



***American Mock Trial Association  
2009 Annual Board Meeting Agenda  
July 18-19, 2009***

I. Call to order

- A. Welcome and remarks – President Sara Zeigler and Past President Marcus Pohlmann.
- B. Introductions – Members and Guests
- C. Format of Agenda – Secretary Gonzalo Freixes

*All Motions are referenced numerically by the initials of the AMTA Committee responsible for review (e.g. EC-2 or RTC-3). All motions submitted were referred to the corresponding AMTA Committee pursuant to the policy adopted by the Board in 2007. Following each Motion, highlighted in RED, is the recommendation of the Committee to either Adopt or Reject the Motion (in some cases, with amendments). Some motions were submitted to the Board with No Recommendation and the Board is free to act on those motions.*

*Following the Agenda is a list of “Tabled Motions” (attached as Appendix C, pages 37-41) that the reviewing AMTA committees voted to table. These motions will not appear on the regular agenda nor be considered by the Board for action. The Board may take up consideration of any tabled motion only upon the request of five (5) members of the Board, other than the author(s) of the motion. For the Board to consider or take action on the tabled motion, the Board must overturn the Committee’s recommendation to table. A motion to overturn the Committee’s recommendation to table must be passed by a majority vote of the Board.*

- II. Approval of Agenda.
- III. Approval of Mid-Year Minutes (attached as Appendix A, pages 19-34)
- IV. Approval of Consent Calendar
  - A. Committee Assignments

**AMTA Officers:**

Sara Zeigler, President  
David Nelmark, President-Elect  
Marcus Pohlmann, Past President  
Gonzalo Freixes, Secretary  
Ryan Seelau, Assistant Secretary  
Johnny Pryor, Treasurer  
Matthew Eslick, Assistant Treasurer

**Directors:**

Kristofer Lyons, AMTA Tabulation Director

**Executive Committee (also serves as Nominating Committee):**

***See By-Laws for jurisdiction and duties***

Sara Zeigler (President)  
David Nelmark (President-Elect)  
Marcus Pohlmann (Past-President)  
Johnny Pryor (Treasurer)  
Gonzalo Freixes (Secretary)  
Adam Detsky (Development Director)  
Glen Halva-Neubauer (Regional Tournaments Committee Chair)  
Kristofer Lyons (AMTA Tabulation Director)  
Frank Guliuzza (National Tournaments Committee Chair)  
Jim Wagoner (Rules)

**Academics Committee:**

***To provide resources for AMTA members who wish to create mock trial courses and curricula, to conduct research on mock trial, and to serve as a liaison to academic institutions.***

Ruth Wagoner (Chair)  
Matthew Eslick  
Jo Ann Scott  
Felicia Stewart  
John Vile

**Audit Committee:**

Jim Wagoner (Chair)  
Jo Ann Scott  
Gina Vessels

**Budget Committee:**

***To prepare and monitor the budget***  
Johnny Pryor (Chair)

Matthew Eslick  
Gonzalo Freixes  
Glen Halva-Neubauer  
Sara Zeigler

**Case and Evidentiary:**

*Review case proposals and select the case for use in competition, offer clarifications as necessary, respond to queries regarding the case and make revisions as necessary*

**Civil Case Committee**

Justin Bernstein (Chair)  
Heather Creed (Case Posting)  
David Cross  
Dan Haughey  
Toby Heytens  
Gonzalo Freixes  
Neal Schuett

**Criminal Case Committee:**

Jason Butler (Chair)  
Brad Bloch  
Heather Creed (Case Posting)  
Casey McGinley  
Felicia Stewart  
Tom Parker  
Jim Wagoner

**Competition Response Committee:**

*To make timely, in-season rule interpretations, subject to Board review at the annual meeting. Note that individuals serve on the Committee by virtue of office and membership changes as the person holding the offices changes.*

Frank Guliuzza, Co- Chair  
Glen Halva-Neubauer, Co-Chair  
AMTA Tabulation Director: Kristofer Lyons  
Chair, Rules Committee: Jim Wagoner  
Chairs, Case Committee :Johnathan Woodward and Jason Butler  
Ombudsperson, Barry Langford  
President: Sara Zeigler

**Development Committee:**

*To raise money, build external relationships, and increase the number of schools participating*

Adam Detsky (Chair)  
Heather Creed

Frank Guliuzza  
Olu Orange  
Anna Smith

**Human Resources Committee:**

Gonzalo Freixes, Secretary  
David Nelmark , President-Elect  
\_\_\_\_\_, Member-at-large

**Judging Committee:**

Jason Butler (Chair)  
Justin Bernstein  
Toby Heytens  
David Nelmark  
Marcus Polhmann  
Jen Satler

**National Tournaments Committee**

Frank Guliuzza (Chair)  
Justin Bernstein  
Adam Detsky (Development Chair)  
Alicia Hawley  
Kristofer Lyons  
David Nelmark  
Marcus Pohlmann  
Johnny Pryor  
Jackie Palmer  
Neal Schuett

**NTC Sites Subcommittee**

*(solicit and screen proposals for review, recruit hosts, communicate with hosts)*

David Nelmark  
Justin Bernstein  
Jackie Palmer  
Marcus Pohlmann  
Frank Guliuzza (Chair)

**NTC AMTA Representative Assignment Subcommittee**

*(assign reps)*

Frank Guliuzza (Chair)  
Kristofer Lyons  
Johnny Pryor

**Regional Tournaments Committee**

Glen Halva-Neubauer, Chair

Adam Detsky  
Toby Heytens  
Jim Houlihan  
Mike Kelly  
Josh Leckrone  
Kristofer Lyons  
Johnny Pryor  
Jen Satler  
Jo Ann Scott  
Georgie Weatherby  
Johnathan Woodward  
Sara Zeigler

**Team and Feeder Subcommittee**

Johnathan Woodward (Chair)  
Kristofer Lyons  
Adam Detsky  
Mike Kelly  
Jen Satler

**AMTA Representative Assignment Subcommittee**

Sara Zeigler (Chair)  
Johnny Pryor  
Jo Ann Scott  
Glen Halva-Neubauer

**Sites, Host and Communication Subcommittee**

Glen Halva-Neubauer (Chair)  
Toby Heytens  
Josh Leckrone  
Georgie Weatherby  
Jim Houlihan

**Religious Accommodation (Ad-Hoc)**

Dan Herron (Counsel, Chair, Ex-Officio)  
Justin Bernstein  
Felicia Stewart  
John Vile  
Ruth Wagoner

**Rules/Sanctions Committee:**

*To oversee and develop rules of competition, evidence and procedure*

Jim Wagoner (Chair)  
Justin Bernstein  
Jason Butler (Rules of Evidence Focus)  
David Nelmark

Don Racheter  
Jo Ann Scott  
Felicia Stewart  
Johnathan Woodward (Rulebook)  
John Vile

**Strategic Planning:**

Marcus Pohlmann (Chair)  
Glen Halva-Neubauer  
Sara Zeigler  
Jason Butler  
David Cross  
David Nelmark

**Tabulation Advisory Committee:**

*To assist the AMTA Tabulation Director in developing and implementing tabulation methods, oversee bid allocation structure*

Kristofer Lyons (Chair)  
Brad Bloch  
Frank Guliuzza  
Alicia Hawley  
Mike Kelly  
Rakesh Kilaru  
David Nelmark  
Neal Schuett  
Anna Smith

**Historian:**

Brad Bloch

**Parliamentarian:**

Frank Guliuzza

**Ombudsperson:**

Barry Langford

**Web Site Manager:**

Matthew Eslick

**Web Site Manager for Case Posting and Case Announcements:**

Heather Creed

**Counsel:**

Dan Herron

B. Consent Calendar Motions

▪ **EC-01**

Motion by Zeigler:

That the Board transfer the Mediation funds to IADR, as Mock Mediation has ended its affiliation with AMTA. The Mediation account contains revenue from Mediation tournament fees. Because Mediation was able to secure sponsorships for tournaments during most years, there is a surplus in the account.

▪ **EC-02**

Motion by Nelmark:

In addition to the agenda, a list of motions submitted to the Board but tabled by committee shall appear on the AMTA website.

▪ **EC-04**

Motion by Nelmark to Amend Rule 10.2.1 as follows:

**Rule 10.2.1 Meeting agendas.** The Executive Committee will establish the agenda for the midyear meeting and set a date and time for the conference call. (6-04) An agenda for the annual summer meeting will be distributed no less than 30 days prior to the meeting and will include a consent calendar established by the Executive Committee. The Board will adopt the consent calendar unless at least 3 Board members object and request that a specific item be moved to the full calendar. (6-04) The agenda for the Annual Meeting will be posted on the AMTA website at least ~~45~~ **25** days in advance of the meeting (6-06) The agenda for meetings of the Executive Board shall be published. (6-06) All motions for the Annual Board Meeting shall be submitted to the Secretary by April 21 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. (6-07) 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 majority 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. (6-07)

V. Elections

- A. Election of At-Large Member to Human Resources Committee

VI. Committee Reports

- A. Budget Committee Report (Pryor)

- Written and oral report to be given at meeting

- B. Criminal Case Committee (Butler, Woodward)

- C. National Tournament Committee (Guliuzza)

- D. Regional Tournament Committee (Halva-Neubauer)

- Written and oral report to be given at meeting

- E. Strategic Planning Committee (Pohlmann)

- Members:

Marcus Pohlmann (chair)  
Jason Butler  
Glen Halva-Neubauer  
David Nelmark  
Johnny Pryor  
Sara Zeigler

- Report:

Developed a proposal for a revised Board selection process, adopted at the mid-year meeting and implemented this spring.

Offered feedback to President Zeigler on her proposal to revise our tournament administration structure, adopted by the EC in June.

At the request of President Zeigler, the committee will attempt to formulate more explicit “conflict of interest” guidelines for AMTA board members. Besides avoiding legal complications when expending AMTA funds, this also will include guidelines on accepting AMTA rep. assignments and requests for team tournament assignments.

Respectfully submitted,

Mark Pohlmann



F. Ad Hoc Committee on Implementation of Division II (Pohlmann)

- Members:
  - Marcus Pohlmann (chair)
  - Barry Langford
  - Derek Moorhead

- Report:

Committee was delegated the task of implementing the board's decision to initiate a Division II for the 2009-2010 academic year.

Posted a detailed description of Division-II on the AMTA website (including criteria for selecting teams if more than 48 applied). (attached as Appendix B, pages 35-36)

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

We conducted an email assessment of interest in Division II. We began with the list of programs who competed last year and then added the new registrants from this year. Beyond that, we worked with Susan in trying to reconstruct contact information for defunct programs, and Derek was to contact defunct programs he knows of in Kansas and Missouri. We asked each school whether their school was:

- (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

The longer-standing programs were more likely to respond, and virtually all expressed certainty that they would choose to remain in Division I. There were a few "likely" responses and a small handful of D-II takers, e.g., Culver-Stockton is starting a new program and preferred DII.

Unfortunately, the idea never generated enough current interest to justify the expenditure of resources that would be required. In addition, Derek Moorhead left the University of Missouri-Kansas City and the new coordinator there was not willing to take on this tournament at this time.

One of the major reservations of potential DII teams was that their respective programs were not established enough to have the budget to travel to Kansas City

for the national tournament. Consequently, they would likely continue to attend their regional as their one qualifying tournament of the year. One possibility might be to have DII regional qualifiers occur within our existing regionals, with teams designating DI or DII on their initial AMTA registration as well as whether they would be able to advance should they win a DII national bid.

The Committee remains convinced that DII's day will come. In that light, we have herein outlined our efforts so that any subsequent implementation committee will not be starting from scratch.

It is up to the full board as to where we go from here.

Respectfully submitted,

Mark Pohlmann

G. Ad Hoc Committee on Religious Accommodation (Herron)

- Oral report to be given at meeting

VI. Motions

A. Amendment of By-Laws and Governance Matters (*Reviewed by Executive Committee*):

- **EC-03**

Motion by Nelmark:

The movant of a motion may adopt an amendment as friendly unless there is an objection from the second for the motion or the chair of the committee, which recommended the motion.

- **EC-06**

Motion by Zeigler to create a new committee for administering tournament functions, to replace the RTC and NTC structure now in place.

The existing tournament administration structure divides duties between the RTC and the NTC. The structure was designed for a very different tournament system, in which regional and national hosts performed different functions, in which bids fed to a maximum of three tournament sites and in which very little power balancing was required. In addition, because of the difference in the size of tournaments (24 for regionals, 48-64 for nationals), the chairs did not recruit from the same pool.

Under the unified national system, committee functions overlap in significant ways.

- (1) Assignments:** The RTC handles assignment of teams to regionals and must ensure power-balancing among them, subject to geographical constraints. In addition, because RTC determines the feeder assignments to the ORCS, it is also responsible for power-balancing among ORCS. However, it is not involved in site selection of ORCS, which could have a significant impact on power-balancing issues.
- (2) Site selection:** Hosts for the ORCS are frequently recruited from among the regional hosts and invitational hosts – thus affecting site selection for regional tournaments. The decisions are made separately by committees and ORCS selection often lags behind regional selection (due to timing of the tournaments themselves), leaving the RTC in the position of replacing regional hosts recruited to serve as ORCS hosts.
- (3) Tournament administration standards and host contacts:** Both regional and ORCS hosts should receive regular communications from AMTA involving expectations for hosts, deadlines, judge recruitment, etc. At present, both chairs perform these tasks, which is duplicative. Given that the tournaments are of similar size and require that hosts perform similar tasks, the communication could be handled more efficiently by a single entity. The Championship tournament is in a different category, as it is significantly larger, operates in divisions and involves awards and other functions that are not included in lower-level events.
- (4) AMTA Representative Assignments:** AMTA Representative assignments are currently made by both committees. The NTC Chair must wait for information from the RTC before drafting assignments, as the assignments of those with teams will depend upon regional assignments and feeder assignments. In addition, to assign AMTA Representatives effectively, the NTC must solicit information as to which individuals performed their assignments well at regionals, must independently obtain information on scheduling conflicts (which RTC collected once) and be apprised of conflicts that arose at regionals that might affect an individual's ability to perform tasks with the appropriate level of detachment. Once again, this structure requires labor to be duplicated.

Proposed Structure:

Merge the NTC and RTC into a “Tournament Administration Committee” which performs the tasks currently assigned to both. The umbrella committee would have a series of subcommittees, each of which would have a chair responsible to the Tournament Administration Chair. These would include:

- ❑ **Team and Feeder Assignments:** Assigning teams to regionals tournaments, creating feeder assignments from regionals to ORC and administering requests for reassignment. The Tabulation Director would serve on this committee.
- ❑ **Site Selection and Host Communication:** Soliciting responses to the RFP for host sites, evaluating sites, providing hosts with guidance on expectations, deadlines, teams assignments and other regulations and providing support to hosts.
- ❑ **AMTA Representative Assignments:** Soliciting applications to serve as Reps, Collecting information on conflicts and credentials of potential representatives, matching personnel and hosts to minimize conflicts, creating teams of representatives with tabulation, rule interpretation, presentation and interpersonal skills and ensuring that personnel are informed about travel and reimbursement policies. The Treasurer would serve on this subcommittee.
- ❑ **Championship Selection and Planning:** The proposal also assumes more active AMTA involvement in planning the National Championship tournament, although it does not anticipate amending Susan's contract to have her take over planning. Rather, the subcommittee would work closely with the onsite host to ensure that facilities are appropriate to an elite event, that budget guidelines are followed, that expenditures reflect the priorities of the Board, that the all Championship tournaments meet a certain minimum standard and to provide fundraising and administrative support. The Development Director would serve on this subcommittee.

The new structure would unify functions and allow for more efficient administration of tournaments. The Chair of the Tournament Administration Committee would hold a seat on the Executive Committee.

The CRC would continue to handle in-season competition issues and administer the Act of AMTA Bid process, per current guidelines. The CRC Chair would sit on the Executive Committee, leaving us with no net loss in EC seats.

*Note: Passage of this motion requires changes to the bylaws, as both the RTC and NTC chairs sit on the Executive Committee. In addition, there are multiple references to both committees in the Rulebook. Should the motion pass, President Zeigler will review both the Bylaws and the Rulebook to reconcile them with the new structure and make all necessary changes, which will be sent to the Board for proofing prior to being published.*

**Recommendation: Adoption**

B. Budget and Fiscal Matters (*reviewed and/or submitted by Budget Committee*):

▪ BUD-01

Motion by Lyons and Pryor to Amend Rule 5.4 to read:

Rule 5.4 Advertising on AMTA website. Hosts of Invitational Tournaments may request to advertise the tournament or event on the AMTA website. However, they must make that request in writing. Any such request in writing must indicate that host school, program or institution acknowledges that the AMTA is neither sponsoring, organizing nor hosting the event. There shall be a fee of \$50.00 per tournament for advertising on the AMTA website.

*Rationale: AMTA is providing a very good service with no cost to hosts. This reasonable fee could increase revenue to support areas of need for AMTA.*

**Recommendation: Adoption**

▪ BUD-03

Motion by Nelmark:

Any credit a team has for failing to qualify for the postseason shall be applied to the following year's registration. Any team that does not register the year after which a credit is obtained shall forfeit the credit.

**Recommendation: None**

C. Tabulation Matters (*Reviewed by Tabulation Committee*):

▪ TAB-02

Motion by Tabulation Committee to Amend the Tabulation Manual as follows:

If a "Bracket Two" is created in Round 4 at Regionals or Opening Round Championship Sites, that Bracket shall be paired high / high rather than high / low.

Teams that are "two or more" ballots less than sixth place (ORCS) or eighth place (Regionals) shall be pulled down into Bracket Two. Except as provided herein, teams shall be pulled down to even out side constraints.

No team shall be "pulled down" to Bracket Two if it is tied or within one-half a ballot of sixth place (ORCS) or eighth place (Regionals). In such cases, a team or teams shall be pulled up to even out the bracket.

**Recommendation: Adoption**

▪ **TAB-05**

Motion by Lyons and Nelmark to Amend Rule 5.32 to read:

**Rule 5.32 Divisions at the Championship Tournament.** The Championship Tournament will be run in two divisions. If two teams from a single member institution compete they will be assigned to the same division. At least two teams from each Opening Round Championship Site shall be in each Championship division.

Those teams in the Championship with Bonus Bid Ranks shall be divided such that five of the top ten ranked teams participating in the tournament will be in each division, five of the next ten ranked teams shall be in each division (teams with the 11th to 20th best BBRs, not necessarily BBRs 11-20), five of the next ten ranked teams shall be in each division (teams with the 21st to 30th best BBRs), and, to the extent possible, all remaining ranked teams should be distributed with an equal number in each division.

Division draws shall be done at random, taking steps as needed to implement the above rules.

*Rationale: There is an ever-present quest to remove any appearance that the divisions are imbalanced, while, at the same time, to retain a random method of assigning teams amongst the two divisions. Given the new post season qualifying and pairing procedures, reliance on winners or losers at ORCS seems misplaced, and the above model would seem to more accurately balance power among the two divisions, but doing it both in groups, and doing as between the ranks of the teams that have actually qualified.*

**Recommendation: Adoption**

▪ **TAB-07**

Motion by Nelmark:

Whether or not a ByeBuster team changes competition, it shall always be in Bracket Two for the purposes of pairing the fourth round at Regional and ORCS tournaments.

**Recommendation: Adoption**

- **TAB-10**

Motion by Nelmark:

The second tiebreaker after CS (replacing SOO) shall be OCS or Opposition's Combined Strength. A team's OCS is the Combined Strength of its four opponents added together (a maximum of 128, with the larger number being better.)

*Rationale: SOO is meaningless in a two-way tiebreak where teams have identical CSs. It can break a tie with three or more teams, but it is difficult to calculate and provides little information of any value. OCS should be easy to calculate as it is simply adding together 4 numbers that have already been determined. Further, it provides meaningful information as, for example, a CS of 16 against opponents who went against tough opposition is more meaningful than the same CS is your opponents hit weak opposition (artificially inflating their own ballot totals).*

**Recommendation: Adoption**

- **TAB-11**

Motion by Nelmark:

If a program earns more than 2 postseason bids, their bids shall be deemed to be to the ORCS where the program has earned the most bids. If a program has earned equal numbers of bids to more than one ORCS, the program may submit a request to the Tabulation Director to have its bids condensed into a single ORCS. The Tabulation Director shall grant this request when reasonably possible, but shall not necessarily grant a request to condense into a particular ORCS.

**Recommendation: Adoption**

D. Rules and Sanctions *(Reviewed by the Rules/Sanctions Committee):*

- **RSC-02**

Motion by Zeigler:

Amend the official roster to add two additional team member lines to accommodate 10-person rosters and to include a line for the accompanying coach's cell phone number (for the purpose of contacting the coach as needed during the tournament).

**Recommendation: Adoption**

- **RSC-03**

Motion by Zeigler to Amend the Rulebook as follows:

**Rule 2.14. Case Access:** By remitting payment for program registration, institutions purchase a license to use the current AMTA Case for educational purposes (including participation in Mock Trial competition). The primary contact is responsible for controlling access to the case and for ensuring that access information is held secure. Access information may not be posted in any publicly accessible forum, including but not limited to publicly available web sites. Should the primary contact or other individual who has obtained case access discontinue his/her affiliation with the member institution, his/her license to use the case is revoked. Providing or facilitating unauthorized case access or use is considered “egregious conduct” and is sanctionable under Rule 9.

**Rule 2.15. Case Use in Subsequent Years:** Current faculty members or current primary contacts at a member institution may use old cases for educational purposes, provided that the institution was a member in good standing during the year the case was issued and remains in good standing at the time of use. “Educational purposes” include but are not limited to use for exhibition rounds, course instruction, auditions, or academic research. The case may not be used for any purpose for which a fee is charged, including but not limited to fee-based instruction (outside normal institutional course fees) or summer camps.

**Rule 2.16.** Programs wishing to use old AMTA cases for fee-based instruction, summer camps, etc. may purchase a license to do so. Please see the fee schedule on the AMTA Registration page for current pricing.

**Rule 2.17.** Invitational hosts who provide case access information to students, coaches, or spectators are in violation of the Case Use Policy and are subject to program sanctions under Rule 9. An Invitational host may provide case access information to judges in advance of the tournament.

**Rule 2.18.** The Primary Contact has an affirmative obligation to monitor use of case access at his/her institution and to inform AMTA of any violations thereof. Rationale: The current case use policy appears only on the registration form and has caused some confusion as to what constitutes legitimate use. This policy is designed to clarify permissible use, prevent institutions from using AMTA product for purposes for which they charge fees, and to make explicit the sanctions AMTA may impose for improper case use.

**Recommendation: Adoption**



- **RSC-04**

Motion by Zeigler to Amend Rule 9.5 to include as items under “sanctionable conduct”:

Violating the AMTA Case Use Policies

Violating the terms of use of any facility being used to host an AMTA-sanctioned event

*Rationale: We need to make explicit the consequences of violating explicit the Case Use Policies. For the terms of use for facilities, several hosts have faced significant unpleasantness as a result of AMTA participants violating courthouse use policies (eating in courtrooms, for example) or damaging equipment. These violations should be subject to sanction.*

**Recommendation: Adoption**

- **RSC-05**

Motion by Zeigler:

Amend Rule 9.4 to include the item “fines and/or restitution” as a permissible program sanction.

*Rationale: Several situations arose in which the available sanctions seemed inappropriate. For example, if students damage items in a courtroom, requiring that the program pay the costs of repair/replacement seems more appropriate than a program suspension. Allowing AMTA more flexibility in sanctioning allows the organization to devise appropriate and proportionate sanctions.*

**Recommendation: Adoption**

- **RSC-06**

Motion by Nelmark:

Revise **Rule 3.6(a)** to allow students who graduated at the end of the fall semester to compete in the spring provided they have not begun graduate school.

**Recommendation: Adoption**

- **RSC-07**

Motion by Nelmark:

Revise **Rule 4.37** to clarify which accommodations will or will not be made (after reviewing the report of the ad hoc committee appointed to review the matter).

**Recommendation: Adoption**

- **RSC-08**

Motion by Nelmark:

Amend subpart b of **Rule 10.1.3** to read: “regional and postseason tournaments” rather than “invitational and regional tournaments.

**Recommendation: Adoption**

VII. Unfinished/New Business

VIII. Informational Items

A. National Championship Tournament

- The National Championship Tournament will take place on April 16-18, 2010 in Memphis, TN.

IX. 2010 Annual Board Meeting

## APPENDIX A



*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.
- D. **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.

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

*[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)

--	--

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 \_\_\_\_\_

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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

*[Minutes continue on next page]*

- 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

- i. 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
- ii. 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.
- iii. 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.
- iv. 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 15 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. (Not attached)**

**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 (not attached).**

**TABLED**

**The materials generated by the JC detail the decision. (Not attached)**

**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.**

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.

## APPENDIX B

### AMTA to Begin Division II Competition in 2009-2010

To increase the opportunity for participation in mock trial and to provide a less costly and time-intensive option to the current August-to-April season, AMTA has created a "Division II." The first Division II season will occur during the 2009-2010 academic year.

One of the unique aspects of AMTA is that small schools are able to compete with large institutions on the same playing field. To preserve that aspect, Division I will continue to be an "open division." Programs will only be placed in Division II on a voluntary basis. When registering for AMTA, each program will have to choose a division. A member school cannot participate in both divisions. Each D-II member 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.

Many ideas have been proposed for restrictions on D-II competitors. These have included limiting the number of invitationals a D-II program can attend or restricting the amount of their mock trial budget. Monitoring these sorts of restrictions would be difficult if not impossible. For example, if the team budget is capped, more expenses will be passed on to students. If we ban invitationals, we'll see a rise in "scrimmages." The one thing AMTA *can* easily control is the length of the season.

Accordingly, AMTA will offer a D-II National Championship Tournament 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 priority for the 48 spots 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.

If, by the close of the registration period, there are more than 48 teams interested in D-II, a lottery will be held to distinguish between registrants within a particular category. If D-II registration is not adequate to justify a Division II tournament, those registering for Division II will be offered an opportunity to switch to Division I or receive a registration refund.

Having a single tournament will allow AMTA to gauge the interest level in D-II. If the single tournament fills easily, AMTA can institute regional qualifiers in subsequent years, much as they were added over time for D-I. In the inaugural season, AMTA will use the same case for both divisions. If the interest level in D-II rises, or if AMTA wishes to discourage D-II participation in D-I invitationals, AMTA could eventually introduce a different fact pattern for each division.

Although D-II will likely become more competitive over time, the truly intense programs will likely opt for D-I. Additionally, the shorter season will mean that even if practice hours are long during the season, students (and coaches) can still focus on other efforts in the spring.

To determine likely interest in Division II, all existing programs and any identified prospective programs will be contacted by the Division II implementation committee to both educate them about Division II and then subsequently poll their interest in the division.

Those interested in learning more about Division II should contact one of the following Implementation Committee representatives:

Marcus Pohlmann  
Rhodes College  
[pohlmann@rhodes.edu](mailto:pohlmann@rhodes.edu)  
901-843-3843

Barry Langford  
Columbia College  
[brlangford@ccis.edu](mailto:brlangford@ccis.edu)  
573-875-7484

Derek Moorehead  
University of Missouri-Kansas City  
[moorehead@umkc.edu](mailto:moorehead@umkc.edu)  
816-235-6094

## APPENDIX C – TABLED MOTIONS

- **EC-05**

Motion by Pryor and Eslick:

To amend **Rule 4.3** (Individual Awards) deleting all references to plaques./ In lieu of plaques, individual All-Region Attorneys and Witnesses will receive certificates. However, plaques would continue to be given at the Championship Tournament for All-American award recipients.

*Rationale: The costs of plaques and the related shipping and handling fees have increased as AMTA has experienced dramatic growth since its inception. During the 2009 fiscal year, AMTA spent approximately \$8547.00 on individual awards plus shipping and handling of approximately \$750.00. In total, approximately 552 plaques were distributed to 23 regional tournament sites. While programs certainly appreciate students being recognized as outstanding attorneys or witnesses, it is not as clear that award winners value the plaques more than any other token recognition. The AMTA Board and mock trial coaches continue to hear countless stories of students leaving their plaques behind in hotel rooms, vans, etc. Aside from AMTA rep reimbursements, tournament host stipends, and the salary for our administrative assistant, this is one of our largest expenses. If AMTA discontinues awarding plaques at the regional level, this would enable the Board to redistribute funds to support other areas of need such as increased tournament stipends for hosts, expanded web services, and office support.*

**Comment: The Treasurer will survey the membership on the value attached to individual awards and report back to the full Board.**

- **BUD-02**

Motion by Lyons to add new Rule 5.6 which would read:

Rule 5.6 Requirement of Licensing Fee. Any invitational tournament shall pay to AMTA a licensing fee for use of any use or substantial use of its case at said event in an amount equal to \$10.00 per team in attendance at said event within 30 days of the completion of said event, regardless of whether the tournament was advertised on the AMTA website. This fee shall not apply to any informal scrimmage, involving three or fewer programs.

*Rationale: Many, but admittedly not all schools, make a good amount of money hosting these events. They use AMTA's materials, yet AMTA does not receive any financial reimbursement for said use. A \$10.00 fee per team in attendance is a modest amount, and will result in AMTA gaining extra revenue, for use of its product. While the school's participating in the Invitationals do pay for case access, we can change our license to have hosts pay to use that case in their competitions.*

- **NTC-01**

Motion by Haughey:

That the AMTA National Championship Tournament site be selected via an open bid system rather than the current alternating year format with Des Moines.

*Rationale: Our ORC and Regional sites are subject to rigorous review which emphasizes a link with host institutions that provide significant resources to ensure tournament success. Additionally, a National Championship that moves to various locations throughout the country gives students an opportunity to encounter a wide variety of practice environments. Also, the shortcomings of any location, including Des Moines, must be subject to scrutiny by the board (or applicable committees), and situations such as the trial rooms at the Hotel Fort Des Moines can not continue without at least the possibility that the site will not “automatically” be awarded the tournament in alternating years.*

- **TAB-01**

Motion by Haughey:

Any participating AMTA school may send a maximum of four qualifying teams to the Opening Round Championship Tournaments. Any school may send a maximum of two qualifying teams to the National Championship.

*Rationale: Under the “new” system we have permitted a higher number of teams and schools to advance beyond the Regional Qualifier. We are no longer in a situation where one school could send more than two teams into a final field of 64. We ask schools that field multiple squads to contribute to AMTA financially, and burden those multiple-team programs with limits on the number of teams sent to any one regional as not to have the “interference” run for a school’s “lesser” teams. If these schools and participants qualify under the new system which accounts for the “interference,” and permits a greater number of teams overall to participate, they should be permitted to compete at the ORC level.*

- **TAB-04**

Motion by Lyons:

To eliminate the "four digit" numbering system, and return to the "three digit" system of permanent numbers.

- **TAB-06**

Motion by Zeigler:

Amend the Tabulation Manual with respect to ByeBuster teams as follows:

**CURRENT RULE:** In creating a ByeBuster team, the AMTA Representative shall consider the following criteria in order of importance in choosing who participates on the team:

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 already 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.

**MODIFIED RULE:** In creating a ByeBuster team at an AMTA Regional, ORC, or National Championship tournament, the AMTA Representative(s) shall use the following procedures:

A ByeBuster team shall be comprised of current undergraduates (either on the active roster of a participating team or otherwise attending the tournament), except where such undergraduates:

- (1) will be or have already competed in another regional/ORC (same level as current) tournament during the current season, or
- (2) would be competing in the round against a team from their own school.

After asking for volunteers from all teams at the Captains' Meeting, if the AMTA Representative(s) cannot form a six-person team under the above rule, the AMTA Representative(s) shall consult the submitted rosters for each team to determine whether the pool of available current undergraduates (subject to the two numbered exceptions above) has been exhausted.

Once the pool has been exhausted, the AMTA Representative(s) may waive the first numbered exception above. If a ByeBuster still cannot be formed at that point, the AMTA Representative(s) may waive the second exception above. If a ByeBuster still cannot be formed after waiving both exceptions above, the AMTA Representative(s) may use alumni and/or coaches to complete the ByeBuster team.

*Rationale: The current rule only requires the AMTA rep(s) to "consider" four criteria "in order of importance" - it does not clearly state any exhaustion requirement before less-preferred categories of eligibility are invoked, and it does not specify any procedure to be followed.*

*In addition, the fourth criterion in the existing rule ("Team members who can compete for all four rounds are preferred to those who cannot.") has been eliminated to allow the AMTA Representative(s) discretion in forming a ByeBuster team on which the participants have some familiarity with the roles they will be asked to play in a given round. This may be preferable to giving priority to four-round ByeBuster members who have little or no familiarity with the case materials or roles.*

- **TAB-12**

Motion by Nelmark:

Each ORCS shall receive five bids to the Championship. Any remaining bids shall first be used to correct any Acts of AMTA. If no Acts of AMTA are awarded, and there are 8 or less ORCS tournaments, the sixth place finishers at each ORCS shall receive a bid to the Championship. If any bids are used to correct Acts of AMTA, or there are insufficient bids to award one to the sixth place team at each ORCS, the bids shall be handed out in accordance with Open Bid procedures. If Acts of AMTA are awarded, the host of the Championship may, but is not required to, expand the Championship field by two or four bids if such expansion would allow the sixth place finisher at each ORCS to receive a bid.

**Comment: Recommended referral to NTC for Mid-Year report.**

- **TAB-13**

Motion by Pohlmann (on behalf of Anna Smith):

Remove the power-protect rules for fourth round pairings at both Regional Qualifying tournaments as well as the Opening Round National Championship qualifiers.

*Rationale: The power protect rule was designed to (a) prevent "top" teams from failing to qualify as a result of hitting other "top" teams in the fourth round and (b) prevent teams with lower combined strength schedules from "backdooring" into a qualified place by defeating less demanding opposition. As I intend to demonstrate, the quality of teams will be properly vetted through allowing the top 30-40% of the competing field to qualify through the high/high power pairing structure in two progressively competitive tournaments. Allowing a power protect fourth round structure does not eliminate the concerns that prompted the rule*



*and, instead, disproportionately punishes teams who have more demanding draws in earlier rounds and essentially creates a "three-round" tournament. By implementing a high/high fourth-round pairing, rather than a power-protect structure, any team with a winning record would qualify in the top 8 places in the tournament. Focusing on advancing any team that is capable of securing enough ballots to have a record of 5 or better after four rounds, rather than protecting teams who have either dodged difficult opposition in early rounds by allowing them to continue to dodge difficult opposition in round 4, AMTA is better placed to guarantee the most deserving programs advance out through each qualifying tournament. [proviso: Obviously this will work better at ORC's if and when those become 32-team tournaments in which the top 8 teams advance.]*

**Comment: Along with voting to table this motion, the Tabulation Committee expressly disagrees with the characterization of the rationale for the power protect rule. Said rationale listed by the proponent of the motion has not, in the eyes of the committee, ever been the consideration of why power protection was put into place.**

▪ **RSC-01**

Motion by Zeigler to modify Rule 7.13 as follows:

**Rule 7.13 Necessity of a timekeeper.** Each party is expected to supply a timekeeper for each trial. The timekeeper is an officer of the court while keeping time during a round. Although it is preferable for a team to supply a timekeeper other than those who are serving as witnesses or attorneys, a team does not violate this rule by using its witnesses or a rostered team member of the team in that round as a timekeeper or by using a spectator who does not appear on any roster. A team *does* violate this rule by using a coach, or a student from the same institution who appears on another roster at the same tournament, but who is not a member on the roster of the team competing in that round. (7-08)

**Comment: The benefits of simplifying administration of the no-contact rule outweigh any benefits of permitting timekeeping by people who are not on the team's official roster. However, we should make an effort to publicize both: (1) the rule that timekeepers must be on the roster; and (2) that there is no requirement that a person have any role other than timekeeping or otherwise be "on the team" in any other sense.**