



American Mock Trial Association
Mid-Year Meeting of Board of Directors
Via Zoom
December 11, 2022
Minutes

- I. **Call to Order and Roll Call**
- II. **Welcome and Remarks** (Woodward)
- III. **Approval of Agenda**
See Appendix A for an explanation of the agenda.
Agenda approved by unanimous consent.
- IV. **Approval of July 2022 Meeting Minutes**
See Appendix E.
Minutes approved by unanimous consent.
- V. **Committee Reports**
 - A. **Academics Committee (Leapheart):** Written and oral report.
 - B. **Accommodations Committee (Olson):** Written report.
 - C. **Analysis Committee (Jahangir):** Written report.
 - D. **Audit Committee (Halva-Neubauer):** Written report.
 - E. **Budget Committee (Warihay):** Written report.
 - F. **Civil Case Committee (Wilson):** Written report.
 - G. **Criminal Case Committee (Schuett):** Written report.
 - H. **Coaches and Alumni Advisory Council (Sohi):** Written report.
 - I. **Communications Committee (Lakkaraju):** Written report.
 - J. **Competition Integrity Committee (Heytens):** Written report.
 - K. **Development Committee (Sohi):** Written report.
 - L. **Disciplinary Committee (Harper):** Written report.
 - M. **Diversity and Inclusion Committee (Harper & Minor):** Written report.
 - N. **Human Resources Committee (D'Ippolito):** Oral report.
 - O. **Invention Ad Hoc Committee (Bernstein):** Written report.
 - P. **NCT Case Committee (Bernstein):** Written report.
 - Q. **New School Recruitment and Mentorship Committee (Olson):** Written report.
 - R. **One Last Time Senior Tournament Committee:** No report.
 - S. **Rookie Rumble Committee:** No report.
 - T. **Rules, Intellectual Property, and Ethics Committee (Smiley):** Oral report.
 - U. **Strategic Planning Committee (Walsh):** Written report.
 - V. **Student Advisory Board Committee (Feak):** Written report.
 - W. **Tabulation Advisory Committee (Michalak):** Written report.
 - X. **Tournament Administration Committee (Hogan):** Written report.
- VI. **Tabled Motions**
See Appendix A for an explanation of tabled motions.
See Appendix D for a list of motions tabled by committee.
- VII. **Approval of Consent Calendar**
See Appendix C for the motions on the consent calendar.

Consent calendar items approved.

VIII. Motions

TAC-01 Advanced with a positive recommendation

Motion by Tournament Administration Committee to approve Loyola University and the University of Chicago as co-hosts for the 2024 National Championship Tournament.

TAC-01 passes.

EC-01 Advanced with a positive recommendation

Motion by Warihay to amend Rule 7.20(2)(b) as follows:

Rule 7.20 Demonstrative aids.

(2) PERMISSIBLE FORM AND CONTENTS OF DEMONSTRATIVE AIDS.

(b) Demonstrative aids may not be used to introduce material facts not included in the case packet. Because they may not be introduced into evidence, the permissible purposes of a demonstrative aid are to explain a general phenomenon or summarize information already in evidence. For that reason, no demonstrative aid may state or include any case-specific material fact that is not included in the case packet

Comment: Some of the most frequent places where this rule is implicated involve numbers (including times), the appearance or location of people or items in physical space, ~~or the name of a particular method (or steps of a method) applied by an expert.~~ If the case packet does not contain a specific number (for example, 3:12 p.m.) or a precise description about how to calculate it (for example, a witness whose affidavit says that one thing happened at "3:07 p.m." and later says something else happened "five minutes later"), that number may not be contained or otherwise depicted in a demonstrative aid. Similarly, if the case packet does not contain a diagram depicting a room and/or the location of particular people or items within that room, no such depictions may be contained in any demonstrative aid.

Rationale: At the meeting in July, the Board passed significant changes to what is now Rule 7.20. In the comment to a section of that rule, I proposed and the Board approved a change to remove references to the name of a particular method for an expert. During the Fall, I realized that my motion to amend in July missed a portion of the comment that has resulted in an unintended inconsistency in the rule. Therefore, this motion seeks to resolve that issue before AMTA tournaments begin to provide clarity for the community.

EC-01 passes.

EC-02 Advanced with a positive recommendation

Motion by Executive Committee to amend Rule 3.6(2)(a) of the AMTA Rulebook as follows:

Rule 3.6 Student eligibility requirements.

(2) **QUALIFIED STUDENT DEFINED.** “Qualified students” include and are limited to the following:

(a) **Current undergraduate.** This includes an individual who

i. **is still not enrolled in high school or any equivalent,**

ii. has not received a Bachelor’s degree or equivalent,

iii. is enrolled at a registered school, and

iv. is enrolled at least on a part-time basis

Motion by Olson to amend proposed Rule 3.6(2)(a)(i) as follows:

i. **is not still** enrolled in high school or any equivalent.

Seconded. **Motion to amend passes.**

EC-02 passes as amended.

CIC-01 Advanced with a positive recommendation

Motion by Bernstein and Smiley to amend Rule 1.1(2) of the AMTA Rulebook as follows:

Rule 1.1 Applicability.

(2) If AMTA publishes any interpretations of its rules, whether related to sanctions, invention of fact, or anything else, such interpretations ~~shall not be considered “precedent” for future seasons.~~ **may not be used by AMTA or any of its committees to justify the discipline of teams or individuals in future seasons.** Thus, in future seasons, teams and students are not deemed on notice of such interpretations unless they have been codified in the Rulebook. **However, nothing in this rule is intended to preclude AMTA or its committees from referring students or teams to previous rule interpretations or from making such interpretations publicly available.**

Rationale: In Summer 2022, AMTA created rule 1.1(2) to protect students, particularly those on newer or uncoached teams, from being disciplined based on rule interpretations from previous seasons that might not be easily accessible to them. It was never intended to preclude students from referring to previous years’ interpretations for guidance, encourage the CIC from ignoring previous years’ interpretations, or prevent the CIC from referring students to previous interpretations to help understand a current case or issue. The motion seeks to clarify the intent behind the rule.

CIC-01 passes.

CIC-02 Advanced with a positive recommendation

Motion by the Competition Integrity Committee to amend Rule 7.21(6)(c) of the AMTA Rulebook as follows:

Rule 7.21 Invention of fact.

(6) POST-TOURNAMENT REVIEW.

(c) Review Procedure. Any allegations of an egregious Improper Invention must be brought to the attention of the Competition Integrity Committee by submitting the Competition Integrity Committee Form on the AMTA website by ~~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.~~ **The Competition Integrity Committee may create a separate form for complainants to provide notice of intent to seek certain relief and may refuse to consider certain forms of relief if such is not submitted by the deadline prescribed on the form.** If the allegation is raised timely, the Competition Integrity Committee shall investigate the allegation upon its collection of a complete investigative file. A complete investigative file shall include (i) the Complaint filed through the online Competition Integrity Committee Form; (ii) the Response filed through the online Competition Integrity Committee Form (and submitted no more than ~~72~~ **48** hours after request, **which may be extended upon request and for good cause**); and (iii) any supplemental materials requested of the parties by the Committee Chair **or the Chair's designee**. The Chair **or the Chair's designee** shall have discretion to receive additional supplemental materials, including, but not limited to, trial recordings, ballots and comment sheets, statements from others including the AMTA Representatives, and amicus briefs. The parties shall work in good faith to provide any requested supplemental materials. Any amicus briefs must be received by the relevant party's filing deadline and must total no more than 500 words. The Chair **or the Chair's designee** shall also have discretion to set word or page limits for any additional supplemental materials. If, after investigation, the Committee concludes that an egregious improper invention of fact did occur, the Committee will issue penalties pursuant to Rule 9.10. If the CIC finds that a team committed an improper invention of fact, but the invention was not egregious, the CIC may issue a warning. Warnings may be considered by the CIC in determining whether future conduct by the same school constitutes an egregious invention of fact under Rule 7.21. Warnings are not appealable. The CIC may create a public version of the warning **or penalty** but shall not identify the warned **or penalized** school or individual by name.

Rationale: In Summer 2022, the Board revised the penalty structure for invention of fact to disfavor student or team suspensions in favor of penalties that may retroactively impact the outcome of rounds, such as point

deductions or ballot forfeiture. See AMTA Rule 9.10(1). Given the short turnaround between regionals and ORCS and ORCS and NCT, the CIC's view is that these changes are necessary to facilitate timely in-season review.

CIC-02 passes.

CIC-03 Advanced with a positive recommendation

Motion by the Competition Integrity Committee to amend Rule 9.11 of the AMTA Rulebook as follows:

Rule 9.11 In-Tournament Investigation.

For the 2022-23 season, the Competition Integrity Committee may in its discretion investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule 9.10. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least three committee members. Committee members are not disqualified from this process by serving as an AMTA Representative at the tournament in question. **The Competition Integrity Committee may establish deadlines and procedures for submitting requests for in-tournament review, which must be publicly posted on AMTA's website before opening ceremonies. The Competition Integrity Committee may impose sanctions, including refusal to consider future requests, if it determines that a request for in-tournament review was frivolous. See Rule 9.28.** Nothing in this rule shall preclude other processes for investigating allegations of invention of fact that exist in the AMTA Rulebook.

Rationale: In Summer 2022, the Board authorized a pilot program of in-tournament review of allegations of Improper Invention at the 2023 National Championship Tournament. The CIC has concluded that implementing a system of in-tournament review will require modification of existing AMTA rules, including (but not limited to) timing and method of submitting complaints and responses. The CIC intends to make public a full list of modifications before the start of the National Championship Tournament.

Motion by Smiley to amend proposed Rule 9.11 to change the time frame from "before opening ceremonies" to "one week before the National Championship Tournament start date." Seconded.

Motion to amend passes.

CIC-03 passes as amended.

IX. Unfinished/New Business

X. Adjournment

Motion by Leapheart to adjourn. Seconded.

Meeting adjourned.