



# American Mock Trial Association

2011 Board Meeting Minutes

Hosted by Loyola University Chicago

Organized by Michael Walsh

July 15-17, 2011

## I. Call to Order

### A. Saturday afternoon attendance:

**Members present (28):** Bernstein, Justin; Bloch, Brad; Butler, Jason; Calkins, Richard; Creed, Heather; Detsky, Adam; Eslick, Matthew; Guliuzza, Frank; Halva-Neubauer, Glen; Haughey, Dan; Hawley, Alicia; Heytens, Toby; Kelly, Michael; Langford, Barry; Leckrone, Josh; Lyons, Kristofer; Nelmark, David; Neuhaus, MaryLynn; Palmer, Jackie; Pohlmann, Marcus; Racheter, Don; Satler, Jennifer; Schuett, Neal; Scott, JoAnn; Vile, John; Wagoner, Jim; Woodward, Jonathan; Zeigler, Sara;

**Members not present (2):** Cross, David; Seelau, Ryan;

**Candidate Members present (4):** Smith, Anna; Walsh, Michael; Thomason, Kyle; Warihay, Will

**Candidate Members not present (2):** Stahl, Ricky; Weatherby, Georgie

**Staff & Guests (16):** Brown, Eric; Dorman, Monica; Ewing, Susan; Freixes, Gonzalo; Holstead, Devon; Keener, Grant; Koza, Emily; Leapheart, DeLois; Manley, Autumn; Murphy, Christine; Nichols, Laura; Parker, Tom; Pavely, Melissa; Smith, Michael; Strombom, Annika; Winget, Nicole;

### B. Sunday morning attendance:

**Members present (27):** Bernstein, J.; Bloch, B.; Butler, J.; Calkins, R.; Creed, H.; Detsky, A.; Eslick, M.; Guliuzza, F.; Halva-Neubauer, G.; Haughey, D.; Hawley, A.; Heytens, T.; Kelly, M.; Langford, B.; Leckrone, J.; Lyons, K.; Nelmark, D.; Neuhaus, ML.; Palmer, J.; Pohlmann, M.; Racheter, D.; Schuett, N.; Scott, J.; Vile, J.; Wagoner, J.; Woodward, J.; Zeigler, Sara;

**Members not present (3):** Cross, D.; Satler, J.; Seelau, R.;

**Candidate Members present (4):** Smith, A.; Walsh, M.; Thomason, K.; Warihay, W.

**Candidate Members not present (2):** Stahl, R.; Weatherby, G.

**Staff & Guests (13):** Dorman, M.; Ewing, S.; Freixes, G.; Holstead, D.; Keener, G.; Koza, E.; Leapheart, D.; Manley, A.; Murphy, C.; Nichols, L.; Smith, M.; Strombom, A.; Winget, N.;

**Directors Emeritus (1):** Anita Calkins

## II. Welcome and Remarks

Delivered by Nelmark, D.

## III. Introductions – Members and Guests

## IV. Format of Agenda

Delivered by Secretary – Detsky, A.

All Motions are referenced numerically by the initials of the AMTA Committee responsible which reviewed and/or made recommendations regarding to the motion prior to the board meeting (e.g. EC-2 or TAB-3). The numeric order is based upon the order in which the motions were submitted to the original agenda, subject to the exception that every effort was made to place motions directly addressing the same issue in sequential order regardless of submission date. The final motion agenda order was subsequently set by the Executive Board (AMTA Bylaws, Section 10.2.1)(Subject to agenda amendments made at the board meeting which are referenced below.). In certain instances, motions submitted by candidate members were adopted by the Secretary or another board member on behalf of the candidate member or other person(s) and are reflected as such in the motion. All motions submitted were referred to the corresponding AMTA Committee pursuant to the policy adopted by the Board in 2007. The decision over which motions were reviewed by which committee was determined by the Executive Committee pursuant to rule 10.2.1. In instances where the reviewing committee recommended adopting a motion, that recommendation follows the motion language **IN BOLD, ALL CAPITALS AND UNDERLINED**. Because these motions had been recommended by committee, they did not have to be seconded at the meeting.

For a motion to have been adopted, it must have received a majority of the votes cast at a meeting at which quorum is present. (AMTA Bylaws, Section 4.10). Motions to amend the Bylaws required an affirmative vote of two-thirds of the Voting Directors (AMTA Bylaws, Section 8.02)

Motions to untable, amend, modify or substitute a motion are included below in red.

**The final disposition of the motion is in bold red.**

Annexed to the Agenda as **Appendix A** is the Consent Calendar. Motions moved from the agenda to the Consent Calendar appear on the Consent Calendar.

Annexed to the Agenda as **Appendix B** is a list of tabled motions. These motions were tabled by the reviewing committee and therefore were not considered by the Board unless

they were “untabled” at the meeting. To “untable” a motion, five voting Board Members (not including the motion’s author) had to petition for the motion to be heard. Once the five members petitioned, the motions author is afforded the opportunity to speak on the motion’s behalf. A majority of the voting Board Members would then vote on whether to take the motion off the table. Taking a motion off the table and placing it on the agenda alone does not result in adoption of the motion. A separate vote would then be necessary on whether to adopt the motion.

Annexed to the Agenda as **Appendix C** is an addendum to motion TAB-07.

Annexed to the Agenda as **Appendix D** are minutes from the 2010 winter conference call.

## V. Approval of Agenda

### **Motion by Detsky, A. to amend the agenda as follows:**

- 1) Move the following items to the consent calendar:
  - EC-04 (policy re: traveling trophies)
  - EC-07 (clarifying sanctioning for non-tournament conduct)
  - BUD-04 (late fee policy)
  - RSC 08/09/13 (referring invention of fact issue to committee)
  - RSC-18 (authenticity of documents)
  - TAB -07 (amendment of spirit of AMTA form).
- 2) For SPC-02 to appear on the agenda after SPC-01 without recommendation from committee as the motion was erroneously tabled.
- 3) For the Board to go into Executive Session at a designated time certain at 9 AM on Sunday July 17, 2011.
- 4) For the HR and BUD motions be heard following Sunday’s Executive Session.
- 5) That if a petition to untable a motion is submitted, then each application to “untable” will be considered in the order that particular motion had been previously designated. (ie. BUD-02 will be discussed after BUD-01, TAB-22 will be discussed after TAB-21, etc.).

Seconded.

Agenda amendments adopted.

### **Motion by Bernstein, J. to amend the agenda as follows:**

That the appeal of a disciplinary matter currently scheduled for “New Business” be addressed during the Executive Session at 9 AM on Sunday July 17, 2011.

Seconded

Agenda amendments adopted.

### **Motion by Guliuzza, F. to approve agenda as amended.**

**Seconded**

**Agenda adopted as amended.**

## **VI. Special Board Elections**

A. Election of At-Large Board Member for Human Resources Committee.

**Motion to re-elect Lyons, K.  
Seconded  
Lyons, K. re-elected.**

## **VII. Consideration of Tabled Motions**

For procedure to “untable” a motion, please see discussion of **Appendix B** above.

**At which time, written petitions of five signatures were presented to move to untable EC-02 (limitation on Case Committee membership), RSC-03 (amendments to intervention policy), RSC-12(prohibition on chants) and TAC-05 (location of National Championship Tournament).**

Motions to untable will be entertained at the appropriate place in the agenda as per section V. motions above.

## **VIII. Approval of Mid-Year Minutes (attached as Appendix D)**

**Motion by Detsky, A. to approve the Mid-Year Meeting minutes.  
Seconded.  
Minutes adopted**

## **IX. Approval of Consent Calendar (attached as Appendix A)**

**Consent Calendar approved as amended by section V. above.**

## **X. Committee Reports**

### **A. Budget Committee Report (Eslick, M.):**

**Motion by Racheter, D. to amend the 2011-12 budget to include an additional \$2,000 allocation to expenses associated with the annual board meeting.  
Seconded  
Amendment adopted**

**Motion by Eslick, M. to amend budget to draw \$10,000 from reserve funds for purposes of website revamp/redesign.  
Seconded  
Amendment adopted.**

**Motion by Eslick, M. to adopt 2011-2012 fiscal year budget.  
Seconded.  
Budget adopted as amended.**

- B. Civil Case Committee (Heytens, T.)
- C. Criminal Case Committee (Butler, J.; Parker, T.)
- D. Competition Response Committee (Guliuzza, F.)
- E. Development Committee (Palmer, J.)
- F. Ad Hoc Committee on Religious Accommodation (Freixes, G.)
- G. Human Resources Committee (Detsky, A.)
- H. Rules Committee (Bernstein, J.)
- I. Strategic Planning Committee (Pohlmann, M.)
- J. Tabulation Advisory Committee (Lyons, K.)
- K. Tournament Administration Committee (Woodward, J.)

## XI. Motions:

### A. Competition Response Committee (3):

#### CRC-01

Motion by Lyons, K. (as amended by Committee) to add the following sentence to Rule 4.9:

"Coaches may not participate in or represent a team at Captains Meetings. However, nothing in this rule shall prohibit a coach from attending or observing a captains meeting."

#### COMMITTEE RECOMMENDED ADOPTION

Motion by Detsky, A. to amend motion to add additional language so that rule would read as follows **(added language in bold)**:

“Coaches may not participate in or represent a team at Captains Meetings. **There may be no communication between a coach and their program’s captain(s) and/or other designees in attendance at the Captain’s Meeting until such time as the meeting is complete.**” This “no coaching” rule shall be applicable solely to coaches and their students/designees attending the captain’s meeting. However, nothing in this rule shall prohibit a coach from attending or observing a captains meeting”

Seconded.

Amendment adopted.

Motion by Kelly R to add “directly or indirectly” following the word “communication” in the amended language of the motion.

Seconded

Amended language adopted.

**Motion adopted as amended.**

#### **CRC-02**

**Motion by Detsky, A. to granted limited decision making powers to the Competition Response Committee as follows:**

That the Competition Response Committee may adjust the bids awarded to a region or a supplemental region if the size of the field is significantly altered due to adverse weather or other unusual circumstances.

#### **COMMITTEE RECOMMENDED ADOPTION**

**Motion adopted.**

#### **CRC-03**

**Motion by Halva-Neubauer, G. (as amended by Committee) to create a new Inclement Weather Policy (Rule 4.34):**

**Rule 4.34. Severe weather rules.**

(1) **Participant safety paramount.** All participants should always make their personal safety their first priority in determining whether to travel to or from a tournament during severe weather. If a team determines it can not safely travel to a tournament, it should notify the tournament host and/or the AMTA Representatives at the earliest safe opportunity.

(2) **Handling of tournament fees.** A team that is unable to travel to a tournament due to inclement weather and that communicates this decision in advance to the applicable tournament officials should normally have its regional tournament fees rolled forward to the following year. The Executive Committee shall have final authority to determine whether a team's regional registration fees should be rolled forward.

(3) **Cancelling or changing tournaments.** Tournaments shall take place as scheduled, except in extraordinary circumstances. When faced with extraordinary circumstances, including but not limited to inclement weather, the AMTA Representatives, the tournament host, and the Tournament Administration Chair should make recommendations to the AMTA President as to whether and how a particular tournament shall be held. The AMTA President, or his or her designate, shall have final authority to determine whether a tournament shall be held or whether its schedule shall be altered.

(4) **Supplemental tournaments.** The AMTA President, in consultation with the Tabulation Director and Tournament Administration Committee Chair (or their designees,) may authorize make-up or supplemental tournaments, but only in extraordinary circumstances. The amount of bids to be awarded at each such tournament shall be determined by the Competition Response Committee.

## COMMITTEE RECOMMENDED ADOPTION

**Motion adopted.**

### B. Executive Committee (7):

#### EC-02 (pursuant to petition to untable)

**Motion by Haughey, D., to add the following new limitation to Rule 10.3.1 regarding limitations on committee membership:**

New Limitation: No competing school may have a representative on both the criminal and civil case committees in consecutive years.

*Rationale:* As a former co-chair, and now member of the civil case committee, I have come to appreciate the degree of influence and advantage that any member of the committee can possess. While I would prefer not to have the discussion, I believe that some would be willing to lose sight of the good faith requirement not to share information with students and fellow coaches. Even if that blatant disregard for the rules was not evident, those of us who operate in good faith cannot deny that having the information related to the case early allows us to think about approaches to the case; how our personnel might play certain roles etc. In order to avoid a further significant advantage to a handful of committee members and their teams, a limitation seems appropriate.

Motion by five members of the Board other than the motion author to remove EC-02 from the table.

Seconded.

Motion untabled.

**Motion seconded**

**Motion adopted.**

#### EC-03

**Motion by Woodward, J. to amend Rule 2.8 to read as follows (replacement language in bold):**

#### **Rule 2.8 Regional registration, deadline.**

**(1) DEADLINE.** ~~The registration deadline for priority placement at a regional tournament is October 15. Teams may register after that time only with the permission of the Tournament Administration Committee Chair. Late registrants will be assigned to regional tournaments on a space-available basis.~~ **The priority registration deadline for regional competition is October 15. Teams registering after October 15 will be assigned to a regional tournament only on a space-available basis at the discretion of the Tournament Administration Committee Chair.**

No team shall be permitted to compete at a regional tournament if its registration is not final and complete by 4:30 p.m. central time on the first business day after January 15 absent a waiver from the Executive Committee. "Business day" is defined as a day that the AMTA administrative office is staffed and open for business. "Final and complete" registration means that the AMTA office has all of the following items in hand:

- a. Payment of the current year school and team registration fees;
- b. Payment of any prior year penalties;
- c. Payment of any current year late fees or penalties;
- d. Submission of a valid letter pursuant to Rule 2.3."

*Rationale: It causes far too much strain on our system to permit late registrations to continue to take place in January and February. This past year, schools were trying to add teams as late as the third week of Regionals. A cut-off date at the beginning of January will still give two and a half months of lee-way to those schools who, for whatever reason, aren't able to meet the priority registration deadline of October 15, while providing AMTA and our hosts with some finality in terms of late additions.*

## **COMMITTEE RECOMMENDED ADOPTION**

**Motion adopted.**

### **EC-04 (regarding shipping and responsibility for traveling trophies)**

**Motion moved to Consent Calendar (see Appendix A)**

**Motion adopted as part of Consent Calendar.**

### **EC-05**

**Motion by Zeigler, S. (as amended by Committee) to replace current language of 4.02.01 and create section 4.02.02 in the Bylaws with the following new language:**

#### **Section 4.02.01. Selection and Rejection of Candidate Director Applications.**

(a) Generally.

The Candidacy Period is two years. Individuals seeking to become Directors must first apply to become Candidate Directors. Individuals who have been Candidate Directors for one year must re-apply to become Candidate Directors for a second year. After two years as a Candidate Director, an individual is eligible to stand for election to the Board of Directors. The procedures related to becoming a first-year Candidate Director appear in subsection (b) of this Section. The procedures related to becoming a second-year Candidate Director appear in subsection (c) of this Section. The procedures for becoming a first-time Director appear in subsection (d). The procedures related to returning as a Director appear in Section 4.03.01.

(b) Becoming a First-Year Candidate Director.

(1) Information Gathering from Candidate Director Applicants.

The Executive Committee, which serves as the nominating committee, will require all Candidate Director applications to be turned in no later than March 1. Notice of this deadline will be made public via the AMTA website or other appropriate means by February 1. The President (or his/her designee) will announce names of the individuals who have submitted Candidate Director applications in writing to the entire Board of Directors within two business days following March 1.

(2) Information Gathering From Directors.

The Executive Committee will accept written recommendations, both positive and negative, from Directors about any Candidate Director applicant for five business days following the written announcement of the candidates.

(3) Nomination Procedure.

The Executive Committee, which serves as the nominating committee, will review the applications of those individuals seeking to become first-year Candidate Directors and will decide whether an applicant should be nominated and appear on the ballot as a first-year Candidate Director candidate or not by no later than March 15. The Executive Committee will also consider any other information provided by Directors, in assessing whether a Candidate Director applicant should be nominated and placed on the ballot. In order to nominate an applicant and place his/her name on the ballot, a majority of the Executive Committee votes cast must be in favor of a Candidate Director applicant's nomination. Abstentions do not count as votes in this circumstance.

(4) Candidate Director applicants who were not nominated.

A Candidate Director applicant seeking to become a first-year Candidate Director who was not nominated and not placed on the ballot by the Executive Committee, may be placed on the ballot by the Board of Directors upon the petition of five (5) Directors. If a Candidate Director applicant is placed on the ballot in this fashion, a 2/3 majority of votes cast by Voting Directors is required to make this person a first-year Candidate Director.

(c) Becoming a Second-Year Candidate Director.

(1) Information Gathering from Candidate Director Applicants.

(A) Applications.

The Executive Committee, which serves as the nominating committee, will require all Candidate Director applications to be turned in no later than March 1. Notice of this deadline will be made public via the AMTA website or other appropriate means by February 1. First-year Candidate Directors who are applying for their second-year of candidacy will be given written notice of this deadline by February 1. The President (or his/her designee) will announce names of the individuals who have submitted Candidate Director applications in writing to the entire Board of Directors within two business days following March 1.

(B) Interim Evaluations and Responses.

The President (or his/her designee), in consultation with the Executive Committee, shall provide a written interim evaluation to each first-year Candidate Director, no later than January 1. The Candidate Director may submit a written response by February 1, but is not required to do so.

(2) Information Gathering From Directors.

The Executive Committee will accept written recommendations, both positive and negative, from Directors about any Candidate Director applicant for five business days following the written announcement of the candidates.

(3) Recommendation Procedure.

The Executive Committee, which serves as the nominating committee, will review the applications of those Candidate Directors seeking to become second-year Candidate Directors and issue either a positive or negative recommendation on each

application no later than March 15. The Executive Committee will also consider the contents of the interim report, the Candidate Director's response to the interim report, and any other information provided by Directors, in assessing the Candidate Director's performance and developing its recommendations. In order to give a positive recommendation, a majority of the Executive Committee votes cast must be in favor of issuing such a recommendation, otherwise a negative recommendation will be issued. Abstentions do not count as votes in this circumstance.

(4) Negative Recommendations.

In the case of a negative recommendation, the President (or his/her designee) shall notify the Candidate Director applicant in writing of the negative recommendation and the rationale for the same, but the specific views expressed by any individual Executive Committee member shall remain confidential. The Candidate Director applicant shall respond to the recommendation in writing, by either withdrawing his/her application for candidacy or submitting a response to the Executive Committee addressing the issues raised in the notification letter within five business days of receiving the notification letter. In extreme circumstances, the Executive Committee may waive this five-day requirement. A failure to timely respond will constitute withdrawal of the application for candidacy. Should the Candidate Director applicant submit a response addressing the issues raised in the notification letter, the President (or his/her designee) shall forward both the notification letter and the Candidate Director applicant's response to the Executive Committee for consideration. The Executive Committee shall consider the response and either affirm or reverse the negative recommendation within five business days of receiving the response. In order to reverse the negative recommendation, a majority of the Executive Committee votes cast must be in favor of reversing the recommendation. Abstentions do not count as votes in this circumstance. The President (or his/her designee) shall notify the Candidate Director within one business day of the Executive Committee's decision. Upon receiving notification of the Executive Committee's final decision, the Candidate Director may either withdraw his/her application or request that all materials be forwarded to the Board of Directors for consideration.

(5) Positive Recommendation.

A Candidate Director who receives a positive recommendation will be placed on the ballot.

(6) Board of Directors Voting on Candidate Directors.

Any Candidate Director who appears on the ballot – regardless of whether he/she has a positive or negative recommendation from the Executive Committee – requires a majority of the votes cast by Voting Directors to become to continue as a Candidate Director.

(d) Becoming a First-Time Director.

(1) Information Gathering from First-Time Director Applicants.

(A) Applications.

The Executive Committee, which serves as the nominating committee, will require all First-Time Director applications to be turned in no later than March 1. Notice of this deadline will be made public via the AMTA website

or other appropriate means by February 1. Second-year Candidate Directors who are applying to become first-time Directors will be given written notice of this deadline by February 1. The President (or his/her designee) will announce names of the individuals who have submitted Candidate Director applications in writing to the entire Board of Directors within two business days following March 1.

(B) Interim Evaluations and Responses.

The President (or his/her designee), in consultation with the Executive Committee, shall provide a written interim evaluation to each second-year Candidate Director, no later than January 1. The Candidate Director may submit a written response by February 1, but is not required to do so.

(2) Information Gathering From Directors.

The Executive Committee will accept written recommendations, both positive and negative, from Directors about any first-time Director applicant for five business days following the written announcement of the candidates.

(3) Recommendation Procedure.

The Executive Committee, which serves as the nominating committee, will review the applications of those second-year Candidate Directors seeking to become first-time Directors and issue either a positive or negative recommendation on each application no later than March 15. The Executive Committee will also consider the contents of the interim report, the Candidate Director's response to the interim report, and any other information provided by Directors, in assessing the Candidate Director's performance and developing its recommendations. In order to give a positive recommendation, a majority of the Executive Committee votes cast must be in favor of issuing such a recommendation, otherwise a negative recommendation will be issued. Abstentions do not count as votes in this circumstance.

(4) Negative Recommendations.

In the case of a negative recommendation, the President (or his/her designee) shall notify the Candidate Director applicant in writing of the negative recommendation and the rationale for the same, but the specific views expressed by any individual Executive Committee member shall remain confidential. The Candidate Director applicant shall respond to the recommendation in writing, by either withdrawing his/her application for candidacy or submitting a response to the Executive Committee addressing the issues raised in the notification letter within five business days of receiving the notification letter. In extreme circumstances, the Executive Committee may waive this five-day requirement. A failure to timely respond will constitute withdrawal of the application for candidacy. Should the Candidate Director applicant submit a response addressing the issues raised in the notification letter, the President (or his/her designee) shall forward both the notification letter and the Candidate Director applicant's response to the Executive Committee for consideration. The Executive Committee shall consider the response and either affirm or reverse the negative recommendation within five business days of receiving the response. In order to reverse the negative recommendation, a majority of the Executive Committee votes cast must be in favor of reversing the recommendation. Abstentions do not count as votes in this circumstance. The President (or his/her

designee) shall notify the Candidate Director within one business day of the Executive Committee's decision. Upon receiving notification of the Executive Committee's final decision, the Candidate Director may either withdraw his/her application or request that all materials be forwarded to the Board of Directors for consideration.

(5) Positive Recommendation.

A Candidate Director who receives a positive recommendation will be placed on the ballot for the Board of Directors to vote on.

(6) Board of Directors Voting on Candidate Directors.

Any Candidate Director seeking to become a first-time Director who appears on the ballot – regardless of whether he/she has a positive or negative recommendation from the Executive Committee – requires a majority of the votes cast by Voting Directors to become a Director.

(e) Consent of Candidate Director Applicants.

By submitting an application for candidacy, the Candidate Director applicant consents to the procedures outlined above, including the distribution of the rationale for a negative recommendation to the Board of Directors and full discussion of the contents of same, and waives any and all claims related thereto.

**Section 4.02.02. Candidate Directors.**

(a) Duties and Responsibilities.

Candidate Directors are expected to assume the full array of Director responsibilities, but they cannot vote until they are subsequently elected as Directors, normally after at least two years as a Candidate Director.

**COMMITTEE RECOMMENDED ADOPTION**

**Motion adopted by unanimous vote.**

**EC-06**

**Motion by Zeigler, S. to replace section 4.03 of the Bylaws with the following new language and to create a new 4.03.01:**

**Section 4.03. Election and Term of Directors.**

(a) Generally.

Directors must be reelected each year. There are no term limits. For any Director Candidate applicant, Director Candidate, first-time Director applicant or Director seeking re-election, the vote will only be valid if the number of votes cast with respect to an individual meets or exceeds a quorum. All votes will be tallied in a manner designed to guarantee the confidentiality of the votes cast. For example, paper ballots could be mailed out with a raised seal; the return of this original ballot would be required in a postage-paid return envelope. All Candidate applicants, Director Candidates, first-time Director applicants and Directors seeking re-election will be informed of the election results no later than forty-five days before the scheduled annual board meeting.

- (b) **Becoming a Director for the First Time.**  
Any Candidate Director will be subject to a recommendation and the related procedures pursuant to section 4.02.01 before becoming a Director.
- (c) **Re-electing Directors.**  
Directors seeking reelection are subject to the selection process provisions found in Section 4.03.01. A Director seeking reelection will be reelected upon receiving a majority of votes cast by Voting Directors. Voting must be conducted in accordance with Section 4.13. An abstention will not be deemed a vote cast.
- (d) **Unelected Directors.**  
If a Director fails to be reelected, that Director may reapply to become a Candidate Director the following year.

#### **Section 4.03.01 Director Selection Process.**

- (a) **Information Gathering from Directors.**
  - (1) **Applications.**  
Anyone seeking to be a Director on the upcoming year's Board of Directors must submit a board applicant questionnaire (form B) no later than March 1. The names of the individuals who have submitted Director applications will be announced in writing to the entire Board of Directors within two business days following the National Championship.
  - (2) **Information Gathering From Directors.**  
The Executive Committee will accept written recommendations, both positive and negative, from Directors about any Director applicant for five business days following the written announcement of the candidates.
- (b) **Recommendation Procedure.**  
The Executive Committee, which serves as the nominating committee, will review the Director applications and issue either a positive or negative recommendation on each application no later than March 15. The Executive Committee will also consider the contents of any other information provided by Directors in assessing the Director applicant's performance and developing its recommendations. In order to give a positive recommendation, a majority of the Executive Committee votes cast must be in favor of issuing such a recommendation, otherwise a negative recommendation will be issued. Abstentions do not count as votes in this circumstance. Executive Committee members seeking to be Directors on the upcoming year's Board of Directors must recuse him/herself from all discussions of his/her nomination.
- (c) **Negative Recommendations.**  
In the case of a negative recommendation, the President (or his/her designee) shall notify the Director applicant in writing of the negative recommendation and the rationale for the same, but the specific views expressed by any individual Executive Committee member shall remain confidential. The Director applicant shall respond to the recommendation in writing, by either withdrawing his/her application or submitting a response to the Executive Committee addressing the issues raised in the notification letter within five business days of receiving the notification letter. In extreme circumstances, the Executive Committee may

waive this five-day requirement. A failure to timely respond will constitute withdrawal of the application. Should the Director applicant submit a response addressing the issues raised in the notification letter, the President (or his/her designee) shall forward both the notification letter and the Director applicant's response to the Executive Committee for consideration. The Executive Committee shall consider the response and either affirm or reverse the negative recommendation within five business days of receiving the response. In order to reverse the negative recommendation, a majority of the Executive Committee votes cast must be in favor of reversing the recommendation. Abstentions do not count as votes in this circumstance. The President (or his/her designee) shall notify the Director applicant within one business day of the Executive Committee's decision. Upon receiving notification of the Executive Committee's final decision, the Director applicant may either withdraw his/her application or request that all materials be forwarded to the Board of Directors for consideration.

(d) Positive Recommendation.

A Director applicant who receives a positive recommendation will be placed on the ballot for the Board of Directors to vote on.

(e) Board of Directors Voting on Candidate Directors.

Any Director applicant who appears on the ballot by the Executive Committee – regardless of whether he/she has a positive or negative recommendation from the Executive Committee – requires a majority of the votes cast by Voting Directors to become a Director. Abstentions do not count as votes in this circumstance.

(f) Consent of Director Applicants.

By submitting an application to stand for election, the Director applicant agrees to the procedures outlined above, including the distribution of the rationale for a negative recommendation to the Board of Directors and full discussion of contents of same, and waives any and all claims related thereto.

**COMMITTEE RECOMMENDED ADOPTION**

**Motion adopted by unanimous vote.**

**EC-07 (to clarify non-tournament sanctioning policy)**

**Motion moved to Consent Calendar (see Appendix A).**

**Motion adopted.**

**EC-08**

**Motion by Detsky, A. (as amended by Committee) to modify our President-election procedures as follows:**

Where there are more than two candidates for an AMTA office, including President-Elect, and no candidate receives a majority of the votes cast, the candidate with the lowest vote total shall be removed and the election shall re-occur with the remaining candidates. The process shall continue until one candidate receives a majority of the votes cast. In the event of a tie for the lowest position, all such candidates shall be eliminated unless their combined vote total exceeds the total votes received by the leading candidate in that round of balloting. If the vote total does exceed the total votes received by the leading candidate in that round of balloting, a run-off election with voting only

for the tied candidates shall take place, with the low vote-getter being removed from the ballot for the next round. In the event of a tie between two remaining candidates (or in an election with only two candidates), a re-vote shall occur. If a tie remains after a re-vote, candidate directors will be allowed to participate in the next round of balloting (subject to any attendance, shared vote, or other requirements existing in the bylaws.) If a tie remains after that round of balloting, the existing AMTA President shall break the tie. The process described in this section shall not apply elections for a position on the Board of Directors which are addressed separately in the bylaws.

### **COMMITTEE RECOMMENDED ADOPTION**

**Motion adopted by unanimous vote.**

#### **C. Rules and Sanctions Committee (8):**

##### **RSC-03**

**Motion by Pohlmann, M. to amend rule 9.9 as follows:**

##### **Rule 9.9 Interventions.**

**(4) PROCEDURE FOR REQUESTING INTERVENTION.** A request for intervention shall be brought to the AMTA Representatives **[add: by a member on the roster of one of the teams involved No coach or other team representative may bring such an intervention request.]** . The team seeking intervention must ~~typically~~ notify a representative of the other team that they are leaving the trial to do so. The AMTA Representative shall give both teams the opportunity to be heard **[add: before considering the request and]** before imposing sanctions. If, upon request of the AMTA Representative, one team refuses to meet with the AMTA Representative, that team waives the right to be heard **[add: before the request is heard and]** before a sanction is imposed.

*Rationale: This is a two-part proposal and the parts are separable: (1) The first change limits intervention requests to team members. This is primarily designed so as not to advantage teams who have coaches on site, and especially those who do not have well-known coaches. Secondly it advances the notion that part of the learning experience is for the students to develop the skills to speak for themselves. (2) The second change requires that the opposing team have the opportunity to be represented before any intervention request is even heard. This is only fair. It is also likely to save time by reducing the number of frivolous intervention requests that a team would hesitate to make in the presence of the other team, that might be able to be worked out by the two teams without seeking an external intervention, or at very least would save the time of the AR having to send for the other team's representative.*

**Motion by five members of the Board other than the motion author to remove RSC-03 from the table.**

**Seconded.**

**Motion untabled.**

**Motion by Pohlmann, M. to divide the two sections as per rationale.**

**Seconded.**

**Motion divided.**

***As to part 1: limiting who may make intervention requests:***

**Motion by Hawley to amend the added language to state (added language underlined): “by a member on the roster of one of the teams involved or a third party individual not affiliated with either of the teams competing”**

Seconded.  
Amendment adopted.

**Motion to adopt part 1 of rule as amended.**  
Seconded.  
Part 1 fails.

**As to part 2: regarding timing as to when the other side may be heard:**  
**Motion by Detsky, A. to refer to committee to address issues of whether a trial may/should proceed while an intervention request is pending.**  
Seconded  
Part 2 referred to Rules Committee.

#### RSC-07

Motion by Bernstein, J. to modify rule 5.28 with the following language regarding roster submissions for the National Championship (*new language in bold italics*):

That Rule 5.28 be replaced with the following:

**Rule 5.28 Divisions at the national championship tournament.**

(1) **DIVISIONS.** The national championship tournament will be run in two divisions.

(a) **DISTRIBUTION OF BONUS BID RANKS.** Teams 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.

(b) **GEOGRAPHIC DISTRIBUTION REQUIRED.** At least two teams from each opening round championship tournament shall compete in each division.

(c) **SCHOOLS EARNING MULTIPLE BIDS.** If two teams from a single school compete, they shall not be assigned to the same division.

(2) **RANDOM DRAW REQUIRED.** Division draws shall be done at random, taking steps as needed to implement the above rules. *The division draw shall occur between 4 and 7 days after the last day of the final ORC.*

(3) **ROSTER SUBMISSION.**

(a) *Teams must submit rosters to AMTA no later than 3 days after the last day of the final ORC (“preliminary roster deadline”). If two teams from a single school compete, the school must identify by the preliminary roster deadline which team is the superior (“A”) team. If the school believes its two teams to be of equal strength, it can assign the “A” designation at its discretion.*

(b) *Teams from schools that qualify a single team to the championship may change their rosters after the preliminary roster deadline without review by AMTA (except for issues regarding eligibility of individual students, see Rules 3.5 to 3.8).*

(c) *Teams from schools that qualify two teams to the national championship tournament may change their rosters after the preliminary roster deadline but doing so gives authority to the Competition Response Committee to change the school’s “A” designation.*

#### COMMITTEE RECOMMENDED ADOPTION

*Rationale: Our current rules enable schools that qualify two teams to the championship to manipulate the division scheme (by designating their A team as the B team and vice versa). This motion makes such manipulation much more*

*difficult. First, unlike under our current rules, all teams must submit their rosters before division draws. This discourages A/B manipulation because, before the division draw, schools have little or no incentive to switch their A/B designations. Second, unlike our current rules, this motion expressly provides a mechanism for oversight if teams make roster changes after divisions are drawn. Note that teams may always change their rosters—after all, last-minute changes may be prompted by many legitimate reasons, including case changes, student performance, student health, etc.—but gives AMTA the ability to adjust the A/B designation if appropriate. Note also that this rule imposes no restrictions on schools qualifying a single team to the championship as such schools are not in position to manipulate the division scheme.*

Motion by Heytens, T. to change deadline to submit rosters to be “no later than 4:00pm CST on the second Monday following the completion of the final ORC.”

Seconded.

Amendment adopted.

**Motion adopted as amended.**

**RSC-08, RSC-09, RSC-13 (full motions included in tabled motions section):**

Motion(s) moved to Consent Calendar (See Appendix A).

**Motion(s) adopted as part of Consent Calendar.**

**RSC-12 (to prohibit chanting)(see tabled motions):**

Motion by five members of the Board other than the motion author to remove RSC-12 from the table.

Seconded.

Motion to untable fails.

Motion returned to tabled motions appendix (Appendix “B”)

**RSC-15**

**Motion by Bernstein, J. to add new subsection to rule 4.31 regarding timing for reading of exhibits:**

That the following language be added to the Rulebook:

(6) Should a team wish to read aloud for the jury an exhibit (or part of any exhibit) or stipulation, any such reading must be deducted from the team’s time to present arguments and evidence. The time spent reading the exhibit aloud shall be deducted from that team’s total 5 minutes for opening statement, 25 minutes for direct examination, 25 minutes for cross examination, or 9 minutes for closing argument, depending on whether the reading occurs before the conclusion of the second opening statement, after opening statements but before the plaintiff has rested, after the plaintiff has rested but before the defense has rested, or during the reading team’s closing argument, respectively. This rule addresses only issues of timing, not issues of evidence or admissibility.

**COMMITTEE RECOMMENDED ADOPTION**

*Rationale: Our rules currently permit teams to do many things during trial that are not subject to time limits. One of those things is the reading of exhibits. This rule would clarify that time spent reading exhibits must be deducted from a team’s overall time.*

**Motion Adopted**

### **RSC-16**

#### **Motion by Bernstein, J. that the following rule be created and added to the rulebook:**

Unless expressly stated otherwise in the case packet, all of the exhibits contained in the case packet (including, but not limited to, curriculum vitae and expert reports) constitute the final or most recent version of the document in question. No attorney or witness may assert anything to the contrary, but witnesses who are unfamiliar with a particular document may testify that they do not know.

### **COMMITTEE RECOMMENDED ADOPTION**

*Rationale: This rule would help curb inappropriate gamesmanship.*

**Motion adopted.**

### **RSC-18 (Dividing Rule 8.2 into subsections)**

**Motion moved to Consent Calendar (See Appendix A).**

**Motion adopted as part of Consent Calendar.**

### **RSC-19**

#### **Motion by Bernstein, J. (as amended by Committee) that the following language be added to Rule 8.3 regarding admissibility of affidavits:**

Unless expressly stated otherwise in the case packet, no affidavit or portion thereof may be admitted into evidence regardless of whether the person who gave the affidavit is called as a witness at trial and regardless of whether the party offering the affidavit can satisfy evidentiary standards for admissibility. This rule, however, does not bar a testifying witness who has read an affidavit from drawing conclusions based on that affidavit, testifying to the contents of that affidavit, or being cross-examined on information or statements contained in that affidavit (subject, as always, to the rules of evidence). Nor does this rule affect the use of affidavits for impeachment purposes.

### **COMMITTEE RECOMMENDED ADOPTION**

*Rationale: We don't want "trial by affidavits." It's unrealistic, as rarely in real trials will witness affidavits or declarations be admitted for reasons other than impeachment (it's especially unrealistic for the affidavits of criminal defendants, whose affidavits only exist in mock trial to restrict the testimony when the defendant is called). It also undermines the educational value of mock trial by allowing students to get facts onto the record without having to use examination skills.*

**Motion adopted.**

## **D. Strategic Planning Committee (2):**

### **SPC-01**

#### **Motion by the SPC (by the committee) to amend the Code of Conduct (amendment to Bylaws) as follows:**

*Existing rule 6(d) provides as follows:* Covered Persons may not accept gifts, bribes or any other personal benefits valued at an amount exceeding \$50.00 from any Participants, teams or colleges).

*Amended language would read (new language in bold):*

**When acting in an official capacity, Covered Persons ~~may not accept~~ shall refrain from accepting gifts, bribes or other personal benefits (collectively “gifts”) valued at an amount exceeding \$50 from any Participants, teams or colleges, except from their own institution. Covered Persons should refrain from accepting gifts, bribes or any at any time in exchange for bestowing a benefit or advantage upon a Participant, team or college to which the Participant, team or college would not be entitled under AMTA rules or policies.**

### **COMMITTEE RECOMMENDED ADOPTION**

Motion by Guliuzza, F. to amend by removing the first sentence of replacement language and replacing “should” with “shall” so that motion will now read:

**Covered Persons shall refrain from accepting gifts, bribes or any at any time in exchange for bestowing a benefit or advantage upon a Participant, team or college to which the Participant, team or college would not be entitled under AMTA rules or policies.**

Seconded  
Motion to amend passes

Motion by Guliuzza, F. to amend to reflect language that reimbursement from one’s own institution for legitimate expenses shall not be seen as in violation of this rule.

Seconded.  
Motion to amend fails

**Motion adopted as amended.**

### **SPC-02**

**Motion by Bloch, B. to amend the Conflicts of Interest Policy (amendment to Bylaws) as follows:**

To the extent that AMTA's current conflict of interest policy calls it a conflict of interest for an AMTA representative to accept an offer to stay in a host's home or a mocker's dorm room, said policy should be amended to reflect that accepting such an offer not be deemed a conflict of interest at all.

### **NO RECOMMENDATION BY COMMITTEE**

*Rationale: We need to trust that the people we are sending out as "AMTA representatives" are people of moral character. We do not need such rules that imply that our representatives are of such low character as to be influenced by whose ever house they sleep in, whomever they dine with, whomever transports them. "AMTA representatives" notably serve for some long weekends without remuneration. It is volunteer service to a cause we believe in. If we believe in that cause, we are impervious to such speculative influence. Suggesting otherwise is moronic, paranoiac and, I submit, quite unhealthy for our Association.*

*I have served as an "AMTA representative" annually since 1991. For some of those trips, I have stayed in the homes of people who I consider to be my friends. There was a time where AMTA had so few funds that the Association needed us to stay in other than public lodging and eat on someone else's tab. Feeling utterly no interest with which there*

*could be a conflict, I admit my "sins" over the years have included staying with the Calkins, Neuhaus-Jarrard, Wagoner and Park families among others. I have probably been transported by several hundred different programs. I recall one of my AMTA rep assignments at Maryland (I think I repped there three different years) where I stayed at a UMCP-alumni hotel for a couple of nights but the last night slept in a mocker's apartment which was more convenient for everyone in order to get me to Reagan the next morning. During the five consecutive years that I repped at Portland, the host often had tickets to a Saturday night Pilots game that we enjoyed. I also report that AMTA reps have been guests in my home. I've twice hosted the Board meeting and both times invited the Board over for a dinner mom prepared. Both my students and I have transported folks around town after they arrived at Mitchell International or O'Hare.*

*Now if anyone is sincere about these silly, anti-AMTA "conflicts of interest" policies, it is certainly material to observe that almost all that AMTA reps do has become purely ministerial so that, even with the "interest," there is no conflict. The exception might be the assignment of judges which itself is highly regulated in this age of AMTA suspiciousness. Then we need conflict of interest policies that differ as to task performed. Having been on the Board for 20+ years, I report that I've known nothing to have occurred in AMTAland that would implicate a true conflict of interest. The Association grew nicely without conflict of interest policies. Those joining the Board explaining they "wanted to give back," in my opinion, do not "give back" by imagining evils that never were.*

Motion by Detsky, A. to strike the language “or a mockers dorm room”

Seconded.

Amendment adopted.

**Motion as Amended Seconded.**

**Motion fails.**

#### **E. Tabulation Advisory Committee (4):**

##### **TAB-01**

**Motion by Lyons, K. to amend the fourth round pairing process for regionals and ORCS as follows:**

##### ***The caveat to the pull down rule:***

**NO TEAM** shall be “pulled down” to the Secondary Bracket if it is tied or within one ballot of sixth place (ORCS) or eighth place (Regionals). In such cases, a team or teams shall be pulled up into the Primary Bracket to even out the Bracket.

##### **COMMITTEE RECOMMENDED ADOPTION**

Motion by Kelly, M. to amend language of motion to provide as follows: “...within one ‘ballot of the ‘last bid record’ at ORCS or Regionals.” Motion shall now read as follows:

**No team** shall be “pulled down” to the Secondary Bracket if it is tied or within one ballot of the ‘last bid record’ at ORCS or Regionals. In such cases, a team or teams shall be pulled up into the Primary Bracket to even out the Bracket.

Seconded.

Amendment adopted.

**Motion adopted as amended.**

## TAB-02

**Motion by Detsky, A. (On behalf of Eisner-Grynberg, M.) to change fourth round pairing procedures at regionals and ORCS as follows:**

~~“In order to determine who is 'in' and who is 'out', you must begin by finding out what the record is of the team in the place that if the tournament ended after the first three rounds, would carry the last bid be the first team eliminated. This will be referred to as the 'Last Bid Record.' At a regional, this would be 8th place, at an Opening Round Championship Site, this would be 6th place.~~ ***be the first team eliminated. This will be referred to as the 'First Out Record.' At a regional, this would be 9th place; at an Opening Round Championship Site, this would be 7th place.***”

## COMMITTEE RECOMMENDED ADOPTION

*Rationale: Our current policy does not accurately move "already in" teams off the top of the primary bracket and into the secondary bracket.*

*White Plains serves as the clearest example. Going into round 4, the teams were as follows:*

*1 team at 6*

*0 teams between 4.5 - 5.5*

*5 teams at 4*

*The 7th team was at 3.5.*

*A crucial aspect of our current policy is that "already in" teams must be removed just as "already out" teams are removed; this is designed to create the purest competition among the "still fighting for spots" teams. Using our current policy (remove all teams 2.5+ the 6th place record), the 6-0 team was not removed, as 6 is not 2.5 more than 4. However, in reality, had the 6-0 team lost all ballots (or even forfeited), the worst they could have done was a tie for 6th place. This is regardless of who was facing whom. We should look to the 7th place (and at regionals, 9th place) records to accurately determine who is actually "already in."*

**Motion adopted.**

## TAB-07 (Amending Spirit of AMTA form)(See Appendix “C”)

**Motion moved to Consent Calendar (See Appendix “A”).**

**Motion adopted as part of Consent Calendar.**

## TAB-09

**Motion by Kelly, M. to modify the first round random pairings at Opening Round Championship Site tournaments as follows:**

Participating teams will be separated into two different groups (based on regional wins), and randomly pairing one team from one group against a team from the other group.

At each ORC site (consisting of 24 teams), the teams with the best 12 regional records will consist of the "top-half," and the rest of the teams will be placed in the "bottom-half." In the event that there is a tie in regional records among teams for the last spot in the top-half, the team(s) with the better bonus bid ranking will be placed in the top-half.

In determining the side of the case for teams in the first round, the side of the case will alternate with each random pairing, starting with the first top-half team being prosecution/plaintiff. For example, in the first pairing, the top-half team will be prosecution/plaintiff, and the bottom-half team will be defense. In the second pairing, the top-half team will be defense and the top-half team will be prosecution/plaintiff. The sides of the top-half and bottom-half teams shall alternate with each random pairing until all teams have been paired.

#### **COMMITTEE RECOMMENDED ADOPTION**

*Rationale: The manner in which the first round is paired is inconsistent with the purpose of ORCS, which is to determine the six best teams to qualify for the National Championship Tournament.*

**Motion fails**

#### **F. Tournament Administration Committee (5):**

##### **TAC-02**

**Motion by Lyons, K. to add the following additional language to rule 4.16:  
(Alternative to RSC-04)**

"Hosts shall not gather additional information regarding student rosters not contained on the AMTA roster form."

#### **NO RECOMMENDATION BY COMMITTEE**

**Seconded.  
Motion adopted.**

##### **TAC-03**

**Motion by Detsky, A. to amend Rule 3.3 (and amend Rule 3.2 accordingly) as follows (new language in bold):**

**Rule 3.3 Number of teams eligible for regional competition.**

Each school may register an unlimited number of teams for regional tournaments. **However, no more than three teams from a program will be guaranteed a space in a regional tournament.**

**All additional teams from a program will be placed on the waitlist pursuant to rule 2.10. Regardless of how many teams a program registers, no more than two teams from any given school may compete at any single regional tournament**

***Motion would also require change to wording of Rule 3.2:***

**Rule 3.2 Membership qualification.** Any post secondary institution of higher education may apply for AMTA institutional membership. Timely AMTA membership, along with payment of team registration fees under Chapter 2 **guarantees that there will be space in a Regional Tournament for at least three teams from a participating,** unless the school's participation has been limited under Rule 9.5. A school shall not be allowed to participate in any sanctioned tournament if the school has any unpaid fines or penalties.

## NO RECOMMENDATION BY COMMITTEE

*Rationale:* We are not set up for any growth and our current system of regional tournaments is overtaxed in many areas of the country. The team assignments committee needs flexibility.

*With regard to AMTA not being set up for any growth - at one point this year, we had over 25 teams on the waitlist – not necessarily because of untimely registration – but because there was simply no place to put them. Teams with regional tournaments within two hours of their campus had to travel in excess of five hours because sites were already over their respective hard-caps. In each of those cases, there were at least two instances of spots in their local tournament by the D team of a further away school.*

*Asking sites to take more teams isn't the solution. There are certain sites around the country where respected, long-time loyal hosts aren't able to get enough judges, let alone asking them to take 28-30 teams. Sites aren't exactly lining up to host.*

*If we want to continue to grow in terms of number of member institutions, something needs to change. At the current rate, it is my belief that within a year or two, we will not be able to guarantee spots in nearby regional tournaments to all timely registered teams.*

Motion by Wagoner, J. to amend rule to reflect that the rule will expire following the completion of the 2012-2013 season.

Seconded.

Amendment adopted.

Motion by Scott, J. to amend rule to reflect that the rule will expire following the completion of the 2011-2012 season.

Seconded.

Amendment adopted.

**Motion as amended seconded.**

**Motion adopted as amended.**

## TAC-04

**Motion by Detsky, A. to create new rule 2.10 and to renumber all successive rules accordingly:**

### 2.10 Waitlist

Due to factors beyond AMTA's control, teams may be placed on a waitlist for a regional assignment. Teams that register after the expiration of the annual registration deadline as defined by rule 2.8, will be placed on a waitlist. They will be removed off of the wait list as spots become available using the criteria listed herein:

(A) The "A" team from any new schools which register timely;

(B) Any team that registers on or before the priority registration deadline that was placed on the waitlist pursuant to Rule 3.3.

(C) All remaining teams on the waitlist shall be divided into whether the waitlisted team would be the first, second, third, fourth, etc. team from that school. Priority shall be given in that order; in other words, Alaska A has priority over Hawaii B, which has priority over Montana C.

(1) Priority of Teams Within Tiers:

(A) As between teams in the “tiers” described above, priority will be given based upon the date when full payment for that team was received at the AMTA office, with earlier dates taking precedence.

(B) As between any teams still tied based on the above criteria, priority will be given based on geographic factors. In other words, if California A and New York A are both on the waitlist, and both payments were received on the same date, California A has priority for available regional slots on the west coast; New York A has priority for available regional slots on the east coast.

(C) As between any teams still tied based on the above criteria, the TAC chair shall make open regional tournament slots available simultaneously. The first team to accept a slot is the recipient.

(2) Waitlist Administration:

(A) The waitlist shall be administered at the discretion of TAC Chair.

(B) The first team on the wait list will be offered its choice of any open regional tournament slot, regardless of geography. Remaining slot(s) will be offered to the next team on the waitlist until available slots are exhausted. However, the standard rule that no more than two teams from a school may attend a single regional tournament remains in effect.

(C) If a team declines all available regional tournament slots, the team shall remain on the waitlist in its present position, and remains “first in line” for new slots as they become available.

(D) All teams accepting a regional assignment under this procedure do so understanding that, if they accept a geographically distant regional assignment, their bid to the opening round championship site may also be geographically distant, based on the current feeder assignments.

(E) An offer of a regional tournament slot shall expire if acceptance is not received within 48 hours after the offer is made.

## **COMMITTEE RECOMMENDED ADOPTION**

*Rationale: this is just codifying what we already do. The past two years, waitlists have been necessary. While, in theory, AMTA can accommodate approximately 620 teams, the 633 teams that registered this year did not spread out evenly.*

Motion by Eslick, M. to amend 1(a) above to substitute the wording “registration is complete” in place of “when full payment is received.” and to reflect that “timely” under subsection ”A” be replaced with “priority registration deadline.”

Accepted as a “friendly amendment”

Seconded.

Amendments adopted.

**Motion adopted as amended.**

## **TAC-05**

**Motion by Haughey, D., to amend Rule 5.24 as follows (new language in bold italics):**

**Rule 5.24 Location of national championship tournament.** ~~The location of the national championship tournament will rotate among host sites, with Des Moines, Iowa to be the location every other year. The Board will determine the location of the national championship tournament in those years when Des Moines, Iowa is not the host location.~~ **In each year, the location of the National Championship Tournament will be determined by an open bid system akin to**

what is utilized at the present in every "non-Des Moines" year, as well as ORCS and Regionals. The committee making the determination may consider a "preference" that Des Moines be the host in significant milestones in AMTA history. (ex.: 2015 as the 30 year anniversary).

*Rationale: We are a national organization, with competing schools from all regions of this country. Our students deserve an opportunity to be exposed to as many varied locales as possible during the AMTA experience, so that they might observe and learn the way that law is practiced across the country, and gain an appreciation for what may have been an unknown area of the country, or explore where they might be interested in going to law school or practicing law. Additionally, there are a significant number of potential hosts who have proven via ORCS, Regionals, or Invitationals, that they are capable of hosting such an event. The movement of the National Tournament may also present opportunities for competing schools to solicit alumni involvement (financial or otherwise) from those who live in areas other than the Midwest/Iowa, or would be more inclined to travel to different destinations to observe the tournament.*

Motion by five members of the Board other than the motion author to remove TAC-05 from the table.

Seconded.

Motion untabled.

**Seconded.**

**Motion adopted.**

#### **TAC-09**

**Motion by Kelly, M. to modify Rule 6.6(3) as follows (new language in bold):**

**Rule 6.6(3). Feeder assignments to the opening round.** The number of teams assigned to each opening round championship tournament and the designations of which regions or parts thereof feed into each opening round championship tournament shall be established by the Tournament Administration Committee in consultation with the Tabulation Director. **Regular bids from a regional tournament may be assigned to feed in to more than one opening round championship tournament, provided that such assignments are made prior to the first regional tournament.**

(Note: If the Tournament Administration Committee wishes that all teams from a particular regional tournament attend a specific ORC site, this motion still allows for the status quo. It permits the splitting up of teams from a regional tournament to an ORC site, but does not mandate it.)

#### **NO RECOMMENDATION BY COMMITTEE**

*Rationale: Currently we have very little flexibility in assigning regionals to ORCS, which can create issues of ORCS power imbalance. Furthermore, this motion will help us as AMTA continues to grow and we consider increasing the number of regional tournaments and/ or reducing/ increasing the number of bids from a particular regional tournament.*

**Seconded.**

**Motion adopted.**

## G. Human Resources Committee (1):

### HR-01

Motion by Lyons, K. to amend the contract with AMTA's Administrative Assistant as follows:

That the agreement be revised to allow AMTA's Administrative Assistant full authority to aid in the planning of the National Championship Tournament on the years that it is hosted in Des Moines, in the same manner in which was done prior to the board voting to rotate the Championship Tournament.

### COMMITTEE RECOMMENDED ADOPTION

Motion by Lyons, K. to withdraw motion and remove from the agenda  
Seconded.  
Withdrawal objected to.  
Motion fails.

Motion by Pohlmann, M. to amend the motion to strike all language following "National Championship Tournament" on the second line.  
Seconded  
Amendment adopted.

**Motion as amended seconded.**  
**Motion adopted as amended.**

## H. Budget Committee (6):

### BUD-01

Motion by Detsky, A. (as amended by committee) to create a new rule as follows:  
*(Motion tabled until Summer 2011 Board Meeting at 2010 Mid-Year Meeting).*

That the "new school" discount be changed so that program registration is \$350 (same as returning schools) but that a new school gets one free team at regionals in its first year and its first year only.

### COMMITTEE RECOMMENDED ADOPTION

*Rationale: Many new schools register for competition but don't end up competing their first year. Our practice has been to let them keep registering as a new school until they actually compete. This is unfair to the programs that register only for case access as they pay \$350 annually, but the perpetual "new schools" end up paying only \$200 for the same access. This policy as amended continues to give schools a break in their registration costs, but does so in a more equitable manner. It will also be less confusing as there will be one, consistent, program registration fee.*

Motion by Detsky, A. to amend language to reflect that the rule will not take effect until the 2012-13 season.  
Seconded.  
Amendment adopted.

**Seconded**  
**Motion adopted as amended.**

**Motion as adopted will require change or outright elimination of Rule 2.5(3). Matter referred to Rules Committee with authority to act.**

**BUD-03**

**Motion by Vile, J. to amend rule 2.4(2),(3) and (4) as follows:**

Increase each regional team registration fee by \$25, each ORCS team registration fee by \$50, and each Championship registration fee by \$75, effective for the 2012-2013 session.

The new language would appear as follows:

(2) REGIONAL TOURNAMENT FEE PER TEAM. The first team from each school shall pay a regional tournament registration fee of ~~\$100~~ **\$125**. Each additional team shall pay a registration fee which increases by \$25, so that the second team's fee is ~~\$125~~ **\$150**, the third team's fee is ~~\$150~~, **\$175**, etc.

(3) OPENING ROUND CHAMPIONSHIP FEE PER TEAM. Each team participating in an opening round championship tournament shall pay a registration fee of ~~\$200~~ **\$250**.

(4) NATIONAL CHAMPIONSHIP FEE PER TEAM. Each team participating in the national championship tournament shall pay a registration fee of ~~\$225~~ **\$300**.

**COMMITTEE RECOMMENDED ADOPTION**

*Rationale: This would increase the first regional team registration fee from \$100 to \$125, ORCS fees from \$200 to \$250, and Championship fees from \$225 to \$300. The total fee increase for a two-team program that qualified both teams through the Championship round would be \$300. This is a relatively small increase in light of the typical budget for a program of that caliber, which likely travels to multiple invitational tournaments. For a single team (non new school) the official AMTA registration fees for the year, including the \$350 program registration fee -- would be \$1,025 or less.*

*Despite rising costs, AMTA has held fees steady for several years, but the fees for the ORCS and Championship Tournaments do not come close to covering current costs. In Des Moines in 2011, for example, teams paid a registration fee of \$225 but received more than \$300 in food alone.*

*Increased fees will be especially necessary if AMTA is to build a surplus that can be used for a paid staff director, which appears to be necessary as we grow.*

**Motion adopted.**

**BUD-04 (making the \$25 late registration fee non-refundable).**

**Motion moved to Consent Calendar. (See Appendix A)**

**Motion adopted as part of Consent Calendar.**

**BUD-07**

**Motion by Eslick, M. (as amended by committee) that the AMTA representative travel policies be changed as follows:**

AMTA representatives at regional, ORCS, and championship tournaments may be reimbursed for alcoholic beverages. This rule is not intended to supersede any portion of the Code of Conduct or the *per diem*.

### **COMMITTEE RECOMMENDED ADOPTION**

*Rationale:* To my knowledge, there is not a written policy on either this issue or the one addressed in BUD-08 below. A written policy is necessary to provide consistency from Treasurer to Treasurer, and to better identify reimbursable expenses for AMTA representatives and annual meeting hosts. With respect to the first motion, regional representative expenses for food and drink are currently capped at \$50.00 per day. As long as representatives stay within per diem, it is most efficient to permit representatives to spend their money as they see fit, subject to the Code of Conduct. With respect to the second motion, since costs associated with alcoholic beverages expenses vary tremendously depending on who attends the annual meeting and what is consumed, it is difficult for annual meeting hosts to meaningfully budget for such expenses. A clear policy excluding reimbursement for alcohol will provide better guidance to hosts of the annual meeting.

Motion by Nelmark, D. to amend motion to insert the word “not” after may.

Seconded.

Amendment adopted.

**Amended motion seconded.**

**Motion adopted as amended.**

### **BUD-08**

**Motion by Eslick, M. (as amended by committee) that AMTA policy of reimbursement with regards to annual board meeting hosts be changed as follows:**

The host of the annual board meeting may be reimbursed for alcoholic beverages, subject to the stipend awarded to the host of the annual meeting as set forth in the budget.

### **COMMITTEE RECOMMENDED ADOPTION**

**Motion withdrawn by movant without objection.**

### **BUD-10**

**Motion by Zeigler, S. to amend rule 5.03 of the AMTA Bylaws by adding the following additional language (*additional language in bold italics*):**

Section 5.03. **Budget Committee.** Each year the Treasurer shall serve as the Chair of a Budget Committee composed of the President, Secretary and two Directors to be appointed by the President (***one such appointee shall be the Assistant Treasurer, if applicable***). The Treasurer, after consultation with the Executive Committee, shall submit a budget for the Board of Director’s approval at its annual meeting. ***Any charges to members for exhibits shall be approved by the Board of Directors as part of the annual budget, unless approved by the Executive Committee as under its authority to impose fines as sanctions or otherwise codified in the Rulebook. Should an unanticipated situation or a post-season case changes require charges to members, such charges may be approved on a temporary basis by the Budget Committee.***

## COMMITTEE RECOMMENDED ADOPTION

**Motion adopted**

### **XII. Executive Session**

Scheduled for the time certain: Sunday, July 17, 2011 at 9:00am. This is a closed session.

The Board went into executive session to discuss budgetary matters and an appeal from a program that was sanctioned by the Executive Committee. After discussion the Board affirmed the sanctions in part and revised in part.

### **XIII. Unfinished/New Business**

**Appeal of Sanctions by (school name intentionally omitted).**

Matter moved to Executive Session per motions to amend agenda in section V. above.

The Chair recognizes and thanks our kind hosts at Loyola University Chicago, Mr. Michael Walsh and his team of co-organizers.

### **XIV. 2012 Annual Board Meeting**

At which time proposals were submitted on behalf of Baylor Law School in Waco, TX (by Creed, H.) for 2012 and by Ohio Northern University in Ada, OH (by Scott, J.; Manley, A.; and Winget, N.) for 2013.

**Motions passed on unanimous consent:**

**2012 Board Meeting shall be held on July 20-22, 2012 in Waco, TX at Baylor Law School.**

**2013 Board Meeting shall be held on July 19-21, 2013 in Ada, OH at Ohio Northern University.**

### **XV. Adjournment**

Wherein the meeting of the Board of Directors concluded at 12:04pm on Sunday, July 17, 2011.

# Appendix A



## American Mock Trial Association 2011 Board Meeting Agenda - CONSENT CALENDAR

### A. Committee Assignments

#### **AMTA Officers:**

Glen Halva-Neubauer President-Elect  
David Nelmark, President  
Sara Zeigler, Past President  
Adam Detsky, Secretary  
Ryan Seelau, Assistant Secretary  
Matthew Eslick, Treasurer  
Heather Creed, Assistant Treasurer

#### **Directors:**

Kristofer Lyons, AMTA Tabulation Director  
Jackie Palmer, Development Director

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

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

David Nelmark (President)  
Glen Halva-Neubauer, President-Elect  
Sara Zeigler (Past-President)  
Matthew Eslick (Treasurer)  
Adam Detsky (Secretary)  
Jackie Palmer (Development Director)  
Johnathan Woodward (Tournament Administration Chair)  
Kristofer Lyons (AMTA Tabulation Director)  
Frank Guliuzza (Competition Response Committee Chair)  
Justin Bernstein (Rules Committee Chair)

#### **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.***

Margarita Koblasz (Chair)  
Grant Keener  
Jackie Palmer  
Jo Ann Scott  
Anna Smith  
Michael Walsh

**Audit Committee:**

Jim Wagoner (Chair)  
Jo Ann Scott  
Gina Vessels

**Budget Committee:**

***To prepare and monitor the budget***

Matthew Eslick (Chair)  
Heather Creed  
Adam Detsky  
Sara Zeigler  
David Nelmark

**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**

Toby Heytens (Chair)  
Justin Bernstein  
David Cross  
Heather Creed  
Dan Haughey  
Gonzalo Freixes  
Neal Schuett  
Will Warihay  
Mike Walsh  
Melissa Currivan (IP Screening)

**Criminal Case Committee:**

Jason Butler (Co-Chair)  
Tom Parker (Co-Chair)  
Brad Bloch  
Erin Coltrera  
Don Donelson  
Anna Smith  
Rick Stahl  
Kyle Thomason  
Melissa Currivan (IP Screening)

**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 (Chair)  
AMTA Tabulation Director: Kristofer Lyons  
Chair, Rules Committee: Justin Bernstein  
Chairs, Criminal Case Committee: Jason Butler and Tom Parker  
Ombudsperson, Barry Langford

Chair, Tournament Administration Committee: Johnathan Woodward  
President: David Nelmark

**Development Committee:**

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

Jackie Palmer (Chair)

Technology Subcommittee

Will Warihay (Chair)

Olu Orange

Don Racheter

Neal Schuett

Anna Smith

Michael Walsh

New School Subcommittee

Rick Stahl (Chair)

DeLois Leapheart

Don Racheter

Anna Smith

Jim Wagoner

Alumni Subcommittee

Josh Leckrone (Chair)

Adam Detsky

Jackie Palmer

Alicia Hawley

Jim Wagoner

Fundraising Subcommittee

Glen Halva-Neubauer (Chair)

Heather Creed

Frank Guliuzza

Alicia Hawley

Jackie Palmer

**Ethics Committee** (*Ad Hoc*)

***To review ethics concerns and report to the Board regarding the feasibility of an ethics code***

Georgie Weatherby (Chair)

Justin Bernstein

David Cross

Jen Satler

Sara Zeigler

**Human Resources Committee:**

Adam Detsky, Secretary

Glen Halva-Neubauer, President-Elect

Kristofer Lyons, Member-at-large

**Judging**

Glen Halva-Neubauer (Chair)  
Jason Butler  
Jim Houlihan  
Grant Keener  
Marcus Pohlmann  
Jen Satler

**Religious Accommodation (Ad-Hoc)**

Gonzalo Freixes (Counsel, Chair, Ex-Officio)  
Justin Bernstein  
Adam Detsky  
John Vile  
Sara Zeigler

**Rules/Sanctions Committee:**

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

Justin Bernstein (Chair)  
Jason Butler (Rules of Evidence Focus)  
James Cool  
John Vile  
Melissa Currivan  
Mark Pohlmann  
Jo Ann Scott  
Johnathan Woodward

**Strategic Planning:**

John Vile  
David Cross  
Gonzalo Freixes  
Toby Heytens  
David Nelmark  
Sara Zeigler  
Ryan Seelau

**Tabulation Advisory Committee:**

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

Kristofer Lyons (Chair)  
Brad Bloch  
Alicia Hawley  
Mike Kelly  
Rakesh Kilaru  
Monica Killough  
David Nelmark

**Tournament Administration Committee**

Johnathan Woodward, Chair

Team and Feeder Subcommittee

Adam Detsky (Chair)  
Kristofer Lyons  
Mike Kelly  
Johnathan Woodward  
Alicia Hawley

Site Selection and Host Communication Subcommittee

Johnathan Woodward (Chair)  
Glen Halva-Neubauer  
Josh Leckrone  
Ryan Seelau  
Michael Smith  
Georgie Weatherby  
Gordon Park

AMTA Representative Assignment Subcommittee

Sara Zeigler (Chair)  
Matthew Eslick (Treasurer)  
Jo Ann Scott  
Kristopher Lyons  
Frank Guliuzza

Championship Selection and Planning Subcommittee

Frank Guliuzza(Chair)  
Jackie Palmer (Development Director)  
Mary Lynn Neuhaus  
Don Racheter  
Kyle Thomason

**Historian:** Brad Bloch  
**Parliamentarian:** Frank Guliuzza  
**Ombudsperson:** Barry Langford  
**Web Site Manager:** Mike Walsh  
**Counsel:** Gonzalo Freixes

**B. Consent Calendar Motions:**

**CC-01**

**Motion by Zeigler, S. to bestow Dan Herron with the title of Director Emeritus.**

**Motion adopted with Consent Calendar.**

**CC-02 (Formerly RSC-02)**

**Motion by Detsky, A. to remove rule 10.5 from the rulebook and number all successive rules accordingly.**

*Current rule reads as follows:*

**Rule 10.5 Mock Mediation.** The Reifsnyder and Stamatelos traveling trophies previously awarded to the mock trial National Tournament champions shall be awarded to participants in the National Mediation Tournament.

*Rationale: lingering rule from mediation days. No need for it anymore.*

**COMMITTEE RECOMMENDED ADOPTION**

**Motion adopted with Consent Calendar.**

**CC-03 (formerly EC-04)**

**Motion by Woodward, J. (as amended by Committee) to create a new rule in the National Championship Tournament section of Chapter 5 that reads as follows:**

AMTA shall make the Richard Calkins Award traveling trophy available to each year's national champion. AMTA shall make the Eleanor Berres Hinrichs Award traveling trophy available to each year's national runner-up. If a school chooses to take custody of a traveling trophy, the school is responsible for returning the traveling trophy to the location designated by AMTA at or in advance of the following year's national championship tournament. The school shall return the trophy in the same condition as when the school received the trophy. A school that takes custody of a traveling trophy must insure the trophy against loss or damage during shipment by a third party. AMTA shall inform the school of the minimum insurance amount. If a trophy is returned to AMTA with damage that was not pre-existing, AMTA may charge the school that had custody of the trophy with the cost of any necessary repairs. Such charge shall be treated as a penalty that must be satisfied prior to registration in subsequent years. The trophy will be shipped at AMTA's expense.

**COMMITTEE RECOMMENDED ADOPTION**

*Rationale: This rule would codify our understood practice of providing traveling trophies, and, most importantly, would provide a mechanism to hold schools responsible for damage to a traveling trophy and/or for failing to insure a trophy against loss or damage during transport.*

**Motion adopted with Consent Calendar.**

**CC-04 (Formerly EC-07)**

**Motion by Woodward, J. to amend the final bullet-point of Rule 1.4 as follows (new language in bold):**

- illegal conduct of any sort ~~during tournaments, including underage drinking, from arrival at registration until departure from the site following the awards ceremony,~~ **either during a tournament (between the beginning of registration and the conclusion of the awards**

ceremony), or in any other circumstance where the conduct is likely to be attributed to or connected with AMTA and/or the tournament host.

### **COMMITTEE RECOMMENDED ADOPTION**

*Rationale:* Our current rule does not permit AMTA to hold students, teams, and/or schools responsible for conduct that falls outside the bounds of a tournament, but which still acts to cast a negative light on AMTA, its hosts, supporters, and other members. The (unfortunately) most common example would be a team that attracts law enforcement attention at a team hotel after a tournament concludes.

**Motion adopted with Consent Calendar.**

**CC-05 (Formerly RSC-08, RSC-09, RSC-13)(full motions included in tabled motions section):**

**Motion by Committee to address AMTA policies regarding invention of fact as follows:**

That the Rules Committee examines the best methods for curbing inappropriate inventions and propose a solution at the 2011 mid-year meeting.

### **COMMITTEE RECOMMENDED ADOPTION**

*Committee Rationale:* Three different motions were submitted on the issue of invention (RSC-08, 09, 13). The Committee agrees that invention has become particularly problematic as teams have shown an attitude that invention is acceptable unless it can be effectively impeached. This is not AMTA's rule or its intent. The introduction of material facts on direct examination violates our rules and constitutes cheating. This is true regardless of whether the opponent attempts to impeach or succeeds. However, the solution to this problem is not a simple one. RSC-08 and -09 offer intervention as a solution but that may cause more problems than it solves. RSC-13 would add "unfair surprise" to Rule 403 but that would undermine our goal of accuracy with respect to the federal rules (the actual FRE do not include "unfair surprise"), inject a discovery rule into our evidentiary rules, and confuse some of our judges who are familiar with the actual FRE and rules regarding unfair surprise. The Committee moves that the board give the Rules Committee until the mid-year meeting to scrutinize the issues, identify potential solutions, and propose a motion.

**Motion adopted with Consent Calendar.**

**CC-06 (Formerly RSC-18):**

**Motion by Bernstein, J. that the following language be added to Rule 8.2 regarding authenticity of documents and that Rule 8.2 be broken into subsections for readability:**

Each document with a signature block has been signed unless expressly stated otherwise by the case problem. No attorney or witness may assert that a document with a signature block has not been

signed by the individual who is purported to have signed the document in the case materials. This does not relieve the party offering the document from its obligation to establish authenticity.

### **COMMITTEE RECOMMENDED ADOPTION**

*Rationale:* We pretend that affidavits are signed but the rules include no such provision for other documents.

**Motion adopted with Consent Calendar.**

**CC-07 (formerly TAB-07)**

**Motion by Schuett, N. (as amended by Tabulation Advisory Committee) to amend the Spirit of AMTA form as attached. (See Appendix C)**

*See Appendix C.*

**COMMITTEE RECOMMENDED ADOPTION**

*Rationale: Multiple teams per tournament make errors in their rankings causing messy forms to be submitted to the tab room, some of which are hardly legible. While college educated students should be paying attention, if we can avoid confusion and the receipt of illegible forms, then a small change seems worth the effort.*

**Motion adopted with Consent Calendar.**

**CC-08(Formerly BUD-04)**

**Motion by Eslick, E. to amend Rule 2.4(5) as follows:**

That the word “nonrefundable” be added between the word “a” and the first instance of the word “late.” The new rule would read as follows:

**(5) Late Registration Fee Per Team.** Each team which registers after October 15 shall pay a nonrefundable late fee of \$25 in addition to any applicable late fees.

**COMMITTEE RECOMMENDED ADOPTION**

*Rationale: The \$25 late fee is designed to encourage teams to register by October 15 to avoid administrative costs associated with late registrations. Any team that registers late (even if it subsequently withdraws) causes AMTA to incur those administrative costs. The late fee should be retained by AMTA for that reason.*

**Motion adopted with Consent Calendar.**

# Appendix B



## American Mock Trial Association 2011 Board Meeting Agenda – TABLED MOTIONS

*The motions contained in this Appendix have been tabled after being evaluated by committee. They will not be considered by the Board at the July 2011 Board Meeting unless the recommendation to table is overturned. To “untable” a motion, five (5) or more members of the Board other than the motion’s author(s) must request that the motion be considered. If such request is made, the full Board may vote on whether to 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. If the Board votes to “untable” a motion, a separate vote will then be necessary on whether to adopt the motion.*

### A. Budget:

#### **BUD-02**

**Motion by Lyons, K. to amend rule 2.4 as follows (*new language in bold italics*):**

#### **Rule 2.4 Registration fees.**

- (1) ANNUAL MEMBERSHIP FEE PER SCHOOL. Each school shall pay an annual membership fee of ~~\$350~~ ***\$500***. A school new to AMTA shall pay ~~\$200~~ ***\$250***. If a school has not registered in the previous five seasons (or longer) it is eligible to obtain the aforementioned new school discount. For example, a school registering for the 2011-12 season is eligible for the reduced fee if it has not registered since the 2005-06 season.
- (2) REGIONAL TOURNAMENT FEE PER TEAM. The first team from each school shall pay a regional tournament registration fee of ~~\$100~~ ***\$200***. Each additional team shall pay a registration fee which increases by \$50, so that the second team’s fee is ~~\$125~~ ***\$250***, the third team’s fee is ~~\$150~~, ***\$300***, etc.
- (3) OPENING ROUND CHAMPIONSHIP FEE PER TEAM. Each team participating in an opening round championship tournament shall pay a registration fee of ~~\$200~~ ***\$300***.
- (4) NATIONAL CHAMPIONSHIP FEE PER TEAM. Each team participating in the national championship tournament shall pay a registration fee of ~~\$225~~ ***\$400***.
- (5) LATE REGISTRATION FEE PER TEAM. Each team which registers after October 15 shall pay a late fee of ~~\$25~~ ***\$100*** in addition to any applicable late fees.
- (6) RULE FOR MULTIPLE CAMPUSES. If two campuses are treated as separate schools, as defined in Rule 1.2, each campus must pay a separate school membership fee.

Effective Date: This new fee schedule shall be effective beginning with the 2012-2013 competition year.

**BUD-05**

**Motion by Racheter, D. to amend AMTA's Travel Policy to state as follows:**

AMTA Representatives should use good judgment in minimizing their expenses when traveling, to include accepting lodging provided by hosts, relatives, and friends in the area of their assignment. Further, it is AMTA policy that such Representatives should give a suitable "hostess gift" to those providing such free meals and accommodations, and that they will be reimbursed by AMTA (providing the cost of the gift is reasonably less than the comparable lodging and/or food would have cost).

Further, the AMTA Treasurer is directed to reimburse any AMTA Representatives (such as Brad Bloch) who have an outstanding claim for such a hostess gift which was given in lieu of room and board expenses which far exceeded the cost of the gift.

*Rationale: Prior to the adoption of the new conflict of interest policy, Brad stayed with a host official for several nights and was provided breakfasts and dinners in addition. When he returned home, he sent a suitable gift costing about \$60 including shipping and handling. We all know you can't get a motel room for three nights for \$60 (not to mention the dinners), but the Treasurer at the time refused payment of Brad's claim. I learned of this at the Loras Invitational this past month, and think we should correct this situation and prevent it for others in the future who stay with friends/relatives which do not violate the conflict of interest policy on accepting lodging from hosts.*

**BUD-06**

**Motion by Racheter, D. to amend AMTA's Travel Policy to state as follows:  
(Alternative to BUD-02, with word "host" omitted)**

AMTA Representatives should use good judgment in minimizing their expenses when traveling, to include accepting lodging provided by relatives, and friends in the area of their assignment. Further, it is AMTA policy that such Representatives should give a suitable "hostess gift" to those providing such free meals and accommodations, and that they will be reimbursed by AMTA (providing the cost of the gift is reasonably less than the comparable lodging and/or food would have cost).

Further, the AMTA Treasurer is directed to reimburse any AMTA Representatives (such as Brad Bloch) who have an outstanding claim for such a hostess gift which was given in lieu of room and board expenses which far exceeded the cost of the gift.

**BUD-09**

**Motion by Lyons, K.:**

That the Board takes all appropriate action to implement the recommendations that were indicated to be necessary in the November 12, 2010 Mid-Year Treasurers Report in order to achieve full reimbursement of full expenses of board members to attend the annual meeting.

The pertinent language from the report is as follows:

To achieve full reimbursement of all expenses related to the annual meeting, one or both of two events must occur: (1) AMTA must reduce the size of the Board of Directors, or (2) AMTA must generate approximately \$20,000-\$30,000 in additional revenue for the sole purpose of reimbursing travel expenses for Directors attending the Annual Meeting.

## **B. Civil/Criminal Case Committees:**

### **CASE-01**

**Motion by Zeigler, S. (on behalf of Chris Suedekum) to add the following final paragraph to each witness' affidavit:**

“Before trial, I met with the attorney for the party calling me today to discuss my testimony, and I have included all relevant information in my affidavit.”

*Rationale: Some witnesses attempt to circumvent the language traditionally included at the end of their affidavit by claiming that they “didn’t know” the evidence was important (For example, Brett Miller this year). Alternatively, an attorney might show an expert or lay witness “new” evidence, which the witness has not previously seen, and ask if that new evidence would change the witness’s opinion. This proposed language would allow judges to more accurately assess the credibility of a witness, and the directing attorney, who offers testimony not included in the affidavit. This language still gives witnesses flexibility to testify to facts that may be fairly inferred from the affidavit, as well as background/character testimony that is not substantive, but strikes a balance that allows a crossing attorney to impeach material inventions of fact.*

## **C. Executive Committee:**

### **EC-01**

**Motion by Bloch, B. to amend rules 2.6 and 6.4 in accordance with the following:**

That AMTA significantly revise its "fines" policy as to teams dropped from regional qualifiers and the championship series.

*Rationale: My primary criticisms are that the fines kick in too early and that the fines may deter drops that, in fact, have value. The last two years, UWM has been fined \$50 each year for dropping a second team from our assigned qualifier within the 14 to 30 day range. There is a misnomer there since UWM is part of the UW System and the System never pays fines. So Bloch has been fined each year and thinks it is hardly desirable for AMTA being in the business of identifying to those who oppose mock trial that their local program has transgressed. My problem is that our Spring Semester does not start more than 30 days before qualifiers. Therefore, I cannot determine, more than 30 days before the qualifier, whether I will have two rather than one team. I doubt that I am the only coach in AMTA who thinks a given student will complete a season only to learn when students return to campus that the given student has left*

*the institution or is in jail or has a family problem or just cannot tolerate mock trial's discipline. Of course, registering each second and additional team already is assessed increased registration fees to AMTA's financial benefit.*

*Now, of course, some of us travel to non-AMTA events between Christmas and the outset of our Spring Semesters. Should a mocker or more misbehave during, say, a January invitational, the coach seems to be backed into an optionless corner by said naughty mockers.*

*And, what really strains the point is that AMTA imposes its fines in strange circumstances. The earlier of my two fines-for-drops was a situation where our drop eliminated the need for a byebuster and reduced the numbers of judges the host needed to recruit at a qualifier where the host did not deliver the numbers needed. (I was fined while I was also assigned to judge and where my teams were coach-judged.) While I agree that fines can be avoided by just transporting a mocker's dormmate, I hardly think the dormie with zero interest in mock trial edifies our educational mission.*

*I have hosted and repped enough so that I have no qualm with a deterrent for those who drop much later - maybe 72 hours before registration - and for the "no-shows." Of course, those who have supported the fines I oppose on grounds of AMTA profit are misdirected. AMTA is a non-profit that happens, so far as I know, to profit enough through other revenue-raisers.*

#### **D. Judging Committee:**

##### **JC-01**

**Motion by Lyons, K. to amend Rule 4.21 as follows (new language in bold):**

**Rule 4.21 Information for judges.** A case summary and a copy of the AMTA rules will be provided to judges of sanctioned tournaments. All handouts to be given to judges at sanctioned tournaments must be approved by the Board or the Executive Committee. Judges may **not** be provided with a password to the AMTA website ~~so that they can access case materials prior to the tournament.~~ **and may not have access to case materials prior to the tournament.**

##### **JC-02**

**Motion by Halva-Neubauer, G. to amend rule 4.1 as follows (new language in bold):**

**Rule 4.21 Information for judges.** A case summary, **Rules 7.20-7.33**, and a copy of the AMTA rules will be provided to judges of sanctioned tournaments. All handouts to be given to judges at sanctioned tournaments must be approved by the Board or the Executive Committee. Judges may be provided with a password to the AMTA website so that they can access case materials prior to the tournament.

**JC-03**

**Motion by Halva-Neubauer, G. to change policy regarding judges at ORCS and the Championship Tournament as follows:**

At ORCS and Championship Finals tournaments, all trials shall be scored by three-judges, rather than two.

*Rationale: We have multiple hosts that can recruit three-judge panels for a field of 48 teams. The teams that compete at the ORCS and championship finals are so close in quality that two-scoring ballots is insufficient. The presider is often the most qualified person in the round, and yet he or she does not have a ballot. The presider doesn't have to have a critique sheet—just a scoring sheet.*

*We have data on the impact of multiple-judge scoring panels from the Greenville ORCS from 2010 and 2011.*

**E. Rules and Sanctions Committee:**

**RSC-01**

**Motion by Lyons, K. to add the following language to Rule 2.6, and renumber the remaining sub sections of said rule:**

**NEW SECTION 6.4(2):**

**Reimbursement of Hosts Expenses.** In addition to the above penalties, any team that incurs a penalty, may also be subject to reimburse the reasonable costs of their cancellation or failure to appear. The Executive Committee may assess these reimbursement costs, where appropriate, and where said costs, in combination with the above penalties, would not be an undue burden on the team.

Renumber Current Subsection (2) as (3).

Renumber Current Subsection (3) as (4).

**RSC-02 (moved to consent calendar)**

**Motion by Detsky, A. to remove rule 10.5 from the rulebook and number all successive rules accordingly.**

*Current rule reads as follows:*

**Rule 10.5 Mock Mediation.** The Reifsnnyder and Stamatelos traveling trophies previously awarded to the mock trial National Tournament champions shall be awarded to participants in the National Mediation Tournament.

*Rationale: lingering rule from mediation days. No need for it anymore.*

**COMMITTEE RECOMMENDS ADOPTION**

#### **RSC-04**

**Motion by Lyons, K. to renumber the existing Rules 3.14 and 3.15 to be rules 3.15 and 3.16, respectively and to create a new rule 3.14 which is listed below. Motion also includes amending Rule 5.28(4) as indicated below.**

#### **3.14 Rosters at the National Championship Tournament.**

(a) Manner of and deadline for submission. Team rosters for the National Championship Tournament shall be submitted via email to the AMTA Tabulation Director no later than 12:00 noon central time on the Sunday following the completion of the final opening round championship tournament. If the final opening round championship tournament ends on a Saturday, the deadline is 12:00 noon central time on the second Sunday after the completion of the final opening round championship site.

(b) Penalty for missed deadline. Any team that fails to submit its roster by the deadline shall be limited in composition to the students listed for the same team number during the opening round championship.

(c) Multiple teams. If a school is accepting two bids to the National Championship Tournament, the school shall designate one roster with one team number, as its "A" team and the other roster, with a different team number, as its "B" team. The "A" designation shall be the stronger of the two teams; the "B" designation shall be the weaker of the two teams. The rosters submitted shall be final. Changes to a submitted roster shall be permitted only with the approval of a majority of the members of the Competition Response Committee.

Motion to amend Rule 5.28(4) "Random draw required" to read:

(4) Random draw required, timing. Division draws shall be done at random, taking steps as needed to implement the above rules. The draw shall be conducted as soon as practicable after all rosters have been submitted, or the deadline for submission has passed, pursuant to Rule 3.14.

#### **RSC-05**

**Motion by Kelly, M. to create the following new rule for Chapter 5 of the rulebook pertaining to the National Championship Tournament:**

Programs that qualify two teams to the National Championship Tournament must designate their "A" and "B" teams at the time of submission of its team rosters. The division draws for the National Championship Tournament shall not commence until all two-team programs have submitted their "A" and "B" team designations.

*Rationale: With the abolition of the "Maryland Rule," we have to account for the very real possibility that programs will forum shop and determine the designation of its "A" and "B" teams based on which division it prefers for its respective teams. Without this rule, savvy coaches can take advantage of the ambiguous "honor system" that we currently hope programs will adhere to, especially without any appropriate sanctions in place for programs who wish take advantage of this ambiguity.*

**RSC-06**

**Motion by Haughey, D. to create new rule regarding roster submissions for the National Championship as follows:**

Teams registering for the national championship tournament must submit final team rosters prior to the draw of the National Championship Tournament divisions. After roster submission, no change that moves a student from one roster to the other, or adds or deletes a student from the submitted roster will be allowed absent an extreme circumstance deemed necessary for the team(s) to compete as determined by the Competition Response Committee (“CRC”). Students may not be listed on both rosters at the time of submission. Should this rule be violated, both teams from the school involved shall be dismissed from the competition.

*Rationale: We must prevent this educational activity from becoming a game, where things are perceived as acceptable when a specific rule fails to spell out what is impermissible or fails to offer a specific sanction. Unfortunately a good faith requirement on the part of all participants may not be enough to discourage such activity.*

**RSC-08**

**Motion by Haughey, D. to create new rule regarding roster submissions for the National Championship as follows:**

Teams registering for the national championship tournament must submit final team rosters prior to the draw of the National Championship Tournament divisions. After roster submission, no change that moves a student from one roster to the other, or adds or deletes a student from the submitted roster will be allowed absent an extreme circumstance deemed necessary for the team(s) to compete as determined by the Competition Response Committee (“CRC”). Students may not be listed on both rosters at the time of submission. Should this rule be violated, both teams from the school involved shall be dismissed from the competition.

*Rationale: We must prevent this educational activity from becoming a game, where things are perceived as acceptable when a specific rule fails to spell out what is impermissible or fails to offer a specific sanction. Unfortunately a good faith requirement on the part of all participants may not be enough to discourage such activity.*

**RSC-09**

**Motion by Bernstein, J. to modify rule 5.28 with the following language regarding roster submissions for the National Championship (*new language in bold italics*):**

That Rule 5.28 be replaced with the following:

**Rule 5.28 Divisions at the national championship tournament.**

**(1) DIVISIONS.** The national championship tournament will be run in two divisions.

**(a) DISTRIBUTION OF BONUS BID RANKS.** Teams 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.

**(b) GEOGRAPHIC DISTRIBUTION REQUIRED.** At least two teams from each opening round championship tournament shall compete in each division.

**(c) SCHOOLS EARNING MULTIPLE BIDS.** If two teams from a single school compete, they shall not be assigned to the same division.

**(2) RANDOM DRAW REQUIRED.** Division draws shall be done at random, taking steps as needed to implement the above rules. *The division draw shall occur between 4 and 7 days after the last day of the final ORC.*

**(3) ROSTER SUBMISSION.**

*(a) Teams must submit rosters to AMTA no later than 3 days after the last day of the final ORC (“preliminary roster deadline”). If two teams from a single school compete, the school must identify by the preliminary roster deadline which team is the superior (“A”) team. If the school believes its two teams to be of equal strength, it can assign the “A” designation at its discretion.*

*(b) Teams from schools that qualify a single team to the championship may change their rosters after the preliminary roster deadline without review by AMTA (except for issues regarding eligibility of individual students, see Rules 3.5 to 3.8).*

*(c) Teams from schools that qualify two teams to the national championship tournament may change their rosters after the preliminary roster deadline but doing so gives authority to the Competition Response Committee to change the school’s “A” designation.*

*Rationale:* Our current rules enable schools that qualify two teams to the championship to manipulate the division scheme (by designating their A team as the B team and vice versa). This motion makes such manipulation much more difficult. First, unlike under our current rules, all teams must submit their rosters before division draws. This discourages A/B manipulation because, before the division draw, schools have little or no incentive to switch their A/B designations. Second, unlike our current rules, this motion expressly provides a mechanism for oversight if teams make roster changes after divisions are drawn. Note that teams may always change their rosters—after all, last-minute changes may be prompted by many legitimate reasons, including case changes, student performance, student health, etc.—but gives AMTA the ability to adjust the A/B designation if appropriate. Note also that this rule imposes no restrictions on schools qualifying a single team to the championship as such schools are not in position to manipulate the division scheme.

#### **RSC-10**

**Motion by Kelly, M. to amend Rule 4.31(2) as follows:**

**(2) PLAINTIFF’S/PROSECUTOR’S REBUTTAL.** The plaintiff’s attorney in a civil case or prosecutor in a criminal case may reserve up to five minutes of closing time for rebuttal, ~~provided the attorney requests reservation of remaining time for rebuttal prior to commencing the closing argument proper.~~ **The attorney need not request reservation of remaining time for rebuttal prior to commencing the closing argument proper.**

*Rationale:* This is an archaic rule that has no real world application and does not serve a legitimate educational purpose.

**RSC-11**

**Motion by Lyons, K. to amend the beginning of rule 7.1 to read:**

**Rule 7.1 Communication during a round.**

(1) GENERAL RULE. ~~From the time a trial begins until it ends,~~ **From the time a Captains Meeting for a particular round begins until the trial for that round ends,** each student participant in the trial may communicate only with the following:

**RSC-12:**

**Motion by Halva-Neubauer, G. to create a new rule to chapter 4 of the rulebook as follows:**

Teams are prohibited from engaging in school cheers, chants, and other “pumping-up” demonstrations prior to a trial.

*Rationale: Mock trial is NOT a sport; the pursuit of justice is NOT a sport; courthouses, especially, are NOT sporting venues. We send the wrong message when we tolerate this kind of activity. Our task as educators is to instill in our students the correct professional values, including respect for the trial advocacy process. Cheering and chanting before a trial diminishes the seriousness and professionalism of our activity. Moreover, I can attest to the fact that at the 2010 Downtown Invitational, one student was injured doing his school’s “pump-up” drill, which was the New Zealand Haka.*

**RSC-13**

**Motion by Lyons, K. to amend the beginning of rule 7.1 to read:**

**Rule 7.1 Communication during a round.**

(1) GENERAL RULE. ~~From the time a trial begins until it ends,~~ **From the time a Captains Meeting for a particular round begins until the trial for that round ends,** each student participant in the trial may communicate only with the following:

**RSC-14**

**Motion by Detsky, A. (on behalf of Justin M. Matarrese) to create a new rule 4.26 and subsequently amending and renumbering all subsequent rules accordingly to read as follows:**

“Scouting” is prohibited during AMTA sanctioned competitions. Scouting is defined as a program’s decision to send an individual or individuals to view a trial between two teams, both of which are not affiliated with the scout’s program, for the purpose of gathering information to gain a competitive advantage in the scenario in which said program faces one of the scouted teams. Scouting can also take place when said program disseminates the aforementioned information to third party schools in an effort to gain a competitive advantage for the third party. Scouting does not include the viewing of a round, by an outside party, for educational purposes. AMTA may only investigate a violation if it is reported by one of the two participating trial

teams at the time or immediately thereafter the trial. Violators of this rule can be sanctioned by the CRC.

*Rationale: It is incongruent with AMTA's stated ideals of "fair play, civility and friendship". Teams feel violated when they see a student or coach from another school (not their opponent) recording their examinations and theories – material which they have spent hours to develop. That does not promote civility or friendship among the students.*

### **RSC-17**

**Motion by Bernstein, J. to add a comment to Rule 1002 of the Rules of Evidence as follows:**

No attorney may object under Midlands Rule of Evidence 1002 (i.e., raise a "best evidence" objection) if the "original writing, recording, or photograph" in question is not among the Available Exhibits in this case packet.

*Rationale: Best evidence objections ought to be limited to the exhibits that the opponent could conceivably introduce.*

### **RSC-20**

**Motion by Bernstein, J. that rule 4.31(2) be replaced with the following:**

REBUTTAL. The plaintiff/prosecution may give a rebuttal after the defense closing argument. The length of time for plaintiff/prosecution's rebuttal (i) shall be the amount of time not used during the plaintiff/prosecution's closing argument but (ii) may not, in any event, exceed five minutes. The plaintiff need not expressly reserve time (e.g., state that "all remaining time is reserved for rebuttal") and does not waive its right to rebuttal by failing to expressly reserve time. The defense shall not give a rebuttal.

*Rationale: The requirement that students reserve time for rebuttal is neither realistic (in most states, at least) nor educational.*

## **F. Strategic Planning Committee**

### **SPC-03 – Withdrawn**

### **SPC-04 - Withdrawn**

### **SPC-05**

**Motion by Bernstein to establish new rule 10.1.3 to create rotating positions for student representatives to the Board with language as follows:**

Rule 10.1.3. Beginning with the 2011-12 season, the Board will include two student representatives each season.

(1) The students will be selected for one-year terms by a committee of board members (Student Committee). The Student Committee will solicit applications for student representatives and

publicize the existence of the student representative positions, the responsibilities, and costs. The Student Committee will select the student representatives based on three criteria: (i) the

degree to which the applicant's team is uncoached; (ii) the applicant's ability to help AMTA and advise its Board of Directors, both on the committee level and full Board level; and (iii) the student's ability to attend the summer board meeting. The student representatives must be students at one of AMTA's member institutions. The two student representatives may not come from the same program.

(2) The student representatives shall have the same authority and voting power as a candidate for the Board. For example, they shall be appointed to committees and have voting power within those committees; they shall be welcome to participate in both the mid-year and annual board meetings, though they shall not be able to vote during such meetings and shall be excluded from executive sessions. Student representatives shall not be eligible to chair any committee and shall not be eligible to serve on the audit, budget, and case committees. Student representatives shall not be eligible to serve as outside observers at AMTA tournaments.

(3) AMTA shall fund the student representatives' expenses to attend the annual board meeting in the same fashion it funds outside observers' expenses to serve at AMTA tournaments.

*Rationale: The AMTA Board operates best when it includes viewpoints that are both diverse and representative of our constituent programs. Almost by definition, programs without coaches are underrepresented on the Board. We would better be able to serve such programs if we understood the challenges they face and the issues that matter to them.*

## **G. Tabulation Advisory Committee:**

### **TAB-03**

**Motion by Guliuzza, F. (on behalf of Thomason, K.) to modify the fourth round pairings at regional tournaments as follows:**

All teams with 3, 3.5, 4, 4.5, or 5 wins entering the fourth round must be placed into the Primary Bracket.

*Rationale: We need to recognize that Regionals are different than ORCS because of the existence of the Open Bid pool. In the three years since the movement to the unified national system, no team that won 5 ballots at Regionals has been in danger of missing ORCS. However, we fail to recognize this reality in the way that we pair Round 4. In some instances, we give a favorable Round 4 match-up to a 3-3 team with a lower CS by placing it in the Secondary Bracket while teams with better records must face more difficult competition. A system where a team sometimes benefits from being 3-3 with a low CS instead of at 3-3 with a high CS, 3.5, or 4 does not seem to make great sense. The two Regionals I repped provide examples:*

#### ***Example 1: New Haven Regional.***

*(the 8th place team is at 4-2, so 3-3 teams can end up in the Secondary Bracket):*

*At 3-3, Yeshiva was placed into the Secondary Bracket. They played Stony Brook, a 2-win team in the Secondary Bracket. Yeshiva took both ballots, finished with 5 and quickly received an open bid.*

*Another 3-3 team, Providence College, remained in the Primary Bracket. They dropped both ballots to 6-0 Yale A and finished with 3 ballots and no bid. Staying "up" in the primary bracket provided no benefit.*

*Similarly, 4-2 Cornell C remained in the Primary Bracket. After dropping both ballots to 4-2 Boston College B, Cornell found itself at 4 ballots with far, far less of a chance of advancing to ORCS than a team at 5.*

*This is one of the flaws with the old "bracket" system in Round 4. Two 4-2 teams would hit, a team would take both and the loser would be leapfrogged by the winner of the 3-3 battle. In this system, some 3-3 teams play 2-4 teams while other 3-3 teams play 6-0 teams and 4-2 teams play 4-2 or 5-1 teams. That simply does not make sense.*

***Example 2: Baltimore Regional.***

*(The 8th place team is at 4-2, so 3-3 teams can end up in the Secondary Bracket):*

*Maryland B, Patrick Henry B and Howard B were all on the same side of the case:*

*At 3-3, Maryland B plays a 1-win opponent and comfortably moves to 5-3.*

*Patrick Henry B, with 3.5 wins draws 4-2 Virginia A. Two losses ended Patrick Henry's season. Also at 3.5, Howard B draws 6-0 Virginia B. A split makes Howard have to wait until very late in the game to get an open bid. They might not always be to lucky.*

*Note: Author would suggest that we only apply this rule so long as every team with 5 wins or more received an open bid to ORCS in the previous season, and the rule would work in conjunction with the current Round 4 pairing at regional tournaments as an addition to the "caveat."*

**TAB-04**

**Motion by Guliuzza, F. (on behalf of Thomason, K.) to modify the fourth round pairings at regional tournaments as follows:**

All teams with 5.5 or 6 wins entering the fourth round must be placed into the Secondary Bracket. No team with 5.5 or 6 wins would be moved into the Primary Bracket unless the entire field collapsed into a single bracket.

*Rationale: I think this helps have the correct teams "fighting for spots" at regionals. Since teams at 5.5 and 6 are virtually guaranteed a bid to ORCS, it does not make sense to have an undefeated juggernaut left in the Primary Bracket. This is simply another proposal to recognize the reality of how teams move out of the regional tournament and to make the fourth round about pairing the teams that are actually still fighting to move on to the next level. In fact, after round four pairing is completed, most 5.5 and 6 teams are guaranteed a spot if they avoid all-loss. This occurs because if two 4-2 teams (both possible six-ballot squads) hit each other, then only one of them can actually rise to 5.5 or more ballots.*

**TAB-05**

**Motion by Vile, J. to amend the pairing process for all levels of competition as follows:**

That the Board eliminate the current pairing restraint that prevents a team at regionals, ORCs, or the National Championship Tournament from meeting a team (other than one from its own institution) for a second time in a tournament so long as that meeting is on a different side.

*Rationale: If two teams are evenly paired, there is no reason they should not meet twice in the same tournament (as long as they are on different sides). Indeed, some teams might relish such a rematch. This would make for fairer pairings and reduce work in the tab room.*

**TAB-06**

**Motion by Bloch, B. to amend fourth round pairings at regional qualifiers and ORCS as follows:**

That Round 4 of qualifiers and ORCS be paired high-high with side constraints and eliminating the current two-bracket system.

*Rationale: I have always supported high-low within bracket power-pairing and continue to distance myself from the disciples of high-high (which inevitably also delivers low-low.) But since I may still be in a minority on the highs and lows, the formula adopted purportedly so that contenders would meet and determine their own fate in Round 4 has not frequently, much less consistently, delivered those desired pairings. My belief is that the tabroom flip before Round 3 has aggravated the problem. There are plenty of examples of really bad Round 4 pairs where the side balance is extreme.*

**TAB-08**

**Motion by Detsky, A. (On behalf of Eisner-Grynberg, M. and Thomason, K.) to alter ORCS Round 2 and 3 Pairings as follows:**

***ROUND 2 PAIRINGS:***

1. After randomly pairing round 1 as usual, tab round 1 as usual. Rank teams P1-P12 and D1-D12 as usual.
2. Lay out the cards in order from P1-P12 and D1-12. However, divide the cards into four brackets of three: [P1, P2, P3] [P4,P5,P6] [P7,P8,P9] [P10,P11,P12] and so on.
3. On the defense side, high-low each bracket. Thus, your cards should look as follows:

P1 D3  
P2 D2  
P3 D1

P4 D6

P5 D5  
P6 D4

P7 D9  
P8 D8  
P9 D7

P10 D12  
P11 D11  
P12 D10

4. Resolve impermissibles as usual. Be careful that you are looking to the next closest rank, which will not necessarily be immediately "above" or "below" the affected card.

5. This is your Round 2 pairing.

***ROUND 3 PAIRINGS:***

1. Tab round 2 as usual. Rank teams R1-24 as usual.

2. Lay out your cards, again in 4 brackets containing 6 cards each. Your initial, pre-high/low bracket should look as follows:

R1 R4  
R2 R5  
R3 R6

R7 R10  
R8 R11  
R9 R12

and so on.

3. On the right side, high-low each bracket. Thus, your cards should look as follows:

R1 R6  
R2 R5  
R3 R4

R7 R12  
R8 R11  
R9 R10

R13 R18  
R14 R17  
R15 R16

R19 R24  
R20 R23  
R21 R22

4. Resolve impermissibles as usual. Be careful that you are looking to the next closest rank, which will not necessarily be immediately "above" or "below" the affected card.
5. Flip a U.S. quarter for sides as usual.
6. This is your Round 3 pairing.

*Rationale: The current pairing practice for Round 4 of ORCS does a good job of keeping the very top teams in a tournament from hitting each other and works effectively towards that end. Currently, though, we force the very best performing teams in the tournament to hit each other in Rounds 2 and 3. For the same reasons we design against this outcome in round 4 -- that we are looking for the top 6 teams rather than the very best team -- we should work towards avoiding the same problem throughout the tournament.*

This proposal aims to ameliorate that problem by maintaining our general high-high approach to ensure that teams face tough competition in order to advance, while reintroducing the old high-low-within-brackets model from the early-to-mid 2000s to provide limited power protection. The old bracket model suffered from being very challenging to master, even for experienced pairers. In our model, brackets being fixed at 6 teams makes pairing simple.

This proposal is especially powerful in Round 3, where only a small number of teams -- the best performing teams at the tournament -- have made it to 4-0. Currently, the very top teams hit each other, as we aim for teams to hit other teams with a like record and like CS. With some frequency, one 4-0 team will fall to 4-2, risking elimination from NCT by losing even half a ballot in round 4. A problem also emerges at 3-1. Since we pair by CS, we "reward" a team that beat good teams by dealing them another team that has also proven itself against tough competition. Meanwhile, a 3-1 team with a low CS will often face a 2-2 opponent and advance to 5-1. Given the way we now pair round 4, that lucky team will now hit a poorly performing team and is more likely to advance than the previous 4-0 team or top 3-1 team that was subjected to the other best performing teams in the field.

Our proposed system makes sure teams beat good teams to stay at the top of the overall bracket, but lowers the chances that the best teams will play each other too early in the bracket. It does not solve the problem entirely, but should provide a step in the right direction.

Here's a decent illustration to explain the point about a benefit of our system regarding the current way we pair lucky teams:

After round 2, there are 4 teams at 2-2 in the Midlands Regional. They are ranked 14-17. Here are the relevant stats:

- R 14: 2-2, CS = 6, PD = +57
- R 15: 2-2, CS = 5, PD = -7
- R 16: 2-2, CS = 4.5, PD = +1
- R 17: 2-2, CS = 2, PD = -35
- R 13 is at 2.5 and R 18 is at 1.

No one would dispute that R14 is the strongest 2-2 based on the stats. They played a 2-2 and a 4-0. They have a huge positive differential from dominating that 2-2. On the other hand, R17 is the weakest. It hit a 2-2 (and lost) and hit an 0-4 for its win. It is the least deserving 2-2.

Under the current system, we pair high-high and get

13 v. 14

15 v. 16

17 v. 18

In the current system, we desire a 2-2 to hit another 2-2. But on the margins, one 2-2 might be "pulled up" to hit a 3-1, and another 2-2 might be "pulled down" to hit a 1-3 based on round outcomes.

Since we pair by CS as the first tiebreaker, the team that gets "pulled up" is always the top team within that record. The team gets pushed up to play the more difficult team because they've previously played more difficult teams. That team is R 14 here.

Still in the current system, if there are an odd number of teams at the bottom of a record, then the "luckiest" team always gets lucky again and gets the team with that worse record. That team is R 17 here, and it hits 1-3 R 18. R 17 can get to 4-2 by (1) getting blown out by a team that could now be 2-4; (2) beating a team that is now 0-6; and (3) beating a team that is now 1-5.

Alternately, using our proposed bracket, you get:

13 v. 18

14 v. 17

15 v. 16

In this situation, the bottom 2-2 actually has to play the top 2-2. It does not get "lucky," and the top 2-2 team actually gets the best draw of the 4 2-2 teams (the middle teams play each other).

Of course, if the teams above are ranked 12-15 instead of 14-17, you get an unfortunate result from our system. In that situation, R 12 gets R 7 while R 15 gets R 16. This is the most extreme unfortunate result that may happen to our bracket. We don't think it's intolerable when the alternative is consistent punishment of the team with the best results and consistent help for the lucky team. Most results are in between the two examples above.

So basically, with our bracket you sometimes punish a team and sometimes reward a team for having played a tougher schedule. Which is much better than always punishing the best performing teams throughout the tournament. This is in addition to the fact that P1 and D1 in round 2 and R1 and R2 in round 3--the most deserving teams of avoiding each other are never punished under our system. Whereas under the current system they are always required to hit each other absent an SSM.

If those teams truly are the most deserving of the bids, then they will stay in the 5-6 ballot range and not drop to 4-2 by virtue of losing the No. 1 v. No. 2 match-up and creating a match-up from hell right in the middle of the fighting for spots bracket.

If those teams truly are the most deserving of the bids, then they will stay in the 5-6 ballot range in our system, whereas in the current system the loser of the R1 v. R2 match-up is likely to drop to 4-2. The R1 vs. R2 loser then creates a match-up from hell right in the middle of the fighting for spots bracket: instead of like teams battling it out for the final spots, one extremely unlucky team is dealt the "4-2" team that is in actuality the second best team in the field.

**TAB-10**

**Motion by Kelly, M. to modify the second and third round pairings at Opening Round Championship Sites as follows:**

Two brackets will be created: the top bracket with 12 teams (and 6 pairings), and the bottom bracket, with the rest of the teams. Teams in the top bracket will be paired high-low, and teams in the bottom bracket will be paired high-high.

In the event that there is a tie in wins between teams in the top bracket and second bracket, all teams that are tied will be placed in the top bracket. If there is an uneven number of teams in the top bracket, a team from the bottom bracket will be moved up to make an equal number.

For example, in the second round, consider the following teams:

P1 (2-0)	D1 (2-0)
P2 (2-0)	D2 (2-0)
P3 (1-0-1)	D3 (2-0)
P4 (1-1)	D4 (1-0-1)
P5 (1-1)	D5 (1-1)
P6 (1-1)	D6 (1-1)
P7 (1-1)	D7 (1-1)
P8 (1-1)	D8 (1-1)
P9 (0-1-1)	D9 (1-1)
P10 (0-2)	D10 (0-1-1)
P11 (0-2)	D11 (0-2)
P12 (0-2)	D12 (0-2)

First, you would place the top 12 teams (P1-P6 and D1-D6) in the top-bracket, and the rest of the teams in the bottom-bracket:

P1 (2-0)	D1 (2-0)
P2 (2-0)	D2 (2-0)
P3 (1-0-1)	D3 (2-0)
P4 (1-1)	D4 (1-0-1)
P5 (1-1)	D5 (1-1)
P6 (1-1)	D6 (1-1)
P7 (1-1)	D7 (1-1)
P8 (1-1)	D8 (1-1)
P9 (0-1-1)	D9 (1-1)
P10 (0-2)	D10 (0-1-1)

P11 (0-2) D11 (0-2)  
P12 (0-2) D12 (0-2)

Because P6 is tied with P7-P8, those teams will be moved up to the top bracket. Similarly, because D6 is tied with D7-D9, those teams will also be moved up to the top bracket. Therefore:

P1 (2-0) D1 (2-0)  
P2 (2-0) D2 (2-0)  
P3 (1-0-1) D3 (2-0)  
P4 (1-1) D4 (1-0-1)  
P5 (1-1) D5 (1-1)  
P6 (1-1) D6 (1-1)  
P7 (1-1) D7 (1-1)  
P8 (1-1) D8 (1-1)  
D9 (1-1)

P9 (0-1-1)  
P10 (0-2) D10 (0-1-1)  
P11 (0-2) D11 (0-2)  
P12 (0-2) D12 (0-2)

Because there are an uneven number of teams in the top, P9 would be moved up to the top bracket.

Next, you would high-low the top bracket and keep the bottom bracket high-high, to have the final pairings:

P1 (2-0) D9 (1-1)  
P2 (2-0) D8 (1-1)  
P3 (1-0-1) D7 (1-1)  
P4 (1-1) D6 (1-1)  
P5 (1-1) D5 (1-1)  
P6 (1-1) D4 (1-0-1)  
P7 (1-1) D3 (2-0)  
P8 (1-1) D2 (2-0)  
P9 (0-1-1) D1 (2-0)

P10 (0-2) D10 (0-1-1)  
P11 (0-2) D11 (0-2)  
P12 (0-2) D12 (0-2)

In the third round, consider the following teams:

R1 (4-0)  
R2 (4-0)  
R3 (3-1)  
R4 (3-1)  
R5 (3-1)

R6 (3-1)  
R7 (3-1)  
R8 (2-1-1)  
R9 (2-1-1)  
R10 (2-2)  
R11 (2-2)  
R12 (2-2)  
R13 (2-2)  
R14 (2-2)  
R15 (2-2)  
R16 (1-2-1)  
R17 (1-2-1)  
R18 (1-2-1)  
R19 (1-3)  
R20 (1-3)  
R21 (1-3)  
R22 (0-3-1)  
R23 (0-4)  
R24 (0-4)

Normally, the top 12 teams would constitute the top bracket. However, because R12 is tied with R13-R15, those teams are moved up to the top bracket.

Now, there would be 15 teams in the top bracket, so we will also move up R16 to make an even number of teams in the top bracket:

R1 (4-0)    R2 (4-0)  
R3 (3-1)    R4 (3-1)  
R5 (3-1)    R6 (3-1)  
R7 (3-1)    R8 (2-1-1)  
R9 (2-1-1) R10 (2-2)  
R11 (2-2)   R12 (2-2)  
R13 (2-2)   R14 (2-2)  
R15 (2-2)   R16 (1-2-1)

R17 (1-2-1) R18 (1-2-1)  
R19 (1-3)   R20 (1-3)  
R21 (1-3)   R22 (0-3-1)  
R23 (0-4)   R24 (0-4)

After you high-low the top bracket, you would be left with the following final pairings (barring impermissibles):

R1 (4-0)    R16 (1-2-1)  
R3 (3-1)    R14 (2-2)  
R5 (3-1)    R12 (2-2)  
R7 (3-1)    R10 (2-2)  
R9 (2-1-1) R8 (2-1-1)  
R11 (2-2)   R6 (3-1)

R13 (2-2) R4 (3-1)  
R15 (2-2) R2 (4-0)

R17 (1-2-1) R18 (1-2-1)  
R19 (1-3) R20 (1-3)  
R21 (1-3) R22 (0-3-1)  
R23 (0-4) R24 (0-4)

(Note: When resolving impermissible matchups, given this layout of the pairings, the teams immediately next in ranks with the impermissible teams, with whom you compare records, may not be adjacent to the teams in the impermissible matchup. While more difficult, given the more experienced tabulators at ORCS, this should not be a problem.)

*Rationale: The manner in which the second and third rounds are currently paired is inconsistent with the rationale for our pairings in Round 4, which is to determine the six best teams to qualify for the National Championship Tournament by preventing the top teams from facing each other. With our current pairings method, we too often see the top teams face each other early in the tournaments, resulting quite often in some of the better teams advancing to the National Championship Tournament.*

#### **TAB-11**

**Motion by Kelly, M. to modify the fourth round pairings at Opening Round Championship Site tournaments as follows:**

When determining who is "already in" during the fourth round pairings (for regional tournaments and ORC sites), teams that are 2.5 wins greater than the team ranked immediately behind the team with "Last Bid Record."

Currently, at a regional tournament, the "Last Bid Record" is the team ranked 8th. However, if the team ranked 9th has a different record than the 8th ranked team, than any team with 2.5 ballots more than the 9th ranked team is guaranteed a bid, even if they are less than 2.5 ballots greater than the 8th ranked team. The same applies at ORCS, with teams ranked 6th and 7th.

Therefore, if the team used to determine "Last Bid Record" has a different record than the team in the place immediately behind that team (9th place at regionals, 7th place at ORCS), than any team that has 2 ballots more than the "Last Bid Record" will be removed to the second bracket.

*Rationale: Currently, some teams that are guaranteed a bid still remain in the top bracket, which is inconsistent with the purpose of the fourth round pairings.*

### **H. Tournament Administration Committee:**

#### **TAC-01**

**Motion by Lyons, K. to add the following additional language to rule 4.16:**

"For tabulation assistance purposes, Hosts may request information from the teams attending their tournament inquiring which side of the case a particular student competes on, and whether

said student portrays a witness or an attorney. Hosts may not gather any more specific information than this regarding the teams attending their tournament. If a host gathers said information, it should be provided to the entire field at said tournament forty eight hours before the tournament begins."

**TAC-06**

**Motion by Lyons, K. to create a new "At-Large" Bids to the National Championship Tournament:**

**This motion amends portions of chapter 6 of the AMTA Rule Book as follows:**

***Part A)***

**Amend Rule 6.8(2) to read:**

**(2) ALLOCATION OF BIDS TO THE OPENING ROUND SITES.** Five regular bids shall be allocated to each of the opening round championship tournament sites.

***Part B)***

**Add the following paragraph to Rule 6.8:**

**(3) At - Large Bids** - Eight At - Large bids shall be awarded by the Competition Response Committee, as outlined in Rule 6.11

***Part C)***

**Create Rule 6.11 - At - Large Bids:**

Upon the completion of the Opening Round of the Championship Series, and after it has been determined what, if any, Act of AMTA bids should be awarded, the Competition Response Committee shall award 8 bids to the National Championship Tournament on an "At - Large" basis,

**(1) Criteria for awarding "At - Large" Bids:** The Committee shall use the following criteria, in no particular order, and not one factor outweighing any other, to determine which teams receive "At - Large" bids,

- (a) How the teams finished at the Regional and Opening Round Championship Level;
- (b) The quality of the teams competed against at the Regional and Opening Round Championship Level;
- (c) Whether or not the team already has a team at the National Championship Tournament;
- (d) Whether factors exist that, while not rising to the level of "Act of AMTA" may, when balanced with other factors, justify the awarding of an "At - Large" bid;
- (e) The position of the team on the Open Bid listing for the National Championship Tournament;
- (f) Any other factors presented which the committee deems to be persuasive and worthy of consideration

**(2) Conflicts of Interest.** The Committee shall not allow any member to participate in the deliberation of the awarding of an "At - Large" bid if doing so would violate the AMTA Conflict of Interest Policy.

**(3) Reporting.** The Committee shall report, via the AMTA website, which teams were awarded “At - Large” bids, by 12:00 Noon, Central Time, on the Thursday following the completion of the Opening Round Championship Series.

**(4) Acceptance.** Teams shall have 24 hours from the time of notification of the award to accept “At - Large” Bids.

**(5) Rejection.** The rejection of an “At - Large” bid would act as the rejection of any bid, and revert to the open bid pool.

***Part D)***

Current Rule 6.11 will be renumbered Rule 6.12.

***Part E)***

**Authorization**

The Chairman of the Rules Committee and the AMTA Tabulation Director are authorized to make any other changes to the Rule Book, and the Tabulation Manual, to give full force and effect to this change.

**TAC-07**

**Motion by Detsky, A. to amend our ORC bid distribution system as follows:**

If the size of a region falls below 20 teams, that region shall lose one bid. That one bid will be added to the Open Bid pool.

**TAC-08**

**Motion by Detsky A. to amend our ORC bid distribution system as follows:**

If the size of a region increases above 28 teams, it shall receive one additional bid from the Open Bid pool.

# Appendix C



## American Mock Trial Association

2011 Board Meeting Agenda

ADDENDUM TO TAB-07

TEAM # \_\_\_\_\_

### Team Spirit of AMTA Survey

Since 2000, the American Mock Trial Association (AMTA) has recognized the team that best exemplifies its ideals—civility, justice, and fair play. Evaluate the teams that you faced in rounds 1-3; return the form at the 4<sup>th</sup> round captains' meeting. Score using the following rubric with “10” being the best.

**10**—*Outgoing and friendly before and after trial; extremely cordial; team demonstrated through its behavior (e.g., offering use of exhibits, sharing equipment) a willingness to go beyond the call of duty; a shining example of AMTA's ideals of civility, fair play, and justice*

**9**—*Outgoing and friendly before and after trial; cordial during the trial*

**8**—*Outgoing and friendly before and after the trial; civil during the trial*

**7**—*Greets before and after round; after the round, offers congratulations; is above norm*

**6**—*Cordial, typical in decorum; the norm of what is expected during a trial; average*

**5**—*Below average; not friendly*

**3-4**—*Disruptive through the trial; team behavior borders on the obnoxious*

**1-2**—*Obnoxious toward opposing counsel; disrespectful to the Court; fails to observe any rules of courtroom etiquette*

***In the first round we competed against team number \_\_\_\_\_.***

We score this team as a:    1   2   3   4   5   6   7   8   9   10

***In the second round we competed against team number \_\_\_\_\_.***

We score this team as a:    1   2   3   4   5   6   7   8   9   10

***In the third round we competed against team number \_\_\_\_\_.***

We score this team as a:    1   2   3   4   5   6   7   8   9   10

***In the event of a tie, we will use the following questions as tie-breakers:***

(1) Rank order the teams that you competed against from 1 (most civil) to 3 (least civil):

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

(2) Please list any reasons that you think one of the teams you competed against is especially deserving of the Team Spirit of AMTA award. Please provide a specific example, if possible.

(3) Please list any team that you didn't compete against but that you believe exhibited AMTA's ideals and, therefore, should receive additional consideration for the Team Spirit of AMTA award. Please provide a specific example.

# Appendix D



## American Mock Trial Association

2010 Mid-Year Board Meeting Minutes

Conference Call

November 13, 2010

### I. Call to Order

#### A. Saturday afternoon attendance:

**Members present (23):** Bernstein, J.; Bloch, B.; Butler, J.; Detsky, A.; Eslick, M.; Guliuzza, F.; Halva-Neubauer, G.; Haughey, D.; Heytens, T.; Holt, O.; Kelly, M.; Leckrone, J.; Lyons, K.; Nelmark, D.; Neuhaus, ML; Pohlmann, M.; Racheter, D.; Schuett, N.; Scott, J.; Vile, J.; Wagoner, J.; Woodward, J.; Zeigler, S.;

**Members not present (6):** Calkins, R.; Cross, D.; Hawley, A.; Langford, B.; Seelau, R.; Stewart, F.;

**Candidate Members present (7):** Cool, J.; Creed, H.; Eisner-Grynberg, M.; Palmer, J.; Satler, J.; Stahl, R.; Walsh, M.;

**Candidate Members not present (1):** Smith, A.;

**Staff, Guests & Counsel (1):** Freixes, G. (legal counsel);

### II. Welcome and Remarks

Delivered by President - Nelmark, D.,

### III. Format of Agenda:

Delivered by Secretary – Detsky, A.

*All Motions are referenced numerically by the initials of the AMTA Committee responsible for review (e.g. EC-2 or TAB-3). The agenda was set and approved by the Executive Committee pursuant to AMTA Bylaws section 3.03.*

#### **IV. Approval of Agenda**

**Motion to amend agenda to add vote to approve the revised rulebook which has been updated to reflect the rules passed at the 2010 summer Board Meeting.**

**Seconded.**

**Motion passes.**

**Motion to otherwise approve agenda.**

**Seconded.**

**Agenda approved.**

#### **V. Approval of 2010 Board of Directors Meeting minutes.**

**Motion by Detsky, A. to approve 2010 Board of Directors Meeting minutes.**

**Seconded.**

**Minutes approved.**

#### **VI. Elections:**

Election of At-Large Member to Disciplinary Committee.

Nomination of Scott, J.

**Motion to approve nomination and elect Scott, J. by Nelmark, D.**

**Seconded.**

**Motion adopted.**

#### **VII. Consideration of Tabled Motions:**

None.

#### **VIII. Committee Reports**

**L. Budget Committee Report (Eslick, M):**

**M. Criminal Case Committee (Butler, J and Parker, T):**

**C. Civil Case Committee (Heytens, T)**

**D. Development Committee (Palmer, J):**

**E. Ad Hoc Committee on Religious Accommodation (Freixes, G):**

**F. Rules Committee (Bernstein, J):**

**G. Strategic Planning Committee (Pohlmann, M):**

**H. Tabulation Advisory Committee (Lyons, K):**

**I. Tournament Administration Committee (Woodward, J):**

**J. Other Committee Reports:**

- i. Ad Hoc Judges Committee (Schuett, N) (see Appendix A)**
- ii. Ad Hoc Committee on Invitational Tournaments**

## **IX. Motions:**

### **A. Budget Committee**

**BUD-01**

**Motion by Eslick, M. to amend budget.**

**Seconded.**

**Motion adopted.**

### **B. Case and Evidentiary Committee:**

None

### **C. Executive Committee:**

**EC-01**

**Motion by Lyons, K to create rule 2.10(5) and amend 2.10(1) as follows:**

That, effective beginning with the 2011-2012 season, Rule 2.10(5) be created to read:

**(5) License for invitational tournaments.** A school shall purchase a separate license if the school uses the case in conjunction with hosting an invitational tournament. Only invitational tournaments that include more than eight teams from more than three schools shall be subject to this rule. The license fee shall be \$500.00. The Executive Committee shall waive the license fee if the school will host a sanctioned tournament during the same academic year. The Executive Committee may, by its majority vote, waive or reduce the license fee upon application of a school for good cause shown. Good cause may include, but is not limited to, the absence of any fees charged to attendees of an invitational tournament. Revenues from the license fee shall only be used for AMTA Regionals and ORCS Tournaments.

That, effective beginning with the 2011-2012 season, Rule 2.10(1) be amended to add the following:

"Payment for school registration does not include a license to use the case for invitational tournaments as described in Rule 2.10(5)."

Seconded.

**Motion fails.**

### **EC-02**

**Motion by Detsky, A. to create a new rule as follows:**

That if a school has not registered in the previous four seasons (or longer) it is eligible to obtain the "new school" discount. Example: a school registering in 2010-11 is eligible for the reduced fee if it has not registered since the 2005-06 season.

*Rationale: This has been our practice, but it is not currently codified in the Rulebook.*

Motion by Racheter, D. to amend so that the rule reads "five seasons" (rather than "four")

Seconded

Motion to amend approved.

**Motion as amended adopted.**

### **EC-03**

**Motion by Detsky, A. to create a new rule as follows:**

That if a school has not registered in the previous four seasons (or longer) any fines or penalties owed by the program are wiped out and the program can begin with a clean slate.

*Rationale: After four years, no one who incurred the penalty is still present and it does not make sense to impose an additional financial program to a new school trying to get registered.*

Motion by Woodward, J., to amend so that the rule reads "five seasons"

Seconded

Motion to amend approved.

**Motion as amended adopted.**

### **EC-04**

**Motion by Detsky, A. to create a new rule as follows:**

That the "new school" discount be changed so that program registration is \$350 (same as returning schools) but that a new school gets one free team at regionals in its first year. This free regional registration could be "rolled over" if not used and if timely canceled before the penalty phase kicks in.

*Rationale: Many new schools register for competition but don't end up competing their first year. Our practice has been to let them keep registering as a new school until they actually compete. This is unfair to the programs that register only for case access as they pay \$350 annually, but the perpetual "new schools" end up paying only \$200 for the same access. This policy as amended continues to give schools a break in their registration costs, but does so in a more equitable manner. It will also be less confusing as there will be one, consistent, program registration fee.*

**Motion by Scott, J. to table to Summer 2011 Board Meeting.  
Seconded.  
Motion tabled until Summer 2011**

#### **EC-05**

**Motion by Woodward, J. to amend the "Primary Contacts" rule as follows:**

That the policy on "Primary Contacts" be changed so that the Primary Contact need not be an educator coach.

*Rationale: This rule does not work in practice as many teams are student run and do not have educator coaches. AMTA makes sure that the team is recognized by the school, but there is often no faculty member responsible for day-to-day oversight of the team. Communications should go to the person who is most directly in touch with team members regardless of that person's role.*

**Motion by Woodward to substitute in new language.  
Seconded.**

**Motion to substitute approved. New motion reads as follows:**

**A. That AMTA Rules 2.2 and 2.3 be repealed and recreated as follows, with all changes to be effective with registrations for the 2011-2012 academic year:**

#### **Rule 2.2 Primary contact person required.**

- (1) Requirement, role.** Each school registering with AMTA shall designate a primary contact person. The primary contact person shall be a person with general day-to-day responsibility for all the school's mock trial teams. AMTA will only send official communications to and accept official communications from a school's primary contact person.
- (2) Current contact information required.** Each school has the affirmative obligation to provide AMTA with the primary contact person's current e-mail address, telephone number(s), mailing address, and, if applicable, fax number.
- (3) No intervention in local disputes.** AMTA shall not intervene in local disputes and thus shall recognize only one primary contact person per school, even if the school has multiple teams operating under the auspices of different organizations, groups, or leaders. AMTA shall recognize as primary contact the person named as such on the first registration submitted by a school accompanied by full payment and authorization as set forth in Rule 2.3.

#### **Rule 2.3 School authorization letter required.**

- (1) Requirement.** Each school shall have on file an authorization letter as described in this rule. No school shall be deemed registered for sanctioned competition unless the school has a valid authorization letter on file.

- (2) **Content and form of letter.** The letter shall be printed on the letterhead of the school. The letter shall indicate the school’s authorization for mock trial team(s) to register and participate in sanctioned tournaments. The letter shall indicate the signer’s willingness to serve as a point of contact for major violations or grievances involving the school’s mock trial program. The letter shall indicate the school’s assumption of responsibility for the conduct of the school’s mock trial program and its participants, including any fees and penalties incurred.
- (3) **Persons who may sign letter.** The letter shall be signed by a person holding any of the following positions or titles:
- (a) An administrator of the school or an academic unit or office thereof, including but not limited to titles of president, vice president, chancellor, provost, dean, department chair, and assistants and deputies thereof;
  - (b) A full-time faculty member of the school;
  - (c) A pre-law advisor of the school;
  - (d) A professional staff member of a school’s student affairs or student organization office;
  - (e) An employee of the school holding a position or title substantially equivalent to any of subs. (a) through (d).
- (4) **Persons who may not sign letter.** A school authorization letter is not sufficiently signed by any of the following:
- (a) A person holding the title or rank of part-time faculty, adjunct faculty, instructor, lecturer, or other equivalent titles;
  - (b) A person not employed by the school or not permitted by the school to act on behalf of the school;
  - (c) A person who is an undergraduate student or law student at the school and does not meet any of the credentials in sub. (3).
- (5) **Filing, duration.** Each school shall file its letter with the AMTA office by mail, facsimile, or by sending a scanned copy of the original via e-mail. The letter shall remain valid indefinitely until any of the following occur:
- (a) The school revokes the letter;
  - (b) The person signing the letter ceases to be affiliated with the school;
  - (c) The school does not register for two consecutive academic years;
  - (d) AMTA requests the school to file a new letter of authorization.
- (6) **Interpretation.** AMTA’s Executive Committee is empowered to interpret and determine compliance with the provisions of this rule and grant such relief as it may deem necessary.

**B. That Rule 3.7 be amended to delete the words “Educator Coach.”**

**RATIONALE**

Our current rules establish a distinction between “Educator Coaches” and “Primary Contacts,” and generally require student-run programs to submit a letter of authorization from a school administrator. The current state of the rules is not optimal for several reasons.

1. **Student-run teams skirt the letter requirement by naming an “Educator Coach” who really isn’t.** Many schools list as “Educator Coach” a law student, attorney coach, or other person who doesn’t really have an official affiliation with the college or university. Likewise,

some mock trial coaches hold limited-term, limited-scope appointments as adjunct/lecturer/etc; however, those relationships are typically not sufficient to allow the faculty member to act on behalf of or bind the institution. AMTA’s goal is to have an “official” point of contact within the school for emergencies or major issues. That’s not happening right now in all instances.

2. **Some schools have an “Educator Coach” who isn’t always the best contact person.** Many schools with an “Educator Coach” nevertheless delegate logistical responsibilities to students or attorney coaches. Some “Educator Coaches” serve more as a faculty advisor than an actual coach. As a result, we get occasional complaints that information emailed to the Educator Coach doesn’t filter down to the folks who need to know—or, if it does, it takes too long, etc.

**This rule basically does two things:**

1. Clarifies that anyone can be a school’s primary contact person. At many schools, a full-time faculty coach will choose to retain that authority. Some programs may delegate the task to an attorney coach, law student coach, or student leader. Those are all local decisions—all AMTA cares about is that it can reach someone with day-to-day knowledge and responsibility.
2. Requires everyone to submit a letter of authorization. However, this requirement is a “one and done” proposition, as long as the school doesn’t drop away from AMTA for more than two years, and as long as the signer remains with the school. That gives AMTA the protection it needs while eliminating to the greatest extent possible the need for annual bureaucracy for both the school and AMTA.

**Seconded.**  
**Motion as amended adopted.**

**D. Rules and Sanctions Committee:**

**RSC-01:**

**Motion by Woodward, J. to amend Rule 8.12(1) by deleting the struck-through text and inserting the underlined text:**

**(1) When objections are permitted and prohibited.** Objections are permitted during the examination of witnesses but not ~~during~~ at any time regarding the content of the opening statements or closing arguments.

*Rationale: I have encountered disputes concerning objections raised after a closing argument has concluded, e.g. “I was not permitted to object during closing argument, but had I been allowed to, I would have objected to facts not in evidence.” The current language of the rule does not explicitly prohibit objections before or after a statement or argument. This amendment would remove that ambiguity. (On the other hand, if the Board feels such objections are necessary or a good idea, I would argue we should permit them during the statements or arguments.)*

**Motion by Butler, J. to amend by striking the words “Regarding the content”**  
**Seconded**  
**Motion to amend approved.**

**Motion by Heytens, T to refer to Competition Response Committee.**  
**Seconded.**

Motion fails.

**Motion as amended adopted.**

**E. Strategic Planning Committee\*:**

Motion by Guliuzza, F. to address all SPC motions together.

Seconded

Motion approved.

Motion by Guliuzza, F. to sever SPC-03 from the above motion.

Seconded

Motion approved.

**SPC Motions 1, 2, 4, 5, 6, 7, 8, 9, 10 adopted.**

**SPC-01**

**Motion by the SPC to amend the Code of Conduct as follows:**

(1) Preamble: "Covered persons" is not meant to include judges or tournament hosts.

*Rationale: One of the characteristics that makes them different is that they do not have any organizational decision-making authority. AMTA neither recruits, selects, nor has any realistic means to control or discipline them. Hosts present a closer call because AMTA does select them and they are subject to the direction and control of the AMTA reps in terms of tournament matters. It seems impractical and unwise to treat hosts as Covered Persons, however. Many (if not most) hosts are inevitably and by necessity coaches for teams competing at a given tournament. But if hosts are covered persons, then Rule 2(a) would seem to bar a coach who is also the parent or older sibling of a competitor from serving as a regional host at which that competitor competes. In addition, if hosts are Covered Persons, then does a coach/host having dinner with her team constitute "fraternization" that could reasonably create an actual or apparent conflict of interest"? And, if it doesn't, wouldn't the argument be that everyone already knows that coach-hosts inevitably have a conflict-of-interest vis-a-vis their own team -- which is a big reason for having reps in the first place? Also, if hosts are Covered Persons, wouldn't every host be required to complete the Conflict of Interest form?*

**SPC-02**

**Motion by the SPC to amend the Code of Conduct as follows:**

Subsection 3a: Add "disability" to our list of unacceptable forms of discrimination and harassment.

**SPC-03**

**Motion by the SPC to amend the Code of Conduct as follows:**

Subsection 6d: Covered persons can't receive goodies from participants, teams and colleges – except their own institution.

*Rationale: A Board member is always a CP. And unlike Sections 1, 2, 4, and 6(c), the provisions of Section 6(d) (i.e., the gift prohibition) are not preceded by the words "while serving in an*

*official capacity." Consequently, we should specify that this is not meant to keep coaches from receiving forms of remuneration from their own schools.*

Motion by Guliuzza, F. to refer to committee.

Seconded

Motion fails.

**Motion adopted.**

**Committee charged to address issues raised with regard to rule at next Board Meeting.**

**SPC-04**

**Motion by the SPC to amend the Code of Conduct as follows:**

Subsection 8d1D: Delete category altogether to avoid the risk of the Disciplinary Committee becoming an ad hoc body geared to the case at hand.

**SPC-05**

**Motion by the SPC to create Rule 8d1 in the Code of Conduct as follows:**

New 8d1: Members of the Disciplinary Committee will be appointed at the annual board meeting and include (A) the Past President of the AMTA, who shall serve as the Chairperson of the Disciplinary Committee, (B) one appointee of the current President, who shall not concurrently serve on the Executive Committee, (C) one person elected at large by the Board, who shall not concurrently serve on the Executive Committee. The Board of Directors shall also elect an alternate who shall not be a member of the Executive Committee. Should a member of the Disciplinary Committee need to recuse him/herself from review of a complaint, the alternate shall serve. Should the board-elected alternate be unable to serve, the President shall appoint an alternate who shall not concurrently serve on the Executive Committee.

**SPC-06**

**Motion by the SPC to create a new 8d subsection to the Code of Conduct as follows:**

Add an 8d subsection indicating that the members of the Disciplinary Committee would serve one-year terms, although people could be re-appointed or re-elected for additional years.

**SPC-07**

**Motion by the SPC to add new subsection 8e to the Code of Conduct as follows:**

Add an 8e subsection specifying that the Past President does not cast a vote both on the Disciplinary Committee and the EC as well.

**SPC-08**

**Motion by the SPC to add 8e subsection to the Code of Conduct as follows:**

If proposal #7 passes and the Past President does not vote in the EC appeal, then add an 8e subsection specifying that the President should have a real vote and not just one in case of a tie.

**SPC-09**

**Motion by the SPC to amend the Code of Conduct as follows:**

Amend the 8e so that it only takes a 2/3 vote of those voting on the EC (rather than 2/3 of the EC) given that recusals could reduce the size of the EC for this function.

**SPC-10**

**Motion by the SPC to add new 8h subsection to the Code of Conduct as follows:**

Add a new 8h subsection noting that the results of the Disciplinary Committee's investigation will be confidential (except for the discipline imposed), unless the person chooses to appeal, and then the results will only revealed to said appellate body(s).

**F. Tabulation Advisory Committee:**

**TAB-01**

**Motion by the Tabulation Advisory Committee:**

Motion to renumber the existing Rules 3.14 and 3.15 to be rules 3.15 and 3.16, respectively and to create a new rule 3.14 which is listed below.

Motion also includes amending Rule 5.28(4) as indicated below.

**3.14 Rosters at the National Championship Tournament.**

- (a) Manner of and deadline for submission. Team rosters for the National Championship Tournament shall be submitted via email to the AMTA Tabulation Director no later than 12:00 noon central time on the Sunday following the completion of the final opening round championship tournament. If the final opening round championship tournament ends on a Saturday, the deadline is 12:00 noon central time on the second Sunday after the completion of the final opening round championship site.
- (b) Penalty for missed deadline. Any team that fails to submit its roster by the deadline shall be limited in composition to the students listed for the same team number during the opening round championship.
- (c) Multiple teams. If a school is accepting two bids to the National Championship Tournament, the school shall designate one roster with one team number, as its "A" team and the other roster, with a different team number, as its "B" team. The "A" designation shall be the stronger of the two teams; the "B" designation shall be the weaker of the two teams. The rosters submitted shall

be final. Changes to a submitted roster shall be permitted only with the approval of a majority of the members of the Competition Response Committee.

Motion to amend Rule 5.28(4) "Random draw required" to read:

(4) Random draw required, timing. Division draws shall be done at random, taking steps as needed to implement the above rules. The draw shall be conducted as soon as practicable after all rosters have been submitted, or the deadline for submission has passed, pursuant to Rule 3.14.

Motion by Bloch, B., to strike the words "only with the approval of a majority of the members of the Competition Response Committee." in 3.14(c).

Seconded.

Motion to strike fails.

**Motion fails.**

#### **G. Tournament Administration Committee:**

No Motions.

#### **H. Ad Hoc Committees:**

##### **AH-01:**

Motion by Schuett, N to amend the current rules regarding judge recruitment process as follows:

Replace the current judge recruitment process relying on the tiered system only with a bright-line test favoring persons with a J.D. over non-J.D. judging candidates to bolster the quality of the judging pool at AMTA sanctioned events.

*COMMITTEE RECOMMENDATION: NONE; THE COMMITTEE WAS SPLIT 4-3 IN FAVOR OF THE BRIGHT-LINE TEST. THE DISAGREEMENT WAS STARK AND DEEPLY DIVIDED REGARDING THE PURPOSE OF MOCK TRIAL JUDGING AND THE TYPE OF RESULTS AND EDUCATION DESIRED FOR THE STUDENTS AND TOURNAMENT. GIVEN THE POLEMICAL NATURE OF THE CHANGE IN JUDGE RECRUITING WE FELT IT WAS SOMETHING BEST ADDRESSED BY THE ENTIRE BOARD.*

*RATIONALE: The new and current, but poor, hosts need more guidance on what constitutes "quality judges" in order to comply with RECOMMENDATION 1. To avoid the appearance of impropriety when using mock trial alumni a bright-line test should be utilized by the host. A bright-line test would require the following: if a host has the option of filling a judging slot with a licensed attorney and a non-JD holding former mocker, even national champion, the host is required to select the attorney. The reasoning being that the state licensing board for the host's area has deemed the attorney competent to practice law and therefore qualified to give legal opinions. Whereas the former mocker, even for all of her former glory, only has mock trial knowledge and it is usually limited to a particular regional or school's style/preferences. A former mocker carries more inherent biases than the attorney.*

*The opposition to the bright-line test argues former mockers are inherently better judges because they know the ins-and-outs of mock trial. They are less likely to err in their scoring of the ballot and they understand the constraints/schism between the "real world" and "mock trials". Therefore,*

*a host should have leeway to decide on a case-by-case basis whether or not a former mocker, non-JD holder, should be selected to the judging pool over an unknown attorney. The opposition to the bright-line test seemed in favor of a recommendation to new hosts on the types of judges to recruit, but balk at the idea that a JD is a carte blanche for judging.*

**Motion fails.**

## **X. Unfinished/New Business**

## **XI. Adjournment**