



# American Mock Trial Association 2017 Board Meeting Agenda July 21-23, 2017 Des Moines, Iowa

## I. Call to Order

### Attendance:

Members present (X):  
Members not present (X):  
Candidate Members present (X):  
Candidate Members not present (X):  
Executive Directors (X):  
Staff & Guests (X):  
Directors Emeritus (X):

## II. Welcome and Remarks (Guliuzza)

## 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. 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** are the minutes from the December 2016 mid-year conference call/board meeting.

**IV. Approval of Agenda**

**V. Approval of 2016 Mid-Year Board of Directors Meeting minutes.**

**VI. Special Board Elections (President-Elect, At large members of Disciplinary and Human Resources Committees)**

**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).

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

**IX. Committee Reports**

- A. Academics Committee (Leapheart):**
- B. Accommodations (Racheter):**
- C. Budget and Audit Committee Report (Eslick):**
- D. Civil Case Committee (Haughey):**
- E. Criminal Case Committee (Bluebond):**
- F. Competition Response Committee (Smith Eldridge):**
- G. Development Committee (Development):**
- H. Disciplinary Committee (Bernstein)**
- I. Ethics Committee (Parker):**
- J. Human Resources Committee (Walsh):**
- K. Intellectual Property (Thomason):**
- L. Rules Committee (Seelau):**
- M. Strategic Planning Committee (Guliuza and Bernstein):**
- N. Tabulation Advisory Committee (Woodward):**
- O. Technology Committee (Walsh):**

- P. **Tournament Administration Committee (Warihay):**
- Q. **Other Committee Reports:**

**X. Motions:**

**BUDGET-03: Motion by Eslick to approve the 2016-2017 Budget.**

*Rationale: None*

**ADVANCED WITH NO RECOMMENDATION**

**BUDGET-04: Motion by Seelau to modify Rule 2.4(1) to add the following sentence to the end of the rule:**

“A New School shall pay no annual membership fee.”

*Rationale: The annual membership fee is a significant hurdle to starting a mock trial program. This past season, I had several of the students I coached in high school try to form a team at the University of Northern Iowa. In addition to the struggles of trying to get recognized on campus, recruit, find an academic advisor, they simply were unable to get access to funding sufficient to register and gain case access. Eliminating as many financial barriers in the first year of competition, should only help AMTA grow in numbers.*

**ADVANCED WITH NO RECOMMENDATION**

**EXECUTIVE COMMITTEE -01: Motion by Harper regarding Case Access for Prospective New Schools:**

That, upon request, the Chairperson of the Academics Committee or her/his designee is authorized to release to prospective AMTA member schools for educational purposes only a single pdf file version of an AMTA case packet. This is a limited license solely for the purpose of reviewing the case materials to determine feasibility of participation in AMTA. Prohibited uses include, but are not limited to: The prospective school cannot use the case materials to participate in AMTA and/or invitational competition(s), cannot use the materials for any class instruction or exercise, cannot use the case materials for any camp, retreat, or group activity, and cannot gain any financial benefit or otherwise profit from access to the case materials.

*Rationale: One of the most common questions that we receive from prospective AMTA member schools is “what does the case packet look like?” Providing a single copy of the case to a prospective member school will provide the school an opportunity to more closely examine AMTA and determine whether joining AMTA makes sense for the school. Additionally, a couple of prospective programs asked for a copy of the case that*

they could take with them to a nearby regional tournament—as a way to compare the written material to the finished product. Our current policy requires payment for all AMTA cases. It seems reasonable that a prospective school should be able to see a case for educational purposes only before paying the registration fee and joining the organization.

## ADVANCED WITH A POSITIVE RECOMMENDATION

### **EXECUTIVE COMMITTEE-03: Motion by Langford and Smith Eldridge - That AMTA repeal Rule 5.35 and eliminate the second case for the Championship tournament and return to the single-case process it was using prior to the past three years.**

*Rationale: First, the timing of the added preparation does not fit well with the academic calendar, falling at a time when students need to be finishing term papers, making class presentations, and preparing for final exams. Thus, it runs contrary to our academic mission. Second, the lack of time to vet the new case has led to side imbalances (see data below) and some excessive invention with no real remedy or opportunity to close loopholes or clarify ambiguities. Third, it has not had a measurable effect on outcomes. For the most part, the same teams continue to dominate. The case itself becomes easier for students to argue from an intellectual standpoint because, in an effort to reduce too much work load, the case has limited interesting objection arguments and cross strings. Most cross material is written into the affidavits, most objections are reduced to basic "hearsay" and "lack of foundation" arguments that even the most novice mocker can argue. Overall, the students are preparing an untested case at the very worst time in the academic year and for no real change in outcomes. Additionally, this change has resulted in more modest ORC changes. Substantially more students argue the ORCs case changes and we are now depriving them of the opportunity to see change over the year or see much in terms of dynamic movement with the case. Finally, we are burning through the number of people capable of working on a case product. Case drafting is among the most important activities we do as board and there are a limited number of people who can do it well. One of those people has now left the board. We already spread our work thin across case authors, pushing this to even further limits will continue to see the quality of the national championship case decline as we are forced to go further and further away from our organization to find people who don't coach and are willing to do it. We've given it 3 years. It's time to end the experiment.*

*In order to have meaningful discussion on this motion, we suggest that common National Championship participants prior to and subsequent to the adoption of Rule 5.35 be surveyed regarding the change in workload after its adoption.*

## **Side balance data**

*Using the results of Round Three – the purest power pairing: Plaintiff won disproportionately in all three years. This is pretty typical of year-long cases where cases are drafted to be P heavy, with the understanding that cases grow in defense wins over time as the defense gets more creative. With a single tournament, this understandable imbalance cannot be remedied so easily.*

2017: 56%

2016: 58%

2015: 56%

## **ADVANCED WITH NO RECOMMENDATION**

### **RULES-03: Motion by Woodward to: Repeal Rule 8.12(1), “When Objections are Permitted and Prohibited.”**

*Rationale: This repeal would have the effect of allowing objections to opening statements and closing arguments. The quality of our competition has evolved to the level where I don't believe we need to protect our attorneys from objections to opening or closing. Teams which make baseless objections for the purpose of disrupting a statement or argument run the risk that their strategy will lose points. We can save time by no longer needing to instruct judges on this difference from real-world practice.*

## **ADVANCED WITH NO RECOMMENDATION**

### **RULES-04: Motion by Harper that the Rules Committee amend Rule 4.20 to create a policy that states the following:**

To the extent any information about the judges is known to the person assigning judges:

- 1) Judges are volunteers who bring their knowledge and skill to us free of charge on their days off from practicing, teaching, or studying law. Above all else, we offer them our gratitude, deference, rapt attention, and accommodate their preferences.
- 2) The assigned presider should be willing to preside.
- 3) If it will not take a ballot out of their hands, the most qualified willing judge should preside, subject to exception 4a.
- 4) In a situation in which not every judge will receive a blue ballot, so long as the less qualified judge is willing to preside, the most qualified judges should be holding blue ballots. There are two exceptions to this rule.

- a. The presiding judge, in an ideal world, is someone unlikely to interfere with the outcome of a qualifying determinative round. If a judge is known to interfere with student performance such that it could affect the scoring judge's ability to accurately differentiate, the AMTA representatives have discretion to consider this when assigning presiding judges to qualifying determinative rounds. This principle should be invoked sparingly by the AMTA representatives.
  - b. A round in the out-bracket of round 4, or an 0-4 versus 0-4 round in round 3 becomes a "teaching" round. To advance the educational goal of the activity, the most knowledgeable judge should preside even if this means the most qualified judge will not hold a blue ballot.
- 5) AMTA embraces diversity and understands our diverse students benefit when they see themselves reflected in their judges. To the extent that judges are equally qualified and willing to preside, AMTA representatives may, in their discretion, break the tie by selecting as a presider a judge whose presence enriches the diversity of the judging pool unless such decision would deprive the students of that judge having a scoring ballot.
- 6) A perceived failure to abide by these advisory principles is not a basis for seeking or awarding an Act of AMTA discretionary bid.

#### **ADVANCED WITH A POSITIVE RECOMMENDATION**

**RULES-05: Motion by Harper: Rule 4.33(6)(d): Remove "that all functions of the trial have been completed by the all-loss time, the judges shall have a 5-minute grace period in which to complete the ballots. If all functions of the trial have not been completed by the all-loss time, no grace period is permitted, and the penalty set forth in section 4 shall be imposed" and replace with "trial is complete by the all-loss time, the judges shall complete their ballots and no penalty shall be imposed. If trial has not been completed by the all-loss time, the penalty set forth in section 4 shall be imposed." Add: "Trial is deemed completed when competitors have finished speaking (usually at the conclusion of closing arguments)."**

*Rationale: The 5-minute grace period seems harsh (and is not regularly enforced). It seems that this rule could unfairly punish two teams that are doing everything right: If a judge is truly taking an unreasonable period of time to decide objections and write comments during trial, or if a judge is taking very long breaks during trial, two teams that shorten examinations and do not perform closing arguments could conceivably still be penalized if the judge takes more than five minutes to finish ballots at the end of the trial. This rule as written rushes judges and penalizes students for lethargic ballot completion. The proposal brings the rule in line with what I believe is the current standard practice. I propose deleting "all functions of the trial have been completed" because it is often the case that closing arguments are not given in rounds that are approaching all loss—and as the rule is written a rep could theoretically penalize a team for failing to complete closing arguments even if the trial was completed by the all-loss time.*

#### **ADVANCED WITH A POSITIVE RECOMMENDATION**

**STRATEGIC PLANNING-02: Motion by Warihay and Walsh to discuss and determine whether AMTA will seek a new Executive Director.** Having reached an end of the contractual relationship with its previous Executive Director, AMTA must determine if it will seek to retain a new Executive Director or take a different approach to meeting the goals set forth in its current Strategic Plan. In order to do that, and to achieve that goal in time for the 2018-2019 season, AMTA will retain the \$15,000.00 currently allotted in its budget to pay an Executive Director that is not being used to pay the Administrative Assistant during the 2017-2018 season. Further, AMTA will seek a new Executive Director and the Strategic Planning Committee will create a timeline for setting the goals, job details, and parameters of the Executive Director Position as well as a timeline for the search, target date for securing a new Executive Director, and budget for same (if different from what is currently allotted).

*Rationale: The vision for this Motion is to secure a space on the Des Moines Agenda to discuss AMTA's experience with MSSU over the past two years, along with facilitating a discussion of our future plan for an Executive Director. I envision this Motion being amended on the floor based on the conversation and/or sparking conversation that is then referred to Committee with direction from the Board for review and further action on the part of the Board. One idea that should be discussed is whether the Strategic Planning Committee should consider whether the goals of the Strategic Plan may best be reached on a project-by-project basis, and if so, the Strategic Planning Committee could make recommendations to the Board as to the partner(s) it recommends retaining to achieve those goals.*

#### **ADVANCED WITH NO RECOMMENDATION**

**TABULATION ADVISORY COMMITTEE (TAB) -02: Motion by Harper as amended by TAB to set the deadlines for submitting invitational tournament case committee data (captains' forms for case balance calculations), tab summaries, and licensing fee payment at 30 days, 30 days, and 60 days respectively**

*Rationale: We collect captains meeting data from invitational tournaments so that we can conduct case balance analysis and assess case changes throughout the AMTA season. Tab summaries help us determine how much money a program owes under the case licensing fee. Providing deadlines in our rules will aid give those collecting this information on AMTA's behalf.*

#### **ADVANCED WITH A POSITIVE RECOMMENDATION**

**TOURNAMENT ADMINISTRATION COMMITTEE (TAC) – 03: Motion by Leckrone that each Regional host will get a flat stipend of \$3,250.00 annually, and each ORCS host shall receive a stipend of \$6,000.00 annually.**

*Rationale: This codifies on a permanent ongoing basis the stipends we adopted last year for the 2016-17 season only.*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**TAC -04: Motion by Harper to Amend Rule 4.22 to add the following sentence: Hosts must provide a computer, projector, and screen so that the AMTA Representatives may conduct the judge meeting using the approved AMTA judge presentation PowerPoint. Where a host is unable to provide for projection, the host must provide printed copies of the presentation for judges.**

*Rationale: Our judge presentations are our best effort at competitive standardization across tournaments. Ensuring that as many judges as possible actually view our presentation will help us with that goal. Judges do not pay attention when we talk to them with no presentation. If this motion passes, TAC should update the host manual accordingly*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**TAC-06: Motion by Warihay to change relevant language in Rule 2.9(1) and Rule 2.9(1)(a) as follows (changes in red):**

.... Assignment of schools and teams to regional tournaments will be made after the close of registration, **using the criteria listed below. The below-listed criteria are examples of factors that AMTA will consider, they are not listed in any particular order, and no one factor is singularly determinative regarding how AMTA will assign teams to regional tournament.**

- (a) assigning schools to a location within **five** hours of driving distance (according to Google Maps or a similar program designated by the Team and Feeder Subcommittee) when possible (not necessarily the closest geographic region). A school may **voluntarily chose to travel further; however, this may** result in the school's teams being assigned to any regional tournament or opening round championship tournament, regardless of distance and expense, even if there are tournaments closer to the school which do not conflict;

*Rationale: In recent years, TAC has fielded questions regarding the alleged ambiguity of this rule and the criteria listed within the rule. This additional language seeks to explain the apparent source of this alleged ambiguity to provide our membership schools with clarification. Specifically, the criteria within this rule were never*



*intended to be an exhaustive list, nor were the criteria intended to be requirements or listed in any sort of priority. The additional language seeks to clarify this within the text of the rule. Furthermore, TAC is seeking to expand the 3 hour travel distance to 5 hours, which is more consistent with our current geographic distribution of tournaments around the country and TAC's recent practice.*

#### **ADVANCED WITH A POSITIVE RECOMMENDATION**

#### **TAC-07: Motion by Warihay to add the following language as Rule 2.10(2)(f):**

If AMTA is unable to offer a team on the waitlist a spot in a Regional Tournament within 400 miles from that school's campus as measured by distance from campus to the tournament site via Google Maps or a similar program designated by the Team and Feeder Subcommittee, then the School will be entitled to a refund of the Regional Tournament fee and late registration fees paid for the team in question. The School shall not be entitled to a refund of the School Registration Fee. This subsection does not apply and no refunds will be paid to teams placed on the waitlist pursuant to Rule 2.10.1(3)(e).

*Rationale: In general, this situation will come up fairly rarely, but it is a situation that almost occurred this year. This Rule was passed by the EC earlier this year for the limited purpose of the 2016-2017 year, so this Motion seeks to codify this rule permanently going forward.*

*This rule allows AMTA to refund Regional Tournament Registration fees if AMTA is unable to offer a team on the waitlist a regional tournament spot within 400 miles of their campus. The logic is simple – if we cannot offer a team a spot in one of our tournaments through no fault of the team, then AMTA should not keep that team's money for a product that we could not deliver.*

*The caveat in the last sentence covers a potential loop hole that would be created by this Motion to prevent teams from trying to "game the system" to get their money back.*

#### **ADVANCED WITH A POSITIVE RECOMMENDATION**

#### **TAC-08: Motion by Motion by Warihay and M. Schuett to add the following language to Rule 5.30(2), regarding the Spirit of AMTA Award at the National Championship Tournament:**

The winner of the Spirit of AMTA Award at the National Championship Tournament in each division shall receive a waiver of the Regional Tournament Team Registration Fee for one team during the next competition season.

*Rationale: As an extra benefit and reward for the team(s) that best exemplify AMTA's ideals at the highest level of our competition, this Motion seeks to give that team a \$125 credit for the subsequent season. The cost to AMTA is low (\$250) and it's a nice gesture to the team/school that receives the award.*

#### **ADVANCED WITH A POSITIVE RECOMMENDATION**

**TAC-09: Motion by Warihay to amend Rules 6.6(4) and 6.7(1) regarding Opening Round Championship Series Bids:**

(4) If a school earns two bids to ORCS and the bids are divided between two ORCS tournament sites, AMTA shall provide Team Designations for each of the school's teams in question consistent with Rule 2.9 above. Similar to Regionals, AMTA will assign Team Designations of "A" and "B" to reflect the relative strength of the teams in competition, as laid out in Rule 2.9, and Schools shall be required to designate and send their "A" and/or "B" ranked team(s) to the appropriate ORCS Tournament(s) accordingly. These Team Designations shall be assigned by the National Tabulation Director, in consultation with the Tournament Administration Committee Chair, after a school earns two bids to ORCS. Team Designations will not be assigned when the two bids at ORCS are at the same tournament site.

Similarly, the following language should be added to Rule 6.7(1) as follows (new language in bold):

"A school with two bids to the opening round championship **series** may send its two teams to different opening round **championship series** tournament sites, **subject to the Team Designations provided by AMTA per Rule 6.6(4) above.**"

*Rationale: At present, ORCS is the only round of competition where AMTA does not provide any "A" or "B" team designations. We provide these designations to balance our divisions at the National Championship. Similarly, we provide letter designations to work to balance our regional tournaments. At ORCS, we do not provide such designations. In general, schools with two teams often attend the same ORCS, so the impact of this rule change is relatively minor, but it does have some impact, as each year there are multiple schools with their bids split between ORCS locations. TAC and Tab assume that teams with the lowest team number are the A and higher team number are the B, but there is no rule requiring this. In order for TAC/Tab to ensure balance of ORCS tournaments, we need a way to enforce A/B designations to keep teams from trying to "ORCS shop" their teams. ORCS are already a very competitive level of our competition, and as such, balance between the tournaments is extremely important.*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**TAC-10: Motion by Seelau (at the request of Laura Seelau) to amend the Rules to include the following language:**

"AMTA has a policy of embracing diversity. We endeavor to welcome all participants regardless of gender, gender identity, race, religion, sexual orientation, political belief, socio-economic class or age."

*Rationale: As a female competitor 15 years ago, I routinely received comments from judges that women are held to "different standards" when it comes to demeanor, dress*

*and presentation. I have witnessed my female students receive similar comments. AMTA clearly values diversity. The case committees make a very conscious effort to draft cases that are neutral across immutable characteristics. The board endeavors to schedule qualifying tournaments to accommodate religious belief. AMTA has a policy of welcoming students at colleges and universities representing a broad spectrum of identity. This addition would give Rules the opportunity to amend the PowerPoint Presentation to Judges to communicate to our volunteer judges that we hold them to the same standard of equality.*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**XI. Unfinished/New Business**

**XII. Adjournment**

## **Appendix A: Consent Calendar**

### **Motion by Guliuzza to adopt proposed 2017-18 AMTA Committee Assignments.**

#### **Officers:**

Frank Guliuzza (President)  
\_\_\_\_\_ (**President-Elect**)  
Melissa Pavely (Secretary)  
Matthew Eslick (Treasurer)

#### **Executive Committee**

Frank Guliuzza (Chair)  
\_\_\_\_\_ (**President Elect**)  
Melissa Pavely (Secretary)  
Matthew Eslick (Treasurer)  
Johnathan Woodward (Tabulation Director)  
Mike Walsh (Tournament Administration Committee Chair)  
DeLois Leapheart (Academics Committee Chair)  
Anna Smith Eldridge (Competition Response Committee Chair)  
Ryan Seelau (Rules Committee Chair)  
Justin Bernstein (Development Committee Chair)

#### **Academics**

DeLois Leapheart (Chair)  
David Ben-Merre  
Brandon Harper  
Deone C. Merkel  
Angela Minor  
Mark Miller  
Gordon Park  
Tom Parker  
Melissa Pavely  
Ted Ritter  
Kyle Thomason  
Emily Woerner

#### **Accomodations**

Don Racheter (Chair)  
David Cross  
Michael Gelfand  
Josh Leckrone  
Diane Michalak  
Thomas Allison  
Kyle West

**Budget & Audit**

Matthew Eslick (Chair)  
Stephan Yhann  
Laura Bower Braunsberg

**Case & Evidentiary**

**Civil Case Committee:**

Dan Haughey (Chair)  
Michael Gelfand  
Sam Jahangir  
Toby Heytens  
Mackenzi Siebert  
Abbe Stensland  
Kyle West  
Justin Bernstein

**Criminal Case Committee:**

Alex Bluebond (Chair)  
David Ben-Merre  
Laura Bower Braunsberg  
Neal Schuett  
Anna Smith  
Diane Michalak  
Michael Nelson

**NCT Criminal Case:**

Kyle Thomason (Chair)  
Justin Bernstein  
Amanda Mundell  
Michael Polovich  
Jacelyn Olson

**NCT Topic Approval Committee:**

David Nelmark (Chair)  
Kris Lyons  
Sara Zeigler

**Competition Response Committee:**

Anna Smith Eldridge (Chair)  
Johnathan Woodward (Tabulation Director)  
Ryan Seelau (Rules Committee)  
Alex Bluebond (Criminal Case Committee)  
Barry Langford (Ombudsperson)  
Mike Walsh (Tournament Administration Committee)  
Frank Guliuzza (President)

**Development Committee:**

Justin Bernstein (Chair)  
Glen Halva-Neubauer  
Brandon Harper  
Devon Holstad  
Grant Keener  
Melissa Schuett  
Neal Schuett  
Kyle Thomason  
Andy Hogan  
Jacinth Sohi

**Ethics Committee:**

Tom Parker  
Kristen DelForge  
Devon Holstad  
Grant Keener  
Barry Langford  
Jacelyn Olson  
Georgie Weatherby  
Thomas Allison

**Human Resources Committee:**

Melissa Pavely (Chair)  
\_\_\_\_\_ (**nomination, member-at-large**)  
Diane Michalak (President's selection)

**Rules/Sanctions Committee:**

Ryan Seelau (Chair)  
Laura Bower Braunsberg  
Toby Heytens  
Neal Schuett  
Jim Wagoner  
Marissa Oxman  
Sue Johnson

**Strategic Planning Planning:**

Frank Guliuzza (Chair)  
Justin Bernstein  
Glen Halva-Neubauer  
Barry Langford  
DeLois Leapheart  
Ryan Seelau  
Melissa Schuett  
Will Warihay  
Brandon Harper  
Mike Walsh

**Tabulation Advisory Committee:**

Johnathan Woodward (Chair)  
Monica Dorman  
Brandon Harper  
Graham Henry  
Devon Holstad  
Sue Johnson

**Analysis Committee:**

Annie Wang (Chair)  
Ben Graham (Co-Chair)  
Sarah Sawtelle  
Andy Hogan  
Jacinth Sohi

**Tournament Administration Committee:**

Mike Walsh (Chair)

**Team & Feeder Subcommittee:**

Adam Detsky (Chair)  
Sarah Sawtelle  
Johnathan Woodward  
Devon Holstad  
Melissa Pavely  
Melissa Schuett

**Site Selection and Host Communication Subcommittee:**

Josh Leckrone (Chair)  
Grant Keener  
Monica Dorman  
Michael Polovich  
Barry Langford  
Kristofer Lyons  
Sue Johnson  
Michael Koeltzow  
Kyle West  
Emily Woerner

**AMTA Representative Assignment Subcommittee:**

Diane Michalak (Chair)  
Matthew Eslick  
Glen Halva-Neubauer  
Kyle West  
Dan Haughey

**Technology Committee:**

Melissa Schuett (Chair)  
Will Warihay  
Jacinth Sohi  
Monica Dorman  
Ryan Seelau

**Disciplinary Committee:**

*To enforce the AMTA Code of Conduct with regard to the Board of Directors, Candidates, and Representatives.*

\_\_\_\_\_ (**President Elect**) (Chair)  
Georgie Weatherby (Appointment by President)  
\_\_\_\_\_ (**nominee, member-at-large**)

**Other Leadership Positions:**

Counsel: David Cross, Crowell & Moring, LLP  
Insurance Coordinator: Adam Detsky  
Newsletter Editor: Emily Woerner  
Ombudsperson: Barry Langford  
Parliamentarian: Don Racheter  
Trophy Coordinator: Adam Detsky  
Web Site Manager: Melissa Schuett

**BUDGET-01: Motion by Eslick to amend rule 4.34 as follows:**

(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 tournament registration fees **refunded rolled forward to the following year**. The Executive Committee shall have final authority to determine whether a team's tournament registration fees should **be refunded 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:* This conforms Rule 4.34 to the practice of eliminating carry-over credits. See, for example, Rule 2.5(2).

**ADVANCED WITH A POSITIVE RECOMMENDATION**



**RULES-01 - Motion by Gelfand to amend Rule 611(b) of the Midlands Rules of Evidence to state as follows:**

(b) Scope of *Examinations*. The initial cross examination is not limited to matters discussed on direct examination. Re-direct and re-cross examination are permitted. But any re-direct or re-cross examination may not go beyond the subject matter of the examination immediately preceding it and matters affecting the witness's credibility. The court may allow inquiry into additional matters as if on direct examination. Any re-direct examination should not go beyond the subject matter of the cross-examination immediately preceding it.

*Rationale: The rule as currently written limits only the scope of cross-examinations, not re-direct examinations. As long as I can remember, AMTA's practice has always been to limit the scope of any re-direct examination to the subject matter of the cross-examination immediately preceding it. The Judges' Powerpoint expressly states this. The proposed revision makes the written Rule reflective of this practice.*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**TOURNAMENT ADMINISTRATION COMMITTEE (TAC) -01: Motion by Eslick, on behalf of Doss, to amend Rule 2.8(1) as follows (amendment in red):**

(1) DEADLINE. The priority registration deadline for regional competition is **the first business day after October 14 ~~October 15~~**. Teams **completing a final and complete registration registering** after the **priority registration deadline ~~October 15~~** will be assigned to a regional tournament only on a space available basis at the discretion of the Tournament Administration Committee Chair. No team shall be permitted to compete at a regional tournament if its registration is not final and complete by 4:30 p.m. Central time on the first business day after January 15 absent a waiver from the Executive Committee. "Business day" is defined as a day that the AMTA administrative office is staffed and open for business. "Final and complete" registration means that the AMTA office has all of the following items in hand and/or the following items are received by the AMTA office with a postmark date on or before the above-referenced deadlines:

*Rationale: The amendment is designed to remove ambiguity regarding the priority registration deadline when October 15 falls on a weekend or holiday.*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**(TAC) – 02: Motion by Motion by Eslick, on behalf of Doss, to amend Rule 2.2(4) as follows:**

(4) CHANGE OF PRIMARY CONTACT. ~~AMTA will only change the primary contact upon written instruction from the school in the same manner that the school submitted its Authorization Letter as described in Rule 2.3.~~ Any request to change the primary contact made pursuant to this rule must be submitted dated and physically signed by the author of the Authorization Letter, as defined in Rule 2.3, original letter writer or the original letter writer’s replacement or that individual’s supervisor.

*Rationale: This amendment is designed to bring the rule into conformity with practice.*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**TAC -04: Motion by Harper to Amend Rule 4.22 to add the following sentence: Hosts must provide a computer, projector, and screen so that the AMTA Representatives may conduct the judge meeting using the approved AMTA judge presentation PowerPoint. Where a host is unable to provide for projection, the host must provide printed copies of the presentation for judges.**

*Rationale: Our judge presentations are our best effort at competitive standardization across tournaments. Ensuring that as many judges as possible actually view our presentation will help us with that goal. Judges do not pay attention when we talk to them with no presentation. If this motion passes, TAC should update the host manual accordingly*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

**TAC –05: Motion by Warihay to Amend Rule 2.9(1)(a) by replacing the term “Mapquest” with “Google Maps or a similar program designated by the Team and Feeder Subcommittee.”**

*Rationale: TAC – Team Assignment no longer uses Mapquest for team assignment purposes, and we currently use Google Maps. Therefore, this language should be updated to reflect this change.*

**ADVANCED WITH A POSITIVE RECOMMENDATION**

## **Appendix B: Tabled Motions**

**BUDGET-02: Motion by Racheter to allow those entitled to a meal per diem from AMTA to combine the per diem:** Whatever the per diem amount for meals for authorized travel on behalf of AMTA (such as serving as an AMTA Rep at a Regional Tournament), the amounts for each day of authorized travel may be combined.

*Rationale: So that if the Rep eats at fast food outlets two of the three days, they may have a nice sit-down restaurant dinner on the other day.*

**EXECUTIVE COMMITTEE – 02: Motion by Wagoner to rename the Spirit of AMTA Award to “the Dick Calkins Spirit of AMTA Award.”**

*Rationale: In honor of Dick’s 90<sup>th</sup> birthday, this would be a nice way to remember his contribution to the activity and to the organization*

**RULES-02: Motion by Detsky to create a new rule as follows:**

No objections may be made during a closing. A motion to strike may be made at the conclusion of closings only if the closing attorney made material misrepresentations or deceitful comments to the Court during the course of their closing.

*Rationale: By not allowing any objections to a closing, many teams are viewing this as an open gateway to cite facts that didn't come out in trial, to misrepresent the law or to engage in unsportsmanlike gamesmanship. It is absurd to expect the average judge, who never saw or heard the case before, to somehow recall every fact that came out from the 12 strangers they just watched or to know every facet of AMTA rules. The only thing that comes from the no objections rule to closings is that we leave sour tastes in the mouths of competitors.*

**STRATEGIC PLANNING-01: Motion by Wagoner and Smith Eldridge**

That AMTA create an alternative competition for first year schools and other schools who may not be interested in the yearlong competition from August to April. This new format would be designed as a one semester class with the case coming out in August and encourage local competition in their area. Those schools interested in a national competition experience could compete in National Tournament in the third week in January at a southern location for weather consideration. The field would be limited to a 64 team limit with one team per school. A second team can be added if there is less than 64 teams competing. “

**Rationale** for this proposal is threefold; (1) provides alternative competition for new schools and schools who don’t want to commit to the current yearlong competition, (2) Provide new source of income to AMTA and (3) may provide some relief to the burgeoning regional fields plus prepare new programs to the mock trial experience.

**TABULATION ADVISORY COMMITTEE (TAB) -01: Motion by Leckrone** – In order to be recognized as an Outstanding All-Regional or All-ORCS attorney or witness, a student must earn at least 16 ranks; that is, they must be recognized on all four ballots on any given side of the case.

**Rationale:** *While we rarely give out 15 rank outstanding attorneys and witnesses, this makes the lives of AMTA reps easier by allowing them to bypass adding the names of students on their tab cards who appear on only one ballot in the first round on any given side. Additionally, it seems a sufficient bar to require any outstanding attorney or witness to, at a minimum, be recognized as one of the top four attorneys or witnesses by all four judges on any given side.*

## **Appendix C: December 2016 Mid-Year Board Meeting Minutes**

### **I. I. Call to Order**

#### **Conference Call Attendance:**

Members present: Ben-Merre; Bernstein; Bluebond; Gelfand; Guliuzza; Halva-Neubauer; Harper; Langford; Leapheart; Leckrone; Nelson; Olson; Parker; Pavely; Racheter; Schuett, M; Schuett, N; Seelau; Thomason; Walsh; Warihay; Woodward

Members not present: Haughey, Heytens, Wagoner

Candidate Members present: Bower Braunsberg; Holstad; Michalak, West

Candidate Members not present: Allison, Roche

Staff & Guests: Derfelt

Directors Emeritus: None

### **II. Welcome and Remarks (Guliuzza)**

### **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 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 B** are the minutes from the 2016 Board Meeting.

**IV. Approval of Agenda – The Agenda was approved by voice vote**

**V. Approval of 2016 Board of Directors Meeting minutes – Motion to approve as is by Woodward, seconded by Gelfand. The Minutes of the Summer Meeting were approved as is.**

**VI. Consideration of Tabled Motions**

For procedure to “untable” a motion, please see discussion of Appendix A 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).

**VII. Committee Reports**

**A. Academics Committee (Leapheart): Oral Report delivered**

**B. Accommodations (Racheter): Written Report delivered**

**C. Budget and Audit Committee (Eslick): Oral Report delivered**

**D. Civil Case Committee (Haughey): No report delivered**

**E. Criminal Case Committee (Bluebond): No report delivered**

**F. Competition Response Committee (Smith): Written Report delivered**

**G. Development Committee (Bernstein): Written Report delivered**

**H. Ethics Committee (Parker): No report delivered**

**I. Intellectual Property (Thomason): No report delivered**

**J. Human Resources Committee (Walsh): Written Report delivered**

**K. Rules Committee (Seelau): No report delivered**

**L. Strategic Planning Committee (Guliuzza): No report delivered**

**M. Tabulation Advisory Committee (Woodward): No report delivered**

**N. Technology Committee (Walsh): No report delivered**

**O. Tournament Administration Committee (Warihay): Oral Report delivered**

**P. Executive Committee (Guliuzza): Written Report of Votes delivered**

**Q. Other Committee Reports: None**

**VIII. Motions:**

**INTELLECTUAL PROPERTY-01 – Motion by Nelson** to amend the Intellectual Property Policy's Invitational Licensing Fee to \$3.00 per team per round beginning with the 2017-8 season.

Rationale: The current 5% fee is unwieldy for teams to calculate and to pay because they are unable to pay on the AMTA Store and need to be individually invoiced if they wish to pay via PayPal. This is because the 5% fee cannot be set up as a drop down menu on the AMTA Store. A per-team fee can be set up in the AMTA Store (as we already do with team registration fee options), making a switch like this easier for teams. Additionally, adopting next year's fee at the winter meeting helps teams to plan their registration fees and, in turn, their budgets before the end of the academic year.

Because not all tournaments are 4 round tournaments, a per-round fee is preferable to a per-team fee. Additionally, a license-per-round fee gets more closely to the heart of a fee per use, which is the stated goal of this fee.

To calculate the proposed fee for next year, I began by looking at the average fee for the invitationals listed on the AMTA website. The mean amount for those fees is \$147, and the median and mode are both \$150. 5% of \$150 is \$7.50 per team. However, the tournaments listed on the AMTA site are predominantly local tournaments that charge relatively low fees. The list omits the many tournaments that charge registration fees much greater than \$150 per team. With this in mind, I have proposed \$12 per team, or \$3 per team per trial. I believe this is an approximation of the 5% fee currently in place.

### **ADVANCED WITH A POSITIVE RECOMMENDATION**

Motion by Gelfand to amend fee to \$2.00 per team per round. Motion to Amend seconded by Racheter. Motion to Amend passes. **Motion PASSED as amended.**

## **IX. Unfinished/New Business**

1. Motion by Harper to allow the Academics Committee and the Mentoring Committee to give a pdf copy of the current case to an unregistered team that intends to observe, but not compete in, a regional tournament.

Motion by Woodward to refer this Motion to the Academics Committee to draft language that would amend Rule 2.11 to reflect that any license given to a team described in the motion would be for a single year and that the university provided the copy could only use it internally, not for purposes of any competitions, including invitational tournaments.

**Motion to refer to Academics Committee seconded and PASSED.**

2. Motion to go into Executive Session. **MOTION PASSED**

## **X. Adjournment**

Motion by Woodward to Adjourn. Motion seconded by Walsh. **MOTION PASSED** and the meeting adjourned at 2:40 CST.

**Appendix A: Tabled Motions** - None

**Appendix B: 2016 Board Meeting Minutes** - Omitted (They were approved during the 2016 Mid Year Meeting and can be found on the AMTA Website)