

**From:** Brett Johnson, Law & Policy Division Newsletter Editor <johnsonbg@missouri.edu>

**Date:** Friday, January 21, 2022 at 7:16 AM

**To:** Johnson, Brett G. <johnsonbg@missouri.edu>

**Subject:** Media Law Notes, Vol. 50, No. 2 (Winter 2022)

The Winter 2022 issue of Media Law Notes is here!

# AEJMC Law & Policy Division

## Media Law Notes

Vol. 50, No. 2

A publication of the AEJMC Law & Policy Division



### Headnotes

Caitlin Carlson, Seattle University

Division Head, 2021-22

Happy New Year, Law & Policy Division Members. I hope everyone's semester is off to a good start. I know with Omicron running rampant there are many challenges to navigate both inside and outside of the classroom, but I'm hopeful that you and your families are safe and healthy.

The uncertainty surrounding the virus has lots of folks, myself included, wondering about the conference format for Detroit. Right now, we are slated to be in person although obviously that could change as conditions shift. I'll be sure to keep everyone in the loop as we receive guidance from the main office about the plan for August. We know for sure is that extended abstracts will continue to be accepted so I encourage all of you to be thinking about submissions for our April 1 deadline.

#### **Michael Hoefges Research Fund Awards**

Amidst this uncertainty, I'm happy to share some good news. We have just awarded the first annual Michael Hoefges Research Fund grants of \$500 to three incredibly deserving graduate students.

As many of you know, the LAWP Division, led by Tori Ekstrand of UNC, began collecting funds last year to honor the memory of Dr. Hoefges by supporting graduate students and their work. His family also contributed to the fund.

Kyla Garrett Wagner of Syracuse has led the charge on this effort. She developed the parameters of the grant program, created the call, and has managed the submissions and awards. She also led the executive board in the review of applications. I'm so happy to report that we had 11 applications from graduate students both inside and outside of the U.S.

The projects that the executive board selected for this inaugural award are listed below:

### **Encoding Privacy: How Tech Workers Shape Privacy Regulations**

*Rohan Grover, PhD Student, USC Annenberg*

### **How New Media Law and Regulations May Change Journalism Landscape in Vietnam: A System Justification Approach**

*Moon Nguyen, PhD Student, Hong Kong Baptist University*

### **Measuring Trust in Public Records: How Does Trust in Government Affect Attitudes Toward Use of Public Records in News Reporting?**

*Jessica Sparks, PhD Student, University of Florida*

Each of our award recipients has been invited to join us in Detroit for a pre-conference panel in to share their research results. Students whose projects were not selected were given the opportunity to connect with a mentor within the Division to help flush out their ideas and read future drafts.

I know I speak for the rest of the Division leadership when I say that we hope this is the first of many years in which we'll be able to honor Dr. Hoefges' memory through this program. To that end, we'll be soliciting additional funds later this year, so please stay tuned for the call.

### **Position Announcements**

I'm thrilled to announce that Ed Carter will be taking over as our Stonecipher Chair this year. Ed will be calling on folks to submit nominations and serve on the selection committee so look for those opportunities to get involved. Thank you to Dean Smith for his previous service in this role.

After several years of service to the Division, Brooks Fuller will be stepping down as Teaching Chair to spend time with his growing family. I've appointed Kyla Garrett Wagner to serve as interim teaching chair and (hopefully) we'll formally vote her into the position during our August business meeting. As many of you know, Kyla managed the teaching competition last year and this opportunity coincides nicely with the work she has been doing with the Hoefges Fund Awards.

### **Southeast Colloquium**

As a reminder the Southeast Colloquium will be taking place March 17-19. The format is hybrid, so you can attend in person or virtually. We'll be sure to send the registration link once it's available, and thanks in advance to Mike Martinez for managing the event on behalf of the Law & Policy Division.

### **Final Thoughts**

I want to close by reiterating my gratitude to Ed, Kyla, and others in service roles. I am in awe of the time and energy so many people put into making all our events, awards, and programming possible. Thanks, all.

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## **Putting You at the Center of *CLP***

Amy Kristin Sanders, UT-Austin

*Communication Law and Policy*

Editor's Note

New year, new journal! That's our mantra at *Communication Law and Policy*. We're working to improve the authorship experience, the editorial process and the efficiency with which we publish your scholarship.

If you're following the journal on Twitter (@CommLPoly), you may be aware of some of the substantial changes we have made in the recent past:

- Adding Priority Submission Deadlines in January and June to expedite peer review with the goal of making publication decisions within 45 days.
- Changing to an Open Submission System to allow authors to submit their manuscripts to the journal in any recognized citation style (OSCOLA, APA, Chicago, MLA, etc.) with the understanding that they will convert to Bluebook upon acceptance.
- Implementing Online Submission through the publisher's standard portal to allow submission tracking, expedited review and additional features to streamline publication.
- Working with the publisher to transition to Online-First Publishing that will allow us to process and publish articles as they make their way through peer review rather than based on print publication deadlines.
- Breaking from Bluebook's customary use of et al. for citations with multiple authors to include all authors' names in citations in recognition that et al. often takes recognitions away from the work of women, scholars from historically underrepresented backgrounds, graduate students and early career scholars.
- Adopting the use of gender-neutral pronouns, including the singular use of 'they,' for non-specific references in all manuscripts.

But that's not all we're doing. We also want to make sure you are at the center of everything we do. By creating associate editor positions and expanding the Editorial Board, I have committed to making space for more voices to have input into the journal's operations. I also hope this creates a pipeline that provides leadership opportunities for more of our colleagues.

As a part of this effort, we are putting out an open call for media law and policy scholars to submit an idea for a special issue of the journal that they would like to guest edit. Once we receive proposals, the Editorial Board will select the most promising proposal, and the guest editor or editors will be paired with a member of the Editorial Team who will help them oversee production of their special issue—from creating the call for submissions to putting the final touches on proofs. We think this is a great way for folks to get a sense of what working on the journal entails.

Even if you aren't a member of the Editorial Board, we have opportunities for you to help shape the journal's future. Editorial Board Co-Chair Roxanne Watson is beginning to develop a mentorship program that would help authors move their manuscripts toward peer review. If you're interested in working with Roxanne to help early career scholars develop their work, please send her an email. Co-Chair Yoonmo Sang is leading our efforts to increase the journal's name recognition and prestige with media law and policy scholars around the globe. Let Yoonmo know if you'd like to take part in our effort to recruit authors or editorial board members from outside the U.S.



We are also dreaming up some programming opportunities—free, online workshops to help us all become better scholars—so let us know if there’s a topic you’re interested in learning more about. Perhaps you’re interested in learning more about policy research or how to ground your work in a particular theoretical framework. Send us your ideas! Better yet, let us know if you’d like to share your expertise with others by hosting or co-hosting a workshop.

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I hope you feel like *Communication Law and Policy* is your journal. On behalf of associate editors Chris Ali and Chip Stewart, I can assure you it is our pleasure to serve as the journal’s stewards. We will continue to look for ways to make your experiences with the journal even better, so do not hesitate to share your feedback.

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## LAWP website is looking awesome!

Webmaster Genelle Belmas has been managing a beautiful, informative, and very functional website for the Division. Check it out here:

<https://aejmc.us/law/>

Great work, Genelle! Thanks for everything you do!

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## AEJMC 2022 Paper Call Now Open

The All-Academic site is now open and taking submissions for the AEJMC annual conference. Fingers crossed, it will be held in Detroit, MI, August 3-6, with pre-conference on August 2. AEJMC will send word at a later date about the format of the conference (fully in person, hybrid, or fully online). The call for the Law & Policy Division is available after creating an account on All-Academic, but you can also read it below:

The Law and Policy Division invites the submission of original, non-published research papers related to communication law and policy that use any methods or theories appropriate to their research questions. Work that addresses matters of race, class, and gender is welcome. A panel of judges will blind-referee all submissions, and selection will be based on merit. Authors need not be members of AEJMC or the Law and Policy Division to submit.

Authors must submit via the process described in the Uniform Paper Call. Law and Policy Division papers must not exceed 50 double-spaced pages and must have one-inch margins and 12-point font, including cover page, appendices, tables, footnotes/endnotes, and end-of-paper reference list, if applicable. (Footnotes/endnotes and reference list may be single-spaced.) Papers will be rejected without review if they do not comply with these requirements. Bluebook citation style is preferred, but authors may use any recognized, uniform style for referencing authorities, including APA, Chicago, or MLA.

There is no limit on the number of submissions that authors may make to the Law and Policy Division. However, any paper previously published or presented at a conference, except the AEJMC Southeast Colloquium or the AEJMC Midwinter Conference, is ineligible for submission.

### **Uniform Paper Call: Notable Instructions**

Upload papers beginning January 15, 2022. Follow the instructions on the submission site to create your account and complete the steps required. Papers must be uploaded no later than **11:59 P.M. (Central Daylight Time) Friday, April 1, 2022.**

Papers uploaded with author identifying information will not be considered for review and will be disqualified.

Papers are accepted for review on the understanding that they are not already under review for other conferences and that they have been submitted to only one AEJMC group for evaluation.

If a paper is accepted and a faculty author does not present it at the conference, or a student author does not make arrangements for it to be presented by another person at the conference, then that paper's acceptance status is revoked. It may not be included on a vita.

Authors will be notified about acceptance decisions by May 20 and may access, at that time, a copy of reviewers' comments from the online server.

## **Special Awards**

### **Top Debut Faculty Paper**

The Law and Policy Division will award a Top Debut Faculty Paper. This will be the top paper by a faculty member who has never had a paper accepted by the division. The faculty member will receive a prize of \$150 and free conference registration. For papers with multiple authors to be eligible (e.g., multiple faculty or faculty/student), none of the authors may have previously had a paper accepted by the division at the national conference. In addition, only the faculty author presenting the paper will be eligible for free conference registration.

## **Top Student Paper**

Student authors must clearly indicate their student status on the cover page. Student-only submissions will be considered for the Whitney and Shirley Mundt Award and its \$100 prize, given to the top student paper. Coauthored papers are eligible as long as all authors are students. The Law and Policy Division will also cover conference registration fees for the top three student paper presenters. In the case of coauthored student papers, only the student author presenting the paper will be eligible for free conference registration.

## **Extended Abstracts: still an option**

In light of the continued disruptions to the lives of faculty members and graduate students as a result of the COVID-19 pandemic, the Law and Policy Division will again accept extended abstracts. They are suitable for authors who are sufficiently along in the research process to address the content elements described below. Extended abstracts follow the same submission process and deadlines as full papers, and authors whose extended abstracts are selected for presentation must submit their full paper by 11:59 p.m. CDT on July 15, 2022. Extended abstracts are not eligible for division awards.

## **Content and Formatting Guidelines**

Extended abstracts must be at least 750 words but no more than 1,500 words. A 75-word (maximum) summary of the extended abstract must be included. References and summary are excluded from the word count.

Extended abstracts should contain all of the same content sections/elements that would normally be used in the division's paper submissions, such as the study's purpose, literature review, research questions, etc. The main difference is the length of the submission.

For authors considering the extended abstract option, data collection and analysis must be in progress beyond the proposal stage to report meaningfully tentative findings and conclusions. Authors should clearly report in the extended abstract how far along the data collection and analysis phases are, explaining what steps remain and the anticipated value/contribution of these steps, so that reviewers can assess the foundations on which any conclusions are based. Extended abstracts will be reviewed and scored using criteria specific to the abstracts and distinct from those used for full papers.

*When submitting, authors must select the "Extended Abstract" option in All Academic and include the words "Extended Abstract" at the start of the paper title (e.g., "Extended Abstract: Your paper title"). Authors must clearly indicate the same on the title page of their submission. Submissions that are not appropriately labeled may be rejected.*

When creating the file for upload, please insert the 75-word summary of the abstract at the beginning of the extended abstract, so that this is what readers and reviewers see first.

As with full paper submissions, please ensure all identifying author information has been removed for extended abstract submissions and that title pages do not contain author information. Extended abstracts that are uploaded with identifying author information will not be considered for review.

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Please email Research Chair Jon Peters with any questions you have about submitting: [jonathan.peters@uga.edu](mailto:jonathan.peters@uga.edu)



## Call for Reviewers!

After the April 1 AEJMC deadline, please be on the lookout for an email from Research Chair Jon Peters asking for reviewers. Better yet, please email Jon at [jonathan.peters@uga.edu](mailto:jonathan.peters@uga.edu) to volunteer to review!



## Tips for Good Conference Reviewing

Brett G. Johnson, University of Missouri

It's late January. It's cold (at least in the lower Midwest). Spring (and the AEJMC deadline) seem far away. But we all know that they'll be here before we know it.

For those of you planning to submit a paper to the National Conference, either in the Law & Policy Division or elsewhere, good luck! For those of you taking a break from submitting to our division this year, I highly encourage you to be a reviewer. Many of you have already done so recently – you rock, and I hope you'll review again this year! Many of you are considering reviewing this year – you also rock, and I hope you will review!

Last year, I was fortunate enough to be named the top reviewer in the Law & Policy Division. This year, I hope someone else wins! No, not because I'm planning to phone it in; I want someone to really rock the face off of reviewing for the division this year.

Let's just state the obvious: reviewing conference papers is hard, mainly because the submission process itself is one big grab bag. Some papers could land in a top journal the day after submission, without any feedback. Some need help – lots of help. We know the authors of top papers will be gunning for journals before acceptance notifications are sent out, so why bother sending them any feedback? And the papers from grad students whose writing resembles a puppy learning to run – conference reviews can't really help them, right? It's their adviser's job to get their research and writing into shape! Or what about that weird submission relying on survey data? Or that paper examining hate speech jurisprudence from a critical perspective? And now we have extended abstracts to review as well? How should we assess those next to full-length papers?

With these questions in mind, please consider the following tips for improving your reviewing skills:

**Keep an open mind.** The Law & Policy Division is starting to see more and more research that follows social scientific theories and methods, as well as more legal analyses employing critical theories. Some in the Division may see this as an affront to “traditional” approaches to studying media law. Speaking anecdotally, I once received a one-sentence review for a social scientific paper focusing on a media law issue: “This paper is outside the scope of the division.” I concede that members of any discipline must guard the boundaries to entry into the discipline, lest anything goes and the discipline (and, hence, the Division) loses any sense of identity. However, that is not an excuse for categorically denying “non-traditional” research. Thus, I implore my fellow reviewers: please think critically and carefully about how non-traditional types of media law research can bring value to the Division.

**Write something ... anything!** This seems obvious, right? Well, I’ve received more comment-less reviews from conference submissions (and not just for Law & Policy) than I care to recall. These “reviews” have left me guessing what my reviewers meant when they gave my writing a 4 but my methods a 2. Ideally, reviewers should write thorough reviews (see below), but any comments are better than no comments at all.

**Be thorough.** A lot of Division members can remember a time when conference papers carried more weight in P&T reviews and the quality of reviewers’ feedback matched that high level of importance. Now, journal articles are the coin of the realm, and more and more scholars (including yours truly) frequently do what was once unthinkable: submit a paper to a journal almost immediately after submitting to AEJ. The paper thus becomes merely a ticket to secure travel funds from one’s university to pay for socializing in a cool city rather than a meaningful step in the scholarly pipeline. In such a context, it’s no wonder the quality of reviews has dropped off of late. Where’s the motivation? But here’s the deal: some people still care about the role conferences play in improving their scholarship. Conferences are testing grounds for outlandish ideas with low stakes. Conferences are the incubators for budding grad students and junior scholars learning the language of the academy. Conferences are places where works-in-progress get the jumpstart they need to become full-fledged journal articles. What am I saying? When reviewing, please give the benefit of the doubt to those who are submitting for truly genuine purposes, and don’t give into cynicism. Write your reviews as if they were essential to turning the paper into a publishable piece of scholarship, even if, unbeknownst to you, the author already submitted it for publication in a journal. How many words are we talking about? Lately, mine have averaged about 750, but really quality reviews can be shorter still.

**There’s something in it for you!** Reviewing may seem like a purely selfless task, an act of service done exclusively for the good of the division and the academy. That’s not at all how I approach reviewing. I look at reviews as opportunities to help me become a better scholar. Scholarship is argument. Every choice a scholar makes in designing their study is (or should be)



based on sound reasoning. Every review is a counterargument: the author should do X instead of Y because Z. Those counterarguments also need to be based on sound reasoning. Thus, at its core, reviewing is practice for developing one's own scholarship. Building an argument that is critical of another's scholarship trains us to better build our own arguments. I encourage you to be mindful of that when you review.

**Big-Medium-Small.** Ok, so we've talked big-picture stuff to get you motivated to do good reviewing ... but where does one begin? The theory? The methods? The case selection? The conclusion? The overall organization? Instead of focusing on one area of the paper at a time, I recommend reviewers consider the issues of each paper in three levels: big, medium, and small. I find this process helps to organize my thoughts in a way that (hopefully) helps authors understand what needs to take priority in their revisions. To put it in terms nearly all of us can understand, this is the inverted pyramid style of reviewing. Exactly what amounts to a big, medium, or small issue will vary from paper to paper. However, it's likely that bigger issues will tend to involve theory or errors in doctrinal interpretation. Medium issues may well involve the selection of certain cases over others. Smaller issues often involve grammar issues, inconsistent use of certain terms, or organization concerns.

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These tips are just the beginning for successful reviewing. I encourage everyone reading this to talk with their colleagues about how they approach reviewing, and to seek out as many resources on good reviewing as possible.

Happy reviewing!



## A Case for Rediscovering Classical Democratic Free Speech Perspectives

Harrison Rosenthal, University of Kansas

"More speech, not enforced silence." This axiom has become the polestar for First Amendment jurisprudence and American free-speech philosophy. In the ninety-five years since Louis Dembitz Brandeis penned these words, they have come to embody an American neoliberal *volksgeist*. Many readers, however, may not know

the influence Brandeis's classical education had on his watershed concurrence in *Whitney v. California*. Brandeis modeled his remarks on Pericles's "Funeral Oration" and took the line "they believed liberty to be the secret of happiness and courage to be the secret of liberty" directly from the oration itself. Brandeis likely acquired this perspective through his reading of Sir Alfred Eckhard Zimmern's *The Greek Commonwealth*—which he not only quoted throughout his life but goaded all members of his extended family into reading.

Whereas the American free-speech framers understood the historical and philosophical objectives of protecting free expression both as a negative right and as a positive responsibility, the former has overshadowed the latter due to marketplace neoliberalism becoming an indispensable tenant of American free-speech orthodoxy. But in the digital era, where the "new governors" of Internet communications can escape First Amendment scrutiny merely because speech-related disputes cannot meet state-action requirements, newfound recommendations for regulating online expressive conduct require reevaluation of classical political frameworks. If undergraduate students are to understand digital communications—or if graduate students are to proffer normative suggestions regarding its regulation—they must study the policy-based democratic constructs of classical political theory that underlie American legal precedent. And while our free-speech framers understood these concepts profoundly and intuitively, their understandings have been lost due to a lack of critical philosophical reevaluation.

Take, for example, Oliver Wendell Holmes, Jr., who had more than a passing interest of classical studies. His mastery of Greek and Latin, and unusual fascination with esoteric and antiquated Roman law, substantially shaped his positivist and scientific understandings of American free-speech philosophy and judicature. Holmes's marketplace theory, the prevailing justification for present-day *laissez-faire* speech regulation, finds its roots in ancient Athenian public discourse. The Athenian *agora* (Greek for marketplace) was the central meeting place for exchanging goods and ideas. To a certain extent, the *agora* functioned as a type of public assembly, where hawkers, criers, buyers, and sellers could debate each other without the interference of abstract, truth-generating invisible hands

Zechariah Chafee grounded his First Amendment theory in classical political philosophy and transatlantic jurisprudence in his seminal book *Freedom of Speech*, writing, "the legal meaning of freedom of speech cannot properly be determined without a knowledge of the political and philosophical basis of such freedom." Chafee cites four writings specifically as "invaluable"—all of which are worth undergraduate and graduate attention: Plato's *Apology of Socrates*; Milton's *Areopagitica*; the second chapter of Mill, *On Liberty*; and Walter Bagehot's essay "The Metaphysical Basis of Toleration."

Alexander Meiklejohn was perhaps the paradigmatic champion of classical studies. Best known as president of Amherst College from 1912 to 1923, Meiklejohn created the Experimental College at the University of Wisconsin in 1928 under the belief that

a liberal education was the *sine qua non* of understanding human existence. After an intensive first-year study of Greek civilization, his students were simultaneously assigned ancient and modern texts so they would become “interested in discovering whether the experiences of Athens and the suggestions of Plato throw any light on our contemporary situation.” Only through critical (read: classical) self-education in the ways of freedom, Meiklejohn said, can “the positive purpose to which the negative words of the First Amendment g[i]ve a constitutional expression.”

Brandeis, Holmes, Chafee, and Meiklejohn, trained in traditional liberal thought, contextualized their ideological inclinations, whether neoclassical, neoliberal, ordoliberal, or progressive, through interdisciplinary philosophical taxonomies. They understood liberty through historically egalitarian frames and arrived at their philosophical conclusions dialectically. While socioeconomic predispositions doubtless influenced their jurisprudence, they understood the sociohistorical need to balance negative individual personal liberty against positive collective social protection. In other words, they knew that Fourteenth Amendment equal protection (akin to European human dignity) needed to counterbalance First Amendment freedom of expression. Otherwise, individuals, or their societies, would lose sight of the purposes for balancing legal negativist and positivist frames, pursuing one at the other’s expense.

Debates about the jurisprudential utility of the marketplace metaphor typically occur at the post-graduate level: not because undergraduates are intellectually incapable of having these philosophical conversations, but because students, lawyers, corporate executives, and even judges should be concerned with what the *current state* of the law is on a particular issue, not what the law *should be*. But in our current social media technocracy, where First Amendment doctrine and “marketplace veridiction” (quoting Michel Foucault) no longer apply, critical normative analysis of free-speech jurisprudence becomes necessary—especially because marketplace neoliberalism was not a constitutionally foregone conclusion. We need a new path forward, one that models the type of classical theoretical explication in which Holmes and Brandeis regularly engaged.

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## Recent Research by Division Members

Below is a record of research published by Division members since the last newsletter was sent out in October 2021. This is a new feature for *Media Law Notes*. The goal of this section is to recognize the diversity of research produced by Division members, prompting the rest of us to read their work, assign it for class, and cite it in our future research.

*Great work, everyone!*

Jane E. Kirtley, "Fairness, the Appearance of Fairness, and Public Confidence in the System": The Case Against Anonymous Juries, *Litigation*, Vol. 48, No. 1 (Fall 2021), pp. 27-32. (Journal published by the ABA's Litigation Section.)

Although anonymous juries may be justified in very limited and specific exceptions, a presumption of openness in court proceedings is, and should be, the rule, not the exception.

Matthew C. Ehrlich, *Dangerous Ideas on Campus: Sex, Conspiracy, and Academic Freedom in the Age of JFK* (Urbana: University of Illinois Press, 2021).

This new book discusses two academic freedom cases at the University of Illinois: a biology professor fired in 1960 after he condoned premarital sex, and a classics professor not fired in 1964 after he claimed that the recently assassinated John F. Kennedy was a loathsome traitor. The book places those two cases in the context of the culture wars of the time and shows how the cases continue to resonate in today's polarized political climate. The book also highlights the distinction between academic freedom and free speech, as well as the important role of student news media in promoting the open exchange of ideas.

Amy Pason & Patrick File (2021). Protest with guns and conflating the First and Second Amendments: The case of the Bundys, *First Amendment Studies*, 55(2), 102-125.

The article analyzes the legal discourse surrounding two armed anti-government confrontations -- at Bunkerville, Nevada, in 2014, and the Malheur National Wildlife Refuge in Oregon in 2016 -- to understand how the public makes sense of the relationship between First and Second Amendment rights. Using the concept of non-judicial precedents and drawing on legal scholarship following *District of Columbia v. Heller* (2008), we find that public meaning-making mirrors concerns raised by legal scholars about using First Amendment logics to understand Second Amendment rights, conflating the two in meaning and practice. We argue that this case study demonstrates the need for communication scholars to problematize the logics that intertwine the First and Second Amendments, especially as the nation confronts the normalization of the use of guns in political protest, conflict, and insurrection.

Amy Kristin Sanders & Daxton “Chip” Stewart, *Ghosted by the Government: Why Government Entities Should Be Required to Respond to Public Records Requests*, 3 J. CIVIC INFO. 1 (2021).

Although state public records laws vary, only a few establish a requirement that government entities acknowledge the existence of a request and respond within a stated time limit. We analyzed these requirements in all 50 states and recommended policy changes that would hold government entities accountable to requestors and create a more level playing field for citizens seeking public records that should presumptively be open.

Grabowski, M. and Robinson, E. (2021). *Cyber Law and Ethics: Regulation of the Connected World*. New York: Routledge.

A primer on legal issues relating to cyberspace, this textbook introduces business, policy and ethical considerations raised by our use of information technology. With a focus on the most significant issues impacting internet users and businesses in the United States of America, the book provides coverage of key topics such as social media, online privacy, artificial intelligence and cybercrime as well as emerging themes such as doxing, ransomware, revenge porn, data-mining, e-sports and fake news. The authors, experienced in journalism, technology and legal practice, provide readers with expert insights into the nuts and bolts of cyber law.

Amanda Reid, *Readability, Accessibility & Clarity: An Analysis of DMCA Repeat Infringer Policies*, 61 Jurimetrics J. 405-441 (2021).

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Michele Kimball, *A History of Modern Press Access to the Supreme Court of the United States*, 26 COMM. L. & POL'Y 438-506 (2021).

This study traces journalists' access to the U.S. Supreme Court from the opening of its building in 1935 to present day. It explores each chief justice's term and the process by which press liaisons of the time managed journalists, culminating in a codified press credentialing process more than 80 years in the making. Conclusions underscore the importance of press coverage of Court decisions to a strong democracy.

Emily Erickson & Matthew D. Bunker, *You Can't be Serious: Problems of Facticity and 'Plausible Nonliteral Assertions' in U.S. Defamation Law*, 19.2 COLO. TECH. L.J. 343 (2021).

The article identifies a form of speech -- plausible nonliteral assertions (PNAs) -- that, we argue, deserves analytical attention in defamation doctrine. The article makes the case that PNA's should be understood, not as an add-on First Amendment defense, but as a part of the plaintiff's requirement to prove the defamation element under state common law. This approach has a number of benefits to defendants, which the article explores.

Nancy J. Whitmore. *Creative Media and the Law* (Rowman & Littlefield, 2021).

*Creative Media and the Law* introduces readers to the legal pitfalls that can present themselves when content creators are generating ideas, producing content and protecting and defending their creative work. While remaining accessible for undergraduate students, the book provides a deeper, more targeted examination of copyright, trademark and right of publicity law than is commonly found in standard communication law texts.

Blevins, Jeffrey Layne & Lee, James Jaehoon (2021). *Social Media, Social Justice, and the Political Economy of Online Networks*. Cincinnati, OH: University of Cincinnati Press.

The authors combine critical political economic theory and network analysis to create a groundbreaking interactive book that explores the role of social media activity in social justice and political campaigns. Their analysis has implications for social justice advocates, political scientists and legal scholars about the future of social media in the age of post-truth. See <https://ucincinnatiapp.manifoldapp.org/projects/political-discourse-on-social-media>

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## AEJMC Law & Policy Division

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