mandatory and necessary to the success of the course and will be a critical component of your final grade. Students with more than one unexcused absence will be penalized in the participation grade. In order to qualify as an excused absence, the student must notify me of his/her absence prior to the commencement of that evening's class session. While attending class is a critical component of the participation grade, it is far from the only consideration. Students have a responsibility to contribute to the class and will also be graded according to the degree to which the student's presence in the class contributed to an enriching learning environment.

Examinations:

The examinations will compromise 40% of your total grade. The midterm and final exams will be in-class essay exams. Failure to attend on a scheduled exam day will

be excused for only the most compelling reasons. Students must inform me **before** the commencement of that evening's session to qualify for a make-up exam. Make-up exams are notoriously more challenging. If the student is unable to reach me, he/she must leave a message explaining why he/she will be unable to take the exam and how he/she can be reached. Failure to comply with this notification requirement will result in an "F" on the exam.

Paper:

A research paper worth 15% of your total grade will be due late in the semester so that you will be able to maximize the amount of material from which you are able to choose a topic. The paper should be between 8-10 pages, typed and double-spaced. Prior to the submission date of your final paper, you will be asked to exchange your outline and a first draft with a classmate for a peer review. Your final paper submission shall consist of the outline, the peer review comments on your first draft, and the final paper.

All students are expected to meet with me by March 30th to discuss the topic of the paper. Peer draft exchanges will take place in class on April 20th and are to be returned with comments and corrections to the author. Final papers are due on April 27th. Each student will give a brief 5 to 7 minute class presentation on his or her paper. This presentation is meant to provide you with an opportunity to share the results of your research with the rest of the class and to allow your classmates the opportunity to appreciate the various ways in which the Constitution affects theirs lives.

For the paper, you may choose from the options set forth below:

- Option A: We will read and cover in class numerous U.S. Supreme Court decisions. If you select this option, your task is to select one of the cases with which you disagree and rewrite it better to suit you. Looking at dissents in the actual case is a good place to start your research. This means that you will have to go to the library or on-line and read the entire decision. Also, look for law review or political science journal articles dealing with your decision or the issue handled in your decision.
- Option B: Throughout class we will confront tensions between the need for a free and open society and the need for a safe and secure homeland. You are to propose an optimal standard with respect to freedom of the press to help guide the United States into the next century.
- Option C: This option allows students to design their own topic. You may choose to write a paper that touches on any topic related to media law and the issues of governance.

Supreme Court Sessions, and Supreme Court Briefs and Arguments:

In addition, each week we will set up our own Supreme Court where we will have arguments and decision rendering. I will provide a handout presenting the facts for our case a week earlier. Six students will be chosen to serve as petitioner and respondent, several students will be elected to represent the Court, and the remainder of the students will lead the follow-up discussion and analysis. Students will be expected to debate the merits of the case under discussion. Petitioner and Respondent will be excused from submitting the weekly case brief, but must instead submit a three-four page paper/brief focusing on arguments to be made before the Court.

Prior to class, the three representatives for each party should formulate and discuss the presentation they will make before the Court. One student will be responsible for presenting the facts of the case, a second will present the legal argument, and the third will present the rebuttal. By the end of the semester, each student will have served as Petitioner, Respondent (thus each student will submit two argument briefs during the semester), Justice, and Discussant.

Academic Honesty:

Academic dishonesty in completing any course requirement is grounds for failing the course. Academic dishonesty includes, but is not limited to, cheating on exams and plagiarism. For all writing assignments, students must make proper citations and properly document all sources of information. If you have a question about what constitutes a violation, please see me.

Special Needs:

Students with special learning needs are strongly encouraged to see me. All appropriate accommodations will be made.

Civility in the Classroom:

Theorizing is a difficult business and requires practice and a thick skin. Everyone should feel free to experiment with their ideas and be prepared to respectfully engage the ideas of others. Discussion can only work if students feel free to investigate ideas critically. Therefore, there can be no doubt about the discussion's dependence on tolerance, listening, and civility. We are certainly not required to agree with any particular perspective, but we do have a responsibility to understand the viewpoint of others (please see Mill's "On Liberty" and Kant's "Perpetual Peace" for a deeper rationale).

Course Outline:

Jan. 20 Introduction and Syllabus and the Rationale of the Founding Fathers

- Jan. 27th The Constitution and the Supreme Court and the First Amendment
Teeter Ch. 1 and 2
- Feb. 3rd The First Amendment and the Freedom of Expression
Teeter Ch. 3
- Feb. 10th The First Amendment and the Freedom of the Press
(cont)Teeter Ch. 3 and handouts (Carter et al 49-84)
- Feb. 17th Defamation: Libel and Slander
Teeter Ch. 4 and Ch. 5
- Feb. 24th Libel and Slander and The Issue of Privacy: A Conceptual Framework
(cont Ch.4 and 5)
- Mar. 2nd Mid-Term Exam
- SPRING BREAK – March 8-March 14
- Mar. 16th Privacy and the Media
Teeter Ch. 6
- Mar. 23rd Broadcast Journalism, Cable and the Law
Teeter Ch. 12
- Mar. 30th Broadcast Journalism, Cable and the Law (cont)
Teeter Ch. 12
- Apr. 6th The First Amendment and Electronic Media
Teeter Ch. 11
- Apr. 13th Copyright :Protection and Constraint
Teeter Ch. 15
- Apr. 20th Copyright: Protection and Constraint
Teeter Ch. 15
- Apr. 27th Paper Presentations
- May 5th – May 11th - Final Exam week

Please Note: The class schedule is tentative and subject to change as current events dictate.