

**MEDIA LAW AND ETHICS: COMM 3404  
Autumn 2023**

**Learn to Think-Think to Learn**

Monday 6:00-8:45 p.m./ Journalism 251/ Cell: 216.280.971/ Off. Journalism 360

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**MEET THE PROFESSOR:**

Jay Milano, Esq. | Milano Attorneys at Law | Message through Carmen Canvas  
Office Hours by Appointment –Otherwise By Phone or Carmen Zoom

For over 40 years, I have practiced law with a concentration in litigation (trials), criminal and civil.

For 30 years I have taught Trial Tactics at The Case Western Reserve University School of Law and, for the last 8 years, COMM 3404 at The Ohio State University.

I have represented and worked with journalists my entire career.

My work and my interests have been built upon an understanding of the ethical obligations of professionals - lawyers, doctors, and journalists. In my opinion, a common set of ethical principles can be applied to all professions, only adapted to the idiosyncrasies of each.

See [milanolaw.com](http://milanolaw.com) for more background.

## **COURSE DESCRIPTION:**

**This course will be taught as a hybrid. There will online assignments, both video and print. Class will meet on Monday nights at 6 PM. It is possible that a limited number of Monday night classes will be presented by Zoom.**

**OSUCOMM3404** will examine how the media (from social media to international news organizations) deal with the most important issues - race, religion, politics, human rights, gender, and sexual assault, etc.

The purpose of this class to provide you with a model by which to analyze, understand, and act upon the law and ethical considerations which journalists face. We will use the writings of the Supreme Court, the ethical considerations of the profession, and actual events to build an analytical model.

There is no profession more important to a democracy than journalism - when vigilant and diligent and resolute. In order to practice in the profession, you will need to understand both the law and the ethics that govern it.

As long as you are willing to do the work, this class will provide you a foundation upon which to build.

The learning experience will be divided into parts.

1. Before-class video and reading assignments
2. In-class discussion
3. After-class reflection on the work we did that week.

### **Before-Class Video and/or Reading**

There will be a video (or series of videos) and reading assignments posted each week that must be viewed in advance of that week's class on Monday at 6:00 p.m. The before-class video/reading should not exceed a total of 60. minutes.

### **In-Class:**

We will meet at 6:00 PM Mondays in room 238 Denney Hall. It is important that you participate during class time. There will be discussion of the topics covered. Very little of the live class will be done by traditional lecture. Your participation will be important. We will, often, use the Socratic method, an explanation of which you will find in the "File" section of Canvas.

### **After-Class Reflection:**

After class, each of you must submit an after-class reflection. You will summarize the weeks work. What points were made? How are they important in the real world, in real time?

This need not be more than a page or two- quality of content, not volume.

**Reflections must be submitted by Noon on the Saturday following the corresponding class.**

You must keep up with timely class submissions – each reflection must be submitted on time in order for you to receive credit.

The reflections must be clearly labeled with your name and the date of the class to which you are referring. Submissions that do not include your name and/or the relevant class date(s) will not receive credit.

You should receive an evaluation of your submissions within the first few weeks.

## **RULES:**

You will be treated as professionals. That means:

1. There is no syllabus for life. Circumstances sometimes force change.
2. You will need to put forth a professional effort.
  - a. Read and understand the assignments.
  - b. Do every analysis and reflection.
  - c. Participate in class discussion.
3. This class will be built upon the ideas and concepts fleshed out in our classroom discussions. You will need to speak fearlessly and argue zealously for your point of view.
  - a. We will respect the right of each of us to have an individual opinion (that does not mean we all need to agree).
  - b. We will treat each other with the respect due a colleague.

- c. “The essence of the independent mind lies not in what it thinks-but in how it thinks.” – Christopher Hitchens
- 4. You need to show up to each and every class. If you miss, you need to email me in advance of class with the reason.
  - a. If the reason is legitimate and the occurrences are few (very few) we will be fine.
  - b. You need to stay until the end of the class period.
- 5. There are no facts- there is only evidence.

### **Communication:**

Canvas contains all course materials. You will receive announcements periodically and messages from me within Canvas.

**All messages-emails- should be sent through Canvas. That way everything stays in one place.**

**You may call my cell-216-280-9715. When leaving a message be sure to identify yourself as a student.**



## **A Model for Ethical and Case Analysis**

This is the Method of Analysis that we will use for Ethical and Legal Questions:

For an ethical situation:

- What do I have in front of me?
  - What is the evidence?
    - How reliable is the evidence?
    - What follow-up do I need?
    - What rules or principles apply?
    - What biases might I have?
    - What consequences do I need to consider?

For a writing or video:

- What issues are presented?
- What ethical principles or rules are used?
- Does the speaker/author have a point of view?
- What their conclusion?
- Do I agree?
  - Why?

For a case:

- What are the facts?
- What are the issues?
- Are there extrinsic factors?
  - What weight do I give them?
- Is there a rule or a precedent that applies?
- What are the arguments regarding the issues?
- What is the rule of the case?
- What is my position

### **A Model for source analysis**

See CRAAP in files

### **Hot Topics:**

Hot topics are issues in the news about ethics, law, society, journalism, or anything else interesting that relates to our discussions. Individuals or groups will be responsible for presenting and explaining the topic to the class.

They offer each student a chance for extra credit. They are not mandatory, but you should consider presenting.

They are 5 to 10-minute presentations on a topic related to the subject of any given class. You submit to me a possible topic at least 2 weeks before your proposed date. I need to approve the topics and make sure we are not duplicating. We have room for up to 4 presentations per class.

If you wish to present on a given class but are not yet sure of the topic, reserve the class by email. Once you do that, however, you must present on that night.

Note: in lieu of a hot topic presentation based on a particular topic as described above, students are welcome to present on the case assigned for a particular class, but the Method of Case Analysis outlined above must be used for your presentation.

## **FINAL EXAM**

The final exam will be an 8-page (more or less) final paper. The topic will be presented 4 weeks before finals begin. The paper will be due on the date our in class final would have been given.

## **CLASS PARTICIPATION:**

This course will be structured based upon open and compelling class discussions. Each student must come to class prepared to ask questions and offer points of discussion based upon the assigned readings. You are all professionals. You will not be graded based upon the “correctness” of your answer, but your participation grade will be based on your ability to give a thought out and individualized answer.

Open discussion and the Socratic method are beneficial to both the classroom experience and the way that you will all learn. This method is employed universally throughout law schools. It involves the professor calling a random student's name from the roster after asking the class a question or upon beginning the discussion for that day.

An article in the Stanford University Newsletter distributed in the fall of 2003 is posted on Canvas. Read it. It is summarized as follows.

“In the Socratic method, the classroom experience is a shared dialogue between teacher and students in which both are responsible for pushing the dialogue forward through questioning. The ‘teacher,’ or leader of the dialogue, asks probing questions in an effort to expose the values and beliefs which frame and support the thoughts and statements of the participants in the inquiry. The students ask questions as well, both of the teacher and each other.”

Class participation is, to a greater or lesser degree, mandatory. Here is what that means. Your grade will not be diminished if you do not participate. However, without meaningful participation a “B+” will likely be your highest possible grade. In the context of this class, you are journalists, and you must be comfortable with expressing your opinions.

Effective presentation of a hot topic can raise your grade above the B+ ceiling.

**GRADE DISTRIBUTION:**

Class Submissions	70%
Final Paper	30%

The course is graded on a curve. Your work speaks for itself but will be compared to that of other students.

**ACADEMIC MISCONDUCT:**

All forms of conduct prohibited by the Code of Student Conduct are likewise prohibited in this classroom and course. Detailed information, including a list of specifically prohibited conduct, can be found in Section 3335-23-04 of the Code of Student Conduct. The online version of the Code can be found at: <http://studentaffairs.osu.edu/csc/>.

**SPECIAL ACCOMODATIONS:**

Any student in need of special accommodations due to a disability should contact me via phone, email, or before/after class to discuss your needs. Students with disabilities should call the Office for Disability Services at 614.292.3307 or visit the office at 150 Pomerene Hall to document those disabilities and coordinate reasonable accommodations.



## AU@# COMM3404 Syllabus Assignments Milano

### 1 Class 1 8/28 Good Night and Good Luck

l&g

Prior to the first class you have two related tasks

1: Watch the movie, GOOD NIGHT AND GOOD LUCK. (I believe it is available for rent on Google, Amazon, and Apple)

2: While you watch the movie make a list of events and/or insights that echo forward to today. Jot each one down and then think about them- What happened, what was said, and how does it foreshadow or relate to an analogous situation happening right now .

We will discuss your findings in class.

### **READ THE SYLLABUS**

We will also go over the general class structure.

### Class 2 Class 2 9/11 Ethics across The Spectrum

From Files

Read and Consider

CRAAP

SPJ Code of Ethics

The Socratic Method



<http://web.archive.org/web/20141119200349/http://www.rollingstone.com/culture/features/a-rape-on-campus-20141119>Links to an external site.

### Class 3 The Source

Read the following article:

<http://web.archive.org/web/20141119200349/http://www.rollingstone.com/culture/features/a-rape-on-campus-20141119>

Be prepared to discuss it using methods of analysis in syllabus and CRAAP in files, and in conjunction with the Code of Ethics and the 4 Foundations of Ethics: Integrity, Honesty, Decent and Courage.

### Class 4 The First Amendment and the Courts

Read and Reflect

<https://www.rcfp.org/journals/the-news-media-and-the-law-summer-2010/newsroom-searches-occurring/>

<https://enewspd.cleveland.com/data/37882/reader/reader.html?#!preferred/0/package/37882/pub/62896/page/22/content/1890122>

<https://apple.news/APc0ctOWdQeivgmSnFO0-FA>

## Class 5 10/2 How Americans Get their News And will AI change Journalism and the World

### Read and Reflect

#### **It's Official: More Americans Get News From Social Media Than Print**

<https://www.pcmag.com/news/its-official-more-americans-get-news-from-social-media-than-print>

#### Pew Research

<https://www.pewresearch.org/short-reads/2021/01/12/more-than-eight-in-ten-americans-get-news-from-digital-devices/>

#### Columbia Journalism Review AI

[https://www.cjr.org/the\\_media\\_today/openai\\_deals\\_ap\\_ajp.php](https://www.cjr.org/the_media_today/openai_deals_ap_ajp.php)

## Class 6 10/9 News-Opinion-Propaganda-False Balance

#### Columbia Journalism Review False Balance

<https://www.cjr.org/analysis/objectivity-wars-event-media-trust.php>

Watch- Reflect- Split it up

## Class 7 10/23 Confidential Source- Leaks

Read and Reflect

Reporters Privilege

<https://www.mtsu.edu/first-amendment/article/1146/reporter-s-privilege>

Toronto Star

[https://www.thestar.com/opinion/public-editor/why-journalists-need-confidential-sources-public-editor/article\\_0af92024-32be-532a-ac78-f305e2f687f0.html](https://www.thestar.com/opinion/public-editor/why-journalists-need-confidential-sources-public-editor/article_0af92024-32be-532a-ac78-f305e2f687f0.html)

Class 8 10/30 Freedom of Information Sunshine Law

We will have a guest- Joe Medici

Joe has been a journalist in Italy, Costa Rica and America.

He is currently Federal Defender for the Southern District Ohio.

He also teaches COMM 3404 in the Spring Quarter

You will enjoy this class.

Class 9 11/6 Journalism on Gender, Sex and Science

Read and reflect

National Library of Medicine

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6680130/>

UC Davis

<https://www.ucdavis.edu/curiosity/news/when-it-comes-reporting-sexual-assault-media-words-matter>

Northwestern

<https://news.northwestern.edu/stories/2022/07/false-balance-reporting-climate-change-crisis/>

Class 10 11/13 Religion

**How Religion and LGBTQ Rights Intersect in Media Coverage**

<https://www.americanprogress.org/article/religion-lgbtq-rights-intersect-media-coverage/>

USDOJ through this list-v Why should I

<https://www.justice.gov/crt/combating-religious-discrimination-and-protecting-religious-freedom-12>

Class 11/20 Race

Reuters

<https://reutersinstitute.politics.ox.ac.uk/race-and-leadership-news-media-2023-evidence-five-markets>

National Museum of African American History and Culture

<https://nmaahc.si.edu/learn/talking-about-race/topics/bias>Browse

<https://nmaahc.si.edu/learn/talking-about-race/topics/bias>

Documentary Journalism 11/27

Watch Reflect Analyze the Documentary

137 Shots on Netflix