



# American Mock Trial Association

2011 Mid-Year Board Meeting Minutes

Conference Call

Saturday, November 5, 2011

## I. Call to Order (1:00pm EST)

### A. Conference call attendance:

*Members present (20):* Bernstein, Justin; Creed, Heather; Cross, David; Detsky, Adam; Guliuzza, Frank; Halva-Neubauer, Glen; Hawley, Alicia; Heytens, Toby; Kelly, Michael; Langford, Barry; Leckrone, Josh; Lyons, Kristofer; Nelmark, David; Neuhaus, MaryLynn; Palmer, Jackie; Pohlmann, Marcus; Satler, Jennifer; Vile, John; Woodward, Jonathan; Zeigler, Sara

*Members not present (10):* Bloch, Brad; Butler, Jason; Calkins, Richard; Eslick, Matthew; Haughey, Dan; Racheter, Don; Schuett, Neal; Scott, JoAnn; Seelau, Ryan; Wagoner, Jim

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

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

## II. Welcome and Remarks (Nelmark, D.)

## III. Format of Agenda:

Delivered by Secretary – Detsky, A.

*The agenda for the mid-year conference was set by the Executive Committee pursuant to rule 10.2.1. Motions to amend are in red. The final outcome of each motion is in bold red.*

## IV. Approval of Agenda

## V. Approval of 2011 Board of Directors Meeting minutes.

**Motion by Detsky, A. to approve 2011 minutes.**

**Seconded.**

**Minutes approved.**

## VII. Committee Reports

- A. **Budget Committee Report (delivered by Nelmark, D.):**
- B. **Criminal Case Committee (delivered by Smith, A.):**
- C. **Civil Case Committee (delivered by Heytens, T.)**
- D. **Development Committee (delivered by Palmer, J):**
- E. **Ad Hoc Committee on Religious Accommodation (delivered by Nelmark, D.):**
- F. **Rules Committee (delivered by Bernstein, J):**
- G. **Strategic Planning Committee (delivered by Vile, J.):**
- H. **Tabulation Advisory Committee (delivered by Lyons, K):**
- I. **Tournament Administration Committee (delivered by Woodward, J):**
- J. **National Tournaments Subcommittee Report (delivered by Guluizza, F.)**

## IX. Motions:

### MYC-01

**Motion by the Rules & Sanctions Committee. to create a replace existing rule 8.9 (invention of fact) to read as follows:**

**Rule 8.9 Invention of fact.** In lieu of discovery, this rule shall govern the testimony of all witnesses.

**(1) CLOSED UNIVERSE.** Mock trial competitors are to advocate as persuasively as possible *based on the facts provided*. Thus, teams must rely on the facts stated in the Case Problem rather than creating new facts or denying existing facts in order to advantage their parties (an “Improper Invention”).

**(2) JUDGES’ SCORING.** If a team demonstrates through impeachment that its opponent has made an Improper Invention, judges should reflect that violation in their scores by penalizing the violating team, rewarding the impeaching team, or both.

**(3) STUDENTS’ HONOR CODE OBLIGATION.** Students should note that while the exclusive trial remedy for violating this rule (impeachment) is explained below, an opponent’s inability to successfully impeach a witness does not necessarily mean the witness has complied with this rule. Teams have an independent “honor code” obligation: an Improper Invention is cheating regardless of whether an opponent is successful in demonstrating the violation.

**(4) IMPROPER INVENTION.**

**(A) Definition.** There are exactly two types of Improper Invention:

- i. Any instance (on direct, cross, re-direct, or re-cross examination) in which a

witness introduces testimony that contradicts her or his affidavit.

- ii. Any instance on direct or re-direct examination in which a witness testifies to material facts not included in her or his affidavit.

**(B) Clarification concerning cross-examination.** On cross-examination, a witness commits no violation or Improper Invention when she or he testifies to material facts not included in her or his affidavit—as long as the witness’s answer is responsive to the question posed. In other words, a witness is allowed to invent material facts on cross-examination as long as the witness remains responsive to the question posed. Attorneys who ask questions to which the witness’s affidavit does not provide an answer risk receiving an unfavorable answer in trial. Notwithstanding the aforementioned rules, however, nothing in this section is intended to prevent attorneys from attempting to challenge a witness’s credibility by demonstrating an omission through use of the witness’s affidavit.

**(C) Ancillary Terms.**

**i. Material facts.** Facts are “material” if they affect the merits of the case. Facts are not “material” if they merely provide background information or develop the character of a witness. One test that judges and competitors can use to assess materiality is whether the facts at issue are of the type that could reasonably be expected to be included in the party’s closing argument.

**ii. Reasonable inference.** A witness’s answer does not qualify as a “reasonable inference” merely because it is consistent with (*i.e.*, does not contradict) statements in the witness’s affidavit. Rather, a reasonable inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the affidavit.

**iii. Affidavit.** For the purposes of Rule 8.9, an “affidavit” includes not only a witness’s sworn statement, but also any document in which the witness has stated her or his beliefs, knowledge, opinions or conclusions (such as a deposition or an expert’s written report). This definition does not include affidavits or documents produced by other witnesses, except to the extent that a witness has relied on such affidavits or documents in forming her or his own conclusions.

**(5) TRIAL REMEDY FOR VIOLATIONS.** If the cross-examiner believes the witness has made an Improper Invention, the only available remedy is to impeach the witness using the witness’s affidavit. Impeachment may take the form of demonstrating either (i) an inconsistency between the witness’s affidavit and trial testimony (“impeachment by contradiction”) or (ii) that the witness introduced material facts on direct or redirect examination that are not stated in or reasonably inferred from the witness’s affidavit (“impeachment by omission”). The cross-examiner is not permitted to raise an objection to the judge on the basis of “invention of fact.”

**(6) POST-TOURNAMENT REVIEW.** If a team or AMTA Representative believes that a team has made an *egregious* Improper Invention, it may report that allegation to the AMTA Rules and Sanctions Committee. The AMTA Rules and Sanctions Committee is authorized to investigate the allegations and, upon determination of egregious wrongdoing, may issue sanctions against the violating team. Sanctions may include any sanctions permitted under this AMTA Rulebook.

Motion by Cross, D. to amend section (3) to replace all references to “honor code” with “Rule 1.4.”

Seconded

Motion amended.

Motion by Heytens, T. to amend by deleting section (6) in its entirety.

Seconded.

Motion to amend fails

Motion by Lyons, K. to replaced the language of section (6) above as follows:

(6) POST-TOURNAMENT REVIEW. If a team or AMTA Representative believes that a team has made an egregious Improper Invention, it may report that allegation to the Executive Committee. The Executive Committee is authorized to investigate the allegations and, upon determination of egregious wrongdoing, may issue sanctions against the violating team. Sanctions may include any sanctions permitted under this AMTA Rulebook.

Motion by Woodward, J. to substitute language in the proposed amendment to section (6) to reflect that the Competition Response Committee would investigate the claim and be charged with making recommendations to the Executive Committee where warranted. The Executive Committee would then be responsible for the sanction.

Seconded.

Language Substituted

Motion by Lyons, K. (as amended) seconded.

Motion amended. Amended.

Motion by Woodward, J. and Vile, J. to create a section (7), requiring any such complaint to made within 48 hours of the completion of the tournament.

Seconded.

Motion amended.

**Motion as amended seconded.**

**Motion adopted as amended.**

#### **MYC-02**

**Motion by the Rules & Sanctions Committee. to remove the existing language of rule 9.9(4) (procedure for requesting intervention) and replace with the following:**

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

....

#### **(4) PROCEDURE FOR REQUESTING INTERVENTION.**

**(A) Intervention Requests Generally Limited to Students.** Any student on the roster of a team competing in a trial may request intervention from the AMTA Representatives. Before requesting the intervention, the team seeking the intervention must first notify a student on the roster of the other team that it is about to seek the intervention. The purpose of this requirement is to give the other team an opportunity to be present when the intervention is first requested.

**(B) When Others May Request Intervention.** People other than the students competing in the trial may seek interventions only where it would be impossible or

extraordinarily impractical for those students to seek the intervention. Inconvenience does not suffice for such impossibility or impracticality. Examples of when it would be impossible or extraordinarily impractical for students to seek an intervention include: (i) if a spectator observes during a break when all students have left the courtroom that one judge is physically changing the other judge's scores, the spectator may request an intervention; and (ii) if a coach overhears—outside the presence of any students—judges remarking about the school identity of the teams they are observing (e.g., “The Prosecution team is Midlands University and they are known for cheating. Make sure to score them low.”), the coach may request an intervention.

**(C) Opportunity to be heard.** The AMTA Representatives need not consult with both teams before *denying* an intervention request. However, before intervening in any way or imposing sanctions of any kind, the AMTA Representatives must give both teams an opportunity to be heard. If an AMTA Representative requests that a team meet with the AMTA Representative to discuss the intervention request, and that team refuses the AMTA Representative's request, that team waives the aforementioned opportunity to be heard.

**Motion seconded.**

**Motion adopted.**

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

## **XI. Adjournment**

At which time, the meeting concluded at 2:16pm EST.

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



# 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**

### **C. 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.

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

# 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 Guliazza (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.**



# 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.