



American Mock Trial Association 2015 Board Meeting Agenda July 18-19, 2015 Georgia Tech | Atlanta, Georgia

I. Call to Order

Attendance:

Members present: Bernstein; Detsky; Eslick; Gelfand; Guliuzza; Halva-Neubauer; Haughey; Heytens; Keener; Langford; Leapheart; Leckrone; Olson; Parker; Pavely; Racheter; Schuett, N.; Seelau*; Smith; Thomason; Wagoner; Walsh; Warihay; Weatherby; Woodward

Members not present: Ben-Merre; Minor

Candidate Members present: Bluebond; Caldwell; Harper; Holstad; Nelson; Schuett, M.

Candidate Members not present: Freuhauf

Executive Directors present: Nicoletti; Derfelt

Staff & Guests: Alison

Directors Emeritus:

*Seelau was not present on Sunday

II. Welcome and Remarks (Bernstein)

III. Format of Agenda:

Delivered by Assistant Secretary – Pavely

All motions submitted were referred to the corresponding AMTA Committee pursuant to the policy adopted by the Board in 2007 (Rule 10.2.1). All motions are referenced numerically by the abbreviation of the AMTA Committee to which the motion was referred (e.g. EC-02 or TAB-03). The numeric order is based upon the order in which the motions were submitted, subject to the exception that every effort was made to place motions addressing the same issue in sequential order regardless of submission date. The Committees had the option of tabling the motion, amending the motion or substituting the motion. Tabled motions retained their original designations, but are provided in an appendix. Motions could be advanced with recommendation or without. The final motion agenda order was subsequently set by the Executive Committee (AMTA Bylaws, Section 10.2.1)(Subject to agenda amendments made at the board meeting).

Motions appear in red and bolded. The decision of the respective committees follows each motion **IN BOLD BLUE, CAPITAL LETTERS AND UNDERLINED**. Motions that have been recommended by committee do not need to be seconded at the meeting. Motions forwarded without recommendation require a second. For a motion to be 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)

Appended to the Agenda as **Appendix A** is the Consent Calendar

Appended to the Agenda as **Appendix B** is a list of tabled motions. These motions were tabled by the reviewing committee and will not be considered by the Board for action. To “untable” a motion, five or more members of the Board (not including the motion’s author(s)), must request that the motion be considered. If such request is made, the full Board may vote on whether to overturn the Committee’s recommendation to table. A motion to overturn the Committee’s recommendation to table must be passed by a majority vote of the Board. ***Taking a motion off the table and placing it on the agenda alone does not result in adoption of the motion.*** A separate vote will be necessary on whether to adopt the motion.

Appended to the Agenda as Appendix C is the proposed AMTA Intellectual Property and Licensing Policy referenced in **INTELLECTUAL PROPERTY-01**.

Appended to the Agenda as **Appendix D** are the minutes from the December 2014 mid-year conference call/board meeting.

IV. Approval of Agenda

Motion by Woodward to approve the Agenda. Second by Haughey. **Motion passes.**

Motion by Guliuzza to allow the Chair to amend the Agenda to prioritize the order of motions as he sees fit. Seconded by Walsh. **Motion passes.**

V. Approval of 2014 Mid-Year Board of Directors Meeting minutes.

Motion by Woodward to approve the Minutes. Seconded by Wagoner. **Motion passes.**

VI. Special Board Elections (Disciplinary Committee Member, Human Resources Committee Member)

OLSON is elected as member-at-large of the Disciplinary Committee.

Motion by Guliuzza to allow the Chair to appoint an alternate in the event it becomes necessary. Seconded by Leapheart. **Motion passes.**

PARKER is elected as member-at-large of the Human Resources Committee.

VII. Consideration of Tabled Motions

For procedure to “untable” a motion, please see discussion of Appendix B above. If a motion is “untabled”, it will be taken up in the order it would have appeared in the Agenda. (i.e. EC-05 would be discussed after EC-04).

Motion to untable TAB-03. **Motion to untable passes.**

VIII. Approval of Consent Calendar (attached as Appendix A)

Motion by Gelfand to approve the Consent Calendar. Seconded by Woodward. **Motion passes.**

IX. Committee Reports

- A. Academics Committee (Leapheart): Written report delivered.**
- B. Accommodations (Gulizza): Oral report delivered.**
- C. Audit Committee (Smith): Oral report delivered by Bernstein.**
- D. Budget Committee Report (Eslick): Oral report delivered.**
- E. Civil Case Committee (Haughey): Written report delivered. Oral report regarding NCT case delivered by Bernstein.**
- F. Criminal Case Committee (Bluebond): Oral report delivered.**
- G. Competition Response Committee (Smith): Written report delivered.**
- H. Development Committee (Heytens): Written report delivered. Motion by Bernstein to go into Executive Session for the Development Committee report. Motion passes. Oral report delivered. Motion by Woodward to end Executive Session. Motion passes.**
- I. Ethics Committee (Parker): Written report delivered.**
- J. Human Resources Committee (Walsh): Written report delivered.**
- K. Intellectual Property (Thomason): Report deferred until consideration of IP motions.**
- L. Rules Committee (Seelau): Oral report delivered.**
- M. Strategic Planning Committee (Halva-Neubauer): Written report delivered.**
- N. Tabulation Advisory Committee (Woodward): Oral report delivered.**
- O. Technology Committee (Warihay): Oral report delivered.**
- P. Tournament Administration Committee (Warihay): Written report delivered.**
- Q. Other Committee Reports: None.**

X. Motions:

BUDGET-02: Motion by Eslick to adopt an amended travel policy:

American Mock Trial Association **Travel and Reimbursement Policy**

Individuals who incur expenses in their course of performing AMTA-related duties at AMTA-sanctioned tournaments are entitled to reimbursement of reasonable expenses. Those seeking reimbursement are bound by the following policies.

1. Requests for expenses must be submitted on the AMTA Expense Form and must be accompanied by receipts and other appropriate documentation. In lieu of using the Expense Form, an AMTA representative may submit a reimbursement request via Expensify, but any such representative must take steps to allow for direct deposits.

2. Requests for reimbursement must be submitted to the Treasurer within 60 days of incurring the expense.

3. Expenses for which receipts cannot be obtained (tolls, cab fare, etc.) must be explained in the appropriate place on the AMTA Expense Form or in an e-mail directed to the Treasurer.

4. The following policies apply to travel expenses:

(a) AMTA will reimburse airfare and related expenses (*e.g.*, airfare, checked baggage, and in-flight wi-fi) up to \$400.00. Any expenses over \$400.00 will not be reimbursed unless approved by the Treasurer or the Treasurer's designee prior to purchase.

(b) AMTA will reimburse mileage for personal vehicles driven up to \$400.00. Mileage will be reimbursed at the then-current IRS rate, using Google Maps for distances for inter-city travel and traveler estimate for vicinity mileage. Any expenses over \$400.00 will not be reimbursed unless approved by the Treasurer or the Treasurer's designee prior to travel.

(c) AMTA will reimburse other methods of travel (*e.g.*, train travel or for the use of institutional vehicles) up to \$400.00. Any expenses over \$400.00 will not be reimbursed unless approved by the Treasurer or the Treasurer's designee prior to purchase.

(d) AMTA will reimburse representatives for costs for rental cars and related expenses, including fuel, up to \$200.00. Any expenses over \$200.00 will not be reimbursed unless approved by the Treasurer or the Treasurer's designee prior to travel.

5. AMTA will reimburse the cost of a standard single-occupancy hotel room. Any hotel rate that exceeds \$150.00 per night, inclusive of taxes and fees, but exclusive of other costs (*e.g.*, wi-fi fees and parking) must be authorized by the Treasurer or the Treasurer's designee.

6. Meals will be reimbursed up to \$50.00 per day, inclusive of taxes and tips. Itemized receipts **must** accompany reimbursement requests for meals, including room service. No meal will be reimbursed without an itemized receipt. A maximum of 20% should be used when calculating tips. AMTA will not reimburse costs for alcoholic beverages.

7. AMTA representatives may request advances for travel by submitting a Request for Advance Form to the Treasurer or the Treasurer's designee.

8. All expense reimbursement requests are subject to review and approval by the Treasurer. Any requests for reimbursement by the Treasurer are subject to review and approval by the President.

9. AMTA will not reimburse any expenses for a spouse or guest accompanying an AMTA representative, unless such individual is also authorized to serve as a representative of AMTA.

Rationale: None

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Racheter to amend sections 4(a)(b)&(c) by substituting \$500 for \$400; substituting \$300 for \$200 in section 4(d); substituting \$176 for \$150 in section 5; and substituting \$76 for \$50 in section 6. Seconded by Detsky. **Amendment fails.**

Motion by Detsky to amend clause 5 to carve out an exception that if an AMTA Rep wants to avail himself of a block rate a host has secured he should be able to. Seconded by Keener. **Amendment fails.**

Original motion passes.

BUDGET-03: Motion by Eslick to approve the 2015-2016 Budget.

Rationale: None

ADVANCED WITH NO RECOMMENDATION

Motion seconded by Haughey.

Motion passes.

Motion by Halva-Neubauer to amend the Budget to increase the audit line by \$5000. Seconded by Leapheart. **Motion passes.**

Motion by Woodward to increase the Staff Travel line up to \$5000. Seconded by Langford. **Motion passes.**

EXECUTIVE COMMITTEE-01: Motion by Walsh and Halva-Neubauer that at each annual meeting, the Human Resources Committee shall present to the Board for its approval a work plan for the Executive Director. This work plan establishes the key projects/priorities/goals (consistent with the strategic plan) that shall be the focus of the Executive Director’s work over the next year. The Executive Director shall make quarterly reports to the Board regarding those projects/priorities/goals

Rationale: None

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion to go into Executive Session to discuss EC-01. **Motion passes.**

Friendly amendment to add to the end “after consultation with the President and any committee chairs that the President designates.”

Motion passes.

Motion to move to Committee of the Whole. **Motion passes.**

EXECUTIVE COMMITTEE-03: Motion by Warihay to change Rule 2.3(5) as follows (removed language in strikethrough, and new language in red):

(5) FILING, DURATION. Each school shall **annually** file its letter with the AMTA office by mail, facsimile, or by sending a scanned copy of the original via e-mail. ~~The letter shall remain valid indefinitely until any of the following occur:~~

- ~~(a) The school revokes the letter;~~
- ~~(b) The person signing the letter ceases to be affiliated with the school;~~
- ~~(c) The school does not register for two consecutive academic years;~~
- ~~(d) AMTA requests the school to file a new letter of authorization.~~

Rationale: For at least the past 3 years, we have required schools to submit new letters each year. After leaving Des Moines, we learned that this policy was implemented (at best) inconsistently, if at all, along with the general requirements of the institutional authorization letter in general. However, nonetheless, TAC’s policy has been evidenced on the website and on the School Registration form. This policy was put into place by President Nelmark following issues with programs submitting the same letter on an annual basis, regardless of whether or not the actual signer was aware of the letter. Requiring an annual letter is the best and most practical way to ensure that an “adult” on each campus each year is aware of the mock trial team, and is affirmatively taking responsibility for same. It also eliminates the onus on AMTA to “police” each school to ensure that they remain in compliance with this rule.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

EXECUTIVE COMMITTEE-05: Motion by Seelau and Warihay to amend Rule 2.4 (3) and (4) and add the following sentence to each subsection: "If, after the tournament's field had been filled, and within 72 hours of a tournament's start time a team drops out for any reason and a replacement team is added, the newly added team is exempt from paying the registration fee for said tournament."

Rationale: Teams that are added late are, in some ways, doing a service to AMTA and will have added costs with late travel arrangements. Additionally, the rules don't provide for any method of refunding payments for schools that register and then drop from ORCS or NTC (and, in fact, AMTA may penalize such teams), thus, in such situations, AMTA is essentially collecting registration fees twice for one spot at the tournament. This change to the rule prevents the windfall and creates a small incentive for teams to join the game late at our request.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

EXECUTIVE COMMITTEE-06: Motion by Heytens to add a new Rule 4.35

Rule 4.35 Site Specific Sponsorship Agreements.

The Development Committee shall have the authority, with consultation of the Tournament Administration Committee, to enter into site-specific sponsorship agreements. Funds from such agreements shall be paid directly to AMTA. On or before January 15 of each competition season, funds then collected from each site-specific sponsorship agreement (less estimated taxes) shall be distributed as follows: 40% shall be retained by AMTA; 25% shall be distributed to the host to which the site-specific sponsorship agreement applies; and 35% shall be allocated to a pool to be divided equally among all hosts of AMTA-sanctioned tournaments. Funds received by AMTA after January 15 shall be carried over to the next academic year, but in no event will a host which does not host the following year be entitled to any funds from any site-specific sponsorship agreement.

Nothing in this Rule is designed to prohibit hosts of AMTA-sponsored tournaments from negotiating and executing sponsorship agreements, provided such agreements do not violate exclusivity provisions in pre-existing contracts between AMTA and any person or entity. Hosts shall consult with the Tournament Administration Committee to determine if any contemplated agreements are in compliance with this Rule.

ADVANCED WITH NO RECOMMENDATION

Motion by Keener to amend the motion to change 40% to 50%, 25% to hosts be capped at \$500, and the 35% be changed to 25%, not to exceed \$2000. **Motion to amend fails for lack of a second.**

Motion by Detsky to add the words “and the host” after “Tournament Administration Committee” in the first sentence. **Accepted as friendly.**

Motion passes.

EXECUTIVE COMMITTEE-07: Motion by Warihay to change Rule 6.8(1) as follows (new language in red):

(1) NUMBER. There shall be at least 48 bids to the national championship tournament, but no more than 56 bids. The number of bids to the national championship tournament shall be announced by the Tournament Administration Committee no later than the beginning of the first Opening Round Championship Series Tournament, which shall be decided by the Tournament Administration Committee Chair in consultation with the National Tabulation Director and the National Championship Tournament Host.

Rationale: Our current rule is strict with the number of teams at the NCT. This motion is not necessarily intended to say we are immediately expanding the NCT beyond 48 teams. However, this amendment provides AMTA the ability to do so if the situation presents itself – both from a number of teams standpoint and a host ability standpoint. As we all know, many teams are routinely eliminated at ORCS, who are more than qualified to compete at the NCT, and if able, this allows us to expand our national championship tournament and the tournament structure as a whole (i.e. up to 9 ORCS and up to 27 regional tournaments).

ADVANCED WITH NO RECOMMENDATION

Motion passes.

EXECUTIVE COMMITTEE-08: Motion by Warihay to change Rule 6.8(2) as follows (removed language in strikethrough, and new language in red):

(2) ALLOCATION OF BIDS TO THE OPENING ROUND SITES. ~~Six~~ Regular bids to the National Championship Tournament shall be allocated evenly to each of the opening round championship tournament sites, with any remaining bids becoming Open Bids and awarded based on Rule 6.9.

Rationale: Regardless of whether the motion regarding changing the number of bids to NCT is passed, this motion addresses another lack of flexibility in our rules. For example, if we expanded to 9 ORCS, this rule as currently written would require that the 9th ORCS receive 6 bids, which if only 48 teams advance to NCT, would be impossible. Therefore, this adjustment would allow for a 9th ORCS, with each ORCS getting 5 direct bids and 3 remaining open bids to be distributed later.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

EXECUTIVE COMMITTEE-10: Motion by Warihay to change Rule 6.6(1) as follows (new language in red):

(1) NUMBER OF BIDS. There shall be at least 192 bids to the opening round championship series, but no more than 216 bids. The Tournament Administration Committee shall announce the number of bids to the Opening Round Championship Series no later than the beginning of the first Regional tournament, which shall be decided by the Tournament Administration Committee Chair in consultation with the National Tabulation Director.

Rationale: Similar to the motion regarding the NCT, this motion allows for flexibility in our rules to expand our tournament structure if able and/or needed. For example, if we experienced a large increase in team registrations, this would allow TAC to add another tournament or two to accommodate those teams, along with increasing the number of bids available for same. This motion is not intended to immediately increase the number of bids or tournaments, but rather, provide for the ability to do so.

ADVANCED WITH NO RECOMMENDATION

Motion passes.

EXECUTIVE COMMITTEE-11: Motion by Wagoner not to permit releasing a new case after ORCS beginning with the 2016-2017 season.

Rationale: The rational for this motion is the enormous burden we place on our students so close to the end of the Spring semester. Our team returned from the competition with two class days, two reading days before beginning their finals. If we are going to continue this practice, then I think we need to consider moving Regionals to January, ORCS to February and Nationals to March.

ADVANCED WITH NO RECOMMENDATION

Motion fails.

EXECUTIVE COMMITTEE-12: Motion by Parker beginning with the 2016-2017 season, to modify Rule 10.3.2(2) as follows (new text in **bold**):

(a) If a Case Committee ~~or any subcommittee of a Case Committee~~ **intends to release an entirely new case for use at the National Championship, the Case Committee must notify the Board of Directors of its intent to do so prior to the initial release of the Principal Case. Upon such notification, the Board of Directors will make the determination of whether a Second Case will be used for the National Championship Tournament and/or ORCS tournaments, or whether the Principal Case, with such modifications as the**

Case Committee may release as authorized under subsection (4) of this rule, will be used for the entire year.

(b) ~~(a)~~ **If the Board of Directors approves the use of a Second Case, the** President shall appoint an ad hoc review committee consisting of five members to review the subject matter of the case. Each person appointed to the ad hoc review committee shall both (a) not be affiliated with **an** AMTA member school and (b) not be a member of that year's Case Committee or any of its subcommittees. The members of the committee may be current members of the Board of Directors, former members of the Board of Directors in good standing, directors emeriti, candidate members, or other persons who serve on another AMTA committee. Should the ad hoc review committee determine that the subject matter of the case be discussed by a larger audience, it may make arrangements for all members of the Board of Directors who are not affiliated with an AMTA member school, as defined by Section 4.13.01 of the AMTA Bylaws, to discuss same. Any such discussion by this subset of the Board shall take place in executive session. Should the subset of the Board of Directors not approve the subject matter of the case, it will inform the Case Committee of its decision immediately. Should the subset of the Board determine that more information and/or a more complete description of the case is required before it can approve the subject matter of the case, the Case Committee shall provide the ad hoc review committee with the information and/or description by a date determined by the ad hoc review committee. Within seven days of receiving the description or information from the Case Committee, the ad hoc review committee, keeping in mind whatever concern(s) were raised by the subset of the Board of Directors, will give final approval to the subject matter of the case, or it will inform the Case Committee that the subject matter is not approved.

Rationale: The decision as to whether a second case is feasible or desirable has major implications for the organization and its student participants. That decision may change from year to year, based on the proposed dates for AMTA tournaments that year and information and feedback from the organization's member schools, coaches, participants, and others. This proposal makes it clear that a decision of this magnitude must be made by the full Board of Directors

ADVANCED WITH NO RECOMMENDATION

Motion fails.

INTELLECTUAL PROPERTY-01: Motion by Walsh to draft a comprehensive policy regarding AMTA's Intellectual Property rights for presentation to the Board of Directors at the Annual Meeting in 2015 and approve adoption of an AMTA Intellectual Property and Licensing Policy substantially similar to the policy attached as Appendix C, after consultation with counsel, to be implemented prior to the release of the 2015-16 case.

Rationale: To date, AMTA has not made a significant effort to address its Intellectual Property rights in a systemic, comprehensive manner. Given the amount of effort put into creating the annual case problem as well as the effort put into creating and refining materials used to run and govern sanctioned tournaments (ballots, the tab

manual, the judges' powerpoint presentation etc.), it is time for the Board to address these issues in a meaningful way and produce a policy that will protect and enhance the organization going forward.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

INTELLECTUAL PROPERTY-02: Motion by Thomason to set the cost of a license for an invitational tournament for member institutions who have paid for school registration at \$0 for the 2015-2016 season, provided that the member institution has paid all dues for the 2015-2016 season and complies with all other conditions necessary to secure a license.

Rationale: The current draft of the AMTA Intellectual Property and Licensing Policy contains a provision requiring schools to pay to license the case for use in an invitational tournament. Assuming that the provision is maintained, charging no licensing fee for the 2015-2016 season is in line with the Board's usual practice to wait a year before implementing fee increases. In addition, many schools already have set fees for their invitational tournament for the 2015-2016 season.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

INTELLECTUAL PROPERTY-03: Motion by Thomason to set the cost of a license for an invitational tournament at \$12 per each trial in the invitational tournament starting in the 2016-2017 season with all funds received being used for Regional or ORCS hosts in the 2016-2017 season or subsequent years. An approved license application must be submitted prior to hosting an invitational tournament, and payment must be remitted within 45 days of the invitational tournament's first day of competition.

Rationale: The current draft of the AMTA Intellectual Property and Licensing Policy contains a provision requiring schools to pay to license the case for use in an invitational tournament. This is one potential fee structure devised by the IP Committee, which it wanted the Board to consider. The fee is equivalent to \$1 per student who competes in each trial.

The driver behind recommending this fee is that AMTA continues to grow and the number of invitational hosts continues to increase, but AMTA continues to have difficulties finding a sufficient number of hosts for its sanctioned tournaments. This will allow AMTA to increase incentives for those hosts (and, at the same time, perhaps provide a better incentive for certain excellent invitational sites to consider hosting a sanctioned tournament).

The IP Committee does think that, consistent with AMTA's goals, there may be appropriate circumstances to charge a reduced (or no) fee in certain circumstances (such as, for example, invitational tournaments that do not charge fees or invitational tournaments that cater to schools that are new to AMTA).

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Racheter to amend the motion to change the word cost to fee in the first line and add the language in the second line "to use AMTA's intellectual property."

Accepted as friendly.

Motion fails.

RULES-01 - Motion by Parker to Modify Rules 7.6 and 8.9 as follows (new language in RED):

Rule 7.6 Zealous representation. Attorneys shall represent their clients zealously but within the bounds of the law **AMTA rules**. Specifically:

(1) REASONABLE INFERENCE. If the facts of the case can lead to more than one inference or the law can reasonably be interpreted in more than one way, the attorneys may argue the inferences, conclusions and interpretations most favorable to their client(s); however,

(2) NO MISREPRESENTATION. Student attorneys shall refrain from all offensive behavior, shall not attempt to circumvent any rule, nor commit any dishonesty, deceit, or misrepresentation, nor engage in any conduct that is unfair or prejudicial to the administration of justice.

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

* * *

(3) STUDENTS' OBLIGATIONS UNDER RULES 1.4, 1.5, 1.6, AND 7.6. 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 independent professional and ethical obligations under Rules 1.4, 1.5, 1.6, and 7.6. ~~a~~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~~ **the witness's** affidavit.
- ii. Any instance on direct or re-direct examination in which **an attorney offers, via the testimony of a** witness ~~testifies to~~, material facts not included in ~~her or his~~ **the witness's** affidavit.

* * *

(6) POST-TOURNAMENT REVIEW.

- (a) Notwithstanding Rule 9.2(1), an AMTA Representative may not impose any tournament penalty for an alleged violation of this rule. However, if a team or AMTA Representative believes that a team has made an egregious Improper Invention, it may report that allegation to the Competition Response Committee.
- (b) **In determining whether an Improper Invention is egregious, the Competition Response Committee shall consider whether, based on the totality of the evidence, the Improper Invention additionally constitutes an ethical violation under Rule 1.4, 1.5, 1.6, and/or 7.6. Factors that may be considered include, but are not limited to, the significance of the invented material fact(s) to the case at hand; use of the material fact(s) elicited through the Improper Invention in closing arguments; repeated use of the same or similar Improper Invention in multiple trials; and any other evidence of prior planning or premeditation by the attorney(s) and/or witness(es) to knowingly engage in an Improper Invention and use the material fact(s) introduced thereby to gain an unfair advantage at trial.**
- (c) Any ~~such~~ **allegations of an egregious Improper Invention** must be brought to the attention of the Competition Response Committee by 12:00 noon Central time on the Tuesday immediately following the tournament, unless the matter occurred on the final weekend of regionals or the final weekend of ORCS, in which case the deadline is 4:00 p.m. Central time on the Monday immediately following the tournament. If the allegation is raised timely, the Competition Response Committee shall investigate the allegation and report its findings and recommendation to the Executive Committee. The Executive Committee shall review the report of the Competition Response Committee and, upon the Executive Committee's determination of egregious wrongdoing, may issue sanctions against the violating **program, team, and/or its individual members.** Sanctions may include any sanctions permitted under this AMTA Rulebook.

Rationale:

(1) The modification to Rule 7.6, replacing "law" with "AMTA Rules," reflects that the "law" in an AMTA trial is governed by the AMTA rules.

(2) *The modification to Rule 8.9(4)(a)(ii) clarifies that the attorney has an affirmative obligation to avoid inventions of material fact during direct and re-direct examination. The change more closely aligns the Rule with Model Rule of Professional Conduct 3.3(a)(3), regarding “Candor Toward the Tribunal,” which states in pertinent part:*

A lawyer shall not knowingly... offer evidence that the lawyer knows to be false. If a lawyer, the lawyer’s client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(3) *Rule 8.9(6)(b) has been added to give the Competition Response Committee meaningful guidance in determining whether an invention is “egregious” under the rule. The proposed subsection frames the inquiry in terms of the ethical rules contained in the AMTA Rulebook, and lists examples of factors that may be used to determine whether an invention, once determined to have occurred by the CRC, rises to the level of egregiousness under the rule.*

(4) *Rule 8.9(6)(c) is modified to allow CRC to recommend, and the Executive Committee to impose, program-wide sanctions or individual sanctions against student participants if the situation warrants. The current rule only contemplates sanctions against the “violating team.”*

ADVANCED WITH NO RECOMMENDATION

Motion passes.

RULES-02: MOTION BY WARIHAY to change Rule 3.1 as follows (removed language in strikethrough, and new language in red):

Rule 3.1 School registration membership required. Only teams from schools that annually register with the American Mock Trial Association pursuant to Rule 2.8(1) belong to the American Mock Trial Association may compete in sanctioned tournaments.

Rationale: This rule appears to be outdated, as it refers to terms that do not exist anywhere else in our rules (i.e. membership). These changes make this rule more internally consistent with the other registration rules, while still keeping the clear rule the same, which is that schools must register to compete.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-03: Motion by Warihay to change Rule 3.2 as follows (removed language in strikethrough, and new language in red):

Rule 3.2 School Registration Membership Qualification. Any School, as defined in Rule 1.2(a), ~~post-secondary institution of higher education~~ may register to compete in ~~apply for~~ AMTA sanctioned tournaments ~~institutional membership~~. Timely AMTA registration membership, along with payment of team registration fees under Chapter 2, guarantees that there will be space in a Regional Tournament(s) for at least three teams from a participating school, 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.

Rationale: These changes are similar to the changes to Rule 3.1, as they make the rule more internally consistent with the terminology that is used throughout the rest of the document. It also makes the "School" definition more consistent, as we have had questions and confusion about this definition from prospective schools. Lastly the removal of the "a" and addition of "(s)" after "Regional Tournament" makes clear that we are not assigning 3 teams to one regional tournament, since that is not the case due to the 2 team limit. I had a school argue that this rule guaranteed 3 teams at one regional, which is not the intent of this rule.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-04: Motion by Warihay to change the last sentence of Rule 3.2 as follows (new language in red):

A school shall not be allowed to participate in any sanctioned tournament if the school has any unpaid fines or penalties, ~~unless written permission for an alternative deadline is received from the Tournament Administration Committee Chair, who should consult with the Treasurer on such decisions.~~

Rationale: It can happen (and often does) where teams accrue fines or withdrawal penalties very close to the tournament. For example, if a C team withdraws the Monday before the tournament that the B team is competing in, then according to this rule, the school must pay that fine before the B team can compete. This is not always possible, and in the past, has not happened. This change gives some leeway to the strict "shall" language of the sentence to allow for permission to be given to compete, but still allow us to collect our money.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-05: Motion by Eslick to amend Rule 3.2 (altered text in **bold**)

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 school, 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 **or fees**

Rationale: This motion codifies the current practice of refusing to allow teams to compete at sanctioned tournaments unless they have paid all tournament registration fees. This is a rare problem, but one that has been recurring with greater regularity over the last three years.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-06: Motion by Eslick to amend Rule 9.1(1) as follows (new text in bold):

(2) DEADLINE FOR REPORTING VIOLATIONS. A violation occurring during a trial shall be reported no later than **the end of** the first break in the trial after the violation occurs or is discovered, **or, if a violation occurs during a break, no later than the earlier of the end of the next break after the violation occurs or the expiration of the applicable review period, as defined in Rule 4.24.** A violation occurring at any other time during a sanctioned tournament shall be reported prior to the expiration of the applicable review period, as defined in Rule 4.24, of the round in which the violation occurs or is discovered.

Rationale: This amendment removes an ambiguity in the rule existing where a violation occurs during a break.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-07: Motion by Seelau to amend Rule 3.6(3) as follows (new language in red):

(3) ENROLLMENT AT MULTIPLE INSTITUTIONS. If an individual is a qualified student at multiple schools, she or he will be eligible to compete for the school where she or he is enrolled for the most credits or, in the case of equal credits, she or he may compete for either institution. **If an individual is a qualified student at multiple schools and only one of the schools where she or he is enrolled is registered with AMTA, the student may compete for the school registered with AMTA even if the student is enrolled for fewer credits at that school.** In no event, however, may an individual compete at

sanctioned tournaments for more than one school during the same season.

Rationale: Every year or so we get requests about students who are enrolled at multiple institutions, but only one of the institutions has a mock trial program. If the student happens to be taking fewer credits from the institution that offers mock trial, the student cannot compete under our rules. The solution in the past has been to get EC permission to combine the two schools so that the student may compete. While workable, the current solution to the problem is a bit of a legal fiction and, regardless, requires the EC to use time to decide the matter. The amended rule solves the problem simply and without need for EC intervention.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-09: Motion by Warihay to add the following sentences to the end of Rule 2.3(2):

The letter shall have a handwritten signature of the signer, and an electronic signature shall not be accepted. The letter shall have a date indicating when the letter was signed, which must be within 30 days of receipt by AMTA.

Rationale: This motion codifies requirements that are good practices for accepting institutional authorization letters. The handwritten signature requirement verifies that the letter was actually created and signed by the individual, and avoids any confusion with electronic signatures. The requirement of a signature is implied in the rule, but the additional sentence makes it explicit. The requirement of a date prevents the same letter from being used over and over each year without a new letter actually being created and submitted.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Keener to amend the motion to clarify that a scanned copy of a signed letter is acceptable. **Motion accepted as friendly.**

Motion passes.

RULES-11: Motion by Seelau to amend Rule 4.33(4) as follows (changes in red):

(4) PENALTY. If the all-loss time occurs prior to the completion of a trial, each team competing in the uncompleted trial shall have one ballot subtracted from its final total of ballots won, except as provided in section ~~5(b)~~ **6(c)** of this Rule. The actual record of each team prior to the imposition of the penalty shall be used for the purposes of pairing and tiebreakers.

Rationale: Subsection (4) of the all-loss rule references an exception in subsection(5)(b), but there is no exception in that provision. As best as I can

reconstruct (from past Board Meeting minutes), the exception that is supposed to be referenced exists in subsection (6)(c). This motion makes that change.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-12: Motion by Seelau to amend Rule 3.6.1(2)(a) as follows (changes in red):

(a) Generally. ~~If prior permission of the Executive Committee is sought, in writing, by October 15th, and if permission is granted, obtained in writing, a team may be composed of students from more than one school.~~ **A team may be composed of students from more than one school if the Executive Committee grants permission to do so. Permission from the Executive Committee must be requested in writing and must be received by the Executive Committee no later than October 15th.** This exception is intended to accommodate new schools that cannot generate sufficient participation to field a team. It is not intended to allow schools to combine teams for competitive purposes. A student may compete for a maximum of two years for a school in which she or he is not enrolled.

Rationale: Every year teams combine at the last minute (oftentimes to allow students who are dual-enrolled to compete). This year, the EC had a request made just days before Regionals. This amendment puts a concrete date on when such requests must be made that coincides with dates used for other types of registration.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

RULES-13: Motion by Leapheart to make the following revision to Rule 3.6.2(b) to make the following revision to rule 3.6.2 (b) (changes in **bold**):

(b) Early graduate. This includes an individual who

- i. was a “current undergraduate” as of October 15 in a given season,**
- ii. has ceased enrollment in the undergraduate division because they have completed the coursework necessary for obtaining their undergraduate degree,**
- iii. competes for a school that permits such continued participation,**
and
- iv. the student has not matriculated in a graduate or professional school, except that a student may compete who has matriculated into a graduate or professional school, other than law school, as a part of an accelerated curriculum program, provided that the completion of the student’s master’s degree requirements occur during the student’s fourth academic year of college.

Note: At the mid-year meeting a similar rule came forward. It was recommended by the rules committee that the motion be tabled during the mid-year and considered at the

annual board meeting to avoid changing the eligibility requirements during the middle of the academic year. The language above constitutes the resubmitted motion.

Rationale: With the advent of more options for education along with increasing college costs, a growing number of students will complete their undergraduate degree in 3 years and obtain their master's degree during their fourth year of college. I do not have comprehensive data to identify the scope of students impacted, but am aware of multiple universities that have a curriculum allowing students to obtain a graduate degree during a student's fourth year of college (such as Harvard, Northwestern, Brown, Brandeis, Loyola and Northwood).

The existing language of rule 3.6.2 (b) creates a blanket prohibition for all students matriculating as graduate student. This revisions is an attempt to make an exception to that rule for students in accelerated degree programs who would otherwise be entering their 4th year of their bachelor's program, but due to their acceleration have completed their bachelor's degree in 3 years and are matriculating in their first and final year of graduate school thereby becoming ineligible to compete. The intent of this revision is to allow accelerated students to compete in collegiate mock trial for four years. The motion is not artfully crafted and I am open to improving its clarity.

ADVANCED WITH NO RECOMMENDATION

Motion by Smith to amend by moving the new language to a separate section.

Motion by Woodward to table the motion. **Motion passes.**

Motion by Guliuzza to untable the motion. **Motion passes.**

Motion by Woodward to amend the motion as follows:

Keep (b) the same and add:

(c) Accelerated program students. This includes an individual who:

- i. has ceased enrollment in the undergraduate division because they have completed the coursework necessary for obtaining their undergraduate degree; and
- ii. competes for a school that permits such continued participation; and
- iii. is enrolled in a graduate or professional program, other than law school, that permits the student to complete the requirements of a master's or professional degree during the student's fourth academic year of college.

And reletter all subsequent subsections ... (c) to (d), etc.

Motion to amend passes.

Motion by Guliuzza to refer to committee and for the committee to report at mid-year.

Seconded by Walsh. **Motion fails.**

Motion by Guliuzza to amend the motion to delete the word accelerated and insert “graduate” and delete everything after the words “law school.” Seconded by Eslick. **Motion to amend fails.**

Motion passes.

RULES-14: Motion by Heytens to amend Rule 4.26 by adding the language in **bold:**

Open and public trials: All trials shall be open and public. No one, whether family, friend, press, or opponent shall ever be excluded from any trial, except that the court may clear the room during its deliberations at the end of a trial. Witnesses shall not be sequestered except pursuant to Midland Rules of Evidence. **In circumstances where there are insufficient seats to accommodate all spectators, the AMTA Representatives shall have the authority to establish reasonable rules for determining who may remain. The Representatives should give special weight to teammates, coaches, and family members of the competing teams, but need not reserve all available seats for such persons.**

Rationale: Space for spectators is increasingly at a premium at some AMTA tournaments, and I do not think that our current rules really contemplate that fact or provide guidance for what to do about it. I think the proposed language (a) creates a framework for addressing the issue when it arises; (b) empowers a specific set of people (AMTA reps) to deal with it; and (c) is sufficiently broad as to enable reps to make sensible decisions on the ground.

ADVANCED WITH NO RECOMMENDATION

Motion passes.

TAB-01: Motion by Warihay to amend the Tabulation Manual to change the Round 3 pairing procedure as follows: When it comes time to deal the cards, the cards shall be dealt in the following format:

R1 R2
R4 R3
R5 R6
R8 R7
...and so on

Rationale: With side-constraints in Round 4, pairing Round 3 in a “snake” fashion sets teams up for a more “even” matchup in Round 4, which assumes that the rankings hold in Round 3. For example, in the current system, if R1 and R3 win, since they are side-constrained in Round 4, the highest ranked team that they could hit would be R6 or

R8. In the above system, if R1 and R3 win, they would hit each other in a NCT pairing, or would remain highest on their respective sides in R4 in a Regionals/ORCS pairing.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

TAB -02: Motion by Woodward that the Tabulation Manual be amended to clarify that, except for the imposition of the All-Loss penalty, any tournament penalty consisting of a loss of points shall be imposed prior to determining the winner of a ballot, CS/OCS calculations, and pairing.

Rationale: The tab manual and rulebook are silent on how docked points are handled vis-à-vis tabulation and pairing. The rulebook provides that the all All-Loss penalty should be imposed at the end of the tournament, i.e., not influencing pairing or CS calculations. This makes sense, because the All-Loss penalty is best categorized as an administrative penalty on both teams in the round for taking too long, as opposed to a penalty designed to punish something a team did.

*However, when points are docked for a team, it is fair to assume that the penalty is being imposed because a team did something unfair that affected a team's performance. (The most recent examples of such penalties have been in-round coaching; the penalty is imposed both for punitive reasons and to reduce any unfair advantage offered to the team who had the benefit of the in-round communication.) It makes sense, then, that such penalties should be imposed **prior** to determining the winner of the ballot and subsequent CS calculations and pairing.*

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

TAB-03: Motion by Bernstein to contemplate an alternative pairing structure at ORCS (beginning no sooner than the 2016-17 season) whereby, with the goal of better balancing each team's strength of schedule, each team in the 24-team field has one trial against one of the six top-ranked teams, one against the next six, and so on, with the rankings determined by TPR or by some more appropriate measure created by the tabulation committee or its analytics subcommittee.

Rationale: None

Tabled by Committee; Untabled by vote.

Motion seconded by Racheter. Motion passes.

TAC (SITE SELECTION)-01: Motion by Heytens to amend Rule 2.4(1), Rule 5.9 and Rule 5.11 to read as follows (new language in italics and eliminated language in strikethrough):

Rule 5.9 Regional host selection. Regional tournament hosts are selected through a bid process: **determined** by the Tournament Administration Committee ~~in order to be eligible to host a regional tournament~~. Nothing in this rule shall be interpreted to require current regional tournament hosts to go through ~~the a~~ bid process.

Rule 5.11 Compensation for Regional tournament host

reimbursement. *Absent other arrangements, AMTA shall provide each regional tournament host with a minimum of \$40 times the number of teams assigned as of December 15 of the competition season. No regional host may charge teams additional fees (above those paid to AMTA) to participate in a regional tournament. Regional hosts shall receive their stipend, in full, at least one month prior to the commencement of the regional tournament. ~~During the 2014–2015 season, regional hosts shall also have available to it an amount of funds from the Tournament Support Fund equal to its program registration fee, provided such host submits the documentation required to be eligible for such funds. Beginning in the 2015–2016 season, the program’s registration fee will automatically be waived.~~ The Development and Tournament Administration Committees may also enter into alternative hosting arrangements where a host would receive promotional or other consideration in addition to or in lieu of a direct subsidy from AMTA"*

Rule 2.4 (1) ANNUAL MEMBERSHIP FEE PER SCHOOL. Each school shall pay an annual membership fee of \$450. *Any school hosting an AMTA-sanctioned tournament shall have this fee waived for the academic year in which the school hosts.*

Rationale: None

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

XI. Unfinished/New Business

Contingent on finding a suitable venue, Woodward moves to host the 2016 Board Meeting in Milwaukee. If Woodward is unable to find a suitable venue, Heytens has offered to host in Charlottesville. Seconded by Schuett.

Detsky moves to amend the motion to make the backup site Boulder.

Motion passes.

Motion by Racheter to authorize him to procure a gavel inscribed AMTA President for use at Board meetings. Seconded by Leckrone. **Motion passes.**

Motion by Guliuzza to accept Los Angeles as the site of the 2017 National Championship, hosted by UCLA. Seconded by Warihay. **Motion passes.**

XII. Adjournment

Meeting adjourned.

Appendix A: Consent Calendar

Motion by Bernstein to adopt proposed 2015-16 AMTA Executive Committee Assignments, as follows:

Justin Bernstein (President)
Frank Guliuzza (President-Elect)
Glen Halva-Neubauer (Past-President)
Matthew Eslick (Treasurer)
Michael Walsh (Secretary)
Toby Heytens (Development Director)
William Warihay (Tournament Administration Chair)
Johnathan Woodward (AMTA Tabulation Director)
DeLois Leapheart (Academics Committee Chair)
Anna Smith (Competition Response Committee Chair)
Ryan Seelau (Rules Committee Chair)

EXECUTIVE COMMITTEE-13 Motion by Detsky as follows: All members of the Board shall receive copies of each applicant's Director's Form B no later than one week before the election ballot is circulated. In the event that this section of the application is altered or changed in the future, the Board shall receive copies of the equivalent information from the received application.

Rationale: Board members should have easy access to information necessary to evaluate whether their fellow members are meaningfully contributing to the Board to avoid elections becoming a high school popularity contest.

ADVANCED WITH A POSITIVE RECOMMENDATION

EXECUTIVE COMMITTEE-14 Motion by Walsh and Halva-Neubauer to adopt the strategic plan formulated by the Strategic Planning Committee (SPC) at its October 2014 meeting.

AMTA Strategic Plan

Vision: To provide a transformative learning experience for all participants

Mission: AMTA is a non-profit organization that administers team-based competitive mock trial tournaments for undergraduate students with the goal of developing critical and analytical thinking skills, communication skills, civics, ethics, and professionalism in those students.

Core Values:

Ethics and professionalism: To make principled decisions without regard to self interest, to treat others with civility and respect, and to advocate with integrity

Diversity: To provide an inclusive environment for individuals from all walks of life and to welcome institutions from across the spectrum of higher education

Critical Thinking/Problem-Solving: To promote creative, innovative, and analytical approaches to addressing intellectual and practical challenges

Relationship Building: To instill a sense of community and to develop skills in understanding the needs and perspectives of others, nurturing social and professional networks

Competitive Excellence: To create a tournament structure that rewards diligence, thorough preparation, and outstanding team performance

Strategic Goals:

1. To increase access to and sustain participation in AMTA activities by identifying and removing barriers
2. To develop student learning outcomes for mock trial
3. To increase AMTA’s organizational exposure and visibility, enhancing the prestige of the organization and attracting additional funding and partnerships
4. To provide excellent delivery of services to our members

ADVANCED WITH A POSITIVE RECOMMENDATION

RULES-15 Motion by Detsky to separate Rule 4.9 into two separate rules

Current Version:

Rule 4.9 Necessity of a Captain. Each team must have a captain. The captain shall represent the team at captains’ meetings. Coaches may not participate in or represent a team at captains’ meetings. Once at captains’ meeting has begun and until it is complete, coaches may not communicate directly or indirectly with their students attending the captains’ meeting. However, nothing in this rule shall prohibit a coach from attending or observing a captains’ meeting, nor shall it limit communication between coaches and students who are not attending the captains’ meeting.

New Version

Rule 4.9 Necessity of a captain. Each team must have a captain. The captain shall represent the team at captains’ meetings

Rule 4.____ Role of Coaches in Captains' Meeting: Coaches may not participate in or represent a team at captains' meeting. Once a captains' meeting has begun and until it is complete, coaches may not communicate directly or indirectly with their students attending the captains' meeting. However, nothing in this rule shall prohibit a coach from attending or observing a captains' meeting, nor shall it limit communication between coaches and students who are not attending the captains' meeting.

Rationale: Coaches not being allowed to participate has nothing to do with the "necessity of a captain."

ADVANCED WITH A POSITIVE RECOMMENDATION

RULES-16 Motion by Warihay to revise the last sentence of Rule 2.8.(1) to read as follows (new text in **bold**):

"Final and complete registration means that the AMTA office has all of the following items in hand **and/or the following items are received by the AMTA office with a postmark date on or before the above-referenced deadlines: ...**

Rationale: The motion essentially seeks for AMTA to adopt the "mailbox rule." While most of our schools register electronically now, so this is becoming less of an issue, there are still a number of schools that must mail paper checks to AMTA. Schools should not be penalized for this procedure. The current rule allows schools that can pay online more time than schools that must mail their checks, so this rule seeks to even the playing field by allowing us to accept registration materials that are postmarked by our current deadlines.

ADVANCED WITH A POSITIVE RECOMMENDATION

TAB-04 Motion by Woodward that Rule 4.25, Tab Summaries, be amended by adding the language in **bold** and deleting the language that is crossed out:

Rule 4.25 Tab Summaries. Each sanctioned tournament shall produce a tabulation summary, which shall be distributed to participating teams and forwarded to ~~the~~ AMTA office for posting on the AMTA web site. **Whenever possible, distribution of the tab summaries to participating teams shall be by e-mail to all coach(es) and captain(s) at each tournament, to be sent immediately upon the conclusion of the awards ceremony. In such cases, printed copies of the tab summary need not be provided. When the tab summary is distributed electronically, the AMTA Representatives shall make the original tab summary file available for viewing during the 30-minute review period.** No tabulation summary may include the trademark of any school or business unless AMTA receives appropriate proof of its license to use the trademark.

Rationale: One of the main reasons awards ceremonies are delayed is printing the tab summary. We are now in an era where it is safe to assume at least one person on each team has a smartphone or tablet with wireless capabilities. Whenever it is possible (i.e. when the awards ceremony venue has internet connectivity), the Reps should simply distribute the tab summary electronically after awards are over. The rule provides that teams must be given access to view the original tab summary during the 30 minute review period in the event a team does not have the capability to receive the tab summary electronically.

ADVANCED WITH A POSITIVE RECOMMENDATION

TAC (TEAM AND FEEDER)-02 Motion by Warihay to to change Rule 4.34(2) as follows (removed language in strikethrough, and new language in red):

(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 **registration** fees rolled forward to the following year. The Executive Committee shall have final authority to determine whether a team's ~~regional~~ **tournament** registration fees should be rolled forward. **For purposes of this section, "tournament registration fees" means the amount paid to compete at the level of tournament that the school withdraws from, but does not include the annual School Registration fees.**

Rationale: For perhaps the first time this year, we had a team withdraw from ORCS due to weather. A strict reading of the current rule would have precluded the team from receiving a credit for withdrawing due to weather from the ORCS tournament, which I believe was an oversight in the writing of the rule since it was not contemplated that weather would play a factor in March as much as it does in February. This motion clarifies that the same rule applies for weather regardless of the level of the tournament involved.

ADVANCED WITH A POSITIVE RECOMMENDATION

TAC (SITE SELECTION)-03 Motion by Warihay to change Rule 10.7 as follows (removed language in strikethrough and added language in RED):

Deadlines and Submission Procedures: The proposals should be submitted in electronic format ~~and in hard copy~~ to the AMTA ~~main office~~. The Tournament Administration Committee shall **provide and** announce ~~from time to time~~, the deadlines **and instructions** for submitting proposals for tournaments to be held in a given year online.

~~**American Mock Trial Association** 2700 Westown Parkway, Suite 410 West Des Moines, Iowa 50266-1411 ph: [\(515\) 283-0803](tel:(515)283-0803) fax: [\(515\) 283-0702](tel:(515)283-0702)~~

Rationale: This motion removes our old address from our Rulebook related to tournament host proposals and updates the rule to reflect the current submission process outlined on our website.

ADVANCED WITH A POSITIVE RECOMMENDATION

Appendix B: Tabled Motions

ACADEMICS-01: Motion by Seelau to consider whether we need to clarify the distinction between “separate” degrees vs. “independent” degrees in Rule 1.2.

Rationale: None

BUDGET-01: Motion by Racheter to increase the amounts allowed for AMTA representatives to spend per day on food and motel by \$26.00 and increase the amount you can spend for airplane or rental car without special approval by \$50.00, and henceforth tie amounts to increases in the consumer price index (COL adjustments) so it automatically adjusts.

Rationale: We have been using the same amounts for many years, while costs continue to rise.

EXECUTIVE COMMITTEE-02: Motion by Detsky to direct the President and other responsible officials not to request an annual letter under Rule 2.3 unless there is a particularized reason for doing so.

Rule 2.3 School authorization letter required

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

(Sections 2, 3 and 4 dealing with content of the letter omitted for brevity)

(5) FILING, DURATION. Each school shall file its letter with the AMTA office by mail, facsimile, or by sending a scanned copy of the original via e-mail. The letter shall remain valid indefinitely until any of the following occur:

- (a) The school revokes the letter;
- (b) The person signing the letter ceases to be affiliated with the school;
- (c) The school does not register for two consecutive academic years;
- (d) AMTA requests the school to file a new letter of authorization

(6) INTERPRETATION. AMTA’s Executive Committee is empowered to interpret and determine compliance with the provisions of this rule and grant such relief as it may deem necessary,

Rationale: For the past few years, the practice has not been in line with the rule. The practice for the past few years has been that a new letter is required annually. This year, 41 schools were otherwise timely registered but for receiving an email saying that their registration would not be complete until they submitted a new letter.

That interpretation contracts section 5, which enumerates when a new letter is required (for example, 2.3(5)(c) states outright that a new school cannot register for two consecutive years and still need to submit a new letter. Essentially, the position articulated to me by EC members for the practice is that – because the registration form says “your registration is not deemed complete until we’ve received the school authorization letter” – that triggers Rule 2.3(5)(d). Alternatively, the email they received from the AMTA office telling them they needed a new letter triggered Rule 2.3(5).

Using that interpretation of Rule 2.3(5)(d) – AMTA exercised its right to ask for a new letter for all 300+ schools that registered for the 2014 competition. The purpose of this motion is to determine one way or the other if the Board authorizes that exercise of right. If the Board wishes for the letter to be annual requirement – fine, but let the rule say so then.

I have no problem making the letter an annual requirement. It guarantees that the school is aware of their team and the fact that they are competing in the school’s name. However, I would like for either (a) for the Board to direct the EC that the rule should be read as to not require a new letter every year unless there is some particular basis for doing so – even if it’s a random screening process – or (b) for the rule to be amended to state simply that “the letter should remain valid for one academic year and a new letter must be submitted for each year of registration.”

EXECUTIVE COMMITTEE-04: Motion by Seelau to add/adjust rule relating to dropping out of ORCS and fees.

Rationale: None.

EXECUTIVE COMMITTEE-09: Motion by Woodward that AMTA hold 26 regional qualifying tournaments, 9 opening round championship tournaments, and amend Rules 6.6(1) and 6.8(2) accordingly (changes in **bold**)

Rule 6.6(1) There shall be ~~192~~ **216** bids to the opening round championship

Rule 6.8(2) ~~Six~~ **Five** regular bids shall be allocated to each of the opening round championship tournament sites. **The remaining bids shall be offered as open bids as set forth in rule 6.9(2).**

Rationale: One of the most common complaints is that the ORCS tournaments on the east coast are too strong compared to those in the Midwest and West. This is largely a function of where AMTA’s top teams in recent years are located. In an effort to balance the sites, we often ask (or require) that teams from Washington, D.C. or other

northeastern locales travel to Greenville, S.C. or the Ohio/Kentucky ORCS despite the fact there is an ORCS tournament in their own city.

Further, we have 25 regionals, which requires that at least one regional have its bids split across multiple ORCS sites. This means teams at those sites have less ability to plan as to when and where they might qualify to. At least one of our regionals in the northeast – New Haven – was briefly back to 30 teams assigned this past year.

We would be better served by having 26 regionals, each with 8 bids to ORCS. We would thus start this year with 0 open bids. (If we end up needing a 27th regional some day, we would then start the year with 0 open bids.) There would be no need for a regional to have bids split across multiple ORCS sites. Each ORCS would have 5 bids to Championship, and there would be 3 open bids distributed on the nationwide open bid list as usual. This would allow us to bring far better competitive balance to the eastern US while decreasing travel costs for teams we otherwise would ask to travel in order to balance power.

RULES-08: Motion by Seelau to consider whether Rule 2.3 requires dates/signatures/etc?

Rationale: None

RULES-10: Motion by Seelau to consider whether Rule 4.28(2) on video taping needs to be updated given technological advances.

Rationale: None

TAB-03: Motion by Bernstein to contemplate an alternative pairing structure at ORCS (beginning no sooner than the 2016-17 season) whereby, with the goal of better balancing each team's strength of schedule, each team in the 24-team field has one trial against one of the six top-ranked teams, one against the next six, and so on, with the rankings determined by TPR or by some more appropriate measure created by the tabulation committee or its analytics subcommittee.

Rationale: None

Tabled by Committee; Untabled by vote.

Motion seconded by Racheter. Motion passes.

Appendix C: AMTA Intellectual Property and Licensing Policy

1.1 Purpose: In carrying out its mission, the American Mock Trial Association (hereinafter “AMTA”) creates valuable Intellectual Property. This policy is designed to protect the value of its Intellectual Property consistent with its mission and clarify the respective rights and obligations of AMTA, its members, and other parties interested in using AMTA’s Intellectual Property.

1.2 Definitions

- a. “Intellectual Property”** shall be deemed to refer to Patentable Materials, Copyrighted Materials, Trademarks, and Software, whether or not formal protection is sought.
- b. “Patentable Materials”** shall be deemed to refer to items other than software and any processes which reasonably appear to qualify for protection under the patent laws of the United States (see 35 U.S.C. 101 et seq.) or other protective statutes.
- c. “Copyrighted Materials”** shall include the following: (1) books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests, and proposals; (2) lectures, musical or dramatic compositions, unpublished scripts; (3) films, filmstrips, charts, transparencies, and other visual aids; (4) video and audio tapes or cassettes; (5) live video and audio broadcasts; (6) programmed instructional materials; (7) mask works; (8) research notes, research data reports, and research notebooks; (8) digital media such as digital copies of files, blu rays, and DVDs; and (9) other materials or works other than software which qualify for protection under the copyright laws of the United States (see 17 U.S.C. 102 et seq.) or other protective statutes whether or not registered thereunder. Examples of such materials include the AMTA Case, the Tabulation Manual, the Ballot, the AMTA Rulebook, any other publication authored or commissioned by AMTA, and recorded performances of the AMTA case such as videos, sound recordings, or digital media.
- d. “Software”** shall include one or more computer programs existing in any form, or any associated operational procedures, manuals or other documentation, whether or not protectable or protected by patent or copyright. The term “computer program” shall mean a set of instructions, statements, or related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.
- e. “Trademarks”** shall include all trademarks, service marks, trade names, seals, symbols, designs, slogans, or logotypes used, developed by or associated with AMTA. (see 17 U.S.C. 1127.)
- f. “Invitational Tournaments”** shall include any competition in which more than two schools and six teams compete using the AMTA Case within any three-day

period of time that are not AMTA-sanctioned tournaments (currently the Regional, Opening Round Championship Series, and National Championship Tournaments).

- 1.3 Responsibility:** The administration of the principles set forth in this document is the responsibility of the Rules Committee of AMTA or any other individual or committee the President designates to administer or enforce this policy or any portion thereof.
- 1.4 Ownership:** Ownership of Intellectual Property developed by or for AMTA, including through its Directors and Committees, shall be vested exclusively in AMTA, who shall have the right to license such Intellectual Property on appropriate terms for the benefit of AMTA. Any individual or organization that contributes to Intellectual Property developed by or for AMTA agrees to transfer, assign and convey any and all rights in such contributions exclusively to AMTA.
 - 1.4.1 Case Materials:** As appropriate, AMTA will take steps to ensure that the rights to all case materials used in AMTA-sanctioned competitions (and derivative works, including videotaped performances of case materials) are vested exclusively in AMTA and such Intellectual Property rights are appropriately and vigorously enforced to the extent appropriate. Notwithstanding the foregoing, AMTA may, under appropriate circumstances, solicit or use case materials for AMTA-sanctioned events to which AMTA does not own exclusive Intellectual Property rights.
 - 1.4.2 Other Intellectual Property:** AMTA shall also take reasonable steps to ensure that all other AMTA Intellectual Property is appropriately protected.
- 2.1 Licensing:** AMTA Intellectual Property may not be used without securing an appropriate license from AMTA.
- 2.2 License to Member Schools:** By remitting payment for school registration, the school purchases a license to use the current AMTA Case and other Intellectual Property designed for use therewith only for “educational purposes” as defined in Rule 2.12 and to compete in AMTA-sanctioned tournaments. School registration does not license schools to host Invitational Tournaments. By remitting payment for school registration, schools competing in the round are granted a license to record the round for historical and archival purposes only, but may not use such recording for commercial purposes or distribute copies of the performance to any school not competing in the round without first receiving an appropriate license.
- 2.3 Licenses for Invitational Tournaments:** An organization may host an Invitational Tournament only after acquiring a license to host an Invitational Tournament, which is separate from the license granted through school registration. The terms of a license to host an Invitational Tournament shall require the host to pay any Invitational Tournament licensing fee as set by the Board of Directors (or apply for and receive a waiver thereof) and cooperate with AMTA in responding to any reasonable information requests. All revenue received pursuant to this rule shall be

allocated to increase funding for regional tournament and opening round championship tournament hosts. Consistent with Chapter 5 of its Rules, AMTA shall not officially sanction any Invitational Tournament.

- 2.4 Licenses for Other Purposes:** A school wishing to use AMTA Intellectual Property for reasons other than those permitted under Sections 2.2 or 2.3 may purchase a license to do so. Absent an agreement to the contrary, each license shall last for one year from the date of purchase. AMTA shall endeavor to maintain a fee schedule showing current pricing on its website, but pricing is subject to change without notice and may be negotiated on an individual basis.
- 2.5 Violations of Licensing Policy:** Any violation of this policy, including hosting an Invitational Tournament without obtaining and paying for a license or publicly disseminating materials that AMTA has taken steps to protect from public view, is sanctionable under Rule 9.5 and, where appropriate, legal action may be pursued to enforce AMTA's Intellectual Property rights.
- 3.1 Use of AMTA Name, Logo:** No individual or entity shall use the AMTA name or logo without the express written permission of AMTA. Notwithstanding the foregoing, any school who has paid school registration may state that it is an AMTA member, and any AMTA-Sanctioned tournament may state that it is an AMTA tournament. In no event shall any individual or entity use the AMTA name or logo for commercial purposes without AMTA's consent.
- 3.2 Endorsement of AMTA:** No individual or entity shall state that it has been endorsed by AMTA without AMTA's express written permission. Unless explicitly stated therein, any license obtained from AMTA does not include the right to claim that AMTA has endorsed an individual, entity, or any of its practices.

Appendix D: December 2014 Mid-Year Board Meeting Minutes

I. Call to Order

Conference Call Attendance:

Members present (X): Bernstein, Detsky, Eslick, Guliuzza, Halva-Neubauer, Haughey, Hawley, Heytens, Keener, Langford, Leapheart, Leckrone, Olson, Parker, Pavely, Racheter, Schuett, Seelau, Smith, Thomason, Walsh, Warihay, Weatherby, Woodward

Members not present (X): Scott, Vile, Wagoner

Candidate Members present (X): Ben-Merre, Bluebond, Caldwell, Fruehauf, Gelfand, Harper, Minor, Nelson

Candidate Members not present (X): Dorman

Staff & Guests (X): Zeigler*

Directors Emeritus (X):

*Zeigler was present only for the report of the Strategic Planning Committee

II. Welcome and Remarks (Bernstein)

III. Format of Agenda:

Delivered by Assistant Secretary – Pavely

All motions submitted were referred to the corresponding AMTA Committee pursuant to the policy adopted by the Board in 2007 (Rule 10.2.1). All motions are referenced numerically by the abbreviation of the AMTA Committee to which the motion was referred (e.g. EC-02 or TAB-03). The Committees had the option of tabling the motion, amending the motion or substituting the motion. Tabled motions retained their original designations, but are provided in an appendix. Motions could be advanced with recommendation or without.

Motions appear in red and bolded. The decision of the respective committees follows each motion **IN BOLD BLUE, CAPITAL LETTERS AND UNDERLINED**. Motions that have been recommended by committee do not need to be seconded at the meeting. Motions forwarded without recommendation require a second. For a motion to be 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).

Appended to the Agenda as **Appendix A** is the Consent Calendar. The Executive Committee voted to move four motions previously on the main Agenda to the Consent Calendar.

Appended to the Agenda as **Appendix B** is a list of tabled motions. These motions were tabled by the reviewing committee and will not be considered by the Board for action. To “untable” a motion, five or more members of the Board (not including the motion’s author(s)), must request that the motion be considered. If such request is made, the full Board may vote on whether to overturn the Committee’s recommendation to table. A motion to overturn the Committee’s recommendation to table must be passed by a majority vote of the Board. ***Taking a motion off the table and placing it on the agenda alone does not result in adoption of the motion.*** A separate vote will be necessary on whether to adopt the motion.

Appended to the Agenda as **Appendix C** are the minutes from the 2014 Board Meeting.

IV. Approval of Agenda

Motion to approve the agenda PASSES.

V. Approval of 2014 Board of Directors Meeting minutes

Motion to approve the minutes PASSES.

VI. Consideration of Tabled Motions

For procedure to “untable” a motion, please see discussion of Appendix B above. If a motion is “untabled”, it will be taken up in the order it would have appeared in the Agenda. (i.e. EC-05 would be discussed after EC-04).

Motion to untable Rules-03; 5 signatures received (Racheter, Langford, Detsky, Eslick, Weatherby). **Motion to untable PASSES.**

VII. Approval of Consent Calendar (attached as Appendix A)

Motion to approve the consent calendar PASSES.

VIII. Committee Reports

Motion by Bernstein to move SPC Report and Discussion to the end of the meeting. Seconded. **Motion PASSES.**

- R. Academics Committee (Leapheart): No report.**
- S. Audit Committee (Smith): No report.**
- T. Budget Committee Report (Eslick): Written report delivered.**
- U. Civil Case Committee (Haughey): No report.**
- V. Criminal Case Committee (Bluebond): No report.**
- W. Competition Response Committee (Smith): Written report delivered.**
- X. Development Committee (Heytens): Oral report delivered.**
- Y. Ethics Committee (Parker): No report.**

- Z. Human Resources Committee (Bernstein): **No report.**
- AA. Accommodation Committee (Gulizza): **No report.**
- BB. Rules Committee (Seelau): **No report.**
- CC. Strategic Planning Committee (Halva-Neubauer): **Oral report delivered by Zeigler following discussion of motions.**
- DD. Tabulation Advisory Committee (Woodward): **No report.**
- EE. Technology Committee (Warihay): **Written report delivered.**
- FF. Tournament Administration Committee (Warihay): **Written report delivered.**
- GG. Executive Committee (Bernstein): **No report.**
- HH. Other Committee Reports: **None.**

IX. Motions:

BUDGET-01: Motion by Eslick to repeal BUD-03, which was passed at the 2014 annual meeting, and to amend the FY 2014-2015 budget as follows:

- (1) Increase the Regional Host expense line by \$11,250.00.
- (2) Increase the ORCS Host expense line by \$3,600.00.
- (3) Increase the NCT Host expense line by \$450.00.
- (4) Decrease the Tournament Support Fund line by \$15,300.00.

Rationale: BUD-03, as amended, was intended to provide a “credit” to schools hosting AMTA tournaments equal to the school registration fee (currently \$450.00). As the process now works, tournament hosts need to pay the school registration fee up front, and then submit paperwork supporting the request to have the registration fee reimbursed from the Tournament Support Fund. With the passage of BUD-01, the Board has made a policy decision that tournament funding is not intended to be tied to tournament performance. These motions eliminate the need to justify the expense, and ensures that all tournament hosts will receive an additional \$450.00 in funding for FY 2014-2015. These motions have no impact on the bottom line of the FY2013-2014 budget.

ADVANCED WITH POSITIVE RECOMMENDATION

Motion PASSES.

BUDGET-03: Motion by Bernstein, as substituted by Committee, to change the manner in which AMTA Representatives are reimbursed for meals while on location to a per diem based on the number of meals paid for by the representative daily at 80% of the federal per diem rate.

ADVANCED WITH POSITIVE RECOMMENDATION

Motion FAILS.

EXECUTIVE COMMITTEE-01: Motion by Pavely to amend the Bylaws to clarify the rules on ad hoc votes as follows:

Delete the following language from section 4.08:

Section 4.08. **Board Meetings; Annual Meeting.** Meetings of the Board of Directors may be called, and the time and place fixed, by the President or by a majority of the Voting Directors then in office or by any Director via a petition to the Executive Committee for an ad hoc vote by the Board of Directors. ~~Such a vote can only be conducted upon recommendation of at least half of the Executive Committee members. In the event of such a vote, Voting Directors will have at least three full business days to respond. For a vote in this manner to be recognized at least one-half of the current Voting Directors must respond in the affirmative for an action to take place.~~ Meetings may be held within or outside of Iowa.

A meeting of the Board of Directors may be held by telephone conference or any other means permitting all persons participating to hear each other, and participation in this manner shall constitute attendance in person.

The annual meeting of the Board of Directors shall be its first meeting in each year, unless a different meeting is designated by the President or by the Board of Directors. Failure to hold one or more annual meetings of the Board of Directors or failure to elect Directors in one or more years shall not end the term of any Director, shall not cause any vacancy, and shall not affect the existence or powers of (or the validity of any act of) the Corporation or the Board of Directors; and the term of each Director shall continue as provided in Section 5.06.

Create a new section 4.18 (and renumber subsequent sections accordingly):

Any Director may petition the Executive Committee for an ad hoc vote by the Board of Directors. Such a vote can only be conducted upon recommendation of at least half of the Executive Committee members. In the event of such a vote, Voting Directors will have at least three full business days to respond. For a vote in this manner to be recognized at least one-half of the current Voting Directors must respond in the affirmative for an action to take place.

Rationale: The placement of the rule regarding ad hoc votes is confusing because it implies that such a vote can be used only to call a meeting. The rule should be separated to make clear that the procedure applies to all ad hoc votes.

ADVANCED WITH POSITIVE RECOMMENDATION

Motion PASSES with a 2/3 majority.

EXECUTIVE COMMITTEE-02: Motion by Pavely to amend Section 4.03.01 of the Bylaws as follows:

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~~ March 1.

Rationale: Announcing the individuals who have submitted applications after NCT makes no sense since the purpose of the announcement is to solicit feedback on the applicants for 5 days as a basis for Executive Committee recommendations, and the recommendations are due on March 15. This motion makes the timeline consistent with that for Candidates.

ADVANCED WITH POSITIVE RECOMMENDATION

Motion PASSES with a 2/3 majority.

EXECUTIVE COMMITTEE-04: Motion by Woodward, as amended by Committee, to memorialize how the subject matter of cases will be approved and to amend Rule 10.3.2 as follows:

(2) CASE RELEASE DEADLINE. Each year's case will be made publicly available no later than August 15.

(a) PROCEDURE FOR APPROVING SUBJECT MATTER OF PRINCIPAL CASE. The Case Committee will inform the Executive Committee of the subject matter of the **principal** case it proposes to use the following year no later than seven (7) days prior the date that the Case Committee wishes to release the Case Summary, but may submit same at any point during the year. For purposes of this subsection, "Principle Case" is defined as the case problem that is to be released on or before August 15 each year and used for Regional and Opening Round Championship Series tournaments. Should the Executive Committee determine that the subject matter of the case should be discussed by the Board of Directors, it may make arrangements for the Board of Directors to discuss same. Any such discussion by the Board of Directors will take place in executive session. Should the Board of Directors not approve the subject matter of the case, it will inform the Case Committee of its decision immediately. Should the Board of Directors determine that more information and/or a more complete description of the case is required before it can approve the subject matter of the case, the Case Committee shall provide the Executive Committee with the information and/or description by a date determine by the Executive Committee. Within seven (7)

days of its receipt of the description/information from the Case Committee, the Executive Committee, keeping in mind whatever concern(s) were raised by the Board of Directors, will give final approval to the subject matter of the case, or it will inform the Case Committee that the subject matter is not approved.

(b) PROCEDURE FOR APPROVING SUBJECT MATTER OF NATIONAL CHAMPIONSHIP CASE. If a Case Committee or any subcommittee of a Case Committee intends to release an entirely new case for use at the National Championship, the President shall appoint an ad hoc review committee consisting of five members to review the subject matter of the case. Each person appointed to the ad hoc review committee shall both (a) not be affiliated with AMTA member school and (b) not be a member of that year's Case Committee or any of its subcommittees. The members of the committee may be current members of the Board of Directors, former members of the Board of Directors in good standing, directors emeriti, candidate members, or other persons who serve on another AMTA committee. Should the ad hoc review committee determine that the subject matter of the case be discussed by a larger audience, it may make arrangements for all members of the Board of Directors who are not affiliated with an AMTA member school, as defined by Section 4.13.01 of the AMTA Bylaws, to discuss same. Any such discussion by this subset of the Board shall take place in executive session. Should the subset of the Board of Directors not approve the subject matter of the case, it will inform the Case Committee of its decision immediately. Should the subset of the Board determine that more information and/or a more complete description of the case is required before it can approve the subject matter of the case, the Case Committee shall provide the ad hoc review committee with the information and/or description by a date determined by the ad hoc review committee. Within seven days of receiving the description or information from the Case Committee, the ad hoc review committee, keeping in mind whatever concern(s) were raised by the subset of the Board of Directors, will give final approval to the subject matter of the case, or it will inform the Case Committee that the subject matter is not approved.

Rationale: My proposed rule, which is attached, says that for the NCT case, the President appoints a 5-person ad hoc review committee, which takes the place of the EC. (If we want to say that the Board or the EC has to approve the President's appointments, fine.) The members must be non-coaches and not on the case committee; they may be Board members, former members or members emeritus, candidates, or other committee members. (If we want to say that at least 2 of them must be board members, or something along those lines, whatever.) If Board discussion is necessary, it will be only by those Board members who are not active coaches (as defined by whatever bylaw we already have on the books that defines "coach" or "affiliation"...I think it's the one that talks about when people share votes.)

ADVANCED WITH POSITIVE RECOMMENDATION
Motion PASSES.

RULES-03: Motion by Leapheart to make the following addition to rule 3.6.2 (b) as 3.6.2(b) v.

(b) Early graduate. This includes an individual who

- i. was a “current undergraduate” as of October 15 in a given season,
- ii. has ceased enrollment because she or he completed the coursework necessary for graduation,
- iii. competes for a school that permits such continued participation, and
- iv. the student has not matriculated in a graduate or professional school, other than as provided in part v. below,
- v. has matriculated into a graduate school or professional school, other than law, as a part of an accelerated curriculum program resulting in the completion their master’s degree requirements during their 4th year of college.

Rationale: With the advent of more options for education along with increasing college costs, a growing number of students will complete their undergraduate degree in 3 years and obtain their master’s degree during their fourth year of college. I do not have comprehensive data to identify the scope of students impacted, but am aware of multiple universities that have a curriculum allowing students to obtain a graduate degree during a student’s fourth year of college (such as Harvard, Northwestern, Brown, Brandeis, Loyola and Northwood).

Currently, part iv. of the rule above creates a blanket prohibition for all students matriculating as graduate student. Part v. is an attempt to make an exception to that rule for students in accelerated degree programs who would otherwise be entering their 4th year of their bachelor’s program, but due to their acceleration have completed their bachelor’s degree in 3 years and are matriculating in their first and final year of graduate school thereby becoming ineligible to compete. The addition of part v above would allow accelerated students to compete in collegiate mock trial for four years. The motion is not artfully crafted and I am open to improving its clarity. The goal is to allow all students the opportunity to experience this outstanding interactive vehicle that improves communication, teamwork and critical thinking skills for four full years.

TABLED BY COMMITTEE; UNTABLED BY VOTE OF THE BOARD

Motion by Keener to amend as follows:

(b) Early graduate. This includes an individual who

- i. was a “current undergraduate” as of October 15 in a given season,
- ii. has ceased enrollment because she or he completed the coursework necessary for graduation,

- iii. competes for a school that permits such continued participation, and
- iv. the student has not matriculated in a graduate or professional school, except that a student may compete who has matriculated into a graduate or professional school, other than law, as a part of an accelerated curriculum program, provided that the completion of the student's master's degree requirements occurs during the student's fourth academic year of college.

Seconded by Racheter. **Motion to amend PASSES.**

Motion as amended FAILS.

X. Unfinished/New Business

Deadline of Tuesday, December 23 set for feedback or questions for the SPC.

Annual Board Meeting will be July 17-19, 2015.

XI. Adjournment

Motion to adjourn PASSES.

Appendix A: Consent Calendar

EXECUTIVE COMMITTEE-03: Motion by Seelau to Amend Rule 2.12(3) as follows:

(3) LICENSE REQUIRED FOR OTHER PURPOSES. A school wishing to use an old AMTA case for fee-based instruction, summer camps, etc. may purchase a license to do so. ~~AMTA's website will include a~~ ~~The fee schedule on the AMTA Registration page will~~ showing current pricing. Absent an agreement to the contrary, each license shall last for one year from the date of purchase.

Rationale: This is a housekeeping motion. I believe this rule was originally written with the architecture of our old website in mind. Regardless, the Registration section of the website is more extensive now (meaning there is no single "Registration page") and there is no reason for this specificity in our rulebook when our website is likely to change from time to time as we grow.

ADVANCED WITH POSITIVE RECOMMENDATION

RULES-01: Motion by Pavely, as amended by Committee, to add the following to the Rulebook:

Rule 10.2.4: "All changes to AMTA Bylaws, rules, and/or policies that are made by the Directors at either the Annual Board Meeting or the Mid-Year Board Meeting will go into effect immediately unless otherwise indicated at the time of passage. Updates to

AMTA's written Bylaws, rules, and/or policies shall take place within sixty days of the Board Meeting at which the changes were made. The Secretary shall be responsible for all updates *unless* such power has been delegated to an existing Committee."

Rationale: The rules require that amendments to the Tab Manual be published by September 1 but do not include a similar requirement for amendments to the Rulebook.

ADVANCED WITH POSITIVE RECOMMENDATION

RULES-04: Motion by Seelau to Amend Rule 5.31(1) as follows:

(1) ALL-AMERICAN AWARDS BASED ON RANK POINTS. Each student who receives **at least an average of 4.5** ~~18 or more~~ individual award points **per ballot** on one side of the case **at the National Championship Tournament** shall be designated an Intercollegiate All-American Witness or Intercollegiate All-American Attorney. If less than ten students in a division earn **at least 4.5** ~~18 individual~~ award points **per ballot or better**, all students who **receive at least as many ranks as the student with the tenth-highest number** of individual rankings will receive All-American status. A student may receive All-American designation as both an attorney and a witness.

Rationale: This is a housekeeping motion. The old rule indicates that anyone receiving 18 individual award points should be considered an All-American, which is fine if there are only two judges scoring per round, but does not function as desired when there are more than two judges scoring per round. This re-write strives to make no changes to what is required to become an All-American, but updates our rulebook to reflect modern practice.

ADVANCED WITH POSITIVE RECOMMENDATION

TAC-01: Motion by Eslick to amend Rule 2.5(1) to read as follows (new text in bold and underlined):

A school that withdraws one or more teams from regional competition **on or** before October 15 shall receive a refund equal to the regional registration fee paid for the team(s) withdrawn.

Rationale: The Rule as worded does not cover the situation where a withdrawal occurs on October 15. This amendment closes the loophole.

ADVANCED WITH POSITIVE RECOMMENDATION

Appendix B: Tabled Motions

BUDGET-02: Motion by Racheter to increase the amounts allowed for AMTA representatives to spend per day on food and motel by \$26, and increase the amount one can spend on a rental car or airline ticket by \$50 without special approval.

Rationale: We have kept the same reimbursement amounts for many years, while costs continue to rise yearly. We don't want to penalize those who volunteer their time to help AMTA make its tournament structure viable.

RULES-02: Motion by Detsky to amend Rule 2.3 as follows (removed language in strikethrough, new language in red):

Rule 2.3 School authorization letter required.

(5) FILING, DURATION. Each school shall file its letter with the AMTA office by mail, facsimile, or by sending a scanned copy of the original via e-mail. The letter shall remain valid ~~indefinitely~~ **until the conclusion of that year's National Championship Tournament** or until any of the following occur:

- (a) The school revokes the letter;
- (b) The person signing the letter ceases to be affiliated with the school;
- ~~(c) The school does not register for two consecutive academic years;~~
- (d) AMTA requests the school to file a new letter of authorization.

Any subsequent written correspondence changing, contradicting, amending, editing or disputing the language contained in any section or subsection of Rule 2.3 shall be construed as a revocation of the letter for the purposes of Rule 2.3(5)(a) and shall result in that program's registration being voided until a new letter compliant with Rule 2.3 is submitted and accepted by AMTA.

RULES-03: Motion by Leapheart to make the following addition to rule 3.6.2 (b) as 3.6.2(b) v.

- (b) Early graduate. This includes an individual who
 - i. was a "current undergraduate" as of October 15 in a given season,
 - ii. has ceased enrollment because she or he completed the coursework necessary for graduation,
 - iii. competes for a school that permits such continued participation, and
 - iv. the student has not matriculated in a graduate or professional school, other than as provided in part v. below,
 - v. has matriculated into a graduate school or professional school, other than law, as a part of an accelerated curriculum program resulting in the completion their master's

degree requirements during their 4th year of college.

Rationale: With the advent of more options for education along with increasing college costs, a growing number of students will complete their undergraduate degree in 3 years and obtain their master's degree during their fourth year of college. I do not have comprehensive data to identify the scope of students impacted, but am aware of multiple universities that have a curriculum allowing students to obtain a graduate degree during a student's fourth year of college (such as Harvard, Northwestern, Brown, Brandeis, Loyola and Northwood).

Currently, part iv. of the rule above creates a blanket prohibition for all students matriculating as graduate student. Part v. is an attempt to make an exception to that rule for students in accelerated degree programs who would otherwise be entering their 4th year of their bachelor's program, but due to their acceleration have completed their bachelor's degree in 3 years and are matriculating in their first and final year of graduate school thereby becoming ineligible to compete. The addition of part v above would allow accelerated students to compete in collegiate mock trial for four years. The motion is not artfully crafted and I am open to improving its clarity. The goal is to allow all students the opportunity to experience this outstanding interactive vehicle that improves communication, teamwork and critical thinking skills for four full years.