

COURSE TITLE: LAW AND ETHICS

FALL 2011

Mondays – 7:15-9:45 P.M.; 20 Cooper Sq, rm 655

Office Hours – Tuesdays 7:15 – 8:15, rm 715

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Adjunct Professor Steve Chung

Description:

This course examines the legal rules, ethical concepts and public policy concerns related to the decisions that journalists must make on a daily basis. With the explosive growth of social networking and other forms of self-publication, information spreads more quickly than ever, creating unprecedented opportunities, pressures and potential pitfalls for journalists. In an ever-changing landscape where it may sometimes appear that anything goes, it is critically important for journalists to develop the ability to navigate through legal and ethical issues to build and safeguard the most valuable asset any journalist can possess—credibility and an unimpeachable reputation.

We will study the rights and restrictions defined by the First Amendment through historical and modern case law. Case studies of real world examples and hypotheticals will also be used to raise questions, evaluate and weigh ethical precepts and practical considerations and consequences.

Reading:

The basic assigned text is Mass Media Law by Pember & Calvert (McGraw Hill, 17th edition). Articles for case studies and other supplemental readings will be assigned by email or via Blackboard. You are responsible for checking the course site and for providing an email address that you will check regularly.

It is also recommended that you stay on top of current events, including local New York area news. Real world examples may serve as the basis of classroom discussions.

Grading:

Classroom participation: Students are expected to be prepared and arrive to class on time. Unexcused absences may result in up to a full grade deduction in my discretion. Effective classroom participation will not only be judged on familiarity with the readings, but also the ability to engage in thoughtful analysis and to raise and attempt to sort through important questions in an organized manner. The volume of commentary alone will not automatically be

awarded with high marks in this area. Effective participation may, for example, draw upon real world examples or experiences, the readings and philosophical and legal references. From time to time, students may be assigned exercises and presentations to take place during class. (30% of grade)

Exams: Mid-term exam (30% of grade); final exam (40% of grade)

Plagiarism and Academic Dishonesty:

In both academia and journalism alike, integrity and honesty are paramount. Plagiarism and other forms of academic dishonesty may lead to failure in the course and possibly even expulsion from the University.

Syllabus

Law and Ethics

Fall 2011

Mondays – 7:15-9:45 P.M.

20 Cooper Sq, rm 655

Tuesdays – 7:30-8:30 P.M.

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Week 1 (9/12) Introduction to the Course, the First Amendment and Media Ethics

Week 2 (9/19) Libel/Defamation and Fairness

Elements of a libel claim

Pember (141-165; 168-169; 171-200)

Actual malice vs. negligence

Public vs. private figures

NYT v. Sullivan

http://www.bc.edu/bc_org/avp/cas/comm/free_speech/nytvtsullivan.html

The case of Richard Jewell

<http://www.time.com/time/magazine/article/0,9171,985515,00.html>

http://www.pbs.org/newshour/bb/sports/jewell_10-28.html

<http://www.journalism.org/node/1791>

Week 3 (9/26) Libel/Defamation and Fairness Part II

Defenses to a libel claim

Pember (212-236)

Fair report privilege and opinion as a defense

http://law.onecle.com/new-york/civil-rights/CVR074_74.html

Satire as a defense (Hustler and Flynt v. Jerry Fallwell)

<https://www.journalism.wisc.edu/~drechsel/j559/readings/Hustler.pdf>

The case of Wen Ho Lee

<http://www.ajr.org/Article.asp?id=32>

Week 4 (10/3) Fair and Responsible Reporting

Fairness and news policies

How many sources is enough?

What constitutes a good source?

The case of Dan Rather and the Killian controversy

http://www.pbs.org/newshour/media/media_ethics/casestudy_cbs.php

http://www.pbs.org/newshour/bb/media/jan-june05/cbs_1-10.html

The case of Jayson Blair

http://www.pbs.org/newshour/media/media_ethics/casestudy_blair.php

<http://www.nytimes.com/2003/05/11/us/correcting-the-record-times-reporter-who-resigned-leaves-long-trail-of-deception.html?src=pm>

Week 5 (10/17)

Invasion of Privacy

Publication of private facts

Pember (277-292)

- <http://www.privsecblog.com/archives/blogging-218-steinbuch-v-cutler-when-is-a-personal-blog-considered-publicity.html>
- http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1235&context=fac_artchop

Dealing with juveniles

Right of publicity

<http://www.markroesler.com/pdf/caselaw/White%20v.%20Samsung%20Electronics.pdf>

Pember (246-262)

False light

<http://www.firstamendmentcenter.org/tenn-inmate%E2%80%99s-wife-can-pursue-libel-false-light-lawsuit>

Pember (293-301)

Week 6 (10/24)

Privacy and Newsgathering Techniques

Intrusion and trespass

Pember (263-275; 312-320)

Phone hacking

<http://www.bbc.co.uk/news/uk-14124020>

Misrepresentation and fraud (Food Lion v. Capital Cities/ ABC)

https://www.courses.psu.edu/comm/comm403_jsb15/foodlion.html

Hidden cameras and eavesdropping

<http://www.rcfp.org/taping/possession.html>

Ambush interviews

Week 7 (10/31)

Confidential Sources and Reporter's Privilege

Reporter's privilege

Pember (368-410)

The case of Jim Taricani

http://www.bostonphoenix.com/boston/news_features/other_stories/multi_page/documents/04317690.asp

The case of Judith Miller

http://writ.news.findlaw.com/commentary/20050708_klarevas.html

<http://www.ajr.org/article.asp?id=3908>

Responsibility to your sources

What kind of promises should you make and avoid?

Week 8 (11/7)

Mid-term exam (in class)

Week 9 (11/14)

Access to Courts, Records and Interacting with the Courts and Police

What rights does a journalist have to courts?

What rights does a journalist have to public records?

Cameras in the courtroom

Pember (425-466)

Making a FOIA request

Pember (320-345)

Dealing with the police and other authorities

Cooperating or working with the police

Week 10 (11/21)

Conflicts of Interest

Paying subjects of interviews

Payment for license of footage

<http://www.thedailybeast.com/articles/2011/07/25/abc-news-after-casey-anthony-debacle-bans-paying-news-subjects-for-photos.html>

<http://www.thedailybeast.com/newsweek/2007/06/21/paying-paris.html>

Working with sources/subjects

Reporting on advertisers

Product integrations in news?

<http://www.commercialalert.org/issues/culture/product-placement/in-risky-move-newscasts-adopt-product-placements>

When does news become an advertisement?

Outside activities

http://www.npr.org/about/aboutnpr/ethics/ethics_code.html

Week 11 (11/28)

Social media and the digital age

Evolving technologies and ethical issues

Using internet sources

Using social media as a forum to report

Social media policies

http://handbook.reuters.com/index.php/Reporting_from_the_internet

<http://latimesblogs.latimes.com/readers/2009/11/updated-social-media-guidelines.html>

Communications Decency Act

<http://www.citmedialaw.org/legal-guide/immunity-online-publishers-under-communications-decency-act>

Personal v. workplace accounts
Employment policies and misconduct

Week 12 (12/5)

Copyright

What is a copyright?

Understanding the fair use exception of the Copyright Act

Pember (505-542)

Harper & Row v. Nation Enterprises

The AP v. Shepard Fairy

<http://paidcontent.org/article/419-the-associated-press-shepard-fairey-reach-settlement-in-fair-use-lawsui/>

Youtube, Facebook and other sources of content

Week 13 (12/12)

Review

Week 14 (12/14)

Final Exam (in class)