

Procedures for In-Tournament Review at the 2023 National Championship Tournament

This document is the ultimate authority for the procedures for in-tournament review at the 2023 National Championship Tournament (NCT). *In the event of a conflict with any other source of authority (including the video describing the in-tournament review process or oral advice teams claim to have received), this document controls.*

Membership on CIC Panels

Each division will have a panel of three Competition Integrity Committee (CIC) members dedicated to adjudicating in-tournament complaints of invention of fact. No other person may receive or resolve any in-tournament allegations involving invention issues. No panel member will have a current affiliation with a team in the division, and no more than one panel member per division will be serving as an AMTA Representative. If any panel member recuses from adjudicating a particular dispute, the AMTA President will appoint a temporary replacement.

Location of CIC Panels

The panel for each division will have a designated space to hear complaints that is separate from the Tab Room. The location for each division will be announced when the Tab Room's location is announced, and signs will direct students to the CIC Panel room in the same way they direct students to the Tab Room.

Sanctions for Filing Frivolous Complaints

The CIC may impose sanctions on any team found to have filed a frivolous request for in-tournament review. Such sanctions may include, but are not limited to, refusing to consider future complaints from that team.

A complaint may be deemed frivolous if:

- a. The complaint was filed for an improper purpose, such as harassment, unnecessary delay, or needless interference with a responding team's tournament preparation time;
- b. The facts as documented in the recording deviate so substantially from the factual allegations in the complaint that the complaint appears dishonest; or
- c. No reasonable argument under AMTA's rules supports the complaint.

Safe harbor: A team may withdraw a complaint at any time before the earlier of two events: (1) the CIC issues a final determination; or (2) the deadline for submitting additional information at Optional Stage 4. If the withdrawal occurs when the panel and team representatives are meeting, an express verbal withdrawal is sufficient. If not, a withdrawal may be done only by emailing the CIC at amta.cic@collegemocktrial.org. A team that makes a timely withdrawal will not be penalized for filing a frivolous complaint unless the CIC Panel determines the responding team has suffered actual prejudice as a result of the frivolous complaint.

Elements of Proper Request for In-Tournament Review

The CIC will reject any request for in-tournament review unless it satisfies three criteria. To be considered, a complaint must be: (1) *timely*; (2) made by a *team designee*; and (3) on behalf of a team capable of providing *audio or video* of the trial in question.

1. *Timeliness*

No request for in-tournament review will be considered unless it is timely.

The CIC will not stop or intervene in any trial, nor will the AMTA Representatives grant extensions of All Loss to permit teams to request in-tournament review from the CIC. For that reason, no request for in-tournament review may be brought before the pre-closing recess.

Absent extraordinary circumstances, all requests for in-tournament review must be brought *during the recess immediately preceding closing arguments*.

The term “extraordinary circumstances” will be construed narrowly and is intended for situations where no recess (of any length whatsoever) is taken between the defense case-in-chief and closing arguments or where, due to the specific circumstances of the alleged invention, the complaining team was unable to determine the materiality of the alleged invention until closing arguments. Even in such extraordinary circumstances, the Team Designees (discussed below) must proceed immediately to the panel upon conclusion of the closing arguments and must not know the result of the ballots when presenting the complaint. The no-communication rule remains in effect for teams submitting a complaint after the conclusion of closing arguments. In other words, teams may not communicate with coaches or anyone else not on the roster before filing a complaint.

2. *Team Designees*

No request for in-tournament review will be considered unless it is brought by a properly registered Team Designee who has given proper notice to a Designee from the other team.

Each team must designate exactly two rostered competitors as their Team Designees using [the form created by the CIC for that purpose](#). No other person (including coaches, spectators, or other rostered competitors) will be permitted to request in-tournament review, respond to allegations of improper invention against that team, or otherwise observe the CIC review process. For that reason, Designees must be familiar with AMTA’s invention of fact rules, the case materials, and all CIC procedures. Teams must also provide contact information (phone and email) by which Designees will be easily accessible between rounds. Rostered members of a team may communicate with their Designees during the mid-trial or pre-closing break to determine whether the Designees should request in-tournament review. As soon as the Designees initiate the in-tournament review process, however, they must not communicate further with other

rostered members about the in-tournament review process except as necessary to obtain any video footage requested by the CIC.

Every team must have at least one Designee who will be available to speak to the CIC Panel during the pre-closing recess and the closing argument for each side of the case. The CIC will not entertain any request to relax the timing rules for a round because both of a team's Designees were needed during closing arguments, and in no event will closing arguments be delayed to permit both of a team's Designees to be present.

During or immediately after the captain's meeting – and in any event before each trial begins – both teams must identify to each other at least one Designee who will be available to respond to an allegation of Improper Invention in that trial. A team that wishes to request in-tournament review must inform the opposing team's Designee for that trial, who *must* immediately accompany the complaining team's Designee to the appropriate CIC Panel room. The CIC will refuse to consider any request for in-tournament review if the complaining team did not inform the responding team's Designee before seeking CIC review. Any team whose Designee refuses to accompany the complaining team's Designee will be deemed to have forfeited the right to respond to the complaint.

3. Recording of the Trial

*To receive in-tournament review, the complaining team must be able to provide **its own** video or audio recording of the trial. The CIC will not consider requests for in-tournament review if the complaining team is unable to furnish a recording, including if the complaining team relied on the responding team to record the round and then the respondent team failed to do so.*

The CIC recognizes many teams lack dedicated audiovisual equipment. Accordingly – for the 2023 NCT only – AMTA is authorizing teams to use cell phones, tablets, laptops, and other electronic devices during the round for the limited purpose of recording the trial and seeking in-tournament review. The person recording the trial need not be a rostered competitor.

The CIC emphasizes this rule modification does not permit students to use otherwise prohibited electronic devices for other purposes, including communication with individuals who do not appear on the team's roster, case materials access, etc. **To ensure compliance, any recording device that has wireless or data capability must be on airplane mode throughout the trial.** The no-communication rule contained in AMTA Rule 7.1(1) remains in effect and any team that violates that rule – including with a device being used to record the trial – will be subject to tournament penalty and/or sanction.

Although a timely complaint must generally be filed before the closing arguments have concluded, Designees should wait until after closings to bring the recording to the CIC so as to ensure closing arguments are recorded.

In-Tournament Review Process

The CIC cannot commit to reviewing every complaint during the tournament and will have discretion to review complaints in any order. At any stage in the process, the panel may refer a complaint for post-tournament review or dismiss the complaint upon concluding no rules violation occurred. The panel is not required to give a written or verbal explanation for its decision about whether to conduct in-tournament review.

In-tournament review will proceed in discrete stages.

Stage 1: Verifying Proper Request

The panel will determine whether the complaint is timely, by an authorized person, and that the complaining team will be able to provide audio or video of the incident once the round ends.

Stage 2: Verbal Complaint, Panel Discussion, and Potential Dismissal

While the panel is hearing from team Designees, the only people who will be permitted to be in the room are the complaining team's Designee(s), the responding team's Designee(s), and the panel members.

The panel will ask the complaining team's Designee(s) to provide a verbal description of *what* they believe happened and *which* AMTA rule(s) they believe the incident violated. Designees are encouraged to be succinct in their descriptions but must be aware the panel is not required to consider new complaints or arguments raised at a later time. To the greatest extent possible, all facts and rules supporting the complaint should be raised in a team's initial verbal complaint. No response from the responding team will be heard during this stage, but the responding team's Designee(s) will be present while the complaining team's Designee speaks.

The panel will then confer outside the presence of the teams and decide whether to continue with in-tournament review. At this stage, the panel will assume the truth of the facts as alleged by the complaining team. In deciding whether to conduct in-tournament review, the panel may consider any relevant factor, including, but not limited to:

- a. Whether the alleged conduct constitutes a rules violation,
- b. The apparent egregiousness of the conduct alleged,
- c. The number of complaints brought to the Panel in a particular round, and
- d. If easily determinable, the likelihood that the result of the subject round will affect the final tournament results.

Stage 3: Opportunity for Verbal Response and Reply

If the panel chooses to continue in-tournament review, it will provide the responding team's Designee(s) an opportunity to be heard, including by contesting any factual allegations the responding team believes are not correct or contesting that the rules prohibit the responding team's conduct. The panel will give the complaining team a brief opportunity to respond to any factual assertions by the responding team. The panel may direct teams to note any factors they believe to be mitigating or aggravating. Both teams' Designee(s) will be present for each others' presentations.

At this stage, both responding and complaining Designees must raise *all* points they wish the CIC to consider during this first opportunity to be heard. While the CIC will try in good faith to give teams an opportunity to respond to new factual allegations as they are raised, the CIC reserves the right to refuse further verbal responses and to proceed to deliberations whenever a panel believes it has sufficient information and as the needs of the tournament dictate.

At the conclusion of Stage 3, the panel may either request additional information (Optional Stage 4) or proceed directly to Stage 5.

Stage 4: Request for Additional Information (Optional)

After hearing from both sides, a panel may—in its sole discretion—direct the complaining and responding teams to provide written submissions. This stage is not intended to permit the parties to raise new complaints or arguments in support of existing ones, and panels will have discretion to disregard any new arguments or evidence and to limit the length of submissions. The CIC anticipates the most likely requests at this stage will call for teams to:

- a. Direct the panel to the specific part of the recording where the alleged violation occurred,
- b. Show the panel a disputed demonstrative aid, and/or
- c. Direct the panel to relevant portions of the case materials.

In all but extraordinary circumstances, the deadline for such submissions will be before the start of the next round. If the panel requests to review a recording or physical item during a time when the courthouse is not available, arrangements may be made for this review to occur at an alternate location like the tournament hotel.

The panel may dismiss a complaint if the complaining team fails to submit its response within the specified time or if its submission substantially deviates from the materials requested. If the responding team fails to submit a response within the specified time or if its submission substantially deviates from the material requested, the panel will proceed directly to Stage 5. Any complaining team may voluntarily dismiss a complaint by notifying the panel via email at amta.cic@collegemocktrial.org at any point before its written submission is due. Unless directed otherwise by the panel, there will be no opportunity for additional verbal arguments after the written submissions are received.

Stage 5: Panel Deliberation and Decision

At the conclusion of all stages (including, if applicable, optional Stage 4), the panel will decide the complaint. The panel may:

- a. Impose in-tournament penalties,
- b. Defer the complaint for post-tournament review; or
- c. Dismiss the complaint without the need for post-tournament review.

If the panel decides to impose in-tournament penalties, it will promptly communicate the penalties to the AMTA Reps and to the Team Designees or other person identified by the affected teams. The CIC will also inform all competing teams about the nature of the violation and that penalties were imposed without identifying the teams involved or the precise penalty. The panel will not provide a written explanation during the tournament.

Appeals: AMTA Rules provide no mechanism for a complaining team to appeal a panel's decision (including whether to conduct in-tournament review). Because of time constraints at NCT, the CIC cannot commit to providing further review of any in-tournament penalties while the tournament is still ongoing. If in the CIC's sole discretion it determines that further in-tournament review is warranted and feasible, that review will be conducted by a group consisting of all panel members from both divisions. In the event of a recusal, the AMTA President will designate additional people to ensure an en banc panel of six. Any ties will be broken by the AMTA President. No further appeal of any in-tournament penalty will be permitted.

Implementation of In-Tournament Penalties

AMTA Rule 9.10 permits the CIC to impose the following in-tournament penalties, in increasing order of severity: verbal warning; written warning; point deduction on ballots; forfeiture of ballots. Probation and suspensions may not be imposed during the tournament but may be imposed by the full CIC post-tournament.

If a CIC panel imposes a penalty that changes a round's point differential or ballot results, the penalty will take effect at the end of Round 4. Each team's pre-penalty record will be reflected on tabulation cards and used for pairings throughout the tournament.

If a point- or ballot-affecting penalty is issued, only the two teams that competed in the trial where the penalty was issued will be affected. The wins, Combined Strength, Opponents' Combined Strength, and point differential of the two affected teams will be altered in accordance with the penalty for the purpose of final results and the tab summary. However, each affected team's pre-penalty record will be used for calculating the Combined Strength, Opponents' Combined strength, and point differentials of teams that did not compete in the affected trial.

Procedures for In-Tournament Review During the National Championship Trial

The process for in-tournament review of any issues involving the National Championship Trial shall proceed as follows. Unless specifically modified below, all rules and procedures listed above (including the rule that only Team Designees may participate in or observe the review process *and that no complaints will be considered before the pre-closing recess*) will remain in effect.

- The CIC panel will consist of all non-recused members of the two original panels who are available to watch the final trial. If necessary to ensure a panel of at least three or avoid an even number, the AMTA President will appoint additional panel members. Both teams will be told before the trial begins where and to whom to submit any complaints.
- The complaining team will not be required to submit an audio or video recording and no such recording will be reviewed.
- No written submissions will be requested or permitted.
- Any score modifications will be made after the judges have completed their ballots but before results are announced.
- No appeal of in-tournament penalties (or the failure to impose in-tournament penalties) will be available.
- As always, the CIC retains discretion to defer any review until after the completion of the tournament.