



American Mock Trial Association

Mid-Year Meeting of Board of Directors

Via Zoom

December 11, 2022

Agenda

- I. Call to Order and Roll Call**
- II. Welcome and Remarks** (Woodward)
- III. Approval of Agenda**
See Appendix A for an explanation of the agenda.
- IV. Approval of July 2022 Meeting Minutes**
See Appendix E.
- V. Committee Reports**
Most committees will deliver their reports to the Board via email prior to the meeting.
- VI. Tabled Motions**
See Appendix A for an explanation of tabled motions.
See Appendix D for a list of motions tabled by committee.
- VII. Approval of Consent Calendar**
See Appendix C for the motions on the consent calendar.
- IX. Motions**
The full text of motions advanced for debate appears in Appendix B. The shortened titles here are for reference only. Designations in **green** were advanced by the committee with a positive recommendation.

TAC-01 To approve Loyola and UChicago as 2024 NCT Co-Hosts.
EC-01 To amend Rule 7.20(2)(b) to remove comment language relating to experts naming particular method or steps of method.
EC-02 To amend Rule 3.6 to further define “Current Undergraduate” as a student that is not still enrolled in high school or any equivalent.
CIC-01 To amend Rule 1.1(2) to clarify AMTA’s application of previous rule interpretations.
CIC-02 To amend Rule 7.21(6) governing CIC post-tournament review procedure of allegations of improper egregious invention.
CIC-03 To amend Rule 9.11 to enable CIC to establish deadlines and procedures for in-tournament review requests and impose sanctions for frivolous requests.
- XII. Unfinished/New Business**
- XIII. Adjournment**



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Appendix A: Explanation of Agenda

Pursuant to AMTA Rule 10.2.1, the Executive Committee referred each motion to a Board committee based on the subject matter of the motion. All motions are referenced numerically by the abbreviation of the committee to which the motion was referred (e.g., EC-02, TAB-03.)

Each committee had the option of (1) advancing the motion to the Board with a positive recommendation; (2) advancing the motion to the Board with no recommendation; or (3) tabling the motion. Further, each committee had the option to make amendments to each motion prior to advancing it to the Board.

Advanced Motions (Appendix B)

Motions advanced by committee with a positive recommendation do not require a second. These motions are indicated by a designation in green, e.g., **TAB-02**.

Consent Calendar (Appendix C)

The Consent Calendar comprises motions advanced by committee that, in the determination of the Executive Committee, are of a technical or non-controversial nature such that they may be adopted by the Board without further debate. Three Board members may ask that a motion be removed from the consent calendar; such a motion would then be subject to separate debate and action.

Tabled Motions (Appendix D)

These motions are designated in red with underlining, e.g., **TAC-09**. No action will be taken on any tabled motion unless five Board members ask that that a vote be held to untable the motion and the Board subsequently votes to untable. If the vote to untable the motion is successful, the untabled motion would then be subject to debate on its merits and action.

Voting Standards

For a motion to be adopted, it must receive a majority of the votes cast at a meeting where quorum is present. AMTA Bylaw 4.10. Motions to amend the Bylaws require an affirmative vote of two-thirds of the Voting Directors. AMTA Bylaw 8.02.



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Appendix B: Full Text of Motions

In cases where existing rules are being amended, rule language to be deleted is shown ~~struck through~~ and new language to be created is shown **in red**.

TAC-01 Advanced with a positive recommendation
Motion by Tournament Administration Committee to approve Loyola University and the University of Chicago as co-hosts for the 2024 National Championship Tournament.

EC-01 Advanced with a positive recommendation
Motion by Warihay to amend Rule 7.20(2)(b) as follows:

Rule 7.20 Demonstrative aids.

(2) PERMISSIBLE FORM AND CONTENTS OF DEMONSTRATIVE AIDS.

(b) Demonstrative aids may not be used to introduce material facts not included in the case packet. Because they may not be introduced into evidence, the permissible purposes of a demonstrative aid are to explain a general phenomenon or summarize information already in evidence. For that reason, no demonstrative aid may state or include any case-specific material fact that is not included in the case packet

Comment: Some of the most frequent places where this rule is implicated involve numbers (including times), the appearance or location of people or items in physical space, ~~or the name of a particular method (or steps of a method) applied by an expert.~~ If the case packet does not contain a specific number (for example, 3:12 p.m.) or a precise description about how to calculate it (for example, a witness whose affidavit says that one thing happened at “3:07 p.m.” and later says something else happened “five minutes later”), that number may not be contained or otherwise depicted in a demonstrative aid. Similarly, if the case packet does not contain a diagram depicting a room and/or the location of particular people or items within that room, no such depictions may be contained in any demonstrative aid.

Rationale: At the meeting in July, the Board passed significant changes to what is now Rule 7.20. In the comment to a section of that rule, I proposed and the

Board approved a change to remove references to the name of a particular method for an export. During the Fall, I realized that my motion to amend in July missed a portion of the comment that has resulted in an unintended inconsistency in the rule. Therefore, this motion seeks to resolve that issue before AMTA tournaments begin to provide clarity for the community.

EC-02 Advanced with a positive recommendation

Motion by Executive Committee to amend Rule 3.6(2)(a) of the AMTA Rulebook as follows:

Rule 3.6 Student eligibility requirements.

(2) QUALIFIED STUDENT DEFINED. “Qualified students” include and are limited to the following:

- (a) Current undergraduate.** This includes an individual who
 - i. is still not enrolled in high school or any equivalent,**
 - ii. has not received a Bachelor’s degree or equivalent,**
 - iii. is enrolled at a registered school, and**
 - iv. is enrolled at least on a part-time basis**

CIC-01 Advanced with a positive recommendation

Motion by Bernstein and Smiley to amend Rule 1.1(2) of the AMTA Rulebook as follows:

Rule 1.1 Applicability.

(2) If AMTA publishes any interpretations of its rules, whether related to sanctions, invention of fact, or anything else, such interpretations ~~shall not be considered “precedent” for future seasons.~~ **may not be used by AMTA or any of its committees to justify the discipline of teams or individuals in future seasons.** Thus, in future seasons, teams and students are not deemed on notice of such interpretations unless they have been codified in the Rulebook. **However, nothing in this rule is intended to preclude AMTA or its committees from referring students or teams to previous rule interpretations or from making such interpretations publicly available.**

Rationale: In Summer 2022, AMTA created rule 1.1(2) to protect students, particularly those on newer or uncoached teams, from being disciplined based on rule interpretations from previous seasons that might not be easily accessible to them. It was never intended to preclude students from referring to previous years’ interpretations for guidance, encourage the CIC from ignoring previous years’ interpretations, or prevent the CIC from referring students to previous interpretations to help understand a current case or issue. The motion seeks to clarify the intent behind the rule.

CIC-02 Advanced with a positive recommendation

Motion by the Competition Integrity Committee to amend Rule 7.21(6)(c) of the AMTA Rulebook as follows:

Rule 7.21 Invention of fact.

(6) POST-TOURNAMENT REVIEW.

(c) Review Procedure. Any allegations of an egregious Improper Invention must be brought to the attention of the Competition Integrity Committee by submitting the Competition Integrity Committee Form on the AMTA website by ~~12:00 noon~~ Central time on the Tuesday immediately following the tournament, unless the matter occurred on the final weekend of regionals or the final weekend of ORCS, in which case the deadline is 4:00 p.m. Central time on the Monday immediately following the tournament. **The Competition Integrity Committee may create a separate form for complainants to provide notice of intent to seek certain relief and may refuse to consider certain forms of relief if such is not submitted by the deadline prescribed on the form.** If the allegation is raised timely, the Competition Integrity Committee shall investigate the allegation upon its collection of a complete investigative file. A complete investigative file shall include (i) the Complaint filed through the online Competition Integrity Committee Form; (ii) the Response filed through the online Competition Integrity Committee Form (and submitted no more than ~~72~~ **48** hours after request, **which may be extended upon request and for good cause**); and (iii) any supplemental materials requested of the parties by the Committee Chair **or the Chair's designee**. The Chair **or the Chair's designee** shall have discretion to receive additional supplemental materials, including, but not limited to, trial recordings, ballots and comment sheets, statements from others including the AMTA Representatives, and amicus briefs. The parties shall work in good faith to provide any requested supplemental materials. Any amicus briefs must be received by the relevant party's filing deadline and must total no more than 500 words. The Chair **or the Chair's designee** shall also have discretion to set word or page limits for any additional supplemental materials. If, after investigation, the Committee concludes that an egregious improper invention of fact did occur, the Committee will issue penalties pursuant to Rule 9.10. If the CIC finds that a team committed an improper invention of fact, but the invention was not egregious, the CIC may issue a warning. Warnings may be considered by the CIC in determining whether future conduct by the same school constitutes an egregious invention of fact under Rule 7.21. Warnings are not appealable. The CIC may create a public version of the warning **or penalty** but shall not identify the warned **or penalized** school or individual by name.

Rationale: In Summer 2022, the Board revised the penalty structure for invention of fact to disfavor student or team suspensions in favor of penalties that may retroactively impact the outcome of rounds, such as point deductions or ballot forfeiture. See AMTA Rule 9.10(1). Given the short turnaround between regionals and ORCS and ORCS and NCT, the CIC's view is that these changes are necessary to facilitate timely in-season review.

CIC-03 Advanced with a positive recommendation
Motion by the Competition Integrity Committee to amend Rule 9.11 of the AMTA Rulebook as follows:

Rule 9.11 In-Tournament Investigation.

For the 2022-23 season, the Competition Integrity Committee may in its discretion investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule 9.10. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least three committee members. Committee members are not disqualified from this process by serving as an AMTA Representative at the tournament in question. **The Competition Integrity Committee may establish deadlines and procedures for submitting requests for in-tournament review, which must be publicly posted on AMTA's website before opening ceremonies. The Competition Integrity Committee may impose sanctions, including refusal to consider future requests, if it determines that a request for in-tournament review was frivolous. See Rule 9.28.** Nothing in this rule shall preclude other processes for investigating allegations of invention of fact that exist in the AMTA Rulebook.

Rationale: In Summer 2022, the Board authorized a pilot program of in-tournament review of allegations of Improper Invention at the 2023 National Championship Tournament. The CIC has concluded that implementing a system of in-tournament review will require modification of existing AMTA rules, including (but not limited to) timing and method of submitting complaints and responses. The CIC intends to make public a full list of modifications before the start of the National Championship Tournament.



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Appendix C: Consent Calendar

In cases where existing rules are being amended, rule language to be deleted is shown ~~struck through~~ and new language to be created is shown **in red**.

RULES-01 **Advanced with a positive recommendation**
Motion by Ben-Merre to amend Rule 12.5(1) of the AMTA Rulebook as follows:

Rule 12.5 Opening round championship bids.

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

Rationale: I believe this was the original intention. The current "which" clause is modifying the wrong section.

RULES-02 **Advanced with a positive recommendation**
Motion by Ben-Merre to amend Rule 12.7(1) of the AMTA Rulebook as follows:

Rule 12.7 National championship bids.

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

~~National Tabulation Director and the National Championship Tournament Host.~~

Rationale: I believe this was the original intention. The current "which" clause is modifying the wrong section. I've made the phrasing consistent with 12.5 (1).



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Appendix D: Tabled Motions

EC-02 **Motion by Detsky to amend the AMTA Rulebook as follows:**

If a school, team, or individual student is subjected to a sanction that involves their suspension from an AMTA-sanctioned competition, barring from an AMTA-sanctioned competition, or removal from an in-progress AMTA-sanctioned competition, then the Board must be notified within seven days thereafter. In the interest of preserving the affected participant's potential appeal of any sanction, no further information need be provided.

Rationale: I continue to try to wordsmith a motion that requires the board to be notified when a student is not allowed to compete. This motion is not seeking to create a debate, or an opportunity to be heard, it is simply one of notice so that the board is aware if such action is taken in the board's name. I feel like this is a good compromise to my understanding of the EC concerns. The board would not need to be notified of the accusations, the findings of fact or the circumstances to remain impartial, but would simply be on notice that the sanction was handed down.

RULES-03 **Motion by Ben-Merre to amend Rule 3.16(2) of the AMTA Rulebook as follows:**

Rule 3.16 Substitutions in case of illness or emergency.

(1) GENERAL RULE. If a participant becomes unable to compete because of illness, injury, or personal emergency, the affected team may use a permissible substitute. If no permissible substitute is available, or the team chooses to not use a permissible substitute, the judges shall enter a zero for the role(s) and the trial will proceed.

(2) PERMISSIBLE SUBSTITUTES DEFINED. Permissible substitutes are:

- (a)** other persons on the roster of the affected team who are not competing in that trial;
- (b)** ~~a person on the roster of the opponent's team who is not already competing in that trial, but only if there is no person meeting the requirements of 3.16(2)(a).~~ **any other person on the roster of any team competing in the tournament but not in that particular round, but only if there is no person meeting the requirements of 3.16(2)(a);**

~~(c) any other person on the roster of any team competing in the tournament but not in that particular round, but only if there is no person meeting the requirements of 3.16(2)(a).~~ **a person on the roster of the opponent's team who is not already competing in that trial, but only if there is no person meeting the requirements of 3.16(2)(a) or 3.16(2)(b).**

Rationale: As the rule is currently written, (b) and (c) are conditional on not finding anyone to meet the requirements of (a), but there is no distinction between which of (b) and (c) is preferred. Presumably, (b), as re-lettered above, would present a more neutral option, as competitors would not be asked to compete against their own teams. Even if, for some reason, (c) is preferred, it probably makes sense to have some guidance for the Reps as to which of the two remaining options is more desirable.



American Mock Trial Association

Meeting of Board of Directors

San Diego, California

July 9-10, 2022

Minutes

I. Call to Order and Roll Call

Members present (30): Ben-Merre; Bernstein; D'Ippolito; Detsky; Feak; Gelfand; Halva-Neubauer; Harper; Haughey; Henry; Heytens; Hogan; Holstad; Jahangir; Johnson; Langford; Leapheart; Leckrone; Michalak; Minor; Mundy; Olson; Schuett; Smiley; Sohi; Thomason; Warihay; Watt; West; Woodward

Members not present (3): Eslick; Parker; Walsh

Candidate Members present (4): Garson; Pickerill; Schuette; Wilson; Zarzycki

Candidate Members not present (1) : Bowden

Staff, Hosts, and Committee Members (10): Doss; DiGiacco; Garmoe; Hayner-Slattey; Lakkaraju; Leaman; Ouambo; Roytman; Selcov; Warner

II. Welcome and Remarks (Woodward)

The Board commends Harper by applause for his service to the organization as tenth President of AMTA.

The Board commends Doss by applause for her continued hard work, dedication, and service to AMTA.

III. Approval of Agenda

See Appendix A for an explanation of the agenda.

Agenda Approved.

IV. Approval of 2021 Mid-Year Meeting Minutes

See Appendix E.

Motion by Jahangir to approve the 2021 Mid-Year Meeting Minutes.

Seconded. **Mid-Year Meeting Minutes approved.**

V. Committee Reports

A. Academics Committee (Leapheart): Written report.

B. Accommodations Committee (Olson): Written report.

C. Analysis Committee (Jahangir): Oral report.

D. Audit Committee (Halva-Neubauer): Oral report.

E. Budget Committee (Warihay): Oral report.

F. Criminal Case Committee (Schuett): Written report.

G. Communications Committee (Lakkaraju): Oral report.

H. Competition Response Committee (Thomason): Written report.

I. Development Committee (Halva-Neubauer): Written report.

- J. **Disciplinary Committee (Woodward): Oral report.**
- K. **Diversity and Inclusion Committee (Sohi): Written report.**
- L. **Human Resources Committee (D'Ippolito): Oral report.**
- M. **Invention Rules Ad Hoc Committee (Bernstein): See Agenda Item VIII.**
- N. **NCT Case Committee (Haughey): Oral report.**
- O. **New School Recruitment and Mentorship Committee (Olson): Written report.**
- P. **One Last Time Senior Tournament Committee (Smiley): Oral report.**
- Q. **Rookie Rumble Committee (Gelfand): Oral report.**
- R. **Rules, Intellectual Property, and Ethics Committee (Smiley): Written report.**
- S. **Strategic Planning Committee (Walsh): Written report.**
- T. **Student Advisory Board Committee (Sohi/Feak): Written report.**
- U. **Student Eligibility Rules Ad Hoc Committee: No report.**
- V. **Tabulation Advisory Committee (Michalak): Written report.**
- W. **Tournament Administration Committee (Hogan): Written and oral report.**

VI. Tabled Motions

See Appendix A for an explanation of tabled motions.
See Appendix D for a list of motions tabled by committee.

VII. Approval of Consent Calendar

See Appendix C for the motions on the consent calendar.
Motion by Leapheart to remove RULES-02 from the consent calendar.
Consent Calendar approved with RULES-02 removed.

VIII. Invention of Fact Ad Hoc Committee Report

Report presented by Bernstein.

IX. Motions

The full text of motions advanced for debate appears in Appendix B. The shortened titles here are for reference only. Designations in **green** were advanced by the committee with a positive recommendation. Designations in **blue italic** were advanced by the committee with no recommendation.

INV-01 Advanced with a positive recommendation.
Motion by Invention Rules Ad Hoc Committee to replace the “reasonable inference” standard with a “necessary inference” standard.

The Rulebook shall use this definition of a necessary inference:

A necessary inference is a fact or opinion that must be true given the facts stated in the witness’s affidavit. An inference is not “necessary” merely because it is possible,

merely because it is consistent with the witness’s affidavit, or merely because it is reasonable or plausible. *Example:* If a witness’s affidavit says they are a graduate student obtaining a PhD, it is a necessary inference that they obtained a bachelor's degree. However, it is not a necessary inference that they went to school for four years or majored in the same subject in which they are now seeking a doctorate.

The Rules Committee shall replace all reasonable inferences references to necessary inferences references (including Rules 7.6., 7.29, and 8.9(4)(c)(ii)).

Rationale: AMTA’s educational mission means creating a competition that teaches students to advocate persuasively with the facts they are given, rather than inventing new facts. In that regard, the current “reasonable inference” rule does not work for modern collegiate competition. Judges don’t understand it to be as restrictive as AMTA intends, and thus the only in-trial remedy – impeachment – is not consistently effective, even when deployed by experienced competitors and even when deployed against inventions that run afoul of the rule. The rule, by its nature, is also so open to interpretation that students may violate it even while genuinely trying to comply with it. In fact, based on our surveys, we know that even AMTA directors – responsible for enforcing invention rules – have very different understandings of the reasonable inference standard. We expect a necessary inference standard to reduce the number and severity of inventions, while giving students a more understandable and predictable rule.

Motion by Bernstein to enter Committee of the Whole. Seconded. **Motion passes.**

The Board entered Committee of the Whole.

Motion by Bernstein to suspend the Rules to conduct a straw poll. Seconded. **Motion passes.**

Rules suspended.

Motion by Warihay to rise and return to Board meeting. Seconded. **Motion passes.**

The Board exited Committee of the Whole.

Motion by Bernstein to refer INV-01 to the Invention Rules Ad Hoc Committee to create new rule for the 2023-24 AMTA competitive season.
Seconded.

Motion to refer INV-01 passes.

INV-02 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to replace all rules regarding demonstrative aids with the following language:

Rule 8.5. Demonstrative aids.

- (1) DEFINITION OF DEMONSTRATIVE AID.** “Demonstrative aid” means:
- a. Any enlargement of any portion of the case packet;
 - b. Any object that combines, omits, or otherwise alters any material included in the case packet;
 - c. Any tangible physical object or collection of objects that any attorney and/or witness intends to show to 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 does not physically handle the object.

Notwithstanding the foregoing, “demonstrative aid” does not include:

- a. Easels, pointers, or similar objects used solely to facilitate the use or display of a demonstrative aid;
- b. Furniture, fixtures, or other objects present in a trial room before the start of the tournament.

(2) PERMISSIBLE FORM AND CONTENTS OF DEMONSTRATIVE AIDS.

- (i) No electronic or light-projected demonstrative aids during in-person competitions. The use of electronic or light projected demonstrative aids is prohibited during in-person competitions

Comment: This rule does not bar use of digital calculators or scales so long as the device is capable only of calculations or measuring weight. This comment does not permit use of phones, tablets, or similar devices as calculators.

- (ii) Demonstrative aids may not be used to introduce material facts not included in the case packet; no “necessary inference” rule for demonstrative aids. Because they may not be introduced into evidence, the permissible purposes of a demonstrative aid are to explain a general phenomenon or

summarize information already in evidence. For that reason, no demonstrative aid may state or include *any* case-specific material fact that is not included in the case packet

Comment: Some of the most frequent places where this rule is implicated involve numbers (including times), the appearance or location of people or items in physical space, or the name of a particular method (or steps of a method) applied by an expert. If the case packet does not contain a specific number (for example, 3:12 p.m.) or a precise description about how to calculate it (for example, a witness whose affidavit says that one thing happened at “3:07 p.m.” and later says something else happened “five minutes later”), that number may not be contained or otherwise depicted in a demonstrative aid. Similarly, if the case packet does not contain a diagram depicting a room and/or the location of particular people or items within that room, no such depictions may be contained in any demonstrative aid. Finally, if the expert’s report does not contain a particular name for a method (for example, the “CAT” method) or a particular component of that method (for example, to continue the previous example, “Tracing”) no such words may be included in any demonstrative aid.

(3) PROPOSED DEMONSTRATIVE AIDS MUST BE DISCLOSED AT CAPTAINS MEETING; PROCEDURE FOR CHALLENGING PROPOSED DEMONSTRATIVE AIDS. At the pretrial captains meeting, teams must show their opponent any demonstrative aid intended to be used during trial. Any demonstrative aid that is not shown to opposing counsel before the conclusion of the captains meeting may not be used during the following round.

If a team believes a proposed demonstrative aid violates this Rule, it must raise the issue with an AMTA Representative before the conclusion of the pretrial captains meeting. Once alerted, the AMTA Representative must determine whether the challenged demonstrative aid complies with Rule XX.

Comment: Consistent with the definition of “demonstrative aid”, this Rule does not apply to any unaltered materials that are part of the case packet (i.e. affidavits and exhibits supplied with the case do not need to be shown to opposing counsel if neither their size nor their content have been altered in any fashion).

(4) USE OF DEMONSTRATIVE AIDS AT TRIAL.
(i) Uses must comply with representations to and limitations imposed by AMTA Representatives. In ruling on whether a proposed demonstrative aid is

permissible, AMTA Representatives will sometimes obtain representations about or impose limitations on how the demonstrative aid will or may be used at trial. Regardless of whether they were present at the captains meeting, all competitors are responsible for knowing about and complying with any such representations or limitations.

(ii) Demonstrative aids may not be introduced into evidence. Only materials provided in the case packet may be offered into evidence during trial.

(iii) All demonstrative aids remain subject to objections under the Midlands Rules of Evidence. The fact that a demonstrative aid was not challenged by an opposing team at the captains meeting or that an AMTA Representative declined to prohibit use of a proposed demonstrative aid does not prevent an opposing team from objecting to its use on evidentiary grounds.

(iv) First use may only be by the presenting team; any demonstrative aid that is used during trial must be available to the other team. Unless the case materials expressly provide otherwise, no competitor may make use of another team's demonstrative aid until the opposing team has done so. Once used, however, a demonstrative aid must be made available to the opposing attorneys for subsequent use during examination of witnesses and closing argument.

Comment: This rule does not apply in situations where the case materials provide that either team may supply a version of an item and that, if both teams do so, a particular team's version will be used. In such circumstances, either team may make first use of the item.

(v) No damaging another team's demonstrative aid. Permanently altering or defacing an opponent's demonstrative aid is not permitted.

Rationale: This motion has two primary purposes. First, all rules regarding demonstrative aids should be in one place in the Rulebook. Second, if we are narrowed a witness's testimony to necessary inferences, the demonstrative rule also needs to be narrowed.

Motion by Smiley to amend to replace “all rules regarding demonstrative aids” with “Rules 1.2(i), 4.12(3), 8.5 of the AMTA Rulebook.” Seconded. **Motion to amend passes.**

Motion by Warihay to amend Section 2(ii) comment as follows:

Comment: Some of the most frequent places where this rule is implicated involve numbers (including times), the appearance or location of people or items in physical space, or the name of a particular method (or steps of a method) applied by an expert. If the case packet does not contain a specific number (for example, 3:12 p.m.) or a precise description about how to calculate it (for example, a witness whose affidavit says that one thing happened at “3:07 p.m.” and later says something else happened “five minutes later”), that number may not be contained or otherwise depicted in a demonstrative aid. Similarly, if the case packet does not contain a diagram depicting a room and/or the location of particular people or items within that room, no such depictions may be contained in any demonstrative aid. Finally, if the expert’s report does not contain a particular name for a method (for example, the “CAT” method) or a particular component of that method (for example, to continue the previous example, “Tracing”) no such words may be included in any demonstrative aid.

Seconded. **Motion to amend passes.**

Motion by Johnson to amend Section 2(ii) as follows:

(ii) Demonstrative aids may not be used to introduce material facts not included in the case packet; no “necessary inference” rule for demonstrative aids. Because they may not be introduced into evidence, the permissible purposes of a demonstrative aid are to explain a general phenomenon or summarize information already in evidence. For that reason, no demonstrative aid may state or include *any* case-specific material fact that is not included in the case packet

Seconded. **Motion to amend passes.**

Motion by Olson to amend Section 2(ii) comment as follows:

Comment: Some of the most frequent places where this rule is implicated involve numbers (including times), the appearance or location of people or items in physical space, or the name of a particular method (or steps of a method) applied by an expert. If the case packet does not contain a specific number (for example, 3:12 p.m.) or a precise description about how to calculate it (for example, a witness whose affidavit says that one thing

happened at “3:07 p.m.” and later says something else happened “five minutes later”), that number may not be contained or otherwise depicted in a demonstrative aid. ~~Similarly, if the case packet does not contain a diagram depicting a room and/or the location of particular people or items within that room, no such depictions may be contained in any demonstrative aid.~~

Seconded. **Motion withdrawn.**

Motion by Holstad to amend Section 2(ii) comment as follows:

*Comment: Some of the most frequent places where this rule is implicated involve numbers (including times), the appearance or location of people or items in physical space, or the name of a particular method (or steps of a method) applied by an expert. If the case packet does not contain a specific number (for example, 3:12 p.m.) or a precise description about how to calculate it (for example, a witness whose affidavit says that one thing happened at “3:07 p.m.” and later says something else happened “five minutes later”), that number may not be contained or otherwise depicted in a demonstrative aid. Similarly, if the case packet does not contain a diagram **or description** depicting a room and/or the location of particular people or items within that room, no such depictions may be contained in any demonstrative aid.*

Seconded. **Motion to amend fails.**

INV-02 passes as amended.

INV-03 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to replace Rule 8.9.4(b) with the following language:

Rule 8.9 Invention of fact.

(4) IMPROPER INVENTION

(b) Clarification concerning cross-examination. On cross-examination, a witness commits no violation or Improper Invention when they testify to material facts not included in their affidavit so long as the witness’s answer is responsive to the question posed and does not contradict the witness’s affidavit. An answer is responsive to the question posed if, and only if, it responds directly to the content of the question. However, an answer is not responsive if it volunteers information on the same general subject as the question, but does not respond to the specific content of the question. Nothing in this section is intended to prevent attorneys

from attempting to challenge a witness's credibility by demonstrating an omission through use of the witness's affidavit.

Comment: This rule prevents witnesses from volunteering invented material facts on cross-examination that exceed the scope of the question. Consider an eyewitness who states in their affidavit, "I need glasses to see distant objects, and I was not wearing glasses on the night in question" and states nothing else about the witness's vision. If the witness is asked on cross-examination, "You were not wearing glasses on the night in question?" it would be an invention of fact to respond "No, I was wearing contacts," since the answer is not responsive (not contained in or necessarily inferred from the witness's statement). To be clear, nothing in this rule prevents a witness from attempting to provide a complete answer to a question to the extent permitted by the Court by stating material facts contained within the witness's affidavit. For example, if the eyewitness stated in their affidavit, "I was not wearing glasses on the night in question because I was wearing my new contacts," then the above answer would be fully appropriate under the Improper Invention rule.

Rationale: This motion seeks to clarify an existing rule. Our surveys revealed that competitors and coaches often misunderstand this rule.

INV-03 passes.

INV-04 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to add the following language as a subpart to Rule 7.9:

Rule 7.9 Testimony of witnesses.

To prevent "guilty portrayals" by witnesses who are not the defendant, a defense team may not allege that a witness called by the defense may have committed the crime or wrong at issue or otherwise suggest that a witness called by the defense is an alternate suspect in the crime or wrong. To determine if a team violated this rule, AMTA will consider the witness's testimony and performance, as well as the team's statements and conduct throughout trial.

Rationale: It has become increasingly common for defense witnesses to portray themselves as guilty. We do not criticize schools who use this practice, as it does not violate AMTA's current rules. But it undermines the educational value and fairness of trials. The educational value is undermined because an attorney does not develop transferable direct examination skills by pretending to confront or control a teammate who is actually trying to make

themselves look guilty. The fairness is undermined because a cross-examining attorney cannot meaningfully demonstrate the innocence of witness who wants to make themselves seem guilty. While it is difficult to police “guilty portrayals,” it is easier to limit teams’ arguments about culpable third parties.

Motion by Smiley to amend as follows:

Rule 7.9 Testimony of witnesses.

To prevent "guilty portrayals" by witnesses who are not the defendant **in criminal or civil cases**, a defense team may not allege that a witness called by the defense may have committed the crime or wrong at issue or otherwise suggest that a witness called by the defense is an alternate suspect in the crime or wrong. To determine if a team violated this rule, AMTA will consider the witness's testimony and performance, as well as the team's statements and conduct throughout trial.

Seconded.

Motion by D’Ippolito to amend the Smiley amendment as follows:

Rule 7.9 Testimony of witnesses.

To prevent "guilty portrayals" by witnesses who are not the defendant **in criminal or civil cases**, a defense team may not allege that a witness called by the defense may have committed the crime or wrong at issue or otherwise suggest that a witness called by the defense is an alternate suspect **or responsible third party** in the crime or wrong. To determine if a team violated this rule, AMTA will consider the witness's testimony and performance, as well as the team's statements and conduct throughout trial.

Seconded. **Motion to amend the Smiley amendment passes.**

Motion to amend by Smiley passes as amended.

Motion by Olson to amend to add sentence stating that violation of Rule 7.9 shall constitute a material invention of fact. Seconded. Motion to amend passes.

INV-04 passes as amended.

INV-05 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to add the following language as a subpart to Rule 7.9:

Rule 7.9 Testimony of witnesses.

To create a fair mock trial case, witness affidavits usually include statements that disadvantage the party calling that witness. Witnesses may not, while testifying, recant statements in or adopted by their affidavits. Nor may they attempt to indicate through their testimony or portrayals that statements in their affidavits are not true, are no longer true, not complete, etc. To determine if a team violated this rule, AMTA will consider the witness's testimony and performance, as well as the team's statements and conduct throughout trial.

Rationale: This motion seeks to codify a universally understood belief that is central to the workability of all mock trials: that witnesses may not recant their affidavits. This motion also attempts to reduce invention via nontestimonial conduct, such as witness portrayals.

Motion by Olson to amend as follows:

Rule 7.9 Testimony of witnesses.

To create a fair mock trial case, witness affidavits usually include statements that disadvantage the party calling that witness. Witnesses may not, while testifying, recant statements in or adopted by their affidavits. Nor may they attempt to indicate through their testimony or portrayals that statements in their affidavits are not true, are no longer true, ~~not complete~~, etc. To determine if a team violated this rule, AMTA will consider the witness's testimony and performance, as well as the team's statements and conduct throughout trial.

Seconded. **Motion to amend fails.**

Motion by Thomason (on behalf of Garson) to amend as follows:

Rule 7.9 Testimony of witnesses.

To create a fair mock trial case, witness affidavits usually include statements that disadvantage the party calling that witness. Witnesses may not, while testifying, recant statements in or adopted by their affidavits. Nor may they attempt to indicate through their testimony or portrayals that statements in their affidavits are not true, are no longer true, not complete, **coerced**, etc. To determine if a team violated this rule, AMTA will consider the witness's testimony and performance, as well as the team's statements and conduct throughout trial.

Seconded. **Motion to amend passes.**

INV-05 passes as amended.

INV-06 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to create a Competition Integrity Committee. The committee shall consist of five or more individuals appointed by the President and replace the Competition Response Committee as having primary responsibility for issues involving invention of fact.

Rationale: The slate of invention motions requires more work and more specialized work than the CRC is set up to provide. The CRC is, by definition, composed of some of AMTA's busiest people – including some whose responsibilities have nothing to do with factual invention and do not even require familiarity with the case. This committee will be in a better position to review invention issues and divide the workload.

INV-06 passes.

INV-07 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to dissolve Competition Response Committee. Among powers currently vested in the CRC, those powers related to factual invention shall be assigned to the Competition Integrity Committee. The CRC's responsibilities relating to adjustment of the number of bids due to a significant alteration of a tournament field shall be assigned to the Tournament Administration Committee. All other powers and responsibilities, including those relating to Act of AMTA Relief, shall be assigned to the Rules Committee. No new Executive Committee seat shall be created to replace the CRC Chair seat.

Rationale: This is a companion motion to INV-6. Notably, it has support from the current CRC chair. As an organization, we will be much better off if we stop pulling some of AMTA's busiest people away from what they do best during the busiest part of our year. Elimination of the CRC will also benefit the AMTA community by allowing AMTA to be more nimble when responding to Invention of Fact issues.

INV-07 passes.

INV-08 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to replace Rule 10.3.5 with the language below and make corresponding alterations to other rules, including Rules 9.2-9.4:

Rule 10.3.5. Competition Response Committee duties and procedures. For the 2022-23 season only, the Competition Integrity Committee must create an advisory opinion process for properly registered programs to submit questions about the permissibility of certain testimony or demonstrative aids. The CRC is not required to answer every question it receives, and the failure to answer any particular question will not be a defense against a complaint seeking sanctions for an Improper Invention. The CRC may impose limits on the number of questions a program may submit, and it may respond to questions in any order it deems appropriate (including prioritizing questions from programs that have not previously submitted them). All advisory opinions issued under this rule must be published to the entire AMTA community, and the submission of a request for an advisory opinion will constitute consent for sharing all, any part, or any edited form of the question with the entire AMTA Community.

Rationale: The survey revealed significant confusion about invention rules. This may help reduce that confusion. It will also put teams on notice of what is and is not an improper invention, which is especially important if we are replacing our longtime reasonable inference standard.

Motion by Holstad to amend as follows:

Rule 10.3.5. Competition Response Integrity Committee duties and procedures. For the 2022-23 season only, the Competition Integrity Committee must create an advisory opinion process for properly registered programs to submit questions about the permissibility of certain testimony or demonstrative aids. The ~~CRC~~ **CIC** is not required to answer every question it receives, and the failure to answer any particular question will not be a defense against a complaint seeking sanctions for an Improper Invention. The ~~CRC~~ **CIC** may impose limits on the number of questions a program may submit, and it may respond to questions in any order it deems appropriate (including prioritizing questions from programs that have not previously submitted them). All advisory opinions issued under this rule must be published to the entire AMTA community, and the submission of a request for an advisory opinion will constitute consent for sharing all, any part, or any edited form of the question with the entire AMTA Community.

Seconded. **Motion to amend passes.**

Motion by Olson to amend as follows:

Rule 10.3.5. Competition Response Integrity Committee duties and procedures.

For the 2022-23 season only, the Competition Integrity Committee must create an advisory opinion process for properly registered programs to submit questions about the permissibility of certain testimony or demonstrative aids. The CIC is not required to answer every question it receives, and the failure to answer any particular question will not be a defense against a complaint seeking sanctions for an Improper Invention. The CIC may impose limits on the number of questions a program may submit, and it may respond to questions in any order it deems appropriate (including prioritizing questions from programs that have not previously submitted them). All advisory opinions issued under this rule must be published to the entire AMTA community **on a no-name basis**, and the submission of a request for an advisory opinion will constitute consent for sharing all, any part, or any edited form of the question with the entire AMTA Community.

Seconded. **Motion to amend passes.**

INV-08 passes as amended.

INV-09 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to add Rule 9.1(a):

Rule 9.1 Reporting a rule violation at a tournament.

(a) For the 2022-23 season, the Competition Integrity Committee will investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule ZZ. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least two committee members. Committee members are not disqualified from this process by serving as an AMTA representative at the tournament in question.

Rationale: In-tournament review, if possible, is preferable to post-tournament review. If it's possible anywhere, it's at the National Championship Tournament, where we have the most staffing and where many of the people likely to be appointed to the Competition Integrity Committee are present. This is a pilot program to see if in-tournament review can work.

Motion by Olson to amend as follows:

Rule 9.1 Reporting a rule violation at a tournament.

- (a) For the 2022-23 season, the Competition Integrity Committee will investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule ZZ. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least ~~two~~ **three** committee members. Committee members are not disqualified from this process by serving as an AMTA representative at the tournament in question.

Seconded.

Motion by Smiley to amend the Olson amendment as follows:

Rule 9.1 Reporting a rule violation at a tournament.

- (a) For the 2022-23 season, the Competition Integrity Committee will investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule ZZ. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from ~~at least two~~ **three exactly five** committee members. Committee members are not disqualified from this process by serving as an AMTA representative at the tournament in question.

Seconded. **Motion to amend the Olson amendment fails.**

Motion by Olson to amend the Olson amendment as follows:

Rule 9.1 Reporting a rule violation at a tournament.

- (b) For the 2022-23 season, the Competition Integrity Committee will investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule ZZ. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least ~~two~~ **three-the majority of** committee members. Committee members are not disqualified from this process by serving as an AMTA representative at the tournament in question.

Seconded. **Motion to amend the Olson amendment fails.**

Motion to amend passes.

Motion by Holstad to amend as follows:

Rule 9.1 Reporting a rule violation at a tournament.

- (a) For the 2022-23 season, the Competition Integrity Committee will investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule ZZ. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least three committee members. Committee members are not disqualified from this process by serving as an AMTA representative at the tournament in question. **Nothing in this rule shall preclude other processes for investigating allegations of invention of fact that exist in the AMTA Rulebook.**

Seconded. **Motion to amend passes.**

Motion by Smiley to amend as follows:

Rule 9.1 Reporting a rule violation at a tournament.

- (a) For the 2022-23 season, the Competition Integrity Committee will investigate allegations of invention of fact during **a standalone tournament or other tournament designated by AMTA** ~~the National Championship Tournament~~ and, where appropriate, issue penalties in accordance with Rule ZZ. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least three committee members. Committee members are not disqualified from this process by serving as an AMTA representative at the tournament in question. Nothing in this rule shall preclude other processes for investigating allegations of invention of fact that exist in the AMTA Rulebook.

Seconded. **Motion to amend fails.**

Motion by Olson to amend as follows:

Rule 9.1 Reporting a rule violation at a tournament.

- (a) For the 2022-23 season, the Competition Integrity Committee **may in its discretion** ~~will~~ investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule ZZ. The committee need not be physically present at a tournament to

issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least three committee members. Committee members are not disqualified from this process by serving as an AMTA representative at the tournament in question. Nothing in this rule shall preclude other processes for investigating allegations of invention of fact that exist in the AMTA Rulebook.

Seconded. **Motion to amend passes.**

INV-09 passes as amended.

INV-10 Advanced with a positive recommendation.

Motion by Invention Rules Ad Hoc Committee to add the following language as Rule 1.1(a):

Rule 1.1 Applicability.

- (a) If AMTA publishes any interpretations of its rules, whether related to sanctions, invention of fact, or other anything else, such interpretations shall not be considered “precedent” for future seasons. Thus, in future seasons, teams and students are not deemed on notice of such interpretations unless they have been codified in the Rulebook.

Rationale: Students should be able to find all our rules in one place – the Rulebook. It is unfair to expect students to search memoranda from past seasons to discover and understand our rules. There may be times when AMTA wishes to publish rulings to avoid repeat violations during a particular season. But if we want future students to be on notice of those rulings, we should update the Rulebook accordingly.

Motion by Gelfand to amend as follows:

Rule 1.1 Applicability.

- (a) If AMTA publishes any interpretations of its rules, whether related to sanctions, invention of fact, or other anything else, such interpretations shall not be considered “precedent” for future seasons. Thus, in future seasons, teams and students are not deemed on notice of such interpretations unless they have been codified in the Rulebook **and/or released in an advisory opinion that the CIC releases during that season.**

Motion to amend fails for lack of second.

Motion by West to amend as follows:

Rule 1.1 Applicability.

- (a) If AMTA publishes any interpretations of its rules, whether related to sanctions, invention of fact, or other anything else, such interpretations shall not be considered “precedent” for future seasons. Thus, in future seasons, teams and students are not deemed on notice of such interpretations unless they have been codified in the Rulebook. **AMTA may publish a standing guidance memorandum that will be considered precedent for future seasons.**

Motion to amend fails for lack of second.

Motion by Jahangir to postpone consideration of INV-10 to July 2023 AMTA Board meeting. Seconded. Motion to postpone fails.

INV-10 passes.

INV-11 Advanced with a positive recommendation.

Motion by the Invention Rules Ad Hoc Committee to replace current rules regarding penalties for factual invention with this language:

Penalties for Invention of Fact

- (1) IMPOSITION OF PENALTIES.** Penalties for invention of fact violations may be imposed by the Competition Integrity Committee during or after the tournament at which the violation occurred. Depending upon the penalty imposed, necessary details will be communicated to the aggrieved team and/or the offending team.
- (2) AVAILABLE PENALTIES.** Penalties for invention of fact violations may include the following, in order of severity: verbal or written warning, point deduction on ballots, forfeiture of ballots, team or individual probation, or loss of bids. In rare cases, generally limited to repeated or flagrant violations of this rule, penalties may include suspension of an individual, team, or program from future competitions. Point deductions, forfeiture of ballots, and loss of bids may be issued either mid-tournament or post-tournament. Probation and suspensions for invention may only be issued post-tournament.
- (3) FACTORS TO CONSIDER.** The Competition Integrity Committee should consider the extent and seriousness of the improper invention, its importance to the offending team's case theory, the impact on the aggrieved team, the aggrieved team's ability to remedy the invention in trial, and whether or not the offending team has engaged in repeated violations of this rule.
- (4) APPEALS PROCESS.** Verbal or written warnings may not be appealed. Penalties of point deduction on ballots, ballot forfeiture, probation, loss of bids, or suspension may be appealed to the Executive Committee and will be reviewed under an abuse of

discretion standard. Suspensions may be appealed to the AMTA board of directors. The appellate decision of those bodies regarding penalties is final.

Rationale: This attempts to create a framework for penalties. That is important for consistency and for putting teams and competitors on notice. This framework is based on surveys of board members and the community.

Motion by Smiley (on behalf of Randels Schuette) to amend as follows:

(2) AVAILABLE PENALTIES. Penalties for invention of fact violations may include the following, in order of severity: verbal or written warning, point deduction on ballots, forfeiture of ballots, team or individual probation, or loss of bids. In rare cases, generally limited to repeated or flagrant violations of this rule, penalties may include suspension of an individual, team, or program from future competitions. Point deductions, forfeiture of ballots, and loss of bids may be issued either mid-tournament or post-tournament. **Penalties beyond forfeiture of ballots shall be recommended from the Competition Integrity Committee to the Executive Committee.** Probation and suspensions for invention may only be issued post-tournament.

Seconded. **Motion to amend fails.**

Motion by Gelfand to amend as follows:

(4) APPEALS PROCESS. Verbal or written warnings may not be appealed. Penalties of point deduction on ballots, ballot forfeiture, probation, loss of bids, or suspension may be appealed to the Executive Committee and will be reviewed under an abuse of discretion standard. Suspensions **and losses of bids** may be appealed to the AMTA board of directors. The appellate decision of those bodies regarding penalties is final.

Seconded. **Motion to amend fails.**

Motion by Olson to amend as follows:

(1) IMPOSITION OF PENALTIES. Penalties for invention of fact violations may be imposed by the Competition Integrity Committee during **(to the extent that in-tournament investigation is permitted elsewhere in the rules)** or after the tournament at which the violation occurred. Depending upon the penalty imposed, necessary details will be communicated to the aggrieved team and/or the offending team.

Seconded. **Motion to amend passes.**

Motion by Jahangir to amend as follows:

(4) APPEALS PROCESS. Verbal or written warnings may not be appealed. Penalties of point deduction on ballots, ballot forfeiture, probation, loss of bids, or suspension may be appealed to the Executive Committee and will be reviewed under ~~an abuse of discretion~~ **a rational basis** standard. Suspensions may be appealed to the AMTA board of directors. The appellate decision of those bodies regarding penalties is final.

Seconded. **Motion to amend fails.**

INV-11 passes as amended.

D&I-01 Advanced with a positive recommendation.

Motion by Olson to amend Rule 4.12 as follows:

Rule 4.12 Required functions at the captains' meetings. Captains shall complete the following tasks at the captains' meetings:

(1) WITNESS SELECTION. Captains shall select witnesses in the order dictated by the case materials. Each captain shall inform the opponent's captain of the gender/pronouns of the witnesses who will be called. No team may call a witness who has already been called by its opponent.

(2) GENDER/PRONOUNS OF OTHER PARTIES. If not already called as witnesses, each captain shall inform the opposing captain of the gender/pronouns of the named parties or named party representatives of the case, where the gender/pronouns of a party are not dictated by special rule.

(3) GENDER/PRONOUNS FORM. The case materials shall include a gender/pronouns form. At the Captain's Meeting, each team shall complete such gender/pronouns form identifying the gender/pronouns of (a) each witness to be called in the round; (b) the attorneys participating in the round; and (c) if not already called as a witness, the named parties or named parties representatives of the case. The teams shall provide the completed gender/pronoun form to the judges during pretrial.

(43) DEMONSTRATIVE AIDS. Each captain shall show their opponent each demonstrative aid intended to be used during trial. Any disputes shall be brought to the AMTA Representative at the captains' meeting for resolution prior to trial. The AMTA Representative shall make a determination pursuant to Rule 8.5. Failure to show an opponent any demonstrative aid during the captains' meeting shall prohibit the use of said demonstrative aid during the round. This Rule does not apply to any unaltered materials that are part of the case packet (i.e. affidavits and exhibits)

supplied with the case do not need to be shown to opposing counsel if neither their size nor their content have been altered in any fashion).

(54) BALLOT PREPARATION. At or shortly after each captains' meeting, the captains shall neatly complete the non-judges' portions of the sets of ballots required for the trial, including student names, team numbers, and the round number. The ballots to be completed will be those distributed to the captains by tournament officials.

(65) TOURNAMENT ANNOUNCEMENTS. It shall be the responsibility of each captain to report to their team members, coaches, and observers any tournament announcements made at the captains' meetings.

Motion by Olson to amend as follows:

(3) GENDER/PRONOUN/HONORIFIC FORM. The case materials shall include a gender/pronoun/honorific form. At the Captain's Meeting, each team shall complete such gender/pronoun/honorific form identifying the gender/pronoun/honorific of (a) each witness to be called in the round; (b) the attorneys participating in the round; and (c) if not already called as a witness, the named parties or named parties representatives of the case. The teams shall provide the completed gender/pronoun/honorific form to the judges during pretrial.

Seconded. **Motion to amend passes unanimously.**

D&I-01 passes as amended.

TAB-04 Advanced with a positive recommendation after committee amendment.

Motion by Jahangir to amend Rule 6.8 as follows:

Rule 6.8 National championship bids.

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

(2) HOST BID.

(a) General rule for host bid. The host institution at the National Championship Tournament, in the event that only one school is hosting, shall be guaranteed at least one bid to its own National Championship Tournament, provided that said hostschool had at least one team which qualified, by a Direct Bid (i.e. not an Open Bid) to an Opening Round Championship Series Tournament. In no event shall a host receive a second bid to the National Championship Tournament under this rule if it has already received one bid out of an

Opening Round Championship Series Tournament to the National Championship Tournament.

(b) Procedure. When the host school is eligible for a host bid, the Tabulation Director shall offer the host bid to the host upon the conclusion of the last Opening Round Championship tournament in which the host competes. The Tabulation Director may set a reasonable deadline for the host school to decide whether to accept the bid. Once the host school accepts the bid, if the host school later withdraws from the championship, the host bid becomes an open bid and the standard withdrawal penalties apply. If the host school declines the bid, the host bid does not become an open bid. In the event that an uneven number of bids is earned to the National Championship Tournament as a result of this rule, a single Open Bid shall be allocated pursuant to Rule 6.09.

(c) Procedure for co-hosts. If the chair of the Tournament Administration Committee determines that the Championship is co-hosted by two and only two schools, two host bids (one for each school) may be awarded subject to this rule. For purposes of this determination, co-hosting means both schools are approximately equally sharing the burden of fundraising, judge recruitment, providing facilities, and otherwise planning the Championship. Naming a "co-host" for the apparent primary purpose of attempting to secure a host bid is not permitted.

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

Rationale: Currently, a host bid is only possible (though still not guaranteed) if a single school hosts NCT. This disincentivizes schools from working together to cohost NCT as doing so eliminates even the possibility of earning a host bid. I propose amending the Rule so that, even in the event of cohosts, a single host bid can still be possibly earned. This could help open the door for more cohost proposals going forward.

TAB-04 passes.

TAC-01 Advanced with no recommendation.

Motion by Hogan to instruct the Tournament Administration Committee to create the AMTA Innovation Program.

Rationale: The purpose of this new program is to incentivize invitational tournament hosts to test out new approaches so we can have insight into how they play out in tournaments before making any changes to our sanctioned tournaments. This design has very little risk/cost to AMTA while building an incentive structure for invitational hosts to develop and test improvements to our tournaments. While the exact details would need to be worked out, the high level framework is this:

- *Invitational hosts will be able to submit their ideas to the program. These ideas can be anything they think would make our tournaments better. For example, the ORCS pairing system could have been an idea to be tested, or running an entire tournament where the scoring judges are 2 non-coaches + 1 coach.*
- *Hosts would also include in their submission what they want in return from AMTA to provide the incentive to try out their new idea. Again, this request could be whatever they like, but is most likely going to be a request to waive the IP licensing fee, free ballots/tab cards, or sending AMTA reps to run the tab room.*
- *A committee, to be determined as part of the process of building this program out fully, will be tasked with reviewing and approving/declining any submissions.*

Seconded.

Motion by Hogan to amend by instructing Rules, Intellectual Property and Ethics Committee to create the AMTA Innovation Program.

Seconded. **Motion to amend passes.**

TAC-01 passes as amended.

EC-11 Advanced with a positive recommendation.

Motion by Harper to amend By-Law 4.02(f) as follows:

Section 4.03. Election and Term of Directors.

(f) **RETURN OF DIRECTORS.** If a person resigns as a Director from the AMTA Board voluntarily, that person may re-apply to the AMTA Board in any future year using the Director Renewal Application. **A Director's previous withdrawal of a Board application after having received a negative recommendation from the Executive Committee does not constitute a voluntary resignation. Subject to the discretion of the Executive Committee,** Directors who resigned voluntarily ~~shall be~~ are eligible to bypass the candidacy period. **Any Director subject to re-application under this Bylaw remains subject** to Executive Committee review and a vote of the full Board of Directors to regain their status as a Voting Director. **A Director who did not resign voluntarily may petition the Executive Committee to re-apply as a Director and bypass the candidacy process based upon a showing of extraordinary positive contributions to AMTA since their resignation. The Executive Committee's decision to allow or not allow application of this Bylaw to any Director applicant is final.** Should an individual not be affirmed by a vote of the full Board, they shall be required to go through the full candidacy process if the individual desires to further pursue regaining their role on the Board of Directors.

Rationale: This Bylaw was intended for Directors who left the organization in good standing to return in the future without necessarily going through the full

candidacy process again. The proposed changes are consistent with my understanding of the intention of the Bylaw and a sensible reading of the rest of the application and selection Bylaws. Directors who leave after a negative recommendation from the EC cannot be said to have left AMTA in good standing. Nevertheless, the Bylaw permits the EC, in its discretion, to find that a director who left after receiving a negative recommendation has made such extraordinary and positive contributions to AMTA since resigning that they should be permitted to reapply and bypass the candidacy process.

Motion by Bernstein to address EC-11 in Executive Session. Seconded.
Motion passes.

The Board entered Executive Session.

EC-11 passes during Executive Session.

Motion by Olson to return to Open Session. Seconded. **Motion passes.**

The Board returned to Open Session.

NEW-SCH-01 Advanced with a positive recommendation.

Motion by Harper to amend Rule 2.4 as follows:

Rule 2.4. Registration Fees.

(1) ANNUAL MEMBERSHIP FEE PER SCHOOL. Each school shall pay an annual membership fee of \$450. Any school hosting an AMTA-sanctioned tournament shall have this fee waived for the academic year in which the school hosts. **Any New School, as defined in Rule 1.2(j), shall pay a membership fee of \$225.**

(2) REGIONAL TOURNAMENT FEE PER TEAM.

(a) The first team from each school shall pay a regional tournament registration fee of i. \$125. Each additional team shall pay a registration fee which increases by \$25, so that the second team's fee is \$150, the third team's fee is \$175, etc.

(b) A New School shall pay no regional tournament registration fee for the first team it registers for Regionals. Additional teams from that school shall pay regional tournament fees **at a 50% reduction from the** schedule in subsection 2(A) above; for example, a new school's second team would pay a regional registration fee of \$75.

Rationale: We should do everything we can to encourage New Schools to participate. These modest fee reductions will significantly reduce the financial burdens on New Schools.

NEW-SCH-01 passes.

RULES-02 Advanced with a positive recommendation.

Motion by Smiley and Jahangir to amend Rule 4.26 as follows:

Rule 4.26 Open and public trials.

(1) **OPEN AND PUBLIC TRIALS.** Except as prohibited under 4.26(2), 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.

(2) **EXCEPTIONS.**

(a) 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.

(b) AMTA Representatives or their official designees are permitted to limit observers in a courtroom due to health concerns related to the COVID-19 pandemic. A team member or anyone affiliated with a team's refusal to obey an AMTA Representative's request to leave a courtroom is subject to tournament penalties as set out in Rule 9.2 and/or sanctions under Rule 9.5.

~~(3) **ONE-YEAR SUNSET PROVISION.** 4.26(2) shall go into effect under a one-year sunset provision, to begin at the onset of the next in-person (i.e., not online) AMTA season.~~

Rationale: This rule has been effective in preventing scouting during the higher levels of competition while also advancing AMTA's educational mission. As such, this rule should be continued without the sunset provision.

Motion by Smiley to amend by adding Section 2(c):

(c) Nothing in this rule prevents competing teams from authorizing individuals from teams not competing at that tournament (“non-affiliated individuals”) to observe their first and second round of post-regional tournaments. To observe the first and second round of post-regional tournaments, non-affiliated individuals must obtain written permission from the two competing teams in that round. Non-affiliated individuals cannot disclose the contents observed during those rounds to any other program or team.

Seconded.

Motion by Holstad to amend the Smiley amendment as follows:

(c) Nothing in this rule prevents competing teams from authorizing individuals from teams not competing at that tournament (“non-affiliated individuals”) to observe their ~~from observing the~~ first and second round of post-regional tournaments. ~~To observe the first and second round of post-regional tournaments, non-affiliated individuals must obtain written permission from the two competing teams in that round.~~ Non-affiliated individuals cannot disclose the contents observed during those rounds to any other program or team.

Seconded. **Motion to amend the Smiley amendment fails.**

Motion by Ben-Merre to amend the Smiley amendment as follows:

(c) Nothing in this rule prevents competing teams from authorizing individuals from teams not competing at that tournament (“non-affiliated individuals”) to observe their first and second round of post-regional tournaments. To observe the first and second round of post-regional tournaments, non-affiliated individuals must obtain written permission from the two competing teams in that round. Non-affiliated individuals cannot disclose the contents observed during those rounds to any other program or team **during the tournament weekend.**

Seconded. **Motion to amend the Smiley amendment passes.**

Motion by Warihay to amend the Smiley amendment as follows:

(c) Nothing in this rule prevents competing teams from authorizing individuals from teams not competing at that tournament (“non-affiliated individuals”) to observe their first and second round of post-regional tournaments. To observe the first and second round of post-regional tournaments, non-affiliated individuals must obtain written permission from the two competing teams in that round. Non-affiliated individuals cannot disclose the contents observed during those rounds to any other **school** during the tournament weekend.

Seconded. **Motion to amend the Smiley amendment passes.**

Motion by Thomason to amend the Smiley amendment by replacing two schools with one school.

(c) Nothing in this rule prevents competing teams from authorizing individuals from teams not competing at that tournament (“non-affiliated individuals”) to observe their first and second round of post-regional

tournaments. To observe the first and second round of post-regional tournaments, non-affiliated individuals must obtain written permission from the ~~two~~ **at least one** competing teams in that round. Non-affiliated individuals cannot disclose the contents observed during those rounds to any other school during the tournament weekend.

Seconded. **Motion to amend the Smiley amendment fails.**

Motion by Hogan to amend the Smiley amendment as follows:

(c) Nothing in this rule prevents competing teams from authorizing individuals from teams not competing at that tournament (“non-affiliated individuals”) to observe their first and second round of post-regional tournaments. To observe the first and second round of post-regional tournaments, non-affiliated individuals must obtain ~~written~~ permission from the two competing teams in that round. Non-affiliated individuals cannot disclose the contents observed during those rounds to any other school during the tournament weekend.

Seconded. **Motion to amend the Smiley amendment passes.**

Motion to amend by Smiley passes as amended.

RULES-02 passes as amended.

X. Report of Treasurer/Budget Committee

Motion by Leapheart to enter Executive Session. Seconded. **Motion passes.**

The Board entered Executive Session on Sunday morning.

XI. Approval of 2022-23 budget

Motion by Warihay to approve the 2022-23 budget as proposed. Seconded. **Motion passes.**

The 2022-23 proposed budget adopted during Executive Session.

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

Nomination of Thomason to Disciplinary Committee by Warihay.
Motion to elect Thomason. Motion passes.

Nomination of Halva-Neubauer to Human Resources Committee by Warihay. Motion to elect Halva-Neubauer. Motion passes.

XII. Unfinished/New Business

NEW-01 Motion by Jahangir to require copies of the Annual and Mid-Year Board Meeting agendas—once available—to be emailed to all primary contacts. The email shall also note options on how to provide feedback regarding the agenda.

Seconded.

Motion by Olson to amend to provide that AMTA will email link to agenda. **Motion fails for lack of second.**

NEW-01 passes.

NEW-02 Motion by Jahangir to update all primary contacts, via email, whenever any case changes are released or whenever any advisory opinions or related guidance memorandum.

Seconded.

Motion by Henry to amend by omitting all language following “or whenever. . .” Seconded. **Motion to amend passes.**

NEW-02 passes as amended.

Proposal by Sohi and Feak to host July 2023 AMTA Board Meeting in Madison, Wisconsin.

Proposal by Langford to host July 2023 AMTA Board Meeting in Columbia, Missouri.

The Board votes in favor of the Sohi and Feak proposal to host the July 2023 AMTA Board Meeting in Madison, Wisconsin.

The Board commends Bernstein, DiGiacco, Feak, Smiley, and Sohi by applause for hosting 2022 Annual Board Meeting.

XIII. Adjournment

Motion by Hogan to adjourn. Seconded. **Meeting adjourned.**