

# Agenda for Mid-Year AMTA Board Meeting

**The AMTA midyear meeting will take place on Saturday Nov 11 at 10AM CENTRAL TIME (11 AM EASTERN; 9AM ROCKY; 8AM WEST COAST)**

**The participants should dial 1-888-205-5513, then enter passcode 604837 at 10:00 am CST.**

- I. Call to order by President Pohlmann
- II. Roll Call by Secretary Herron
- III. Approval of Board June Meeting Minutes
- IV. Items of New Business:

**RESOLUTION #1:** Kris Lyons moves that the penalty structure for dropping regional teams be changed as follows:

Old Rule:

Rule 2.10 Withdrawal penalties for regional tournaments. Late cancellation and/or failure to appear will subject a school to the following penalties:

\$50 for teams that drop less than one week but more than 48 hours in advance of the regional tournament;

•\$100 for teams that drop less than 48 hours but more than 24 hours before the regional tournament;

•\$200 for teams that drop less than 24 hours before the regional tournament;

•\$500 for teams that fail to show for the regional tournament or that leave the tournament early without permission of the AMTA Representative.

New Rule:

Rule 2.10 Withdrawal penalties for regional tournaments. Late cancellation and/or failure to appear will subject a school to the following penalties:

\$50 for teams that drop within 30 days of the start of the tournament, but more than 14 days in advance of the start of regional tournament;

\$100 for teams that drop with 14 days but more than 48 hours before the regional tournament;

\$200 for teams that drop within 48 hours of the start of the tournament but more than 24 hours before the start of the regional tournament;

\$350 for teams that drop within 24 hours of the start of the tournament, but provide proper notice before the registration period for the tournament begins.

\$500 for teams that fail to show for the regional tournament or that leave the tournament early without permission of the AMTA Representative.

*Rationale to be provided during the meeting.*

**RESOLUTION #2:** David Nelmark moves that the Rules Committee be granted the authority to revise the AMTA Representatives Manual to include the new sanctions policy, a list of illustrations of sanctionable conduct and appropriate penalties, recordkeeping forms for reporting sanctions, and other changes as needed. Upon a 2/3 vote of the Rules Committee Members, the Representatives Manual as amended shall become official AMTA policy, with the caveats that the Manual may not contradict any rules or policies currently in place and that the full board shall vote to ratify the manual in June 2007.

*Rationale to be provided during the meeting.*

**RESOLUTION #3:** Proposed by Glen Halva-Neubauer

(A) Halva-Neubauer moves to delay the implementation of the bonus bid ranking system adopted in June 2006 until the 2007-2008 season.

(B) If #A fails, Halva-Neubauer moves that no change that affects the allocation of bids to post-regional bids be adopted until the next season.

*Rationale to be provided during the meeting.*

*(Secretary's note: If either Resolution #3 (A) or (B) passes, it would serve as a time constraint only on Resolution #4 below)*

**RESOLUTION #4:** David Nelmark moves that the following changes be made to the PPP bid allocation system:

A. Regions which have no team in the prior year National pool shall be treated as new regions and will remain at the two National bid minimum.

B. The determination of whether a regional is “new” or is a “transplanted regional” from another site will be made by the Regional Tournaments Committee, considering the composition of the teams in the region and especially the presence or absence of teams that earned bids in the prior year. A regional in a pre-existing location may be deemed “new” if its composition and strength substantially changes. A pre-existing regional may also be deemed a “transplanted regional” if its composition and strength substantially changes making the field similar to a pre-existing regional in another location.

C. The Regional Tournaments Committee may dictate where the PPP credit for a program's A&B teams end up. Programs are strongly encouraged to send their A&B teams to the regions bearing those credits as it will help create the most balanced

regionals. If a date conflict prevents an A or B team from following its designated assignment, the program should notify the Tabulation Director as soon as possible.

D. In the Rulebook subchapter titled *Manner of Determining Which of a Program's Teams Earn Postseason Bids* the following provision shall be added between criteria 2 and 3 and the subsequent provisions shall be renumbered accordingly.

3. If "PPP credit" was awarded to a regional based on the program-at-issue's presence, that regional takes precedence if and only if a team from that program has not yet earned a bid from that region. If a region was awarded "PPP credit" for two teams based on a program's presence, that region takes precedence if the program has not yet earned two bids from that region. If two different regions involved in this comparison both received PPP credit, the region that received more credit takes precedence. For the purposes of this analysis, a team that brought in a "Championship pool entry" takes precedence over a team that was a "National pool entry."

E. If the Regional Tournaments Committee chooses to dictate which regionals a program's A and B teams attends, the respective regions shall earn the PPP credit attributed to those A and B teams (rather than the average of the two team's results).

F. A regional may gain through reallocation the number of bids it is "short" plus one additional bid. Similarly, it may lose through reallocation the number of extra bids it has plus one.

G. If two regions have identical PPPs and two teams' records are being compared to break the tie as to who gains or loses a bid, any actual record automatically wins over a duplicate record. If both teams have actual records, or both teams have duplicate records, the higher record prevails.

*Rationale to be provided during the meeting.*

**RESOLUTION #5:** Proposed by Frank Guliuzza as chair of the National Tournament Committee

### **INSTRUCTIONS AND PROCEDURES FOR SUBMITTING A PROPOSAL TO HOST AN AMERICAN MOCK TRIAL ASSOCIATION *NATIONAL* MOCK TRIAL COMPETITION**

Requirement to submit proposal: Proposals must be submitted by any institution seeking to host an official AMTA tournament for the first time. Current hosts must submit a proposal if the tournament received an unfavorable AMTA Representative evaluation during the prior academic year or upon the request of the National Tournament Committee (NTC).

Selection Procedures: The NTC shall review the proposals and present formal recommendation(s) to the AMTA Board of Directors at its annual meeting. The Committee will notify prospective hosts of the Committee's decision. The Committee shall employ the following criteria, in no particular order, in evaluating the requests:

- Overall quality of the proposal
- Cost-effectiveness for participants
- Location
- Experience and reliability of organizers

Eligibility to Host: any member institution, other institution of higher learning or non-profit organization, may submit Proposals. Non-member institutions should have a contact person or organizer who holds individual membership in the American Mock Trial Association.

Proposal Requirements: Proposals must be submitted typewritten and include a cover letter summarizing the proposal. Essential requirements include:

Facilities: Please demonstrate that the host can secure the following rooms. The proposal should include the proposed site and should list any costs associated with the site. If using a courthouse site, the proposal should review any special requirements imposed by the courthouse for security and insurance. The proposal should list any costs associated with the facilities with the understanding that AMTA National Hosts receive a fixed budget, regardless of costs. **Photographs of the facility should accompany the proposal.**

- Trial rooms sufficient to host at least 48 teams (24 rooms appropriate for trials, with tables and chairs. Student desks are not acceptable)
- A room that can safely seat all participants and is appropriate for an opening assembly and awards ceremony.
- A meeting room in each division for judges, equipped with a power point projector and screen, with appropriate space for refreshments
- A meeting room in each division appropriate for captains' meetings (it is acceptable to use the same room as is used for the opening assembly and awards ceremony)
- Wheelchair access

Judges: The proposal should address the need to recruit at least three individuals per trial per round to serve as judges. These individuals should be actual judges, attorneys or advanced law students. The proposal should contain the following information.

- A recruitment plan for judges, including a timeline
- Information regarding the judging pool (size, resources, contacts made by the organizers, access to Bar Association electronic mailing lists, etc)

- Information on past recruitment efforts (judge turnout at invitational tournaments, past regional tournaments, or prior national tournaments)
- Amenities provided for judges and approximate costs

Proposed Dates: The proposal should indicate the probable dates of the tournament and provide confirmation of the availability of facilities, if possible. Too, the proposal should indicate if there are any dates in March that would be problematic. If formal confirmation is not available, the proposal should indicate when such confirmation would become available.

Organizers: The organizers should have experience in organizing a tournament or conference and should list such experience in the proposal. Proposals from tournament organizers that are experienced will receive preference.

Lodging and food: List the local lodging and restaurant accommodations to meet the needs of your estimated number of participants.

Transportation: List the transportation (airport, trains, buses, trolleys, taxis, etc.) that is available in the area. Include distance and available transportation from the nearest international airport.

Institutional Support: A letter from a faculty member or administrator of the affiliated institution or organization should accompany the proposal, confirming institutional support for the tournament. The letter should be written on official letterhead and signed.

Budget: Although the budget is fixed, AMTA must verify that the prospective host is prepared to meet all of the financial obligations. The proposal should identify other financial resources the prospective host has beyond what AMTA will be providing. This may include commercial and private donations in cash or in kind. Describe how the prospective will secure these resources in a timely manner. Include a budget outlining the costs associated with the event.

Proposed Schedule: The proposal should include a preliminary schedule of events.

AMTA Assistance: The American Mock Trial Association will provide the following:

- The on-site assistance of two AMTA Representatives per division during the tournament to conduct meetings, to perform tabulation, to verify results, to award national tournament bids and to insure compliance with AMTA rules and policies. AMTA will cover the expenses associated with providing AMTA Representative assistance.
- Ballots, tabulation cards and trophies
- Contact Information for all participants
- A stipend to the host based upon the budget for the tournament passed at the annual meeting of the AMTA Board of Directors.

Deadlines and Submission Procedures: The NTC is currently considering sites for the 2010 National Tournaments. The deadline for submission of proposals is April 1, 2007. The proposals should be submitted in electronic format and in hard copy to the AMTA main office.

**American Mock Trial Association**

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*Rationale to be provided during the meeting.*

**RESOLUTION #6:** Proposed by Jo Ann Scott

Increase the maximum number of team participants from 8 to 10.

*Rationale to be provided during the meeting.*

**RESOLUTION 7:** Proposed by President-Elect Sara Zeigler (*Secretary's note: the chair may entertain a motion to separate the issues below into different resolutions if it is the will of the body or via friendly amendment if the mover and seconder agree*)

Rule 2.2 Requirement of an "official contact person." AMTA does not intervene in local disputes and thus recognizes a single primary contact person per school, even if the institution has multiple teams operating under the auspices of different organizations. AMTA will always recognize the Educator Coach/faculty member/ administrator as the primary contact person. In the case of student-run organizations, the primary contact person for the group is the first such individual who pays the school's registration fee. (6-02) and presents evidence of official institutional sponsorship. Note: A University check is not sufficient to constitute evidence of sponsorship for the purposes of this rule.

Rule 2.3 Requirement of a coach or official institutional recognition. No school may register as an AMTA member or attend an AMTA tournament without an Educator-Coach or official school sanction. (4-93) Each team must have an Educator Coach who shall be the official contact person for that team. If an institutional member has more than one team, the same person (may) must function as Educator Coach for all teams from that institution. Exception: A school may enter teams without an official Educator Coach if evidence of official institutional sanction is presented. The letter must be written and signed by an administrator at the institution and express that administrator's willingness to assume responsibility for fees incurred by the program and to serve as the point of contact for redress of grievances or complaints regarding the program. Any letter that fails to explicitly take responsibility for the conduct of its program and participants will not meet the requirements of this rule.

Rule 2.4 Name and address of educator coach. Each member team must supply the name and address of its Educator Coach. All materials and correspondence will be sent to the designated Educator Coach only. A team without an Educator Coach must supply the name and address of only one contact person who will be responsible for receipt of all materials and correspondence. AMTA regards the primary contact as the official agent of the program and will accept registrations, bid reservations forms, requests for regional assignment or reassignment and any other correspondence only from the official contact person.

*Rationale: This motion is prompted by a number of problems that have arisen regarding "renegade" teams and inter-program conflicts. As AMTA prefers not to mediate these conflicts and many are motivated by dissatisfaction over the decisions made by coaches, we must be clearer about our intentions. At least three examples of this problem have come to my attention this year and one involved discussions with university deans and vice-presidents over the "primary contact" policy. In all instances, language such as that outlined above would have done much to prevent the problem.*

**RESOLUTION 7:** Proposed by President-elect Sara Zeigler to amend Bylaws Article 4 for automatically removal of directors who miss three consecutive annual meetings.

“An individual who has served as the Director of the corporation for 3 or more successive terms, but who has failed to attend 3 successive annual meetings of the corporation, shall not be eligible for election as a Director of the corporation for a period of 1 year. Nothing in this section shall prevent a Director made ineligible pursuant to this section, from serving as a Board Candidate after the expiration of the 1 year period previously referenced.”

*Rationale: This motion was passed during the summer, but declared invalid by the Parliamentarian due to lack of notice. I am bringing it forward as 2/3 of those present at the meeting supported it.*

V. Old Business

VI. Adjournment

# Minutes of Annual Meeting of the Board of Directors of the American Mock Trial Association

June 23-24, 2006

Directors Present: Butler Calkins, Failla, Flowers, Freixes, Guliuzza, Halva-Neubauer, Haughey, Houlihan, Johnson, Langford, Lyons, Nelmark, Neuhaus, O'Reilly, Orange, Pohlmann, Racheter, Ravenell, Rink, Scott, Shuck, Vile, J. Wagoner, Walker, Zeigler.

Guests: Bernstein, Dwyer, Eslick, Pryor, R. Wagoner.

## **Elections:**

**A. Motion by Pohlmann** to set the number of Directors at 30 (not including multiple members from single institutions, which count as one director) and elect Directors to the Board. Seconded.

All directors appearing on the ballot were elected to the Board.

**B. Motion by J. Wagoner** to elect Jason Butler to the Board as the second institutional member from Bellarmine. Seconded.

Passed.

**C. Motion by Orange** to elect Mike Kelly to the Board as the second institutional member from University of Southern California. Seconded.

Passed.

**D.. Motion by Pohlmann** to elect President-Elect. Seconded.

Candidates: Sara Zeigler (nominated by J. Wagoner)

Faith O'Reilly (nominated by F. O'Reilly)

Sara Zeigler was elected.

**E. Motion by Pohlmann** to elect the following individuals as candidate-members:

Bill Dwyer (nominated by Halva-Neubauer)

Johnathan Woodward (nominated by Langford)

Matthew Eslick (nominated by Nelmark)

Justin Bernstein (nominated by Neuhaus)

Ryan Seelau (nominated by Lyons)

Johnny Pryor (nominated by Zeigler)

Seconded.

Motion to by Halva-Neubauer to go into executive session. Passed.

All individuals named on the ballot were elected as candidate members of the Board.

**F. Motion by Pohlmann** to adopt the consent calendar. Seconded.

Motion by Pohlmann to amend consent calendar to name Dan Herron as Secretary and David Cross as Treasurer.

Passed.

Motion by Pohlmann to amend consent calendar to add Hamline dates for March 9-11 or March 16-18. Passed.

Amendment to item 11. Consent calendar passed.

### **Academics:**

**G. Motion by Scott** on behalf of R. Wagoner and the Academics Committee that AMTA develop a scholarly journal and/or magazine. Seconded.

Passed.

### **Budget**

**H. Motion by Cross and Halva-Neubauer** to adopt the proposed budget. Seconded.

Motion to table item H. Passed.

Motion by Orange to amend the budget to increase the web services line by \$1500 for FY 2007 for the purpose of compensating Daniel Young for his web site design work.

Passed.

Motion amended by Halva-Neubauer to delete the line regarding host budgets for regionals being divided evenly among hosts.

Budget B as amended passed.

**I. Motion by Zeigler** to modify the fee structure as follows

New Programs \$175

Program Registration: \$325 (increase of \$25)

Regional Fee (per team):

    First Team: \$100

Second Team: \$125  
Third Team: \$150  
Fourth Team: \$175  
Fifth Team: \$200, etc.

Rationale: The sliding scale for regional participation will allow us to increase revenues sufficiently to pay for the new initiatives, to increase stipends for regional hosts and to finance necessary governance activities. All programs would experience a slight increase, with greater increases tied to regional participation. Under our current structure, large programs receive a significant discount, as many teams compete after paying a single \$300 program fee and a more modest regional fee. However, the marginal costs of accommodating additional teams are the same. This proposal redistributes the burden from smaller programs to larger programs.

Seconded.

Motion to table item I. Passed.

Motion to divide the question to vote separately on the program registration fee increase and the regional tournament fee increase. Passed.

Motion to increase program registration fees passed.

Motion to increase regional fees passed.

## **Development and Outreach**

**J. Motion by Zeigler and J. Wagoner** to amend the budget to create a budget line of \$5000 for the Development Committee, to be used for new initiatives relating to the development and growth of new and struggling programs (specifics determined by the Committee).

Rationale: In order to the Development Committee to fulfill its expanded charge to encourage program growth, it must have the capacity to offer grants and fund new initiatives.

Motion to table until budget discussion. Passed.

Motion to create budget line passed.

**K. Motion by J. Wagoner and Zeigler** that AMTA should have an interactive site so that the National Tabulation Director, the National Tournaments Director(s), and the Executive Committee could address student concerns quickly in a manner that is available to all. Seconded.

Friendly amendment by Vile that the site also contain Q and A from Rules Committee with official responses to questions raised throughout the season. Answers posted on the site would be the only official answers.

Friendly amendment by Orange to make the forum a page on the AMTA web site.

Passed.

**L. Motion by Cross** that the Board adopt the preliminary design for the AMTA website created by Daniel Young and authorize Mr. Young to complete the web design and submit it to the Board for final approval at the next mid-year meeting. Seconded.

Rationale: The current AMTA website is outdated and not user friendly. The home page is overcrowded with material and information is difficult to find. It does not reflect the professional nature of this organization. The proposed design remedies these problems.

Passed.

### **Case:**

**M. Motion by Pohlmann** that we charge the Criminal Case Committee with “thinking outside the box” in terms of their case selections. For example, this could include doing an evidentiary hearing or the sentencing phase instead of the trial itself. The logic is that there is an almost inevitable case imbalance that arises from prosecution’s requirement to meet a burden of “beyond a reasonable doubt” when they only have 3 witnesses and an hour, besides the fact that cross questions written into each prosecution witness almost create reasonable doubts by themselves. Seconded.

Passed.

### **National Tournaments:**

**N. Motion by O’Reilly** to eliminate the holding of a final round at the “national” tournaments. Seconded.

Friendly amendment by Failla that the national tournament winner be determined by AMTA tiebreaking procedures so that a winner can be declared at each national. Rejected.

Motion by Failla to amend Motion N to eliminate the final round but use tiebreaking procedures to declare a winner. The current traveling trophies would go to those winners. Amendment fails.

Friendly amendment by Pohlmann that we refer to the National Tournaments Committee the decision of what to do with the current national traveling trophies. Accepted.

Motion as amended passed.

**O. Motion by Pohlmann** that the National Tournaments Committee create criteria and then begin soliciting formal applications for the 2010 National Tournaments . The committee would then recommend the best fitting sites for consideration at the 2007 board meeting.

Passed.

**P. Motion by J. Wagoner** that following the division draw for each National Tournament (including Championship) the National Tabulation Director will assign teams new numbers for national competition. Seconded.

Motion by Wagoner to combine motions P and S and amend the combined motion to read "at every AMTA regional, national or championship tournament, the host or AMTA Representative shall randomly assign a combination of letters to each team to keep the identities of the teams confidential from the judges." Passed.

Motion as amended passed.

**Q. Motion by J. Wagoner** that the judges for the National Championship Final Trial should not be given scoring ballots. Rather they should confer at the conclusion of the trial and agree on which team gave the better performance. If there is a tie, the presiding judge would break the tie. The judging panel for this trial will be instructed on the criteria to be used to assess the better performance in that trial.

Withdrawn with expectation that National Tournaments Committee will address recruitment of judges for the final round.

## **Regional Tournaments:**

**R. Motion by Racheter** to print, ship and distribute programs at regional tournaments, with Bloch's memoir on AMTA history to replace schedules and routine items. Seconded.

Note: Motion initially proposed at 2005 midyear meeting postponed until June 2006 meeting and referred to Executive Committee for budgetary impact analysis and designation of individual to supervise program design, editing and production.

Friendly amendment by Pohlmann to make the motion's passage conditional upon no additional costs to AMTA. Accepted.

Passed.

**S. Motion by J. Wagoner** that Regional Hosts will use a different number than they have used in the past. The National Tabulation Director will assign those new numbers each year.

Combined with Motion P and passed.

**T. Motion by O'Reilly** to recognize as "All-Region" the individual winners at the regional level.

Passed.

**U. Motion by Nelmark** that the RTC shall develop a system of rules regarding regional assignments including a manner for determining which teams get slots to compete in a region that has more teams wishing to compete there than spots available. These rules shall also designate which exceptions (if any) are given to regional tournament hosts and define what it means to be a tournament host. Upon a majority vote of the RTC members, these rules shall be deemed official board policy. The RTC shall adopt such a system no later than September 30, 2006.

Passed.

**V. Motion by Nelmark** that the criteria the RTC uses to assign teams be revised as follows:

- (a) assigning schools to a location **within three hours of driving distance (according to Mapquest)** when possible (**not necessarily the closest geographic region**);
- (b) distributing power teams according to **Bonus Bid rankings** among the regions;
- (e) honoring requests of schools who desire assignments to multiple Regional Tournaments and who make such requests in writing to the Regional Tournaments Committee Chair by **September 30**;

Seconded.

Nelmark amends motion to change deadline to the official registration deadline. Passed.

Friendly amendment by Wagoner to change three hours to six hours. Rejected.  
Withdrawn.

Motion as amended with regard to the deadline passed.

## **Rules/Sanctions:**

**W. Motion by Nelmark** that the Board adopt the "AMTA Rulebook" distributed as a Word document with the agenda. Upon adoption, this rulebook replaces the following compilations of rules and policies: Midlands Rules of Procedure, AMTA Rules of Professional Conduct and Decorum, AMTA Policies, Rules of Judicial Conduct, and Tournament Rules for AMTA Competitions. Other documents that remain separate

include the Midlands Rules of Evidence, Tabulation Manual, any other handbooks such as a Host or AMTA Rep Manual, and the AMTA By-Laws and Articles of Incorporation.

*EC Note: Should this motion pass, subsequent approved motions that amend the rulebook will supersede current language and the President shall appoint a Director to bring the rulebook into accord with the 2006 minutes.*

Passed.

**X. Motion by Walker**, for the Rules Committee that Rule 9 under Tournament Rules (sanctions) be revised in accordance with the recommendation of the Rules Committee (document to follow with final agenda). Seconded.

Passed.

**Y. Motion by Pohlmann** that rule application questions that arise during regional or national tournaments will be resolved by the NTTD, who may choose to consult with the Rules Committee if that seems appropriate. An example would be the dispute that arose over the prospective use of "juries" at this year's National Tournaments. The NTTD's decision would be final. Any such matter would be subject to review and rule revision at the following Board meeting. The purpose is to ensure prompt resolution of questions and consistent decisions relating thereto. Seconded.

Passed.

**Z. Motion by Nelmark** that the following fines be adopted for declining a postseason bid after it has been officially accepted.

- \$100 for teams that drop more than one week in advance of the tournament to which they accepted a bid;
- \$250 for teams that drop less than one week but more than 72 hours in advance;
- \$350 for teams that drop less than 72 hours but more than 48 hours in advance;
- \$500 for teams that drop less than 48 hours but more than 24 hours in advance;
- \$750 for teams that fail to show for the tournament or that leave the tournament early without permission of the AMTA Representative.

The Executive Committee may consider appeals of penalty assessments and may waive fines if the reasons for failing to comply with the policy are compelling. (6-04)

Tabled until discussion of other budget matters.

Amended by Nelmark to include provision that teams qualifying through the national tournaments to Championship must pay a separate fee of \$200 for Championship.

Amended by Nelmark to eliminate regional credits for teams that drop from regional tournaments after the registration deadline.

Friendly amendment by Zeigler to change registration deadline to October 15. Accepted.

Motion as amended passed.

**AA. Motion by O'Reilly** to allow electronic equipment to be used for demonstratives, opening and closings.

Clarification by O'Reilly that the host will not be required to provide anything but an electrical outlet.

Friendly amendment by Orange that if a team brings equipment, the team will be required to allow other teams to use their equipment. Accepted.

Failed.

**BB. Motion by Freixes** to amend AMTA Rules of Court (Policies), Tabulation Section, No. 2 to add the following (new language in red)

Tabulation rooms at AMTA-sanctioned tournaments will be open to Educator and Attorney Coaches from the start of a round until the first ballot is received for tabulation. (5-95) Each National Tournament and Championship Tournament will designate an individual to be available for 30 minutes after each pairing is completed to provide Coaches with information about pairings. (6-00) Educator and Attorney Coaches may visit the tabulation room to study the ballots following Rounds One, Two and Three. **However, no Educator, Attorney Coach or other individual affiliated with a competing team shall be permitted to review Pages 1 – 4 of the ballots of any other competing team at any time during the tournament. However, team affiliated persons may review page 5 of other teams' ballots.** The tabulation room will be closed to everyone not involved in tabulation once the first ballot for Round Four is received. (6-01).

Some individuals and coaches from other teams have made it a practice to come into the Tab Room during competitions to review the white/yellow ballots (pages 1-4) of teams they will be opposing in upcoming rounds, in order to write down witness line-ups and review the comments made by judges about the other team in previous rounds. I believe this practice is unethical, but it is not specifically prohibited by the rules.

Seconded.

Passed.

**CC. Motion by Lyons** to Amend AMTA Rule of Professional Conduct and Decorum to read as follows (new language in red)

Rule 1.9 Communication during a round. From the time a round begins until it ends, student participants may communicate only with other student participants, judges and

tournament officials, **unless that round is on a break**. If anyone else, including coaches and spectators, attempts to communicate with a student participant during a round, it is the duty of the student to terminate the communication. **However, student participants may speak to anyone they so wish during breaks in the round**. A round begins when the judges enter the room and ends when the blue scoring sheets are handed over to a tournament official.

Withdrawn.

**DD. Motion by Freixes** that the maximum of 8 members per team be increased to 10 members per team. The rationale is that it can increase the number of students that can participate without increasing the number of teams. It actually may reduce the number of multiple teams in a program. Seconded.

Failed.

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**EE. Motion by Freixes and Orange** that Rule 3 of the Midlands Rules of Procedure be amended to read:

**RULE 3, AMENDED VERSION #2**

**Rule 3. Time limits.** Time limits for all trials in Midlands shall be strictly observed.

**A. Time limits generally.** **Each team shall be given a total of 65 minutes to present all parts of its case, including Opening Statements, Direct Examinations, Cross Examination and Closing Arguments. However, no closing argument may exceed 12 minutes in length including rebuttal time.**

**Rationale:**

There are five main rationales

- (1) **The Rule Gives Teams Added Flexibility and the Ability to Strategize**  
The new rule allows for a new element of strategy to enter into teams' preparation. Teams will have to discuss and decide as a team how long their parts should be. They can decide whether there is good cause to spend more time on a direct examination of an expert, or on the cross-examination of the defendant. This amended rule allows for greater flexibility and adds a new element of strategy without drastically changing the nature of mock trial or its rules.
- (2) **The Rule Encourages Teams to Prepare as a Team**  
The new rule will force entire teams to cooperate and prepare together in order to produce a coherent case that fits within the time limits. If a team fails to plan and prepare together, then the team as a whole will suffer when they run out of time. The effects of a lack of preparation should be more dramatic as an overly long direct examination will no longer just affect the other direct examinations on that team, but will affect all remaining parts on that team. Thus, this rule adds an incentive to prepare, which should produce better mock trial and more teamwork.
- (3) **The Rule Gives Another Criteria Judges Can Score**  
Since the new rule penalizes teams who do not work together in their case preparations, judges will be able to more easily distinguish between those teams who fail to prepare and those teams who spent much time working out the details of the case. Therefore this rule helps judges make a more accurate determination of the team that deserves to win in a given round.
- (4) **The Rule Erases Many of the Problems Associated with Time-keeping**  
Time keeping should benefit mock trial, not detract from it, and yet time keeping has often become "a game within the game". Time keepers are seen calling time early to mess up their opponents, or are seen trying to add precious seconds when they know the opposing time keeper isn't paying attention.

Often, time keeping discrepancies become the origin of petty arguments between teams. The new rule helps prevent these problems. First, many teams will never approach the 65 minute time limit, and for these teams timing issues will be of little concern. Second, the rule effectively makes it so that in reality only the closing argument will be affected when a team runs out of time. Teams can make sure that their times for the closing arguments are identical *before* closings begin very easily, and can handle any problems that may arise during the recess before closings. In addition, closing arguments are not subject to interruptions, so once the time keepers agree on how much time remains for closings, there is no worry that an interruption by the judge or opposing counsel will go unnoticed by the time keepers and result in an unwarranted loss of time. If a time keeper says there is 7 minutes for closing, everyone in the courtroom can keep track of whether a close is longer or shorter than 7 minutes. It makes the application of the time keeping rules easier to follow and less controversial.

(5) The Rule Helps Solve “Side-biases”

One of the main “problems” with the *Reynolds* case was that early on the State was losing ballots at a rate that was higher than expected. Although substantive changes can, and were, used to help solve this problem, this rule offers further assistance in solving such problems in the future. One of the reasons that the State was having trouble with their case was the fact that they had a very complex argument to introduce to the court in a very short amount of time. Indeed, many State teams ignored issues of timing or certain pieces of evidence wholly because there was not ample time to present all relevant and needed items. This rule will allow teams to adjust the time they spend on their case-in-chief so that they can adequately handle the unique complexities of their side of the case. The increased flexibility would have allowed State cases further chances to adapt and perhaps solve the “side-biases” without the need of further substantive changes.

Failed.

**FF. Motion by Orange** that all trials in Midlands be jury trials. **RATIONALE:** The types of cases that we give kids to try are almost never tried as bench trials. The earliest possible opportunity to practice jury persuasion and decision-making analysis is the best. By not giving students the opportunity to engage in these thoughts, we are failing to provide them with a substantial portion of what educational/competitive trial advocacy should be all about. The "jury" component is the highlight of the American legal system. It is one of the FEW things we are still envied and respected for world-wide. Almost every judge scores, and comments on, the round as a jury trial anyway, regardless of how much you tell them not to.

Seconded.

Sample Policy:

1. An actual jury may be impaneled upon the approval of the AMTA Representative(s) assigned to the tournament, and Tournament Hosts shall be encouraged to make reasonable efforts to recruit persons to participate as jurors.
2. If an actual jury is impaneled, the scoring judges, other than the presiding judge, shall be seated with the jury.
3. If an actual jury is not impaneled, the scoring judges, other than the presiding judge, shall be seated in the jury box, or some other reasonable location, other than the bench, if no jury box is available. In accordance with Midlands Rule of Professional Conduct and Decorum 4.1, attorneys shall address the scoring judges, other than the presiding judge, as the jury during opening statement and closing argument and at any other time appropriate or necessary to address the jury.

4. If a motion to strike excluded evidence is sustained, attorneys may request that the presiding judge admonish the jury to disregard the stricken evidence. In the interest of time, such admonishments may be given constructively.
5. Attorneys may request limiting instructions when testimony or evidence is admitted on limited grounds, such instructions may also be given constructively.
6. Students may request that discussions and arguments on evidentiary matters and other issues be constructively held outside the presence of the jury, however no real sidebars or exclusion of the jury should be conducted. Judges may, at their discretion, allow students, at pretrial, to request all such conversations be assumed to be outside the presence of the jury. In any case, judges shall not entertain any objection that improper discussion has occurred in the presence of the jury, even if an actual jury is impaneled.
7. The blue (scoring) ballots must be completed and sent to the tab room before the jury gives a verdict or any other feedback.

Also, I would propose this as an instruction during judges meetings:

"All rounds should be conducted as jury trials, even though an actual jury might not be present. If you're not a presiding judge, you should either sit in the jury box or off to one side of the room. The students should handle themselves as they would in a real jury trial, so evidentiary arguments and motions to strike, etc. should be made to the bench, while opening and closing statements should be made to the jury, if there is one, and the scoring judges. For evidentiary arguments and the like, students can ask for a constructive sidebar each time or, at the beginning of the trial, they may request that constructive sidebars be assumed, as such arguments should be made for all to hear."

Passed.

**GG. Motion by Orange** that all trials in Midlands be either bench or jury trials as determined by the host of the tournament during which the trials are had, and as so announced no less than two weeks in advance of said tournament. Nothing shall prohibit a host from specifying Day One of a tournament (perhaps in court rooms) as a jury trial day, and Day Two of a tournament (perhaps in classrooms) as a bench trial day.  
RATIONALE: The types of cases that we give kids to try are almost never tried as bench trials. The earliest possible opportunity to practice jury persuasion and decision-making analysis is the best. By not giving students the opportunity to engage in these thoughts, we are failing to provide them with a substantial portion of what educational/competitive trial advocacy should be all about. The "jury" component is the highlight of the American legal system. It is one of the FEW things we are still envied and respected for world-wide. Almost every judge scores, and comments on, the round as a jury trial anyway, regardless of how much you tell them not to. ALSO, just because some people don't want to, or aren't comfortable with giving students in their regions a trial advocacy experience that includes a jury, doesn't mean others should be precluded from so doing.

Withdrawn

**HH. Motion by Lyons** to amend Rule 1.1.3 to add a new sentence.

The new rule would read as follows:

1.1.3 Number of members on a team. A team shall consist of no less than six and no more than eight members. No one may sit at the attorney table in the role of plaintiff or defendant unless that person is on the team's six to eight person roster. **No individual member may compete on more than one team for his/her institution, unless said member is given permission to do so under rule 1.3.2, by the AMTA Representative, at that Regional or National Tournament.**

Seconded.

Rationale: Most, if not all of us believe that this new sentence is already in place, and a rule, however, it does not appear in our rules, and does not appear as a policy.

Passed.

## **Scoring/Judges**

**II. Motion by Cross** that the Rules Committee be tasked with redrafting the judges' PowerPoint instructions to comply with the Midlands Rules of Court as well as the stated AMTA goals. . The Rules Committee should be entrusted to put together a presentation that is complete and consistent with the rules and goals of AMTA. The presentation will be finished and posted on the website prior to the start of the 2006-07 season.

Seconded.

Rationale: There are a number of problems with the current instructions. For example, the PowerPoint says that Midlands uses a slightly modified version of the Federal Rules of Procedure. The instructions should instead state that Midlands uses a slightly modified version of the Federal Rules of Evidence. Also, the explanation of invention of fact is unclear and too brief. The instructions provide that it is a reasonable inference standard on direct and a contradiction standard on cross. This created confusion at one regional where the judges were unclear as to how the two standards operated on the different examination. This is confusing because the fact invented on direct is not impeached until cross, and so the judges are left wondering which standard applies and if the cross standard (contradiction) applies, how could a participant be impeached for omission of a material fact that does not contradict facts in the affidavit. This needs to be explained more fully in the instructions to ensure that judges understand the process and that the instructions are uniform across tournaments. Most importantly, the slide instructing judges not to score on the merits or to penalize students for their choice of witnesses is a recent addition to the instructions and one that is directly contrary to the stated goals of

AMTA. While judges should be instructed to recognize that a case may be unfairly weighted on the facts and that they should not permit their verdict to influence the scores, they should also be instructed that the merits are very much a part of the scores. Teams should be scored on how they marshal the facts of their case and how they apply to the law to those facts, both in terms of argument by attorneys and testimony from witnesses. I have heard judges instructed that AMTA is not in the business of teaching up and coming lawyers, that this is the job of law schools, and that this should not be a consideration when scoring. This directly contradicts the goals of AMTA. The scores should reflect lawyering skills, not just acting. Unless AMTA intends to substantially alter its goals, we should instruct our judges in accordance with the present goals as reflected on the AMTA website. Additionally, there should be additional instructions addressing common problems, e.g. that judges are not permitted to question witnesses or interrupt openings or closings. Finally, by preventing changes to the presentation or deviations from its substance we can ensure that all instructions are uniform across tournaments.

Friendly amendment by Butler to amend motion to allow for presentation methods that may or may not use PowerPoint. Accepted by Pohlmann on behalf of Cross.

Passed.

**JJ. Motion by Cross** that no regional or national host may alter the PowerPoint instructions or deviate from the substance therein in their oral instructions without prior consent from the Rules Committee. Seconded.

Failed.

**KK. Motion by Langford** that the following language be added to AMTA Policies, Judges' Policy #6,:

After the word "team" in the last sentence:

"The Instruction Summary sheet is required to be distributed to all judges prior to every round at all AMTA Regional, National, and Championship Tournaments. Its use is strongly encouraged at all invitational tournaments."

Referred to Rules Committee for consideration in development of new presentation.

**LL. Motion by Langford** that the following language be added to Judges' Policy #3, after the word "site" in the last sentence:

"Use of the PowerPoint presentation for purposes of judge orientation is required at all AMTA Regional, National, and Championship Tournaments, and is strongly encouraged at all invitational tournaments. Locations lacking PowerPoint access shall provide the substance of the PowerPoint presentation in a suitable alternative format."

Referred to Rules Committee for consideration in development of new presentation.

**MM. Motion by Cross** that the blue scoring ballots be changed as follows: At the bottom of each ballot under each category (i.e. outstanding attorneys and outstanding witnesses), there will be six blank lines without numbers. To the right of the top three lines will be the letter "P" (for prosecution) and to the right of the bottom three lines will be the letter "D" (for defense). To the right of the letter designations will be an additional six blank lines where openers and closers will be identified for attorneys and characters will be identified for witnesses. Rather than judges bearing the burden of discerning participants' names, filling in these lines, and determining side affiliations, the students will be responsible for filling in the lines with their names in alphabetical order by last name. To the left of each line will be a small blank where the judge will be instructed to rank the top four participants in each category by writing in the numbers one through four. The rank of any name that is illegible on its face will not be recorded by the tab room. Reasoning: the hardest task for judges is filling in names for ranks. The students often write them illegibly on the white ballots and judges do the same on the blue ballots. Judges often write in character names, confuse attorneys and witnesses, get side affiliations or names wrong, draw arrows and lines to correct mistakes, or just don't fill in a name at all. This creates confusion and problems in the tab room, rendering the process of determining individual ranks slow and burdensome. This change to the ballot would put the burden on students to fill in names legibly. And by identifying side affiliations, openers, closers, and characters on the blue ballot, judges can quickly rank the participants without looking through white ballots and trying to recall who did what. This change will result in more accurate individual ranks and awards, and will make the task for our volunteer judges much easier. While some may be concerned that pre-listing participants may cause judges to merely rank them in the order listed, I think this is highly unlikely and significantly less likely than judges randomly filling in participant names to quickly complete a burdensome task (which undoubtedly happens) or confusing participants.

Friendly amendment by Nelmark to note that motion would not take effect until the next ballot order is placed. Accepted by Pohlmann on behalf of Cross.

Failed.

**NN. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding a new slide after slide 2: moving the last three bullet points, beginning with "Do not apply rules" and ending with "today's trial is to be considered a bench trial" to new slide # 3.

Referred to Rules Committee for consideration in development of new presentation.

**OO. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding language to the second bullet point of slide 2, after "Criminal Procedure" as follows:

"and a slightly modified version of the Federal Rules of Evidence." New sentence reads: "Midlands uses a slightly modified version of the Federal Rules of Criminal Procedure, and a slightly modified version of the Federal Rules of Evidence.

Referred to Rules Committee for consideration in development of new presentation.

**PP. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding a sentence to the third bullet point of slide 2, after "specific rule or rules," as follows:

"If there is ever any confusion about what a rule says, please request to see a copy--the attorneys will be happy to provide one." New bullet point reads in full: "Students have copies of the Midlands Rules and should provide them to you for review if and when you request to see a specific rule or rules. If there is ever any confusion about what a rule says, please request to see a copy--the attorneys will be happy to provide one."

Referred to Rules Committee for consideration in development of new presentation.

**QQ. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Deleting language about motions in slide 2, beginning with "No motions are permitted" and ending with "physically leave the room)."

Adding a new slide devoted exclusively to motions (new slide #4) with the following language:

"There are only two motions permitted: a motion to strike and a motion to constructively exclude witnesses. NO OTHER MOTIONS, including those for a directed verdict or judgment of acquittal are permitted or allowed.

•Motion To Strike: If an attorney does not invoke this motion, the testimony remains on the record and attorneys from either side may use it in the remainder of the trial. Conversely, if the motion is invoked, the testimony is stricken and no attorney may use it for the rest of the trial.

Referred to Rules Committee for consideration in development of new presentation.

**RR. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

- Constructive Exclusion: MRE 615 allows all witnesses except the defendant to be constructively excluded at the request of either party. This must be done in pre-trial; it cannot be done once the trial begins. If the motion is made, all witnesses are considered to have been “outside” the courtroom during the testimony of other witnesses and cannot answer questions concerning the testimony of any witness other than the defendant."

Referred to Rules Committee for consideration in development of new presentation.

**SS. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding a new slide devoted to objections (new slide #5) with the following language:

- "•Objection battles are one of the most interesting parts of mock trial, where students really get to show what they know.
- Students should be allowed to argue objections back and forth whenever possible.
- Once sufficient arguments have been made, make a decisive ruling -don't confer with your fellow judges."

Referred to Rules Committee for consideration in development of new presentation.

**TT. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding language to the second bullet point of slide 3, after "certification of expert witnesses," as follows: "however, attorneys must still lay foundation to show a witness's expertise." New bullet point reads: "No formal certification of expert witnesses; however, attorneys must still lay foundation to show a witness's expertise."

Referred to Rules Committee for consideration in development of new presentation.

**UU. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding a new bullet point to slide 3, after "No formal certification," as follows: "Witnesses are limited to the contents of their affidavits/documents (reports, etc.) and reasonable inferences thereof."

Referred to Rules Committee for consideration in development of new presentation.

**VV. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding a new slide after slide 4, Scoring and before slide 7, the image of a blue ballots; moving the last four bullet points, beginning with "The blue page is where you log your individual performance scores" and ending with "Ballots are carbon-backed" to new slide #10.

Referred to Rules Committee for consideration in development of new presentation.

**WW. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Deleting heading of slide 8, beginning with "DO NOT SCORE BASED ON THE MERITS" and ending with "WITNESSING SKILL."

Adding new heading to slide 8, as follows: "Scoring."

Deleting text of first bullet point of slide 8, beginning with "Cases are often heavily weighted" and ending with "should not suffer as a result."

Adding new text to first bullet point of slide 8, as follows: "Since the cases can be weighted towards one side or the other, don't score based on the merits of the case itself, but rather on how well each side makes its case given the limitations involved."

Referred to Rules Committee for consideration in development of new presentation.

**XX. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding new text to second bullet point of slide 8, after "choice of witnesses" as follows: "but rather score them based on how well they contribute to their side's case."

New sentence reads: "Similarly, do NOT penalize a side's choice of witnesses, but rather score them based on how well they contribute to their side's case."

Referred to Rules Committee for consideration in development of new presentation.

**YY. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Deleting text of third bullet point of slide 8, beginning with "Teams should be judged by" and ending with "execution of lawyering skills."

Adding new text to third bullet point of slide 8, as follows: "Score attorneys well for these characteristics:"

Referred to Rules Committee for consideration in development of new presentation.

**ZZ. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Deleting text of third bullet point of slide 8, as follows: "as well as their convincing and effective portrayal of witnesses:"

Adding new text to third bullet point of slide 8, after "Organization of case" and "Effective use of objections" as follows:  
"Score witnesses well for these characteristics."

Referred to Rules Committee for consideration in development of new presentation.

**AAA. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding new text to third bullet point of slide 8, after "Credibility" as follows:  
"Character." New phrase reads: "Credibility/Character."

Referred to Rules Committee for consideration in development of new presentation.

**BBB. Motion by Langford** that the following change be made to the AMTA Judges' PowerPoint presentation:

Adding new second bullet point of slide 9, which reads as follows:  
"No objections are allowed during Opening statement or Closing Argument"

Deleting text in second bullet point of slide 9, after "No sidebars should be allowed." as follows: "Keep trial moving."

Referred to Rules Committee for consideration in development of new presentation.

**CCC. Motion by Langford** that the following changes be made to the Judges' Executive Summary::

Delete entire text of current document.

Add the following text to document:

- Score the blue sheet as the trial unfolds. It is much easier to remember what the participants said and score accordingly as it goes along.
2. The rules are probably different from those you are used to. This trial takes place in the fictional state of Midlands, which has its own Rules of Court and Procedure. Though the Rules of Evidence are similar to the Federal Rules, they are not an exact copy. If there is a question as to what a rule says, ask the attorney to point out the rule to you so you can refer to it.

3. The rules are different from those of other forms of mock trial. If you have judged high school or other forms of mock trial in the past, DO NOT assume the rules are the same. There are objections which are permitted in high school mock which are not permitted here, the most important being the objection to unfair extrapolation during directs. If an attorney believes a witness is making things up, his ONLY REMEDY is to impeach that witness on cross-examination. He CANNOT object on this basis.

4. Ranking criteria. There is a detailed scoring rubric on the first white ballot (the one with opening statement comment spaces), but to summarize, you rank each performance by a competitor from 1 to 10 on the blue ballot. Though you are encouraged to score competitors based on your own experiences and knowledge, there are some standard guidelines, which are below. You should NOT score attorneys or witnesses based on your own preferences regarding the case, but rather based on how well they perform.

a. Attorneys: Attorneys should be good communicators, be knowledgeable concerning the Rules of Evidence, and make persuasive arguments. They should be scored up for all these characteristics. They should be scored down for using notes in trial, bad objection arguments, and ineffective communication.

b. Witnesses: Witnesses are instructed to behave in trial as if they were the character they play. However, they are limited in the responses they may give by their affidavits-i.e., if something isn't in an affidavit they can't say it without risking impeachment. Many witnesses interpret the character they are assigned in creative ways; this should be encouraged. Witnesses should be scored up for portraying convincing characters, and scored down for making things up for which they are then impeached.

5. There are two and only two motions allowed:

a. Motion to strike. If an attorney does not invoke this motion, the testimony remains on the record regardless of your ruling and attorneys from either side may use it in the remainder of the trial. Conversely, if the motion is invoked, the testimony should be stricken and any attorney who attempts to use it should be scored down for doing so.

b. Motion to constructively exclude witnesses. Midlands Rule of Evidence 615 allows all witnesses except the defendant to be constructively excluded at the request of either party. This must be done in pre-trial matters; it cannot be done in the course of the trial. If the motion is made, all witnesses are considered to have been "outside" the courtroom during the testimony of all other witnesses. Thus, any questions involving the witness being present for testimony (with the exception of the defendant) of other witnesses should not be allowed, and

the attorney who attempts to use them should be scored down. Note: This does not require witnesses to physically leave the room.

6. The trials are to be considered BENCH TRIALS. This means there is no jury, either imaginary or otherwise. Therefore all matters that would affect a jury trial have no impact here. This affects the trials in a number of ways, including but not limited to certain evidentiary rulings and use of certain dramatic devices.

7. Individual rankings. When the trial is over, you should rank the top four attorneys from both sides and the top four witnesses. This does not have to reflect the scores you gave the competitors during the trial-it's just your opinion as to who you think did the better job. When ranking the witnesses, use the student's actual name, as opposed to the character he or she played.

8. Allow students to argue objections. One of the most interesting parts of mock trial is the objection battles. This is where students really get to show what they know, and whenever possible they should be allowed to argue back and forth. When they have argued sufficiently, make a decisive ruling-don't confer with your co-judge.

9. You may render an optional verdict. The winner and loser of the trial are determined by the scores on the blue ballots, and there is no space for a verdict. However, if you want to tell the teams which side you would rule for, feel free to do so.

10. Offer as much written and oral commentary as you are comfortable with. The competitors really enjoy hearing feedback from you-it helps them improve in subsequent rounds, as well as letting them know what they're already doing right. Don't be afraid to criticize-they want to know what they can improve upon! At the end of the trial there is time allotted for oral comments-feel free to give as much oral feedback as you wish.

11. Thanks for serving!!! Without you and those like you, we could never put on these tournaments. Judges make mock trial happen, and on behalf of the students, we thank you for volunteering your time. Please stop by (hospitality room) and grab some food and drink on your way home, on us. Thanks again.

Referred to Rules Committee for consideration in development of new presentation.

## **Bids and Bid Allocation:**

**DDD. Motion by O'Reilly** to use only the results of the most recent prior season to calculate regional strength for bid allocations to the Championship.

Withdrawn.

**EEE. Motion by Orange** that in computing Bonus Bid Rankings, the most recent National Championship Tournament win-count should be multiplied by 5, the year previous should be multiplied by 3, and two years previous should be multiplied by 1. The National Tournaments win-count shall remain as having half the weight as that respective year's National Championship Tournament.

Rationale: Currently, the Bonus Bid Rankings are weighed using a 4-3-2 formula (and 2-1.5-1 formula for national tournaments), and does not properly weigh recent performance. By moving to a 5-3-1 formula (and 2.5-1.5-1 for national tournaments), it will create a better indication of present team strength than the current formula does

Passed.

**FFF. Motion by Nelmark** that the following clarifications be made to the National Bid Allocation Procedures adopted at the 2005-06 Mid-Year meeting:

1. A region may both gain and lose a bid through reallocation procedures. However, once a region both gains and loses a bid, it may no longer be considered for reallocation. If a region gains (or loses) multiple bids before it loses (or gains) a bid, it is possible to be involved in more than two reallocations.
2. For the purposes of calculating a region's PPP, any team which competed in the Championship Tournament, but not a National Tournament, will receive a "fictional 8" for the purposes of the National PPP ranking, unless that team is predicted to earn a Championship spot in the following season.
3. When a region has more National bids than it has prior year National competitors, the lowest prior year competitor's record shall be duplicated and halved to fill up the slot. So, if the lowest team remaining has a record of four, a record of two is added to fill a slot. If a second duplication is necessary, the record is halved again (from two to one in the example).
4. A region may not gain or lose more than one bid through re-allocation unless it has more than one extra prior year postseason competitor than postseason bids available or more than one extra bid than prior year postseason competitors. If a region has three extra bids, for example, it may lose up to three bids through reallocation. If it is short four bids, for example, it may gain up to four bids through reallocation.
5. Although nine bids are re-allocated, some of these bids may not go to higher-performing regions as they may be needed to serve as base bids for new regions. If at least 5 bids are not redistributed beyond providing base bids, additional re-allocations will occur so that at least 5 such bids are gained by high-performing regions.

Passed.

**GGG. Motion by Nelmark** to amend the Acts of AMTA / Open Bid allocation procedures as follows:

Any requests for Act of AMTA bids must be received via email by the National Tournaments Committee Chair by noon (central time) on Tuesday following the completion of the tournament where the alleged error occurred, with the exception of Act of AMTA requests related to the last National Tournament which must be submitted by 4 pm (central time) the day after the tournament ends.

For Act of AMTA requests that relate to the last regional tournament or the last National tournament, the NTC Chair may immediately issue an official ruling on the request upon obtaining support for his/her recommendation from at least two other members of the NTC.

Two Act of AMTA Bids shall be reserved for the Championship tournament. These bids shall not be awarded until (at the earliest) the Monday after the last National tournament is concluded. If these bids are not awarded for Acts of AMTA, they shall be awarded on a wildcard basis to the teams that perform the best at the National Tournaments regardless of division. There will no longer be “q” bids awarded to the Championship prior to the National Tournaments.

If a program has accepted a bid to a National tournament no team from that program is eligible to receive an open bid to any other National tournament.

If a program’s teams attend multiple regionals and earns bids to more than one National tournament, the program must send both its teams to the National tournament of the coach’s choosing.

The NTD shall maintain a running total of the rankings of teams eligible for such bids, updated after the completion of each regional tournament. This list shall be posted online and shall be used to award bids if no errors are reported within 48 hours of the final update posted upon completion of the final regional tournament. Any errors discovered after 48 hours shall be corrected but will not result in the reversal of any bid awards already made.

In determining the Open Bid rankings the criterion dealing with the “number of open bids produced by a region” shall be changed as follows:

The number of open bids produced by a region minus the number of open bids awarded to teams from that region, with the larger net number taking precedence.

Passed.

**HHH. Motion by Nelmark** that the following language be added to Open Bid Allocation Procedures and that it replace any contradictory language.

In the event that a Championship bid is awarded on a wildcard or open-bid basis prior to the start of the National Tournaments, the National bid previously held by the team receiving the bid shall be reallocated on a nationwide basis according to the open bid rankings. This bid does not necessarily stay in the region.

In awarding “wildcard” bids, the following criteria will be used in order of importance.

1. Win-Loss Record
2. Whether the program has another team in the Championship tournament with programs without a Championship bid taking precedence.
3. Combined strength
4. The number of Championship bids in the region divided by the number of teams competing in the region (including ByeBuster teams) with the lower number taking precedence.
5. A team’s placement in its regional tournament with the higher placement getting precedence.

A Championship bid that is awarded after the start of a National tournament will be awarded (using the criteria numbered 1-3 above) to the team that performs best in any division of any National tournament but did not receive a bid to the Championship. Criteria 1 and 3 refer to the team’s performance at that national rather than at its regional. The fourth criterion will be the team’s record at regionals followed by its combined strength at regionals.

Passed.

**III. Motion by Nelmark** that items 2 and 5 in the memorandum titled *Manner of Determining Which of a Program’s Teams Earn Postseason Bids* be revised to the following language:

2. If a bonus bid was awarded to a regional based on the program-at-issue’s presence, that regional takes precedence if and only if a team from that program has not yet earned a bid from that region. If a region was awarded two bids based on a program’s presence, that region takes precedence if the program has not yet earned two bids from that region.
5. The region where a program sent more teams takes precedence.

Seconded.

Passed.

## **Tabulation and Pairing**

**JJJ. Motion by Nelmark** that immediately after an upcoming round's pairings are deemed final that, if the tabroom is not already open, the tabroom shall be opened for a 30-minute protest period. If complaints about the upcoming round's pairings or the previous round's results are not raised within this period, the results of that round shall be deemed final and any errors not raised during this period shall not be solely sufficient grounds for awarding an Act of AMTA bid. No errors in pairing shall be corrected after this 30-minute period has passed. It is within the discretion of the AMTA Representatives to re-pair if errors are discovered within the thirty minute period, bearing in mind the timing of the discovery of the error, the need to keep the tournament on schedule, and the degree of difficulty of correcting the error.

The next round may start before the 30-minute protest period is over. If a complaint is raised within the 30-minute period following the finalization of the next round's pairings, it will be deemed timely even if the next round has started.

Complaints regarding a tournament's final round must be made within 30 minutes following the distribution of the ballots at the close of the awards ceremony. If a complaint is raised within the appropriate 30-minute period it shall be deemed timely even if the issue is not resolved within the 30-minute period. Complaints must be voiced to an AMTA Representative to be deemed official. Talking to the tournament host or a judge is not sufficient. Seconded.

Passed.

**KKK. Motion by Orange** to institute a "top-down" method to solve impermissible pairings, replacing the current "bottom-up" method.

Rationale: By using a "top-down" method, there will be less disparity between opponents' wins and rank than the current "bottom-up" method results in, especially within the top half of the pairings, where bids are at stake. Using the "top-down" method will result in pairings that more closely resemble the original pairings, before resolving the impermissibles. Because there are more changes at the end of the impermissible solving (since you cannot switch ranks with a team you have previously switched with), it would make more sense to not save these changes for teams at the top of the bracket who have a bid at stake.

This year, in both Los Angeles and Milwaukee, the use of "bottom-up" impermissible solving resulted in skewed pairings for the fourth round. Of the 22 regional fourth rounds, the "top-down" method would have resulted in either more pure pairings than the "bottom-up" method, or no change at all, except for one regional. (This one regional where the "bottom-up" method produced better results, Princeton, can be explained because of the unique scenario where 25% of the total teams in attendance were from Princeton.)

In Los Angeles, using the "bottom-up" method in the fourth round, there were a total of 20 changes of team rankings; using the "top-down" method, the total number of rank

changes would have reduced to 12. Additionally, the "bottom-up" method resulted in two matchups where there was a difference of 2 wins between opponents (UCLA 964, at 6-0, faced Cal Poly Pomona 590, at 4-2; UCLA 965, at 5-0-1, faced UCSB, at 3-2-1). Using the "top-down" method, the greatest difference in wins between opponents was 1.5 (UCLA 964, 6-0, would instead face USC 345, at 4-1-1 ; UCLA 965, 5-1-1, would instead face Redlands 812, at 4-2). However, because USC 345 dropped down to P6 (from P3) using the "bottom-up" method, there was almost no chance they would be available to face UCLA 964, D1, which would have been the best possible pairing for both teams.

Similarly, in Milwaukee , the total number of rank changes using the "bottom-up" method was 16, while using the "top-down" method would have resulted in only 8 rank changes. The most extreme example of a rank change in the "bottom-up" method involved Northwestern 395, originally ranked as P2. Using the "bottom-up" method, Northwestern 395, at 4-2, moved down to P6, facing UW-Platteville 764, at 2-4, who was originally ranked D7. Using the "top-down" method, Northwestern 395, 5-0-1, would remain as P2, and would face UW-Madison 784, 6-0 and originally D1. Of the four teams at 4-2, using the "bottom-up" method, faced opponents with 6, 5, 3, and 2 wins (16 total wins); using the "top-down" method, the 4-2 teams faced opponents with 6, 5, 4, and 3 wins (18 total wins). Thus, the "bottom-up" method resulted in more imbalanced opponents among teams with a legitimate shot at a postseason berth. Seconded.

Passed.

**LLL. Motion by Orange** to require that the top bracket in each round of each regional and national tournament (excluding Championship) have no fewer teams than two times the number of National Championship bids it has been assigned.

Thus, in regionals with 2 National Championship bids, there should be a minimum of 4 teams in the top bracket (2 matchups); in regionals with 3 National Championship bids, there would be a minimum of 6 teams in the top bracket (3 matchups).

For the purpose of this rule, each National ("silver") division would currently have 3 National Championship bids, meaning there would be a minimum top bracket of 6 teams, and the National Championship tournament would remain in the status quo (since each division has 1 bid to the Championship Round, meaning the minimum size of the top bracket would be 2, which results in no change to the current system).

Rationale: While the purpose of the regional tournaments and the National tournaments is to determine the teams most worthy of the eligible National Championship bids, the current pairing system serves to determine only the best team in each tournament.

In many tournaments, the top two teams after three rounds are forced to face each other in the fourth round, making it more possible for the second best team in the tournament to lose to the best team in the tournament in the fourth round, and losing a chance to earn a National Championship bid, despite being the second best team.

By mandating the minimum number of teams in the top bracket, it will serve as a power-protect for the top teams in the tournament, making it more likely that the best two or three teams will earn all of the available postseason bids, rather than just ensuring that the top team will earn a bid. Seconded.

Orange moves to postpone motion. Motion postponed.

**MMM. Motion by Nelmark** that the following language be added to the Tabroom Manual re: ByeBuster teams and that this language replace any existing contradictory language re: ByeBuster teams:

If a ByeBuster team maintains substantially the same composition during the course of a tournament, it shall be paired as normal.

Whether a ByeBuster team “substantially” changes composition is within the discretion of the AMTA Rep(s). The Rep shall deem a ByeBuster team to substantially change composition if the roster changes made to the team significantly alter the competitive strength of the team in the mind of the AMTA Rep. In all cases where four or more members of the ByeBuster’s roster change, the team shall be deemed to have substantially changed composition.

In creating a ByeBuster team, the AMTA Rep shall consider the following criteria in order of importance:

1. Current undergraduates are preferred to alumni or coaches.
2. Team members who attend the school opposing the ByeBuster team in a given round shall not compete on the ByeBuster in that round if it can be avoided.
3. Students who will be competing or who have competed in another regional tournament are not to be used when possible.
4. Team members who can compete for all four rounds are preferred to those who cannot.

If a ByeBuster team substantially changes composition from round-to-round it shall be ranked as the lowest possible team for the purposes of pairing. For example, in a 24-team tournament a ByeBuster team that substantially changes composition will always be ranked either 12<sup>th</sup> (in a side-constrained round) or 24<sup>th</sup>.

A ByeBuster team may be involved in a high-low swap.

For the purposes of resolving impermissible matches, a ByeBuster’s actual record and point differential is used.

ByeBuster participants may receive individual awards, but a ByeBuster team may not “place,” earn any team awards, or receive a postseason bid.

The team number assigned to ByeBuster teams shall be 224 unless otherwise changed by the Tabulation Director. Seconded.

Passed.

**NNN. Motion by Nelmark** to add the following language to the Tabroom Manual re: forfeits:

If a team cannot compete in a round for any reason and a ByeBuster team cannot be organized in a timely fashion, that team's opponent shall be given a one-point win on both ballots. The individual award points for the victorious team shall be doubled from the other round in which that team competed on the same side of the case.

If the team arrives late, it is paired as if it lost all ballots by a single point prior to its arrival. If a team departs early, the ByeBuster assumes the record of the departing team and is paired accordingly, regardless of whether or not it changes composition.

If a team leaves a tournament early or arrives late and a ByeBuster team is needed for one to three rounds, the ByeBuster's wins shall be added to the later-arriving or early-departing team's record solely for the purposes of determining that team's opponents' combined strength and strength of schedule (as well as for the opponents of the short-lived ByeBuster team).

For determining team awards and postseason bids, only ballots actually won by the team can count. The team whose late arrival and/or early departure made the ByeBuster necessary does not get credit for any wins by the ByeBuster on its own win-loss record. Seconded.

Passed.

**OOO. Motion by Nelmark** that the sides of teams in Round One pairings of AMTA regional and post-season tournaments shall be determined as part of the random draw to determine the pairings themselves. Thus, there will be no coin flips as part of Round One. Seconded.

Passed.

**PPP. Motion by Nelmark** that after Round 3 pairings are determined, the AMTA Rep(s) shall flip a coin in the Captains' Meeting to determine which "column" of teams will be plaintiff/prosecution and which will be defense.

Rationale: Our current procedure does not make sense. We give teams a chance to engage in "gamesmanship" by choosing their side, but the order in which teams choose sides as well as the team within a trial that gets to choose first is determined by chance. Seconded.

Failed.

**QQQ. Motion by Nelmark** that if a team requests to perform on a particular side in the first round, the AMTA Rep has the discretion to accommodate that request if he or she believes there is a valid reason. Some examples of reasons that may be valid are if a student who performs on only one side of the case is ill, unavoidably delayed due to something like an airline problem, or has another valid educational commitment. If the request is granted, and the team is randomly drawn into a pairing that has them performing the non-requested side, that team and its opponent shall switch sides.  
Seconded.

Passed.

## Bylaws and Policies

**RRR. Motion by Nelmark** that Section 4.05 of the bylaws be amended so that everything after the first sentence is deleted. The language prior to amendment reads:

Section 4.05. **Qualifications of Directors.** Directors and Officers must be a member of the Corporation. No Director shall hold or be a candidate for any public office that is filled by election on a partisan ballot. Acceptance of or becoming a candidate for any such office shall constitute resignation as a Director. However, this provision does not apply to a person who is in the final year of a term in a public office, has announced that s/he will not be a candidate for re-election to that office, and is not a candidate for any other public office which is filled by election on a partisan ballot.

Rationale: This is a suggestion Brad raised that was not adopted in November. I do not think we should exclude members from our board who happen to be involved in politics.  
Seconded.

Passed by 21 in favor and 3 opposed.

**SSS. Motion by Nelmark** that Section 4.10 of the bylaws be amended so that in the second sentence, the words "Directors present" be replaced with the words "votes cast." The amended language would read:

Section 4.10. **Quorum of Directors.** A majority of the Directors then in office shall constitute a quorum for the transaction of business. The action of a majority of the **votes cast** at a meeting, at which a quorum is present, shall be the action of the Board of Directors, except with respect to where an action by a majority of the Directors then in office may be specifically required by law or by these Bylaws.

Rationale: We allow for Directors to share a vote. As such, a majority of the votes, rather than a majority of those directors present, should govern. Additionally, under the current language, any abstention would have the impact of a "no" vote. Seconded.

Failed by 12 in favor and 13 opposed.

**TTT. Motion by O'Reilly** to revise the committee system. Elect committee chairs except National Tournaments Committee and National Tabulation Director. Set terms of rotation for committee members. Have all committees meet in person or by phone or e-conference twice a year with published agendas and minutes. Place each committee under the president, the president-elect or the past-president who will assist and monitor the work of those committees and communicate the needs and accomplishments of the committee to the executive committee and the board. Develop a charge for each committee.

Seconded.

Referred to Strategic Planning Committee with request that Faith O'Reilly put forward a more specific proposal. O'Reilly invites directors and candidate-members to send her suggestions.

**UUU. Motion by J. Wagoner;** that the individual who posted the offensive comments on Perjuries about the UCLA team captain be censured by this Board and that a letter describing the offense and the evidence against the student be submitted to said student and the administrator who handles student disciplinary matters at his/her institution.

Withdrawn.

**VVV. Motion by Orange** that the Board adopt the following policy:

#### ALCOHOL POSITION STATEMENT

The American Mock Trial Association likens its sanctioned tournaments to actual trials. Accordingly, during sanctioned tournaments, from team registration through the end of the last scheduled tournament event, AMTA discourages consumption of alcohol or any other substance that is commonly known to affect the ability of attorneys to effectively represent their clients.

All participants should strive to emulate the finest practitioners in the legal profession. Professional, ethical and collegial behavior is expected at all times.

Motion by Zeigler to amend motion to read

All participants should strive to emulate the finest practitioners in the legal profession. Professional, ethical and collegial behavior is expected at all times. Inappropriate behaviors include but are not limited to the following:

- disparaging comments based upon race, gender, national origin, sexual orientation, disability, age, class, religion or political beliefs
- failing to treat fellow participants with respect
- engaging in dishonesty in any matter related to Mock Trial
- violating the rules outlined in the AMTA fact situation and rules, including all rules related to courtesy
- engaging in irresponsible behavior that puts oneself or others at risk, including being intoxicated at any time during tournaments
- illegal conduct of any sort during tournaments, including underage drinking, from the arrival at registration until departure from the site following the awards ceremony

The Board shall send an electronic letter to AMTA participants alerting them to both the policy above (to be posted on the web page) and to Rules 1.1, 1.2, 1.3, and 1.5 and the process outlined in section 9 for the enforcement of violations.

Amendment passed.

Motion as amended passed.

#### **New Initiatives:**

**WWW. Motion by Calkins** to create a “guest of honor” committee.

Seconded.

Amended to add the task to the charge of the Spirit of AMTA committee.

Passed.

**XXX. Motion by O’Reilly** that AMTA should take steps to move toward the tournament design set out below for its regional and national tournaments. The proposals below are separable for purposes of our voting. However, please read and consider the proposal as a whole as it is intended to be a comprehensive revamping of our tournament schedule and design.

- A. The regional tournaments should be held in late November and early December. *Comments to part A: This proposal would (1) Shorten the Invitational Season. Currently the Invitational season runs from October through January with many options. Some would argue there are now too many invitational tournaments. One result of adopting this proposal would be to shorten the invitational season and get the regional competitions concluded by Christmas break. (2) Bring the seasons into line with the academic calendar. The current season is too long and does not conform to the academic calendar. Since our institutions have a variety of schedules, we know we can't develop a schedule for AMTA events that fits every academic calendar. However, all the schools have a significant break in late December and early January.*
- B. The period of January and early February provide time for a short invitational season with the new case. National preliminary rounds would begin in late February and end in March at times agreed upon by the National Tournament Committee and the hosts. The national championship rounds could be held at a time determined by the board. *Comment to part B: After the regional tournaments are pushed back into Late November and December, the schedule for the national tournaments becomes more flexible.*
- C. A new case should be used for the national tournament in the spring term. *Comment to part C: The case becomes very stale when it is used repeatedly for nine months. Currently the high school teams receive a new case for the national tournament and college kids are certainly capable of doing the same. The level of competition between winning teams is of such a caliber now that the teams need a new challenge to help judges with the process of truly determining which the best mock trial team in the nation is. Under this approach, students could have one criminal and one civil case each year. This would enhance the educational value of the mock trial experience.*
- D. There will be only one unified national tournament. It will have preliminary rounds and a set of final championships rounds. The top 32 teams competing in the preliminary rounds will go to the championship rounds. The preliminary rounds and the championship rounds will be held in locations decided by the board. *Comment: Under this design no teams advance directly to the national tournament. All teams qualifying for the national tournament would have to compete in preliminary rounds and only the top 32 teams would advance to the national championship rounds. The number of preliminary competitions would be increased from two to three and eventually four with 48 teams competing in each preliminary tournament. The tournaments could be placed in airline hub cities or other sites that are easily and reasonably cheap to access like Florida and Southern California.*
- E. The top eight regional winners would be eligible to proceed to the national tournament. Bids should be divided among the regions using computations that take into account the regional strength, competitive history of the teams in each region plus the number of teams actually competing in each. *Comments to Section E: There are several ways this could be done. AMTA should decide what its priorities are and the strength of each priority - competitive purity, regional representation, maximum participation etc. The design chosen should reflect those priorities.*
- F. Final championship rounds should have two divisions with head-to-head competition determining the final national champion. *With 32 teams competing in two divisions, the championships rounds could produce a final round without resorting to tie*

*breaking procedures if a judging panel of three or five judges who vote for one team or the other is used. Scoring by ranks or computed numbers could be used to determine All-American attorneys and witnesses. Alternately, the final rounds could involve a combination of preliminary rounds based on current scoring system and semi- and final- rounds that are head-to-head.*

- G. A reasonable period of time and reasonable intermediate steps, not to exceed three years, to be determined by the board and the national tournaments committee, would be provided to implement this new design. *Comment: The board will need both time and transitional steps to move to this design. It is not expected that the change would be made for the 2006/2007 season.*

Referred to Strategic Planning.

**Motion by Freixes** to amend the agenda to consider a motion relating to requirements of board membership and the cap on number of members. Passed.

**Motion by Freixes** to amend Bylaws Article 4 to automatically remove directors who miss three consecutive annual meetings. Withdrawn to be discussed at a later point.  
Motion by Freixes to amend Section 4.05 of the AMTA By Laws to add the following as the second sentence of Section 4.05.

“An individual who has served as the Director of the corporation for 3 or more successive terms, but who has failed to attend 3 successive annual meetings of the corporation, shall not be eligible for election as a Director of the corporation for a period of 1 year. Nothing in this section shall prevent a Director made ineligible pursuant to this section, from serving as a Board Candidate after the expiration of the 1 year period previously referenced.”

Motion by Calkins to amend motion to indicate two annual meetings. Seconded.

Passed by a vote of 13 in favor.

Motion as amended passes with 17 of 25 in favor.

**Motion by Nelmark and Wagoner** to amend the agenda to consider a motion reconsidering DD to permit a single 10-person team per program.

Passed.

**Motion by Nelmark and Wagoner** to allow one team per program to have up to 10 persons on a roster.

**Motion by O'Reilly** to amend the motion to limit the 10-person team to competition at regional level but not beyond. Seconded. Failed.

Motion failed.

**Motion by Wagoner** to adjourn. Seconded. Passed.