

CYBERSPACE LAW SEMINAR SYLLABUS

Prof. Lipson

University of LaVerne College of Law

Spring Semester 2019 [2 Credits]

Instructor: Prof. Ashley Lipson
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Meeting Times: Thursdays, 2:00 p.m. – 4:00 p.m.
Location: Room 215 (CRN: 2629) / Course Number: 628

- I. **Required Materials:** *Internet and Telecommunication Regulation*, Stuart M. Benjamin and James Speta, Carolina Academic Press, 2019.
- II. **Course Content:** As the title of the required text suggests, governmental regulation will be the focus of the course. And since the Federal Communications Act preempts much of the areas of discussion, federal cases and statutes can be expected to dominate the discussions.
- III. **Course Description:** The course will encompass the several different forms of communication that have emerged since the dawn of broadcasting and continued through an era of what we now refer to new media. Topics include, but are not limited: *Telecommunication Regulation and Policies, The Federal Communications Act of 1934, The Broadcast Spectrum, Licensing, Cable Television, Must Carry Rules, Internet History, Broad Band, Net Neutrality, The Fairness Doctrine, and Indecency.*
- IV. **Classroom Expectations:** Student participation is important. Each week in conjunction with the *Schedule* provided hereunder, students are expected to read and be prepared to discuss significant portions of complete chapters of the assigned text. In addition, students are expected to explore current events and legal proceedings pertaining to changes and developments.
- V. **Basis of Grade:** There will one final examination for all students enrolled in the course. At the option of the professor, class preparation, recitation and quizzes, if any, will account for 25% of the final grade.
- VI. **Academic Integrity Policy:** Students shall honor and obey all of the policies of the University and the Law School relating to honesty and plagiarism. No electronic devices are permitted within the classroom, Laptops and cell phones are **especially prohibited**. With respect to seating, students are expected to fill the front rows of the classroom. As a matter of courtesy to your classmates and professors, you are expected to be on time. Taping often produces results that are misleading and often out of context; the exclusion of pauses, gestures, student interchanges and other visual components frequently change the meaning of recorded statements during playback. Taping is, therefore, prohibited.

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VII. **Office Hours:**

By appointment

Telephone: [310] 777-8333

Email: ashley@objection.com.

VIII. **Class Policies and Standards**

1. *Attendance, Participation, and Preparation:* Attendance is mandatory by College of Law policy (see the below selection from the MAPP). Exam skills, like other skills, are best improved by practice and participation. Students will receive the full benefit of the course only by attending every class session and actively participating.
2. *Tardiness:* Students are expected to arrive on time and stay for the full class session as a matter of courtesy to your classmates and the professor. Arriving late or leaving early will result in a full absence. Roll will be called at the beginning of each class - if you are not present when roll is called, you will be marked absent.

IX. **Disability Accommodations Statement**

Students with disabilities should refer to the policies described at the University of La Verne Disabled Student Services Handbook [as of September 13, 2017 located at <https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>], which can be found on the website of the University of La Verne Disabled Student Services website (<https://sites.laverne.edu/disabled-student-services/disabled-student-services-handbook/>) or at their office. Temporary accommodations are offered on a case by case basis. All required documentation must be submitted by the student before any formal accommodations and should be made directly to the Director of Student Affairs. Any student eligible for and requesting academic accommodations due to a documented disability (or a suspected disability) is asked to contact the College of Law Director of Student Affairs and Americans with Disability Act Compliance Officer, Akita Mungaray by email at amungaray@laverne.edu or by phone at (909) 460-2017. Her office is located on the first floor of the College of Law, Office # 107. You can also contact Cynthia Denne at the University of La Verne Disabled Student Services office at (909) 448-4441. The office is located at the La Verne campus Health Center. In order to be considered for accommodations, disabilities must be documented and the proper medical evaluations must be submitted. The office is here to help you succeed in law school. Visit it online at <https://sites.laverne.edu/disabled-student-services/>.

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- X. Course Objectives and Learning Outcomes:** At the end of this course, you should be able to recognize and identify the key issues and legal controversies involving the regulatory aspects of standard broadcasting and the Internet. In addition, an important feature of this course involves instruction regarding the too-often ignored legislative and legal history of analog transmission and broadcasting in addition to the early development of cable. With that in mind, upon completion of the course, you will have a better understanding of the Federal Communications Commission and the 1934 Act upon which its formation was based, radio and television transmission, regulation of the spectrum, licensing, the Fairness Doctrine (and its demise), syndicated exclusivity, and First Amendment impact. These foundational rules and regulations will then transition to global electronic commerce, broadband networks, net neutrality, privacy, decency regulation and the functioning and operation of cyberspace, in general.
- XI. ABA Standard 310**
Standard 310 requires that for each hour of in-class time, students spend two hours preparing for class (reading or completing class assignments or assessments).
- XII. University of La Verne Mission and Values**
It is the mission of the University of La Verne to provide opportunities for students to achieve their educational goals and become contributing citizens to the global community. The University of La Verne shares four core values that promote a positive and rewarding life for its students through fostering a genuine appreciation and respect for:
1. Values Orientation. The University affirms a philosophy of life that actively supports peace with justice, the health of the planet and its people. Therefore, in light of this affirmation, it encourages students to become reflective about personal, professional, and societal values. It also encourages values-based ethical behavior.
 2. Community and Diversity. The University promotes the goal of community within a context of diversity. Therefore, it encourages students to understand and appreciate the diversity of cultures that exists locally, nationally, and internationally. It also seeks to promote appreciation and preservation of biodiversity by helping students understand the impact/dependence of human beings on their environment.
 3. Lifelong Learning. The University commits itself to promoting education that facilitates lifelong learning. Therefore, it teaches students how to learn, to think critically, to do constructive research, and to access and integrate information in order to prepare them for continued personal and career growth.
 4. Community Service. The University believes that personal service is a primary goal of the educated person. Therefore, it encourages students to experience the responsibilities and rewards of serving the human and ecological community.

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University of La Verne College of Law Vision, Mission, and Values

VISION: La Verne Law is an incubator for innovation in legal education, thought, and advocacy for individuals passionate about serving their communities and promoting access and justice.

MISSION: The mission of La Verne Law is to guide our students in the discovery of law and self as they prepare for the practice of law or other professional careers. Our faculty of scholars and teachers is committed to creating an innovative, collaborative learning environment designed to develop the knowledge and skills relevant to achieving individual and professional success. Our mission encompasses educating, as well as enhancing the professional lives of, the members of the local, regional, national, and international communities we encounter – students, faculty, staff, administrators, alumni, members of the bench and bar, and others who pursue social justice.

Our mission is grounded in the core values of the University of La Verne – life-long learning, ethical reasoning and decision-making, diversity & inclusivity, and community & civic engagement. Difference-making is our legacy.

CORE VALUES: University Values: As a College within the University of La Verne we adopt and endorse the University core values of Lifelong Learning, Diversity and Inclusivity, Community Engagement, and Ethical Reasoning. College of Law Core Principles and Values: As an institution dedicated to teaching and training the next generation of lawyers and leaders, we operate institutionally and individually on the principles of professionalism, innovation, ethics, student centeredness and community enhancement. In our actions and interactions, we are and seek to be affirming, respectful, humble, accountable, committed, inclusive, empathetic, responsive, passionate, and positive.

University of La Verne College of Law Program Objectives

A. Upon completion of the program of legal education, students will possess the skills and knowledge to enable them to pass any bar examination of their choosing.

B. Upon completion of the program of legal education, students will possess those skills to participate as respected members of the legal profession.

C. Upon completion of the program of legal education, students will model ethical, responsible, and professional behavior.

D. Upon completion of the program of legal education, students will embrace cultural differences and civic and community engagement.

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American Bar Association Standard 302: LEARNING OUTCOMES

A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

In compliance with ABA Standard 302, the University of La Verne College of Law has established the following.

XIII. University of La Verne College of Law Program Learning Outcomes

1. Students shall demonstrate knowledge and understanding of substantive and procedural law.
2. Students shall demonstrate competence in legal analysis and reasoning.
3. Students shall demonstrate competence in conducting legal research.
4. Students shall demonstrate competence in problem-solving.
5. Students shall demonstrate competence in written and oral communication.
6. Students shall be able and motivated to exercise proper professional and ethical responsibilities to clients, the legal system, and the wider community.
7. Students shall demonstrate competent litigation skills.
8. Students shall demonstrate competent transactional skills.
9. Students shall apply cultural competency while exercising their legal skills.

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XIV. Schedule: The professor reserves the right to alter or modify the schedule in order to best suit the needs and requirements of the class. For every hour of scheduled class time, you are expected to spend at least two hours outside of class engaged in reading and preparation.

Week 1 [01/10/19] - Introduction. **Chapters 1 and 2**

Week 2 [01/17/19] - **Chapter 3** – Spectrum Regulation

Week 3 [01/24/19] - **Chapters 4** – Zoning, Control, Access and Sharing

Week 4 [01/31/19] - **No Class** [Potential Go To Court Week]

Week 5 [02/07/19] - **Chapter 5** - Licensing

Week 6 [02/14/19] - **Chapters 8** – Multi-channel Video

Week 7 [02/21/19] - **Chapter 9** – Shared Content and Must Carry

Week 8 [02/28/19] - **Chapters 12 and 13** Internet Basics

Spring Break - March 5 - 11 [No Classes]

Week 9 [03/14/19] - **Chapter 14** – Regulating Broadband

Week 10 [03/21/19] - **Chapter 14 (Continued)** – Ancillary Jurisdiction

Week 11 [03/28/19] - **Chapter 15** – Platform Regulation and Privacy

Week 12 [04/04/19] - **Chapter 16** – Fairness Doctrine and Advertising Practices

Week 13 [04/11/19] - **Chapter 17** – Broadcast Indecency

Week 14 [04/18/19] - **Chapter 17 (Continued)** – Telephonic Indecency

Review for Final Examination

Make Up Week: As Needed /**Examination Period:** TBA