



American Mock Trial Association
Minutes of the 2008 Mid-Year Board Meeting
November 15, 2008

I. Call to order

- A. President Sara Zeigler called the meeting to order at 1:08 p.m. on Saturday, November 15, 2008, with the following persons present:
- B. **MEMBERS PRESENT:** Brad Bloch, Jason Butler, David Cross, Matthew Eslick, Gonzalo Freixes, Alicia Hawley, Glen Halva-Neubauer, Dan Haughey, Oscar Holt, Barry Langford, Kris Lyons, David Nelmark, Marcus Pohlmann, Johnny Pryor, Don Racheter, Jo Ann Scott, Jim Wagoner, Johnathan Woodward and Sara Zeigler. Frank Guliuzza joined the meeting after the first two Motions on the agenda were decided.
- C. **MEMBERS ABSENT:** Justin Bernstein, Richard Calkins, William Dwyer, George Failla, Jim Houlihan, Michael Johnson, Michael Kelly, Mary Lynn Neuhaus, Olu Orange, Faith O'Reilly, John Rink, Ryan Seelau, and Felicia Stewart, John Vile.

STAFF/GUESTS: None.

II. Motions

- A. Motion 01: Motion to adopt the following as AMTA's official policy on Board Membership:

The American Mock Trial Association

AMTA is a free-standing nonprofit corporation. The best parallel would be a private college. The AMTA board of directors is the equivalent of a college's trustees. Institutional participants pay annual dues in order to receive the educational value of mock trial tournament experiences organized and administered by the board.

Board Membership

Anyone can apply for board candidacy. If selected, that candidate then becomes a probationary member of the board. Probationary members are expected to assume the full array of board responsibilities, but they cannot vote until they are subsequently elected as full members of the board, normally after at least two probationary years. Full members of the board must be reelected each year. There

are no term limits. If a full member fails to be reelected, that member can reapply for probationary status the following year.

Board candidates must submit completed candidate applications (form A) to the AMTA office no later than March 1 of the year during which they seek to begin the probationary period. The Executive Committee, which serves as the nominating committee, will review the applications and issue a recommendation on each application no later than April 15. The Board of Directors may move a prospective candidate not selected by the EC into nomination by a 2/3 vote. A nomination vote shall be put to the full Board of Directors upon the petition of 5 Directors.

Board Selection Process

Anyone seeking a voting position on the upcoming year's board must submit a board applicant questionnaire no later than one week before the National Championship tournament. Probationary and returning members will fill out the shorter Form B. The existing Executive Committee of the board will serve as the nominating committee for the upcoming year's board. The EC will make a recommendation on each applicant. After having had an opportunity to review the board application questionnaires and all EC recommendations, the existing full board will then vote on each applicant. Those votes will be tallied in a manner designed to guarantee the confidentiality of the votes cast. For example, we would mail out paper ballots with a raised seal and require return of the original in a postage-paid return envelope. Applicants would be informed of the results no later than two months before the scheduled annual board meeting. Members of the Executive Committee also will complete Form B and each member must recuse him/herself from all discussions of his/her nomination.

Board Selection Criteria

Anyone seeking a position on the board must fill out a board applicant questionnaire. That questionnaire will allow the applicant to indicate any qualifications he or she feels are pertinent to the selection. The EC may also choose to query committee chairs as to the contributions of an applicant. Applicants will be reviewed on the basis of their

- (a) demonstrated service, e.g. hosting, AR, committee work
- (b) skills, e.g., finance, law, strategic planning, education, time availability
- (c) unique perspective, e.g., geographic, demographic, school size, public-private school, etc.
- (d) credentials (to help open some doors)
- (e) appropriate personality traits including, but not limited to, integrity and civility

The Director and Officer duties would be revised as follows to better represent current realities.

Section 4.06. Director's and Officer's Duties. All board members should be able to:

- A) Attend board meetings at their own expense as well as serve without salary*
- B) Serve on AMTA committees*

- C) Serve as an AMTA Representative for regional and postseason tournaments*
- D) Put the goals of AMTA ahead of his/her own program*
- E) Discuss vigorously and advocate forcefully in board meetings, but then be able to act as a unified team in implementing the decisions of the board*
- F) Demonstrate an ability to function in a cooperative and collegial fashion in whatever capacities assigned*
- G) Serve with a high degree of integrity and civility*
- H) Advances the educational mission of the association*

Note: Several by-laws will need to be adapted in order to implementation this new election procedure. If the board passes the above proposal, the following sections will be adapted to conform with this action: Sections 4.02, 4.03, 4.06 and 5.05.

[Minutes continue on next page]

FORM A

AMTA BOARD OF DIRECTORS CANDIDACY APPLICATION

NAME _____

E-MAIL ADDRESS: _____

PHONE NUMBER: _____

Please respond to each of the following questions as completely and thoroughly as possible.

Professional Information:

Educational Qualifications (Degree, Institution)

_____	_____
_____	_____
_____	_____
_____	_____

Current Employment Information (Employer, Title)

_____	_____
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Relevant Memberships, Professional Service or Activities (Organization, Role)

_____	_____
_____	_____
_____	_____
_____	_____

AMTA Involvement and Experience

In what capacity have you been affiliated with AMTA?

- a. Academic Coach _____
- b. Attorney Coach _____
- c. Participant _____
- d. Other (specify) _____]

How long have you been affiliated with AMTA?

- a. _____ years

Are you prepared to fulfill the responsibilities of a Director as defined in Section 4.06 of the Bylaws? Please affirm your willingness to serve in each capacity by initialing the line adjacent to the duty.

- A) Attend board meetings at your own expense as well as serve without salary _____
- B) Serve on AMTA committees _____
- C) Serve as an AMTA Representative for regional and postseason tournaments _____
- D) Put the goals of AMTA ahead of his/her own program _____
- E) Discuss vigorously and advocate forcefully in board meetings, but then be able to act as a unified team in implementing the decisions of the board _____
- F) Demonstrate an ability to function in a cooperative and collegial fashion in whatever capacities assigned _____
- G) Serve with a high degree of integrity and civility _____
- H) Advance the educational mission of the association _____

4. In the first column, please list any service you have performed for AMTA. Include service as an AMTA Representative, service on committees, hosting tournaments, volunteering to assist with tournament functions, etc. In the second column, please list the name of the committee chair, host or other official who can speak to the service listed. Attach an additional sheet if needed.

Please explain why you are interested in pursuing a candidacy for the AMTA Board of Directors.

Please explain how your qualifications and experience will allow you to advance AMTA's educational mission.

Please provide contact information for at least three references who can speak to your qualifications and ability to serve as a member of the AMTA Board of Directors.

Please provide any further information you believe the board should know about your circumstances.

FORM B

AMTA BOARD OF DIRECTORS CANDIDACY APPLICATION

NAME _____

E-MAIL ADDRESS: _____

PHONE NUMBER: _____

Please respond to each of the following questions as completely and thoroughly as possible.

Professional Information:

Educational Qualifications (Degree, Institution)

_____	_____
_____	_____
_____	_____
_____	_____

Current Employment Information (Employer, Title)

_____	_____
-------	-------

Relevant Memberships, Professional Service or Activities (Organization, Role)

_____	_____
_____	_____
_____	_____
_____	_____

AMTA Involvement and Experience

In what capacity have you been affiliated with AMTA?

- a. Academic Coach _____
- b. Attorney Coach _____
- c. Participant _____
- d. Other (specify) _____]

How long have you been affiliated with AMTA?

- a. _____ years

Please reaffirm your willingness to fulfill the responsibilities of a Director as defined in Section 4.06 of the Bylaws by initialing the line adjacent to the duty.

- A) Attend board meetings at your own expense as well as serve without salary _____
- B) Serve on AMTA committees _____
- C) Serve as an AMTA Representative for regional and postseason tournaments _____
- D) Put the goals of AMTA ahead of his/her own program _____
- E) Discuss vigorously and advocate forcefully in board meetings, but then be able to act as a unified team in implementing the decisions of the board _____
- F) Demonstrate an ability to function in a cooperative and collegial fashion in whatever capacities assigned _____
- G) Serve with a high degree of integrity and civility _____
- H) Advance the educational mission of the association _____

4: List committee service, offices held and other AMTA-related assignments performed during the past year

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. Please provide any further information you believe the board should know about your circumstances.

[Minutes continue on next page]

The Motion was referred by Committee and requires no second. After discussion, Motion 01 passes by a two-thirds vote of the members present.

- B. Motion 02: Motion by Judging Committee to formally adopt the “Tournament Data Form” as an official AMTA document to be used at all AMTA-sanctioned tournaments. (The form can be viewed under the “Judging Committee’s Report” below.)

The Motion was referred by Committee and requires no second. After discussion, Motion 02 passes unanimously.

- C. Motion 03: Motion by Judging Committee to formally adopt the “Judge Information Card” as an official AMTA document to be used at all AMTA-sanctioned tournaments. (The card can be viewed under the “Judging Committee’s Report” below.)

The Motion was referred by Committee and requires no second. After discussion, Motion 03 passes unanimously.

- D. Motion 04: Motion by Judging Committee to formally adopt the “Judging Assignment Procedure” as official AMTA policy (and to make necessary changes to the Rules to facilitate such an adoption), that would be used at all AMTA-sanctioned tournaments. (The procedure can be viewed under the “Judging Committee’s Report” below.)

The Motion was referred by Committee and requires no second. After discussion, Motion 04 passes unanimously.

- E. Motion 05: Motion by Eslick to modify the rules to impose a \$25 penalty on any team registering after the October 15 deadline identified in Rule 2.11. This rule would take effect for the 2009-2010 competition season.

Rationale: The current deadline is not a deadline. Teams are permitted to-- and in fact do--register well past the posted mid-October deadline without penalty. We should either eliminate the deadline or enforce it. This motion proposes enforcing the deadline by having some relatively nominal penalty for teams failing to register by the deadline. There are twin benefits. First, the deterrent effect of the penalty would prod teams to register in a timely fashion, giving the RTC adequate time to distribute teams to the various regions. Second, AMTA's budget benefits from teams unwilling to comply with the rules. There is little downside to this proposal: the additional money will probably not deter any team from registering; instead, such teams would register on time.

The Motion was seconded. After discussion, Motion 05 passes.

- F. Motion 06: Motion by Eslick to amend the appropriate rules to prohibit institutions' trademarks from appearing in any document or other material published by AMTA in any form without proof of appropriate licensure.

Rationale: While logos look nice, AMTA is almost certainly not licensed to use them. AMTA should therefore not publish documents (e.g., tab summaries or invitational tournament announcements) that contain institutions' trademarks without proof of licensure. Unlicensed use of trademarks needlessly exposes AMTA to potential liability.

The Motion was seconded. Motion 06 passes unanimously.

- G. Motion 07:

Motion by Pryor to adopt the following as AMTA's official policy on travel reimbursements:

American Mock Trial Association
Travel and Reimbursement Policy

Directors and others who incur expenses in their course of performing AMTA-related duties are entitled to reimbursement of reasonable expenses. Those seeking reimbursement are bound by the following policies.

1. Requests for expenses must be submitted on the AMTA Expense Form and accompanied by receipts and other appropriate documentation.
2. Requests, accompanied by receipts or other appropriate documentation must be submitted to the AMTA office within 60 days of incurring the expenses.
3. Expenses for which receipts cannot be obtained (tolls, cab fare, etc) should be detailed in a memo accompanying the request for reimbursement.
4. Directors or other agents of AMTA should seek the most economical means of transportation available. AMTA Representatives should consider whether to drive a personal vehicle, rent a car, or fly when making travel plans to determine the most efficient and cost effective policy. AMTA Representatives should make every effort to share transportation with other AMTA Representatives or the host to reduce transportation costs. *If an airline ticket exceeds \$400, this amount must be authorized by the Treasurer prior to purchase.*
5. Mileage will be reimbursed at the IRS rate, using Rand-McNally distances for inter-city travel and traveler estimates for vicinity mileage.
6. AMTA will reimburse the cost of a standard single occupancy room. *Hotel rates that exceed \$150 per night must be authorized by the Treasurer.*

7. Meals will be reimbursed up to \$50 per day including all taxes and tips. Receipts must accompany requests for reimbursement. A maximum of 20% should be used when calculating tips.
8. Directors may request advances for travel by submitting a Request for Advance Form to the Treasurer no less than fourteen days prior to travel.
9. All expense reimbursement requests are subject to review and approval by the Treasurer. Any requests for reimbursement by the Treasurer are subject to review and approval by the President.

AMTA will NOT reimburse the following expenses:

1. Expenses for spouses accompanying a Director or other agent of AMTA on AMTA-related travel, unless said spouse is also authorized to act as an agent of AMTA. In such events, the Treasurer and President must approve reimbursement.
2. Expenses for guests at meetings of the Board of Directors, unless such reimbursement has been pre-approved by the Executive Committee.
3. Expenses for Directors Emeriti, unless said Director Emeritus/a has been authorized to act as an agent of AMTA.

The Motion was referred by Committee and requires no second. After discussion, Motion 07 passes unanimously.

III. Committee Reports

- A. Competition Response Committee Report: Glen-Halva Neubauer presented the following Competition Response Committee Implementation Guidelines adopted by the Committee pursuant to its mandate at the 2008 Annual Board Meeting:

Competition Response Committee Implementation Guidelines

- (1) During regional and post-regional competitions, AMTA Representatives will interpret rules and make decisions that are binding on that regional or post-regional tournament. This scenario assumes that the AMTA Representatives both are in agreement concerning the rule interpretation or how to handle the issue presented to the tabulation room
- (2) If the AMTA Representatives, however, are NOT in agreement, they will contact the AMTA Tabulation Director (ATD), to interpret the rule or issue a decision on how to handle the problematic situation. If practical, the ATD, will consult with one of the co-chairs of the Competition Response

Committee (CRC), which are the chairs of National Tournaments Committee and Regional Tournament Committee.

- (3) The CRC will review all decisions made by AMTA Representatives and the ATD. The CRC may accept or reject those rule interpretations. The CRC will post all decisions on the AMTA Web site.
- (4) The CRC's rulings are in place until the following Board meeting at which time they can be overturned or modified by the AMTA Board.

The Board provided further input to the Committee. The Committee will consider this input and develop further guidelines.

- B. Division II Implementation Committee: Chairman Marcus Pohlmann, Chair of the Division II Implementation Committee provided the following report:

Barry Langford, Derek Moorhead and Marcus Pohlmann (Chair) have been delegated the task of implementing the board's decision to initiate a Division II for the 2009-2010 academic year. The details for Division-II are currently posted on the AMTA website.

The following provisions have been developed so far:

When registering for the 2009-2010 season, each program will need to choose a division. A member school cannot participate in both divisions. Each D-II school will then pay the \$325/175 AMTA registration fee, as well as \$200 for each team it sends to the inaugural D-II national tournament.

The D-II National Championship Tournament will be hosted by the University of Missouri -- Kansas City on November 20-22, 2009. There will be a maximum of 48 teams the first year.

The Committee is currently conducting an email assessment of interest in Division II. The Committee has begun with the list of programs who competed last year. It will then add the new registrants from this year. Beyond that, AMTA Executive Assistant Susan Ewing is trying to reconstruct contact information for defunct programs, and Derek is contacting defunct programs he knows of in Kansas and Missouri. The Committee members are asking each school whether their school is:

- (a) certain to remain in Division I
- (b) likely to remain in Division I
- (c) unsure
- (d) likely to opt for Division II
- (e) certain to opt for Division II

It's mostly the long-standing programs who have responded so far, and virtually all are certain to remain in Division I. There have been a few "likely" responses and a small handful of D-II takers, e.g., Culver-Stockton is starting a new program and wants DII. By April, the Committee should have a good sense of whether there is enough interest to make a go of Division-II for next year. If so, the AMTA registration form will need to be revised to allow for the choice.

By the 2009 AMTA Annual Board Meeting, the Committee will report the results of its efforts and whether a Division II is feasible for 2009-2010.

C. Judging Committee: The Judging Committee provided the following report:

HISTORY OF THE COMMITTEE

A number of motions appeared on the 2008 Summer Board Meeting agenda which fell into different committee areas but were linked by a common topic: judging.

Accordingly, the Board directed President Zeigler to create an ad-hoc committee on judge-related issues and referred the aforementioned motions to said committee.

President Zeigler created and tasked the committee accordingly. The name of the committee is the Judging Committee, hereinafter JC.

COMMITTEE MEMBERSHIP

Jason Butler – Chair

Justin Bernstein

David Nelmark

Marcus Pohlmann

Jennifer Shivley

MATERIALS PRODUCED SUMMARY

The JC was charged with both analyzing the motions referred to it and propounding material that may be derived from or apart from those motions. A great deal of time was spent on the motions referred and although no motion has been wholly recommended for adoption, tremendous amounts of dicta and ideas from those motions provided the basis for other materials generated. Accordingly, this report includes 1) a detailed summary of the JC's formal recommendations on each motion accompanied by the rationale underpinning as much and 2) material new for Board review.

A. MOTIONS REFERRED TO THE JC

The motions are titled and consistent with how they appeared on the AMTA 2008 Summer Agenda. Each is followed by the JC's vote (each of which was unanimous) and then by the rationale for that vote, both of which appear in bold face.

NTC7: Motion by Bernstein and Halva-Neubauer to Amend the Rules so that:

Beginning with the 2010 National Championship Tournament, each trial at the National Championship Tournament will include exactly three scoring judges and, thus, three blue ballots. If a fourth judge is available for a particular trial, one judge

will preside but not score, and the other three will score. If only three judges are available for a particular trial, all three will score the round but the presiding judge will not be given the responsibility of completing comment sheets. If fewer than three judges are available for a particular trial, coaches will fill the judging panel. Where possible, coaches will be used in trials that do not affect the determination of the Division champion. Where possible, Coaches will not be allowed to judge the Division in which their team is competing. At the end of the tournament, each team will have been scored by 12 different judges, thereby making a perfect record twelve wins and zero losses.

TABLED

This motion represents a substantial change in AMTA competition that impacts 1) data levels AMTA prioritizes as necessary to best adjudicate a round and 2) the number of viable host sites for our premiere tournaments. Accordingly, the JC has formulated data requests to be sent to all Regional and ORC events. This data will be used in evaluating the wisdom and viability of NTC7 for subsequent seasons.

RTC4: Motion by Halva-Neubauer to establish the following: Each trial should have three scoring judges. The presiding judge will be provided with a blue scoring sheet, but not a comment sheet.

Rationale: The presiding judge is often the most experienced trial attorney and by virtue of his or her knowledge of the rules of evidence is put in the presiding position. By putting a blue ballot in the hands of the presiding judge, you increase the feedback and help even out the impact of an outlier judge.

Note: An amended version of this motion appears on the Agenda as NTC7.

TABLED

This motion represents a substantial change in AMTA competition that impacts 1) data levels AMTA prioritizes as necessary to best adjudicate a round and 2) the number of viable host sites for our premiere tournaments. Accordingly, the JC has formulated data requests that will be sent to all Regional and ORC events. This data will be used in evaluating the wisdom and viability of RTC4 for subsequent seasons.

RS4: Motion by Herron and Pohlmann to Amend the rules so that as far as is reasonably possible and utilizing due diligence, AMTA representatives shall utilize common sense and assign judges at regional and national tournaments with the following constraints:

- (1) when three judge panels are not available for the entire field, three judge panels shall be assigned to rounds from top-down, except in the first round, which shall be random;
- (2) experienced mock trial judges, litigation attorneys, and other indicia of mock trial judging experience shall be assigned to rounds top-down, except in the first round, which shall be random;
- (3) law students, recently graduated law students, mock trial coaches, non-lawyer judges shall be assigned only after those more "experienced" judges are assigned in the top-down manner, except in the first round, which shall be random;
- (4) in assigning rooms, AMTA Representatives should make every reasonable effort to assign the preferable rooms to the top rounds in the power pairings.

TABLED

The materials generated by the JC detail the decision.

RS5: Motion by Halva-Neubauer to Amend the Rules such that:

At regional and national tournaments (opening-round events and the championship tournament), the following **guideline** should be adopted: Beginning in the second round, the top five trials should be staffed with seasoned litigators (those having 10 or more years of experience) who practice either as civil litigators (in civil case years) or as criminal defense attorneys or prosecutors (in criminal case years). AMTA Representatives are responsible for indicating the top trials to the person assigning the judges. The specialties of the attorneys should be determined through the use of a standardized judge card. **See Appendix A.**

TABLED

The materials generated by the JC detail the decision.

RS6: Motion by Halva-Neubauer to establish the following guidelines for operating judges' meeting and judge selection:

- (a) AMTA Representatives will both operate the judges' orientation meeting and also assign judges. No host can have any role in the assignment of judges.

- (b) Judge assignments shall be guided by the following principles:
1. No alum from a school can judge their alma mater's team.
 2. No husband and wife teams can judge together.
 3. No requests to judge together will be honored.
 4. Presiding judges should be those with the least experience.
 5. If law students are used, they should always be paired with an attorney.

TABLED

This motion is rejected for a number of reasons. First, it sets forth principles (i.e. no assignment of judges married to one another to a single panel and/or no honoring of judge-together requests) that reduce congeniality at best and continued AMTA support at worst for little if any good reason. Second, in a 2-judge format, there seems no credible argument for requiring presiders to be the least experienced. Third, the ending of consistent team numbers (and before it the use of team letters) has in many instances made possible the judging of teams by alumni. Fourth, (b)(5) can be in contradiction with the JC's recommended judge assignment procedure.

RS7: Motion by Halva-Neubauer to require that every judge announce themselves at the beginning of the trial and inform the court of the type of law that they practice.

TABLED

This motion is rejected for a number of reasons. First, it can encourage judges to penalize students for not altering their presentations based on the legal-stylistic predilections of a given attorney judge when student competitors should instead base their presentations on the average jury audience member, consistent with the decision of the Board that all trials be jury trials. Second, it paves the way for time intrusions from those judges that would take the opportunity to tell war stories/give advice. Third, it detracts from the realism of the trial by beginning the activity with dicta from judges not acting as either presiders or jurors as opposed to an "All Rise and Come to Order" scenario.

RS8: Motion by Halva-Neubauer to Amend the Rules such that it is permitted to recruit laypersons to serve as scoring judges.

TABLED

This motion is rejected because the competitors' skills employed with respect to the rules of procedure and evidence cannot be properly adjudicated by individuals lacking a legal education and/or substantial mock trial background. To the extent that the latter is the case in judge assignment, the JC notes that no policy currently prevents assigning such individuals and that that class of judge has been accounted for in materials generated by the JC.

RS9: Motion by Halva-Neubauer to make judging instructions available on the Web site in audio format so that judges can burn them to a CD and play them on the way to the tournament.

TABLED

This motion is rejected for a number of reasons. First, it can encourage judges to skip the Judges Meeting if they believe that they have already heard it (and any audio offering will be inherently inferior to the live setting). Second, it can encourage judges to not pay attention during the live setting if they did listen to the proposed audio offering. Third, it is impossible to control distractions (cell phone, other passengers, driving) with an audio recording listened to in a car as opposed to the live setting.

CC3: Motion by Halva-Neubauer to require that a bench brief be prepared for each case that would be the information provided to judges prior to the tournament.

TABLED

This motion is rejected for a number of reasons. First, student competitors should be judged based on how well they present and teach the problem to the judges. Providing a bench brief inherently detracts from this. Second, providing judges with case materials ahead of time encourages them to decide how they would try the case and consequently risks that they will judge the students against that standard as opposed to against the other team. The committee does believe that some base primer on the case should be provided and to that extent has incorporated as much into the Judges PowerPoint – where it can be both brief and released without a lengthy time to mull over. To the extent that this motion seeks to permit teams to produce material to the judges, the history of AMTA competition reveals an almost uniformly-abused system when as much is done. A competition to produce better “gifts” to the judges resulted in absurd scenarios wherein judges were given multiple leather-bound portfolios. While offered under the guise of helpful materials, the practice consistently served the purpose of trying to “wow” the judges.

MATERIALS GENERATED BY THE JUDGING COMMITTEE APPEARS ON THE FOLLOWING PAGES:

RECOMMENDED TOURNAMENT DATA FORM:

The proceeding is the form the JC generated to collect data regarding an increase in judge panel size. The JC identified 2 overarching concerns that this form collects data in an effort to inform: 1) is the host capable of sustaining 3 judge panels and 2) what diminishment, if any, occurs in judge quality as a result of sustaining a larger judge pool?

Tournament Data Form

Tournament Host School _____ Date _____

Tournament Name _____

How many teams competed in your tournament (including any bye team)? _____

Was yours a 4-round tournament? _____ If not, how many rounds? _____

Please complete the following chart regarding the judges used in each round at your tournament.

Total Judges	Round 1	Round 2	Round 3	Round 4
How many volunteer judges were used each round (regardless of whether they presided, scored, or simply gave comments)?				
Of those volunteer judges, how many fit each of the descriptions below?	Round 1	Round 2	Round 3	Round 4
Coaches or people affiliated with one of the teams competing in the tournament				
Actual sitting judges or retired judges				
Attorneys (not including actual sitting judges or retired judges)				
Criminal prosecutors				
Criminal defense attorneys				
Civil trial attorneys				
Civil litigators with little or no trial experience (including family law attorneys who did not identify themselves as trial attorneys)				
Attorneys specializing in corporate, tax, probate, bankruptcy, real estate or other non-trial practice				
Law students without college or law school mock trial experience				
Law students with college or law school mock trial experience				
Those who are not lawyers, law students or people with prior mock trial experience				

RECOMMENDED JUDGE ASSIGNMENT PROCEDURES:

For some time judge assignments at AMTA-sanctioned tournaments have, beginning in the second round, been made so as to ensure that top rounds receive the most experienced judges. A number of the motions referred to the JC sought to formalize this process for consistency's sake. While the JC agreed in principle with the motions

submitted, analysis revealed a number of complexities to such a system. Accordingly, a formalized method by which to assign judges has been created. The assignment system was the result of intense JC work on principles and David Nelmark's ultimate creation. Board members will no doubt recognize the echoes of the tabulation system in the assignment system and there is no doubt that this represents an added layer of work for hosts. But there can also be no doubt that assignment of judges is a critical aspect of our competitions, that as much is long over due for serious attention, and that the implementation of a consistent and logical model for judge assignment is in the interest of AMTA.

JUDGE ASSIGNMENT PROCEDURES

Create Categories

Using information from tournament hosts and the cards filled out by judges, AMTA Representatives should separate judges into three categories:

Category 1 shall generally consist of sitting judges, trial attorneys, and other attorneys with indicia of mock trial experience.

Category 2 shall generally consist of non-coach attorneys who do not fall within Category 1.

Category 3 shall generally consist of coaches, law students, other non-attorneys, and anyone who would be in another category but who the AMTA Rep feels is not fit to judge a top round.

Assign Judges

These are the recommended assignment procedures but they are only guidelines. Those assigning judges should always exercise common sense and independent judgment based on any circumstances unique to their particular tournament. Teams have absolutely no basis for relief in the event that a tournament or AMTA Representative deviates from these guidelines.

Round 1

The judging assignments in round 1 shall be random.

Rounds 2 and 3

First, assign all Category 1 judges by putting one judge in the top pairing and then working your way to the bottom pairing. If every trial has at least one Category 1 judge, repeat the process by starting again at the top pairing.

Second, assign all Category 2 judges, one at a time, beginning with the first trial after the assignment of the last Category 1 judge. (Note that a trial's first judge may be a Category 2 judge if sufficient Category 1 judges were not available.) Proceed until every round has two judges assigned. If there are rounds without two judges assigned, assign Category 3 judges until every round has two judges.

Third, after every panel has two judges, count the remaining number of judges to be assigned. If there are enough judges for every panel to have a third judge, assign the remaining judges from the top down. If there are not enough judges for every panel to have a third judge, leave the **top** rounds with only two judges. In the past, AMTA Reps have typically assigned three judge panels to top rounds. The JC feels this practice should be changed because top rounds should already have two quality judges assigned. Thus, assigning a third judge to those panels is not the best use of our resources. For example, adding a law student to such a round would likely take a scoring ballot out of the hands of a practicing attorney. Additionally, most top judges are comfortable with simultaneously scoring and ruling on objections.

To assign your third judges to panels, determine which trial is your starting point (the place where you can begin and still have enough judges to create a three judge panel in the bottom trial) and then assign the higher ranked judges from the starting point moving downward so that higher ranked judges are assigned to higher ranked rounds.

EXAMPLE 1

<u>Teams</u>	<u>Judge 1</u>	<u>Judge 2</u>	<u>Judge 3</u>
4 v. 4	Cat. 1	Cat. 1	
4 v. 4	Cat. 1	Cat. 1	
3.5 v. 4	Cat. 1	Cat. 2	
3 v. 3.5	Cat. 1	Cat. 2	
3 v. 2.5	Cat. 1	Cat. 2	
2 v. 2	Cat. 1	Cat. 2	Cat. 2
2 v. 2	Cat. 1	Cat. 2	Cat. 2
1 v. 1.5	Cat. 1	Cat. 2	Cat. 3
0 v. 1.5	Cat. 1	Cat. 2	Cat. 3
0 v. 1	Cat. 1	Cat. 2	Cat. 3
0 v. 0.5	Cat. 1	Cat. 2	Cat. 3
0 v. 0	Cat. 1	Cat. 2	Cat. 3

EXAMPLE 2

<u>Teams</u>	<u>Judge 1</u>	<u>Judge 2</u>	<u>Judge 3</u>
4 v. 4	Cat. 1	Cat. 2	
4 v. 4	Cat. 1	Cat. 2	
3.5 v. 4	Cat. 1	Cat. 2	
3 v. 3.5	Cat. 1	Cat. 2	
3 v. 2.5	Cat. 1	Cat. 2	
2 v. 2	Cat. 1	Cat. 2	
2 v. 2	Cat. 1	Cat. 3	
1 v. 1.5	Cat. 1	Cat. 3	
0 v. 1.5	Cat. 1	Cat. 3	
0 v. 1	Cat. 2	Cat. 3	Cat. 3
0 v. 0.5	Cat. 2	Cat. 3	Cat. 3
0 v. 0	Cat. 2	Cat. 3	Cat. 3

Round 4

Round 4 typically has rounds that may be bid determinative and rounds that are not. In such cases, the best judges should all be assigned to the bid determinative rounds.

More specifically, the two guiding principles in Round 4 are that (a) no Category 1 or Category 2 judges should be assigned to a non-determinative round unless all determinative rounds already have two judge panels, and (b) no Category 3 judge should be assigned to a bid determinative round unless there is not room for all Category 3 judges in the non-determinative rounds or there are insufficient Category 1 and 2 judges to complete two-judge panels in determinative rounds.

EXAMPLE 1

<u>Teams</u>	<u>Judge 1</u>	<u>Judge 2</u>	<u>Judge 3</u>
Non Bid Determinative Rounds			
6 v. 0	Cat. 2	Cat. 3	Cat. 3
5.5 v.0	Cat. 2	Cat. 3	Cat. 3
1 v. 1	Cat. 3	Cat. 3	Cat. 3
Bid Determinative Rounds			
1.5 v. 5	Cat. 1	Cat. 2	Cat. 2
2 v. 4.5	Cat. 1	Cat. 2	
2 v. 3.5	Cat. 1	Cat. 1	
2 v. 3	Cat. 1	Cat. 1	
3.5 v. 2	Cat. 1	Cat. 1	
4 v. 1.5	Cat. 1	Cat. 2	
4 v. 1.5	Cat. 1	Cat. 2	
4 v. 1	Cat. 1	Cat. 2	
5 v. 0.5	Cat. 1	Cat. 2	Cat. 2

EXAMPLE 2

<u>Teams</u>	<u>Judge 1</u>	<u>Judge 2</u>	<u>Judge 3</u>
Non Bid Determinative Rounds			
6 v. 0	Cat. 3	Cat. 3	
5.5 v.0	Cat. 3	Cat. 3	
1 v. 1	Cat. 3	Cat. 3	
Bid Determinative Rounds			
1.5 v. 5	Cat. 2	Cat. 3	
2 v. 4.5	Cat. 1	Cat. 3	
2 v. 3.5	Cat. 1	Cat. 2	
2 v. 3	Cat. 1	Cat. 2	
3.5 v. 2	Cat. 1	Cat. 2	
4 v. 1.5	Cat. 1	Cat. 2	

4 v. 1.5	Cat. 1	Cat. 2
4 v. 1	Cat. 1	Cat. 3
5 v. 0.5	Cat. 2	Cat. 3

Other issues

Ranking within categories

It is permissible to informally rank judges within a category. This is especially advisable in Category 3 where there is a significant difference between a first-year law student and a third year law student who has taken evidence and who has significant mock trial experience. In each category the higher ranked judges should be assigned first.

Requests by judges to be paired together

If two or more judges have requested to stay together, it is permissible to accommodate the request, but the assignment of that panel should be made by considering the category levels of the judges in it. For example, a pair of Category 1 judges would be assigned to a top round and a panel without a Category 1 judge would be assigned to a low ranked round.

Use of Coaches as Judges

Neither educator coaches nor attorney coaches should be assigned to judge unless there are insufficient judges to create two-judge panels. To put it another way, if any trial in a round has three judge-panels, no coaches should be used in that round (except in unusual situations such as having to re-assign a judge at the last minute to avoid a conflict.)

RECOMMENDED JUDGE INFORMATION CARD:

The proceeding is the card the JC generated to collect data necessary to facilitate the judge assignment system.

Judge Information Card

Name _____

Occupation: Judge Attorney Law student Other:

If you're a sitting Judge, please specify your specific jurisdiction:

Trial Appellate Other: _____

If you're a current or former attorney, please specify your practice area:

Criminal prosecution Criminal Defense Civil trial attorney Civil litigation, few/no trials

Corporate/Tax/Bankruptcy/Probate/Real Estate/Etc. Family Other:

If you're a law student:

I am a 1L 2L 3L. I (have / have not) taken Evidence.

Have you ever judged college mock trial before? Yes, for ____ of years. No

Have you ever competed in mock trial (not moot court)? Please check all that apply:

High School College, at _____. Law School, at _____. Never

Do you have any affiliations with any teams, either as a coach, scrimmage judge, advisor, or anything else? If so, please specify _____

To be completed by tournament host:

Judged in Round(s): Round 1 Round 2 Round 3 Round 4

D. Treasurer's Report: Johnny Pryor presented the following Treasurer's Report:

[REDACTED]

IV. Adjournment

Motion by Frank Guliuzza to adjourn. Seconded. The meeting was adjourned at 12:42 p.m. on Saturday, November 15, 2008.