



American Mock Trial Association
Minutes of the 2007 Annual Board Meeting Agenda
June 15-16, 2007

The following represent the minutes of the 2007 Annual Board Meeting of the American Mock Trial Association, held on June 15-16, 2007 at Lewis University in Romeville, Illinois. Each agenda item for the meeting is listed, followed by the Board action on the item. The Board Action appears in bold-faced font.

I. Call to order

A. Welcome and remarks – President Marcus Pohlmann

The meeting was called to order at 1:18 p.m. by President Mark Pohlmann.

B. Introductions – Members and Guests

The following Board Members were present for the meeting on Friday, June 15, 2007: Justin Bernstein, Brad Bloch, Jason Butler, David Cross, William Dwyer, Matthew Eslick, George Failla, Gonzalo Freixes, Frank Guliuzza, Alicia Hawley, Glen Halva-Neubauer, Dan Haughey, Dan Herron, Oscar Holt, Jim Houlihan, Barry Langford, David Nelmark, Mary Lynn Neuhaus, Olu Orange, Marcus Pohlmann, Katie Pridemore, Johnny Pryor, William Ravenell, John Rink, Jo Ann Scott, Ryan Seelau, John Vile, Jim Wagoner, Felicia Walker, Jonathan Woodward and Sara Zeigler.

The following Board Members were absent on Friday, June 15, 2007: Dick Calkins, Roberta Flowers, Mike Johnson, Michael Kelly, Faith O'Reilly and Don Racheter.

On Saturday, June 16, 2007, all Board Members present on Friday, June 16, 2007, were also present, except as follows: Dick Calkins was also present and Glen Halva-Neubauer and Katie Pridemore were absent. Alicia Hawley was absent for the morning session.

Also present were the following representatives from member Institutions: Don Donelson (Wake Forrest), Tracy Berson (New Hampshire) and Heather Creed (Baylor).

II. Election of Board Members

- A. Motion to set number of Directors at 40 (Zeigler and Wagoner). [*requires 2/3 vote for approval*]

Seconded. Motion passes unanimously

- B. Motion to elect Board Members (Zeigler).

Seconded.

By written ballot, the following Board Members were elected for the 2007-2008 year:

Justin Bernstein, Brad Bloch, Jason Butler, Dick Calkins, David Cross, William Dwyer, Matthew Eslick, George Failla, Roberta Flowers, Gonzalo Freixes, Frank Guliuzza, Alicia Hawley, Glen Halva-Neubauer, Dan Haughey, Dan Herron, Oscar Holt, Jim Houlihan, Mike Johnson, Michael Kelly, Barry Langford, David Nelmark, Mary Lynn Neuhaus, Faith O'Reilly, Olu Orange, Marcus Pohlmann, Katie Pridemore, Johnny Pryor, Don Racheter, William Ravenell, John Rink, Jo Ann Scott, Ryan Seelau, John Vile, Jim Wagoner, Felicia Walker, Jonathan Woodward and Sara Zeigler.

III. Motion for Approval of Agenda.

Seconded. Motion passes unanimously.

IV. Motion for Approval of Minutes from 11/11/06 Mid-Year Meeting [*attached*]

Seconded. Motion passes unanimously.

V. Consent Calendar [*attached*]

- A. Removal of Items from Consent Calendar

The following items were removed from the Consent Calendar:

Item II(C) – placed at the end of the agenda.

Item II (C) was recalled on Saturday, June 16. By motion seconded and approved, the Board went into Executive Session to discuss Item II(C), the Employment Contract of Susan Ewing, AMTA Executive Administrative Assistant and the Agreement Regarding the Employment of Susan Ewing (between AMTA and Dick Calkins).

Motion by Orange to amend the Employment Contract to increase the annual salary of Ewing to \$ 28,000. Seconded.

Motion to refer the issue of increasing the Employment Contract compensation to the Human Resources Committee. Seconded.

Motion to refer passes. Motion to amend the referral to include the authority for the Human Resources Committee to act. Seconded. Motion passes.

Motion to approve the Employment Contract. Seconded. Motion passes.

B. Motion for Approval of Consent Calendar.

Seconded. Motion passes unanimously.

VI. Motions

A. Committee Recommendations

1. Strategic Planning Committee

- a. Motion that each institutional member (i.e., school) be limited to two competing teams at any given regional tournament. (Wagoner and Scott)

Seconded.

Motion by Bloch to amend the Motion to grant the RTC the discretion to grant a waiver to the 2-team cap to a program that petitions the RTC based on geography. Seconded. Motion fails.

Motion by Bloch to amend the Motion to exempt Regional Hosts from the 2-team cap and defer a decision on how the cap will affect those programs until the Mid Year Meeting. Seconded. Motion fails.

Motion VI(A)(1)(a) passes.

- b. Motion that AMTA establish a Division II for the 2008-2009 competition season, as set forth in the attached "Division II Proposal". (Wagoner and Scott)

Seconded.

Motion to amend the proposal to delete the words “recruiting a tournament host” from the Division II proposal, section E. Seconded. Motion passes.

Motion by Freixes to amend the proposal to allow the 2 winners of the Division II Tournament to compete in the National Tournament if they so choose. Seconded. Motion fails.

Motion VI(A)(1)(b) passes on a roll call vote 19-10.

- c. Motion that AMTA establish a Unified National system for the 2008-2009 competition season, as set forth in the attached “Unified National Proposal.” (Wagoner and Scott)

Seconded. Motion by Guliuzza to amend the proposal to change the name of the tournaments from “Super Regional” to “Opening Round Sites of the National Championship Tournament”. Seconded. Motion fails.

Motion by Orange to amend the proposal to change the name of the tournaments from “Super Regional” to “National Tournament”. Seconded. Motion passes.

Motion VI(A)(1)(c) passes.

2. National Tournaments Committee

- a. Report from NTC Chair on potential national host sites and dates for 2007-2008. (Committee)

Chair Frank Guliuzza made a report to the Board as to potential sites.

- b. Motion to authorize the NTC to select sites in 2008 that can host 24, 32 or 48 teams, provided that the total number of national bids equals or exceeds 96. The NTC will announce the sites and dates no later than August 15, 2007. (Committee)

Seconded. Motion passes unanimously.

3. Human Resources Committee *(if approved by Board on Consent Calendar)*

- a. Motion to elect At Large Board Member to serve on Human Resources Committee for 2007-2008. (Freixes)

Seconded. George Failla, Olu Orange and Felicia Walker were nominated. Nominations were closed. On a ballot vote, Felicia Walker was nominated to serve as the At Large Board Member on the Human Resources Committee.

On Saturday, June 16, 2007, Felicia Walker resigns her appointment prior to the end of the Board Meeting.

Motion by Zeigler to appoint George Failla by acclamation to the Human Resources Committee. Seconded. Motion passes.

B. Amendment to Bylaws (*require 2/3 vote for approval*)

1. Motion 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 (Nelmark).

Seconded. Motion passes.

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. A good example of the need for this change was seen at the 2006 Mid-Year meeting. The issue involved bid allocations so a number of members abstained due to perceived conflicts of interest. When this number was combined with the absences of a few members, it would have made it very difficult for the motion to pass even if a vast majority of those present favored the motion.

2. Motion that the chair of any committee that is allocated monies for spending on behalf of AMTA is responsible for monitoring any and all expenditures by or on behalf of that committee, including by its members, agents or representatives, and for producing biannual reports detailing the date, amount, purpose and responsible individual(s) for any and all such expenditures, and providing such

reports to the Treasurer. The Treasurer will determine the deadlines by which such reports must be produced, and the deadlines may be set on no less than 60 days notice to the committee chairs (Cross).

Motion withdrawn by Cross.

C. Governance Matters

1. Motion that all changes to rules or procedure that change or affect how every AMTA trial is carried out must be voted upon by the entire Board before implementation. (Orange)

RATIONALE: System-wide changes should be voted on by the entire Board. A mid-year meeting was implemented to allow for necessary changes to be made by the entire Board. We shouldn't move away from that model.

Motion withdrawn by Orange.

2. Motion that non-board members be permitted to serve on committees and exercise full voting rights within the Committee. Per the bylaws, they will not be permitted to vote on motions before the Board of Directors. (Wagoner)

Seconded. Motion passes unanimously.

3. Motion to instruct Brad Bloch regarding his work on the "history of AMTA." (Bloch)

Gulizza moves to refer the matter to the Communications Committee. Seconded. Motion passes.

D. Fiscal Matters

1. Presentation of Treasurer's Report. [see attached "AMTA Budget FY 2008" and Treasurer's Commentary in "AMTA Budget FY 2008 Discussion"]

Treasurer Glen Halva-Neubauer presented the Treasurer's Report, including an Income & Expense Statement and Balance Sheet (copies of which are attached hereto).

2. Motion that no team shall be given the password to the case materials until their payment for registration has been received by the AMTA office and until the team has paid any outstanding penalties. (Nelmark)

Seconded. Motion passes unanimously.

3. Motion that Rule 2.8 be amended as follows: "Rule 2.8 Registration fees. Annual membership fees will be set at \$375 per school (\$225 for new programs). Programs will be charged \$250 for one team to register for National and Championship Tournaments and \$500 for a second team to register for National and Championship Tournaments. Teams that participate in a National Tournament and in the National Championship Tournament must pay two postseason fees. The regional registration fee for the first team from each program shall be \$150. The regional registration fees for the second team shall be double the fee for the first team; regional registration fees for the third team shall be triple the fee for the first team; so on and so forth for each additional team registered for regional competition." (Cross)

Motion withdrawn.

4. Motion to adopt the Fiscal Year 2008 budget (Halva-Neubauer)

Motion tabled to the end of the Board Meeting.

On Saturday, June 16, 2007, the motion was seconded and passes.

E. General Tournament/Competitive Matters

1. Motion to require case changes for any national tournament to be posted only after the completion of the last regional tournament. (Freixes).

Seconded. Motion passes unanimously.

2. Motion to adopt a policy of accommodating a "standby-team" for all national or post-regional tournaments to avoid the need to assemble a bye-buster team. (Zeigler)

Motion to refer the motion to the National Tournaments Committee. Seconded. Motion passes.

3. Motion to create a policy specifically noting that a case author or co-author of the case is not precluded from coaching or participating on an AMTA-sanctioned team. The author(s) or co-author(s) names

shall not appear on the case on any materials provided to judges.
(Zeigler)

Seconded. Motion passes unanimously.

4. Motion that each team in a round be awarded a "team score" at the end of the round. The score will be on the range of 1 to 10 as with all other scores and will be an assessment of how the team performed overall throughout the round. As with all other scores, scoring criteria will be specified for the judges to consider in determining the scores. Such criteria will be determined by the Rules Committee. (Cross)

Motion by Zeigler to refer the proposal to the Rules Committee to adopt specific policies regarding the team score and coordinate with Invitational Tournament hosts to implement the proposal on a pilot basis and provide feedback . Seconded. Motion passes.

RATIONALE: The sum of the parts is not always equal to the whole. Mock trial is fundamentally a team activity, and as such there should be a team score representing an overall assessment of the team's performance, as opposed to merely aggregating distinct assessments of individuals.

5. Motion to amend the judges instructions, and appropriate Rules of Procedure, to explicitly provide that Plaintiffs may introduce evidence/exhibits during the Defense case, and vice versa. (Orange)

Seconded. Motion by Butler to amend the proposal to delete the words "the judges instruction, and". Seconded. Motion passes.

Motion to refer the proposal to the Rules Committee to develop an appropriate rule or policy. Seconded. Motion passes.

RATIONALE: There is no opportunity for the Plaintiffs to put on a rebuttal case or witnesses. Unless, such an instruction is given, judges unfamiliar with AMTA are not inclined to allow the participants such an opportunity.

6. Motion that the following policy be adopted: "The documents physically included among the case materials comprise and include all documents produced or supplied to, received by or otherwise observed by any party's counsel in discovery. Each case must include a complete list of each document and other materials comprising the case materials, and students may be permitted to produce that list to the judges in a round if and only if a dispute should arise as to whether a document or other material is included

among the case materials. Teams may not attempt to circumvent this policy by stating or suggesting that information was communicated to counsel orally or that information was communicated to the opposing party directly rather than through their counsel." (Orange and Cross)

Seconded. Motion fails.

7. Motion that no pre-made demonstratives other than enlargements of materials included within the case packet may be used in any way that conflicts with or contradicts case materials or contravenes the spirit of the invention of fact rule, e.g. using a photo purported to be of the scene that was not included in the case packet. All pre-made demonstratives must be shown to opposing counsel during the Captains' Meeting. Any disputes regarding this rule must be resolved during Captains Meeting, and any team that fails to raise an issue regarding a demonstrative during the Captains' Meeting waives the right to any intervention under this rule. Standard evidentiary objections may continue to be raised during trial and should be dealt with at that time. (Nelmark)

Seconded. Motion fails.

8. Motion that AMTA Representatives will have the discretion to correct errors, including those in pairing, tabulation or recording provided, that such errors can be corrected without undue tournament schedule disruption. Record errors shall be corrected if discovered within the 30-minute review period for each round. Pairing errors discovered within the 30-minute review period shall be corrected if such correction can be made without undue tournament schedule disruption. The AMTA Representative(s) shall not correct any errors discovered after the expiration of the 30-minute review period unless pairings can be redone without undue tournament schedule disruption. (Nelmark)

Seconded.

Motion to table the proposal until the June 16 session. Seconded. Motion to table passes.

Motion is recalled and the motion passes.

9. Motion that the AMTA Representative(s) may correct errors in record for any round up until the expiration of the 30-minute review period at the end of the tournament. Should the AMTA Representative(s)

correct such an error, the Representative(s) shall not alter pairings or point differential (Pohlmann).

**Motion to table the proposal until the June 16 session passes.
Motion withdrawn.**

10. Motion that the following rule be adopted: "Notwithstanding any explicit or implicit reference to the U.S. Constitution or any other federal, state or local law within the Midlands Rules, no statute, code, regulation, ordinance, rule, treaty, doctrine or opinion of any judicial, legislative or administrative authority may be invoked, asserted, cited, referenced, relied upon, or otherwise mentioned or observed in competition unless expressly included among the relevant legal authorities set forth in the case materials at use in that competition."
(Cross and Nelmark)

Seconded. Motion passes.

11. Motion that the following policy be adopted: Any presentation to any judge or judges in preparation for an AMTA-sanctioned tournament must inform them of the rule prohibiting reference to legal authority not included in the case materials. (Cross) *(This motion is offered only if the related motion proposing the rule passes.)*

**Seconded. Motion by Dwyer to refer to the Rules Committee.
Seconded. Motion to refer passes unanimously.**

12. Motion to add a Comment to Midlands Rules of Evidence 404(b) to include the following: While the prosecution in a criminal case shall provide written notice of intent to use character evidence prior to witness selection in the captains' meeting, this notice requirement in no way prohibits the use of character evidence under Rule 404(b) in civil trials. A written notice is simply not used in the context of civil trials. As such, the Court shall not entertain objections in a civil trial based on "plaintiff's failure to provide written notice of intent to use character evidence." (Pridemore)

Seconded. Motion by Dwyer to refer the proposal to the Rules Committee with authority to act. Seconded. Motion to refer passes.

RATIONALE: Rule 404(b) applies in real life to both criminal and civil cases. The Midlands Rules of Evidence mimic the Federal Rules by requiring the Prosecution to give written notice in a criminal case. I fear that student will be confused in a civil case and think either of two

things: (1) they can't use character evidence under 404(b) in a civil case or (2) there has to be some sort of written notice in a civil case.

13. Motion to create a "Written Notice of Intent to Use Evidence Under Rule 609(b) Form" to conform to Rule 609(b)'s requirement to provide written notice. (Pridemore)

Seconded. Motion by Butler to refer the proposal to the Rules Committee with authority to act. Seconded. Motion to refer passes.

RATIONALE: We should not tell the students to provide a written form to the opposing side if such a form has not been included in the case packet.

14. Motion that character evidence forms must be submitted if any party plans to introduce character evidence regarding any witness and that no party may refuse to sign the character evidence form if properly presented by the opposing team. (Nelmark)

Seconded. Motion by Nelmark to refer the proposal to the Rules Committee with authority to act. Seconded. Motion to refer passes.

15. Motion to have the Board identify what will happen to the Reifsnnyder & Stamatelos traveling trophies since the National Tournaments no longer have Final Trials. (Bloch)

Seconded. Motion by Failla to transfer the trophies to the National Mediation Tournament. Seconded. Motion passes.

Comment: One option is that they could be presented at the National Mediation Tournament.

16. Motion to restore the Tournament program to the AMTA Championship. (Bloch)

Seconded. Motion by Cross to amend the proposal to require that the program only be produced if it can be done so at no cost to AMTA. Seconded. Motion withdrawn.

Motion by Freixes to refer the proposal to the Development Committee with authority to act. Seconded. Motion to refer passes unanimously.

17. Motion to rework the formula for Team Spirit of AMTA. (Bloch)

Motion by Cross to refer the proposal to the Spirit of AMTA Committee. Seconded. Motion to refer passes.

*Comment: I think that there should be some factoring in of how low scores can be. How do I work this? I think it is unwise to award a TSOAA to a team that gives all its opponents the lowest possible score.***

18. Motion to have the pre-national case changes include a different legal claim than the one used through the regional tournaments, starting during the 2008-2009 season. For example, in a criminal case, you could have an armed robbery case through the regional tournaments, and for the national tournaments, the charge will become attempted murder, using mostly the same facts and witnesses that came with the earlier charge. (Kelly)

Seconded. Motion fails.

19. Motion that for the first round pairing at a national tournament, teams be divided in two groups based on "Strength Points", to avoid having two of the top teams in the competition face each other in the first round, while still maintaining a random draw. Strength Points will be determined as follows: The sum of [Regional Wins] and [the better of the previous year's National Championship Tournament wins multiplied by two, or the previous year's National Tournament wins]. (Kelly)***

Seconded. Motion by Guliuzza to refer the proposal to the Tabulation Committee but with no authority act. Seconded. Motion to refer passes.

20. Motion that that following policy be adopted: "Every AMTA Representative assigned to a tournament or national division should consider potential conflicts of interest, actual or perceived, when considering whether to consult any individual concerning an issue pertaining to the competition to which the Representative has been assigned. For example, AMTA Representatives should avoid consulting any individual, including members of the AMTA Board of Directors or AMTA Officers, who coaches, advises, consults, or is otherwise affiliated with any program having one or more teams competing in that tournament (for tournaments with multiple divisions, this policy applies only to teams competing within the same division), regarding any matter or issue arising during a request for tab room

intervention or otherwise related to any disciplinary matter arising at that tournament or division." (Cross)

Seconded. Motion fails.

RATIONALE: AMTA still suffers at times from a "good ol' boys network" perception, and some folks still fear that "insider" programs are favored by virtue of their relationships with Board members. I put no stock in this perception and generally believe that paranoid perceptions should not dictate policy. However, in this one area, I think perception is important. We have AMTA Reps not because they are needed, but because they satisfy perception. Nobody on the Board believes that any of our colleagues would ever do anything unethical or untoward at a tournament to benefit her own teams or disadvantage others in the field; thus, there is really no need for AMTA Reps at all. We could simply rely on the Board members present at tournaments by virtue of their teams competing there to administer the tournaments. Nevertheless, some time ago, we decided that we would use independent, outside observers to administer tournaments to avoid any perception or complaints of bias, unfairness or similar gripes. That goal may be undermined, though, when an AMTA Rep consults a coach, advisor or other individual affiliated with a team competing at the tournament on matters of discipline, rule interpretation or the like. Indeed, I have heard this complaint many times in my years as a coach. The perception that the outside observer may be unduly influenced or otherwise erode her independence or objectivity by consulting a conflicted individual, including another Board member, is not wholly unreasonable. AMTA Reps must preserve their independence and objectivity not only in substance but also in perception. In short, they must be beyond reproach to the extent possible so that their determinations can be deemed fair and just, even if others might disagree on the merits. This policy is aimed at furthering the goal and purpose of AMTA Reps. There are enough members on the AMTA Board (or others with deep mock trial or AMTA experience and reputations for honesty and fairness) that an AMTA Rep should have ample individuals available for consultation if needed should this motion pass. This motion will in no way impede AMTA Reps in fulfilling their responsibilities and, indeed, merely creates a policy that will protect them from petty attacks. As the Board relies more and more on non-Board members to serve as AMTA Reps, I think it behooves AMTA to enact this policy in order to ensure that all Reps consider potential conflicts before consultations.

F. Tabulation/Bid Matters

1. Motion that the PPP process be adjusted in the manner set forth in David Nelmark's memorandum to be distributed at the Board Meeting. At a minimum, the new process shall include the following changes: (1). Teams that qualified for the Championship in the previous season and that are not projected to qualify for the Championship in the current season are given a fictional PPP record of 7. (2.) No region may have less than five (5) total postseason bids. (3). No region may have more than eight (8) total bids. (Nelmark)

Seconded. Motion passes.

2. Motion that only regional champions shall qualify directly to the National Championship. Act of AMTA bids will be pulled from the National pool of second chance bids if needed. (Nelmark)

Alternatively, motion that each region shall receive one direct bid to the National Championship Tournament. Act of AMTA bids will be pulled from the National pool of second chance bids if needed. Additionally, all teams that earn a regional record of 7 wins or better shall also advance directly to the Championship. (Nelmark)

Alternatively, motion that each region shall receive one direct bid to the National Championship Tournament. Additionally, all teams that earn a regional record of 7 wins or better shall also advance directly to the Championship. Thirty two bids shall be awarded as second chance bids from the National Tournaments (provided that 32 bids are remaining after Acts of AMTA and the 7 win caveat). Any remaining bids shall be awarded based on a system adopted by the National Tournaments Committee and ratified by the board at the 2007 Mid-year meeting. The system shall take into account wins, combined strength, and/or regional strength. (Nelmark)

Seconded. Motion and Alternative motions withdrawn.

3. Motion to amend the Tabulation Manual and Step-by-Step Pairing Guidelines, p. 14 as set forth below (Gulizza):

"TABULATION MANUAL & STEP-BY-STEP PAIRING GUIDELINES:

For Rounds 2 and 4, which are side constrained, before pairing the teams are ranked independently into P1, P2, etc. and D1, D2, etc. In resolving impermissible Round 2 and Round 4 matches, only compare cards to others that need the same side of the case. Example: P3 is impermissibly matched against D5. P3 is compared against P2 and P4 while D5 is compared to D4 and D6.

The next closest record is a difference of zero, followed by one-half a ballot, a full ballot, etc. Remember that two ties are considered one win. If more than one comparison has the closest record difference then you will have to look at additional factors to determine which cards to swap.

The first priority, when more than one comparison has the closest record difference is to ask which trade, if any, among the teams with identical record differences, will produce no new impermissible matches. If, for example in a second round pairing, P4 (1-1, +23) is unable to hit D5, then one must compare P4 with P3 and P5 and D5 with D4 and D6 to see which potential swap involves teams with the closest record. Assume P3 and P5 have identical records with P4 at 1-1. You notice that P3 is 1-1, +10 and P5 is 1-1, +22. It certainly makes sense to trade P4 and P5 inasmuch as they have the same record with but a single point difference (as is described below). However, you notice that P5 v. D5 will produce a same-school match whereas swapping P3 with P4 cleans up the original impermissible match and produces no further impermissible meetings. Make the trade swapping P3 with P4.

If there is no way to avoid create new impermissible matches when swapping between teams with the same closest record difference, then determine which of those comparisons has the least difference in point differential. Note that comparing a card with a running differential of +8, there is an identical difference in point differential with card which have differentials of +4 or +12 (four points in differential up or down).”

Seconded. Motion passes

Rationale: (1) The assumption that moving through range of impermissible matches makes things substantially more challenging for those pairing the tournament and is more likely to produce mistakes. Resolving impermissible matches with the first pairing possible is likely to reduce those mistakes (and certainly outweighs the benefit of matching teams with closer point differentials).

(2) A concern that as we move through the various attempts to resolve impermissible matches, teams are pulled further-and-further from their original bracket position therefore distorting the power-pairings that we are trying to protect by establishing high-low brackets in the first place.

4. Motion that Third and fourth round pairings shall be made and impermissible matches shall be resolved in the third and fourth round of all competitions using record and then combined strength (rather than point differential). The Tabulation Manual shall be changed to

include explanatory language about this process. (Nelmark)

Seconded. Motion passes unanimously.

Rationale: It does not make sense to break post-tournament ties using Combined Strength but use Point Differential for in-tournament rankings. Combined Strength is a better indicator of quality, and it should be used when possible. Note: it is not possible to use CS in round 1 or 2.

5. Motion that the fourth round pairings at regional tournaments shall be done using the "money round" pairing system distributed by David Nelmark at the 2006 Board Meeting. (Nelmark)

Seconded. Motion withdrawn.

David Nelmark will distribute a revised version of this proposal prior to the Board Meeting.

G. Team Matters

1. Motion to raise the team member cap to 10 for a single team per program. (Scott)

Seconded. Motion passes.

2. Motion that each institutional member (i.e., school) be limited to one competing team at any and all post-regional tournaments. (Cross)

Seconded. Motion by Cross to amend the proposal to limit institutions to one competing team at the National Championship Tournament beginning in 2008-2009. Seconded. Motion to amend passes.

Motion to call the question. Seconded. Motion fails.

Motion by Calkins to refer the proposal, as amended, to the Strategic Planning Committee. Seconded. Motion fails.

Motion to have the vote of the Motion VI(G)(2) by secret ballot. Seconded. Motion fails.

Motion VI(G)(2), as amended, fails.

3. Motion to amend Rule 3.4 of the AMTA Rule Book to read as follows for the 2008-2009 competition year: **"Rule 3.4 Number of teams**

eligible for the postseason. There is a limit of three teams per school for National and Championship Tournaments combined. Bye-buster teams are exempt from the limitation.” (Freixes)

Seconded. Motion by Freixes to amend the proposal to delete the words “and Championship.” Seconded. Motion to amend passes.

Motion, as amended, fails.

Rationale: This motion is to be presented only in the event that the Board adopts Motions VI.A.1.a (two team limit per Regional Tournament) or VI.A.1.b (Unified National Proposal, with expanded field for Super Regional Tournaments). If AMTA adopts the two-team limit per Regional Tournament or the Unified Regional Proposal, then schools with more than 2 teams have to bear the extra expense and time commitment involved in attending multiple Regionals or Super Regionals. Additionally, adopting the Unified Regional Proposal expands the number of teams that can compete at Super Regionals. Finally, one of the stated rationales for these changes is to promote having the best teams qualify from each Regional. Increasing the per-school team cap at National Tournaments to three (3) would ensure the best teams from each Regional compete at National Tournaments, and provide additional incentive to programs that will have the extra expense and burdens of having to send their teams to different Regional Tournaments. Finally, because the field of teams qualifying would be increased by the Unified National Proposal from the current 192 to 240, this proposal would have a negligible impact on other programs.

H. Regional Tournaments Matters

1. Motion to add the following to the AMTA Rulebook and re-number existing portions of the AMTA Rulebook accordingly (i.e. this Rule is NOT intended to replace any other Rules): (Gulizzza)

Seconded. Motion by Dwyer to refer to the Regional Tournaments Committee. Seconded. Motion to refer passes unanimously.

Rule 5.17.01. Statistics on the number of evaluators who are attorneys, judges, coaches, law students and non-attorneys shall be kept for each regional tournament. Statistics must also keep track of how many judges were used total per round (i.e. to keep track of the number of 3-judge panels and any 1-judge panels that may exist). These statistics will be made public annually via the AMTA website and upon request of any member institution.

Rationale: To increase accountability of Regional Tournament hosts and to increase pressure on Regional Tournament hosts to produce a high-quality product. Note a sample spreadsheet used to collect such statistics is attached.

2. Motion to add the following to the AMTA Rulebook and re-number existing portions of the AMTA Rulebook accordingly (i.e. this Rule is NOT intended to replace any other Rules): (Guliuzza)

Seconded. Motion by Wagoner to refer to the Regional Tournaments Committee. Seconded. Motion withdrawn.

Motion H(2) is also withdrawn.

Rule 5.17.02. The use of any coaches, law students and/or non-attorneys/non-judges as evaluators for two consecutive years is grounds for the Regional Tournament Committee to revoke a Regional Tournament from a host and grant that Regional Tournament to another eligible host. The Regional Tournament Committee does not have to revoke a Regional Tournament for this reason, but may if they deem it proper.

Rationale: To increase accountability of Regional Tournament hosts and to increase pressure on Regional Tournament hosts to produce a high-quality product.

3. Motion to add the following to the AMTA Rulebook and re-number existing portions of the AMTA Rulebook accordingly (i.e. this Rule would NOT replace the current Rule 5.12, but instead would force that Rule to be renumbered): (Guliuzza)

Motion withdrawn (as a duplicate motion was adopted in the Consent Calendar).

Rule 5.12 Regional host eligibility. Regional Tournament host can be any member school or other qualified organization that meets the criteria laid out by the Regional Tournament Committee and the criteria established in these rules.

Rationale: This has always been the practice, this motion would just put this practice into writing. The Rule also allows for the possibility of non-school hosts—like non-profits.

4. Motion to amend the current Rule 5.16 to read as follows: (Guliuzza)

Motion withdrawn.

Rule 5.16 Regional host reimbursement. Regional Tournament hosts will be provided with a minimum of \$60 times the number of teams assigned. (6-07) Regional hosts are not permitted to charge teams additional fees (above those paid to AMTA) to participate in a regional qualifier. (6-01)

Rationale: To increase the financial incentive to host Regional Tournaments in an effort to elicit more proposals and thus make the selection process more competitive to increase the quality of Regional Tournaments nationwide.

Motion withdrawn.

I. National Tournament Matters

1. Motion to add the following to the current version of the AMTA Rulebook and number accordingly (this Rule is not meant to eliminate any previous Rules): (Guliuzza)

Motion by Seelau to refer to the National Tournaments Committee. Seconded. Motion to refer passes.

Rule 5.22.01 Eligibility to host a National Tournament. Potential National Tournament hosts must go through a bid process. They must meet the criteria established by these Rules as well as any additional criteria laid out by the National Tournament Committee. In order to host a National Tournament a potential host must have successfully hosted a Regional Tournament for two consecutive years. In the event that no potential hosts meet these criteria, then the National Tournament Committee shall have discretion in deciding who gets to host the National Tournament. Nothing in this Rule is intended to require current National Tournament hosts to host a Regional Tournament before submitting a proposal to host a future National Tournament.

Rationale: This is done to allow greater flexibility in future years as growth continues. It also allows more hosts if passed in conjunction with Motion 2 .

2. Motion to add the following to the current version of the AMTA Rulebook and number accordingly (this Rule is not meant to eliminate any previous Rules): (Guliuzza)

Motion by Woodward to refer to the National Tournaments Committee. Seconded. Motion to refer passes.

Rule 5.22.02 Hosting two divisions optional. A potential host for a National Tournament may submit a proposal to host one National Championship division (currently of 24 teams) or may submit a proposal to host two National Championship divisions (currently totaling 48 teams). The National Tournament Committee, likewise, may grant potential hosts the right to host one or two divisions as they see fit. Nothing in this Rule is intended to require current National Tournament hosts to host a Regional Tournament before submitting a proposal to host a future National Tournament.

Rationale: This is done to allow greater flexibility in future years as growth continues.

3. Motion to add the following to the current version of the AMTA Rulebook and number accordingly (this Rule is not meant to eliminate any previous Rules): (Guliuzza)

Motion by Woodward to refer to the National Tournaments Committee. Seconded. Motion to refer passes.

Rule 5.22.03 Eligibility to host a Championship Tournament. Potential Championship Tournament hosts must go through a bid process. They must meet the criteria established by these Rules as well as any additional criteria laid out by the National Tournament Committee. In order to host a Championship Tournament a potential host must have successfully hosted one National Tournament with two divisions (i.e. 48 teams or more). In the event that no potential hosts meet these criteria, then the National Tournament Committee shall have discretion in deciding who gets to host the Championship Tournament. Nothing in this Rule is intended to require current Championship Tournament hosts to host a National Tournament before submitting a proposal to host a future Championship Tournament. Nothing in this Rule is intended to alter the current cycle of Championship Tournament hosts put in place in the past. Nothing in this Rule is intended to remove Des Moines as a host site for future Championship Tournaments.

Rationale: This motion is used to ensure that those hosting the Championship Tournament are those hosts who have demonstrated repeatedly that they are capable of hosting something of this magnitude and still have it be of the highest quality. This motion ultimately would require any new Championship host to have successfully hosted two Regional Tournaments and then two divisions

of a National Tournament before being awarded the Championship Tournament. There is a grandfather clause inserted for those schools who have already hosted National Tournaments or a Championship Tournament.

J. Rules.

1. Motion to clarify the circumstances under which we will grant an Act of AMTA bid. An outright tabulation error may be grounds, but pairing errors will never be. (Guliuzza)

Motion to amend the proposal to provide that pairing errors would be the occasion for such changes only under the most extraordinary circumstances. Seconded. Motion to amend passes unanimously.

The Motion, as amended, passes.

2. Motion add the following to the current version of the AMTA Rulebook and number accordingly (this Rule is not meant to eliminate any previous Rules): (Guliuzza)

Rule 9.6.1 Sanctions made public. Any sanction imposed upon a specific team by an AMTA official at any Regional or National Tournament must be documented and such documentation must be sent to the National Tabulation Director. The National Tabulation Director is then responsible for posting a list on the AMTA website of violations that had occurred and the penalty assessed for a given violation. This information shall remove the names of the schools involved and the name of the AMTA representative(s) involved. The list must be updated regularly.

Motion to table the motion until after the Board votes on Motion J(3). Seconded. Motion passes.

Motion by Seelau to refer the proposal to the Rules Committee. Seconded. Motion to refer passes.

3. Motion to add the following to the current version of the AMTA Rulebook and number accordingly (this Rule is not meant to eliminate any previous Rules): (Guliuzza)

Rule 9.6.2 Master Record of Sanctions. The National Tournament Director must keep a master list of sanctions from year to year. This list will include specific information about each violation and the penalty assessed, including but not limited to information about the school(s)

and/or individual(s) involved in the violation. This list will not be made public but shall be distributed to AMTA Representatives at Regional and National Tournaments for their reference in the event that a rules violation occurs.

Motion to amend the proposal to add the following language at prior to the first sentence “AMTA Representatives shall report all sanctions imposed to the National Tabulation Director,” and to amend the first sentence of the proposal to change “Tournament Director” to “National Tabulation Director.” Seconded. Motion to amend passes.

Motion by Wagoner to amend the amended motion by deleting the following language, “but shall be distributed to AMTA Representatives at Regional and National Tournaments for their reference in the event that a rules violation occurs.” Seconded. Motion not voted upon.

Motion by Nelmark to amend the Motion of Wagoner to also delete the language “This list will not be made public”. Seconded. Motion to amend passes.

Motion by Cross to refer the proposal to the Rules Committee. Seconded. Motion to refer passes.

K. Annual Meeting Procedure

1. Motion that all motions for the Annual Board Meeting shall be submitted to the Secretary by March 15 prior to the meeting. The Executive Committee shall refer each motion to an appropriate committee for review, recommendation, and preparation for the agenda. The committee will have the right to table the proposal, return to the author for additional work or recommended changes by the committee. (Wagoner and Nelmark)

Seconded.

Motion by Bloch to amend the proposal to change “March 15” to “April 21”. Seconded. Motion to amend passes unanimously.

Motion by Cross to call the question. Seconded. Motion passes.

Motion, as amended, passes.

Motion by Woodward to reconsider Motion K(1). Motion dies for lack of a second.

2. Motion that the Agenda for the Annual Board Meeting shall be accompanied by a list of tabled motions. The Board shall take up consideration of a tabled motion upon the request of five members of the Board other than the author or authors of the proposal. After discussion, a motion to overturn the committee's recommendation to table must be passed by a 2/3 vote. Each item that is not tabled by committee shall appear on the agenda accompanied by a notice that the committee recommends adoption, recommends rejection, or takes no position. (Wagoner and Nelmark)

Seconded.

Motion by Cross to call the question. Seconded. Motion fails.

**Motion to amend the proposal to change "2/3" to "majority".
Seconded. Motion to amend passes.**

Motion by Bloch to strike the language "other than the author or authors of the proposal". Seconded. Motion to amend fails.

Motion K(2), as amended, passes.

3. Motion that the Executive Committee survey the Board Members regarding preferred month, days and dates for the Annual Board Meeting and report back no later than the 2007 Mid Year Meeting with recommendations on what month, day and date of the year the Board shall hold its Annual Board Meeting. (Freixes)

Seconded. Motion passes unanimously.

Rationale: Because our Annual Board Meeting dates keep changing depending on host preferences, the meeting often conflicts with other Board Member commitments (e.g. graduation ceremonies, summer courses, court appearances, mediations, etc.). I would like to survey the Board to determine if there are any preferred weekends, days or dates least likely to conflict with other university or work-related commitments.

VII. Selection of 2008 AMTA Board Meeting Site.

Motion by Herron to host the 2008 Annual Board Meeting at Miami University of Ohio in Oxford, Ohio. Seconded. Motion passes.

VIII. Additional Business:

A. Committee Reports

1. **Jason Butler, Chair of the Criminal Case Committee, reported on the 2007-2008 AMTA Case, a criminal penalty phase hearing.**
2. **Mary Lynn Neuhaus, Chair of the Development Committee, reported that the committee had three goals: (1) Alumni connections (2) Development of new programs and (3) Fundraising. She asked all members to establish a Facebook account. Susan will also be sending out a short survey to ask for the names of students who have gone on to law school and graduate schools. Don Donelson, a committee member, reported on his discussions with Princeton Review regarding a corporate sponsorship. The committee will also coordinate with Frank Guliuzza to host a newcomer's conference tournament in the Rocky Mountain area. The committee is also looking at Charlottesville and Miami as the sites of other possible newcomer events. Finally, the Committee will plan a demonstration at the Las Vegas PLANC Conference this year.**

B. The Board returned to Motion D(4) – Adoption of the Fiscal Year 2008 Budget. Motion seconded. Motion passes unanimously.

IX. Adjournment.

Motion to adjourn. Seconded. Motion passes and the meeting was adjourned at 4:50 p.m.

*Referred to Rules for recommendation and report to the Board.

**Referred to Spirit of AMTA for recommendation and report to the Board

***Referred to Tabulation Advisory Committee for recommendation and report to the Board

DIVISION II PROPOSAL
Strategic Planning Committee
(Motion VI.A.1.b on the Agenda)

The Strategic Planning committee proposes creation of an AMTA Division II Tournament for the 2008-2009 Academic Year, as an option for member institutions that wish to compete in collegiate mock trial on a more limited basis. The remaining member institutions would continue to compete in the established AMTA system of Regional and National Tournaments (Division I). The Division II system would feature the following:

- A. A single tournament of all interested schools who wish to opt out of the current Regional Tournament (Division I) system and join Division II.
- B. A maximum of 48 teams for the first year (slated for 2008-2009 academic year).
- C. A one semester competitive “season” (Fall Semester).
- D. The First Annual Division II Tournament will be scheduled for the latter part of November 2008.
- E. The Development Committee will oversee and coordinate publicity (including disseminating information at the 2008 Regional Tournaments – e.g. with flyers), recruiting a tournament host, adjusting the registration form for 2008-2009 and other logistics.
- F. Allocating a budget in the 2008-2009 AMTA fiscal budget for the Division II Tournament equivalent to a “double regional.” Registration fee and tournament fee to be charged.
- G. Priority of team admission to Division II will be as follows:
 - 1. One team per school for organizations who are new members to AMTA.
 - 2. One team per school for existing AMTA members.
 - 3. Second teams from new members.
 - 4. Second teams from existing members.
 - 5. Additional teams will be placed on a waiting list.
 - 6. A lottery would distinguish between registrants in a particular category.

UNIFIED NATIONAL PROPOSAL
Strategic Planning Committee
(Motion VI.A.1.c on the Agenda)

The Strategic Planning committee proposes creation of a Unified National Tournament system for 2008-2009 Academic Year, with the following structure:

- A. Continue with the current system of Regional Tournaments to determine teams qualifying to the national tournaments.
- B. No Regional Tournament winners would qualify directly for the National Championship Tournament.
- C. Establish six (6) to (8) Super Regional Tournaments, with 24 - 32 teams competing in each – with no more than 192 teams competing.
- D. The top eight (8) teams from each Regional Tournament would earn bids to compete at the Super Regional Tournament (assuming a field of 24 competing at each Regional Tournament). Regions with more or less than 24 teams competing, would receive additional or fewer proportionate bids as determined by the National Tournament Committee and the Regional Tournaments Committee.
- E. The top six (6) to eight (8) teams from each Super Regional Tournament would earn bids to compete at the National Championship Tournament (the “Unified National”).
- F. The National Championship Tournament will feature 48 teams competing.
- G. Super Regional Tournaments would be geographically dispersed around the country.
- H. The Regional Tournaments Committee would assign Regions to specific Super Regional Tournaments (assuming 24 teams per Regional Tournament) at the beginning of the Regional Tournament competition season.
- I. The Regional Tournament Committee will assign Regions to specific Super Regional Tournaments based on geographic proximity and power ranking. This will ensure that Super Regional Tournaments are as convenient as possible for competing teams, while maintaining a fair balance of competitive strength across the Super Regional Tournaments.