

Head Notes: Thoughts from Division Head



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I'm writing this column a week after the Supreme Court began its newest term. The first Monday in October is always an energizing day for me. I wear my Supreme Court tie and talk adoringly about the Court to my students. I'm teaching my department's free expression class this fall. It's always so fun and invigorating to see another new group of students learn to love the law and the First Amendment.

Speaking of fun – I'm excited and honored to serve as division head this year. The division has played such a meaningful role in my professional life. I wouldn't be where I am in my career without the relationships I've formed and the mentoring I've received from division members.

We have a great leadership team at your service this year: Courtney Barclay is vice head/program chair; Jason Martin is research chair; Kearston Wesner is clerk/newsletter editor (she designed this slick issue you're reading now!); Jonathan Peters is teaching chair; Jared Schroeder is PF&R chair; Matthew Telleen is our webmaster, and Mike Martinez graciously agreed to remain Southeast Colloquium chair again this year.

I'm happy to announce that Brooks Fuller from UNC-Chapel Hill has agreed to serve as our division's first graduate student liaison. The idea for the liaison position came from past head Chip Stewart, as a recommendation that emerged from our division assessment in Montreal in 2014. I'm glad to make the position happen.

Brooks is in his third year of the doctoral program at UNC. As graduate student liaison, he'll be writing occasional

columns for Media Law Notes. And he has good ideas about reaching out to graduate students before conferences to orient them to what will happen there and to introduce them to the division. If you have other thoughts and suggestions about ways our division can better connect with and support graduate students, please don't hesitate to reach out to Brooks. His email address is pfuller@live.unc.edu.

Vice head/program chair Courtney Barclay is already hard at work scheduling panels for the Minneapolis conference. Many thanks to those of you who submitted ideas to her! In addition to our regular panels, we are also working on organizing preconference sessions. The conference will take place Aug. 3-7 in Minneapolis. Wednesday, Aug. 3 will be the day of our preconference sessions. We will announce the themes and compositions of the panels as we finalize them.

Those of you at the business meeting in San Francisco saw us honor Jane Bambauer as the recipient of the first Stonecipher Award. Thanks to the generosity of Kyu Ho Youm and Doug Anderson, AEJMC will bestow the Stonecipher Award each year, recognizing the top work in legal scholarship concerning freedom of speech, freedom of the press, and communication law and policy. Our division has the privilege of choosing the recipient. I asked Derigan Silver to chair the Stonecipher Award Selection Committee this year. The committee's task will be to identify the best research published in 2015. See Derigan's announcement in this issue for more details.

The calls for submissions and reviewers for the 2016 Southeast Colloquium are also inside. This year's colloquium is March 3-5 at Louisiana State University in Baton Rouge. Thanks in advance for volunteering to review papers, and good

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Picking the Paper Topic: Let's Get Started

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Whether it is for a thesis, a dissertation, an AEJMC conference paper or a law journal article, a key starting point is finding a topic about which to write. Graduate students (and even newly minted assistant professors) going through the process for the first or second time often experience difficulty in identifying a topic and the research questions that will accompany it. That's natural, of course, as with attempting anything as a neophyte.

A common mistake, for example, is vastness of scope as a starting point. "I want to study the right to be forgotten," a graduate student might say. Definitely

41st Annual AEJMC Southeast Colloquium Call for Papers: Law and Policy Division

The Law and Policy Division of AEJMC invites scholars to submit original papers for the annual AEJMC Southeast Colloquium, which is scheduled to take place March 3-5, 2016 at the LSU Manship School of Mass Communication in Baton Rouge, Louisiana. Papers may focus on any topic related to communications law and/or policy, including defamation, privacy, freedom of information, commercial speech, Federal Communications Commission issues, copyright, obscenity and other issues regarding freedom of speech and press. A panel of judges will blind referee all submissions, and selection will be based strictly on merit. Authors need not be AEJMC or Law and Policy Division members, but they must attend the colloquium to present accepted papers.

Law and Policy Division papers must be no longer than 50 double-spaced pages (including appendices, tables, notes and bibliography). Although Bluebook citation

format is preferred, authors may employ any recognized and uniform format for referencing authorities. There is no limit on the number of submissions authors may make to the Division. The top three faculty papers and top three student papers in the Law and Policy Division will be recognized. Student authors of single-authored papers should clearly indicate their student status to be considered for the student paper awards.

Authors should submit each paper as an email attachment (documents may be submitted in Word or PDF formats). In the body of the email, please provide the title of the paper, and the name, affiliation, address, office phone, home phone, fax and e-mail address for each author. This is where students and faculty should indicate their status for consideration of the faculty and student top paper awards. Do not include any author identifying information on any page of the attached

paper submission. Authors also should redact identifying information from the document properties. On the cover page of the attached paper, only the title of the paper should appear. Following the cover page, include a 250-word abstract.

Submissions should be emailed to mtmartinez@utk.edu. The deadline for paper submissions is Monday, Dec. 14, 2015, at midnight Eastern Standard Time. (Note: The deadline is one week later than what was published in the Summer Media Law Notes.)

If you have any questions about the submission process or the paper contest, please contact Dr. Michael T. Martinez by phone at (865) 687-2564 or via e-mail at mtmartinez@utk.edu.

Helpful links:

[41st Annual AEJMC Southeast Colloquium](#)

Twitter: [@manshipschool](#)

Global Freedom of Expression

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For the many legal scholars reaching outside of U.S. borders, the [Global Freedom of Expression](#) case law database should prove a helpful method to improve understanding of international media regulations.

Columbia University launched the Global Freedom of Expression and Information in 2014 to support judicial rulings around the world that upholds vigorous protections for speech and journalism.

The case law database features a searchable set of summaries of judicial rulings around the world.

Each entry tends to be to the point with just the basic information offering sections for a quick case summary and outcome, followed by the facts, and finally a “decision overview.” The top of the entry features basic information including a map with the corresponding country,

whether the case increased or decreased expression, the broad region of the ruling, type of media involved (e.g., online, print, broadcast), type of court (e.g., appeals, supreme, regional) and main themes (e.g., censorship, licensing, national security, public order.)

The database launched over the summer with 250 entries, but the project now holds more than 450 from 65 countries, according to the GFOE.

Columbia President Lee Bollinger, a long-time champion of “uninhibited, robust and wide-open” speech, launched the project. He picked Agnes Callamard, the former director of the free-speech advocate Article 19, as the project’s chief.

“We rarely hear about the legal battles that go on to protect this freedom in the courtrooms across the world,” she [said](#) at the launch over the summer. “Columbia’s global database will provide knowledge about these cases and improve our understanding of global legal trends on freedom of expression, contributing to stronger global protections of these rights.”

Visit the [website](https://globalfreedomofexpression.columbia.edu) (<https://globalfreedomofexpression.columbia.edu>) to sign up for a weekly update on case laws added to the database.

In addition to the database, the

organization also [awards](#) two free speech prizes.

The 2015 award for Excellence in Legal Services went to the London-based Media Legal Defense Initiative for its preparation of the Konaté v. Burkina Faso case. A journalist had his criminal defamation conviction overturned at the African Court of Human and Peoples’ Rights. The MLDI might win the award every year as the organization spends a good deal of time supporting journalists around the world.

The 2015 award for Significant Legal Ruling went to two courts. The Constitutional Court of Zimbabwe ruled unanimously that the offense of criminal defamation should be struck down. The court—just like the African Court above—cited rulings from other countries and several regional courts such as the Inter-American, African and European. The other award praised the Constitutional Court of Turkey that ruled online communications are protected forms of freedom of expression. The government was blocked on three separate cases to block Twitter, YouTube and social media without due process when protests erupted in 2014.

Matt J. Duffy serves as a volunteer contributor for the Global Freedom of Expression project.

Legal Annotated Bibliography



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FREE SPEECH THEORY

Tsisis, A. (2015). "Free Speech Constitutionalism." 2015 U. ILL. L. REV. 1015

The top three theories used by the Supreme Court when rendering speech-related decisions include the marketplace of ideas theory, which is concerned with the identification of the truth; the Meiklejohnian democratic self-governance theory, which states that everything worth saying is said in order to foment the voting of wise decisions; and individual autonomy theory, which views expression as good in and of itself.

This article argues that although each of these theories identifies important jurisprudential concepts, the way in which they are interpreted and applied to confined, fixed categories renders them incomplete, even if applied all at once. While the three theories protect the right

to explore ideas as a means of discovering truth, participating in democracy, and exercising an important aspect of self-definition, each of these explanations has its shortcomings.

Safeguarding expression is essential to gain expertise, advance democracy, reap commercial gain, and achieve a plethora of other goals. Yet the democratic model does not sufficiently explain the rationale for protecting personal creativity through copyright laws, bolster consumer confidence through patent laws, or safeguard humor, even when it is insulting. Similarly, the self-determination model puts the power of constitutional law behind personal will. It allows individuals to file causes of action to vindicate their rights against state censorship, but it poorly explains the collective ability to express ideas for social change and the requirement to limit one's speech when it harms another's reputation, and it rules out almost all forms of hate speech legislation.

This article says a better approach to free speech theory would allow government actors to advance the underlying purpose of the Constitution: to develop and enforce policies conducive to the public good that safeguard individual liberties on an equal basis. This overarching concept

better explains why truth and falsehood are protected; why both democratic and narcissistic speech enjoy First Amendment protections; and why speech is not purely libertarian because it can harm the legally recognized interests of other members of a complex society. To that end, Tsisis proposes the "liberal equality theory," a new, comprehensive free-speech theory, distinct from any rationale the Court has used before. This theory states that the First Amendment ought to be considered a necessary component of a nation whose primary purpose is the protection of individual rights for the common good.

COMMERCIAL SPEECH

Smolla, R. (2015). "Off-Label Drug Advertising and the First Amendment." 50 WAKE FOREST L. REV. 81.

The Federal Food, Drug, and Cosmetic Act mandates a "preclearance" regulatory system that prohibits the introduction or delivery into interstate commerce of any new drug without specific FDA approval. As part of this approval process, the FDA permits new drugs to enter the marketplace only for specified purposes, each of which must appear on the drugs' labels. Pharmaceutical manufacturers may only advertise their products for the FDA-approved uses printed on the products' labels, and any promotion of a drug for off-label use is tantamount to misbranding, an offense that incurs fines so steep that the vast majority of defendant companies so charged plea bargain.

Oddly, however, the federal government does little to regulate doctors' prescription of off-label drug uses. Doctors regularly suggest medicine to patients to treat conditions other than the on-label uses approved by the FDA.

This article argues that healthcare practitioners recommend drugs for off-label purposes because in their professional medical opinions, the drugs they prescribe are more likely to benefit than harm their patients. The present regulatory scheme, where the FDA regulates marketing drugs for specified uses but declines to regulate the actual dispensing of drugs, should not be permissible under contemporary commercial speech guidelines. Because off-label use is legal, the truthful, non-misleading promotion of off-label drug use should be protected under the First

2015 Harry W. Stonecipher Award Call for Nominations

The Stonecipher Award Selection Committee of the AEJMC Law and Policy Division is seeking nominations for the 2015 Harry W. Stonecipher Award for Distinguished Research on Media Law and Policy. The award honors the legacy of Harry W. Stonecipher. Stonecipher, who died in 2004, was an acclaimed and influential First Amendment educator. He nurtured a number of media law scholars during his 15-year career at Southern Illinois University, Carbondale, beginning in 1969.

The Stonecipher Award for Distinguished Research on Media Law and Policy is open to all journalism and communication scholars within and outside AEJMC. The award will be presented to the research that most broadly covers freedom of expression as a whole. The award is not limited to research that centers on media-specific

issues. In addition, the successful nomination will ideally be global in scope, rather than U.S.-centric, given that media law and policy as a research topic is inextricably intertwined with the rest of the world in the 21st century. Preference will be given to research with a strong theoretical component that demonstrates the potential to have a lasting influence on freedom of expression scholarship. Nominations may be for articles, monographs, peer-reviewed journal articles, law review articles, or other scholarly publications. Self-nominations are welcome.

In order to be considered for the award, the research must have been first published between January 1, 2015 and December 31, 2015. Nominations should be sent to Derigan.Silver@du.edu before Sunday, February 28, 2016.

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luck to those who are planning to submit their work.

Finally, if you have thoughts throughout the year on how we can make the division better, I'm all ears. Send me an email (dkozlows@slu.edu) or give me a call (314.977.3734). I'm looking forward to a great year!

Southeast Colloquium: Call for Reviewers

The Law and Policy Division has a proud tradition of hosting an engaging research paper competition at the Southeast Colloquium each year, and we anticipate that 2016 will be no different. With our growing number of papers comes a need for an equally vigorous team of reviewers. For us to limit reviewers to three papers each, we'll need approximately 40 reviewers. If you are not submitting a paper to the colloquium this year, the division invites you to help with the competition. Reviewers will receive a package of papers in mid-December, with a mid-January deadline for returning reviews. For more information, please contact Dr. Michael T. Martinez by phone at (865) 687-2564 or via e-mail at mtmartinez@utk.edu. For more information on the 2016 Southeast Colloquium see the website: <http://melresearch.com/aejmc/>.

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a worthy topic, but certainly it needs to be whittled down much, much more. A suitable response thus might be, "Okay, but what aspect or facet of the right to forgotten do you want to address and, importantly, why do you want to address it?"

Another pair of follow-up questions I'd probably ask is, "What has gone on recently – within the past six months to a year – that gives you an entrée into this topic? Is there some timely peg or real-life example on which you can hang your paper/thesis?"

Do You Have News for the Division?

If you have any news or would like to contribute to the newsletter, please contact

Kearston Wesner by email,
kearston.wesner@quinnipiac.edu.

The more examples, the better, and the more current the examples, the better. If there has only been one dispute in the past year, it may not be enough to justify an entire paper/thesis. But if there have been several recent and factually similar disputes or controversies, then that certainly paves the path for a potentially worthy topic.

The next line of questions I might ask is, "What's been written about this before? Has someone else already covered your topic? What can you add that would break some new ground?"

Here, I send the student to the law reviews section of LexisNexis or Westlaw to conduct an initial, rough literature review. I ask students to focus on articles (typically by professors or practicing attorneys) rather than on notes or comments (typically by law students). The mere fact that someone else has addressed the topic certainly does not preclude another scholar from addressing it, provided a different angle or a distinct tack to the topic can viably be made.

Sometimes graduate students simply don't have any topics or ideas in mind. Here, I typically send them to the websites of the Reporters Committee for Freedom of the Press and the Student Press Law Center. Both the RCFP and SPLC sites feature excellent recent news articles and analyses that students can scroll through to see if something – anything? – rouses their curiosity. Similarly, the Electronic Frontier Foundation website features an "Updates" category of recent cases and controversies. All three sites are great starting places for generating paper and article ideas.

Other sites, of course, exist as well. For example, students who have an inkling about studying advertising law might visit the Federal Trade Commission's site and review recent postings.

Finally, it is not too early at this stage to ask the student to think about what he or she might propose – something original – to resolve the research questions. A thesis or paper must make some original

contribution – propose legislation, create a tort if you're a budding Prosser or offer an alternative argument that supports a law or militates against it. Don't simply count cases and/or summarize and synthesize them. Be ready to step up and make a contribution.

Ultimately, there is no formula for choosing the "right" topic. Many topics are great, but the best are: timely, important, understudied and publishable. That last part – publishable – cannot be overlooked, either for a graduate student building a CV for the job market or for an assistant professor shooting for tenure and promotion. Some topics are interesting and cool, but are perhaps better addressed in a 600-word op-ed than given the full 50-page treatment.

Clay Calvert is professor and eminent scholar in mass communication at the University of Florida, where he also directs the Marion B. Brechner First Amendment Project.

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Amendment The article concedes that the federal government may mandate the use of disclaimers and warnings on drug labels or advertisements in order to advance public health. However the Supreme Court has consistently held that governmental entities may not restrict the free flow of information about activities that they conceivably could prohibit, but have not.

IMMIGRANT SPEECH

Kagen, M. (2015). "Do Immigrants Have Freedom of Speech?" 6 CALIF. L. REV. CIR. 84.

In May 2015 in a federal district court in Texas, the Department of Justice made the case that immigrants who have not been legally admitted to the United States have no right to claim First Amendment protections. This article explores the case law governing immigrants' free speech rights and argues that, contrary to the DOJ position, all people in the United States are protected by the First Amendment.

Pineda-Cruz v. Thompson is a class action lawsuit by Central American mothers who arrived with their children as part of an influx of people fleeing gang violence in 2013 and 2014. In March 2015, about eighty detainees at a government facility in Karnes, Texas, decided to protest conditions by going on a five-day hunger strike. After the strike, the mothers filed suit, claiming that the detention center's punishment for the strike violated the First Amendment.

In several cases, the Supreme Court has held that the First Amendment offers little to no constraint on the federal government's power to regulate immigration. In 1972, the High Court's decision in *Kleindienst v. Mandel* affirmed the government's authority to refuse a visa to a Belgian socialist who was invited to speak at American universities. Excluding an invited speaker implicated free speech interests, specifically the right of United States citizens to receive information. Nonetheless, the Court found that the federal government's vast plenary power to control entrance into the United States overcame any First Amendment objections.

At least twice, though, the Supreme Court has said (in *Bridges v. Wilson* and *Chew v. Colding*) that the First Amendment applies to non-citizens within the country. In *Chew*, the Court said: "[O]nce an alien lawfully enters and resides in this

country he becomes invested with the rights guaranteed by the Constitution to all people within our borders."

Furthermore, the recent case of *Citizens United v. FEC* offers significant doctrinal support for immigrant speech rights. *Citizens United* considerably strengthens immigrants' claims to free speech, because the Court held that the government may not silence expression based on the identity of the speaker. Unfortunately, the Court has not directly discussed whether non-citizens have the freedom to speak when they are in the country unlawfully. As a result despite the alarming implications of the DOJ argument, the case law is not as clear as one might hope.

COPYRIGHT

Langvardt, A. (2015). "I Have a [Fair Use] Dream": Historic Copyrighted Works and the Recognition of Meaningful Rights for the Public." 25 FORDHAM INTELL. PROP. MEDIA & ENT. L.J. 939.

This article uses Martin Luther King, Jr.'s "I Have a Dream" speech to discuss the fair use of historically significant material.

Dr. King acquired copyright protection for his speech in 1963. Because the law in effect at the time contemplated a maximum of fifty-six years of copyright protection, the copyright would have been set to expire at the end of 2019. But Congress twice amended the statute, delaying the expiration of the copyright until 2058. As a result, when we see the speech quoted or video of portions of it aired, we see only snippets. The bits and pieces we do get to read, see, or hear would be even more enlightening in the context of the full speech.

Because the highly fact-specific nature of fair use cases leads to uncertainty about when it will or will not apply, relying on fair use as a justification for borrowing from a copyrighted work can be an expensive proposition regardless of a case's outcome. This has led, in the case of Dr. King's speech, to a general chilling effect regarding the discussion of civil rights.

Although the "I Have a Dream" speech encountered litigation soon after the copyright was granted in 1963, courts have not had occasion to rule on fair use arguments in infringement cases involving unlicensed uses of the speech. This article proposes liberally applying the four fair use factors: (1) the purpose and character of the defendant's use; (2) the nature of

the copyrighted work; (3) the extent to which the material was copied; (4) the degree to which the defendant's use of the copyrighted work adversely affected markets for the work. Applying these considerations here would potentially unfreeze discussion about one of the greatest speeches ever given.

SHIELD LAWS

Zenor, J. (2015). "New Media and an Old Metaphor: Shielding Acts of Journalism: Open Leaks Sites: National Security, and the Free Flow of Information." 39 NOVA L. REV. 365.

Since the nineteenth century, journalists have defined themselves as a public watchdog, informing and protecting the public from the abuses of powerful public and private interests. This perceived role has been the basis for journalists' arguments that they deserve special privileges not afforded to the public.

But critics argue that the traditional media has abandoned its watchdog role to become a part of the giant oligopolistic industries that they were meant to investigate. As another power player in this hierarchy, the corporate media are unwilling to investigate government or industry sources. Also, shield laws protect the flow of information to the public, not shelter a privileged class of journalists or whistleblowers—whose acts fall under a different set of laws.

Nevertheless, modern discussions are dominated by debates over the definition of "journalist." In this contemporary digital age, this debate is futile because no one can give an adequate answer. Although traditional media outlets may offer a source confidentiality, they cannot offer absolute anonymity because most state shield laws have several exemptions. Furthermore, national security whistleblowers have almost no promise of anonymity because of the lack of a federal shield law. Thus, the risks are high for whistleblowers who work with traditional news outlets. Consequently, fewer sources are willing to reveal government information. Arguably, under the traditional model, the public interest is harmed. In its discussion, the article focuses on open leak organizations such as WikiLeaks that challenge traditional journalism norms and suggests that a federal shield law should be adopted that protects information, not necessarily people.

Minutes of the Law and Policy Division Annual Meeting

AEJMC Law & Policy Division Annual Meeting Minutes

Aug. 7, 2015

At Marriott Marquis, San Francisco, CA

By Jason Martin, Clerk/Newsletter Editor

Call to order and minutes: Division Head Chip Stewart (CS) called the meeting to order 6:46 p.m. PST. CS welcomed all 35 members in attendance to the Law and Policy Division Business Meeting in the most distant corner of the hotel, 2nd lower level. Minutes from 2014 received unanimous approval.

News and updates from AEJMC: CS spoke about record submissions and a 50% acceptance rate for AEJMC for 2015. He urged members to promote Oct. 6, National News Engagement Day. He also mentioned the international conference upcoming Oct. 15-17 in Santiago, Chile, the first international conference for AEJMC.

CS praised Kyu Ho Youm (KY) and Woody Hartzog for their roles in the division co-sponsoring the first Global Connections Panel on Right to Be Forgotten, together with CTEC. The goal is to build lasting relationships with other organizations. Vice Head Dan Kozlowski (DK) mentioned there is talk of bringing back panelist Rigo Wenning of the World Wide Web Consortium next year.

Council of the Divisions – News & Updates: Member dues/awards last year was about \$6,200, this year \$6,283.76 not counting all registrations at conference and walk-ups. \$1,000 was donated by KY and Doug Anderson for the Stonecipher Award and will be paid out of the account to come. CS said typically all expenses for plaques, certificates and awards are about \$600. After conference last year, the balance was about \$3,300 after expense for travel, speakers, awards.

CS said Comm Law & Policy journal windfall has \$35,000 in account, about \$36,000 in April, not updated more recently. He expected to find out an updated total after conference. CS and past head Derigan Silver (DS) are trying to find out if the annual income from the journal is steady or fluctuates to best determine expectations for the budget for future years. Wat Hopkins (WH) explained that the money was found in an account after Kathy Bailey took over as AEJMC business

manager.

CS said membership dues are \$30 for faculty including a subscription to the journal. Students are \$7 and don't receive the journal. CS opened up discussion to members. Research Chair Courtney Barclay (CB) motioned to keep dues the same. There was no discussion. CB said our dues are about average for AEJMC. The motion passed unanimously.

Membership numbers: CS said we're at 231, not counting expired and hadn't renewed memberships wed or walkups. Last year we were at about 260, but the meeting was a day later so that included walk-ups. We have been consistent around 250-260 members, and CS expects same after the final figure is tallied.

WH provided the CL&P update. CS recognized WH for receiving the Bowles Award for service during the introduction with a round of applause. CS said it was a tremendous and deserved honor for WH.

WH encouraged members interested in reviewing to volunteer. He passed out copies of report. WH said it was not a good year for journal: submissions were the lowest in his editorship and pages published was the lowest ever. Any celebration of the journal, in its 20th year, will wait until the 25th year.

WH remembered the loss of two editorial board members. Dwight Teeter (DT) passed away and had been a supporter of the journal and division for years. Bill Chamberlin retired several years ago and wanted to continue on the journal, but notified this year he would like to retire from the editorial board. Erik Ugland of Marquette has joined. The board likely will add a couple more board members this year, WH said. Bylaws of the journal limit the number of editorial board members and a certain percentage of the board must be division members. WH asked for questions, there were none, only applause. CS thanked WH for his continued service as editor.

Southeast Colloquium Report, Mike

Martinez: L&P accepted 16 of 29 submissions (55%) with four L&P panels, more than any other division. Looking forward to next one at Manship at LSU March 3-5 in Baton Rouge, LA. MM plans to continue as SEC chair. Entries are due Dec. 7 with acceptances notified in early January.

MM took a moment to commemorate DT. MM said DT was a colleague, friend, mentor at U of T, and very dear friend. DT, a co-founder of the Law Division, died Feb. 27, 2015, after an extended illness. In 1973, DT and Doug Gilmore co-founded the division. As clerk, DT started the newsletter that is now Media Law Notes. In 1986, DT became president of AEJMC, and also served on the editorial boards of JMCQ, CL&P, Mass Comm Review, and Journalism Monographs. In 2001, he received the distinguished service award from AEJMC DT retired in 2014 after 50 years of teaching at seven universities. He was dean of UT College of Communication. MM thanked DT and others of his generation of legal scholars for legacy he and others left us today.

Teaching Report, Jonathan Peters (JP): The teaching competition this year had 10 entries with a variety of approaches. Three winners received \$100, \$75, and \$50. Third place was Roy Gutterman of Syracuse. Second place was Peggy Watt of Western Washington. And first place was Stephen Bates of UNLV. The winners came forward, received checks and certificates, and posted for photos with JP. JP referred members to details of the winning entries in summer 2015 edition of MLN.

JP said to keep eyes peeled for the upcoming call for next year with another broad call not limited to L&P members. CS thanked JP for the helpful pre-conference teaching session he moderated with CS, Amy Kristin Sanders, David Greene from EFF, and Joe Russomanno. CS also thanked JP for his role in bringing in speakers with Judge Kozinski and thanked JP for his service this year.

PF&R Report: Jasmine McNealy (JMc) had another meeting was not able to

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attend the business meeting, but CS said she nicely summarized our PF&R panels detailed in summer 2015 MLN. Her report was adopted by reference.

Webmaster Report, Matthew Telleen (MT): MT said in his first year he learned the hard ways the website was set up: it was difficult to get access as editor, but once in, MT said he worked out how to best be of service. Plans include maybe reorganizing the page or new hosting and rethinking social media. MT is accepting suggestions for better use for website.

Clerk/Newsletter Report, Jason Martin (JM): JM thanked all of the contributors to four successful editions of Media Law Notes, including division officers, bibliography editor David Wolfgang, and others. JM thanked CB for her help in sharing files to make MLN production easy. JM also thanked CS for his role in distributing the newsletter. CS thanked JM for his service.

Research Chair Report, CB: Division had about 65 submissions with 29 accepted for just under 45% acceptance rate. CB was able to save six papers that came in with varying identifying information. She said the conference is getting stricter about this, so members should beware and double check if any problems with identifying information in the PDF. The research chair can check ahead of time. We had no DQs for identifying info in our division but one for page length. CB reminded of 50 page double-spaced pages max. The DQ was 46 pages single. CB said it was a high quality of submissions that yielded seven research panels. An AEJMC oversight led to an additional panel but no poster session. DK confirmed a scheduling error on AEJMC's part, not CB's.

CB thanked all reviewers for their work at a busy time of year for everyone, particularly reviewers who got in on time. CB gave a special thank you to CS and DK who filled a last-minute void in reviewing. Also Dean Smith took extra papers and served as a last-minute discussant. Kearston Wesner (KW) also did extra reviews last minute. Finally, CB thanked Felicia Brown of AEJMC for her good work saving identifying info papers. CB said FB's work goes unnoticed until you work with her, and she was very responsive.

CB said it was a robust student competition that could have honored more after the top 3. Winners were: First place, Barry Parks, Memphis; second place, Nicholas Gross, UNC-CH; third place, Jane O'Boyle, South Carolina. Winners came forward to receive their awards from CB.

Top debut faculty paper award and third place faculty paper went to Ben Wasike of Texas at Brownsville. Second place was Tori Ekstrand (TE) of UNC-CH. First place was Clay Calvert (CC) of Florida. Winners were greeted by CB and a round of applause. CS said there were great, competitive research sessions. CS said the trains run on time in regards to the CL&P division research competition.

Programming Chair Report, DK, Vice Head: DK called programming a success with good attendance and support from the division. JP and CS organized two great pre-conference sessions with a great lineup of panelists. DK thanked TE, Eric Robinson and Woody Hartzog for their help with panels. DK said his only disappointment was that he couldn't program all the great ideas – more than 20 ideas for panels, and couldn't accept them all. The division made a concerted effort for teaching panels, and DK thanked JP for that. DK was thrilled with the special Global Connections session that AEJMC sponsored and provided an extra chip. DK thanked Hartzog for taking the lead and David Hoffman for coming on his own expenses. CS said DK did a terrific job this year and that the division is fortunate to have him as incoming head.

Stonecipher Award: CS said this inaugural award was the big moment of the year as an award for communication law and policy research. Even greater fortune was Jane Bambauer was able to join us and accept the award in person for Is Data Speech? The announcement was so late that CS lamented there was no check or certificate to present, but shook hands with JB and invited her to the social at the Press Club afterwards.

News Business: CS turned over the reins for new business. CS welcomed DK as incoming head and said we're in great hands. CS said DK is super organized, thoughtful, a great leader, and in for a terrific year ahead. CS then turned over

the meeting to DK.

DK recognized CS for working on behalf of the division for seven years in some capacity. DK said it was a pleasure to work with CS and thanked him for his service. DK presented CS with an official plaque recognizing his outstanding service. CS said it was a great privilege and thanked everyone for working with him. CS said how important the division was to him, his career, and his scholarship.

DK recognized the automatic ascension of CB to Vice Head/Programming Chair and JM to Research Chair. For clerk/newsletter, the position starts a four-year climb up the division leadership, DK said. Kearston Wesner of Quinnipiac self-nominated but was unable to attend the meeting. DK opened the floor to nominations, but there were none.

CB read a statement for KW: KW wished could be there to talk in person, writing from Connecticut where she just moved to start a new position. KW has been a reviewer and looking forward to more involvement in the leadership track. DK thanked CB for reading the statement. KW was unanimously approved.

For Teaching Chair, DK called for nominations. JP indicated he'd like to continue. JP thanked JM for building the teaching competition, and JP wants to continue to emphasize teaching panels. JP exited the room with CS. TE motioned to approve, it was seconded, and all were in favor.

For PF&R, DK said JMc did great job past two years, but was not running for a third term. Jared Schroeder (JS) of SMU self-nominated. JS said it would be his first service position and he was excited to get started. CS escorted JS out. After a motion and second, DK said JS seems very dedicated and eager to get involved. Vote was unanimous approval.

For webmaster, MT offered to return. Cathy Packard nominated with a ringing endorsement. MT promised he won't use Twitter to feud with Drake. CB motioned, Erin Coyle seconded, and vote was unanimous.

Southeast Colloquium chair is discretionary appointment. DK appointed

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MM to a third year.

New Business: Next conferences are 2016 Minneapolis, 2017 Chicago, 2018 Washington D.C. Vote was held for the 2019 conference location between Atlanta, Philadelphia, Tampa, and Toronto. Discussion followed. WH spoke for Philadelphia. CC advised against Tampa in August. DK mentioned Canadian government pay incentive of \$33,000 to AEJMC. WH pointed out National Constitution Center and other partnership potential for Philadelphia. CS said the NFOIC annual meeting was there five or six years ago and was a great meeting with good public transportation. A vote was held with 16 Philadelphia, 11 Toronto, and 0 for Atlanta and Tampa.

Future Stonecipher Award process: DK praised the generosity of donation outside of association and said it was wonderful JB was able to be here short notice. This year CS handled the process as head and took over selection process with a board comprised of the elected division leaders, WH, and the immediate past head, DS.

CS advice was to find a new chair, and said DS volunteered to take over that role. Early in 2015, DS will send an announcement out. DS was not in attendance at the meeting, but DK thanked him for stepping up for the responsibility.

Graduate liaisons: CS suggested these positions for growing graduate membership, mentoring students, and soliciting advice in MLN. CS envisioned a couple of people, writing in MLN, going to SEC, appointed by division head to serve at discretion, to help build numbers. CS forwarded nominations to DK.

Contributions to organizations: DK said the past few years we've given \$500 to SPLC and RCFP. DK opened for discussion to continue, increase, or decrease. CC asked to add EFF as it branches into other areas. CC noted DG contributions this year. CS noted EFF hosted reception for some division members after pre-conference panel. CC proposed \$250 or \$500 to EFF. DK turned to CS on updated budget, and CS thought it was be same as last year. There was a motion for \$500 for all three groups at once. All were in favor.

DK thanked everyone for opportunity to

serve as head and called meeting to order at 7:51. AKS motioned to adjourn. CB seconded, and all approved at 7:52 PST.

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