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Privacy Rights in Cordless Telephone Conversations, Privacy Rights in Education Records, and the Good Faith Exception to the Exclusionary Rule, 18 J. Marshall L. Rev. 1015 (1985)

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THIRD ANNUAL BENTON NATIONAL MOOT COURT COMPETITION

PRIVACY RIGHTS IN CORDLESS TELEPHONE CONVERSATIONS, PRIVACY RIGHTS IN EDUCATION RECORDS, AND THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE

We are pleased to present the bench memorandum and winning briefs from the Third Annual Benton National Moot Court Competition, held at The John Marshall Law School, October 25-27, 1984. It is appropriate for these materials to appear in the inaugural issue of The John Marshall Law Review Annual Privacy Symposium. The Benton competition is the first, and at present the only, national competition to deal exclusively with information and communications law. Likewise, this is the first law journal to undertake an annual symposium that will deal with the topic.

As in prior competitions, we have selected a problem involving a developing technology that has presented unresolved legal and policy issues. We are pleased that through this competition some of the brightest and most creative of today's law students from schools throughout the nation are encouraged to probe for solutions to these challenging questions.

The problem for this competition dealt with the cordless telephone. Counsel for the parties had to consider whether communications over such a device are "wire communication" within applicable wiretapping statutes, and whether the user enjoys a reasonable expectation of privacy concerning his conversations. Also, some interesting fourth amendment questions are involved in the problem's scenario.

This year, twenty-nine schools participated in the competition. The team from Cleveland State University-Marshall College of Law was the winner, and the team from The South Texas College of Law was runner-up. These two schools shared three thousand dollars in prize money, and took home impressive trophies to memorialize their achievement.

The briefs submitted in the competition are each graded independently by three judges. The best briefs submitted on behalf of appellant and appellee, respectively, are included here. These briefs show the time and energy necessary to produce excellence. We are proud of the scholarly legal research produced each year for the Benton competition, and these briefs certainly justify our pride. We hope you enjoy them and find them useful.

*George B. Trubow**

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