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System Operator Liability for Defamatory Statements Appearing on an Electronic Bulletin Board, 19 J. Marshall L. Rev. 1107 (1986)

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FOURTH ANNUAL BENTON NATIONAL MOOT COURT COMPETITION

SYSTEM OPERATOR LIABILITY FOR DEFAMATORY STATEMENTS APPEARING ON AN ELECTRONIC BULLETIN BOARD

The Fourth Annual Benton National Moot Court Competition's prize-winning briefs published here, exemplify the student advocate's excellent performances. South Texas College of Law was awarded the best brief award for appellant and St. John's University School of Law for Appellee. Each brief reflects the diligent research and argumentative writing skills necessary to succeed in national appellate advocacy competition. Each participating school demonstrated admirable effort in addressing the potentially problematic interplay between technological development and information transmission.

The participants explored the legal relationship between electronic bulletin board operators and the contents of others un-screened messages. Aside from policy analysis and development, advocates scrutinized the Supreme Court's recent pronouncements regarding defamation law found in *Dun & Bradstreet v. Greenmoss*. The South Texas College of Law and Texas Tech University won, respectively, first and second prizes in the overall competition.

As in prior competitions, each participating school submitted a brief on behalf of either the appellant or appellee. Three reviewers independently graded each brief and awarded a score comprising the average of the three reviewers individual scores. Because our competition emphasizes research and writing, the brief represented 50% of the score awarded to teams in each round, the remaining 50% was awarded for performance in the oral argument.

The oral competition, in which representatives of 32 schools participated, consisted of two preliminary rounds, a quarter final, a semifinal and final round. Participants argued both sides of the case and competed against different schools in each preliminary round of argument. Eight teams with the highest aggregate oral and brief scores argued in the quarter final rounds; four teams with the highest aggregate scores advanced to the semifinals; and the two top teams competed in the final argument.

Once again an outstanding judiciary enhanced the quality of the

competition. Judges for the 1985 Benton Competition were:

FINAL ROUND

Honorable Shirley S. Abrahamson
Justice of the Wisconsin Supreme Court, presiding
Honorable James H. Brickley
Justice of the Michigan Supreme Court
Honorable Ben Miller
Justice of the Illinois Supreme Court
Honorable Walter J. Cummings
Chief Judge of the United States Court of Appeals
for the Seventh Circuit
Honorable Richard A. Posner
Judge of the United States Court of Appeals for
the Seventh Circuit

SEMI-FINAL ROUNDS

Honorable William J. Bauer
Judge of the United States Court of Appeals for
the Seventh Circuit, presiding
Honorable Alfred J. Pivarnik
Justice of the Indiana Supreme Court
Honorable Charles R. Norgle, Sr.
Judge of the United States District Court for
the Northern District of Illinois
Honorable R. Eugene Pincham
Judge of the Illinois Appellate Court, 1st District
Honorable George W. Kasserman
Judge of the Illinois Appellate Court, 5th District

QUARTER FINAL ROUNDS

Honorable Michael A. Bilandic
Judge of the Illinois Appellate Court, 1st District
Honorable William Guild
Judge of the Illinois Appellate Court,
2nd District (Ret.)
Honorable Paul Schnake
Judge of the Illinois Appellate Court, 2nd District
Magistrate Joan Gottschall
U.S. Magistrate of the United States District Court
for the North District of Illinois
Honorable Michael M. Mihm
Judge of the United States District Court for the
Central District of Illinois
Honorable Kenneth L. Gillis
Judge of the Circuit Court of Cook County

Acting as judges for the preliminary rounds were fifty state

judges, law professors from non-participating law schools, and distinguished practicing attorneys, all who volunteered their time and energy. To all our judges we give our heartfelt thanks.

The enormous success of our Benton competitions could not be realized without the Benton Committee's able administration: Professor Ralph Ruebner, Competition Coordinator; Associate Dean Helen M. Thatcher; Professor Susan M. Brody; Professor Michael L. Closen; Professor Ardath A. Hamann; and Mr. James P. Palermini, Chief Justice, Moot Court Executive Board. As the Committee Chairperson I thank each for unrewarded sacrifices. Committee members, research assistants from our Center for Information Technology and Privacy Law, Moot Court Executive Board associate justices.*

George B. Trubow*

* George B. Trubow is Professor of Law and Director, Center for Information Technology and Privacy Law, The John Marshall Law School, Chicago, Illinois, and a host of The John Marshall Law School students, all contributed to the competition's success.