

MODULE GUIDE: LAW FOR JOURNALISTS

JO2248 Level 5 Semester 2

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Office hours: Monday 1pm-3pm; Tues 11am-12am

Lecture: Monday 3pm-4pm

Seminars: Monday, Tuesday or Wednesday as timetabled

Aims

A good understanding of the law is vital for all journalists today. As UK journalists, you will be working in one of the strictest libel regimes in the western world. This module will cover important elements of libel law relevant to journalists and others working in the media, showing you how easy it is to libel someone in print or online, how expensive it is if you lose and how you can defend yourself against a libel action. You will also be introduced to ongoing debates about the impact of the Human Rights Act on existing privacy legislation and the complex balance of the press's right to freedom of expression against the individual's right to privacy.

Other parts of the module will focus on what you can and cannot report from the courts, the structure of the UK court system, the meaning of contempt of court and the challenges to the contempt rules in the digital age.

Learning outcomes

At the end of this module you will be able to:

- Demonstrate a knowledge of, and familiarity with, media law and law relating to journalism
- Understand how legal issues can have an impact on journalistic output both in print and online
- Critically appraise how the law is changing and developing
- Apply the law to your own and other people's work responsibly in a journalistic environment
- Understand how journalists' codes of conduct such as the Press Complaints Commission code impact on, and shape your work as a journalist

Assessment and marking criteria

The assessment for this module will be in two parts:

- 1) a 1,000 word case study analysing how the law for journalists is changing, centred on a real-life case involving a newspaper, magazine or on a website (50% of the total mark)
- 2) an end-of-module two hour exam to test understanding of key legal issues (50% of the total mark)

Essay marking criteria

You will be marked on the following:

- Appropriate choice of case study (ask your tutor for advice)
- Ability to **analyse** rather than **describe** your chosen case and relate it to the law and the wider industry context
- Demonstration of accurate understanding of the laws under discussion and how they relate to your chosen case study.
- Structure and writing style, including appropriate academic register
- Correct English, spelling and punctuation
- Correct Harvard referencing

How the assessment links to the learning outcomes

Learning outcome	Assessment
1) Demonstrate a knowledge of, and familiarity with, media law and law relating to journalism	Class exercises Exam
2) Understand how legal issues can have an impact on journalistic output both in print and online	Essay
3) Critically appraise how the law is changing and developing	Class work Exam Essay
4) Apply the law to your own and other people's work responsibly in a journalistic environment	Seminar case studies and practical application to own writing (no specific assignment)
5) Understand how journalists' codes of conduct such as the Press Complaints Commission code impact on and shape your work as a journalist	Class work Exam

**The deadline for the essay assignment is Wednesday 11 May 2011.
The date and time of the exam will be announced as soon as possible**

Curriculum Content

Subjects covered in the module will include the following:

- How media law has developed
- What is libel? Libel dangers in print and online
- The defences to libel and claims of defamation
- The cost of libel and concern about “libel tourism”
- Privacy law and the Human Right Act – the balance between the right to privacy and the right to freedom of expression
- Freedom of information
- Challenges to free reporting: anti-terrorism legislation
- The PCC
- Contempt of court in crime reporting
- Contempt of court in court reporting
- Reporting restrictions
- The law of copyright

Teaching methods

The module will be taught through a weekly one hour lecture and a one hour seminar. Each week, the lecture will provide an overview of the topic, which you will consider in more depth in the week’s seminar. Work in seminars will include practical exercises, short presentations and discussions of real life case studies. You will be expected to participate actively in seminars and to complete exercises outside class, as well as reading to keep up with current news events and legal issues associated with these. You will be expected to apply the principles of the law learnt in this module to your news and feature writing in other modules. Relevant material will be provided on Study Space and in class handouts.

Teaching hours

Lecture: 1 hour per week Total 11 hours
Seminar: 1 hour per week Total 11 hours
Independent and directed learning: Total 128 hours
Total: 150 hours

Programme (INDICATIVE)

NB There are references here for each week's reading but these are a starting point. Further links will be posted on Study Space under teaching materials. You will be expected to read and learn the law and will be tested on this through your exam.

Week 1. W/b 31 January 2011

Contempt: What is contempt? What happens if you are held in contempt? How much is it going to cost you?

Reading: McNae's Essential Law for Journalists (20th ed), chapter 16; www.Meejalaw.com; <http://inform.wordpress.com/about/>

Seminar: Contempt or not – you decide.
Introduction to the module, explanation of the assessment

Week 2. W/b 7 February 2011

Libel: What is it? Why does it matter to you as a journalist and what can you do to defend yourself against a libel action? The latest developments on libel costs

Seminar: Libel questions

Reading. Quinn, Law for Journalists, section 3, *Defamation and Malicious Falsehood*; McNae's Essential Law for Journalists, chapter 18 *Defamation* and chapter 19 *What the claimant must prove*; Website of David Price media lawyers <http://www.lawyers-media.com> for examples of recent libel cases
Carter Ruck libel lawyers website <http://www.carter-ruck.com/Home/>

Week 3. W/b 14 February 2011

Privacy. The complex legal balance between a journalist's freedom of expression and an individual's right to privacy under the Human Rights Act . The growing use of injunctions to stifle press coverage. The arrival of the super-injunction.

Seminars. Privacy

Reading. Liberty's pages on the Human Rights Act especially article 8 (right to privacy) and article 10 freedom of expression
<http://www.yourrights.org.uk/yourrights/the-human-rights-act/index.html>;
McNae's ch 23 *breach of confidence*; ch 30 *The Human Rights Act 1998*; ch 32 *Privacy*; Quinn, ch 17 *Confidentiality and Privacy*

Week 4. W/b 21 February 2011

Guest speaker Judith Townend, editor of Meejalaw.com

The law online: Can you be in contempt? Can you libel? Can you invade privacy? if you are working online. Is your blog or your twitter freedom of expression, or is it subject to the same laws as a major media outlet?

Seminars. Online libel

Reading. Law Commission report

<http://www.lawcom.gov.uk/docs/defamation2.pdf>; English PEN report on libel:
http://libelreform.s3.amazonaws.com/LibelDoc_LowRes.pdf

Week 5. W/b 28 February 2011

How journalists are regulated. The Press Complaints Commission code of conduct and journalistic self-regulation. How the PCC links to the law.

Seminars: press complaints commission

Reading. Press Complaints Commission www.pcc.org.uk ; McNae's ch 31
The Codes

Week 6. W/b 7 March 2011

The Freedom of Information Act, the Official Secrets Act and the Data Protection Act. Your right to information, the limits on Freedom of Information under the law and how the law affects you as a journalist.

Seminars. Freedom of Information Act

Reading. Campaign for Freedom of Information website

<http://www.cfoi.org.uk/>; Your Right to Know website <http://www.yrtk.org/>;
Heather Brooke, Your Right to Know; Quinn ch 25 *Freedom of Information*;
McNae's ch 27 *Freedom of Information*

Week 7. W/b 14 March 2011

How the court system works. What is the difference between the magistrate's court and the crown court? Which cases are tried in the civil courts and which in the criminal courts?

Seminar: Visit to court??

Reading. Courts service <http://www.hmcourts-service.gov.uk/>; McNae's ch 4 *Magistrates' Courts summary proceedings*; ch 5 *Magistrates' Courts Preliminary Hearings*; ch 7 *the Crown Court and the Appeal Court*; ch 15 *Inquests*; ch 16 *Tribunals and Inquests*; Quinn ch 2 *The Legal System*; ch 3 *criminal courts and procedure*

Week 8. W/b 21 March 2011

Court reporting – what you can and cannot report from the courts, inquests and tribunals. Reporting on sex crimes, and minors. New rights for press access to the family courts.

Seminars: court reporting

Reading. Quinn section 2 *Writing about the courts*; McNae's ch 2 *Starting proceedings –reporting the courts*; ch 6 *Juveniles in the news*; ch 8 *Sexual offences*; ch 11 *Admission to the courts*

Week 9. W/b 28 March 2011

Journalists and the police. What do extended police powers under anti-terrorism legislation mean for journalists and when can police demand access to information and material from you?

Seminar: journalists and the police.

Reading: Quinn ch 19; Terrorism law resource

<http://www.terrorismlaw.info/index.php?id=18>

Your Rights (Liberty) <http://www.yourrights.org.uk/yourrights/the-rights-of-suspects/anti-terrorism-powers/index.html>

Longstaff, Abie and Graham, John(2008) 'Anti-terrorism and police powers: should we be concerned?',

Criminal Justice Matters, 73: 1, 15 — 16

<http://www.informaworld.com/smpp/ftinterface~db=all~content=a901572684~fulltext=713240930?words=longstaff> to read this you will have to sign in through your library account

Week 10. W/b 4 April 2011

The law of copyright. How much can you legitimately use of other people's work and what happens if you overstep the mark?

Seminars: copyright

Reading for week 12. Quinn ch 21 *Copyright*; McNae's ch 28 *Copyright*; ch 23 *Breach of Confidence*

W/b 11 April: Reading week and two weeks of Easter vacation

Week 12 W/b 2 May 2011

Exam revision and recap

Seminars: individual tutorials

Bibliography

Core texts

Welsh, T. Greenwood, W. and Banks, D. (2009) *McNae's Essential Law for Journalists (20th edition)* Oxford University Press

Quinn, Frances (2009) *Law for Journalists 2nd edition* London: Pearson

Robertson, Geoffrey and Nicol, Andrew (2008), *Media Law*, Penguin

Other Reading:

Brooke, Heather (2007), *Your right to know*, London: Pluto Press

Caddell, Richard (2006), *Blackstone's Statutes on Media Law*, Oxford

Crone, Tom (2002), *Law and the Media*, Focal Press

Carey, Peter et al (2007), *Media Law*, Sweet and Maxwell

Fenwick, Helen and Phillipson, Gavin (2006), *Media Freedom under the Human Rights Act*, LexisNexis

Frost, Chris (2007), *Journalism Ethics and Regulation*, London: Pearson

Moore, Dudley (2006), *Privacy and the Press*, XPL Law

Rozenberg, Joshua (2005) *Privacy and the Press*, Oxford

Smartt, Ursula (2006), *Media Law for Journalists*, Sage

Online resources

Law updates for Quinn, *Law for Journalists 2nd ed*

<http://www.pearsoned.co.uk/highereducation/resources/quinnlawforjournalists2e/>

Online resources and useful web links from McNae's essential law for journalists

<http://www.oup.com/uk/orc/bin/9780199556458/>

www.meejalaw.com

<http://inform.wordpress.com/about/>