



**American Mock Trial Association
2018 Board Meeting Agenda
July 21-22, 2018
Las Vegas, Nevada**

I. Call to Order

Attendance:

Members present (X): Allison; Ben-Merre; Bernstein; Bluebond; Gelfand; Guliuzza; Halva-Neubauer; Haughey; Holstad; Langford; Leapheart; Leckrone; Michalak; Minor; Pavely; Racheter; Schuett, M.; Schuett, N.; Walsh; Warihay; West; Woodward

Members not present (X): Braunsberg; Detsky; Eslick*; Harper; Heytens; Olson, J.; Parker; Thomason

Candidate Members present (X): D'Ippolito; Hogan; Johnson; Olson, B.; Ritter; Sohi

Candidate Members not present (X):

Staff & Guests (X): Bowden; Garmoe; Jahangir; Scher

Directors Emeritus (X):

*Eslick appeared by telephone on Sunday morning to discuss the budget.

II. Welcome and Remarks (Guliuzza and Warihay)

III. Format of Agenda:

Delivered by 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 2017 mid-year conference call/board meeting.

IV. Approval of Agenda

Motion by Gelfand to approve the agenda.

Motion by Racheter to amend the agenda in section 10 to remove co-sponsored by Detsky from Accommodations-01. Seconded by Gelfand. **Motion passes.**

Motion to approve the agenda passes.

Motion by Warihay to allow the chair to take the order of business in the order deemed appropriate. Seconded. **Motion passes.**

V. Approval of 2017 Mid-Year Board of Directors Meeting minutes.

Motion by Pavely to approve the mid-year minutes. Seconded. **Motion passes.**

VI. Special Board Elections (At large members of Disciplinary and Human Resources Committees)

Halva-Neubauer nominates Leapheart for the Disciplinary Committee. Leapheart is slated to serve on the EC and is not eligible.

Bernstein nominates Leckrone for the Disciplinary Committee. **Nomination approved.**

Bernstein nominates Polovich for the Human Resources Committee. **Nomination approved.**

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)

Motion by Woodward to remove the committee assignments from the consent calendar.

Motion by Gelfand to approve the consent calendar absent committee assignments. Seconded. **Motion passes.**

Motion by Woodward to approve the committee assignments as revised. **Motion passes.**

IX. Committee Reports

- A. Academics Committee (Leapheart): Written report**
- B. Accommodations (Racheter/Olson): Oral report**
- C. Budget Committee Report (Eslick): Oral report**
- D. Civil Case Committee (Gelfand): Written and oral report**
- E. Criminal Case Committee (Bluebond): Oral report**
- F. Competition Response Committee (Harper): Written report**
- G. Development Committee (Bernstein): Written report**
- H. Disciplinary Committee (Warihay/Guliuzza): Oral report**
- I. Ethics Committee (Parker/Langford): Oral report**
- J. Human Resources Committee (Pavely): Oral report**
- K. Rules Committee (Heytens/Walsh): Oral report**
- L. Strategic Planning Committee (Guliuzza/Walsh): Oral report**
- M. Tabulation Advisory Committee (Woodward): Oral report**
- N. Technology Committee (Schuett, M.): Oral report**
- O. Tournament Administration Committee (Walsh/Schuett, M.): Written and oral report**
- P. Other Committee Reports:**

X. Motions:

ACCOMMODATIONS-01: Motion by Langford (as amended by committee) to amend Rule 7.11 as follows:

Rule 7.11. Reasonable accommodations for students with disabilities. AMTA is committed to inclusiveness and educational opportunity and supports the efforts of eligible students with disabilities **or other health conditions** to compete in AMTA-sanctioned competitions. It is AMTA's policy to provide reasonable accommodations for its eligible students with physical **or medical** impairments. A reasonable accommodation is a change in the competitive environment or a change in the process or rules that normally govern AMTA-sanctioned competitions that enables an eligible student to perform the essential functions required of mock trial competitors, without creating undue hardship to the organization or fundamentally altering the educational aspects of the mock trial activity.

(1) REQUESTS FOR ACCOMMODATIONS. ~~Unless it is not feasible, requests for accommodation must be made in writing by the January 1 preceding the AMTA-sanctioned tournaments for which the accommodation is sought. The request may be made on the Team Registration Form or to the AMTA Accommodations Committee.~~ **Requests for accommodation should be made either on the Team Registration Form or separately by writing to the Accommodations Committee. Requests should be made by the January 1 preceding the AMTA-sanctioned tournaments for which the accommodation is sought. Late requests will only be considered if one of three criteria are met: (1) the student needing the accommodation joined the team after December 26; (2) a change in the student's physical condition, health, or treatment status occurred after December 26, and that change necessitates the accommodation; or (3) failure to grant an accommodation poses a risk to the student's health. Late requests necessitated by the addition of a student or a change in health status must be made within seven days of the student joining the team or learning about the change in his or her physical condition, health, or treatment status. Requests for accommodation not made by January 1 should be directed to the Accommodations Committee at the earliest possible date. If the Accommodations Committee is unable to reach a decision before the start of the tournament at issue, or if the request was never brought to the Accommodations Committee, the student, coach, or person making the request shall bring the request to the tournament's AMTA representatives, who shall have the authority to grant or deny the request. Any AMTA representatives presented with such a request shall be permitted to grant it only if they unanimously conclude that it meets one of the three exceptions identified herein for late requests. If denied, requests for accommodation handled by a tournament's AMTA representatives shall not be eligible for the appeal process described in Rule 7.11(5).**

(2) FORM OF REQUESTS. The student who requires accommodation or any coach or official contact person of the student's school may make the request for accommodation. Requests should identify the basis for the accommodation, the specific accommodation sought, verification of the ~~disability~~ **physical or medical impairment necessitating the accommodation**, and any other information the requesting individual deems appropriate **for consideration of the request for accommodation**. Such verification need not include medical documentation. **Requests made after January 1 should include information demonstrating that the request falls within one of the three exceptions for late requests listed in Rule 7.11(1).**

(2)(3) CONSENT. By submitting a request for accommodation, the individual requesting same consents to the sharing with officials from the courthouse or other venue, the tournament host, members of the Accommodations Committee, members of

the AMTA Board of Directors and other teams and coaches participating in the AMTA-sanctioned competition the information necessary to identify the disability, impairment or religious belief that prompted the request for an accommodation. The requestor may, but need not, offer a proposed accommodation. Those persons provided with the request for an accommodation will avoid revealing information unnecessary to providing the accommodation and will conduct such discussions with respect for the requesting individual's privacy and dignity. **Neither AMTA nor anyone acting at its behalf, however, shall be held responsible or liable for any access to any such information by anyone for any reason at any time.**

(3)(4) RESPONDING TO REQUESTS. The Accommodations Committee will respond to the request for accommodation in a timely fashion. The Accommodations Committee may ask the requesting student, coach, or school for more information, including additional verification of the disability. The Accommodations Committee may offer the requested accommodation; deny the requested accommodation; offer accommodations other than those requested; or take any other actions consistent with AMTA Rules. The Accommodation Committee will inform the host, the AMTA Representatives, the courthouse or university official responsible for the use of the facilities and any other person the Accommodations Committee determines is a necessary recipient of any approved accommodations.

(4)(5) APPEALS. Decisions of the Accommodation Committee may be appealed to the AMTA Executive Committee.

(5)(6) MULTIPLE REQUESTS. Students and teams seeking an accommodation must submit separate requests for each tournament for which the student seeks an accommodation. Said request may be submitted in the same fashion and to the same persons as described in subsection (1) of this Rule and should be submitted along with the submission of bid reservation forms for ORCS and for the National Championship Tournament. However, due to variations in schedules, formats, and facilities, AMTA reserves the right to offer different accommodations to the same student/team in other/later AMTA-sanctioned competitions than that/those offered at the first tournament at which the student is accommodated AMTA reserves the right to share information received in conjunction with an earlier request for an accommodation with AMTA Representatives officiating subsequent AMTA-sanctioned competitions in which that student/team participate, the host of subsequent AMTA-sanctioned tournaments and officials responsible for the courthouse or university campus on which the competition takes place.

(6)(7) COSTS ASSOCIATED WITH ACCOMMODATIONS. AMTA is not responsible for providing, or the costs of providing, any accommodations granted under these rules. For example, if a visually impaired student is granted the use of assistive technology, AMTA will neither provide nor pay the costs of such technology.

(7)(8) NOTICE. Teams whose students have been granted accommodations must notify opposing teams, and may notify judges, of the accommodation before the trials in which the accommodated student is competing, **unless the accommodation involves a confidential medical condition, in which case the AMTA Representatives at the corresponding tournament(s) will coordinate with the student (and his or her team, as appropriate) who received the accommodation on what, if any, information needs to be shared with opposing teams and/or judges regarding the accommodation to ensure no disruption in the tournament(s).**

(9) STANDARD. Requests for accommodation should be allowed whenever feasible in accordance with the terms of this and any other applicable AMTA rules and policies.

RATIONALE: This exact situation occurred at the Louisville regional this past season. Rule 7.1 has the current policy on cell phones. At the Louisville regional, there was a student with a medical condition (heart related), and a need to use an app on their I-phone to monitor the condition. I telephoned Johnathan to advise him of the situation. None of their opponents objected, and I allowed it under those circumstances. However, I don't think this "allowance" was specifically authorized under current rules. Additionally, while there is an avenue for a request currently under Rule 7.11, that rule may not cover all situations. Some medical conditions requiring an electronic device may not qualify as a "disability" under current legal standards. Also, some of these medical conditions may arise during the week of a tournament, leaving no time for a review by the Accommodations committee. AMTA representatives need some guidance and some authority to handle these situations.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Bernstein to amend the December 26th date to December 1st. Seconded.
Motion to amend passes.

Motion as amended passes.

CRC-01: Motion by Thomason to add further guidance to Rule 8.9(6)(b), either in the form of a policy drafted by the CRC and approved by the Board or additional text to Rule 8.9(6)(b), regarding improper invention generally and, more specifically, what constitutes an "egregious" improper invention.

Rationale: It is my experience that teams (1) do not understand what constitutes an "improper invention" and (2) have the opposite understanding, at times, of the CRC with respect to what makes an invention "egregious." In particular, I think many teams believe that a fact that a lay witness can disclaim because it "wasn't noteworthy to the witness" (and thereby effectively evade impeachment) that later can be used in argument is either (a) not a material invention or (b) less egregious than a witness directly contradicting an affidavit. Put differently, students are judging an improper invention by what would seem material for a witness to include, rather than by whether the invention advances the case on the merits (often in a way that renders the impeachment remedy ineffective or, alternatively, allows the team to discard the invention for use in later argument and make an impeachment seem petty to a judge not versed in the case packet). To me, at least, the most serious improper inventions are ones created with the intention of rendering a trial remedy (impeachment) pointless. I think teams would benefit from additional guidance from the Board and/or the CRC, and I'm submitting this motion as a placeholder with ways to accomplish that goal.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Woodward to refer jointly to CRC, Rules, and Ethics to discuss and report at the midyear. Seconded.

Motion by Halva-Neubauer to amend the motion to refer to ask the committees to solicit comments from the membership regarding the invention of fact rule. Seconded.
Motion to amend passes.

Motion by M. Schuett to amend to require proposed language for the board to adopt at the mid-year. Seconded. **Motion to amend passes.**

Motion to refer passes.

EC-01: Motion by Woodward that Rule 9.6 and 9.6.1 be repealed and recreated as follows:

9.6 Sanction procedures.

(1) Opportunity to respond. The Executive Committee shall provide the allegations to the school and/or individual accused and allow the school and/or individual subject to potential sanction to respond in writing. Notwithstanding the foregoing, the Executive Committee need not allow for a response when the school and/or individual previously had a meaningful opportunity to review and respond to the allegations before another committee. The Executive Committee need not seek a response prior to dismissing or denying a request for sanctions.

(2) Initial issuance of sanction, appeal. The Executive Committee shall issue its initial sanction via e-mail to the primary contact person for the school as well as any specific individuals subject to the sanction. Any appeal by either the school or an individual subject to an individual sanction shall be submitted via email to the Secretary no later than 5:00 p.m. Eastern time on the 5th business day after the date the Executive Committee's sanction was sent via email. The appeal requires no formality beyond a statement unambiguously stating the appellant's desire to appeal the sanction to the full Board.

(3) Appeal process before full Board. The Board shall determine the mode and method of hearing each appeal, and notify the appellant of such determination such that the appellant will have reasonable time to prepare information or argument for the Board's consideration. Notwithstanding the foregoing, sanctions which could affect in-season bids may require hearing on an expedited basis. The Board shall consider the rationale of the Executive Committee and any other committee which dealt with the matter; however, the Board is to act de novo.

(4) Decision of full Board final. The decision of the Board of Directors with respect to a sanction is final.

(5) Delivery of final sanction. Upon either the expiration of the time to appeal a sanction to the Executive Committee or the decision of the full Board imposing a sanction, the Secretary shall reduce the sanction to writing and cause such sanction to be sent via e-mail and in hard copy via mail or courier to the school's primary contact person, to the person who signed the school's letter of institutional support, and to any individuals subject to an individual sanction.

(6) Publishing of final sanction. Upon either the expiration of the time to appeal a sanction to the Executive Committee or the decision of the full Board imposing a sanction, the Secretary shall create a public version of the sanction which does not identify the sanctioned school or individual by name, and cause such public version to be posted on the AMTA website and other public channels.

Rationale: *This motion is intended to provide additional structure and guidance to our sanction procedures. Our rules are currently silent on:*

**What the deadline is for appealing an EC sanction to the full Board, and a procedure for doing so;*

**What the Board's standard of review is (i.e., reviewing for EC error vs. making a de novo determination);*

**The method by which the full Board hears an appeal (telephone conference where the appellant can make argument and answer questions from Board members? Written submissions? This proposal leaves it up to the Board to make a case-by-case determination.)*

**Notification procedures for the final sanction.*

I am not necessarily tied to any particular solution (e.g., giving 5 days to appeal as opposed to a longer or shorter time,) but the rules ought to address each of these issues in some way.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Racheter to amend to add that the EC shall provide a deadline by which the team must respond. Seconded. **Motion to amend passes.**

Motion passes.

EC-03: Motion by Braunsberg (co-sponsored by Gelfand and M. Schuett) that, as part of our unwavering commitment to embrace diversity in all forms and to set an example to all participating colleges, universities, coaches, students and judges, and to further demonstrate our personal and professional commitment to organizational diversity, the board authorize the executive committee to solicit bids and hire a board consultant for the purpose of administering a remote access training session to the board to explore implicit bias and pathways for continued organizational excellence and improvement in the area of diversity, tailored specifically to the unique organizational and educational needs of AMTA, with an initial budget authorization of up to \$2500.

Rationale: We have seen many recent examples of implicit bias in the news. Prominent organizations like Starbucks are taking the lead in bringing their diversity policies into the 21st century by retaining experts to assist with an organizational assessment and training. When I (Laura Braunsberg candidate member) spoke to some such experts, their advice was the same: don't start at the bottom and work up, don't start with a cookie-cutter implicit bias training for your members. Instead, if you want first rate organizational policy, start at the top with the board. Hold at least a starting session, more if you deem necessary after the first one, to get everyone on the same page and up to speed regarding best practices for

addressing the potential for implicit bias at an organizational level. Then you're in a better position to reach consensus on the best way forward to address the specific challenges for your organization.

Because of the unique nature of our organization, a national board with rules and policies, but hundreds of member schools with their own policies and practices, member schools who are not under our supervision or control, it is difficult, if not impossible, for us to exert our influence over any systemic bias among our member students, coaches and judges. Given that unique relationship between our organization, member programs, and volunteer judges, putting action behind our verbal commitment to diversity presents equally unique challenges. An organizational consultant with an expertise in unconscious bias and its effect on institutions would be a valuable resource for reaffirming that commitment and showing our member schools that we back up our words with action.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Woodward to amend to change the dollar amount to \$2000. Seconded.
Motion to amend passes.

Motion passes.

EC-05: Motion by Warihay:

To increase NCT registration fees from \$300.00 to \$500.00 per team in 2020.

Rationale:

Our current budget for the National Championship Tournament to the host is \$25,000.00. At present, our income fees from the teams attending this tournament covers just over 50% of this budget. This lock-step increase over the next three competitive seasons brings the cost to the teams more in-line with the budget we are providing and in-line with the expectation of the tournament. At \$500 per team, this nearly covers the current budget for the tournament, and would allow us to consider increasing the NCT budget proportionally, which would be a separate discussion. Either way, it brings the cost to teams more in-line with the cost to AMTA to host the tournament. We have not raised any registration fees to teams in over five years.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

EC-06: Motion by Warihay (as amended by committee) to authorize the Strategic Planning Committee to release an RFP for non-profit organization consultants, and make a recommendation for engaging same to the Executive Committee. Upon final approval by the Executive Committee, SPC should work with same to analyze AMTA's current governance structure, goals, values, and give guidance regarding best practices for running a non-profit organization of our size and type. This process would include

giving the Board guidance on fiscal best practices, as well as internal structural practices.

Rationale:

In general, the purpose of this Motion is to allow for the Board to discuss the sorts of issues, topics, and goals that we would want Strategic Planning and the Tournament Futures Ad Hoc to discuss, along with identifying any issues for any potential consultant to look into for the Board to give us guidance going forward. The idea here is that we need to be more intentional with our future planning and have the Board identify a more long-term structure and goals beyond every two years with each President's focus.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

EC-07: Motion by Warihay:

To increase the invitational licensing fee from \$2 per team per trial to \$4 per team per trial.

***Rationale:** As a preliminary step to increasing stipends for our hosts, we must identify a steady source of increased income. AMTA's current tournament registration fees for regionals do not typically cover the amount of the modest stipend we give to our hosts. In order to avoid increasing registration fees for regionals, which would potentially be a barrier for entry for many new and/or self-funded teams, we should increase the invitational licensing fee to fund our host stipends.*

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Leckrone to amend to increase it to \$6. Seconded.

Motion by Gelfand to amend the amendment to implement it in 2019-20.

Motion fails.

Motion to amend passes.

Motion by Leckrone to amend to remind teams that they will pay no invitational license fee if they are selected to host an AMTA sanctioned tournament. Seconded.

Motion to amend passes.

Motion passes.

Rules-01: Motion by Woodward to repeal Rule 8.14 and recreate it as follows:

Rule 8.14. Benchbooks. A team may present a benchbook to the presiding judge only in strict compliance with the following:

(a) The benchbook is to be a standard plastic 3-ring binder, no wider than 1.5 inches, and only solid white, solid black, or solid blue in color. The front and back of the binder shall be blank; no logo or cover page is permissible. No logo or insignia shall be visible except for that of the binder manufacturer or retailer.

(b) Unless otherwise specified in the Special Instructions of the case materials, the benchbook shall include each of the following items found in the most recent case release or revision in the following order:

1. The pleadings (e.g., complaint and answer; criminal complaint or indictment;)
2. Stipulations;
3. Pre-trial orders;
4. Completed character evidence notification form, if completed;
5. Midlands case law;
6. Statutory law;
7. Jury instructions and/or verdict forms;
8. Midlands Rules of Evidence;
9. Special Instructions.

The benchbook may include labeled tabbed dividers for the purpose of separating and identifying the various sections.

(c) The benchbook shall not contain any material not listed in (b) or authorized by special instruction.

(d) Any team intending to present the presiding judge with a benchbook shall show its opponent the benchbook in captains' meeting. A benchbook not shown during captains' meeting may not be used. Any objection regarding the compliance of a benchbook with this Rule must be raised with the AMTA Representative at the captains' meeting. If both teams desire to use a compliant benchbook, the plaintiff/prosecution team shall use its benchbook.

Rationale: *Some teams are now presenting judges with a binder containing materials commonly presented during pretrial proceedings. Arguably, this violates the current iteration of Rule 8.14, which prohibits all "bench notebooks." This rule was implemented because, once upon a time, there was an "arms race" of teams presenting increasingly sophisticated benchbooks (leather bound, etc.) This rule attempts to bring some sanity by allowing bench notebooks, but strictly regulating their appearance and content, and providing a mechanism for challenges. An additional benefit of this Rule is that teams need only provide one item to the presiding judge, as opposed to presenting each of these items in a piecemeal or separate format, which should reduce the amount of time spent in pretrial.*

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Ben-Merre to amend to say may only include each of the following. Seconded. **Motion fails.**

Motion passes.

Rules-02: Motion by Woodward to amend Rule 8.12(1) by inserting the language shown in bold:

(1) WHEN OBJECTIONS ARE PERMITTED AND PROHIBITED. Objections are permitted during the examinations of witnesses but not to opening statements or closing arguments, **except that an evidentiary objection may be made prior to opening statement or closing argument with respect to a demonstrative aid an attorney anticipates will be used during the opponent's statement or argument.**

Rationale: The Board was hesitant last year to do away entirely with the prohibition on objections during speeches; this motion would at least allow attorneys to object prior to a speech if they believe there is an evidentiary basis for excluding a demonstrative.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

Rules-03: Motion by Woodward to amend Rule 7.10 as follows:

Rule 7.10. Presumption regarding witnesses. Unless otherwise specified in the case materials, all witnesses were able to see, hear, and perform **all any acts** described in the case materials at the time of the events in question **without any physical impairment, regardless of whether the case materials describe the witness performing a particular act.** Witnesses must so acknowledge if asked.

Rationale: This amendment is designed to clarify that all witnesses are assumed to have been physically able to perform any act described, even if the case materials do not describe the witness performing the act. For example, if the case materials describe the defendant as climbing a ladder, the defense may wish to implicate Witness B as the person who actually climbed the ladder. This clarifies that Witness B is assumed to have been physically able to have done so, even when the case materials do not describe Witness B ever doing so. The "without any physical impairment" language is added to prevent teams from inventing partial impairments, such as old age, depth perception issues, etc.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

Rules-04: Motion by Bernstein (as amended by committee) to revise the IP Licensing Fee Policy as follows:

In section 2.4 change "A school" in the first sentence to "An organization." In the same first sentence also change "may" to "must."

Add a new 2.25 between 2.2 and 2.3.

2.25 Obligation of Member Schools to Disclose Invitational Tournaments and other events requiring an license. As part of each season's school registration process, a school must specifically state whether, during the previous year, it either hosted an Invitational Tournament (as defined by Section 1.2(f)) or made any other use of AMTA's intellectual property that would require a license under Section 2.4. No school shall be permitted to complete the school registration process until all fees (and applicable fines) have been paid in full. Failure to disclose an Invitational Tournament or other license-requiring event as part of school registration shall subject the school to any sanction permitted under the AMTA Rulebook and this policy.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

Rules-07: Motion by Warihay to amend Rule 4.22.1 as follows:

Rule 4.22.1 Contacting judges after a round. No one may contact and/or attempt to contact a judge after the judge has left the trial room. Only AMTA Representatives may, in the following circumstances, contact a judge for these purposes:

- (a) To obtain a missing numerical score or to clarify an illegible numerical score.
- (b) To discuss a highly unusual or extraordinary situation occurring during the trial. Matters concerning scoring (other than obtaining missing scores or clarifying illegible scores) or improper invention shall not be considered "highly unusual or extraordinary."
- (c) To discuss matters unrelated to the trial the judge evaluated.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Woodward to amend to provide: "(c) Notwithstanding (b), when the AMTA Representatives agree that sufficient facts exist to warrant inquiring whether the judge made an error in completing the judge's ballot;" and change (c) to (d). Seconded.

Motion by Gelfand to amend the amendment after left the trial room to add "about anything occurring in the round." Seconded. **Motion passes.**

Motion to amend passes.

Motion by Racheter to amend to strike the second sentence of part b. **Motion fails for lack of a second.**

Motion by Leckrone to amend to say notwithstanding the above, nothing in this rule should prohibit students from speaking to judges who approach them or to solicit feedback. Seconded.

Motion by Holstad to amend the amendment to say other than AMTA representatives, no one may contact or attempt to contact judges for the following purposes:. Seconded. **Motion fails.**

Motion by Woodward to table the motion to be taken up before the end of the meeting. Seconded. **Motion passes.**

Motion by Woodward to untable the motion. Seconded. **Motion passes.**

Motion by Woodward to substitute the motion:

Substitute Rules-07

Rule 4.22.1. **Contacting judges.**

(a) By students, coaches, or spectators affiliated with a team. After a trial concludes, students, coaches, and spectators affiliated with a team may not approach a judge concerning the judge's scores or individual rankings. Students, coaches, and spectators may approach a judge to discuss feedback, advice, or matters unrelated to the trial.

(b) By AMTA Representatives. After a judge has left the tournament site, the AMTA Representatives may contact a judge only:

1. To obtain a missing numerical score or ranking or clarify an illegible score or ranking;
2. To discuss a highly unusual or extraordinary situation occurring during the trial. Routine complaints about scoring and improper invention complaints are not "highly unusual or extraordinary."
3. When the AMTA Representatives agree that sufficient facts exist to warrant inquiring whether the judge made an error in completing the judge's ballot;
4. To discuss matters unrelated to the trial the judge evaluated.

Seconded. **Substitute motion passes.**

Rules-08: Motion by Woodward (on behalf of Sohi) to adopt the provided PowerPoint presentation* as the recommended AMTA judge's instruction for fall 2018, adapt the presentation based on user feedback, and present a final PowerPoint presentation at the December 2018 board meeting that would serve as the future official AMTA judge instruction pending board approval.

Rationale:

The current judge's presentation had been modified only marginally over the past years. By making some simple design changes, reordering of the slides, and emphasizing different content, we can have a deck that's more informative and educates judges in a method that sticks better with the ultimate goal of having better judging for our students. Some examples include:

- *Cleaner design so it's more visually engaging*
- *"Agenda" at the top of the deck*

- *Section breaks to have visual transitions to the next topic*
- *Summary of "key takeaways" at the end of each section to emphasize must-know points*
- *Zoomed-in images of parts of the ballots so it's easier to see from the back of a big room*
- *Visual examples of parts of a ballot filled in*
- *One-pager handout with no more than 5 key reminders that new judges can take to round as a reminder*

**Emily Shaw from UCI and I are still making the new PowerPoint, but would provide two weeks prior to the board meeting to give members ample time to review.*

ADVANCED WITH NO RECOMMENDATION

Motion passes.

TAB-03: Motion by West (as amended by committee) to amend Rule 5.14 (regional awards), Rule 5.22 (ORCS awards), and corresponding sections of the Tabulation Manual as follows:

"Each...tournament shall award at least ten...attorney and ten...witness awards. Additional awards shall be given to students tied for tenth place. **Notwithstanding the foregoing, no individual award shall be given to a student who has not attained at least 16 rank points.**"

Rationale: The 2018 season saw the addition of the sixteen-team Colorado Springs "mini-regional." This motion addresses several issues that arise from providing mini-regionals with a full slate of awards. First, providing the same number of awards to a smaller group of competitors is unfair to students assigned to full-sized regionals. Assuming teams of eight, a student at a twenty-four team regional with ten awards has a 10% chance of winning a regional award. A student at a sixteen team regional has a 16% chance.

This wouldn't be too egregious by itself, but, because of the way ties tend to work, the average mini-regional is likely to hand out more awards, total, than the average full-sized regional. A small regional with few competitors is less likely than a full-sized regional to generate ten candidates above, say, seventeen or eighteen ranks. This forces the AMTA representatives to set a lower rank cutoff in order to find the required ten award winners. The lower the cutoff, the more likely that the representatives will encounter a mass of students tied at the cutoff rank, resulting in far more than ten awards being handed out. I'm sure we all know that there are never just two or three students at sixteen ranks, and there is always a giant group at fifteen. Getting away from theory, this actually happened at Colorado Springs. Our only mini-regional handed out thirty-one awards, the most of any regional in the past two years. The

witness award cutoff was fifteen ranks, the only time we've used fifteen at a regional the past two years. To use the example from before, assuming teams of eight, twenty-four percent of competitors at Colorado Springs took home an individual award. If the proposed system had been in place last year, Colorado Springs would have had a minimum of eight attorney awards and eight witness awards. As a result of ties, the representatives would have awarded nine attorney awards and nine witness awards, for a total of eighteen awards. Again, assuming teams of eight, fourteen percent of students would have won an individual award. That would be the equivalent of awarding twenty-seven awards at a twenty-four team regional, which is fairly standard.

Obviously there will still be some imbalance between traditional regionals of different sizes. This motion simply aims to address the problem where it is largest—at mini-regional tournaments that the AMTA Rulebook already treats differently. The proposal has the added benefit of making it less likely that mini-regional representatives will have to calculate down to fifteen, which everyone hates doing.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

TAB-04: Motion by West (as amended by committee) to amend the tiebreakers in the Tabulation Manual consistent with the following principles:

- (1) A team wins a head-to-head tiebreaker if it has beaten all other teams with which it is tied, regardless of the number of teams tied at the particular level.
- (2) When two adjacently ranked teams are tied and the result of the tiebreaker between the two teams is either bid determinative between them (i.e., the winner of the tiebreaker earns a bid and the loser does not) or determinative of which of the two teams places first in its division, a head-to-head win by one of the two adjacently ranked teams over the other shall control, regardless of whether other teams are tied at the particular level."

Rationale: *This rule change would ensure that a team would not lose a tiebreaker to a member of a group of tied teams, all of which it has defeated. This scenario almost happened at the 2017 National Championship Tournament, where Yale defeated both Miami (round three) and Georgia Tech (round four). Yale and Georgia Tech both finished with records of 9-3, and Yale advanced based on its head-to-head victory. Miami lost two ballots in round four, finishing 7-5. Had Miami won those ballots, it would have been in a three way tie with Yale and Georgia Tech to advance to the final round. Under our current tiebreaking rules, despite the fact that Yale defeated both Georgia Tech and Miami, Yale would have lost the CS tiebreaker and would not have advanced.*

The rationale for using head-to-head for two teams applies just as well to three or more teams: we should not use an indirect measure of relative strength, such as CS, when a direct measure is available. In addition, using head-to-head tiebreakers when more than two teams are tied isn't novel. Both the NFL and the NBA use head-to-head results before strength of schedule when there is a multi-team tie. This rule change

would ensure that a team would not lose a tiebreaker to a member of a group of tied teams, all of which it has defeated. This scenario almost happened at the 2017 National Championship Tournament, where Yale defeated both Miami (round three) and Georgia Tech (round four). Yale and Georgia Tech both finished with records of 9-3, and Yale advanced based on its head-to-head victory. Miami lost two ballots in round four, finishing 7-5. Had Miami won those ballots, it would have been in a three way tie with Yale and Georgia Tech to advance to the final round. Under our current tiebreaking rules, despite the fact that Yale defeated both Georgia Tech and Miami, Yale would have lost the CS tiebreaker and would not have advanced. The rationale for using head-to-head for two teams applies just as well to three or more teams: we should not use an indirect measure of relative strength, such as CS, when a direct measure is available. In addition, using head-to-head tiebreakers when more than two teams are tied isn't novel. Both the NFL and the NBA use head-to-head results before strength of schedule when there is a multi-team tie.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion by Bluebond to amend to strike part 2. Seconded. **Motion passes.**

Motion passes.

TAC-03: Motion by the Tournament Administration Committee to request President Warihay to appoint an ad hoc committee to study our current tournament structure and to propose alternate structures (including names of tournaments) to the Board of Directors by the mid-year 2018 board meeting.

Rationale: While the Committee could not reach a consensus on a new name for ORCS as proposed in TAC-01, it felt that a discussion of a new name is warranted. Similarly, while it did not agree on the new championship format proposed on TAC-02, it felt that a discussion of the current tournament structure is warranted.

ADVANCED WITH A POSITIVE RECOMMENDATION

Motion passes.

XI. Unfinished/New Business

Motion by Eslick to approve the 2018-19 budget. Seconded.

Motion by Racheter to increase the amount budgeted for the annual meeting to \$9,000 with the stipulation that Sunday lunch and Friday dinner be included. Seconded. **Motion fails.**

Motion passes.

Motion by Detsky to extend the one year amendment to rule 2.8(3) that was passed at the mid-year meeting - changing the mileage exception from 900 miles to 625 miles - for another year.

Rationale:

At the mid-year meeting, a motion was made to temporarily amend rule 2.8(3) for the 2017-18 season only to create an exception to the two team limit at regionals. The rule prior to amendment gave TAC discretion to waive that rule if a school is located more than 900 miles away from the next closest regional site where the school's additional teams would be assigned. At the mid year, we approved a temporary one year change to the rule, allowing TAC that discretion at 625 miles in order to accommodate schools in the Pacific Northwest that were over 10 hours from the next closest site that was already having capacity issues. It appears the same issue will appear this year again as we finalize regional host sites.

I have no reason to believe there are any other schools that will fall within this exception besides those in the PNW.

Seconded.

Motion by Bluebond to remove the one year limit and make it a permanent rule. Seconded. **Motion to amend passes.**

Motion passes.

Motion by Leckrone to host the board meeting again next year in Cincinnati. Seconded. **Motion passes.**

Motion by Leckrone to engage Mr. Walsh to host the NCT in 2020 in Chicago. **Motion passes.**

Motion by Woodward to commend Mr. Leckrone and Mr. Davenport. Seconded. **Motion passes.**

XII. Adjournment

Motion to adjourn. Seconded. **Motion passes.**

Appendix A: Consent Calendar

Motion by Warihay to adopt 2018-19 AMTA Committee Assignments

Officers:

William Warihay (President)
Frank Guliuzza (Past President)
Melissa Pavely (Secretary)
Matthew Eslick (Treasurer)

Executive Committee

William Warihay (Chair, President)
Frank Guliuzza (Past President)
Melissa Pavely (Secretary)
Matthew Eslick (Treasurer)
Johnathan Woodward (Tabulation Director)
Melissa Schuett (Tournament Admin. Com. Chair)
DeLois Leapheart (Academics Committee Chair)
Brandon Harper (Competition Response Com. Chair)
Michael Walsh (Rules Committee Chair)
Justin Bernstein (Development Committee Chair)

Academics Committees:

DeLois Leapheart (Chair)
David Ben-Merre
Brandon Harper
Adria Kimbrough
Deone Merkel
Angela Minor
Mark Miller
Brian Olson
Gordon Park
Ted Ritter

Accommodations Committee

Jacelyn Olson (Chair)
David Cross (Counsel)
Josh Leckrone
Diane Michalak
Don Racheter

Analytics Committee:

Andy Hogan (Chair)
Ben Garmoe
Ben Graham
Sam Jahangir
Sarah Sawtelle

Audit Committee

Melissa Pavely (Chair)

Sue Johnson

Tom Parker

Budget Committee

Matthew Eslick (Chair, Treasurer)

William Warihay (President)

Melissa Pavely (Secretary)

Alex Bluebond

Laura Braunsberg

Case Committees:

Civil Case Committee:

Michael Gelfand (Chair)

Michael D'Ippolito

Ali Foreman

Dan Haughey

Andy Hogan

Sam Jahangir

Mackenzi Siebert

Abbe Stensland

Kyle West

Criminal Case Committee:

Alex Bluebond (Chair)

Elliott Averett

David Ben-Merre

Justin Bernstein

Laura Braunsberg

Toby Heytens

Neal Schuett

NCT Civil Case Committee:

Kyle Thomason (Chair)

Sue Johnson

Ravi Narayan

Chris Suedekum

Jeremy Zarzycki

NCT Topic Approval Committee:

David Nelmark (Chair)

David Cross

Matthew Eslick

Johnathan Woodward

Sara Zeigler

Competition Response Committee:

Brandon Harper (Chair)
Michael Gelfand (Civil Case Committee)
Toby Heytens (Ombudsperson)
Melissa Schuett (Tournament Administration Committee)
Michael Walsh (Rules Committee)
William Warihay (President)
Johnathan Woodward (Tabulation Director)

Development Committee:

Justin Bernstein (Chair)
Glen Halva-Neubauer
Brandon Harper
Alexander Hartz
Andy Hogan
Barry Langford
Ted Ritter
Thom Scher
Melissa Schuett
Jacinth Sohi

Disciplinary Committee:

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

Frank Guliuzza (Past President) (Chair)
Tom Parker (Appointment by President)
_____ (**nominee, member-at-large**)

Ethics and Professionalism Committee:

Barry Langford (Chair)
Thomas Allison
Kristen DelForge
Alexander Hartz
Devon Holstad
Sam Jahangir
Jacelyn Olson

Human Resources Committee:

Melissa Pavely (Chair, Secretary)
_____ (**nomination, member-at-large**)
Glen Halva-Neubauer (President's selection)

New School Recruitment and Mentorship Committee:

Brandon Harper (Chair)
Adam Detsky
Samantha Feek
Ben Garmoe

Michael Gelfand
Adria Kimbrough
Angela Minor
Brian Olson
Jacelyn Olson
Don Racheter

Rules Committee:

Michael Walsh (Chair)
Justin Bernstein
Toby Heytens
Sue Johnson
Tom Parker
Melissa Pavely
Neal Schuett

Strategic Planning Committee:

Michael Walsh (Chair)
Justin Bernstein
Glen Halva-Neubauer
Brandon Harper
Barry Langford
DeLois Leapheart
Tom Parker
Melissa Schuett
William Warihay

Tabulation Advisory Committee:

Johnathan Woodward (Chair)
Graham Henry
Devon Holstad
Diane Michalak
Neal Schuett

Tournament Administration Committee:

Melissa Schuett (Chair)

Team & Feeder Subcommittee:

Adam Detsky (Chair)
Ryne Cannon
Dan Haughey
Devon Holstad
Ryan Nolte
Brandi Snow
Johnathan Woodward

Site Selection and Host Communication Subcommittee:

Josh Leckrone (Chair)
Sue Johnson
Grant Keener
Jacelyn Olson
Michael Polovich

AMTA Representative Assignment Subcommittee:

Brandon Harper (Chair)
Laura Braunsberg
Matthew Eslick
Glen Halva-Neubauer
Josh Leckrone
Johnathan Woodward

Judge Recruitment Subcommittee

Andy Hogan (Chair)
Sue Johnson
Margarita Koblasz
Diane Michalak
Jacelyn Olson
Ryan Seelau
Kyle West

Website, Marketing and Social Media Committee:

Diane Michalak (Chair)
Alex Bluebond
Michael D'Ippolito
Melissa Schuett
Ryan Seelau
Jacinth Sohi
Johnathan Woodward

Other Leadership Positions:

Counsel: David Cross, Morrison & Foerster, LLP
Insurance Coordinator: Adam Detsky
Newsletter Editor: Jacinth Sohi
Ombudsperson: Toby Heytens
Parliamentarian: Johnathan Woodward
Trophy Coordinator: Adam Detsky
Web Site Manager: Melissa Schuett

Tournament Future Planning Ad Hoc:

Justin Bernstein (Chair)
Adam Detsky
Toby Heytens
Devon Holstad
Dan Haughey

Abbe Stensland
Melissa Schuett
Neal Schuett
Mike Walsh
Johnathan Woodward

EC-02: Motion by Woodward

That Rule 10.3.1 be amended as follows:

(4) President-elect to select chair and members of out-of-cycle case committee. Subject to the other restrictions in rule 10.3.1, the president-elect shall select the chair and members of the primary case committee and NCT case committee for the case cycle that will be used during the first program year of the president-elect's term as president.

***Rationale:** This permits a president to have full control over the case committees for the two case cycles of the president's term. For example, this motion will give the president-elect elected in summer 2019 the ability to appoint the chair and members of the civil case and NCT civil case committees, which will work in the background during the final year of the current president's term and will release and manage their respective cases during the first year of the president's term (the 2020-21 year.)*

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-04: Motion by Harper to add the National Championship Tournament Case Committee Chair as an ad hoc member of the Competition Response Committee during regional and ORCS tournaments and the Regular Season Case Committee Chair as an ad hoc member of the Competition Response Committee during the National Championship Tournament. The ad hoc member shall vote only in the absence of a regular voting member of the CRC.

Rationale: CRC policy has been that members recuse themselves from discussions and votes regarding their own teams, and other teams as deemed necessary by the member. In those instances, the CRC becomes a six-member body that could potentially produce a tie vote. Adding an extra member to the committee will help alleviate that concern. I recommend the case committee chairs because they will bring a valued perspective to the discussion (as the committee already includes one case chair). The ad hoc member would vote only if a member of the CRC is recused.

ADVANCED WITH A POSITIVE RECOMMENDATION

Rules-05: Motion by Detsky to add the following definition to Rule 1.2:

"Participant," for the purposes of an AMTA competition, means any student on the roster of a team competing in the field, regardless of whether that student is competing in the round.

ADVANCED WITH A POSITIVE RECOMMENDATION

Appendix B: Tabled Motions

CRC-02: Motion by Warihay to create in-tournament review process via a subset panel of 3 people from the CRC to be on-call during tournament weekends to address in-tournament invention of fact issues. Timeline for process would similarly follow the 30 minute review process outlined in Rule 4.24(1) review period. This is more a placeholder, and I will provide further outline of this idea.

Rules-06: Motion by Racheter:

AMTA shall change all pertinent rules to prevent members of a team from approaching judges after any oral critique has concluded to question the scores they assigned on the ballot based on the perception that the comments given do not match up with the scores.

TAB-01: Motion by Racheter:

If it is brought to the attention of the AMTA Representatives that a judge has apparently misunderstood the scoring rubric and has given ones to what appear to be the best performances, twos to the next best, etc. it shall be the duty of the Representatives to translate the ballots to one equals 10, two equals 9, etc.

TAB-02: Motion by Walsh (on behalf of Thomas McClure and Mitch Pickerill) to amend both the AMTA Representative Manual and the Tabulation Manual (new language in red) as follows:

On page 15 of the Representative Manual the following directive to AMTA Representatives is provided: “Coaches or designated representatives may review their ballots (including comment sheets) during the course of the tournament, but **may NOT** review the comment sheets on ballots belonging to other teams. **Moreover, a team’s coach or representative may never photograph, videotape, or otherwise electronically capture the image on any pairing card.**”

On page 16 of the Representative Manual, the following directive to AMTA Representatives is provided: “If a Tab Room Visitor becomes a distraction and does not follow the instructions of an AMTA Representative, the visitor may be excluded. **The visitor may also be excluded for taking photographs, videotaping or otherwise electronically capturing the image of a pairing card.**”

On page 4 of the Tabulation Manual, the following language is found: “Each team’s representative may enter the tab room at any time it is open to review the pairing cards and any team’s blue (scoring) ballots. However a team’s representative may never look at the white/yellow (comment) sheets of any other team. **Moreover, a team’s coach or representative may never photograph, videotape, or otherwise electronically capture the image on any pairing card.**”

Earlier on page 4 of the Tabulation Manual, the following language is found: “The AMTA Representatives may also exclude specific individuals from the Tab Room if those individuals fail to follow instructions regarding matters such as remaining quiet during tabulation and pairing **as well as for taking photographs, videotaping or otherwise electronically capturing the image of a pairing card.**”

Rationale: On the Saturday evening of the 2018 Geneva ORCS, someone posted, on one or more social media sites, the tab (pairing) cards and an analysis of the likelihood of teams moving on to the National Championship Tournament. As a result, student competitors were informed of results in earlier rounds despite their coaches not wanting them to know what had transpired to that point in the tournament. It is the belief of several coaches that AMTA should, to the extent it can, prohibit that kind of information from being posted on social media sites that their students are likely to see during the course of a tournament.

TAC-01: Motion by Woodward that all rules, manuals, website information, and documents be amended, beginning with the 2018-19 season, to rename the Opening Round Championship Series to National Semifinals.

Rationale: Opening Round Championship Series and its abbreviations ORC and ORCS do not sufficiently convey to external parties, such as law schools, deans, administrators, potential sponsors, and news media, the relative meaning of our intermediate tier of tournaments. Re-naming these tournaments as National Semifinals will hopefully reduce or eliminate the amount of additional explanation needed to describe this stage of our competitive season. The intent of this motion is purely to "re-brand" the tournaments, not to alter any other aspect of their functioning.

TAC-02: Motion by N. Schuett (with Haughey, Hogan, and Woerner):

Expanded National Proposal

The following is proposed as an expanded National Tournament structure:

- A. Continue with the current system of Regional Tournaments to determine teams qualifying for the national tournaments.
- B. Expand from eight (8) to ten (10) ORCS Tournaments, with 24 teams competing at each OR Increase the number of teams at each ORCS Tournament from 24 to 30 teams, while maintaining the current number of ORCS Tournaments (8).
- C. Expand the National Championship Tournament from 48 to 64 teams. With 10 ORCS, the top 6 teams would qualify for the NCT, with 4 open/automatic bids.
- D. Host the NCT divisions at two different locations to determine the two teams who will compete for the National Championship.

- E. Host the National Championship Trials three weeks after the NCT Division competition weekend.

Rationale:

AMTA's success has led to membership growth that is introducing new challenges. This proposal is designed to address the following challenges:

- 1. Each year, as we increase the number of competitive teams in our membership, a smaller percentage of those teams are able to qualify for National Tournaments.*
- 2. It's become difficult to find willing hosts for the NCT each year with 48 teams competing in one location and three judges needed per round.*
- 3. Other events are threatening the AMTA NCT as "THE premier event of the mock trial season"*

The expanded National System proposed here addresses these issues by:

- 1. The percentage of teams qualifying for ORCS and the NCT would return to the levels originally seen when the current system was implemented (in 2009, 31% of teams qualified for ORCS and 8% to the NCT; in 2017 27% qualified for ORCS and 7% to NCT; when our membership is at 800 teams, the current system will have 24% of teams qualify for ORCS and 6% to NCT; the proposed expanded system, with 800 registered teams, would see 30% qualify for ORCS and 8% to NCT).*
- 2. Splitting to NCT allows for hosts to accommodate just 32 teams instead of 48.*
- 3. The National Championship Round can now be "AMTA's Super Bowl." The National Championship Round could remove the issue of case bias as each side of the case could be performed by each school. The final round being at an independent site and involving only two teams could allow for amazing venues (State Supreme Court Courtrooms etc). Planning to live stream the championship, allowing the two schools time to further prepare are all potential benefits. Also, the Saturday night between the rounds would provide for AMTA to host (or seek sponsors to host) a grand event which would draw AMTA alumni as well as alumni from the two competing schools (and others) to come and attend. This could potentially be leveraged as an AMTA fundraiser. All the focus of the host of the two-round final could be spent on that social gathering and gathering judges that would be fitting for the trials that determine AMTA's National Champion.*

Challenges:

This proposal is a significant shift in AMTA's National Tournament structure and will certainly bring challenges. The expected challenges, and potential solutions, we currently foresee are:

- 1. Timing: This proposal adds an additional layer of national competition into a schedule that already fills most of the spring semester. Our proposed solution is to adjust the AMTA schedule slightly, to ensure that the NCT Divisional competition happens the first weekend of April. This is currently planned for the*

2019 NCT in Philadelphia. An example of timing and locations are included below.

- 2. Additional Regional hosts: by increasing the number of ORCS and NCT hosts, we almost certainly will shrink the number of regional hosts. This challenge will exist regardless of the National Tournament structure as our membership continues to grow. Solutions to this are to provide further support to regional hosts (mainly with recruiting judges) or expanding ORCS to 30 teams instead of increasing the number of ORCS sites.*
- 3. Financial (AMTA): Hosting two separate NCT locations, plus an additional National Championship Round event will certainly increase the amount AMTA needs to provide as stipends to these hosts. But the increase in ORCS and NCT qualifiers would help to offset this. Additionally, the Championship Round event could serve as an additional fundraising event to help cover the costs. Further*
- 4. Financial (Schools): for the two teams who win their NCT divisions, they are now required to travel for an additional weekend.*
- 5. Added workload and time commitment for students: an additional weekend of travel and competition (late in the semester) is not insignificant for students. However, with the case remaining the same during this time, there shouldn't be a large amount of stress put on competitors, who we trust to ensure that academics are always prioritized over mock trial.*

Example Schedule/Locations:

	MT Super Bowl	
	Des Moines	
	April 25-26, 2020	
	2 Teams	
National Championship 1	Division Winners advance	National Championship 2
St. Paul		Greenville
April 3-5, 2020		April 3-5, 2020
32 teams		32 teams
ORCS	24 teams; top six advance;	ORCS
Los Angeles	4 open bids	Wilmington
Claremont		Lancaster
Cedar Rapids		Hamilton
Topeka		Memphis
Dallas		Central Islip
March 7-9 and 14-16, 2020		March 7-9 and 14-16, 2020
Regionals		
28-30 sites		
January 31-February 2 and February 7-9 and February 14-16, 2020		

Appendix C: December 2017 Mid-Year Board Meeting Minutes

I. Call to Order

Conference Call Attendance:

Members present (19): Ben-Merre, Bernstein, Detsky, Gelfand, Guliuzza, Halva-Neubauer, Harper, Holstad, Langford, Leapheart, Leckrone, Minor, Parker, Pavely, Racheter, Schuett M., Thomason, Walsh, Warihay

Members not present (7): Bluebond, Eslick, Haughey, Heytens, Olson, Schuett N., Woodward

Candidate Members present (5): Allison, Braunsberg, Michalak, Sohi, West
Candidate Members not present (1): Johnson

Staff & Guests (0):

Directors Emeritus (0):

II. Welcome and Remarks (Guliuzza)

III. Format of Agenda:

Delivered by 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.

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 2017 Board Meeting.

IV. Approval of Agenda

Motion by Leapheart to approve the Agenda. Seconded by Halva-Neubauer. **Motion passes.**

V. Approval of 2017 Board of Directors Meeting minutes

Motion by Gelfand to approve the Minutes. Seconded by Warihay. **Motion 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).

VII. Committee Reports

- A. Academics Committee (Leapheart): Oral report delivered**
- B. Accommodations (Racheter): Oral report delivered**
- C. Budget and Audit Committee (Eslick): No report**
- D. Civil Case Committee (Haughey): No report**
- E. Criminal Case Committee (Bluebond): Written report delivered**
- F. Competition Response Committee (Harper): Oral report delivered**
- G. Development Committee (Bernstein): Written report delivered**
- H. Ethics Committee (Parker): Written report delivered**
- I. Human Resources Committee (Pavely): No report**
- J. Rules Committee (Heytens): Written report delivered**
- K. Strategic Planning Committee (Guliuza): Oral report delivered**
- L. Tabulation Advisory Committee (Woodward): No report**
- M. Technology Committee (Schuett, M.): Written report delivered**
- N. Tournament Administration Committee (Walsh): Written report delivered**
- O. Executive Committee (Guliuza): Written report delivered**
- P. Other Committee Reports: NCT Case Committee report**

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

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

IX. Motions:

There are no motions on the main agenda.

X. Unfinished/New Business

Motion by Detsky to *temporarily* amend rule 2.8(3) **for the 2017-18 season only** as follows:

(3) EXCEPTION TO TWO-TEAM LIMIT. The Tournament Administration Committee, in its discretion, may waive the two team per regional limit in Rule 2.8(2) if a school is located more than ~~900~~ **625** miles from the next closest regional site where the school's additional teams would be assigned.

Rationale:

This motion seeks immediate temporary relief from Rule 2.8 (governing the two-team-per-school-per-regional rule) until such time as I can present a permanent motion to the Board as part of the summer 2018 agenda. Specifically, I am requesting that the 900 mile exception (commonly known as the Pacific Northwest exception) be amended for this year to 625 miles. This is in relation to issues that have arisen after the motion deadline for the winter 2017 board meeting conference call.

Historical Background: Rule 2.8 was promulgated in 2009 (give or take a year) after the debate about the 2 team-per-site cap. When the board passed that cap, the new rule had a disparate impact on Pacific NW teams because there is only one regional that reasonably serves that isolated area of the AMTA world. In fact, a couple of years ago, there wasn't even one Pacific NW site and all of those teams ended up flying to Boise. At the time we adopted the rule, there was no regional site in Fresno and the next closest regional to the PNW was in southern California or St. Paul.

The Problem: This year, there are three schools that have each registered 3-4 (most of the affected teams did not register until after the motion deadline). For these schools, the second closest regional is Fresno, which is 650 and 700 and 750 miles, respectively. According to Google maps, because of side roads and local roads, these drives would be 10 hours and 45 minutes; 10 hours and 45 minutes; and 11 hours and 15 minutes, respectively. Those distance calculations assume no traffic or congestion, no weather, no construction, no breaks, no gassing up and no stopping to eat. Such a trip is an issue for a number of reasons: first and foremost, student safety, plus number of days missed from school, mental health, budgets, but safety above all. (While there are some teams being asked to travel 425 miles, that drive is 4 hours shorter and in virtually every case, we got the program's permission in advance so that they could plan accordingly).

At the same time, the number of registrations this year has left every site east of Tempe, AZ except Colorado Springs and Seattle at or above cap. I recently assigned team our 692nd team - with eight more on the waitlist - and even more finalizing their registration - and we still 45 days left in the late registration period. To date, we've had 7 drops - a record high number of registrations and record low number of withdrawals for this time of year. This is coming off last year when we had a new record for registrations (682 teams at the end of the registration deadline of 1/15) and a record low number of drops (well under 90). Even then, we still had to essentially plead with hosts to take on more teams than they were comfortable with - a practice that jeopardizes AMTA's relationships with the few schools willing to host. We will eclipse 700 teams for the first time this year.

I also note that sending these teams on an 11+ hour drive is a total contradiction of Rule 2.9. In Rule 2.9, we list factors/goals/considerations for regional assignments. Subsection A was just amended this summer. Until this summer, it provided that the goal was to assign every team to a regional within a 3 hour drive. This summer, that number was increased to 5 hours. So the drive for these PNW schools would be in excess of double the rule even after the amendment.

As an added plus, allowing the TAC subcommittee to keep these teams in Seattle is the only way the Seattle site will be above 20 teams. If it falls below 20 teams, Rule 6.6 is triggered and they will receive fewer bids. Then we are double-punishing students in the Pacific NW.

Last year, this was not an issue as Fresno was not a regional site, making the next closest site 900 miles away. Before that, this was not an issue because the only regional site we had servicing that area was in Boise and all teams had substantial travel if they wished to compete.

This proposal will not affect any other school's regional assignments (which is how I arrived at the 625 mile number). Aside from the mileage requirement, the rule would remain otherwise unchanged and it would still be discretionary.

Summary: I do not want to make C and D teams travel over 10 hours to a regional site, possible costing the Seattle site a bid, just to send 40-50 kids from 3 schools to a site 700 miles away with no capacity for more teams when there is a site with plenty of open spaces a short trip away. Not this year, when we've experienced a sudden, relatively-unexpected 6-7% surge in membership. Allowing us to assign those teams to Seattle will allow us some flexibility to help find a spot for every school and team that wants it while right now, we have no flexibility - and no space at all.

I am available by phone or email if you wish more detail.

Motion seconded by Warihay. **Motion passes.**

Report given by Leckrone regarding the summer Board Meeting.

XI. Adjournment

Motion to adjourn. Seconded. **Motion passes.**

Appendix A: Consent Calendar

EC-01: Motion by Gelfand to amend Rule 6.10(3) to state as follows:

(3) SHORTENED DEADLINE. Notwithstanding the deadline in (2), if the alleged error occurred on the last weekend of regional tournaments or on the final weekend of opening round championship tournaments, a request for an Act of AMTA bid must be received by the Competition Response Committee Chair by 4:00 p.m. Central time the day after the tournament where the alleged error occurred ended.

Rationale: This simply corrects a typo to reflect the proper section where the deadline is mentioned.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-02: Motion by Eslick to amend the rules to provide that when a deadline falls on a weekend or holiday, the deadline is extended to the next business day.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-03: Motion by Pavely to amend Rule 10.2.1 to provide that the deadline to submit motions for the annual Board meeting shall be May 15.

Rationale: The current deadline of April 21 has typically been extended so that there is more time to submit motions following the National Championship Tournament.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-04: Motion by Pavely to amend Rule 10.2.4 to provide that the Chair of the Rules Committee is responsible for updating AMTA's written rules and/or policies, other than its Bylaws, and except as provided in Rule 4.23(3).

Rationale: This brings the rule in line with actual practice.

ADVANCED WITH A POSITIVE RECOMMENDATION

Appendix B: Tabled Motions

There are no tabled motions.

Appendix C: 2017 Board Meeting Minutes [Omitted]