**JOURNALISM, ADVERTISING & MEDIA STUDIES 559**

**Freedom of Expression in the Digital Age**

Professor David Pritchard
Summer 2017

**GOALS OF THE COURSE**

JAMS 559 has two sets of goals. First, the course seeks to help you recognize the rights and responsibilities of media professionals. Second, it offers an understanding of freedom of expression and its relationship to changing conditions in American society.

JAMS 559 deals with challenging material, but it is not a hard course. The material is interesting, and even fun. If you keep up with the reading and ask for help when something doesn’t make sense, you’ll do fine.

**REQUIRED TEXTBOOK**

The required textbook for this section of JAMS 559 is Pember and Calvert’s *Mass Media Law, 19th edition*. You can find a detailed list of reading assignments in the course outline at the end of this syllabus.

The 18th edition of *Mass Media Law*, which can be purchased from various Internet sites at a fraction of the cost of the 19th edition, is an acceptable substitute for the newer edition. The 19th edition is more up to date, but the basic principles of media law haven't changed in five years so people who use the 18th edition won't be significantly handicapped -- as long as they actually do the reading.

**ONLINE MATERIAL**

The D2L site and the syllabus contain links to required material (statutes, articles, and even a couple of comic books) other than the textbook. Included on D2L are written notes and audio podcasts intended to help you understand media law. Be sure to check your UWM email regularly for updates.
The course outline at the end of this syllabus and the course D2L site both provide week-by-week assignments. Please don’t let the lack of face-to-face class meetings in JAMS 559 lull you into thinking that the course doesn’t require a significant investment of time. You should set aside time each week for reading required material and listening to podcasts.

Media law can be complex, so when something isn’t clear please let me know. If you wonder about the wisdom of a certain area of law – for example, is it legal for the media to publish the names of victims of sensitive crimes such as sexual assault? – ask me. I will respond to questions (via email to everyone in the class, if appropriate) as quickly as I can.

TESTS AND GRADING

Your grade will be based on three equally weighted exams you’ll take via D2L. The exams will be timed, open-book, problem-solving essay tests designed to evaluate your mastery of course content. You will have 150 minutes to complete each exam. Because many of you have never taken this kind of test, I will put a sample exam on the course D2L site.

Each exam question will present a scenario (often taken from real life) involving a controversy dealing with an aspect of freedom of expression. In most cases the question will ask you to imagine that you are a judge who must decide which party in a lawsuit or criminal should win – and why they should win.

Successful answers to test questions will (a) identify the important legal issues in the scenario, (b) determine which party should prevail, and (c) clearly explain why the law requires that party to prevail.

The best answers will emphasize legal norms rather than other kinds of norms. Whether someone does something that is unethical, unkind, or flat out stupid doesn’t matter for purposes of the law of freedom of expression. In your real lives, of course, you should not do things that are unethical, unkind, or stupid! But on JAMS 559 exams legal reasoning is all that matters.

Final course grades will reflect the weighted percentage of points you have earned on exams, according to the following scale:
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<tr>
<th>Percentage</th>
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<tr>
<td>80% or more</td>
<td>at least A-</td>
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<tr>
<td>70 to 79.99%</td>
<td>at least B-</td>
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<tr>
<td>60 to 69.99%</td>
<td>at least C-</td>
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<tr>
<td>50 to 59.99%</td>
<td>at least D-</td>
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<tr>
<td>less than 50%</td>
<td>F</td>
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The grading scale is different from what you may have experienced in other classes. In this section of JAMS 559, you pass if you earn only half of the points. Keep in mind, however, that JAMS 559 grading is pretty rigorous. The class average on tests tends to be around 70% of the possible points.

Unless there is some kind of medical or family emergency, students must complete an exam within the allotted time. Technology problems are not valid reasons for failing to complete a test. D2L is cumbersome and clunky, so be sure to save your exam answers often as a guard against D2L crashes.

**ACADEMIC MISCONDUCT**

You may use any sources you think will help you write good answers to test questions, but your answers must be in your own words. Do not copy material directly from the Internet or other sources (even if you place the material in quotation marks). You must provide citation information about the sources of any ideas and words that are not your own. Attempting to pass off someone else’s work at your own work is academic misconduct. UWM’s definition of cheating/academic misconduct is at [http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm](http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm).

Students who cheat risk automatic course grades of F and possible suspension from the university. I understand the pressures that may tempt you to take an ethical shortcut. But please don’t – it’s risky and it’s wrong. If you are having trouble with the material, let me know. I’ll be glad to do everything I can to help you make sense of media law.
ABOUT THE PROFESSOR

Before joining the UWM faculty, David Pritchard was a tenured faculty member at Indiana University in Bloomington. In addition to teaching at Indiana and UWM, he has been a visiting professor at a number of international universities (Université Laval in Canada, Université Panthéon-Assas in Paris, Université Lumière in Lyon). Before moving into the academic world, Pritchard was a newspaper reporter for seven years.

Pritchard has published two books (Les journalistes canadiens: Un portrait de fin de siècle and Holding the Media Accountable: Citizens, Ethics, and the Law) and more than 50 scholarly articles. He has done research and consulting for major media corporations, law firms, and government agencies in both Canada and the United States. His research has been funded by grants from numerous sources, including the U.S. Department of Justice and the Federal Communications Commission. He has supervised five Ph.D. theses and 60 M.A. theses.

OFFICE HOURS

I enjoy meeting with students. If you’d like to talk, please email me so that we can set up a mutually convenient time either for a face-to-face meeting in my office (Bolton 578) or a phone conversation.
Course schedule

Tuesday, May 30 – Introduction to law and courts.
• Pember and Calvert, chapter 1, pp. 1-34.

Wednesday, May 31 – First Amendment, part 1.
• Pember and Calvert, chapter 2, pp. 35-82.

Thursday, June 1 – First Amendment, part 2.
• Pember and Calvert, chapter 3, pp. 83-142.

Friday, June 2 – The First Amendment and high-school students.

Monday, June 5 – EXAM
• Take EXAM 1 on between 12 a.m. and 11:59 p.m.

Tuesday, June 6 – Libel, part 1 (elements of libel).
• Pember and Calvert, chapter 4, pp. 143-174.

Wednesday, June 7 – Libel, part 2 (fault).
• Pember and Calvert, chapter 5, pp. 175-212.

Thursday, June 8 – Libel, part 3 (defenses).
• Pember and Calvert, chapter 6, pp. 213-247.

Friday, June 9 – Libel, part 4 (Wisconsin law).
• Wisconsin Statutes, section 895.05(1) (reporter’s privilege).
• Wisconsin Statutes, section 895.05(2) (retractions and corrections).
• Wisconsin Statutes, section 942.01 (defamation).
Monday, June 12 – False and misleading news.
- Wisconsin Statutes, section 12.05 (false representations affecting elections), http://docs.legis.wisconsin.gov/statutes/statutes/12/05.
- Wisconsin Statutes, section 942.03 (giving false information for publication), http://docs.legis.wisconsin.gov/statutes/statutes/942/03.

Tuesday, June 13 – EXAM.
- *Take EXAM 2 between 12 a.m. and 11:59 p.m.*

Wednesday, June 14 – Privacy 1.
- Pember and Calvert, chapter 7, pp. 249-290.
- Wisconsin Statutes, section 995.50(2)(b) (appropriation), https://docs.legis.wisconsin.gov/statutes/statutes/995/50/2/b.
- Wisconsin Statutes, section 995.50(2)(a) (intrusion), https://docs.legis.wisconsin.gov/statutes/statutes/995/50/2/a.

Thursday, June 15 – Privacy 2.
- Pember and Calvert, chapter 8, pp. 291-316.
- Wisconsin Statutes, section 995.50(2)(c) (disclosure of private facts), https://docs.legis.wisconsin.gov/statutes/statutes/995/50/2/c

Friday, June 16 – Copyright 1.
- Pember and Calvert, chapter 14, pp. 533-584.
Monday, June 19 – Copyright 2.

Tuesday, June 20 – Regulation of advertising 1.
- Pember and Calvert, chapter 15, pp. 569-607.

Wednesday, June 21 – Regulation of advertising 2.
- Code of Federal Regulations, §73.1212 (Sponsorship identification; list retention; related requirements), [http://www.ecfr.gov/cgi-bin/text-idx?SID=b581e4841f271d9689ae2c12fd6139e6&node=47:4.0.1.1.2.8.1.17&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?SID=b581e4841f271d9689ae2c12fd6139e6&node=47:4.0.1.1.2.8.1.17&rgn=div8).

Thursday, June 22 – A day to review and catch up.

Friday, June 23 – EXAM.
- *Take EXAM 3 between 12 a.m. and 11:59 p.m.*