

# JOURNALISM AND THE LAW



“We’ve been served an injunction on reporting that the law is an ass.”

**MODULE CODE: JOM415**

**LEVEL: M**

**CREDITS: 15**

**TITLE: JOURNALISTS AND THE LAW**

**PRE-REQUISITES:** None

**CO-REQUISITES:** None

### **MODULE SUMMARY**

This module is a core module in the Journalism and Magazine Journalism Masters courses. The module introduces students to the basics of media law and how it has developed as well as a practical analysis of how it is applied in the everyday production of journalism.

Core factual material is provided via Blackboard with keynote lectures used to explain concepts. The module provides an essential background to operating as a journalist within the law – both in terms of what can be reported and how the law can give the media freedom. Main areas covered include defamation, covering the courts, copyright, reporting restrictions, the PCC and privacy. The course is also in line with the curriculum of the professional accrediting body, the NCTJ.

### ***AIMS***

- To acquire a detailed knowledge of the legal framework within which professional journalists operate and appreciation of procedures in criminal and civil justice systems in England, Wales and Northern Ireland.
- To develop a critical awareness of the functions and forms of reporting restrictions imposed on journalists covering the courts and to evaluate and act on available methods to challenge court orders.
- To engage critically with wider debates about the roles and functions of the different types of civil and criminal courts and their powers of sentence, the role of juries
- To acquire a thorough understanding of the laws of defamation, contempt and breach of confidentiality.
- To explore the ethical implications and limitations of professional codes of conduct, in particular the Press Complaints Commission code and engage critically with the current debates on reshaping laws in response to changes in the nature of the media and the implementation of the European Convention on Human Rights into UK law.

## LEARNING OUTCOMES

On successful completion of the module, students will be able to:

- operate confidently and accurately as journalists reporting on proceedings in both criminal and civil courts within the framework of reporting restrictions and recognise when they are within their rights to challenge judges' decisions on reporting restrictions
- apply their legal knowledge to their own journalistic output as well as those of journalist colleagues in newspapers, magazines and websites and recognise when they could potentially face legal action;
- relate the Press Complaints Commission's code of conduct to their own work as journalists, and respect the code's requirements to report accurately, deal fairly with sources and act in the public interest;
- evaluate and engage with ongoing debates about the legal and political balance of power and the functions of the courts, and relate these to their own work as journalists;
- take part 1 and part 2 of the National Council for the Training of Journalists' media law exam.

## *CURRICULUM CONTENT*

### SEMESTER ONE

#### **Week 1: Wednesday September 28**

Why we do law...also known as "The cost of Libel and Privacy"

#### **Week 2: Monday October 3**

Defamation part 1. Legal meaning, what has to be proved by a claimant... and what doesn't. The defence of justification. How the internet has changed the effect of libel law.

#### **Week 3: Monday October 10**

Defamation part 2. Libel Defences of Fair Comment and Privilege

#### **Week 4: Monday October 17**

Defamation part 3. Libel Defences of Amends and Accord, Reynolds Defence. Rehabilitation of Offenders Act, Slander, Malicious Falsehood.

#### **Week 5: Monday October 24**

Contempt of Court, part 1. The integrity of the judicial system. Contempt of Court Act 1981. What is strict liability? When is a case active? What is 'substantial risk of serious prejudice'? Other contempt risks, including recording/filming in court. Section Three Defence. Section 5 Defence.

#### **Week 6: Monday October 31**

Shorthand bootcamp – no law lecture scheduled

PLEASE NOTE, WE MAY ARRANGE AN EXTRA SESSION DURING THIS WEEK

**Week 7: Monday November 7**

Copyright and Confidentiality. The law and defences to actions. Privacy, Employment tribunals, The PCC. Identifying victims of sexual offences. The protection of children.

**Week 8: Monday November 14**

Revision. Mock NCTJ General reporting law exam

**Wednesday November 16, 9.30AM:**

**NCTJ ESSENTIAL LAW EXAM**

**Week 9: Monday November 21**

Court visit

**Week 10: Monday November 28**

MA overview. Writing legal essays and case studies. Children's Act, Data Protection, non-tested NCTJ curriculum.

**Week 11: Monday December 5**

NCTJ revision session

**Wednesday December 7, 9.30AM:**

**NCTJ ESSENTIAL LAW EXAM (RESIT)**

**Week 12: Monday December 13**

Guest lecture – The newsroom and the law.

**NOTE: DETAILS OF CURRICULUM IN THE SECOND SEMESTER WILL FOLLOW LATER**

**TEACHING AND LEARNING STRATEGY (INDICATIVE)**

This module will be taught through a combination of two-hour lectures and related one-hour seminars in weekly sessions. Lectures will be given to provide an overview of issues and these will be followed by seminars during which students will have the opportunity to debate the topic, examine relevant case studies and check their understanding of legal terms and concepts. There will also be visits to magistrates' courts, Crown courts and employment tribunals, where students will have the opportunity to use the knowledge and understanding acquired in this module in combination with practical reporting and shorthand skills acquired in other modules and classes.

Lecture/seminar

66 hours

Directed and independent learning: 234 hours

Grand total: 300 hours

**ASSESSMENT STRATEGY**

Assessment will be in two parts: a 2,000 word essay on a current legal issue and a 1,000 words of court reports or 1,000 word feature based on visits to a court or courts of the student's choice. **The submission date for handing in course work will be at the end of the second semester on Monday May 7 2012 at 11am.**

<b>LEARNING OUTCOME</b>	<b>ASSESSMENT STRATEGY</b>
On completion of the module, students will be able to:	
<b>1)</b> operate confidently and accurately as journalists reporting on proceedings in both criminal and civil courts within the framework of reporting restrictions and recognise when they are within their rights to challenge judges' decisions on reporting restrictions	<b>Formative assessment with real life coverage of court reporting. Summative assessment of 2,000 word essay on legal issue</b>
<b>2)</b> apply their legal knowledge to their own journalistic output as well as those of journalist colleagues in newspapers, magazines and websites and recognise when they could potentially face legal action;	<b>Formative assessment through seminar quizzes and discussion groups. Summative assessment of court reports</b>
<b>3)</b> relate the Press Complaints Commission's code of conduct to their own work as journalists, and respect the code's requirements to report accurately, deal fairly with sources and act in the public interest	<b>Formative assessment including seminar presentations by students</b>
<b>4)</b> evaluate and engage with ongoing debates about the legal and political balance of power and the functions of the courts, and relate these to their own work as journalists	<b>Formative discussion of own and others journalistic work.</b>
<b>5)</b> Take part 1 and part 2 of the National Council for the Training of Journalists' media law exam.	<b>Ongoing formative assessment including practice NCTJ questions both in seminars and online. NCTJ professional exams.</b>

**MAJOR CATEGORIES OF ASSESSMENT**

Essay: 60%

Court reporting: 40%

**ACHIEVING A PASS**

It **IS NOT** a requirement that any major assessment category must be passed separately in order to achieve an overall pass for the module.

**BIBLIOGRAPHY (INDICATIVE):**

**Core Text(s)**

Banks, David and Hanna, Mark (2009) *McNae's Essential Law for Journalists (20<sup>th</sup> edition)* Oxford University Press

**Recommended Reading:**

Beales, Ian (2005) *The Editors' Codebook* Society of Editors, London

Brooke, Heather (2005) *Your Right to Know* Pluto Press, London

Moore, T., Anthony (2003), *Anthony and Berryman's Magistrates' Court Guide* Butterworth, London

Grove, Trevor (2000) *The Juryman's Tale* Bloomsbury, London

Grove, Trevor (2003) *The Magistrate's Tale: A Frontline Report from a New JP* Bloomsbury, London

Robertson, G and Nicol, A. (2007) *Media Law 5<sup>th</sup> edition*, Sweet and Maxwell, London

Rozenberg, Joshua (2004) *Privacy and the Press* Oxford University Press

Sanders, Karen (2003) *Ethics and Journalism* Sage, London