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.
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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/nytvsullivan.html
The case of Richard Jewell
http://www.time.com/time/magazine/article/0,9171,985515,00.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

Week 5 (10/17)  Invasion of Privacy

Publication of private facts
Pember (277-292)
  • http://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1235&context=fac_archop
Dealing with juveniles
Right of publicity
Pember (246-262)
False light
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

Reporters privilege
Pember (368-410)
The case of Jim Taricani
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
Working with sources/subjects
Reporting on advertisers
Product integrations in news?
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
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
Youtube, Facebook and other sources of content

Week 13 (12/12)  Review

Week 14 (12/14)  Final Exam (in class)