



# Pretrial Matters

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## Winning Means More Than Going +1

By BEN GRAHAM and ANNIE WANG

Do point differentials of +1 and +50 mean the same thing? And is that +50 against First Time Competitor C the same as going +50 against National Champion A?

Under AMTA's traditional tabulation system, the answer is yes. It doesn't matter by how much or against whom you win. All that counts is whether your point differential is positive. Yes, power-matching and tie-breaking procedures take some of these factors into account, but traditional tabbing fundamentally relies on a binary measure of win or loss. As a result, in theory, traditional tabbing allows a team to take first place after beating weak teams by small margins.

At December's Yale Invitational, we introduced a tabulation system to counter these biases: Weighted Partial Ballots (WPB)....

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## Message from the Editor

Welcome to the spring edition of *Pretrial Matters*, the official newsletter of the American Mock Trial Association. ORCS have just concluded and soon the top 48 teams in the country will travel to Orlando for AMTA's 30<sup>th</sup> National Championship Tournament. Our year-end edition of *Pretrial Matters* will include complete coverage of the NCT, as well as a look ahead to this summer's Board meeting. But first, some highlights from this issue.

President Glen Halva-Neubauer's column poignantly reminds us that we are one community, united by our shared passion for education, service to students and collegial competition. Similarly, we've recognized several outstanding members of the AMTA community who have earned

academic and professional accolades. For more tangible recognition of your mock trial accomplishments, consider ordering AMTA's new graduation cords. Anna Smith has all of the details on page 6.

We've also included a fascinating overview of Yale's Weighted Partial Ballots (WPB) system. Whether you agree or disagree with the system or its rationale, I know that you will find the article to be interesting and thought provoking. Be sure to **send us your comments for publication in our next edition!** (Just email **Grant Keener**, editor, at [gwk101@psu.edu](mailto:gwk101@psu.edu).) We hope you enjoy this edition. Safe travels and good luck to everyone competing at Nationals!



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## Letter from the President

In mid-February, I had the great pleasure of serving as the AMTA Representative to the Buffalo Regional. Before leaving South Carolina, however, I had a lot of reservations. This assignment represented another weekend away from my spouse for yet another mock trial commitment, and this time the destination was the tundra of Western New York in the midst of a particularly wretched winter. Why do I do this? Perhaps I should consider ballroom dancing or organic gardening or reading books to kids? However, during the awards ceremony, I was reminded once again why mock trial is my passion: it's the students! If I needed any further confirmation of this realization, it came when the Cornell University students asked me to pose with them for their team photo—I even was allowed to hold the team's trophy! Before holding the Big Red's trophy, I had a terrific conversation with Jacob Bohannon from the University of Rochester about his own program's development. And as I pen this article, I am looking forward to similar experiences when I serve as the AMTA Representative (with Dr. Jo Ann Scott) in Waukegan during the second weekend of ORCS and host the Ney National at Furman during the third. The students are the backbone of the organization, and it is a privilege to serve an organization that advances a superior learning experience for over 5000 students across the nation. I am equally proud of the many attorneys and judges who volunteer their time and treasure to support this activity, and the coaches who continue to teach me the meaning of selflessness. They, too, are motivated to work for AMTA because of the way the mock trial simulation transforms the education of our students.

AMTA's students also are the heart and soul of our community, and so we celebrate their achievements and mourn their losses as a community. And there has never been a season in which these highs and lows have been felt so acutely. In late November, Vinay Nayak, a Yale senior and longtime mock trial participant,

was awarded a Rhodes Scholarship, the pinnacle of academic achievement. Vinay joins other "mockers" who have won national honors. But a Rhodes Scholarship is particularly special, and AMTA is so very proud of Vinay. The incredible pride that we felt over Vinay's accomplishment was tempered by extraordinary sadness when we learned of the tragic death of Angela Mathew, a Harvard junior, following an automobile accident. Angela and her Crimson teammates were returning to Cambridge from the Richmond regional, where her team had earned a bid to the Greenville ORCS, and she had won an outstanding witness award. Angela was a talented and vibrant person who was headed for a promising career in medicine. This tragedy has bonded our community like few others, and we will continue to honor Angela's memory throughout the ORCS and championship tournaments. During this sad time, it is important to remember the tremendous bond that our students have with each other and that this bond extends far beyond their own teams and programs to the entire AMTA community.

Let us not forget to take time to celebrate the accomplishments of our students, large and small, and to take stock of the special way that this activity connects us. In doing so, we honor the memory of Angela, and we acknowledge the accomplishment of Vinay.

Best wishes to all teams advancing to the finals. I'll see you in Orlando, sans mouse ears.

Sincerely,



**Glen A. Halva-Neubauer**  
President  
Dana Professor of Political Science  
Furman University

"Method is much, technique is much, but inspiration is even more."

--Benjamin Cardozo

# Winning Means More Than Going +1

(Continued from page 1)

Rather than treating every positive point differential in the same way, WPB rewards teams for big wins against strong opponents. Instead of counting every ballot as a win or loss, teams earn a fraction of the ballot based on point differential (we call these “partial ballots”). The more you win by, the bigger portion of the ballot you get. Then, we weigh that partial ballot by the strength of the opponent you took it from. To do so, we multiply the partial ballot by the total number of partial ballots your opponent wins throughout the tournament. By ranking teams based on both the strength of the win and the

**“Rather than treating every positive point differential in the same way, WPB rewards teams for big wins against strong opponents.”**

strength of the opponent, WPB offers a more nuanced measure than traditional tabbing.

Here’s an example. Say that in Round 2, your team goes -1 and +20 on two ballots. Under a traditional tabbing system, you would have split that round with each team winning and losing a ballot.

That is, you and your opponent receive the same “credit” from that round

even though you won one ballot by a huge margin and lost the other by a tiny margin. With partial ballots, we take into account the actual point differential, so in this case, you would win 1.4 (0.4 for the +1 and 1.0 for the +20) out of the maximum 2.0 partial ballots. That means your opponent only earns 0.6 (2.0 - 1.4) partial ballots. In short, your team gains more “credit” from the round than your opponent.

But that’s only part of the story—to get to *weighted* partial ballots, we also consider the strength of your opponent. To continue the example, let’s say that you hit a pretty easy team in Round 2; your opponent only earned 2.5 partial ballots over the entire tournament (out of 8.0). Unfortunately, you didn’t do quite as well in Round

3, only winning 0.9 ballots. Your opponent in Round 3 was much tougher, winning 5.0 partial ballots over of the tournament. Here’s how that would play out:

	PB earned by your team in the round	x	PB earned by your opponent in the tournament	=	WPB you earn from the round
Round 2	1.4	x	2.5	=	3.5
Round 3	0.9	x	5.0	=	4.5

You earn more WPB from *losing* against a strong opponent than *winning* against a weak one. We think this is one of the primary benefits of WPB. From our time competing, we noticed that teams would be particularly wary of drawing a strong team because it was easier to rack up

ballots against weaker schools. But that’s not the point of mock trial (or of any competitive activity). WPB encourages teams to face strong teams—and beat them by large margins.

Even though WPB seems like a more complicated system than traditional tabbing, it doesn’t have to be more difficult to execute.

At Yale, we used a spreadsheet to help calculate all of the partial ballots and weighted partial ballots. All we had to do was input point differentials into the spreadsheet and copy whatever it spit out onto tabulation cards, which were then paired using normal AMTA procedure. The two of us sat at separate laptops and duplicated our work to prevent errors. The spreadsheet itself also includes built-in error-checking to help find and fix typos.

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# Winning Means More (cont.)

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All in all, typing in the point differentials and copying over the results took, at most, an extra ten minutes per round. (We also checked the results with each other after copying them on the cards, but that happens in every tab room.) Though we hesitate to extrapolate from a single tournament, the more experienced people in the tab room reported fewer and more manageable impermissible pairings when using WPB than under traditional tabbing.

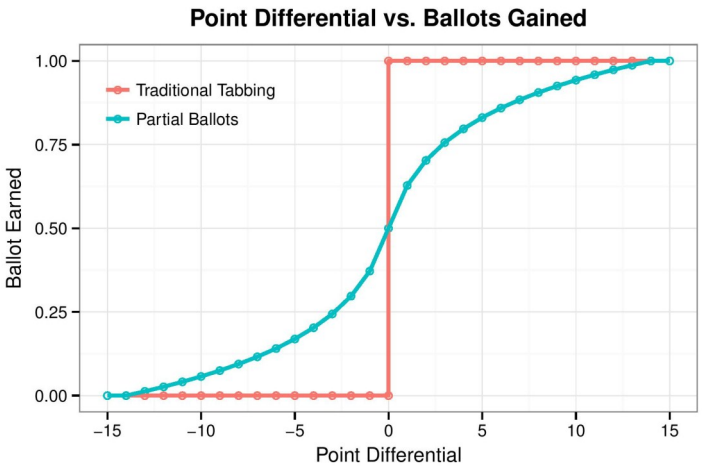
Compared to the standard tab room, the biggest difference at Yale was that we cared much more about getting the point differential for each ballot exactly right. Under the traditional tab system, it doesn't really matter if a +6 is recorded as a +8. Under WPB, that difference can mean a

**“Under the current system, a +1 against a weak team is good enough. Our argument is that it shouldn't be.”**

lot. At Yale, we were lucky enough to have a small army of volunteers to help calculate ballot totals; the tab room could not have run without them.

In the end, the biggest obstacle to adopting WPB isn't execution but perception. WPB requires adopting a new way of thinking about what it means to “win” at mock trial. Right now, AMTA considers a positive point differential as a “win,” irrespective of the magnitude of the point differential or the quality of

the opponent. That means a team that goes 8-0 against weak teams *always* beats a team that goes 7-1, even if the latter's opponents were much tougher and their wins



more decisive. Under the current system, a +1 against a weak team is good enough. Our argument is that it shouldn't be. We think “winning” should mean more than that, and we don't believe teams should be satisfied until they are consistently beating strong teams by large margins. That's the type of “winning” that WPB rewards.

*AMTA encourages interested individuals to provide comments on the WPB system. Please email your comments to Newsletter Editor Grant Keener at [gwk101@psu.edu](mailto:gwk101@psu.edu).*

Ben Graham is a student at Yale Law School and a former competitor at Washington University in St. Louis. Annie Wang is a recent graduate of and former competitor at Yale University. For more information on weighted partial ballots, please visit [anniejw.com/WPB](http://anniejw.com/WPB).

## Spirit of AMTA — Regionals

At each tournament, the Spirit of AMTA award is given to the team that best exemplifies the ideals of honesty, civility, and fair play. We were pleased to present this award to the following schools at regionals:

- |                            |                              |                             |                         |
|----------------------------|------------------------------|-----------------------------|-------------------------|
| American University        | Monmouth University          | University of Maine         | Univ. of South Carolina |
| Bellarmino University      | Northern Illinois University | Univ. of Minnesota, Duluth  | Univ. of South Dakota   |
| Brown University           | Pennsylvania State Univ.     | U. of Missouri, Kansas City | U. of Wisc., Madison    |
| Case Western Reserve Univ. | Reed College                 | University of New Mexico    | Westminster College     |
| Elizabethtown College      | University of Alabama        | U.N.C., Chapel Hill         |                         |
| Fordham Univ., Rose Hill   | University of Denver         | University of Notre Dame    |                         |
| Jarvis Christian College   | University of Florida        | University of Rochester     |                         |

# Adrenaline and “Stage Fright”

*The Articulate Advocate: New Techniques of Persuasion for Trial Lawyers* is a newly-available resource for the mock trial community. Look for a review in May’s end-of-season edition of *Pretrial Matters*. For now, we hope the following excerpt will provide some useful tips as you prepare for ORCS and Nationals.

By BRIAN K. JOHNSON and MARSHA HUNTER



Is your heart racing just thinking about your upcoming mock trial competition? You are having a perfectly normal response, thanks to adrenaline. Use the tips below to learn how to harness adrenaline's extra energy, and use it to your advantage. Transform anxiety into excitement!

Use the tips below to learn how to harness adrenaline's extra energy, and use it to your advantage. Transform anxiety into excitement!

## Controlling Your Body

- As you stand, center your weight evenly on both feet. Don’t slouch or lean on lecterns or tables.
- Place your hands in a ready position, loosely touching them together at waist height with your elbows bent at 90 degrees.
- If you feel nervous or overly excited, channel these feelings into big, smooth gestures that will appear more natural.
- Plan and practice an initial trigger gesture to help jump-start your natural instinct to gesture.
- Once you jump-start your initial gesture, stop thinking about it and let your instinct take over.

## Controlling Your Brain

- Don’t tell yourself to “Relax!” Instead, raise and release your energy level as you begin speaking.
- Plan to speak slowly at the start, in phrases, so you don't talk too fast.
- Pauses are good. Short pauses give you time to think ahead and jurors time to absorb.
- Realize that your jury can’t tell how nervous you are inside.

## Controlling Your Voice

- Breathe deeply! The power of your voice is proportional to your breath support.
- Breathe consciously as a witness answers, in order to refill your lungs.
- Vary the pace: speak in phrases on important points, and speak more quickly for preliminary information.
- Beware of ending sentences with a repetitive rising inflection, making it sound as if you are asking a question or making a list.
- Understand adrenaline and use it to your advantage.

Good luck in your competition!

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Brian K. Johnson and Marsha Hunter are trial advocacy instructors and authors of **The Articulate Advocate: New Techniques of Persuasion for Trial Lawyers**.

*Special for AMTA members:*

*Purchase The Articulate Advocate from the AMTA web site (link below) and a portion of each sale goes to AMTA. AMTA members also receive a special bonus of two communication skills videos: Opening Statement and Closing Argument. These videos provide valuable instruction on making a strong first impression and a persuasive conclusion. (combined running time 16:21; unlimited access to the videos is included)*

<http://www.collegemocktrial.org/amta-store/additional-products/>



## Announcements

AMTA is proud to recognize the following mock trial competitors and alumni who have been honored for their academic or professional success. If you know of members of the AMTA community who has been recognized for a significant accomplishment, please forward their information to Grant Keener, Newsletter Editor, at [gwk101@psu.edu](mailto:gwk101@psu.edu).

**Vinay Nayak** (Yale) was awarded a Rhodes Scholarship

**Dermot Lynch** (Loyola-Chicago/Yale Law School) was designated as a Skadden Fellow with Colorado Legal Services in Denver, CO. Dermot will be providing direct representation and community education to empower exploited herders of sheep and cattle on Colorado's Western Slope while vindicating their legal rights.

**Eli Wade-Scott** (Cornell College/Harvard Law School) was also designated as a Skadden Fellow. Eli will be working with the Legal Assistance Foundation (LAF) in Chicago, IL, where he will provide direct representation of low-income tenants in Cook County whose health is threatened by their landlords' failure to maintain their units in accordance with the law.

A special message for coaches:

As a mock trial coach, even if you are not a designated pre-law advisor for your college or university, you likely receive questions from members of your teams about the possibility of going to law school. To enhance your ability to answer such questions, you should become a member of the regional **Association of Pre-Law Advisors** for your part of our nation. You can find links to the six regional APLAs by visiting the website of the Pre-Law Advisor National Council (PLANC) at: <http://planc.org/>. PLANC conducts annual meetings, workshops, conference calls, etc. and has website pages, newsletters, and blast emails on topical issues. PLANC membership is quite inexpensive and quite often school-funded. Many of you were recruited to AMTA from the ranks of pre-law advisors, so turnabout is fair play!

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Dr. Don Racheter is a founding member of AMTA's Board of Directors. He is a longtime faculty member and pre-law advisor at Iowa Wesleyan and Central Colleges. In his spare time, Dr. Racheter enjoys riding the Tunnel of Terror at his family's amusement park in Midlands.

The American Mock Trial Association is pleased to announce the availability of official **AMTA graduation honor cords**.

Honor cords are designed to be worn with traditional academic regalia as a prominent display of academic or social achievement. Most traditional honor societies have designated cords. In honor of the dual purpose of Mock Trial (to provide engaged learning through case analysis while promoting competition in a fair and challenging format), AMTA has decided to recognize students for excelling in these objectives.

This year, AMTA is starting a tradition that begins with treating mock trial participation as the academic achievement it is, and ends with competitors proudly displaying their achievements when they walk across the stage at graduation. AMTA's cords feature three braids tied together with a knotted, tri-color tassel. The tassels are Purple: the traditional color of law in academia, complemented by Maroon & Royal Blue—AMTA's official colors. AMTA cords will be sold exclusively through AMTA's online store. The cost is \$12 per cord. Those who purchase nine cords receive the tenth cord free. AMTA's only requirement to wear its cords is that students have registered and participated in at least one AMTA-sanctioned regional tournament. (Please note that individual institutions may have additional requirements for honor cords—so be sure to consult your university's policies.)

AMTA hopes that you enjoy these honor cords as much as we love working to make each season the best it can be.

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Anna Smith, Esq. is a member of AMTA's Board of Directors. She also serves as an adjunct faculty member and coach at Rhodes College. Anna competed for Rhodes College's mock trial team from 1998 to 2002.

# Positions Available

**AMTA is pleased to publicize this outstanding summer employment opportunity as a service to our competitors and the mock trial community. Please direct all questions to Envision.**

On behalf of Envision, the nation's leading experiential education organization, we are seeking highly motivated and energetic individuals to work for us this upcoming summer! Specifically, we are seeking college mock trial students to fill our temporary field positions of Faculty Advisor or Operations Team Member for the Intensive Law & Trial program. At Envision, we are dedicated to enabling students to discover their career and life interests, and providing them with the skills, resources, and experiences they need to successfully achieve their goals. Envision has been offering experiential programs to motivated students since 1985.

## **Program Description:**

Intensive Law & Trial is a ten-day program held in collaboration with Stanford Law School in Stanford, CA geared toward high achieving 10th - 12th grade students, who have shown a deep interest in the field of law. Intensive Law & Trial is an advanced level college immersion program that exposes students—from across the country—to the field of law, particularly trial advocacy and litigation. Students learn first-hand skills that are necessary for 21st century success. Students are taught the essence of lawyering at its finest—by law school professors—and will compete in a “collegiate-style” mock trial simulation held in an actual courtroom environment. Law schools students and current American Mock Trial Association students affiliated with a college mock trial team are encouraged to apply.

## **Program Dates & Location:**

These temporary contract positions will begin mid-June and will last through late July. The Law & Trial program will be located in Palo Alto, CA at Stanford Law School/Stanford University.

## **Compensation:**

Compensation includes room and board, some travel, and admission to all conference activities. Staff members will also receive a stipend for each individual conference session worked (see our website for conference details). Staff members will attend a mandatory training session in the Washington, D.C. area in mid June 2014.

## **Position Descriptions:**

### **Faculty Advisor Position:**

Faculty Advisors are responsible for providing a superior educational experience through facilitation and instruction using a hands-on educational curriculum. The Faculty Advisor must be able to interact with and supervise students to provide for their safety and well-being. Faculty Advisors report to the Education Coordinator.

## PRINCIPAL DUTIES AND RESPONSIBILITIES

- Create and manage a stimulating educational environment which is conducive to students learning
- Instruct students using a career based curriculum
- Facilitate small group meetings (lead discussions, briefings, debriefings, simulations, etc.)
- Assess student progress toward learning objectives and adjust instruction as appropriate
- Be responsible for providing the best experience possible for all program participants
- Supervise an assigned group of approximately 25 high school students and accompany them on all group outings
- Be knowledgeable of all policies and procedures and assist in their enforcement, including student conduct and dress code
- Provide supervision and assistance at the program site and events as assigned
- Assist the Operations Team with logistics as needed
- Work closely, cooperatively, and amicably with all staff members
- Provide high level of customer service
- Perform other duties as determined by the program leadership

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#### BACKGROUND/REQUIREMENTS

- College Upperclassman (3+ years college experience and/or Bachelor's degree preferred)
- Experience and/or interest in working with high school students
- Experienced collegiate level mocker with knowledge of Allen v. Neptune case (academic year 2012-2013)
- Prior teaching or facilitation experience desired (secondary level preferred), but not required
- Interest in or knowledge of program topic (preferred)
- High energy level, flexibility, and the ability to work extended days and hours
- Ability to reside at the conference site
- Completion of training program prior to working first conference session
- Pass a mandatory criminal background check
- Eligible to work in the United States

#### **Operations Team Position:**

Operations Team Members work behind the scenes to ensure that all events -- from opening day registration to site visits and speaking events run smoothly. The Operations Team is responsible for the logistical implementation of the program as directed by the Operations Coordinator. They also address and meet the general needs of the program, such as overseeing transportation and responding to the needs of all program participants. Operations Team Members must be comfortable interacting with and supervising young people, be capable of handling stressful situations, and be able to use and be responsible for communications equipment. This position requires a considerable amount of physical activity including heavy lifting, walking, and being on one's feet for long periods of time.

#### PRINCIPAL DUTIES AND RESPONSIBILITIES

- Monitor the safety and whereabouts of students at all times
- Address all student medical concerns using Envision medical policy guidelines
- Be knowledgeable of all policies and procedures and assist in their enforcement, including student conduct and dress code
- Identify and solve any logistical problems that arise in a quick, efficient, and professional manner

- Manage safe and efficient transportation of students and staff during program
- Utilize the Operations Team vehicles as dictated by program needs
- Advance the location of program events to ensure proper set up and the logistical success of the event
- Prepare all group meeting rooms and deliver materials to the rooms as directed
- Manage food and beverage refreshments for conference social and registration events
- Re-stock supplies when needed
- Follow accounting procedures for petty cash expenses
- Provide high level of customer service
- Work closely, cooperatively and amicably with all staff members

#### BACKGROUND/REQUIREMENTS

- College Upperclassman (3+ years college experience and/or Bachelor's degree preferred)
- Must be at least 21 years of age (as mandated by rental car agreement)
- Experience and/or interest in working with high school students
- Interest in or knowledge of program topic (preferred)
- Previous logistical or operations work experience (preferred)
- High energy level, flexibility, and the ability to work extended days and hours
- Ability to reside at the conference site
- Completion of training program prior to working first conference session
- Pass a mandatory criminal background check
- Eligible to work in the United States
- Hold a valid U.S. driver's license with a good driving record and significant (3-5 years) experience with city driving.

#### **To Apply:**

If you or any of your team members are interested in applying, please follow the link <http://www.envisionexperience.com/jobs/work-for-us>. Click on **Temporary Education Opportunities**, then click **search**. Follow the link #4 titled, "**Summer 2014 High School Leadership & Career Based Programs**," and click **apply now**. On your application, specify your interest in working with the Intensive Law & Trial program.