



American Mock Trial Association 2020 Board Meeting Agenda July 11-12, 2020 Via Zoom

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 (Harper)

III. Format of Agenda:

Delivered by Former 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

V. Approval of 2019 Mid-Year Board of Directors Meeting minutes

VI. Special Board Elections (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

X. Motions:

ACCOMMODATIONS-01 Motion by Watt to change Rule 7.11, so that it reads as follows:

(1) REQUESTS FOR ACCOMMODATIONS. 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 15** preceding the AMTA-sanctioned tournaments for which the accommodation is sought. Late requests will only be considered on a case-by-case basis and when practicable by both AMTA and AMTA’s tournament host(s). Requests for accommodation not made by **January 15** 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. If denied by the AMTA representatives, requests for accommodation handled by a tournament’s AMTA representatives may be appealed to the Tabulation Director, who shall decide in consultation with the President, whether to overturn the AMTA representatives decision.

(2) 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 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.

Rationale: As currently written, this rule has inconsistent time deadlines. This motion is intended to simplify the deadlines, and provide an appeal process for in-tournament decisions to ensure that the organization is not unnecessarily exposed to legal liability based on the denial of an accommodation. The January 15 deadline was selected to be consistent with the final late registration deadline for teams. Furthermore, the simplification of the analysis of the late requests allows the Accommodations Committee to consider requests on a case-by-case basis to analyze whether the accommodation is practical, and the impact of the request on the host, such that the specific basis for the late requests are unnecessarily complicated and not necessary.

ADVANCED WITH A POSITIVE RECOMMENDATION

ACCOMMODATIONS-02 Motion by Michalak (as revised by Committee) to amend Rule 7.11 as follows:

Rule 7.11 Reasonable Accommodations

Our mission at AMTA is to encourage and foster maximum student engagement in mock trial and maximize the educational value of the activity for participating students. To that end, AMTA has promulgated a series of competition rules designed to foster fair and educational competition. An accommodation freeing a school or student from compliance with a competition rule is a Rules Variance. There are circumstances that warrant a reasonable accommodation granting a school or student a variance including, by way of example, religious restrictions or disability. AMTA strives to create an educational environment that is welcoming to all students regardless of their circumstances and AMTA recognizes that the diversity of our students enriches the activity and seeks to include students in all aspects of mock trial whenever reasonably possible to do so.

1) Request for Accommodations. To be eligible for review by the committee, an application must contain: (1) The name of the school or student, the student's school, and the name of the competition at which the accommodation is sought; (2) Contact information for the school representative or student. If the accommodation is submitted by a student and the student is unable or unwilling to communicate directly with the committee, the student may authorize in writing a personal representative (such as a parent, teammate, or coach) to communicate with the committee regarding the accommodation. (3) The application should include at least two valid means of communication (for example, a telephone number and an

email address). The more means of communication provided to the committee, the more fluid the process can be. (4) The circumstances requiring the accommodation (such information need not include medical documentation); and (5) The requested accommodation. Applications are due to the committee on **January 15** preceding the spring qualifier season. Requests should be submitted with the Team Registration Form or by writing the Accommodations Committee directly. **Host accommodations should go to the hosting institution as AMTA does not have authority to change premises rules.**

- 2) **Late Requests.** All applications received **after January 15** will only be granted if the student needing the accommodation joined the team after December 26; or a change in the student's physical condition, health, or treatment status occurred after **January 1**, and that change necessitates the accommodation; or 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 15** 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 **may be appealed to the Tabulation Director, who shall decide in consultation with the President, whether to overturn the AMTA Representatives decision.**
- 3) **Standard.** Requests for accommodation should be allowed whenever feasible in accordance with the terms of this and any other applicable AMTA rules and policies.
- 4) **Criteria.** In weighing the reasonableness of a request for a Rules Variance, the committee may consider any and all of the following: **The severity of the need of the student requesting the variance and whether the student would be unable to compete without the variance; the purpose of the rule from which variance is sought and the relative importance of enforcing that rule to maintain a fair competition; any input from the Tabulation Director on the impact a variance from the rule may have on the administration of the competition; whether any less intrusive alternative to the requested variance exists; other concerns articulated by the student, their authorized program, coach, or parents, the designated AMTA Representatives for the**

tournament, or the committee that ought in fairness be considered, as justice so requires.

- 5) Responding to Requests.** An application received prior to January 15 will receive a response from the committee within 10 calendar days of submission. The committee's responses are limited to granted; denied with stated reasons, granted with alterations for stated reasons, take any other actions consistent with AMTA rules, or request for more information or additional time to consider the application. The committee's response will include concrete deadlines for providing additional information and the penalties for failure to do so.
- 6) Appeals.** Decisions of the Accommodation Committee may be appealed to the AMTA Executive Committee.
- 7) 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 above 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.
- 8) 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.
- 9) 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.

10)Notice. The Accommodations 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 Committee determines is a necessary recipient of any approved accommodation. Teams whose student has been granted an accommodation 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).

Rationale: These amendments are intended to provide a later date by which timely requests can occur as well as provide specific criteria of what should be included in a request, what the committee will consider, and how the process will work.

ADVANCED WITH A POSITIVE RECOMMENDATION

CRC-01 Motion by Thomason to Amend Rule 8.9 to include a statement that “If the CRC finds that a team committed an improper invention of fact, but the invention was not egregious, the CRC may issue a warning. Warnings are not appealable and will not be made public.”

Rationale: I think it is important for the CRC to tell teams when it finds that it found there was a material invention, even if that material invention was not egregious.

ADVANCED WITH A POSITIVE RECOMMENDATION

ETHICS-01 Motion by the Ethics Committee (Langford) as follows:

The Ethics committee moves for the creation of an online form accessible from the AMTA website which allows for submission of ethical questions, comments and concerns as they arise.

Rationale: This would allow for more immediate awareness of ethical issues along the circuit and more prompt remedial action.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-02 Motion by Thomason to Amend Rule 10.3.5(2) to include the bolded language:

(2) CHARGE. The CRC is charged with responding to in-season questions and problems and with issuing timely rule interpretations during the season. All interpretations and rulings made by the CRC are effective only until the next annual Board meeting **unless the CRC explicitly states that it is providing an interpretation, guidance, or ruling that will remain in effect until it is withdrawn.** The CRC will also receive and adjudicate Act of AMTA bid requests. The CRC shall develop guidelines for in-season rule interpretations and the co-chairs shall report those guidelines to the Board of Directors at the mid-year meeting. If the size of a tournament's field is significantly altered due to adverse weather or other unusual circumstances, the Competition Response Committee may adjust the bids awarded to a region or a supplemental region.

Rationale: The CRC drafted a guidance memo last year that I think, with a few tweaks, could be a helpful living document for the community. This revision would allow for such a document to exist without having to be "re-issued" every year.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-05 Motion by Warihay (on behalf of Scher) to create Rule 10.1.5 Communication with External Media

(a) GENERAL RULE: Directors and Candidate Directors should notify the President or the President's designee whenever they are asked to speak to the media on behalf of AMTA, and should only respond to said request with specific permission from the President or the President's designee.

(b) SOCIAL MEDIA AND WEBSITES: Directors and Candidate Directors shall refrain from posting or commenting in a representative capacity on social media platforms and websites without express permission from the President or the President's designee.

(c) STATEMENTS ON BEHALF OF AMTA: In line with Bylaw 4.06, when authorized to speak externally on behalf of AMTA, Directors and Candidate Directors are required to act as part of a unified team in implementing decisions adopted by the Board. Speaking about activities conducted on behalf of the Board are inherently representative speech.

(d) NON-REPRESENTATIVE SPEECH: Nothing in this policy is intended to restrict the freedom of Directors and Candidate Directors from discussing their personal involvement in mock trial. When doing so, individuals should make every reasonable effort to indicate that they are not speaking in a representative capacity on behalf of AMTA.

Rationale: With various platforms available to discuss AMTA-related matters, it is important that AMTA communicate accurate, effective and consistent messaging to our constituents and interested parties; this need was made even more apparent during the COVID-19 crisis when a small Taskforce was working to align AMTA's response for students and coaches in a rapidly changing environment. It is also critical that external parties know when a statement is in a representative capacity and when

it is not. This policy builds on Rule 10.1.3 and Bylaw 4.06 requiring Directors to present a unified front; this proposed rule offers more granular guidance and operations. Additionally, policies of this nature are commonplace in entities with many Directors.

ADVANCED WITH A POSITIVE RECOMMENDATION

RULES-01 Motion by Thomason to create a rule regarding expert disclosures consistent with Federal Rule of Civil Procedure 26(a)(2)(B) that expert witnesses must serve a disclosure of “a complete statement of all opinions the witness will express and the basis and reasons for them,” the “facts or data considered by the witness in forming their opinions,” and “the witness’s qualifications” and allow students to object to undisclosed expert opinion testimony.

Rationale: In real trial practice, experts (unlike fact witnesses) are bound to the scope of their expert report. For AMTA, adopting this rule would also go a long way toward eliminating invention-of-fact issues with expert witnesses. I think this would improve on our current rules, in which disclosure of expert opinions is addressed through impeachment. That being said, I do not think we want 30-page expert reports in the case materials. I believe that our case committees, working with the Rules Committee, are in the best position to develop “case law” that would be helpful in describing the level of disclosure that is required to adapt this rule to the limitations of mock trial, which is why I have not tried to do so here.

ADVANCED WITH NO RECOMMENDATION

RULES-02 Motion by Thomason to amend Rule 1.2(i)(c) to include the following new bolded text in defining a “demonstrative aid.”

“Any tangible physical object or collection of objects that any attorney and/or witness intends to show the jury during trial, regardless of whether the object is referenced in, or contemplated by, the case packet. **This includes any object that is brought into the courtroom to be used as a “prop,” even if the attorney or witness do not physically handle the object.**”

Rationale: This clarifies the rule as written.

ADVANCED WITH A POSITIVE RECOMMENDATION

RULES-03 Motion by Thomason to Amend Rule 7.14 to include the bolded text:

Rule 7.14 Characterizations. Witnesses may develop the persona of their character. Any dress, demeanor, and appearance consistent with Rules 1.4 through 1.10 may be used. **A**

witness may not introduce facts to the case through characterization that would constitute an Improper Invention under Rule 8.9.

Rationale: This is a clarification of an issue often discussed in Special Instructions that a witness cannot get around the invention-of-fact rule through non-verbal characterizations.

ADVANCED WITH A POSITIVE RECOMMENDATION

RULES-04 Motion by Schuett (as revised by Committee) to amend Rule 4.26 as follows:

Current Rule:

Rule 4.26 Open and public trials. All trials shall be open and public. No one, whether family, friend, press, or opponent, shall ever be excluded from any trial, except that the court may clear the court room during its deliberations at the end of a trial. Witnesses shall not be sequestered except pursuant to the Midlands Rules of Evidence. In circumstances where there are insufficient seats to accommodate all spectators, the AMTA Representatives shall have the authority to establish reasonable rules for determining who may remain. The Representatives should give special weight to teammates, coaches, and family members of the competing teams, but need not reserve all available seats for such persons.

Proposed Rule:

Rule 4.26 Open and public trials.

(A) Except as prohibited under 4.26(B), all trials shall be open and public. No one, whether family, friend, press, or opponent, shall ever be excluded from any trial, except that the court may clear the court room during its deliberations at the end of a trial. Witnesses shall not be sequestered except pursuant to the Midlands Rules of Evidence. In circumstances where there are insufficient seats to accommodate all spectators, the AMTA Representatives shall have the authority to establish reasonable rules for determining who may remain. The Representatives should give special weight to teammates, coaches, and family members of the competing teams, but need not reserve all available seats for such persons.

(B) Exceptions.

During the first two rounds of any post-regional tournament, the only persons permitted to enter a courtroom to observe the round are 1) members of the judging panel; 2) official courthouse staff (deputies, etc.); 3) individuals affiliated with the teams competing in that round; or 4) AMTA Representatives or their official designees. Tournament hosts and their volunteers are prohibited from observing rounds unless they are affiliated with one of the teams competing in that room.

Original Rationale: *This motion seeks to strike a fair balance between AMTA's educational goals and preserving its competitive integrity. The seeded ORCS pairing system implemented in 2019-2020 was designed to remove inequity by requiring all ORCS teams to face a competitively similar path to qualify to NCT. Though the data was limited by the COVID-19 pandemic, the system appears to have functioned as designed and removed competitive imbalance in qualifying for NCT. At the same time, the new seeded pairing system exposed that it is very prone to being exploited by scouting in rounds one and two, and thereby creating a different type of ORCS inequity in favor of those schools with the resources to effectively scout the rounds of other schools.*

Unlike the pairing systems for Regional Tournaments and NCT, at ORCS predicting your third and fourth round opponents during rounds one and two is substantially easier. The third and fourth round are also the most like-for-like competitive rounds of the tournament (same bracket pairings in round three and AvB/CvD in round four). Meaning that the impact of any competitive advantage gained by scouting in rounds one and two is substantially increased.

Historically, AMTA has been hesitant to prohibit scouting because it was seen as a hinderance on the educational mission of allowing as many people as possible to view rounds and to learn about trial advocacy. That is why this rule only seeks to prohibit scouting in a very narrow set of trials. No limits are being proposed on scouting at Regional Tournaments, NCT, or rounds three and four of ORCS—which have the most competitive rounds of the seeding system. Other national trial advocacy organizations prohibit scouting in total or have a limited early round prohibition as suggested herein.

I submit that this rule strikes the right balance between education and competition. Moreover, it eliminates a new imbalance that we created in favor of programs with larger enrollment and/or greater resources. Adopting this modification will enable the ORCS pairing system to be truly equitable for all teams trying to qualify for NCT.

ADVANCED WITH NO RECOMMENDATION

TAB-01 Motion by Woodward to amend Rule 6.9(2), Criteria for Bids to the National Championship, as follows:

- (a) Ballots won at the opening round championship;
- (b) Whether the school already has a team in the national championship tournament, with those schools without a team in the national championship tournament taking precedence;
- (c) Combined strength at the opening round championship tournament;
- (d) For a school's first team at the national championship tournament, by the school's best number of ballots won at a regional tournament; for a**

school's second team at the national championship tournament, by the school's second best number of ballots won at a regional tournament;
(e) For a school's first team at the national championship tournament, by the school's best combined strength at a regional tournament; for a school's second team at the national championship tournament, by the school's second best combined strength at a regional tournament;
(d) The number of teams in the team's opening round championship tournament, with the larger number taking precedence;
(ef) **Bonus bid Team power** ranking, with the better ranking taking precedence.

Rationale:

If open bids are awarded to championship, we should add regional ballots and CS as additional tiebreakers beyond ORCS ballots and CS, instead of going straight from ORCS results to TPR. Because many teams are tied at TPR, additional tiebreakers would be useful. I am deleting the number of teams at ORCS as a tiebreaker, as our current setup demands that all ORCS have the same number of teams (24).

ADVANCED WITH A POSITIVE RECOMMENDATION

XI. Unfinished/New Business

XII. Adjournment

Appendix A: Consent Calendar

Motion by Harper to adopt 2020-21 AMTA Committee Assignments [TBA]

CRC-03 Motion by Warihay (on behalf of Scher) to add comment to Rule 8.9

Add comment to Rule 8.9 to read “AMTA has issued supplemental guidance to this rule. The “AMTA Invention of Fact Guidance Memorandum” is available through the AMTA website.” along with including a direct link to the document on the AMTA website in the Rulebook,.

Rationale: As a few of these motions indicate, it is important to acknowledge and highlight the existence of the memo as outside additional guidance beyond the language in the Rulebook itself, especially for schools less “in tune” to AMTA developments.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-01 Motion by Eslick to amend section 3.02 of the Bylaws to delete “in Iowa” from the first sentence.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-03 Motion by Warihay (on behalf of Scher) (as revised by Committee) that Rule 10.2.4, "Updating Bylaws, Rules, and Policies," be amended by adding the following sentence:

"An officer or committee chair who oversees a document containing bylaws, rules, or policies has ongoing authority to make minor corrections and edits of a typographical, grammatical, or formatting nature so long as the correction or edit does not alter the substance of the bylaw, rule, or policy."

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-04 Motion by Warihay (on behalf of Scher) to revise Rule 4.12 (1) and (2)

Revise language in both Rule 4.12(1) and 4.12(2) to swap all instances of the word “sex” for “gender/pronouns”

Rationale: Promotes diversity and inclusivity, while also reflecting revised 2019-2020 captains forms

ADVANCED WITH A POSITIVE RECOMMENDATION

RULES-05 Motion by Warihay (on behalf of Scher) to add comment to Rule 4.9

Add comment to Rule 4.9 to read “While only 1 captain is required, AMTA acknowledges that it is commonplace to have two captains attend captains’ meetings.”

Rationale: More accurate reflection of procedures, which may be unclear to new schools

ADVANCED WITH A POSITIVE RECOMMENDATION

TAC-02 Motion by Thomason (as revised by Committee) to amend Rule 1.10 to include the following bolded text:

Rule 1.10 Damage to property. No participant shall intentionally take, move, or cause damage to any property of any school, courthouse, or facility hosting any part of a sanctioned tournament or belonging to the members of any other team. In the case of accidental damage or loss of any property, participants are required to report the event and circumstances immediately to appropriate officials. **For tournaments held in a courthouse, students may not, absent explicit permission, eat or drink in courtrooms, move or otherwise use items belonging to court staff (including, but not limited to the judge, courtroom deputy, or court clerk), or enter, use, or store items in areas, such as judge chambers or back hallways, not open to the general public.** Failure to comply with this rule may lead to a tournament penalty and/or sanction under Chapter 9.

Rationale: Students may be competing in a courthouse for the first time at an AMTA-sanctioned tournament. As practicing lawyers and hosts know, it is imperative that we respect courthouses for many, many reasons. However, I think this clarification is helpful for individuals who never have entered a courthouse prior to a mock trial tournament.

ADVANCED WITH A POSITIVE RECOMMENDATION

Appendix B: Tabled Motions

CRC-02 Motion by Warihay (on behalf of Scher) to Revise Rulebook - Introduction

Add “Invention of Fact Memorandum” with link to document to the introduction list of other documents in the AMTA universe

Rationale: As a few of these motions indicate, it is important to acknowledge and highlight the existence of the memo as outside additional guidance beyond the language in the Rulebook itself, especially for schools less “in tune” to AMTA developments.

TAC-01 Motion by Leckrone (also on behalf of Don Racheter) that each person sent to serve as an official AMTA Rep to a sanctioned tournament (who has not previously received a pin) shall be given an AMTA Lapel Pin to help identify them as a Rep, and they shall be allowed to keep the pin after their service as a token of appreciation.

Appendix C: December 2018 Mid-Year Board Meeting Minutes

I. Call to Order

Attendance:

Members present (25): Ben-Merre; Bernstein; Braunsberg; Detsky; Gelfand; Halva-Neubauer; Harper; Heytens; Holstad; Johnson; Langford; Leapheart; Leckrone; Michalak; Minor; Parker; Pavely; Racheter; Sohi; Thomason; Walsh; Warihay; Watt; West; Woodward

Members not present (3): Eslick; Haughey; Schuett

Candidate Members present (5): D'Ippolito; Henry; Hogan; Olson; Scher

Candidate Members not present (1): Jahangir

Staff & Guests (0):

Directors Emeritus (0):

II. Welcome and Remarks (Warihay)

III. Format of Agenda:

Delivered by Secretary – Pavely

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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)

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Appended to the Agenda as **Appendix B** are the minutes from the 2018 Board Meeting.

IV. Approval of Agenda

Motion to approve the agenda. Seconded. Motion passes.

V. Approval of 2019 Board of Directors Meeting minutes.

Motion to approve the minutes. Seconded. 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

U. Academics Committee (Leapheart): Oral report provided

V. Accommodations Committee (Michalak): Written report provided

W. Analytics Committee (Hogan): Written report provided

X. Audit Committee (Pavely): Oral report provided

Y. Budget Committee (Eslick): No report provided

Z. Civil Case Committee (Gelfand): Written report provided

AA. Criminal Case Committee (Schuett): Written report provided

BB. Competition Response Committee (Thomason): Written report provided

CC. Development Committee (Bernstein): Written report provided

DD. Disciplinary Committee (Bernstein): No report provided

EE. Ethics Committee (Langford): Written and oral report provided

FF. Human Resources Committee (Pavely): Oral report provided

GG. Intellectual Property Management Committee (Heytens): Oral report provided

HH. NCT Case Committee (Thomason): Written report provided

II. New School and Mentorship Committee (Olson): Written report provided

JJ. Rules Committee (Walsh): Written report provided

KK. Strategic Planning Committee (Harper): Written report provided

LL. Tabulation Advisory Committee (Woodward): No report provided

MM. Tournament Administration Committee (Watt): Written and oral report provided

NN. Tournament Future Planning Committee (Bernstein): No report provided

**OO. Website, Marketing and Social Media Committee (Scher):
Written report provided**

VIII. Motions:

EXECUTIVE COMMITTEE-02: Motion by Thomason to revise Rule 8.9 to incorporate stylistic revisions and elements from the forthcoming Guidance Memorandum relating to the Rule.

Rationale: While I think Rule 8.9, in its current form, is clear, I also think there's value to making sure that we carefully consider whether the rule needs any stylistic provisions or to incorporate any of the forthcoming guidance in the body of the rule.

ADVANCED WITH NO RECOMMENDATION

Motion fails for lack of a second.

Note: A comment will be added to Rule 8.9 directing the reader to the location of the guidance memos.

EXECUTIVE COMMITTEE-03: Motion by Bernstein to adopt the ORCS pairing plan drafted by the Tabulation Advisory Committee (after the Board's conceptual approval of the plan at the 2019 annual meeting).

ADVANCED WITH NO RECOMMENDATION

Tabulation Advisory Committee ORCS Pairing Proposal

At the 2019 annual meeting, the board of directors passed TFC-03:

Motion by Bernstein that, at ORCS, AMTA will use the following pairing system designed to equalize strength of schedule: Teams will be divided by TPR into four groups: Groups A (teams ranked 1-6), B (7-12), C (13-18), and D (19-24). Each team will face exactly one team from each of the four groups. The Tabulation Advisory Committee is directed to create a detailed implementation of this policy for the Board's consideration at the 2019 mid-year meeting.

This is the implementation policy for the Board's consideration at the 2019 mid-year meeting.

Before the Start of the Tournament

Before the start of each ORCS, AMTA shall divide all 24 teams into four groups of six teams. Assignment will be based on the most recent Team Performance Rankings. Group A will include the six highest-ranked teams; Group B will include teams ranked 7-12; Group C will include teams ranked 13-18; and Group D will include teams ranked 19-24.

If teams are tied in TPR such that it would affect group placement, ties shall be broken using results from the current year's regional tournaments. Tiebreakers, in order of application, are (1) ballots won, (2) combined strength (greater sum is better), (3) opponents' combined strength (greater sum is better), and (4) total point differential (greater positive differential is better). If teams remain tied, a coin flip will break the tie.

Because this pairing system is designed to equalize strength of schedule for teams in each group, schools gain no advantage by mislabeling their stronger team. Nonetheless, because such mislabeling can affect schedule equality for other teams, all schools advancing multiple teams to ORCS are required to honestly identify their stronger team (regardless of whether the school sends its teams to the same ORCS). Schools may seek AMTA guidance when doing so, and AMTA has authority to change the A/B designation given to each team from a school.

Pairing Round 1

Round 1 pairings must occur in public, typically at the opening ceremony (pairings of later rounds will occur in the tabroom).

In Round 1, teams in Group A will face teams in Group D, and teams in Group B will face teams in Group C.

All teams in Groups A and B will represent one party (all Prosecution, or all Defense), and all teams in Groups C and D will represent the other party. For example, if Group A teams are Prosecution, then Group B teams are Prosecution, and Group C and D teams are Defense. Party representation will be determined randomly, e.g., by coin flip. (Note: All references to "Prosecution" shall refer to "Plaintiff" in civil cases.)

Otherwise, Round 1 pairing procedures at ORCS are identical to those at Regionals (e.g., the same-school matchup constraint remains in effect).

Pairing Round 2

In Round 2, teams in Group A will face teams in Group C, and teams in Group B will face teams in Group D.

Otherwise, Round 2 pairing procedures at ORCS are identical to those at Regionals (e.g., high-high pairing, same-school matchup constraint, flip sides from Round 1, etc.).

Pairing Round 3

In Round 3, each team will face another from its group (i.e., Group D teams will face teams in Group D). Pairing will be high-high, and cards will be placed using a “snake” order:

A1 v. A2
A4 v. A3
A5 v. A6

B2 v. B1
B3 v. B4
B6 v. B5

C1 v. C2
C4 v. C3
C5 v. C6

D2 v. D1
D3 v. D4
D6 v. D5

Impermissibles (same school matchups) will be resolved in the same fashion as at Regionals, though swaps and matchups must remain within-group (e.g., A6 cannot swap with B1). Sides will be determined via coinflip: if heads, all teams on the left (A1, B2, etc.) will represent Prosecution; if tails, all teams on the right (A2, B1, etc.) will represent Prosecution.

Pairing Round 4

In Round 4, teams in Group A will face teams in Group B, and teams in Group C will face teams in Group D. Pairing will be high-high, subject to same-school matchup constraints and the requirement that each team represent a different party in Round 4 than it did in Round 3.

Determining Placement for Bids

After Round 4, teams will be ranked using the same criteria used at Regionals (and previously used at ORCS).

Further detail and next steps

Upon passage of the above procedures, the tabulation director, with support from the tabulation advisory committee, will update the tabulation manual to reflect these procedures. In addition, the tabulation manual will include instructions on team withdrawals and byebusters, judge assignments, and other issues that might be impacted by this revised ORCS pairing system.

Motion seconded by Woodward. Motion passes.

IX. Unfinished/New Business

Motion by Watt and Woodward to amend Rule 6.6(2) as follows:

Rule 6.6 Opening Round Championship Series Bids.

(2) ALLOCATION OF BIDS TO REGIONALS. The total number of bids to the Opening Round Championship Series, as determined per Rule 6.6(1), shall be divided by the total number of Regional tournaments, with the resulting number being designated as the "Baseline" number of bids allocated to each Regional tournament. If the division of total bids by total number of Regional tournaments does not result in a whole number, the result shall be rounded down to the nearest whole number. Unless otherwise adjusted in accordance with subsections (a) and (b) below, all Regional tournaments shall receive the "Baseline" number of bids to the designated Opening Round Championship Series tournament(s).

(a) Allocation of bids to Regionals with 20 or more bid-eligible teams.

Should the number of Regionals not allow for equal distribution of the bids, each Regional shall receive the same number of bids, as outlined in Rule 6.6(2) above, and the remainder shall be distributed jointly by the National Tabulation Director and the Tournament Administration Committee Chair as follows: Regionals with 20 or more bid-eligible teams will be ranked according to the number of teams registered 48 hours prior to the start of the first Regional, from largest to smallest. The unassigned bids will be allocated beginning with the largest Regional tournament. If not all Regional tournaments with the same number of teams can be logistically accommodated, those bids will remain open bids. The number of bids allocated to each Regional will be confirmed at the time of each Regional tournament's registration based upon the number of teams that actually begin in Round 1. If the number of registered teams necessitates a change in the number of ORCS bids assigned, the AMTA Representatives, in consultation with the National Tabulation Director, will announce such at the Opening Ceremony. If team(s) withdraw from a Regional tournament during or after Round 1 begins, the number of bids will not be affected. If a bid is removed from a Regional, that bid shall become an Open Bid.

(b) Allocation of bids to regionals with fewer than 20 bid-eligible teams.

For Regional tournaments with fewer than 20 bid-eligible teams, Opening Round Championship Series bids shall be allocated as follows:

No. of Bid-Eligible Teams	ORCS Bids Allocated
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At least 6, but fewer than 9	“Baseline’ minus 5
At least 9, but fewer than 12	“Baseline’ minus 4
At least 12, but fewer than 15	“Baseline’ minus 3
At least 15, but fewer than 18	“Baseline’ minus 2
At least 18, but fewer than 20	“Baseline’ minus 1

The number of bids allocated to each Regional will be confirmed at the time of each Regional tournament's registration based upon the number of teams that actually begin in Round 1. If the number of registered teams necessitates a change in the number of ORCS bids assigned, the AMTA Representatives, in consultation with the National Tabulation Director, will announce such at the Opening Ceremony. If team(s) withdraw from a Regional tournament during or after Round 1 begins, the number of bids will not be affected. If a bid is removed from a Regional, that bid shall become an Open Bid.

Rationale: Rule 6.6 was updated years ago to allow for the even distribution of ORCS bids to all Regionals in this world where the number of Regional tournaments fluctuates from year-to-year. In doing so, the first part of the Rule (6.6(1)) was adjusted, but the second part was not. This Motion seeks to accomplish the original goal of the re-working of the bid allocation rule by removing the rigid number requirements for the smaller tournaments and making it all relative to the number of bids given to each Regional. By establishing a “Baseline” number of bids and working from that number, this rule becomes more workable in a world where the number of regionals is fluid and changes from year-to-year based on available hosts, number of teams, and demand, while also keeping the proportions of teams that advance even relative to each Regional across the country.

Motion seconded by Harper. Motion passes.

Report given by Detsky on the summer Board Meeting.

X. Adjournment

Appendix A: Tabled Motions

EXECUTIVE COMMITTEE-01: Motion by Gelfand (on behalf of Jahangir that, for ORCS and the National Championship Tournament, rosters may include up to 12 students.

Rationale: While there is much debate on viable ways to open ORCS and the NCT to more students, one simple way that can be implemented now would be to increase the roster size for ORCS and the NCT from 10 to 12 students. Doing so would potentially open ORCS and the NCT to up to hundreds of additional students, depending on the extent that programs make use of the additional roster space. Moreover, as the NCT host is no longer required to host a banquet, this is the best time to implement such a change since the increased rosters will not burden hosts. Finally, as this does not change anything until after Regionals, this is something that can be adopted this December at the Mid-Year rather than waiting until the summer, especially as adopting at the Mid-Year would open ORCS and the NCT to more students starting this season.

Appendix B: 2019 Board Meeting Minutes [Omitted]

