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ARTICLES

Techno-neutrality of Freedom of Expression in New Media Beyond the Internet: Solutions for the United States and Canada

Erik S. Knutsen

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This Article proposes an internationally portable constitutional methodology for addressing freedom of expression in various media forms. It critically examines current jurisprudential trends towards assessing degrees of freedom of expression in emerging media forms in both the United States and Canada. The Article argues that various forms of media, both old and emerging, differ only in three degrees: degree of sensory information, degree of ease of dissemination, and degree of accessibility. The underlying expression contained within remains the same. A categorization of the jurisprudential pitfalls of analogy among various media forms, deference to novelty of new media forms, and premature assessment of the capabilities of new media forms illustrates that a contextual constitutional solution is both necessary and advantageous when addressing the regulation of communication in new media. The Article proposes a techno-neutral approach which does not focus on the inherent qualities of the media carrying the message but rather centers on the actual context of the message itself.

Judging Judy, Mablean and Mills: How Courtroom Programs Use Law to Parade Private Lives to Mass Audiences

With the rapid expansion of reality programming over the past few years, a new genre of television has emerged – the "judge show." From Judge Judy to Divorce Court, court-themed shows have rapidly become one of the most popular forms of daytime programming. Yet these programs often bear little resemblance to actual litigation and offer only a skewed representation of the judicial role. This Article reviews the current crop of courtroom programming, examines trends in the selection of both judges and litigants, and contrasts the procedures and posturing of these TV courts with the real thing.

Prudent Provenance – Looking Your Gift Horse in the Mouth

This Article examines the legal and ethical dilemma that any prominent American art museum might find itself thrust into when it discovers that its art is looted. Using the Seattle Art Museum's 1991 litigation over Matisse's *Odalisque* as a case study, Foster suggests how American museums can strategically avoid similar litigation by examining how prominent museums outside the United States have handled similar situations. Finally, the author proposes a game plan for investigating provenance of accessioned artwork, with the hope of preventing future surprises.

COMMENT

The Role of the Studio Lawyer in the New Media Age

Zane B. Melmed •••••••169

As entertainment studios seek to send their traditional content into new media channels, studio lawyers need much more than experienced drafting skills and business savvy. With this Comment, Melmed envisions the studio lawyer as integrally involved in the entire corporate strategic planning process to position the studio for success in new media's potentially lucrative space — an area where the legal terrain is nothing short of formidable.