



American Mock Trial Association

2013 Board Meeting Agenda

July 20-21, 2013

Ada, Ohio

Ohio Northern University

I. Call to Order

A. Attendance:

Members present (X): Butler#, Calkins*, Detsky, Eslick, Guliuzza, Halva-Neubauer, Haughey##, Hawley#, Heytens, Langford, Leckrone**, Nelmark, Racheter, Satler, Schuett***, Seelau, Scott, Smith, Thomason, Vile, Walsh, Warihay, Weatherby, Woodward, Zeigler

Members not present (X): Bernstein, Creed, Kelly, Palmer, Wagoner

Candidate Members present (X): Ben-Merre, Dorman, Gelfand, Keener, Kopko, Minor, Parker, Pavely, Winget

Candidate Members not present (X): Leapheart, Smith

Staff & Guests (X): Ewing, Koblasz, Manley, Tarriff

Directors Emeritus (X): None

These directors attended the full session on Saturday, and arrived at 9:20am on Sunday.

Haughey did not attend the Sunday session.

*Calkins resigned from the Board of Directors, effective Sunday, July 21, 2013 and did not attend the Sunday session.

**Leckrone served as the voting director for Eastern Kentucky University. Zeigler did not vote.

***Schuett served as the voting director for Miami University. Haughey did not vote.

II. Welcome and Remarks (Halva-Neubauer)

III. Format of Agenda:

Delivered by Secretary – Zeigler

All motions submitted were referred to the corresponding AMTA Committee pursuant to the policy adopted by the Board in 2007 (Rule 10.2.1). All motions are

referenced numerically by the abbreviation of the AMTA Committee to which the motion was referred (e.g. EC-02 or TAB-03). The numeric order is based upon the order in which the motions were submitted, subject to the exception that every effort was made to place motions addressing the same issue in sequential order regardless of submission date. The Committees had the option of tabling the motion, amending the motion or substituting the motion. Tabled motions retained their original designations, but are provided in an appendix. Motions could be advanced with recommendation or without. The final motion agenda order was subsequently set by the Executive Committee (AMTA Bylaws, Section 10.2.1)(Subject to agenda amendments made at the board meeting).

Motions appear in bold. The decision of the respective committees follows each motion **IN BOLD, CAPITAL LETTERS AND UNDERLINED**. Final disposition of the motions appears in **BOLD, RED CAPITAL LETTERS**. Dispositions of motions to call previous question (end debate) appear in red. Secretary's notations appear in blue. Motions that have been recommended or advanced by committee do not need to be seconded at the meeting. *The parliamentarian, in response to a question, explained that a motion advanced by committee without recommendation is sufficient to place item on agenda without requiring a second. The introductory notes to the agenda have been edited to reflect this advice.*

For a motion to be adopted, it must have received a majority of the votes cast at a meeting at which quorum is present. (AMTA Bylaws, Section 4.10). Motions to amend the Bylaws required an affirmative vote of two-thirds of the Voting Directors (AMTA Bylaws, Section 8.02)

Appended to the Minutes as **Appendix A** is the Consent Calendar

Appended to the Minutes as **Appendix B** is a list of tabled motions. These motions were tabled by the reviewing committee and will not be considered by the Board for action. To "untable" a motion, five or more members of the Board (not including the motion's author(s)), must request that the motion be considered. If such request is made, the full Board may vote on whether to overturn the Committee's recommendation to table. A motion to overturn the Committee's recommendation to table must be passed by a majority vote of the Board. **Taking a motion off the table and placing it on the agenda alone does not result in adoption of the motion.** A separate vote will be necessary on whether to adopt the motion.

Appended to the Agenda as **Appendix C** are the minutes from the December, 2012 mid-year conference call/board meeting.

IV. Approval of Agenda

Motion by Woodward to approve, seconded by Schuett. **APPROVED.**

V. Approval of 2012 Mid-Year Board of Directors Meeting minutes.

Motion by Woodward to approve, seconded by Schuett. **APPROVED.**

VI. Special Board Elections

A. Election of At-Large Board Member for Human Resources Committee:
Warihay nominates Weatherby. Nominations closed. **WEATHERBY ELECTED.**

B. Election of At-Large Member to Disciplinary Committee:
Gulizza nominates Scott. Nominations closed. **SCOTT ELECTED.**

C. Election of back-up At-Large Member to Disciplinary Committee:
Gulizza nominates Hawley. Nominations closed. **HAWLEY ELECTED.**

VII. Consideration of Tabled Motions

For procedure to “untable” a motion, please see discussion of **Appendix B** above.

If a motion is “untabled”, it will be taken up in the order it would have appeared in the Agenda. (i.e. EC-05 would be discussed after EC-04).

Requisite signatures submitted to consider “untabling” CASE-01, SPC-01, TAC-04
CASE-01: Hawley, Nelmark, Schuett, Walsh, Woodward
SPC-01: Detsky, Hawley, Langford, Racheter, Schuett
TAC-04: Detsky, Heytens, Leckrone, Satler, Thomason

Case-01: Vote to untable by show of hands. **TIED VOTE, 10-10, MOTION TO UNTABLE FAILED.**

SPC-01: **VOTE OF 9-11, MOTION TO UNTABLE FAILED.**

TAC-04: Vote to untable by show of hands. **VOTE OF 14-8, MOTION TO UNTABLE APPROVED, MOTION TO BE CONSIDERED AT THE START OF “NEW BUSINESS.”**

VIII. Approval of Consent Calendar (attached as Appendix A)

Motion by Gulizza to amend the consent calendar to include the committee assignments, seconded by Scott.
AMENDMENT APPROVED.

CONSENT CALENDAR AS AMENDED APPROVED.

The consent calendar attached to these minutes has been updated to include the committee assignments distributed by Halva-Neubauer via email on July 19, 2013.

IX. Committee Reports

- A. **Budget Committee Report (Eslick):** Written report distributed by Eslick.
- B. **Criminal Case Committee (Butler and Parker):** Verbal report delivered by Butler. The case will be released on August 15.
- C. **Civil Case Committee (Heytens):** No report.
- D. **Development Committee (Palmer):** No report.
- E. **Ad Hoc Committee on Religious Accommodation (Koblasz):** Verbal report delivered by Koblasz. The committee will encourage programs to provide earlier notification of need for accommodation.
- F. **Rules Committee (Seelau):** Verbal report delivered by Seelau.
- G. **Strategic Planning Committee (Halva-Neubauer):** Verbal report delivered by Halva-Neubauer. A major issue for the committee in the coming year is to plan for the change in the staffing situation that will result from Calkins' anticipated closing of his office in 2015.
- H. **Tabulation Advisory Committee (Woodward):** Verbal Report delivered by Woodward.
- I. **Tournament Administration Committee (Warihay):** Written report distributed by Warihay. Recommended 2015 NCT host is the University of Cincinnati. Approved by applause.
- J. **Other Committee Reports:** Guliuzza delivered a verbal report for Competition Response Committee. His written report is available upon request.

Log of the EC motions and votes distributed in packets.

X. Motions:

Motion by Nelmark to amend the agenda to delay the budget motions until start of session on Sunday, July 21 at 9am, seconded by Eslick. **APPROVED.**

Budget motions were taken up during the Sunday, July 21, 2013 morning session, but are listed in the order appearing in the original agenda.

BUD-01: Motion by Heytens to direct the Budget Committee to increase the subsidy for the host of the National Championship Tournament to \$30,000.

Rationale: It seems to me that our current funding mechanism (which this year generated an AMTA subsidy of \$18,900) is calibrated to an inappropriately cheap baseline assumption about how much hosting the NCT costs. Here are some preliminary numbers from the 2013 NCT:

Room rental for opening ceremonies: \$5,100
 A/V equipment for opening ceremonies: \$5,976
 Security for Moultrie Courthouse: \$4,970.81

Air conditioning for Prettyman Courthouse: \$4,886.92
Food for volunteer judges (Prettyman required use of in-house caterer): \$2,795
Room rental for closing ceremonies: \$5,000
A/V equipment for closing ceremonies: \$3,447
Food for closing ceremonies (excludes charged guests): \$36,636
Ushers for closing ceremonies: \$900
Videographer for National Final Round (excluding editing): \$6,750

As you can see, the largest cost -- by far -- was the banquet. I understand that there may not be an appetite for significant team-based fee increases (though I will note that there are at least two invitational tournaments that currently charge more than AMTA charges teams to attend the NCT). That said, I think the Board may need to have a discussion about its expectations for its tournaments and whether those expectations warrant an alteration of our funding mechanism.

ADVANCED WITHOUT RECOMMENDATION

Motion by Heytens to table the motion, seconded by Walsh. MOTION TO TABLE APPROVED.

BUD-02: Motion by Smith to create an official AMTA-sanctioned graduation cord. This cord would be available to "any student who has competed in a points-earning capacity at an AMTA sanctioned Regional, ORC, or National tournament." Cords would be available for purchase through the AMTA website store.

Rationale: Mock Trial is an activity with the joint purpose of competitiveness and education. Students who dedicate their time to the activity deserve formal recognition among their peers and professors. The organization could also include the option to add tassels or adapt the number of cords to reflect the years or level of a competitors success. The rationale for selling them through AMTA is as follows:

A. We have a complete list of registered participants in order to confirm the requirements for earning a cord are met. If a school group purchases the cords through AMTA, the Board could identify the number of "eligible students" each school may have and distribute only that number.

B. We could also add a G.P.A. threshold to the receipt of a cord which could create an additional incentive that students who participate in mock trial should also strive to maintain good academic standing at their private institution.

C. Buying graduation cords in bulk reduces the costs associated with each cord. A single cord costs \$7-10 dollars where an order of 100 costs \$2-3 per cord. AMTA is better positioned to purchase the items in bulk and then redistribute to individual institutions and, in doing so, even upon consideration of shipping and additional work could limit the cost to students who already spend a substantial amount of money on mock trial.

D. I have started a preliminary investigation into options should this motion be adopted. There are both stoles (the sashes) and cords (the braided neck piece) and with either, AMTA could include additional pins for All American, National Champion, etc. as extra designations. Most national organizations and honor societies have official color designations. Examples of designations may be

found: http://en.wikipedia.org/wiki/Honor_cord. In my examination of cord designations, I suggest a braided cord of Navy and Red would be an ideal AMTA cord combination and is not currently assigned to another national organization.

RECOMMENDED

APPROVED.

The directors concluded that no restrictions should be placed on the purchase of cords, but that the notation in the AMTA Store should advise students to check with their registrars or commencement planners to obtain information on the specific rules regarding academic regalia at their institutions. Halva-Neubauer appointed Smith and Detsky to implement the motion as part of their duties in managing the orders for other AMTA products and awards.

BUD-03: Motion by Warihay to revise Rule 2.6(1) to read as follows (changes in red):

(1) PENALTY STRUCTURE. Late cancellation and/or failure to appear at a regional tournament will subject a school to the following penalties:

- **\$75** for teams that drop within 28 days of the start of the tournament, but more than 14 days before the start of the tournament;
- **\$125** for teams that drop within 14 days of the start of the tournament but more than **7 days** before the start of the tournament;
- **\$175 for teams that drop within 7 days of the start of the tournament but more than 48 hours before the start of the tournament;**
- **\$225** for teams that drop within 48 hours of the start of the tournament but more than 24 hours before the start of the tournament;
- \$350 for teams that drop within 24 hours of the start of the tournament, but before the start of the tournament;
- \$500 for teams that drop after the start of the tournament, that fail to show for the tournament, or that leave the tournament early without permission of the AMTA Representative.

Rationale: Our current penalty structure does not provide enough of a deterrent for teams to be urged to withdrawal, specifically between 14 days and 48 hours before the tournament. As any host will tell you, there is a significant difference between finding out a team or teams are not coming 14 days before the tournament and 48 hours before the tournament. Anything we can do to encourage teams to withdraw earlier for the benefit of our hosts and for the benefit of teams on the waitlist, we should do. This motion increases earlier fines, and adds another level of fines for teams that drop within 7 days but before 48 hours before the tournament.

RECOMMENDED

Motion by Leckrone to call previous question, seconded by Walsh. Motion to end debate approved.

APPROVED.

BUD-04: Motion by Warihay to increase the late fee for regional registrations from \$25 to \$75 per team (Rule 2.4(5)).

Rationale: Our current late fee is not enough of a deterrent to encourage teams/schools to register timely. Increasing the fine may help teams register timely, which in turns helps TAC and our tournament hosts administer our tournaments.

RECOMMENDED

APPROVED.

Several directors noted the importance of promulgating the information about the increase in fines to the membership. Seelau will include the information in the change log posted on the web page and Warihay and Leckrone will ensure that hosts and participants receive notice early and repeatedly.

EC-01: Motion by Eslick to adopt the attached document retention policy (see Appendix D).

Rationale: Over the years, my office has accumulated bank statements, cancelled checks, tax returns, rep reimbursement requests, and other financial documents. I suspect others have similar piles in their offices. The organization needs a retention policy that guides its Directors regarding how long it is necessary to keep documents key to our activities.

RECOMMENDED

Motion by Guliuzza to table the motion until after the 3pm break to allow the drafter to edit in response to discussion, seconded by Racheter. MOTION TO TABLE APPROVED.

Discussion during the break led to a recommendation that Eslick investigate the possibility of housing electronic communications on an AMTA server and further develop the definitions for “routine” correspondence in the policy. Eslick will bring a revised policy back to the Board, either for an ad hoc vote or at the midyear meeting. The motion remained tabled.

EC-02: Motion by Walsh, to adopt a privacy policy (see Appendix E).

RECOMMENDED

APPROVED.

HR-01: Motion by HR Committee to discuss compensation and benefits for the AMTA Administrative Assistant.

NO RECOMMENDATION APPLICABLE

Motion by Leckrone to amend the agenda to move HR-01 to end of Saturday, July 20 session, seconded by Hawley. MOTION TO AMEND THE AGENDA APPROVED.

Consideration of motion was delayed until the end of the Saturday session, so that the directors could consider the matter in Executive Session with minimal inconvenience to the guests. At that time, Nelmark moved to enter into Executive Session, seconded by Leckrone. The directors approved and the Executive Session began at 5:04 pm. Compensation and benefits for the Administrative Assistant were approved as part of the FY 2014 budget.

JUDGES-01: Motion by Weatherby to add the following to the Judges' power point: For Judges' PowerPoint –

Memorization is expected. Use of notes in trial shall be reflected by an adjustment in scores (with the exception of brief quotes heard in direct examination being reiterated word-for-word in cross).

ADVANCED WITHOUT RECOMMENDATION

Motion by Racheter to amend language to add “Mock Trial is a speech competition using the trial as its vehicle,” seconded by Weatherby.

Motion by Heytens to call previous question, seconded by Leckrone. **Motion to end debate approved.**

MOTION TO AMEND FAILED.

Motion by Vile to add language “AMTA expects a thorough knowledge of the case” at the start of the proposed comment, seconded by Racheter.

Motion by Guliuzza to call previous question on the amendment, seconded by Calkins. **Motion to close debate on amendment approved.**

MOTION TO AMEND FAILED.

Motion by Guliuzza to call previous question, seconded by Scott. Motion to end debate approved.

MOTION FAILED.

JUDGES-02: Motion by the Judges' Committee to add the following language to the Rulebook:

Judging Conflicts

X.1 Absent extraordinary circumstances, a judge shall not be assigned to judge a trial in which:

- a. the judge has judged either team during the same tournament,**
- b. the judge has a current affiliation, including as a coach or through a family relationship, with either team,**
- c. the judge has a past affiliation with either team that is reasonably likely to create a conflict of interest, or**
- d. the judge feels that s/he cannot be impartial**

X.2 Except in circumstances outlined in X.1(a-d), a judge may be assigned to judge a trial in which:

- a. the judge has judged either team in a tournament other than the current tournament,
- b. the judge recognizes participants, including coaches and spectators, from either team, or
- c. the judge is aware of the identity of either team

X.3 Before or during registration, each judge shall be asked to disclose any teams with which s/he has a conflict under these Rules

X.4 A judge may judge the same student as a member of a Bye Buster team and a competitive team.

X.5 A judge may judge a Bye Buster team notwithstanding the restrictions of Rule X.1(a-c)

X.6 No team shall have a claim for relief based on deviations from this Rule.

Motion by Eslick to amend the language to strike paragraph X2c, seconded by Detsky.

Motion by Woodward to call previous question on amendment, seconded by Seelau. Motion to close debate approved.

MOTION TO AMEND FAILED.

MOTION APPROVED.

RULES-01: Motion by Woodward, as amended by Rules and Sanctions Committee that the AMTA Representatives should not attempt to contact a judge after the judge has left the tournament site, except in the following circumstances:

- a. To obtain a missing numerical score or to clarify an illegible numerical score.
- b. To discuss a highly unusual or extraordinary situation occurring during the trial. Matters concerning scoring (other than obtaining missing scores or clarifying illegible scores) or improper invention shall not be considered "highly unusual or extraordinary."
- c. To discuss matters unrelated to the trial the judge evaluated.

Amended Rationale: This motion is intended to preclude Reps from bothering judges after they have left a tournament regarding alleged rules violations, scoring questions (other than missing or illegible scores), or other rules/tabulation matters. Only in truly extreme/bizarre situations (e.g. a fistfight breaks out during a trial) should we be pestering our volunteers after the fact. This motion is not intended to preclude Reps from contacting judges for other reasons, such as a judge who requests more information about AMTA or its tournaments, legal business unrelated to AMTA (networking/referrals), etc.

Motion by Detsky to amend language to add “but within the scope of the AMTA event” to item c, seconded by Weatherby.

Motion by Woodward to call previous question, seconded by Schuett. Motion to close debate approved.

AMENDMENT FAILED.

Motion by Woodward to call previous question, seconded by Scott. Motion to close debate approved.

APPROVED.

RULES-02: Motion by Woodward that the following language be added as a Rule or to the Tabulation Manual:

"A legible numerical score, properly placed upon the scoring ballot, shall be conclusive evidence of the judge's intended score. No team shall have any claim for relief on the grounds that the judge's comments or individual rankings suggest the legible score was intended for another function of the trial or otherwise improperly given."

RECOMMENDED

APPROVED.

RULES-03: Motion by Woodward (with and on behalf of Pavely) to amend Rule 4.33 as follows by adding the new language in bold italics and deleting the language struck through:

Rule 4.33 All-loss rule.

(1) DEFINITIONS. For the purposes of this Rule,

(a) "Start time" means the time when all judges have arrived to their proper trial rooms at the beginning of a round. If one or more judges must be reassigned after arriving to their initially assigned trial room, the start time does not occur until all judges have arrived to their subsequently assigned trial rooms.

(b) "All-loss time" means 180 minutes after the start time.

(2) RULE. All trials in a round must be completed by that round's all-loss time, or penalty will be imposed under this Rule, **except as otherwise provided within this Rule.**

(3) WHEN TRIAL IS DEEMED COMPLETED. A trial is deemed completed when both scoring ballots from the trial are submitted to an AMTA Representative or his/her designee. The trial shall be deemed completed even if any ballot must be returned to a judge due to error, incompleteness, or illegibility.

(4) PENALTY. If the all-loss time occurs prior to the completion of a trial, each team competing in the uncompleted trial shall have one ballot subtracted from its final total of ballots won, **except as provided in section 5(b).** The actual record of each team prior to the imposition of the penalty shall be used for the purposes of pairing and tiebreakers.

(5) DUTIES OF AMTA REPRESENTATIVES AND TEAMS.

(a) The AMTA Representatives shall determine the start time of each round and prominently post the resulting all-loss time. It is the duty of each team to ascertain the all-loss time for each round.

(b) Approximately 5 minutes before the all-loss time, an AMTA Representative or a designee shall go to each uncompleted trial to ascertain the status of the trial. If the AMTA Representative or designee determines that all functions of the trial have been completed by the all-loss time, the judges shall have a 5 minute grace period in which to complete the ballots. If all functions of the trial have not been completed by the all-loss time, no grace period is permitted, and the penalty set forth in section 4 shall be imposed.

(6) REQUEST FOR INTERVENTION. The AMTA Representatives or their designee may intervene to get a delayed trial back on schedule. The AMTA Representatives may allow adjustment to the operation of this rule on those rare occasions where delay in a trial occurs without any contribution from either team. A ~~representative~~ **rostered member** of either team must make a timely request for intervention to the AMTA Representatives who will observe the trial and determine whether the team requesting intervention is entitled to relief. **Merely advising the AMTA Representatives that the trial is running long is not an intervention request and does not entitle the teams to any relief from the operation of this rule.** The decision of the AMTA Representatives is final.

(7) NO RELIEF FROM JUDGES. No presiding judge or scoring judge may grant relief from the operation of this rule.

(8) RIGHT TO APPEAL. The imposition of an all-loss penalty may be appealed to the Competition Response Committee in compliance with the deadlines set forth in Rule 6.10. The decision of the AMTA Representatives will be reviewed under an abuse of discretion standard. The decision of the Competition Response Committee is final.

Rationale: There are three independent additions to the all-loss rule in this motion.

ADVANCED WITHOUT RECOMMENDATION

Motion by Racheter to table the motion until Sunday, July 21, 2013 session to allow editing, seconded by Walsh.

MOTION TO TABLE APPROVED.

Motion by Racheter to return RULES-03 to the table, seconded by Leckrone.

MOTION TO UNTABLE APPROVED.

Motion to by Racheter to amend the motion as follows, seconded by Leckrone.

Replace motion sections 5a and 6 with the following:

(5) DUTIES OF AMTA REPRESENTATIVES AND TEAMS.

(a) The AMTA Representatives shall determine the start time of each round and prominently post the resulting all-loss time. **(b)** It is the duty of each team to ascertain the all-loss time for each round, and to seek AMTA Representative intervention if it appears that their trial will not be completed in time. **Merely advising the AMTA Representatives that the trial is running long is**

not an intervention request and does not entitle the teams to any relief from the operation of this rule.

(6) REQUEST FOR INTERVENTION. (a) A **representative rostered member** of either team must make a timely request for intervention to the AMTA Representatives who will observe the trial and determine whether the team requesting intervention is entitled to relief. (b) When requested, the AMTA Representatives or their designee may intervene to get a delayed trial back on schedule. (c) The AMTA Representatives may allow adjustment to the operation of this rule on those rare occasions where delay in a trial occurs without any contribution from either team. The decision of the AMTA Representatives is final. **(d) When an intervention has been requested, approximately 5 minutes before the all-loss time, an AMTA Representative or a designee shall go to each uncompleted trial to ascertain the status of the trial. If the AMTA Representative or designee determines that all functions of the trial have been completed by the all-loss time, the judges shall have a 5-minute grace period in which to complete the ballots. If all functions of the trial have not been completed by the all-loss time, no grace period is permitted, and the penalty set forth in section 4 shall be imposed.**

Motion by Woodward to call previous question, seconded by Schuett. Motion to close debate passes.

MOTION TO AMEND APPROVED.

Motion by Woodward to call previous question with respect to main motion, seconded by Scott. Motion to end debate approved.

MOTION AS AMENDED APPROVED.

RULES-08: Motion by Kelly to modify Rule 4.12(3) to the following [with added language in italics]:

"EXHIBITS AND DEMONSTRATIVES. Each captain shall show their opponent any exhibits, demonstratives, visual aids, or other enlargements intended to be used during trial. At the request of an opponent during captain's meeting, the opposing team shall demonstrate the use of a visual aid prior to the start of the trial. Any disputes shall be brought to the AMTA Representative at the captains' meeting for resolution prior to trial. The AMTA Representative shall make a determination pursuant to Rule 8.5."

RECOMMENDED

Woodward presented the motion on behalf of Kelly. Seelau noted that although the committee recommended the motion, it now believes the language is faulty.

Motion by Seelau to table the motion for redrafting, seconded by Butler.

MOTION TO TABLE FAILED.

Motion by Warihay to call previous question, seconded by Scott. Motion to end debate approved.

MOTION FAILED.

RULES-09: Motion by Kelly to modify Rule 8.5(1) to the following:

"GENERAL RULE REGARDING VISUAL AIDS, POSTERS, AND ENLARGEMENTS.

The use of visual aids, posters, and enlargements is permitted, subject to the other provisions of these Rules, and so long as such aids are not hazardous or potentially damaging to persons or property. If shown during captain's meeting, a visual aid must be made available to the opposing attorneys for use during examination of witnesses and closing argument, so long as it can be returned in its original condition."

Rationale: Currently the rule is somewhat ambiguous as to whether or not an opponent can use a visual aid during examinations prior to a team using it, as it only specifies that an opponent must be allowed to use the visual aid after its use. A reasonable interpretation of this rule, given the fact that this Midlands is a jurisdiction that does not allow for rebuttal witnesses, is that it is a question for the presiding judge to determine. (Full disclosure: This was a position taken by UCLA at the 2011 National Championship Tournament.) If an item is introduced to an opponent during Captain's Meeting, it should be fair use for the other side provided it can be returned in its original condition. If it cannot be returned in its original condition, it is a factor that ought to be considered in allowing the use of the visual aid.

Regardless of whether or not we seek adoption of this motion, there should be clarity as to this issue (by either stating it is allowed to be used prior to being offered by the proponent, it is never allowed to be used prior to it being offered by the proponent, or that it is an issue that the presiding judge needs to determine on a case-by-case basis).

ADVANCED WITHOUT RECOMMENDATION

Detsky presented the motion for Kelly.

Motion by Warihay to call previous question, seconded by Smith. Motion to end debate approved.

MOTION FAILED.

RULES-10: Motion by Smith to modify AMTA Rule 8.9(6) as follows (changes in red):

(6) POST-TOURNAMENT REVIEW. If a team or AMTA Representative believes that a team has made an egregious Improper Invention, it may report that allegation to the Competition Response Committee if the team has exhausted all existing remedies under Rule 8.9(5). If a team believes an egregious Improper Invention has occurred, the team must first notify the AMTA Representatives at the first available time after the alleged violation has occurred and no later than the submission of the ballots to the AMTA Representative. Any team that does not exhaust its remedies under 8.9(5) and/or notify the AMTA Representative of the alleged violation prior to reviewing the scored ballots has waived its right to seek post-tournament review. Any such allegation must be brought to the attention of the Competition Response Committee within 48 hours of the end of the tournament in question. If the allegations is raised timely, the Competition Response Committee shall investigate the allegation and report its findings and recommendation to the Executive Committee. The Executive Committee shall review the report of the Competition Response Committee and, upon the Executive Committee's determination of egregious wrongdoing, may issue sanctions against the violating team. Sanctions may include any sanctions permitted under this AMTA

Rulebook.

Rationale: The purpose of post tournament sanctions for egregious inventions is to deter teams from engaging in actions that are contrary to the purpose of fair play by banking on the idea that judges will not understand what constitutes a material invention. As it currently reads, the rule allows teams that do not necessarily have a good faith belief of egregious invention to "sandbag" the opposing team by only raising an objection upon learning they have lost ballots. If a truly egregious invention has occurred, teams should be encouraged to raise the matter as early as possible, regardless of the outcome of the individual round, which is consistent with other rule violation reports under Rule 9.1(2).

ADVANCED WITHOUT RECOMMENDATION

MOTION FAILED.

RULES-11: Motion by Warihay to add following language to Rule 4.7 (Bye-Buster team rule):

All team members who serve on a Bye-Buster team are prohibited from disclosing any school affiliation to any judge before, during, or after the round in which they are serving on the Bye-Buster team.

Rationale: In an effort to assist in the judge conflict issues, prohibiting team members from disclosing their school affiliation helps eliminate potential judge conflicts for 7 different teams/schools from that one round.

RECOMMENDED

Motion by Guliuzza to call previous question, seconded by Warihay. Motion to close debate approved.

MOTION APPROVED.

RULES-12: Motion by Warihay to revise Rule 4.12(3) as follows:

Add the following text to the end of the rule:

“Failure to show an opponent any exhibit, demonstrative, visual aid, or other enlargement during the captains’ meeting shall prohibit the use of said exhibit, demonstrative, visual aid, or other enlargement during the round.”

Rationale: I believe that this is implied by our current rule, but it is not directly stated. In order to avoid inconsistent interpretation or practice, I believe this language should be included in the rule.”

RECOMMENDED

Motion by Butler to recommit the motion to committee for redrafting, seconded by Leckrone.

Woodward moves to call previous question, seconded by Schuett. Motion to end debate approved.

MOTION TO RECOMMIT TO COMMITTEE FAILED.

Motion by Leckone (on behalf of Keener) to amend to add parenthetical (other than those

included in the case packet), seconded by Detsky.

Motion by Woodward to call previous question, seconded by Seelau. Motion to close debate approved.

MOTION TO AMEND FAILED.

Motion by Scott to call previous question, seconded by Warihay. Motion to close debate approved.

MOTION APPROVED.

There was a lengthy discussion involving the definition of terms in the motion, which were drawn from the current language of the rule. Halva-Neubauer directed Seelau to develop clear and consistent language for both the original rule and this addition. The new language will be integrated into the Rulebook revision.

SPC-02: Motion by SPC to amend the Bylaws to create a three-person Sanctions Committee that shall be elected and charged with deciding whether a rule violation has occurred and what sanction is appropriate. (As this is a motion to create and amend Bylaws, a 2/3rds vote is required)

RECOMMENDED

MOTION FAILED.

Although the vote was 13-10 in favor of the motion, the threshold for a change to the Bylaws was 15 votes in the affirmative.

SPC-03: Motion by SPC to amend Rule 9.5(1) (regarding sanctioning for conduct) as follows (new language in *bold italics*, removed language in **red):**

Rule 9.5 Sanctions. (1) GENERAL RULE AND PROCEDURE. The AMTA Representatives may request sanctions due to any violation of any rule occurring at a sanctioned tournament. Such request shall be made to the Executive Committee. The Executive Committee may initiate the sanction procedure due to any violation of any rule occurring outside the bounds of a sanctioned tournament. *Should the Executive Committee find the request for sanctions to be credible, it shall forward the request, and any supporting evidence or materials to the Sanctions Committee.*

(4) FACTORS TO CONSIDER. In determining whether sanctions are appropriate and, if so, which sanctions are appropriate, the **Executive Committee Sanctions Committee** shall consider the severity of the conduct and the severity of the possible sanctions. The **Executive Committee Sanctions Committee** shall endeavor to impose a sanction no more severe than the conduct warrants. The **Executive Committee Sanctions Committee** should also consider the impact any sanction may have on individuals or teams not directly responsible for the conduct, and shall avoid or minimize such impact as appropriate and wherever possible.

Rule 9.6 Appeal of sanction. Imposition of a sanction by the **Executive Committee Sanctions Committee** in Rule 9.5 may be appealed to the full Board. The Board's decision is final.

RECOMMENDED

The chair ruled that SPC-03 was rendered moot by the failure of SPC-02.

The secretary mis-numbered the motions in the original agenda, using SPC-01 twice. The minutes have been revised to reflect the correct numbering.

TAC- 01: Motion by Eslick to amend Rule 5.11 as follows (new text in red):

Rule 5.11 Regional tournament host reimbursement. AMTA shall provide each regional tournament host with a minimum of \$40 times the number of teams assigned as of December 15 of the competition season. No regional host may charge teams additional fees (above those paid to AMTA) to participate in a regional tournament. No regional host shall receive a stipend until such host has executed any contract required by the Tournament Administration Committee.

Rationale: The first amendment fixes the “cut-off” for calculating the initial host stipend amount. This amendment provides guidance to the Treasurer regarding when to calculate initial host stipends and authorize the issuance stipend checks, and provides guidance to hosts regarding when they can expect their checks. The second amendment would permit the withholding of stipend funds from a host until such host executes any required host contract(s).

RECOMMENDED

MOTION APPROVED.

TAC-02: Motion by Woodward that Rule 3.10 be amended by deleting the existing first sentence and adding the following new language in its place:

"Each team shall submit its roster through the AMTA website as follows:

- a. Not later than 21 days prior to the starting date of the team's assigned regional tournament;**
- b. Not later than 7 days prior to the starting date of the team's assigned opening round championship tournament;**
- c. In accordance with Rule 5.28(3) with respect to the national championship tournament.**

Rationale: The 21 day deadline is appropriate for Regionals, where there are a larger number of rosters to verify and more people that need to be pestered to complete individual registration. There are fewer teams and fewer issues with the ORCS rosters, so a shorter deadline is appropriate. Most importantly, many teams earn bids to ORCS that are less than 21 days away (e.g., teams earning a bid on the final weekend of Regionals to the first weekend of ORCS have only 12 days.)

RECOMMENDED

Warihay – prefers a 10 or 14 day deadline. Woodward – in some cases, there are not 10 to 14 days available.

Friendly amendment by Warihay to change the deadline from 7 to 10 days, accepted by Woodward.

MOTION AS AMENDED APPROVED.

Motion by Nelmark to amend agenda to postpone TAC-03 and TAC -04 to be considered as part of new business, seconded by Heytens.

MOTION APPROVED.

TAC-04: Motion by Nelmark that the Championship Tournament be changed to feature 32 teams in a “hidden bracket” format. All 32 teams will compete in the 4 preliminary rounds, but in each trial the team that wins at least 2 of 3 ballots will “advance” meaning it maintains eligibility to appear in the National Championship Round. Any teams that lose two of more ballots in a round can finish as high as second place in their division. Three judges could be used in all trials, but would only be required in the rounds of the “hidden bracket.” This motion was taken off the table by majority vote. Although it was to be considered under “new business,” the Board of Directors determined that its passage would affect TAC-03 and thus that TAC-04 should go to a vote before TAC-03 was considered. The request to amend the agenda accordingly was approved by unanimous consent and TAC-04 was considered.

Rationale:

Under the present system a team can go undefeated but still not advance to the National Championship Round. Additionally, that “one crazy judge” can thwart a team’s Championship hopes. Additionally, it removes tiebreakers from determining who advances to round 5. Under the proposed system, a team that wins a majority of ballots in all of its rounds becomes the National Champion.

32-teams could be run in a single division (reducing costs), or in two divisions if preferred or necessary for space limitations.

The 2013 Championship provides two examples of things that would go differently in a knock-out style tournament.

a) NYU “won” each of its rounds (3W, 2W, WT higher point margin, and 2W). Florida State advanced to the Championship having tied a round (+8, 0, -8) to Brown—a team that NYU took two ballots from.

b) Michigan won at least two ballots in every round, but finished third. Michigan took 2 of 3 ballots from Rhodes, who finished first, and Virginia, who finished second.

Frequently Asked Questions:

1. Why 32-teams?

Using this format with any more than 32 teams would require adding rounds to the current schedule.

2. What about side constraints?

Most teams would still go twice on each side. Some may go three on one side and once on the

other. I do not see this as a major problem given that teams have already competed on both sides in many tournaments before this and side bias has been evened out a lot in recent years. Additionally, we crown a National Champion that has gone an uneven number of times on each side so it is something we can live with.

3. *What happens to individual awards for students who compete an uneven number of times on a side?*

We could calculate all individual awards on a 4-round basis, or take the average of a student's points in 1 or 3 rounds and multiply/divide to get to a two round baseline.

4. *Would we seed teams?*

Not necessarily. The system works either way. For the teams still in the running, we would power match high low, with the caveat that in rounds 2 and 4 we would switch the sides of as many teams as possible.

Warihay moves previous question, seconded by Langford. Motion to close debate passes.

MOTION AS AMENDED FAILED.

TAC-03: Motion by Seelau

I move to adjust the tournament tabulation system in the following ways only at the National Championship Tournament and only when the tournament is being run with 3 scoring judges per round:

- **Create a new category for scoring called something like “Rounds Record” which would take precedence over “Record/Ballots” in the pairing and tabbing procedures.**
- **“Rounds” would be calculated based on who won the most ballots in a given round. For example, using Team A v Team B:**
 - **If Team A wins all three ballots (the PD doesn't matter for this level), then Team A has a “Rounds Record” of 1-0 (Ballots is 3-0). Team B has a “Rounds Record” of 0-1 (and Ballots is 0-3).**
 - **If Team A wins two of the three ballots (the PD doesn't matter for this level), then Team A has a “Rounds Record” of 1-0. (Ballots is 2-1). Team B has a “Rounds Record” of 0-1 (and Ballots is 1-2).**
 - **If Team A win one ballot, loses one ballot and ties one ballot (the PD doesn't matter for this level), then Team A has a “Rounds Record” of 0-0-1, signifying a tied round (and Ballots is 1-1-1). Team B also has a “Rounds Record” of 0-0-1, signifying a tied round (and Ballots is 1-1-1).**
- **During the rounds and final tabulation, the “Rounds Record” would be used prior to Ballots for determining rankings. For example this would be possible:**

1st Place: 4-0 (Rounds Record) 9-3 (Ballots), etc.

2nd Place 4-0 (Rounds Record) 8-4 (Ballots), etc.

3rd Place 3-1 (Rounds Record) 10-2 (Ballots), etc.

Rationale: While I know that looks a bit shocking under our current system, I think it makes sense when thought about how the records could end up like that, the system is improved for trying to truly find the best team at the tournament to complete in the Championship Round.

Traditionally, when we only have two judges in a round, the only way to know which team was better in a given round is if a team wins both ballots in that round because a split decision gave us no real indication about which team was better. All ballots in a split decision conveyed equal amounts of information, so it made sense to use all ballots equally in the final tabulation decision. But with three judges, we now have quite a bit more information to work with. We usually will have a clear winner in a round (either a 3-0 winner or a 2-1 winner). Our first goal, in my opinion, should always be to get a team to the National Championship Round who has won all four of its rounds (winning either 2 or 3 ballots in every round). And with three judges we now have the information to do that calculation. Winning 3 ballots in a round is still going to be better than winning 2 ballots per round for purposes of tie-breaking, but we now have the ability to use the extra piece of information (Rounds Record) to get a more accurate result from top to bottom.

This entire motion is premised on the following premise, which I believe to be a strong one: A team that wins 2/3 ballots against all four of its opponents, is a stronger team than a team that wins 3/3 ballots in three rounds and 0/3 ballots in a separate round.

Under our current system, the hypothetical in my premise would result in the following:

1st Place: 9-3 team (even though this team lost all three ballots in one of its rounds)

2nd Place 8-4 team (even though this team won the majority of ballots in all four rounds)

There are many high school systems and law school systems that use this principle in some capacity. I think AMTA's will be far more sophisticated by keeping our other tabulation categories intact (Ballots, CS, PD, etc.), but I think adding the Rounds Record category for 3-judge NCTs is an improvement.

Full Disclosure: I did propose a system like this in the past BEFORE we had ever actually used three judge panels, so it is something that has been in my head for a long time, but the impetus for mentioning it now is what happened at the NCT this year. In the Mueller Division, the results were as follows:

1st Rhodes 9-2-1

2nd UVA 9-3 CS 29

3rd Michigan 9-3 CS 27

4th UCSD 9-3 CS 23

5th Harvard 8-4

This is a pretty standard looking result in our tab summaries, but it doesn't tell the whole story. What if I told you that 3rd place Michigan went up against 1st place Rhodes and won 2/3 ballots? And then on top of that 3rd place Michigan went up against 2nd place UVA and won 2/3 ballots? And in fact, Michigan never lost a majority of ballots in any single round? To me, that seems to be compelling evidence that they are the stronger team amongst those three – at least using the most objective criteria we have available. So, under my proposed system, the results would have looked something like this:

1st Michigan (Rounds Record: 4-0, Ballots 9-3)

2nd Rhodes (Rounds Record 3-1, Ballots 9-2-1)

3rd UVA (Rounds Record 3-1, Ballots 9-3 CS 29)

4th UCSD (Rounds Record 3-1, Ballots 9-3 CS 23)

5th Harvard (Rounds Record 3-1, Ballots 8-4)

Again, I think that is the most equitable result given that we only had one team in the division that won the majority of their ballots in every round. (The other division, by contrast, had no team win the majority of their ballots in every round. The highest Rounds Record on that side was 3-0-1, shared by Florida State and NYU. Florida State still would've advanced with the most Ballots, but NYU would've placed 2nd instead of 4th.)

ADVANCED WITHOUT RECOMMENDATION

Motion by Warihay to call previous question, seconded by Leckrone. Motion to end debate approved.

MOTION FAILED.

TAC-05: Motion by Warihay to create Rule 2.10.1 to read as follows:

Rule 2.10.1 Team Registration Required After Assignment

(A) The Tournament Administration Committee in conjunction with the Technology Committee shall create online “Team Registration Forms” for each regional tournament, which shall be posted online no later than Thanksgiving.

(B) Within 30 days of assignment to a regional tournament, whether via the original assignments (Rule 2.9(4)) or assigned from the waitlist (Rule 2.10), each school must complete the “Team Registration Form” for each team at each regional to which the school is assigned to verify its attendance at each regional tournament.

(C) Failure to complete the “Team Registration Form” within 30 days of assignment may result in administrative removal of the school from each regional tournament to which it has not registered.

a. The Tournament Administration Committee Chair will communicate a warning and reminder to register five business days prior to administrative removal from a regional tournament to the

“Official Contact” for the school.

b. Failure to register after warning will result in the removal of the team from its regional tournament.

c. Under no circumstances will any team receive any refund or credit for any registration fees following an administrative removal.

d. If a team is administratively removed within the penalty periods outlined in Rule 2.6(1), the school will be responsible for the appropriate penalties under that rule.

e. If a team that has been administratively removed requests to be reassigned to a regional, that team will be added to the waitlist pursuant to rule 2.10 with the date of requesting reassignment serving as the registration date for the purposes of rule 2.10.

Rationale: Our rules currently do not allow us to affirmatively remove any team from a regional tournament for failing to communicate with AMTA after assignment. I believe that our rules should allow for this action by AMTA. This rule gives some “purpose” to our current Team Registration Forms, and gives the Tournament Administration Committee some power to remove non-responsive teams, which will help with the administration of the waitlist. I tried to build in enough time (30 days) and a stop-gap (the 48 hour warning) so as to protect against TAC simply removing teams without warning to the affected team. With that said, TAC and our hosts need some way to remove teams so that they can plan accordingly for our tournaments, recruit judges etc...

RECOMMENDED

APPROVED.

The body requested that Warihay rename the forms to make the purpose of each form clearer.

TAB-01: Motion by Woodward to amend Rule 6.10 be amended as follows:

- 1. By changing the title of the Rule to "Act of AMTA Relief"**
- 2. By amending Rule 6.10(1) by adding the following language appearing in bold: "earned a bid or placement on the Open Bid list that the team otherwise would have earned."**
- 3. By adding the following language as a new section:**
 - 6.10(6) Relief. The possible relief consists of:**
 - A. Awarding the aggrieved school an "Act of AMTA" bid to the subsequent stage of competition; or**
 - B. Modifying the official result of the aggrieved team, which modified result shall be reflected on the Open Bid List to the subsequent round of competition.**

Rationale: Clarifies that Act of AMTA relief may come in the form of either awarding a bid or adjusting a team's placement on the Open Bid List. For example, a team that should have finished

at 4.5 wins but for an act of AMTA may not be entitled to a bid, but may be entitled to revised placement on the Open Bid List after correction of the error.

RECOMMENDED

Motion by Woodward to amend motion as follows, seconded by Nelmark.

Allocation of Bids to Regionals. Bids to the opening round championship shall be allocated equally to all regions. Should the number of regionals not allow for equal distribution of the bids, each region shall receive the same number of bids, and the remainder shall be distributed jointly by the National Tabulation Director and the Tournament Administration Committee Chair according to the following:

Regional tournaments will be ranked according to the number of teams registered 48 hour prior to the start of the first regional tournament, from largest to smallest. The unassigned bids will be allocated beginning with the largest regional tournament. If not all regional tournaments with the same number of teams can be accommodated, those bids will remain open bids. The actual number of bids allocated to each regional will be confirmed at the time of each regional tournament's registration based upon the number of teams that actual check-in. If registration number fall below the number required to receive an additional bid, that bid will return to the open bid pool.

Motion by Warihay to call previous question, seconded by Scott. Motion to close debate approved.

AMENDMENT APPROVED.

MOTION AS AMENDED APPROVED.

TAB-02: Motion by Woodward that the Tabulation Manual be amended by adding the following:

Procedure When Team Drop(s) Cause An Even Number Of Teams

The most common scenario involves a tournament with an odd number of teams that therefore uses a Bye-Buster team. If one of the regular teams departs early, you may no longer need a Bye-Buster team.

Situation Where You Can Not Discontinue The Bye-Buster Team

You would not be able to discontinue the Bye-Buster team if the departing team needs the same side of the case as the Bye-Buster team in a side-constrained round. In this circumstance, you will need to field a second Bye-Buster team, which steps in to the shoes of the departing team as outlined on page ___ of the Manual.

Example: After 3 rounds, Team 1234 decides to leave early.

Both Team 1234 and the Bye-Buster team need to be Defense in Round 4.

If you removed Team 1234 and the Bye-Buster team from the field, you would have

12 teams that need plaintiff and 10 teams that need defense.

You can not "waive" the side requirement for one team to create an even bracket. Therefore, you must field a second Bye-Buster.

Situation Where You Can Proceed With An Even Number of Teams

You can proceed with an even number of teams if the two departing teams depart prior to Round 3, or, if they depart prior to a side constrained round but need opposite sides of the case.

In these circumstances, repair the subsequent round without the departed team and without the Bye-Buster team.

In later rounds, for CS and OCS purposes, assume the departed teams "kept pace" with the ballot records they earned prior to departure by prorating their ballot totals accordingly.

Example: After 2 rounds, Team 1234 departs early.

Team 1234 had won 2 ballots through 2 rounds. The Bye-Buster team had won 1 ballot through 2 rounds.

After Round 3: Team 1234 has an assumed record of 3 ballots, and the Bye-Buster team has an assumed record of 1.5 ballots.

After Round 4: Team 1234 has an assumed record of 4 ballots, and the Bye-Buster team has an assumed record of 2 ballots.

Rationale: The early departure of teams poses issues for CS and OCS calculations. There are three options for how to proceed when this happens.

Option 1: Discontinue the Bye-Buster, and assume the departed team and the Bye-Buster team kept pace with their ballot records for CS and OCS purposes (i.e., a team that departs with 2 ballots after 2 rounds is assumed to have 4 ballots after 4 rounds.)

Option 2: Discontinue the Bye-Buster, and make no changes to the ballot records of the departed team and the Bye-Buster team (i.e., a team that departs with 2 ballots after 2

Option 3: Field an additional Bye-Buster team to step into the shoes of the departed team.

I contend that Option 1 is the best option. Option 2 unfairly punishes teams that face an opponent who departs early. It is true that Option 1 may over-state CS in some cases (e.g., a team that went 4-0 after 2 rounds might have finished 4-4 after 4 rounds) or under-state it in others (the reverse scenario.) However, it is the better of two less-than-perfect options. Option 3 might be most consistent with our existing policy of fielding Bye-Busters to "step into the shoes" of a departed team. However, fielding multiple Bye-Busters is a logistical problem from many perspectives, and it should be avoided if possible. This is especially true if multiple teams decide to depart early (e.g., an approaching winter storm.)

RECOMMENDED

APPROVED.

TAB-05: Motion by Kelly to modify the first round random pairings at Opening Round Championship Site tournaments as follows:

Participating teams will be separated into two different groups (based on regional wins), and randomly pairing one team from one group against a team from the other group.

At each ORC site (consisting of 24 teams), the teams with the best 12 regional records will consist of the "top-half," and the rest of the teams will be placed in the "bottom-half." In the event that there is a tie in regional records among teams for the last spot in the top-half, the team(s) with the better bonus bid ranking will be placed in the top-half.

In determining the side of the case for teams in the first round, the side of the case will alternate with each random pairing, starting with the first top-half team being prosecution/plaintiff. For example, in the first pairing, the top-half team will be prosecution/plaintiff, and the bottom-half team will be defense. In the second pairing, the top-half team will be defense and the bottom-half team will be prosecution/plaintiff. The sides of the top-half and bottom-half teams shall alternate with each random pairing until all teams have been paired.

Rationale: The manner in which the first round is paired is inconsistent with the purpose of ORCS, which is to determine the six best teams to qualify for the National Championship Tournament. Also, by ensuring half of the top-half teams are on each side of the case in the first round, it will create a better balance of power on each side of the case for both rounds one and two.

ADVANCED WITHOUT RECOMMENDATION

Schuett presented the motion on behalf of Kelly.

Motion by Warihay to call previous question, seconded by Scott. Motion to end debate approved.

FAILED.

TAB-06: Motion by Kelly to modify the first round random pairings at the National Championship Tournament ("NCT") as follows:

Participating teams will be separated into two different groups (based on regional wins), and randomly pairing one team from one group against a team from the other group.

In each NCT division (consisting of 24 teams), the teams with the best 12 composite record (based on that season's sanctioned tournament results) will consist of the "top-half," and the rest of the teams will be placed in the "bottom-half." In the event that there is a tie in regional records among teams for the last spot in the top-half, the team(s) with the better bonus bid ranking will be placed in the top-half.

The composite record shall be determined by multiplying a team's ORCS record by 1.5, and adding the team's regionals record. In the event a school has two teams competing at NCT, the school's best regionals and ORCS record will be given to the "A" team, and the school's second-best regionals and ORCS record will be given to the "B" team.

In determining the side of the case for teams in the first round, the side of the case will alternate with each random pairing, starting with the first top-half team being prosecution/plaintiff. For example, in the first pairing, the top-half team will be prosecution/plaintiff, and the bottom-half team will be defense. In the second pairing, the top-half team will be defense and the bottom-half team will be prosecution/plaintiff. The sides of the top-half and bottom-half teams shall alternate with each random pairing until all teams have been paired.

Rationale: Under the current system of a completely random first round, there may be a vast disparity in the level of competition each team faces. Given that we have so much information as to these teams' relative power (from regionals and ORCS), it makes sense to have some kind of seeding. By using the top-half/bottom-half method, it will still allow for a somewhat random draw. Furthermore, a true seeding system (1 vs. 24, 2 vs. 23, etc.) may disadvantage the top-ranked teams' eventual CS.

Also, by ensuring half of the top-half teams are on each side of the case in the first round, it will create a better balance of power on each side of the case for both rounds one and two.

ADVANCED WITHOUT RECOMMENDATION

FAILED.

Motion by Leckrone to enter Executive Session, seconded by Hawley.

APPROVED.

Executive session ended at 11:00am.

Open session reconvened at 11:15

Motion by Eslick, on behalf of budget committee, to approve the FY 2014 budget.

APPROVED.

The line item for an "Contract Labor" was increased this year to provide additional help to the Tournament Administration Committee in reviewing individual registrations and team rosters. It is anticipated that the funds will be expended on an intern, to be supervised by the TAC Chair.

Motion by Satler to set time for midyear conference call on December 14, 2013, at 1pm Eastern, seconded by Leckrone.

Motion by Racheter to change the date to December 15 from 1-3pm, seconded by Woodward.

AMENDMENT APPROVED.

MOTION AS AMENDED APPROVED.

**Motion by Woodward to adopt the Championship Subcommittee recommendation that University of Cincinnati host the tournament in 2015, seconded by Langford.
APPROVED.**

Motion by Vile to commend the host, Jo Ann Scott.

APPROVED BY ACCLAMATION.

Motion by Guliuzza to adjourn, Seconded by Hawley.

APPROVED.

X. Unfinished/New Business

XI. Adjournment

The meeting adjourned at 11:58am, July 21, 2013.

Appendix A: Consent Calendar

Motion by Halva-Neubauer to approve the 2013-2014 committee assignments.

AMTA Officers

Glen A. Halva-Neubauer, President
Justin Bernstein, President-Elect
David Nelmark, Past-President
Sara L. Zeigler, Secretary
Josh Leckrone, Assistant Secretary
Matthew Eslick, Treasurer
Mike Walsh, Assistant Treasurer

Directors

Johnathan Woodward, AMTA Tabulation Director
Jackie Palmer, Development Director

Executive Committee (also serves as Nominating Committee)

Glen Halva-Neubauer (President)
Justin Bernstein (President-Elect)
David Nelmark (Past-President)
Matthew Eslick (Treasurer)
Sara Zeigler (Secretary)
Jackie Palmer (Development Director)
William Warihay (Tournament Administration Chair)
Johnathan Woodward (AMTA Tabulation Director)
Frank Guliuzza (Competition Response Committee Chair)
Ryan Seelau (Rules Committee Chair)

Academics Committee

To provide resources for AMTA members who wish to create mock trial courses and curricula, to conduct research on mock trial, and to serve as a liaison to academic institutions.

Jo Ann Scott (Chair)
Margarita Koblasz
Frank Guliuzza
David Ben-Merre
Georgie Weatherby
Neal Schuett
Jen Satler

Audit Committee

Michael Smith (Chair)
Barry Langford

Budget Committee

To prepare and monitor the budget

Matthew Eslick (Chair)
Mike Walsh
Glen Halva-Neubauer
Anna Smith

Case and Evidentiary

Review case proposals and select the case for use in competition, offer clarifications as necessary, respond to queries regarding the case and make revisions as necessary

Civil Case Committee

Toby Heytens (Chair)
Justin Bernstein
Dan Haughey
Abbe Stensland

Emily Westberry (IP Screening)

Criminal Case Committee

Jason Butler (Co-Chair)

Tom Parker (Co-Chair)

Anna Smith

Kyle Thomason

Brandon Bullard

Christopher Hapka

Nicole Winget (IP Screening)

Competition Response Committee

To make timely, in-season rule interpretations, subject to Board review at the annual meeting. Note that individuals serve on the Committee by virtue of office and membership changes as the person holding the offices changes.

Frank Guliuzza (Chair)

Johnathan Woodward (Tabulation Director)

Ryan Seelau (Rules Committee Chair)

Jason Butler (Criminal Case Committee Co-Chair)

Thomas Parker (Criminal Case Committee Co-Chair)

Barry Langford (Ombudsperson)

William Warihay (Tournament Administration Committee Chair)

Glen Halva-Neubauer (President)

Development Committee

To raise money, build external relationships, and increase the number of schools participating.

Jackie Palmer (Chair)

Heather Creed

Melissa Pavely

Adam Detsky

Mike Walsh

Michael Koeltzow

Ethics Committee (Ad Hoc)

To review ethics concerns and report to the Board regarding the feasibility of an ethics code

Georgie Weatherby (Chair)

Don Racheter

David Cross

Jen Satler

Richard Calkins

Human Resources Committee

Sara Zeigler (Secretary)
Justin Bernstein (President-Elect)
To be elected (Member-at-large) Position currently held by Toby Heytens

Judging

Grant Keener (Chair)
Jim Wagoner
Jim Houlihan
Michael Gelfand
Marissa Oxman
Gordon Park
Jack Howett

Religious Accommodation (Ad-Hoc)

Margarita Koblasz (Counsel, Chair, Ex-Officio)
Frank Guliuzza
Adam Detsky
Don Racheter
Mike Kelly

Rules/Sanctions Committee

To oversee and develop rules of competition, evidence and procedure

Ryan Seelau (Chair)
Toby Heytens (Rules of Evidence Focus)
John Vile
Johnathan Woodward
Anna Smith
Tom Parker

Strategic Planning

DeLois Leaphart (Chair)
Glen Halva-Neubauer
Kyle Kopko
Johnny Pryor
Michael Smith
John Vile
Ryan Seelau

Tabulation Advisory Committee

To assist the AMTA Tabulation Director in developing and implementing tabulation methods,
oversee bid allocation structure

Johnathan Woodward (Chair)

Alicia Hawley
Mike Kelly
David Nelmark
Monica L. Dorman
Neal Schuett

Tournament Administration Committee

William Warihay (Chair)

Team and Feeder Subcommittee

Adam Detsky (Chair)
Melissa Pavely
David Lichtenstein
Johnathan Woodward
Lauren Lutton
Kyle Thomason

Site Selection and Host Communication Subcommittee

Josh Leckrone (Chair)
Justin Bernstein
Grant Keener
Georgie Weatherby
Sarah Sawtelle
Heather Creed

AMTA Representative Assignment Subcommittee

Sara Zeigler (Chair)
Matthew Eslick (Treasurer)
Jo Ann Scott
David Nelmark
Angela Minor
Michael Gelfand

Championship Selection and Planning Subcommittee

Frank Guliuzza (Chair)
Dan Haughey
Justin Bernstein
Justin Matarrese
Jen Satler

Technology Committee

William Warihay (Chair)
Neal Schuett
Mike Walsh
David Nelmark
Monica L. Dorman
Zachary Hanson

Disciplinary Committee

To enforce the AMTA Code of Conduct with regard to the Board of Directors, Candidates, and Representatives

David Nelmark (Past-President)

Georgie Weatherby (Appointment by President)

To be elected—not an EC Members (Member At-Large) Currently Jo Ann Scott

To be elected—not an EC Member (Alternate) Currently Alicia Hawley

Historian: Brad Bloch

Parliamentarian: Frank Guliuzza

Ombudsperson: Barry Langford

Newsletter Editor: Grant Keener

Web Site Manager: William Warihay (Technology Chair)

Counsel: Margarita Koblasz

Motion by Heytens to authorize the each year's case committee to promulgate an appropriate character evidence form for use in each year's case.

No rationale provided.

Motion by Woodward that Rule 8.9(6) be amended by changing the reporting deadline to 12:00 noon Central time on the Tuesday immediately following the tournament, unless the matter occurred on the final weekend of regionals or the final weekend of ORCS, in which case the deadline is 4:00 p.m. Central time on the Monday immediately following the tournament.

Rationale: This makes the deadline for alleging egregious invention identical to the deadline for requesting Act of AMTA relief.

Motion by Woodward to make the following the recommended tournament scheduling, and encourage hosts who wish to provide less time than allotted to consult with the Host Communication Subcommittee chair:

Opening Ceremony.....1 hour prior to Round 1 start time

Morning round judges and captains....45 minutes prior to morning round start time

Afternoon round judges and captains...4 hours after morning round start time

Afternoon round start time.....4 hours 45 minutes after morning round start time

Example:

8:30 a.m. Opening Ceremony

8:45 a.m. Judges/Captains

9:30 a.m. Round 1

1:30 p.m. Judges/Captains

2:15 p.m. Round 2

Rationale: We should encourage hosts to set the judges' meeting 45 minutes prior to the scheduled start time of the round, to account for late-arriving judges as well as the orientation and assignment procedures. 30 minutes is simply not a sufficient amount of time for those tasks, especially when

judges can and do arrive late. It is best to have the captains' meeting start at the same time--that meeting is usually quite quick, and then the Representative handling the captains' meeting can assist with making judging assignments while their colleague delivers the Power Point. Likewise, we should encourage hosts to allow at least one hour between the projected all-loss time of the morning round and the captains' meeting of the afternoon round. Less time is likely to result in complaints that the lunch hour is too short, especially so when lunch is off-site. Note that I am NOT asking to make this schedule mandatory--hosts should have the flexibility to tailor their schedules to their individual circumstances. However, we provide guidance to hosts in our Host Manual, and this should be our official guidance.

Motion by Heytens to direct the Tabulation Committee to prepare a brief document that may be distributed to volunteer judges after each tournament that explains our scoring system and how team and individual awards are determined.

Rationale: Several judges after NCT asked for an explanation. It seems to me that this may be a recurring question hosts get and that it would be best for AMTA to have some sort of official document.

Motion by Kelly to require that all rule changes that may affect competitors for each particular season be posted (or re-posted) on the home page of the AMTA website (with a post or link to this post on any AMTA social media outlet) at least four (4) weeks before the first regional tournament, and no later than one (1) week before the first regional tournament.

Rationale: To the extent there is a concern some of the newer or student-run programs are not aware of the rule changes that go in effect for the sanctioned tournaments, this is a fairly simple way to facilitate the dissemination of this information.

Motion by Warihay to revise Rule 3.5 as follows (new language in bold):

Rule 3.5 Student membership required. All student participants in sanctioned tournaments must be registered participants of AMTA. Each student must complete an **online registration form on or before the Monday preceding the first AMTA-sanctioned tournament for that year. Each student must register with AMTA once per academic year.** ~~that will allow AMTA to track its participants and better communicate with alumni.~~ Individual information about students will not be released to any organization outside AMTA **pursuant to AMTA's Privacy Policy.** The Development Committee shall create the **registration** form and enforce this rule.

Rationale: This rule change codifies our current practice, and makes this requirement clear within our rules. It also clarifies that registration is required each year.

Motion by Warihay to review Rule 5.13(1) as follows (changes in bold):

(1) TEAM TROPHIES. The top eight finishing Each team who earns a bid to an opening round championship series tournament at each regional tournament shall receive a trophy. The trophies will not differentiate in size or place, and shall state "Championship Series Qualifier" along with the appropriate year.

Rationale: This removes a reference to the prior practice of having 8 bids per regional and makes the rule generic so that it applies no matter how many bids there may be to an ORCS tournament at any regional in the future.

Motion by Bernstein to host the 2014 AMTA Board of Directors Meeting in Newport Beach, CA.

Appendix B: Tabled Motions

TAB-03: Motion by Kelly to modify the procedure for determining sides for third-round matchups as follows:

After the round 3 pairings having been conflict check, the AMTA representative should then flip a coin. If it is "heads," all the odd-numbered matchups will remain as-is, and the even-numbered matchups will be switched. If it is "tails," all the odd-numbered matchups will be switched, and the even-numbered matchups will remain as-is.

Rationale: Currently, after two rounds, the matchups look like this:

R1 - R2

R3 - R4

R5 - R6

...

This means that the higher ranked-team in each pairing will be on the same side of the case (and could possibly create an imbalanced side). It becomes problematic because all of the "better-ranked teams" can now not hit in the fourth round because of a same-side impermissible.

Case in point, imagine a division with one 4-0 team, two 3-0-1 teams, four 3-1 teams, and one 2-1-1 team. The pairings would look like this:

R1 (4-0) - R2 (3-0-1)

R3 (3-0-1) - R4 (3-1)

R5 (3-1) - R6 (3-1)

R7 (3-1) - R8 (2-1-1)

...

This means R3 is fortunate for two reasons: (1) It avoids in the third round the 4-0 team that R2, with the same record, has to hit; and (2) It avoids in the fourth round the 4-0 team because, under the current system, it generally must be on the same side of the case. The same principle will also apply to R7, the lowest-rated 3-1 team.

The only drawback for this motion is that it may sound complicated, since you don't treat every pairing uniformly. However, with the high competence of AMTA representatives (especially after a long invitational season to get them acclimated), this shouldn't be a problem.

TAB-04: Motion by Detsky to utilize a modified version of the current 4th round pairing system at Regionals and ORCS as follows:

Round 2 pairings:

Cards laid out as normal. (P1, P2, P3.... D1, D2, D3....)

Identify all teams that have won a 1/2 ballot or more. These team form the top bracket, which is high/lowed. The teams without any ballots will be in the bottom bracket, paired high-high.

Round 3 pairings:

Cards laid out as normal. (R1 R2 R3...)

All teams with 1.5 wins or more go into the top bracket, which is high-lowed.

The teams with 1 ballot or less go into the bottom bracket, paired high-high.

Round 4:

AT REGIONALS: All teams with 2.5 ballots or more go into the top bracket, which high-lowed. (i.e. any team mathematically capable of 4.5 ballots or more)

AT ORCS: All teams with 3 ballots or more go into the bottom bracket. (i.e. any team that could finish with 5 wins or more).

The teams with 2 or less ballots go into the bottom bracket are high-highed. (subject to the already in rule regarding teams with 2.5 wins greater than the 7th or 8th place team)

Rationale:

1) Our current system at both regionals at ORCS is inconsistent. In the second and third round we effectively punish teams for winning. In the fourth round, we inexplicably start "protecting" them. However, because of the lack of protection in round 2 and 3, some top teams will repeatedly find themselves looking up at the awards ceremony at teams that snuck past them by virtue of losing 2 ballots in round 1 and then getting a far easier schedule. In simplest terms: when two 4-0 teams are facing each other while two 2-2 teams face each other - you cannot tell me that our system is truly identifying the top 7 or 6, respectively.

2) This system will allow teams that lose early a chance to turn it around, but they will have to earn it, and it will give any team 2 chances to "dig out of their hole"

3) With the current system and nearly 40-50 open bids - 4.5 matters at regionals. Teams with 2.5 wins should not be getting 2 win or less opponents. They should be fighting for a spot like anyone else.

TAB-07: Motion by Kelly to modify the second and third round pairings at Opening Round Championship Sites as follows:

Two brackets will be created: the top bracket with 12 teams (and 6 pairings), and the bottom bracket, with the rest of the teams. Teams in the top bracket will be paired high-low, and teams in the bottom bracket will be paired high-high.

In the event that there is a tie in wins between teams in the top bracket and second bracket, all teams that are tied will be placed in the top bracket. If there is an uneven number of teams in the top bracket, a team from the bottom bracket will be moved up to make an equal number.

For example, for the second round, consider the following teams:

P1 (2-0) D1 (2-0)
P2 (2-0) D2 (2-0)
P3 (1-0-1) D3 (2-0)
P4 (1-1) D4 (1-0-1)
P5 (1-1) D5 (1-1)
P6 (1-1) D6 (1-1)
P7 (1-1) D7 (1-1)
P8 (1-1) D8 (1-1)
P9 (0-1-1) D9 (1-1)
P10 (0-2) D10 (0-1-1)
P11 (0-2) D11 (0-2)
P12 (0-2) D12 (0-2)

First, you would place the top 12 teams (P1-P6 and D1-D6) in the top-bracket, and the rest of the teams in the bottom-bracket:

P1 (2-0) D1 (2-0)
P2 (2-0) D2 (2-0)
P3 (1-0-1) D3 (2-0)
P4 (1-1) D4 (1-0-1)
P5 (1-1) D5 (1-1)
P6 (1-1) D6 (1-1)

P7 (1-1) D7 (1-1)
P8 (1-1) D8 (1-1)
P9 (0-1-1) D9 (1-1)
P10 (0-2) D10 (0-1-1)
P11 (0-2) D11 (0-2)
P12 (0-2) D12 (0-2)

Because P6 is tied with P7-P8, those teams will be moved up to the top bracket. Similarly, because D6 is tied with D7-D9, those teams will also be moved up to the top bracket. Therefore:

P1 (2-0) D1 (2-0)
P2 (2-0) D2 (2-0)
P3 (1-0-1) D3 (2-0)
P4 (1-1) D4 (1-0-1)
P5 (1-1) D5 (1-1)
P6 (1-1) D6 (1-1)
P7 (1-1) D7 (1-1)
P8 (1-1) D8 (1-1)
D9 (1-1)

P9 (0-1-1)
P10 (0-2) D10 (0-1-1)
P11 (0-2) D11 (0-2)

P12 (0-2) D12 (0-2)

Because there are an uneven number of teams in the top, P9 would be moved up to the top bracket.

Next, you would high-low the top bracket and keep the bottom bracket high-high, to have the final pairings:

**P1 (2-0) - D9 (1-1)
P2 (2-0) - D8 (1-1)
P3 (1-0-1) - D7 (1-1)
P4 (1-1) - D6 (1-1)
P5 (1-1) - D5 (1-1)
P6 (1-1) - D4 (1-0-1)
P7 (1-1) - D3 (2-0)
P8 (1-1) - D2 (2-0)
P9 (0-1-1) - D1 (2-0)**

**P10 (0-2) - D10 (0-1-1)
P11 (0-2) - D11 (0-2)
P12 (0-2) - D12 (0-2)**

In the third round, consider the following teams:

**R1 (4-0)
R2 (4-0)
R3 (3-1)
R4 (3-1)
R5 (3-1)
R6 (3-1)
R7 (3-1)
R8 (2-1-1)
R9 (2-1-1)
R10 (2-2)
R11 (2-2)
R12 (2-2)
R13 (2-2)
R14 (2-2)
R15 (2-2)
R16 (1-2-1)
R17 (1-2-1)
R18 (1-2-1)
R19 (1-3)
R20 (1-3)
R21 (1-3)
R22 (0-3-1)
R23 (0-4)
R24 (0-4)**

Normally, the top 12 teams would constitute the top bracket. However, because R12 is tied with R13-R15, those teams are moved up to the top bracket.

Now, there would be 15 teams in the top bracket, so we will also move up R16 to make an even number of teams in the top bracket:

R1 (4-0) R2 (4-0)
R3 (3-1) R4 (3-1)
R5 (3-1) R6 (3-1)
R7 (3-1) R8 (2-1-1)
R9 (2-1-1) R10 (2-2)
R11 (2-2) R12 (2-2)
R13 (2-2) R14 (2-2)
R15 (2-2) R16 (1-2-1)

R17 (1-2-1) R18 (1-2-1)
R19 (1-3) R20 (1-3)
R21 (1-3) R22 (0-3-1)
R23 (0-4) R24 (0-4)

After you high-low the top bracket, you would be left with the following final pairings (barring impermissibles):

R1 (4-0) - R16 (1-2-1)
R2 (4-0) - R15 (2-2)
R3 (3-1) - R14 (2-2)
R5 (3-1) - R12 (2-2)
R7 (3-1) - R10 (2-2)
R9 (2-1-1) - R8 (2-1-1)
R11 (2-2) - R6 (3-1)
R13 (2-2) - R4 (3-1)
R15 (2-2) - R2 (4-0)

R17 (1-2-1) - R18 (1-2-1)
R19 (1-3) - R20 (1-3)
R21 (1-3) - R22 (0-3-1)
R23 (0-4) - R24 (0-4)

(Note: When resolving impermissible matchups, given this layout of the pairings, the teams immediately next in ranks with the impermissible teams, with whom you compare records, may not be adjacent to the teams in the impermissible matchup. While more difficult, given the more experienced tabulators at ORCS, this should not be a problem.)

Rationale: The manner in which the second and third rounds are currently paired is inconsistent with the rationale for our pairings in Round 4, which is to determine the six best teams to qualify for the National Championship Tournament by preventing the top teams from facing each other.

With our current pairings method, we too often see the top teams face each other early in the tournaments, resulting quite often in some of the better-ranked teams through two rounds of the

tournament not advancing to the National Championship Tournament. Meanwhile, a lot of teams get bids after losing early in the tournament because they avoid hitting the better teams.

CASE-01: Motion by Kelly, M. to modify Rule 10.3.2(5) to add the following:

"At least two (2) witnesses in each case shall be available to be called as a witness by either party."

Rationale: In the last few years, there have been more side-constrained witnesses than existed in previous years. This is problematic for four key reasons: (1) Cases that provide less static witnesses promotes the educational values of AMTA. We have long competed with appropriately balancing our pedagogical mission with the competitive nature of mock trial. Restricting analytical reasoning, strategic planning, and responsive thought contradicts the educational elements of our organization and product. (2) To the extent we are trying to give our students a more authentic experience, essentially every action will have witnesses that can be beneficial to both parties, depending on their theories of the case. This is an aspect of trial strategy that our students are losing if all witnesses are side-constrained. (3) With so many side-constrained witnesses, we are losing an important criteria in which we can effectively evaluate our students. Especially given this age of "parity," one way to distinguish between the caliber of competitors is to better test how flexible teams are and how well they adjust. Fewer side-constrained witnesses would require teams to prepare back-up direct examinations and more cross examinations. (4) This will actually bring more life to cases that tend to get static as the competitive year progresses.

CASE-02: Motion by Anna Smith to Modify Rule 10.3.2 as follows:

Delete the sentence in red, add language in blue

(4) CASE CHANGES FOR THE CHAMPIONSHIP SERIES. The Case Committee is authorized, but not required, to release changes to the case at any point between the case's initial release and two weeks before the first regional tournament. The Case Committee shall ~~may~~ release at least one set of changes between the conclusion of regionals and the start of the National Championship Tournament, but no post-regionals changes shall be made until after the conclusion of the final regional tournament and no post-ORCS changes may be made until after the conclusion of the final ORCS tournament. ~~When the Case Committee determines that doing so is feasible, the Case Committee shall release substantial changes between regionals and ORCS.~~

Rationale: The case committee's primary focus should be on creating the most balanced case possible. Discretion as to whether to release any case changes, let alone what would constitute "substantial" changes should be up to the committee based on data collected regarding balance and witness selection percentages. In instances where case balance has been demonstrated through regional competition, the committee should, if anything, be discouraged from instituting substantial changes which may create imbalance, particularly since there are no further tournaments through which to vet such changes. This is particularly true given the nature of ORCs Round 4 pairings.

SPC-01: Motion by Scott: Members of the executive committee shall be elected by the membership of the entire Board of Directors of the American Mock Trial Association rather than being appointed by the president of the association.

Rationale: The Executive Committee of the AMTA runs the day-to-day business of the association. As such, the Executive Committee has the authority to make important decisions on behalf of the Board and the Association. We pride ourselves in being a transparent organization and that should include the members of the executive committee. Moreover, members of the executive committee chair most, if not all, of the significant committees in the association. These positions should be elected by the Board. It is understandable that the president should have advisors to assist him/her and perhaps a presidential advisory board should be selected to serve in this capacity.

RULES-04: Motion by Kelly to include the following subsections in the "Scouting, Videotaping, and Recording" section of Chapter Four of the AMTA Rulebook:

"During Rounds One and Two of a sanctioned tournament, no student, coach, representative or persons affiliated with a school competing in that same tournament shall attend a trial in which its school is not participating."

"Remedy for Violations. If a team believes that a school has violated these Rules regarding improper scouting, it may report that allegation to the Competition Response Committee (and not the AMTA Representative at the tournament) within 48 hours of the tournament in question. Any team making such allegation has the burden to show a violation has occurred. If the allegations is raised timely, the Competition Response Committee shall investigate the allegation. If the Competition Response Committee believes a violation has occurred, it shall report its findings and recommendation to the Executive Committee. The Executive Committee shall review the report of the Competition Response Committee and, upon the Executive Committee's determination of a violation, may issue sanctions against the violating team. Sanctions may include any sanctions permitted under this AMTA Rulebook."

Rationale: While scouting does carry some educational value, the extent to which scouting often takes place goes above-and-beyond its stated educational purpose. A great deal of scouting that takes place is now for competitive advantage and gamesmanship, and includes very detailed content that is used against a team in future rounds. In some instances, some teams preemptively use their opponents' themes or lines from opponents' statements (obtained from scouting) before the opponent has the opportunity to do so. Many of our member schools have very strict rules of student conduct prohibiting students from using other people's work product as their own without the consent of those created the work. As an organization that has a strong focus in education, we need a rule that limits the possibility of this type of conduct.

This motion presents a fair compromise that would still allow for viewing of rounds for educational purposes, but severely limits the extent to which schools scout for a competitive advantage. Schools that send students to tournaments they are not competing to learn from other schools would not be affected in any way by this motion. Meanwhile, schools competing at the same tournament could send its students to any of the latter two rounds at a competition (which are usually the more competitive rounds) without any risk of a violation of this rule.

A common argument against an anti-scouting rule has focused on the impracticality of it being enforced. One way to handle this is how we currently handle the issue of invention of fact by making it a post-tournament review (and therefore not adding responsibilities to our already busy AMTA Representatives). If teams feel (and can demonstrate) that improper scouting has taken place by a particular team, it can make an official written complaint to the Competition Response Committee. The CRC would then determine if the conduct was improper. This rule, however, would prevent teams from scouting for competitive advantage merely because "it is not against the

rules."

RULES-05: Motion by Kelly to include the following subsections in the "Scouting, Videotaping, and Recording" section of Chapter Four of the AMTA Rulebook:

"Other than a student, coach, or representative of a school which is competing in the trial, all persons shall be prohibited from taking notes (handwritten, electronic, or otherwise) during a trial in a sanctioned tournament unless permission is granted in advance by both teams in the trial."

"Remedy for Violations. If a team believes that a school has violated these Rules regarding improper scouting, it may report that allegation to the Competition Response Committee (and not the AMTA Representative at the tournament) within 48 hours of the tournament in question. Any team making such allegation has the burden to show a violation has occurred. If the allegations is raised timely, the Competition Response Committee shall investigate the allegation. If the Competition Response Committee believes a violation has occurred, it shall report its findings and recommendation to the Executive Committee. The Executive Committee shall review the report of the Competition Response Committee and, upon the Executive Committee's determination of a violation, may issue sanctions against the violating team. Sanctions may include any sanctions permitted under this AMTA Rulebook."

Rationale: While scouting does have educational value, the extent to which scouting takes place goes above-and-beyond the stated educational purpose. A great deal of scouting that takes place is now for competitive advantage and gamesmanship, and includes very detailed content that oftentimes reads more like a transcript of the round. Furthermore, scouting tends to advantage the larger (and wealthier) programs who have the resources to send multiple people to tournaments for the sole purpose of "scouting." If we do not have a motion that restricts scouting in the first two rounds of a tournament, this motion adequately presents a compromise that would still allow for viewing of rounds for educational purposes, but somewhat limits the extent to which schools scout for a competitive advantage.

A common argument against an anti-scouting rule has focused on the impracticality of it being enforced. One way to handle this is how we currently handle the issue of invention of fact by making it a post-tournament review (and therefore not adding responsibilities to our already busy AMTA Representatives). If teams feel (and can demonstrate) that improper scouting has taken place by a particular team, it can make an official written complaint to the Competition Response Committee. The CRC would then determine if the conduct was improper. This rule, however, would prevent teams from scouting for competitive advantage merely because "it is not against the rules."

RULES-06: Motion by Detsky to create the following new rule regarding pre-trial procedures:

The parties may engage in brief pre-trial activities. Pre-trial is limited to the following:

- a) Introducing the individuals sitting at the team's respective attorney bench;
- b) An application for witnesses to be considered constructively out of the courtroom pursuant to MRE Rule 615;
- c) Requesting permission to use the Well;
- d) Offering copies of pleadings, prior orders and/or pre-trial stipulations furnished in the case packet

RULES-07: Motion by Kelly to modify Rule 8.5(2) to the following [with added language in

red]:

"ELECTRONIC VISUAL AIDS. The use of electronic or light projected aids is prohibited. An electronic aid is any object that requires the direct or indirect use of electricity to either use or prepare the object for trial. Paper-based aids created by an electronic printer do not violate this section."

Rationale: With each year that goes by, we see increasingly more elaborate demonstratives. The purpose of this rule is to prohibit more technologically advanced demonstratives so as to not disadvantage any schools who do not have the funding to keep up with the more elaborate demonstratives. However, schools are becoming more creative in trying to circumvent this particular rule. For example, a school used a vacuum that used electricity (prior to the start of trial) to set up the demonstrative. However, because the aid did not use electricity DURING testimony, it was arguably not in violation of this rule. Nonetheless, this application seems to be a violation of the spirit of the rule. We need a more precise rule that makes the use of this type of aid clearly allowed or disallowed. Given the purpose of this rule, it seems it should be disallowed.