



American Mock Trial Association 2017 Board Meeting Agenda July 21-23, 2017 Des Moines, Iowa

I. Call to Order

Attendance:

Members present (X): Ben-Merre; Bernstein; Bluebond; Detsky; Eslick; Gelfand; Guliuzza; Halva-Neubauer; Harper; Haughey; Heytens; Holstad; Langford; Leapheart; Leckrone; Olson; Parker; Pavely; Racheter; Schuett, M.; Schuett, N.; Walsh; Warihay; Woodward

Members not present (X): Minor; Thomason

Candidate Members present (X): Allison*; Michalak*; West; Johnson; Sohi

Candidate Members not present (X): Bower Braunsberg

AMTA Staff (X): Doss

Guests (X): Bowden; Hogan; Woerner

Directors Emeritus (X): Neuhaus

*Allison and Michalak were not present on Sunday

II. Welcome and Remarks (Guliuzza)

III. Format of Agenda:

Delivered by Secretary – Pavely

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 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 red and bolded. The decision of the respective committees follows each motion **IN BOLD BLUE, CAPITAL LETTERS AND UNDERLINED**. Motions that have been recommended by committee do not need to be seconded at the meeting. Motions forwarded without recommendation require a second. 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 Agenda as **Appendix A** is the Consent Calendar

Appended to the Agenda 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 2016 mid-year conference call/board meeting.

IV. Approval of Agenda

Motion by Racheter to accept the agenda, allowing the President to move items as needed. Motion passes.

V. Approval of 2016 Mid-Year Board of Directors Meeting minutes.

Motion by Leapheart to approve the 2016 Mid-Year Minutes. Seconded by Gelfand. **Motion passes.**

VI. Special Board Elections (President-Elect, At large members of Disciplinary and Human Resources Committees)

Warihay and Haughey accepted nominations for President-Elect.

Board entered executive session to discuss the candidates.

Warihay elected President-Elect.

Bernstein nominates Parker to Disciplinary Committee. **Parker declared the winner by acclamation.**

Woodward nominates Harper to Human Resources Committee. **Harper declared the winner by acclamation.**

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).

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

Committee Assignments removed from Consent Calendar.

Rules-01 removed from Consent Calendar.

Consent Calendar otherwise approved.

Board entered Executive Session to discuss the committee assignments.

Motion by Racheter to approve the committee assignments as amended. Motion passes.

IX. Committee Reports

- A. Academics Committee (Leapheart): Oral and written report delivered**
- B. Accommodations (Racheter): Oral report delivered**
- C. Budget and Audit Committee Report (Eslick): Oral report delivered**
- D. Civil Case Committee (Haughey): Oral report delivered**
- E. Criminal Case Committee (Bluebond): Oral report delivered**
- F. Competition Response Committee (Smith Eldridge): Questions answered by committee members**
- G. Development Committee (Bernstein): Oral report delivered**
- H. Disciplinary Committee (Bernstein): Oral report delivered**
- I. Ethics Committee (Parker): Oral report delivered**
- J. Human Resources Committee (Walsh): Oral report delivered**
- K. Intellectual Property (Thomason): No report**
- L. Rules Committee (Seelau): No report**
- M. Strategic Planning Committee (Gulizza and Bernstein): Oral report delivered. Written report will be circulated.**
- N. Tabulation Advisory Committee (Woodward): Oral report delivered**
- O. Technology Committee (Walsh): Oral report delivered**
- P. Tournament Administration Committee (Warihay): Oral report delivered**
- Q. Other Committee Reports: None**

X. Motions:

BUDGET-03: Motion by Eslick to approve the 2017-2018 Budget.

Rationale: None

ADVANCED WITH NO RECOMMENDATION

Motion seconded. Motion passes.

BUDGET-04: Motion by Seelau to modify Rule 2.4(1) to add the following sentence to the end of the rule:

“A New School shall pay no annual membership fee.”

Rationale: The annual membership fee is a significant hurdle to starting a mock trial program. This past season, I had several of the students I coached in high school try to form a team at the University of Northern Iowa. In addition to the struggles of trying to get recognized on campus, recruit, find an academic advisor, they simply were unable to get access to funding sufficient to register and gain case access. Eliminating as many financial barriers in the first year of competition, should only help AMTA grow in numbers.

ADVANCED WITH NO RECOMMENDATION

Motion by Racheter to amend to set the fee for new schools at one dollar.

Motion to amend fails for lack of a second.

Motion fails.

EXECUTIVE COMMITTEE-01: Motion by Harper regarding Case Access for Prospective New Schools:

That, upon request, the Chairperson of the Academics Committee or her/his designee is authorized to release to prospective AMTA member schools for educational purposes only a single pdf file version of an AMTA case packet. This is a limited license solely for the purpose of reviewing the case materials to determine feasibility of participation in AMTA. Prohibited uses include, but are not limited to: The prospective school cannot use the case materials to participate in AMTA and/or invitational competition(s), cannot use the materials for any class instruction or exercise, cannot use the case materials for any camp, retreat, or group activity, and cannot gain any financial benefit or otherwise profit from access to the case materials.

Rationale: One of the most common questions that we receive from prospective AMTA member schools is “what does the case packet look like?” Providing a single copy of the case to a prospective member school will provide the school an opportunity to more closely examine AMTA and determine whether joining AMTA makes sense for the school. Additionally, a couple of prospective programs asked for a copy of the case that they could take with them to a nearby regional tournament—as a way to compare the written material to the finished product. Our current policy requires payment for all AMTA cases. It seems reasonable that a prospective school should be able to see a case

for educational purposes only before paying the registration fee and joining the organization.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Heytens to amend to say “in any competitions whatsoever.”
Seconded. **Motion to amend passes.**

Motion by Parker to amend to say informational rather than educational purposes. Seconded. **Motion to amend passes.**

Motion passes.

EXECUTIVE COMMITTEE-03: Motion by Langford and Smith Eldridge - That AMTA repeal Rule 5.35 and eliminate the second case for the Championship tournament and return to the single-case process it was using prior to the past three years.

Rationale: First, the timing of the added preparation does not fit well with the academic calendar, falling at a time when students need to be finishing term papers, making class presentations, and preparing for final exams. Thus, it runs contrary to our academic mission. Second, the lack of time to vet the new case has led to side imbalances (see data below) and some excessive invention with no real remedy or opportunity to close loopholes or clarify ambiguities. Third, it has not had a measurable effect on outcomes. For the most part, the same teams continue to dominate. The case itself becomes easier for students to argue from an intellectual standpoint because, in an effort to reduce too much work load, the case has limited interesting objection arguments and cross strings. Most cross material is written into the affidavits, most objections are reduced to basic "hearsay" and "lack of foundation" arguments that even the most novice mocker can argue. Overall, the students are preparing an untested case at the very worst time in the academic year and for no real change in outcomes. Additionally, this change has resulted in more modest ORC changes. Substantially more students argue the ORCs case changes and we are now depriving them of the opportunity to see change over the year or see much in terms of dynamic movement with the case. Finally, we are burning through the number of people capable of working on a case product. Case drafting is among the most important activities we do as board and there are a limited number of people who can do it well. One of those people has now left the board. We already spread our work thin across case authors, pushing this to even further limits will continue to see the quality of the national championship case decline as we are forced to go further and further away from our organization to find people who don't coach and are willing to do it. We've given it 3 years. It's time to end the experiment.

In order to have meaningful discussion on this motion, we suggest that common National Championship participants prior to and subsequent to the adoption of Rule 5.35 be surveyed regarding the change in workload after its adoption.

Side balance data

Using the results of Round Three – the purest power pairing: Plaintiff won disproportionately in all three years. This is pretty typical of year-long cases where cases are drafted to be P heavy, with the understanding that cases grow in defense wins over time as the defense gets more creative. With a single tournament, this understandable imbalance cannot be remedied so easily.

2017: 56%

2016: 58%

2015: 56%

ADVANCED WITH NO RECOMMENDATION

Motion fails by a margin of 2-20.

RULES-01: Motion by Gelfand to amend Rule 611(b) of the Midlands Rules of Evidence to state as follows:

(b) Scope of *Examinations*. The initial cross examination is not limited to matters discussed on direct examination. Re-direct and re-cross examination are permitted. But any re-direct or re-cross examination may not go beyond the subject matter of the examination immediately preceding it and matters affecting the witness's credibility. The court may allow inquiry into additional matters as if on direct examination. Any re-direct examination should not go beyond the subject matter of the cross-examination immediately preceding it.

Rationale: The rule as currently written limits only the scope of cross-examinations, not re-direct examinations. As long as I can remember, AMTA's practice has always been to limit the scope of any re-direct examination to the subject matter of the cross-examination immediately preceding it. The Judges' Powerpoint expressly states this. The proposed revision makes the written Rule reflective of this practice.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion removed from the Consent Calendar.

Motion by Gelfand to amend the motion to delete the last two proposed sentences. Seconded. **Motion to amend passes.**

Motion passes.

RULES-03: Motion by Woodward to: Repeal Rule 8.12(1), “When Objections are Permitted and Prohibited.”

Rationale: This repeal would have the effect of allowing objections to opening statements and closing arguments. The quality of our competition has evolved to the level where I don't believe we need to protect our attorneys from objections to opening or closing. Teams which make baseless objections for the purpose of disrupting a statement or argument run the risk that their strategy will lose points. We can save time by no longer needing to instruct judges on this difference from real-world practice.

ADVANCED WITH NO RECOMMENDATION

Motion by N. Schuett to refer to the Rules Committee. Seconded.

Motion by Parker to amend to refer to the ad hoc committee on competition related issues. Seconded. **Motion to amend fails.**

Motion to refer to the Rules Committee passes.

RULES-04: Motion by Harper that the Rules Committee amend Rule 4.20 to create a policy that states the following:

To the extent any information about the judges is known to the person assigning judges:

- 1) Judges are volunteers who bring their knowledge and skill to us free of charge on their days off from practicing, teaching, or studying law. Above all else, we offer them our gratitude, deference, rapt attention, and accommodate their preferences.
- 2) The assigned presider should be willing to preside.
- 3) If it will not take a ballot out of their hands, the most qualified willing judge should preside, subject to exception 4a.
- 4) In a situation in which not every judge will receive a blue ballot, so long as the less qualified judge is willing to preside, the most qualified judges should be holding blue ballots. There are two exceptions to this rule.
 - a. The presiding judge, in an ideal world, is someone unlikely to interfere with the outcome of a qualifying determinative round. If a judge is known to interfere with student performance such that it could affect the scoring judge's ability to accurately differentiate, the AMTA representatives have discretion to consider this when assigning presiding judges to qualifying determinative rounds. This principle should be invoked sparingly by the AMTA representatives.
 - b. A round in the out-bracket of round 4, or an 0-4 versus 0-4 round in round 3 becomes a “teaching” round. To advance the educational goal of the activity, the most knowledgeable judge should preside even if this means the most qualified judge will not hold a blue ballot.
- 5) AMTA embraces diversity and understands our diverse students benefit when they see themselves reflected in their judges. To the extent that judges are equally qualified and willing to preside, AMTA representatives may, in their discretion, break the tie by

selecting as a presider a judge whose presence enriches the diversity of the judging pool unless such decision would deprive the students of that judge having a scoring ballot.

6) A perceived failure to abide by these advisory principles is not a basis for seeking or awarding an Act of AMTA discretionary bid.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Woodward to amend paragraph 6 to read: an actual or perceived failure to abide by these advisory principles is not a basis for seeking relief of any kind. Motion to amend passes.

Motion passes.

RULES-05: Motion by Harper: Rule 4.33(6)(d): Remove “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” and replace with “trial is complete by the all-loss time, the judges shall complete their ballots and no penalty shall be imposed. If trial has not been completed by the all-loss time, the penalty set forth in section 4 shall be imposed.” Add: “Trial is deemed completed when competitors have finished speaking (usually at the conclusion of closing arguments).”

Rationale: The 5-minute grace period seems harsh (and is not regularly enforced). It seems that this rule could unfairly punish two teams that are doing everything right: If a judge is truly taking an unreasonable period of time to decide objections and write comments during trial, or if a judge is taking very long breaks during trial, two teams that shorten examinations and do not perform closing arguments could conceivably still be penalized if the judge takes more than five minutes to finish ballots at the end of the trial. This rule as written rushes judges and penalizes students for lethargic ballot completion. The proposal brings the rule in line with what I believe is the current standard practice. I propose deleting “all functions of the trial have been completed” because it is often the case that closing arguments are not given in rounds that are approaching all loss—and as the rule is written a rep could theoretically penalize a team for failing to complete closing arguments even if the trial was completed by the all-loss time.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

STRATEGIC PLANNING-02: Motion by Warihay and Walsh to discuss and determine whether AMTA will seek a new Executive Director. Having reached an end of the contractual relationship with its previous Executive Director, AMTA must determine if it will seek to retain a new Executive Director or take a different approach to meeting the goals set forth in its current Strategic Plan. In order to do that, and to

achieve that goal in time for the 2018-2019 season, AMTA will retain the \$15,000.00 currently allotted in its budget to pay an Executive Director that is not being used to pay the Administrative Assistant during the 2017-2018 season. Further, AMTA will seek a new Executive Director and the Strategic Planning Committee will create a timeline for setting the goals, job details, and parameters of the Executive Director Position as well as a timeline for the search, target date for securing a new Executive Director, and budget for same (if different from what is currently allotted).

Rationale: The vision for this Motion is to secure a space on the Des Moines Agenda to discuss AMTA's experience with MSSU over the past two years, along with facilitating a discussion of our future plan for an Executive Director. I envision this Motion being amended on the floor based on the conversation and/or sparking conversation that is then referred to Committee with direction from the Board for review and further action on the part of the Board. One idea that should be discussed is whether the Strategic Planning Committee should consider whether the goals of the Strategic Plan may best be reached on a project-by-project basis, and if so, the Strategic Planning Committee could make recommendations to the Board as to the partner(s) it recommends retaining to achieve those goals.

ADVANCED WITH NO RECOMMENDATION

Motion by Haughey to refer to the Strategic Planning Committee. Seconded. **Motion passes.**

TABULATION ADVISORY COMMITTEE (TAB) -02: Motion by Harper as amended by TAB to set the deadlines for submitting invitational tournament case committee data (captains' forms for case balance calculations), tab summaries, and licensing fee payment at 30 days, 30 days, and 60 days respectively

Rationale: We collect captains meeting data from invitational tournaments so that we can conduct case balance analysis and assess case changes throughout the AMTA season. Tab summaries help us determine how much money a program owes under the case licensing fee. Providing deadlines in our rules will aid give those collecting this information on AMTA's behalf.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Bernstein to amend to make all three deadlines 30 days. Seconded. **Motion to amend fails.**

Motion by Gelfand to amend to say, after respectively, "after receiving an invoice." **Motion to amend fails for lack of a second.**

Motion passes.

TOURNAMENT ADMINISTRATION COMMITTEE (TAC) – 03: Motion by Leckrone that each Regional host will get a flat stipend of \$3,250.00 annually, and each ORCS host shall receive a stipend of \$6,000.00 annually.

Rationale: This codifies on a permanent ongoing basis the stipends we adopted last year for the 2016-17 season only.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Walsh to defer until after new business. Seconded. **Motion to defer passes.**

Motion by Leckrone to amend to say “shall any regional host have fewer than 18 teams assigned as of December 1, that regional host shall get a flat stipend of \$2000. Treated as part of the main motion.

Motion passes.

TAC-06: Motion by Warihay to change relevant language in Rule 2.9(1) and Rule 2.9(1)(a) as follows (changes in red):

.... Assignment of schools and teams to regional tournaments will be made after the close of registration, **using the criteria listed below. The below-listed criteria are examples of factors that AMTA will consider, they are not listed in any particular order, and no one factor is singularly determinative regarding how AMTA will assign teams to regional tournament.**

- (a) assigning schools to a location within **five** hours of driving distance (according to Google Maps or a similar program designated by the Team and Feeder Subcommittee) when possible (not necessarily the closest geographic region). A school may **voluntarily chose to travel further; however, this may** result in the school’s teams being assigned to any regional tournament or opening round championship tournament, regardless of distance and expense, even if there are tournaments closer to the school which do not conflict;

Rationale: In recent years, TAC has fielded questions regarding the alleged ambiguity of this rule and the criteria listed within the rule. This additional language seeks to explain the apparent source of this alleged ambiguity to provide our membership schools with clarification. Specifically, the criteria within this rule were never intended to be an exhaustive list, nor were the criteria intended to be requirements or listed in any sort of priority. The additional language seeks to clarify this within the text of the rule. Furthermore, TAC is seeking to expand the 3 hour travel distance to 5 hours, which is more consistent with our current geographic distribution of tournaments around the country and TAC’s recent practice.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

TAC-07: Motion by Warihay to add the following language as Rule 2.10(2)(f):

If AMTA is unable to offer a team on the waitlist a spot in a Regional Tournament within 400 miles from that school's campus as measured by distance from campus to the tournament site via Google Maps or a similar program designated by the Team and Feeder Subcommittee, then the School will be entitled to a refund of the Regional Tournament fee and late registration fees paid for the team in question. The School shall not be entitled to a refund of the School Registration Fee. This subsection does not apply and no refunds will be paid to teams placed on the waitlist pursuant to Rule 2.10.1(3)(e).

Rationale: In general, this situation will come up fairly rarely, but it is a situation that almost occurred this year. This Rule was passed by the EC earlier this year for the limited purpose of the 2016-2017 year, so this Motion seeks to codify this rule permanently going forward.

This rule allows AMTA to refund Regional Tournament Registration fees if AMTA is unable to offer a team on the waitlist a regional tournament spot within 400 miles of their campus. The logic is simple – if we cannot offer a team a spot in one of our tournaments through no fault of the team, then AMTA should not keep that team's money for a product that we could not deliver.

The caveat in the last sentence covers a potential loop hole that would be created by this Motion to prevent teams from trying to “game the system” to get their money back.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Pavely to amend to add “and that school does not choose to compete at a more distant regional.” Seconded. **Motion to amend passes.**

Motion passes.

TAC-08: Motion by Warihay and M. Schuett to add the following language to Rule 5.30(2), regarding the Spirit of AMTA Award at the National Championship Tournament:

The winner of the Spirit of AMTA Award at the National Championship Tournament in each division shall receive a waiver of the Regional Tournament Team Registration Fee for one team during the next competition season.

Rationale: As an extra benefit and reward for the team(s) that best exemplify AMTA's ideals at the highest level of our competition, this Motion seeks to give that team a \$125 credit for the subsequent season. The cost to AMTA is low (\$250) and it's a nice gesture to the team/school that receives the award.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

TAC-09: Motion by Warihay to amend Rules 6.6(4) and 6.7(1) regarding Opening Round Championship Series Bids:

(4) If a school earns two bids to ORCS and the bids are divided between two ORCS tournament sites, AMTA shall provide Team Designations for each of the school's teams in question consistent with Rule 2.9 above. Similar to Regionals, AMTA will assign Team Designations of "A" and "B" to reflect the relative strength of the teams in competition, as laid out in Rule 2.9, and Schools shall be required to designate and send their "A" and/or "B" ranked team(s) to the appropriate ORCS Tournament(s) accordingly. These Team Designations shall be assigned by the National Tabulation Director, in consultation with the Tournament Administration Committee Chair, after a school earns two bids to ORCS. Team Designations will not be assigned when the two bids at ORCS are at the same tournament site.

Similarly, the following language should be added to Rule 6.7(1) as follows (new language in bold):

"A school with two bids to the opening round championship **series** may send its two teams to different opening round **championship series** tournament sites, **subject to the Team Designations provided by AMTA per Rule 6.6(4) above.**"

Rationale: At present, ORCS is the only round of competition where AMTA does not provide any "A" or "B" team designations. We provide these designations to balance our divisions at the National Championship. Similarly, we provide letter designations to work to balance our regional tournaments. At ORCS, we do not provide such designations. In general, schools with two teams often attend the same ORCS, so the impact of this rule change is relatively minor, but it does have some impact, as each year there are multiple schools with their bids split between ORCS locations. TAC and Tab assume that teams with the lowest team number are the A and higher team number are the B, but there is no rule requiring this. In order for TAC/Tab to ensure balance of ORCS tournaments, we need a way to enforce A/B designations to keep teams from trying to "ORCS shop" their teams. ORCS are already a very competitive level of our competition, and as such, balance between the tournaments is extremely important.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

TAC-10: Motion by Seelau (at the request of Laura Seelau) to amend the Rules to include the following language:

“AMTA has a policy of embracing diversity. We endeavor to welcome all participants regardless of gender, gender identity, race, religion, sexual orientation, political belief, socio-economic class or age.”

Rationale: As a female competitor 15 years ago, I routinely received comments from judges that women are held to “different standards” when it comes to demeanor, dress and presentation. I have witnessed my female students receive similar comments. AMTA clearly values diversity. The case committees make a very conscious effort to draft cases that are neutral across immutable characteristics. The board endeavors to schedule qualifying tournaments to accommodate religious belief. AMTA has a policy of welcoming students at colleges and universities representing a broad spectrum of identity. This addition would give Rules the opportunity to amend the PowerPoint Presentation to Judges to communicate to our volunteer judges that we hold them to the same standard of equality.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion to defer to Sunday. Motion to defer passes.

Motion by Bluebond to amend to say “Race, color, religion, gender, sex, sexual orientation, gender identity, national origin, age, disability, ancestry, genetic information, marital status, parental status, active military or veteran status, or any other category protected by federal, state, or local law.”

Motion by Woodward to amend the amendment to have Rule 1.4 conform to this language. Seconded. Motion to amend the amendment passes.

Motion to amend passes.

Motion passes.

XI. Unfinished/New Business

Motion by Racheter that the President appoint an ad hoc committee regarding awards and the names attached to them and potentially providing naming rights to companies. Motion passes.

The Board entered Executive Session to discuss the issue of having an Executive Director and the issue of sexual discrimination and Title IX.

Motion by the Tabulation Advisory Committee that Rule 6.6 be amended as follows:

(2) ALLOCATION OF BIDS TO REGIONALS. Bids to the opening round championship shall be allocated equally to all regions **with 20 or more bid-eligible teams. Bids to**

the opening round championship shall be allocated pursuant to this Rule to all regions with less than 20 bid-eligible teams.

(a) Allocation of bids to regionals with less than 20 bid-eligible teams.

Regionals with at least 6 but fewer than 9 bid-eligible teams shall have two bids to the opening round championship. Regionals with at least 9 but fewer than 12 bid-eligible teams shall have three bids to the opening round championship. Regionals with at least 12 but fewer than 15 bid-eligible teams shall have four bids to the opening round championship. Regionals with at least 15 but fewer than 18 bid-eligible teams shall have five bids to the opening round championship. Regionals with 18 or 19 bid-eligible teams shall have six bids to the opening round championship.

(b) Allocation of bids to regionals with 20 or more bid-eligible teams. Should the number of regionals **with 20 or more bid-eligible teams** not allow for equal distribution of the bids, each region **with 20 or more bid-eligible teams** 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 **with 20 or more bid-eligible teams** will be ranked according to the number of teams registered 48 hours 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 20 or more bid-eligible teams** 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 actually check-in. If the number of registered teams falls below the number required to receive an additional bid, that bid will return to the open bid pool. If any bid is declined for any reason, including any bid unaccepted due to Rule 6.1, the declined bid shall become an open bid.

Motion passes.

Motion by the Tabulation Advisory Committee to amend Rules 6.8 and 5.28 as follows:

6.8(2) HOST BID.

(a) General rule for host bid. The host institution at the National Championship Tournament, in the event that only one school is hosting, shall be guaranteed at least one bid to its own National Championship Tournament, provided that said host school had at least one team which qualified, by a Direct Bid (i.e. not an Open Bid) to an Opening Round Championship Series Tournament. In no event shall a host receive a second bid to the National Championship Tournament under this rule if it has already received one bid out of an Opening Round Championship Series Tournament to the National Championship Tournament.

(b) Procedure. When the host school is eligible for a host bid, the Tabulation Director shall offer the host bid to the host upon the conclusion of the last Opening Round Championship tournament in which the host competes. The Tabulation Director may set a reasonable deadline for the host school to decide whether to accept the bid. Once the host school accepts the bid, if the host school later withdraws from the championship, the host bid becomes an open bid and the standard withdrawal penalties apply. If the host school declines the bid, the host bid does not become an open bid. In the event that an uneven number of bids is earned to the National Championship Tournament as a result of this rule, a single Open Bid shall be allocated pursuant to Rule 6.09.

Rule 5.28 Divisions at the national championship tournament.

(1) DIVISIONS. The national championship tournament will be run in two divisions.

(a) Distribution of ~~bonus bid~~ team power ranks. Teams will be divided into ~~twelve (12)~~ groups of four teams based on each team's ~~Bonus Bid~~ **Team Power** Ranking. (Group A will consist of the 1st to 4th highest ~~BBTPR~~ ranking among the qualifying teams, Group B will consist of the 5th to 8th highest ~~BBTPR~~ ranking among the qualifying teams, etc.) Two teams from each group shall be placed in each division. **If there is an uneven number of teams, a coin flip shall be conducted prior to the beginning of the draw to determine which division the lowest two ranked teams will be placed into.**

Motion passes.

Motion by Warihay to approve Philadelphia, PA as the 2019 National Championship Host. Seconded. **Motion passes.**

Motion by Leckrone to host the 2018 board meeting in Las Vegas with the caveat that if it is not feasible he will host in Cincinnati. Seconded. **Motion passes.**

Motion by Leapheart to thank Eslick for hosting the board meeting. Motion by Racheter to amend to thank the Iowa State Bar Association and Tammy as well.

XII. Adjournment

Motion by Warihay to adjourn. Seconded. **Motion passes.**

Appendix A: Consent Calendar

Motion by Guliuzza to adopt proposed 2017-18 AMTA Committee Assignments.

Officers:

Frank Guliuzza (President)
Will Warihay (**President-Elect**)
Melissa Pavely (Secretary)
Matthew Eslick (Treasurer)

Executive Committee

Frank Guliuzza (Chair)
Will Warihay (**President Elect**)
Melissa Pavely (Secretary)
Matthew Eslick (Treasurer)
Johnathan Woodward (Tabulation Director)
Mike Walsh (Tournament Administration Committee Chair)
DeLois Leapheart (Academics Committee Chair)
Anna Smith Eldridge (Competition Response Committee Chair)
Toby Heytens (Rules Committee Chair)
Justin Bernstein (Development Committee Chair)

Academics

DeLois Leapheart (Chair)
David Ben-Merre
Brandon Harper
Deone C. Merkel
Angela Minor
Mark Miller
Gordon Park
Tom Parker
Melissa Pavely
Ted Ritter
Kyle Thomason
Emily Woerner

Accomodations

Don Racheter (Chair)
David Cross
Michael Gelfand
Josh Leckrone
Diane Michalak
Thomas Allison
Kyle West

Budget & Audit

Matthew Eslick (Chair)
Stephan Yhann
Laura Bower Braunsberg

Case & Evidentiary

Civil Case Committee:

Dan Haughey (Chair)
Michael Gelfand
Sam Jahangir
Toby Heytens
Mackenzi Siebert
Abbe Stensland
Kyle West
Justin Bernstein

Criminal Case Committee:

Alex Bluebond (Chair)
David Ben-Merre
Laura Bower Braunsberg
Neal Schuett
Anna Smith
Diane Michalak
Michael Nelson

NCT Criminal Case:

Kyle Thomason (Chair)
Justin Bernstein
Amanda Mundell
Michael Polovich
Jacelyn Olson

NCT Topic Approval Committee:

David Nelmark (Chair)
Kris Lyons
Sara Zeigler

Competition Response Committee:

Anna Smith Eldridge (Chair)
Johnathan Woodward (Tabulation Director)
Ryan Seelau (Rules Committee)
Alex Bluebond (Criminal Case Committee)
Barry Langford (Ombudsperson)
Mike Walsh (Tournament Administration Committee)
Frank Guliuzza (President)

Development Committee:

Justin Bernstein (Chair)
Glen Halva-Neubauer
Brandon Harper
Devon Holstad
Grant Keener
Melissa Schuett
Neal Schuett
Kyle Thomason
Andy Hogan
Jacinth Sohi

Ethics Committee:

Tom Parker
Kristen DelForge
Devon Holstad
Grant Keener
Barry Langford
Jacelyn Olson
Georgie Weatherby
Thomas Allison

Human Resources Committee:

Melissa Pavely (Chair)
Brandon Harper (**nomination, member-at-large**)
Diane Michalak (President's selection)

Rules/Sanctions Committee:

Toby Heytens (Chair)
Laura Bower Braunsberg
Neal Schuett
Marissa Oxman
Sue Johnson

Strategic Planning Planning:

Frank Guliuzza (Chair)
Justin Bernstein
Glen Halva-Neubauer
Barry Langford
DeLois Leapheart
Melissa Schuett
Will Warihay
Brandon Harper
Mike Walsh

Tabulation Advisory Committee:

Johnathan Woodward (Chair)

Monica Dorman
Brandon Harper
Graham Henry
Devon Holstad
Sue Johnson

Analysis Committee:

Annie Wang (Chair)
Ben Graham (Co-Chair)
Sarah Sawtelle
Andy Hogan
Jacinth Sohi

Tournament Administration Committee:

Mike Walsh (Chair)

Team & Feeder Subcommittee:

Adam Detsky (Chair)
Sarah Sawtelle
Johnathan Woodward
Devon Holstad
Melissa Pavely
Melissa Schuett
Jacinth Sohi

Site Selection and Host Communication Subcommittee:

Josh Leckrone (Chair)
Grant Keener
Monica Dorman
Michael Polovich
Barry Langford
Kristofer Lyons
Sue Johnson
Michael Koeltzow
Kyle West
Emily Woerner

AMTA Representative Assignment Subcommittee:

Diane Michalak (Chair)
Matthew Eslick
Glen Halva-Neubauer
Kyle West
Dan Haughey

Technology Committee:

Melissa Schuett (Chair)
Will Warihay
Jacinth Sohi
Monica Dorman
Ryan Seelau

Disciplinary Committee:

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

Will Warihay (**President Elect**) (Chair)
Georgie Weatherby (Appointment by President)
Tom Parker (**nominee, member-at-large**)

Other Leadership Positions:

Counsel: David Cross, Crowell & Moring, LLP
Insurance Coordinator: Adam Detsky
Newsletter Editor: Emily Woerner
Ombudsperson: Barry Langford
Parliamentarian: Don Racheter
Trophy Coordinator: Adam Detsky
Web Site Manager: Melissa Schuett

BUDGET-01: Motion by Eslick to amend rule 4.34 as follows:

(2) HANDLING OF TOURNAMENT FEES. A team that is unable to travel to a tournament due to inclement weather and that communicates this decision in advance to the applicable tournament officials should normally have its tournament registration fees **refunded rolled forward to the following year**. The Executive Committee shall have final authority to determine whether a team's tournament registration fees should **be refunded rolled forward**. For purposes of this section, "tournament registration fees" means the amount paid to compete at the level of tournament that the school withdraws from, but does not include the annual School Registration fees.

Rationale: This conforms Rule 4.34 to the practice of eliminating carry-over credits. See, for example, Rule 2.5(2).

ADVANCED WITH A POSITIVE RECOMMENDATION

RULES-01: Motion by Gelfand to amend Rule 611(b) of the Midlands Rules of Evidence to state as follows:

(b) Scope of *Examinations*. The initial cross examination is not limited to matters discussed on direct examination. Re-direct and re-cross examination are permitted. But any re-direct or re-cross examination may not go beyond the subject matter of the examination immediately preceding it and matters affecting the witness's credibility.

The court may allow inquiry into additional matters as if on direct examination. Any re-direct examination should not go beyond the subject matter of the cross-examination immediately preceding it.

Rationale: The rule as currently written limits only the scope of cross-examinations, not re-direct examinations. As long as I can remember, AMTA's practice has always been to limit the scope of any re-direct examination to the subject matter of the cross-examination immediately preceding it. The Judges' Powerpoint expressly states this. The proposed revision makes the written Rule reflective of this practice.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion removed from the Consent Calendar.

TOURNAMENT ADMINISTRATION COMMITTEE (TAC)-01: Motion by Eslick, on behalf of Doss, to amend Rule 2.8(1) as follows (amendment in red):

(1) DEADLINE. The priority registration deadline for regional competition is **the first business day after October 14 ~~October 15~~**. Teams **completing a final and complete registration registering** after the **priority registration deadline ~~October 15~~** will be assigned to a regional tournament only on a space available basis at the discretion of the Tournament Administration Committee Chair. No team shall be permitted to compete at a regional tournament if its registration is not final and complete by 4:30 p.m. Central time on the first business day after January 15 absent a waiver from the Executive Committee. "Business day" is defined as a day that the AMTA administrative office is staffed and open for business. "Final and complete" registration means that the AMTA office has all of the following items in hand and/or the following items are received by the AMTA office with a postmark date on or before the above-referenced deadlines:

Rationale: The amendment is designed to remove ambiguity regarding the priority registration deadline when October 15 falls on a weekend or holiday.

ADVANCED WITH A POSITIVE RECOMMENDATION

TAC-02: Motion by Eslick, on behalf of Doss, to amend Rule 2.2(4) as follows:

(4) CHANGE OF PRIMARY CONTACT. **~~AMTA will only change the primary contact upon written instruction from the school in the same manner that the school submitted its Authorization Letter as described in Rule 2.3.~~** Any request **to change the primary contact made pursuant to this rule** must be **submitted dated and physically signed** by **the author of the Authorization Letter, as defined in Rule 2.3, original letter writer** or the original letter writer's replacement or that individual's supervisor.

Rationale: This amendment is designed to bring the rule into conformity with practice.

ADVANCED WITH A POSITIVE RECOMMENDATION

TAC -04: Motion by Harper to Amend Rule 4.22 to add the following sentence: Hosts must provide a computer, projector, and screen so that the AMTA Representatives may conduct the judge meeting using the approved AMTA judge presentation PowerPoint. Where a host is unable to provide for projection, the host must provide printed copies of the presentation for judges.

Rationale: Our judge presentations are our best effort at competitive standardization across tournaments. Ensuring that as many judges as possible actually view our presentation will help us with that goal. Judges do not pay attention when we talk to them with no presentation. If this motion passes, TAC should update the host manual accordingly

ADVANCED WITH A POSITIVE RECOMMENDATION

TAC -05: Motion by Warihay to Amend Rule 2.9(1)(a) by replacing the term “Mapquest” with “Google Maps or a similar program designated by the Team and Feeder Subcommittee.”

Rationale: TAC – Team Assignment no longer uses Mapquest for team assignment purposes, and we currently use Google Maps. Therefore, this language should be updated to reflect this change.

ADVANCED WITH A POSITIVE RECOMMENDATION

Appendix B: Tabled Motions

BUDGET-02: Motion by Racheter to allow those entitled to a meal per diem from AMTA to combine the per diem: Whatever the per diem amount for meals for authorized travel on behalf of AMTA (such as serving as an AMTA Rep at a Regional Tournament), the amounts for each day of authorized travel may be combined.

Rationale: So that if the Rep eats at fast food outlets two of the three days, they may have a nice sit-down restaurant dinner on the other day.

EXECUTIVE COMMITTEE-02: Motion by Wagoner to rename the Spirit of AMTA Award to “the Dick Calkins Spirit of AMTA Award.”

Rationale: In honor of Dick’s 90th birthday, this would be a nice way to remember his contribution to the activity and to the organization

RULES-02: Motion by Detsky to create a new rule as follows:

No objections may be made during a closing. A motion to strike may be made at the conclusion of closings only if the closing attorney made material misrepresentations or deceitful comments to the Court during the course of their closing.

Rationale: By not allowing any objections to a closing, many teams are viewing this as an open gateway to cite facts that didn't come out in trial, to misrepresent the law or to engage in unsportsmanlike gamesmanship. It is absurd to expect the average judge, who never saw or heard the case before, to somehow recall every fact that came out from the 12 strangers they just watched or to know every facet of AMTA rules. The only thing that comes from the no objections rule to closings is that we leave sour tastes in the mouths of competitors.

STRATEGIC PLANNING-01: Motion by Wagoner and Smith Eldridge

That AMTA create an alternative competition for first year schools and other schools who may not be interested in the yearlong competition from August to April. This new format would be designed as a one semester class with the case coming out in August and encourage local competition in their area. Those schools interested in a national competition experience could compete in National Tournament in the third week in January at a southern location for weather consideration. The field would be limited to a 64 team limit with one team per school. A second team can be added if there is less than 64 teams competing. “

Rationale for this proposal is threefold; (1) provides alternative competition for new schools and schools who don’t want to commit to the current yearlong competition, (2) Provide new source of income to AMTA and (3) may provide some relief to the burgeoning regional fields plus prepare new programs to the mock trial experience.

TABULATION ADVISORY COMMITTEE (TAB)-01: Motion by Leckrone – In order to be recognized as an Outstanding All-Regional or All-ORCS attorney or witness, a student must earn at least 16 ranks; that is, they must be recognized on all four ballots on any given side of the case.

Rationale: *While we rarely give out 15 rank outstanding attorneys and witnesses, this makes the lives of AMTA reps easier by allowing them to bypass adding the names of students on their tab cards who appear on only one ballot in the first round on any given side. Additionally, it seems a sufficient bar to require any outstanding attorney or witness to, at a minimum, be recognized as one of the top four attorneys or witnesses by all four judges on any given side.*

Appendix C: December 2016 Mid-Year Board Meeting Minutes

I. Call to Order

Conference Call Attendance:

Members present: Ben-Merre; Bernstein; Bluebond; Detsky; Gelfand; Guliuzza; Halva-Neubauer; Harper; Langford; Leapheart; Leckrone; Nelson; Olson; Parker; Pavely; Racheter; Schuett, M; Schuett, N; Seelau; Thomason; Walsh; Warihay; Woodward

Members not present: Haughey, Heytens, Wagoner

Candidate Members present: Bower Braunsberg; Holstad; Michalak, West

Candidate Members not present: Allison

Staff & Guests: Derfelt

Directors Emeritus: None

II. Welcome and Remarks (Guliuzza)

III. Format of Agenda:

Delivered by Assistant Secretary – Pavely

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 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.

Motions appear in red and bolded. The decision of the respective committees follows each motion **IN BOLD BLUE, CAPITAL LETTERS AND UNDERLINED**. Motions that have been recommended by committee do not need to be seconded at the meeting. Motions forwarded without recommendation require a second. 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 Agenda as **Appendix A** 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 B** are the minutes from the 2016 Board Meeting.

IV. Approval of Agenda – **The Agenda was approved by voice vote**

V. Approval of 2016 Board of Directors Meeting minutes – **Motion to approve as is by Woodward, seconded by Gelfand. The Minutes of the Summer Meeting were approved as is.**

VI. Consideration of Tabled Motions

For procedure to “untable” a motion, please see discussion of Appendix A 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).

VII. Committee Reports

A. Academics Committee (Leapheart): Oral Report delivered

B. Accommodations (Racheter): Written Report delivered

C. Budget and Audit Committee (Eslick): Oral Report delivered

D. Civil Case Committee (Haughey): No report delivered

E. Criminal Case Committee (Bluebond): No report delivered

F. Competition Response Committee (Smith): Written Report delivered

G. Development Committee (Bernstein): Written Report delivered

H. Ethics Committee (Parker): No report delivered

I. Intellectual Property (Thomason): No report delivered

J. Human Resources Committee (Walsh): Written Report delivered

K. Rules Committee (Seelau): No report delivered

L. Strategic Planning Committee (Guliuzza): No report delivered

M. Tabulation Advisory Committee (Woodward): No report delivered

N. Technology Committee (Walsh): No report delivered

O. Tournament Administration Committee (Warihay): Oral Report delivered

P. Executive Committee (Guliuzza): Written Report of Votes delivered

Q. Other Committee Reports: None

VIII. Motions:

INTELLECTUAL PROPERTY-01 – Motion by Nelson to amend the Intellectual Property Policy's Invitational Licensing Fee to \$3.00 per team per round beginning with the 2017-8 season.

Rationale: The current 5% fee is unwieldy for teams to calculate and to pay because they are unable to pay on the AMTA Store and need to be individually invoiced if they wish to pay via PayPal. This is because the 5% fee cannot be set up as a drop down menu on the AMTA Store. A per-team fee can be set up in the AMTA Store (as we already do with team registration fee options), making a switch like this easier for teams. Additionally, adopting next year's fee at the winter meeting helps teams to plan their registration fees and, in turn, their budgets before the end of the academic year.

Because not all tournaments are 4 round tournaments, a per-round fee is preferable to a per-team fee. Additionally, a license-per-round fee gets more closely to the heart of a fee per use, which is the stated goal of this fee.

To calculate the proposed fee for next year, I began by looking at the average fee for the invitationals listed on the AMTA website. The mean amount for those fees is \$147, and the median and mode are both \$150. 5% of \$150 is \$7.50 per team. However, the tournaments listed on the AMTA site are predominantly local tournaments that charge relatively low fees. The list omits the many tournaments that charge registration fees much greater than \$150 per team. With this in mind, I have proposed \$12 per team, or \$3 per team per trial. I believe this is an approximation of the 5% fee currently in place.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Gelfand to amend fee to \$2.00 per team per round. Motion to Amend seconded by Racheter. Motion to Amend passes. **Motion PASSED as amended.**

IX. Unfinished/New Business

1. Motion by Harper to allow the Academics Committee and the Mentoring Committee to give a pdf copy of the current case to an unregistered team that intends to observe, but not compete in, a regional tournament.

Motion by Woodward to refer this Motion to the Academics Committee to draft language that would amend Rule 2.11 to reflect that any license given to a team described in the motion would be for a single year and that the university provided the copy could only use it internally, not for purposes of any competitions, including invitational tournaments.

Motion to refer to Academics Committee seconded and PASSED.

2. Motion to go into Executive Session. **MOTION PASSED**

X. Adjournment

Motion by Woodward to Adjourn. Motion seconded by Walsh. **MOTION PASSED and the meeting adjourned at 2:40 CST.**

Appendix A: Tabled Motions - None

Appendix B: 2016 Board Meeting Minutes - Omitted (They were approved during the 2016 Mid Year Meeting and can be found on the AMTA Website)