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-Slattery; 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.

(4~~3~~) 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 team~~s~~ 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.**

American Mock Trial Association
Meeting of Board of Directors
San Diego, California
July 9-10, 2022
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.** Motions advanced by committee with no recommendation do require a second. These motions are indicated by a designation in blue italics, e.g., ***TAC-01.***

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.

American Mock Trial Association
Meeting of Board of Directors
San Diego, California
July 9-10, 2022
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.

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.

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.

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-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.

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.

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-07 **Advanced with a positive recommendation.**

Motion by Invention Rules Ad Hoc Committee to dissolve the 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-06. 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-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.

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.

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.

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.

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.

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.

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.*

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.

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 $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.

American Mock Trial Association
Meeting of Board of Directors
San Diego, California
July 9-10, 2022
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.

Approval of President's EC appointments (pending)

ACADEMICS-01

Advanced with a positive recommendation

Motion by Harper to amend Rule 10.4.1 as follows:

Rule 10.4.1 The Neal Smith Award.

(1) PURPOSE. AMTA will annually recognize one individual in recognition of their contributions to AMTA's educational mission in a broad sense. The winners of the Neal Smith Award have made outstanding and exemplary contributions to law related education and its mission to promote public understanding of law and legal process.

(2) NOMINATIONS. Nominations shall be open and announced publicly no later than January 15 annually, and nominations shall have a deadline of March 15th annually. Voting members as defined under this rule are ineligible to receive the award.

(3) VOTING MEMBERS. The voting members shall consist of the previous award winners who have participated in the previous two Neal Smith Award elections, the previous two winners of the Neal Smith Award, the Academics Committee chair, and two Board Member appointments made by the President. The Academics Committee Chair shall serve as the organizer annually.

(4) PROCESS. The voting members shall use Rank Choice voting until a winner is determined with majority support. At their discretion, the voting members may solicit additional input from the community. The award shall be announced no later than the conclusion of the annual National Championship Tournament.

Rationale: This Rule was added last year to codify our Neal Smith Award process. These proposed changes are meant to ease the burden on the committee (by giving a longer runway for nominations) and to permit the two most recent award winners to vote on the winner (by the Rule's strict terms, those individuals do not qualify as voting members because they could not have participated in the previous two Neal Smith Award elections).

D&I-02 Advanced with a positive recommendation

Motion by Harper to add Rule 4.19.1 as follows:

Rule 4.19.1 Diversity in Judging Assignments. AMTA has a policy of embracing the rich diversity of our community. Our students benefit from seeing themselves reflected in our judges, and in particular in the presiding judges. To that end, and consistent with Rule 4.20(6)(f), judging assignments must reflect AMTA's commitment to diversity. AMTA Representatives should give care to ensure that to the greatest extent possible, judge assignments, and in particular assignment of presiding judges, reflect AMTA's commitment to diversity.

EC-05 Advanced with a positive recommendation after committee amendment.

Motion by Smiley to amend Rule 2.3 as follows:

Rule 2.3 School authorization letter required.

(1) REQUIREMENT. Each school shall have on file an authorization letter as described in this rule. A new letter of authorization is required for each academic year.

(2) CONTENT AND FORM OF LETTER. The letter shall:

(a) B~~b~~e printed on the letterhead of the school;~~.~~ ~~The letter shall~~

(b) I~~i~~ndicate the school's authorization for mock trial team(s) to register with AMTA and participate in sanctioned tournaments;~~.~~ ~~The letter shall~~

(c) I~~i~~ndicate the signer's willingness to serve as a point of contact for major violations, ~~or~~ grievances, or emergencies involving the school's mock trial program;~~.~~

(d) ~~The letter shall i~~Indicate the school's ~~assumption of responsibility for the conduct of the school's mock trial program and its participants, including any fees and penalties incurred~~ acknowledgement that AMTA may impose fees, penalties, or sanctions upon the registered team or program and that if such fees, penalties or sanctions are imposed then AMTA will not allow students from that institution to participate in future years until those fees, penalties, or sanctions have been paid or otherwise complied with;~~.~~

(e) ~~The letter shall h~~Have a handwritten or electronic signature of the signer with a signature block that indicates the signer's position or title~~, and an electronic signature shall not be accepted (a scanned copy of a letter with a handwritten signature is acceptable);~~~~.~~ and

(f) ~~The letter shall h~~Have a date indicating when the letter was signed, which must be within 30 days of receipt by AMTA.

(3) PERSONS WHO MAY SIGN LETTER. The letter shall be signed by a person holding any of the following positions or titles:

(a) An administrator of the school or an academic unit or office thereof, including but not limited to titles of president, vice president, chancellor, provost, dean, department chair, and assistants and deputies thereof;

(b) A full-time faculty member of the school;

(c) A pre-law advisor of the school;

(d) A professional staff member of a school's student affairs or student organization office;

(e) An employee of the school holding a position or title substantially equivalent to any of subs. (a) through (d).

(4) PERSONS WHO MAY NOT SIGN LETTER. A school authorization letter is not sufficiently signed by any of the following:

(a) A person holding the title or rank of part-time faculty, adjunct faculty, ~~instructor, lecturer,~~ or other equivalent titles;

(b) A person not employed by the school or not permitted by the school to act on behalf of the school;

(c) A person who is an undergraduate student or law student at the school and does not meet any of the credentials in sub. (3).

(5) FILING DEADLINE, DURATION. Each school shall annually file its letter with the AMTA office in accordance with sub. (7). ~~by mail, facsimile, or by sending a scanned copy of the original via e-mail.~~ A new letter of authorization is required for each academic year. A school's registration as a member school is not complete until the letter is submitted. All letters should be submitted no later than October 15. If a school is registering after the October 15 deadline, then the letter is due as soon as possible, but no later than January 15. Submission of the letter is a required step for registration and a school will not be assigned to a regional tournament until the letter is received per Rule 2.8.

(6) INTERPRETATION. AMTA's Executive Committee is empowered to interpret and determine compliance with the provisions of this rule and grant such relief as it may deem necessary.

(7) LETTER SUBMISSION. The letter must be submitted to the AMTA office by mail, facsimile, or by sending a scanned copy of the original via email. If the letter is electronically signed, then the letter must be submitted to the AMTA office via email directly from the email account of the letter's signer. A letter with an electronic signature will not be accepted if sent via mail, facsimile, or from the email account of anyone who is not the signer.

Rationale: The rule regarding institutional letters has not been updated for some time. The principal change is to remove the requirement that schools accept "responsibility for the conduct of the school's mock trial team and its participants." This requirement has been a sticking point for many schools because it is essentially asking the schools to accept liability for the conduct

of their students. With COVID, schools have become very cautious to have anything in writing that accepts responsibility for their student's conduct in extracurricular activities. Also, the letters that we have been accepting over the years do not actually include the language about accepting responsibility for the conduct of students. The proposed changes bring the rule in line with our actual practices as well as the type of language that schools have agreed to in the past. The other proposed changes to the rule include clarifying the due date of the letters and updating the rule to allow for the submission of electronic signatures. Finally, Subsection 2 was broken out into discrete items in order to make it easier to read and determine which elements are required in the letter.

EC-06 Advanced with a positive recommendation.
Motion by Smiley to amend Rule 3.6.1 as follows:

Rule 3.6.1 Team Composition.
(1) GENERAL RULE. Each team may consist only of eligible students from a single member school.

(2) EXCEPTION FOR COMBINING SCHOOLS.

(a) GENERALLY. A team may be composed of students from more than one school if the Executive Committee grants permission to do so. Permission from the Executive Committee must be requested in writing, and must include a supplemental letter consistent with Rule 2.3 from the school for whom the student intends to participate indicating that the school agrees and acknowledges each of the conditions under Rule 2.3 ~~to assume responsibility for the conduct of the~~ related to the student(s) from another school when the student competes in AMTA competition(s)~~, including any fees and penalties incurred~~.

(b) SCOPE. This exception is intended only to accommodate students from schools which do not have a mock trial team, who demonstrate through their written submission that efforts have been undertaken to start a team at their home school that have been unsuccessful, and who demonstrate through their written submission that the purpose for their participation is to generate experience to permit them to eventually begin a new team at their home school.

(**c**) **LIMITATIONS.** This exception is not intended to allow schools to combine teams for competitive purposes. A student may compete for a maximum of two years for a school in which they are not enrolled under this rule. Separate permission must be sought each year, and in the second year, the student must again demonstrate their significant efforts made to start a program at their home school, along with addressing why they were unsuccessful.

(d) SUBSEQUENT REGISTRATION OF PROGRAM. In the event that the Executive Committee grants an exception under Rule 3.6.1(2), that exception becomes void if the school in which that exempted student is actually enrolled

registers to compete before the expiration of the registration deadline. If the school registers after the expiration of the deadline, then the exception may remain in effect.

Rationale: Rule 3.6.1 previously included the same language regarding accepting responsibility of student conduct as was in Rule 2.3. These changes bring Rule 3.6.1 in line with the suggested changes to Rule 2.3.

EC-07 Advanced with a positive recommendation.
Motion by Smiley to eliminate Rule 4.3:

Rule 4.3 Author awards.
The author of a case selected for use in sanctioned competition shall receive a $500 cash prize. If there are multiple authors, the authors shall collectively receive $500.

Rationale: This is already covered in more detail and is more correctly stated in Rule 10.3.2. As such, Rule 4.3 is redundant.

INV-12 Advanced with a positive recommendation.
Motion by Smiley to amend Rule 8.3 as follows:

Rule 8.3 Signatures.
(1) AFFIDAVITS, EXPERT REPORTS, AND OTHER SWORN TESTIMONY. All affidavits, expert reports, depositions, or other testimony given at a prior hearing or trial shall be treated as sworn to and signed by the witness. All affidavits, expert reports, depositions, or other testimony given at a prior hearing or trial are assumed to have been reviewed by each witness immediately prior to trial. Each witness is assumed to have affirmed that no changes to the affidavit or expert reports are necessary. In the case of depositions or other testimony given at a prior hearing or trial, each witness is assumed to have affirmed that the statements made during the deposition, hearing, or trial were properly recorded and accurately reflect the statements of all people recorded.
(2) OTHER DOCUMENTS WITH SIGNATURE BLOCKS. Each document with a signature block has been signed unless expressly stated otherwise by the case problem. No attorney or witness may assert that a document with a signature block has not been signed by the individual who is purported to have signed the document in the case materials. This does not relieve the party offering the document from its obligation to establish authenticity.

Rationale: This updates this rule to be in line with the types of documents we use within our cases now. Many times, these stipulations have to be added to the cases through stipulation or special instruction. It seems much simpler to just add these types of documents to the rule on signatures itself.

RULES-01 Advanced with a positive recommendation.

Motion by Smiley to adopt the reorganized version of the AMTA Rulebook attached to this Agenda as Appendix F.

The renumbering of the Rulebook would be completed after the changes from the July 2022 AMTA Board meeting are adopted. A change log showing the changes in numbering would be presented along with the reorganized and renumbered Rulebook.

Rationale: Our Rulebook has become a bit unruly over the years with the many rule changes and additions. The proposed changes reorder and regroup significant parts of the Rulebook to make it easier for all participants to understand and use. The proposed reordering does not make any substantive edits to the text of any rules. Rather, it changes the order in which rules appear and groups them under the subsections of "Member School Administrative Rules," "Competition Rules," "AMTA Tournament Administration Rules," and "Other Administrative Rules."

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.

RULES-03 Advanced with a positive recommendation.
Motion by Smiley to create the following rule:

Rule X.XX First round pairings.
Public drawings shall be held at a predetermined time and place for the first round pairings at each regional tournament.

Rationale: We have rules for ORCS and NCT regarding random draw for round 1 pairings. We do not technically have a rule for this for regionals in the Rulebook. Adding this rule brings our rulebook in line with the current AMTA practice.

RULES-04 Advanced with a positive recommendation.
Motion by Smiley to remove Rule 7.19:

Rule 7.19 Communication during a trial.

Timekeepers, as rostered team members, may communicate only with other persons on their roster, persons on their opponent's roster, judges, and tournament officials during a trial.

Rationale: This is redundant of Rule 7.1 and does not add anything.

RULES-05 Advanced with a positive recommendation.
Motion by Jahangir to amend Rule 8.11 as follows:

Rule 8.11 Motions.
No motions are permitted, except for: (1)~~, except~~ a motion to strike pursuant to Midlands Rule of Evidence 102; (2) a motion to constructively swear in witnesses pursuant to Midlands Rule of Evidence 603; or (3) a motion to exclude witnesses pursuant to Midlands Rule of Evidence 615~~, are permitted~~. The motion to strike is not permitted for the purpose of raising alleged violations of Rule 8.9.

Rationale: Teams commonly invoke both Rules 603 and 615 during pretrial. This seeks to conform the rule to that current practice.

RULES-06 Advanced with a positive recommendation after committee amendment.

Motion by Jahangir to remove Rule 10.3.6:

Rule 10.3.6 Ethics and Professionalism Committee duties and procedures.

(1) MISSION STATEMENT. The EPC's mission is to improve the condition of ethical conduct and professionalism in all aspects of college mock trial by developing and implementing strategies that are consistent with the educational mission and goals of AMTA and to emphasize Last revised: January 27, 2022 2021 72 the ideals of mock trial as described in Rule 1.5, particularly by fostering greater acceptance of the values of respect, fairness, civility, honesty, and responsibility. The EPC shall work to educate, on a continuing basis, all AMTA members about such policies in the AMTA Rules, including the development of best practices and creative tools for promoting ethical conduct and professionalism. The committee has developed the following definitions for ethical conduct and professionalism:

- Ethical conduct is a set of guiding principles with which each person follows the letter and spirit of the rules. Such conduct reflects a higher standard than law because it includes, among other principles, fundamental values that define professionalism
- Professionalism is a set of behaviors to be exhibited by student-competitors,
- coaches, school officials, judges, fans, and AMTA-affiliated officials in mock trial competition. These behaviors are based on values, especially respect and integrity.

Rationale: Given AMTA's restructure of its committees, there is no longer a standalone Ethics and Professionalism Committee as Ethics now sits under Rules.

RULES-07 Advanced with a positive recommendation after committee amendment.

Motion by Harper to amend Rule 3.15 as follows:

Rule 3.15 Substitutions in case of illness or emergency.

(1) GENERAL RULE. If a rostered team member 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 3.15(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 3.15(2)(a).

(3) APPLICABILITY OF RULE. Whether this rule applies and whether a rostered team member's particular situation qualifies as an illness, injury, or personal emergency shall be left to the sound discretion of the AMTA Representatives. The AMTA Representatives may confer with the Tabulation Director or other members of the Executive Committee in the order described in Rule 9.3(3). A party dissatisfied with the determination of the AMTA Representatives may appeal to the Tabulation Director using the procedure outlined in Rule 9.4.

Rationale: As written, the rule contemplates application both where a student becomes ill or injured during the tournament and where the student experiences a personal emergency that renders the student unable to compete. But the title of the rule is misleading (inferring that it applies only to illness) and it is not clear from the face of the rule when and how it applies. The proposed changes are meant to make clear that the rule can apply where a student experiences an emergency other than injury or illness and that it applies only after the start of a tournament (i.e. after rosters have been confirmed but not before). In addition, in keeping with our commitment to transparency, the rule outlines a procedure for deciding what qualifies as illness, injury, or personal emergency and for an appeal of the AMTA Representatives' decision. While this rule is rarely used, its application is meaningful for the students and teams involved. These proposals are meant to assist teams and AMTA Representatives in applying this rule in the extraordinary circumstances when it is needed.

RULES-10 Advanced with a positive recommendation.

Motion by Harper to add Rule 4.19.1 as follows:

Rule 4.19.1 Current Undergraduates Cannot Serve as Judges.

No current undergraduate student or any student who would qualify as an eligible student under Rule 3.6 may serve as a judge at any AMTA sanctioned tournament.

Rationale: Judges at AMTA tournaments should be qualified individuals and they should not be undergraduate students. We know that a few undergraduate students judged or attempted to judge Regional and ORCS competitions in 2022 and at least one may have attempted to sign up to judge the NCT. This rule codifies our practice of excluding current undergraduates from our judging pools.

TAB-02 **Advanced with a positive recommendation.**
Motion by Michalak to amend Rule 9.4 as follows:

Rule 9.4 Appeal of tournament penalty.
A party dissatisfied with the determination of the AMTA Representatives may appeal to the Tabulation Director. In the event that the Tabulation Director cannot be reached, ~~or~~ is one of the AMTA Representatives, or was involved, under 9.3(3), in the penalty decision being appealed, the party may appeal to a member of the Executive Committee in the order described in Rule 9.3(3). The Tabulation Director (or other Executive Committee member) may affirm, modify, or set aside an appealable determination of the AMTA Representatives with the agreement of at least one of the AMTA Representatives. If the person hearing the appeal disagrees with the decision of the two AMTA Representatives, and neither Representative chooses to change their position, the person hearing the appeal shall contact the next Executive Member in line pursuant to Rule 9.3(3). That person shall serve as the tiebreaker in choosing between the decision of the person initially hearing the appeal and the decision of the two AMTA Representatives. This decision is final.

Rationale: The way the rule is currently written, if the Tabulation Director is involved in the penalty decision between the AMTA Reps under 9.3(3), the appeal still goes to the Tab Director. No one should have to appeal to a person involved in the original decision.

TAC-02 **Advanced with a positive recommendation.**
Motion by Smiley and Jahangir to amend Rule 4.1 as follows:

Rule 4.1 AMTA Representatives at sanctioned tournaments.
Two AMTA Representatives shall be assigned to each sanctioned tournament. If a tournament has divisions, at least two AMTA Representatives shall be assigned to each division. More AMTA Representatives may be assigned to any given tournament at the discretion of the Tournament Administration Chair in consultation with the Treasurer. Each Representative shall be an AMTA director or officer, candidate director, or other individual approved by the Tournament Administration Committee. No Representative may have a team in competition at the tournament to which they are assigned. The AMTA Representatives shall oversee the tabulation room, resolve disputes, and insure compliance with all AMTA rules and procedures. A tournament may proceed with one AMTA Representative if necessary.

Rationale: The proposed edits bring this rule in line with how we have conducted tournaments, especially more complex tournaments such as NCT.

TAC-04 Advanced with a positive recommendation.
Motion by Smiley and Jahangir to amend Rule 7.21 as follows:

Rule 7.21 Presiding judge required.
In each trial, one and only one judge shall act as presiding judge. The presiding judge may be required to score and preside if necessary. The AMTA Representatives will determine whether a presiding judge will also score. ~~If there are three judges, the presiding judge will not score the round. If there are fewer than three judges, the presiding judge will score as well as preside.~~

Rationale: The proposed changes bring this rule in line with current AMTA practices.

TAC-05 Advanced with a positive recommendation.
Motion by Smiley to amend Rule 2.10.1 as follows:

Rule 2.10.1 Team Registration Required After Assignment.
(1) TEAM REGISTRATION FORMS. The Tournament Administration Committee ~~in conjunction with the Technology Committee~~ shall create online "Team Registration Forms" for each regional tournament, which shall be posted online no later than Thanksgiving.
(2) COMPLETION OF TEAM REGISTRATION FORM. Within 30 days of assignment to a regional tournament, whether via the original assignments (Rule 2.9(4)) or assigned from the waitlist (Rule 2.10), each school must complete the "Team Registration Form" for each team at each regional to which the school is assigned to verify its attendance at each regional tournament.
(3) FAILURE TO COMPLETE TEAM REGISTRATION FORM. Failure to complete the "Team Registration Form" within 30 days of assignment may result in administrative removal of the school from each regional tournament to which it has not registered.

- **(a)** The Tournament Administration Committee Chair will communicate a warning and reminder to register five business days prior to administrative removal from a regional tournament to the "Official Contact" for the school.
- **(b)** Failure to register after warning will result in the removal of the team from its regional tournament.
- **(c)** Under no circumstances will any team receive any refund or credit for any registration fees following an administrative removal.
- **(d)** If a team is administratively removed within the penalty periods outlined in Rule 2.6(1), the school will be responsible for the appropriate penalties under that rule.
- **(e)** If a team that has been administratively removed requests to be reassigned to a regional, that team will be added to the waitlist pursuant to rule 2.10 with the date of requesting reassignment serving as the registration date for the purposes of Rule 2.10.

Rationale: There is no such thing as the Technology Committee at this point in time.

TAC-11 Advanced with a positive recommendation.
Motion by Jahangir to amend Rules 5.16 and 5.18 as follows:

Rule 5.16 Location of opening round championship tournaments.
The ~~Board~~ Tournament Administration Committee will determine the location of the sites for opening round championship tournaments.

Rule 5.18 Dates of opening round championship tournaments.
If possible, the ~~Board~~ Tournament Administration Committee will schedule tournaments to allow a minimum of two weeks between the last regional tournament and the first opening round championship tournament.

Rationale: This is both to conform with actual practice as well as conform the language of the rules as related rules reference TAC.

American Mock Trial Association
Meeting of Board of Directors
San Diego, California
July 9-10, 2022
Appendix D: Tabled Motions

DEVELOPMENT-01

Motion by Jahangir to refer to the relevant committee, or form ad-hoc committee, to assess the current state of the Judges Hall of Fame.

Rationale: On April 17, 2016, AMTA announced the Glen Halva-Neubauer Judges Hall of Fame. However, to my knowledge, there has not been much if any activity with regards to the Judges Hall of Fame. The only reference of the Judges Hall of Fame in the rules appears to be in Rule 10.4, which states: "Judges' Hall of Fame Awards will be presented at the awards ceremony at the Championship Tournament." It's not entirely clear how AMTA should proceed with the Judges Hall of Fame, but it does seem to be time to assess the current state to figure out how to proceed.

DEVELOPMENT-02

Motion by Warihay (on behalf of Lakkaraju) to create an Alumni Engagement Committee responsible for facilitating the formation, launch, and management of an AMTA Alumni website.

Rationale: Many current competitors seek pathways to connect with AMTA alumni; however, as of now, none are widely available. As AMTA continues to grow, the opportunities alumni can provide to current competitors grow too. AMTA alumni offer valuable guidance, mentorship, and support that extend far beyond AMTA competitions. Moreover, forming relationships with AMTA alumni can help mold law school applications, career decisions, and bolster the professional development of current competitors. The first step in improving alumni retention, engagement, and forming those relationships must be to create a centralized and public platform that will connect current competitors to alumni. An alumni website would achieve that goal and also provide opportunities to increase alumni retention and engagement long-term.

EC-01 **Motion by Detsky to add Rule 9.5(5) to read as follows:**

Rule 9.5 Sanctions.
(5) The President or their designee must communicate to the full board of directors a synopsis of any sanction that involves a) the suspension of a student, team or program; b) the removal from competition of any student, team or program from a AMTA event (regionals, ORCS or NCT) or c) the barring of any student, team or program from competition for any period of time. This rule is

limited to circumstances involving a suspension, removal from competition or barring of participant(s) due to a Rule 9.5 sanction. The synopsis should be an objective summary of team(s) and/or individual(s) involved; the tournaments or circumstances where the rule, round and side of the case, and witness/segment of trial for the sanctioned team(s) and/or individual(s) involved (if applicable), the allegation(s), the manner that the allegations came to the sanctioning body, and the sanctions imposed. The synopsis should be presented objectively with no commentary as to finding of fact. The synopsis must be communicated within seven days of the imposition of the sanction. This rule is only a notice requirement.

Rationale: When the executive committee elects to suspend, ban or terminate any participants from competition, they are acting on behalf on the entire board and the board has a right to know when a significant action is taken that affects any member's ability to compete.

Too often, many of us only learn about allegations, let alone sanctions, via social media or chatter amongst competitors and coaches - if we even have that. It is only natural to assume that a board with so many active coaches already knows what is happening, but in all actuality, many of us are unaware and our knowledge is often less than what we could find out in a Facebook confessions group.

This proposed new rule is simply one of notice - so that we don't have to wait until an appeal or until we get a log of EC actions for the past year at a board meeting. Nothing about this rule change confers any powers or rights to the non-EC members. It is simply a disclosure requirement. The goal is to make sure that the full board is expressly told about a sanction being issued by the body they govern in a timely manner so they aren't completely in the dark while withholding any information that may impact objectivity in the event of an appeal.

EC-02 **Motion by Detsky to replace Rule 9.6(3) with the following language:**

Rule 9.6 Sanctions Procedures.

(3) Appeal process before full Board. An appeal shall be decided by a majority vote of the members of the Board that did not vote on the imposition of the sanction imposed. The appeal shall be determined based upon a modified arbitrary and capricious standard. The question posed to the voting Board members is whether the imposed sanction is rationally connected, proportionate and appropriate given the facts found and conclusions drawn by the sanctioning body. Quorum shall be defined as over 50% of the voting members of the Board who have a vote in the appeal. In the event a school has two representatives on the Board and one voted on the original sanction - then neither shall have a vote on appeal and the non-voting Board members shall not count towards quorum. The voting Board members may choose to affirm the findings of fact,

conclusion(s) or sanction(s), modify the sanction in whole or in part, overturn the sanction in its entirety or, in the event new information comes to light during the appeal process that warrants consideration for additional sanctions, may refer the matter back to the sanctioning body as appropriate to consider the new evidence. In the event that the voters on appeal vote to refer the sanctions back to the sanctioning committee, that decision and the new information shall be communicated to the appealing party(ies) and they shall be given 10 days thereafter to withdraw their appeal and accept the originally imposed sanction. The voters on appeal may bifurcate its decisions on a sanction-by-sanction basis, person-by-person basis, team-by-team basis, program-by-program basis or rule-by-rule basis as the body deems fit. In no event may the voting directors on appeal issue a suspension of a program, team, or person for an amount of time greater than that previously decided by the sanctioning body. Those board members that participated in the original votes to sanction and/or the discussion as to what sanctions to impose may participate in any in-person or electronic-means board-wide discussions, may explain their investigation and analysis, may explain some, part of, or all of the rationale for their respective votes, may engage in the debate process, and may be present during the voting. A representative of the sanctioned program, team or individuals may be allowed to speak if they request. The request must be in writing at the time the appeal is submitted. The representative shall be limited to 30 minutes of speaking time, though that limit can be extended at the discretion of the appellate chair. The appellate chair shall be the current AMTA President. In the event the current AMTA President is unavailable for the appeal deliberation for whatever reason including but not limited to voluntary recusal, then they may designate an elected Board member to chair so long as that member did not vote with regard to the original sanction imposed. No questioning of any kind shall be be permitted. The representative(s) shall not be present for Board discussions, deliberations, and voting.

Rationale: Up until 2010 or so, we had never needed an appellate procedure. When that first appeal came through, much of the procedure had to be created on-the-fly in a manner meant to give the appealing program every chance to be heard. A formal procedure was subsequently codified. Unfortunately, the appeals procedure has now been utilized multiple times and I have observed what appear to me to be shortcomings that can be corrected.

1. I have come to see a few aspects of our appellate process as not as fair as I would like them to be. It feels like an illusory process where the sanctioning body is not split. In those instances, while it is notable and significant that some of the most dedicated people to the organization have reached agreement, it also renders the appeal itself near-impossible to succeed because as many as 10 votes could already be against them before the appeal is ever submitted. Yes, people can change their mind after spirited debate, but in that type of scenario, it feels like the appeal is pointless.

2. I've come to not like the idea of the rest of the board second-guessing each other. By the time the appeals come to the full board, the executive committee has been pondering the issue to some extent for - in some cases - months. The EC has had time to investigate, evaluate all sides, gather more information - and, frankly - process the allegations. I see it as a waste of resources for the rest of the board to attempt to recreate the months of investigation and debate by the EC over the course of a 1-2 hour discussion. The biggest issue in my mind is time. While the EC has had time to make sure their reaction is sound and supported, the appeals process lacks that adjustment time to make sure there is no overreaction.

3. I think appellants would benefit by knowing exactly what the issue on appeal is and what can and cannot happen in an appeal. To that end, I recommend using a modified arbitrary and capricious standard. The question is simply, did the EC have a rationale basis for its decision and the punishment it handed down that is supported by the facts and circumstances and consistent with our rules and precedents. Rather than recreate the investigation, the question should be narrow: was it an abuse of discretion.

4. This motion also proposes that the EC members be very much apart of the discussion and debate, but takes away their appellate vote. If we do move to this arbitrary and capricious like-standard, then the judge at the trial level shouldn't be on the appellate panel deciding whether their decision was correct.

5. This motion gives appellants the right to speak. I think, if anyone had requested to speak, the board would have allowed it, but I'd like to see that formally codified.

Nothing about this motion should be construed as being against our appellate process. But the idea of the lesser-involved board members second guessing our colleagues who have had months to investigate and think seems like an area for improvement.

EC-03 **Motion by Ben-Merre to amend Rule 9.6(3) as follows:**

Rule 9.6 Sanctions Procedures.
(3) Appeal process before full Board. If a third of the Board agrees to hear the appeal, the appeal shall proceed. The Board shall determine the mode and method of hearing each appeal, and notify the appellant of such determination such that the appellant will have reasonable time to prepare information or argument for the Board's consideration. Notwithstanding the foregoing, sanctions which could affect in-season bids may require hearing on an expedited basis. The

Board shall consider the rationale of the Executive Committee and any other committee which dealt with the matter; however, the Board is to act de novo.

Rationale: This would expedite the appeals process but still allow for de novo review by the Board.

EC-04 **Motion by Eslick to amend the By-Laws to require that every member of the Executive Committee be a member of the Board of Directors.**

Rationale: This is not intended to be disparaging to the current EC. But under Article 7 of the bylaws, certain members of the EC do not need to even complete the conflict of interest form. It also seems odd that the Corporation's helmspeople haven't been elected.

EC-08 **Motion by Smiley (on behalf of Lampert) to create a public system for motion submission:**

Motions for the annual summer meeting may be suggested by the public by completing a publicly available form on the AMTA website no later than April 1, but shall not be included on the agenda without a Board member's sponsorship. All motions suggested to the Board via the publicly available form shall be made accessible to the Board on April 14. Any motions that a Board Member wishes to sponsor must be submitted by the April 21 deadline.

Rationale: AMTA has taken the right step by introducing a student advisory board. This follows the same line of thinking. It's true that not every idea will be a good one, but the bad ones can be dismissed outright or improved. It's also true that students without institutional influence can submit motions by speaking with a board member, but those students may not know any board members, may not be comfortable with the board members they know, or submit a proposal that one board member may dismiss/never allow to see the light of day that would be approved by other board members. This will improve openness and transparency by providing a mechanism to allow people not on the Board and/or in student-run programs to submit suggestions for motions. This would give programs without Board member affiliation or contacts more ability to be a part of the Board and motion process.

EC-09 **Motion by Jahangir to retroactively recognize the 2020 One Last Time Tournament individual award winners and final round participants as All-Americans.**

Rationale: Despite now being over two years ago, the end of the 2020 AMTA season was rough. We went from running our first weekend of ORCS to postponement to eventual cancellation of the rest of the season.

As such, we had no 2020 NCT and no All-Americans from that year. Though, we were able to hold what would be our first online summer tournament, the 2020 One Last Time Tournament. Given the circumstances, we provided priority to those graduating students whose season was cut short by the pandemic.

This motion seeks to recognize those students from the 2020 OLT who earned individual awards or participated in the final round as AMTA All-Americans. It is true that it has been over two years since all of these students have graduated, but as the one year skipped having now been able to hold both a 2021 NCT and 2022 NCT, the Class of 2020 deserves its share of recognition. And to clarify, this motion seeks to only retroactively recognize the award winners and final round participants of the 2020 OLT as we were able to host NCT in 2021.

EC-10 **Motion by Harper to add Rule 1.3.2, AMTA's Nondiscrimination Policy.**

Rationale: Organizations like AMTA are embracing nondiscrimination policies, often modeled after the requirements of Title IX. AMTA embraces diversity and does not condone discrimination at our events or among our members and participants. To that end, we should have a full and clear nondiscrimination policy that is consistent with the policies of other education-related organizations and that complies with all relevant federal, state, and local laws and regulations and that is consistent with AMTA's values and educational mission. I propose that the Executive Committee, the Diversity & Inclusion Committee, and Counsel draft a nondiscrimination policy to be proposed to the Board no later than the December 2022 midyear meeting.

NOTE: The tabling of this motion was for procedural reasons only; the EC and Diversity & Inclusion Committees plan to prepare such a policy and present it to the Board at the Mid-Year Meeting. Action by the Board at this meeting is not necessary for the committees to begin the drafting process.

RULES-08 **Motion by Harper to amend Rule 4.31 to read as follows:**

Rule 4.31 Time limits.
Time limits for all trials in sanctioned tournaments shall be strictly observed.
(1) TIME LIMITS GENERALLY. Except as adjusted downward in a special instruction, time limits for each side shall be as follows:
Opening statement and closing argument (combined) – 14 total per side
Direct examinations of all three witnesses (combined) – 20 minutes per side
Cross examination of all three witnesses (combined) – 20 minutes per side
(2) REBUTTAL. [Unchanged.]

(3) UNTIMED ACTIVITIES. Time spent in arguing objections or comments of judges shall not be assessed against either side, but shall be included in all calculations under Rule 4.33.
(4) EXPIRATION OF DIRECT EXAMINATION TIME. [Unchanged.]
(5) EXPIRATION OF CROSS EXAMINATION TIME. [Unchanged.]
(6) READING EXHIBITS. Should a team wish to read aloud for the jury an exhibit (or part of any exhibit) or stipulation, any such reading must be deducted from the team's time to present arguments and evidence. The time spent reading the exhibit aloud shall be deducted from that team's total 14 minutes for opening statement and closing argument, 20 minutes for direct examination, 20 minutes for cross examination~~, or 9 minutes for closing argument~~, depending on whether the reading occurs before the conclusion of the second opening statement, after opening statements but before the plaintiff has rested, after the plaintiff has rested but before the defense has rested, or during the reading team's closing argument, respectively. This rule addresses only issues of timing, not issues of evidence or admissibility.

Rationale: This proposal includes a modest adjustment to the time limits for direct and cross examination aimed at making trials more efficient and at improving our hosts' abilities to recruit qualified judges. By reducing the time for direct examination and cross examination by 5 minutes each, the maximum time permitted to complete an AMTA trial will be reduced by 20 minutes, which will allow for a similar reduction in the all-loss time. Everyone who has hosted and recruited judges knows that the time commitment for AMTA competitions is often cited as a reason judges are unavailable or unwilling to judge (one round or more). By reducing the time limits as proposed here, a proportionate reduction in the all-loss time would result in a two and a half hour all-loss limit. I suspect it will be far easier to recruit qualified judges (who have more demands on their time) for a two and a half hour trial than a three hour trial. At the same time, the modest time reduction will not meaningfully affect a team's ability to showcase their skills through three direct examinations and three cross examinations. The proposed changes in paragraph 6 are technical changes that bring the rule in line with our current practices.

RULES-09 **Motion by Harper to amend Rule 4.33 as follows:**

Rule 4.33 All-loss rule.
(1) DEFINITIONS. For the purposes of this Rule,
(a) "Start time" means the time when all judges have arrived to their proper trial rooms at the beginning of a round. If one or more judges must be reassigned after arriving to their initially assigned trial room, the start time does not occur until all judges have arrived to their subsequently assigned trial rooms.
(b) "All-loss time" means 150 minutes after the start time.

(2) RULE. All trials in a round must be completed by that round's all-loss time, or a penalty will be imposed under this Rule, except as otherwise provided within this Rule.

(3) WHEN TRIAL IS DEEMED COMPLETED. A trial is deemed completed upon the conclusion of closing arguments (including any rebuttal argument). To the extent that the participating teams agree to waive closing arguments, the trial shall be deemed completed when the student competitors finish speaking at the conclusion of the last scored performance. The trial shall be deemed completed even if any ballot must be returned to a judge due to error, incompleteness, or illegibility.

(4) PENALTY. If the all-loss time occurs prior to the completion of a trial, each team competing in the uncompleted trial shall have one ballot subtracted from its final total of ballots won, except as provided in section 6(c) of this Rule. The actual record of each team prior to the imposition of the penalty shall be used for the purposes of pairing and tiebreakers.

(5) DUTIES OF AMTA REPRESENTATIVES AND TEAMS.

(a) The AMTA Representatives shall determine the start time of each round and prominently post the resulting all-loss time.

(b) It is the duty of each team to ascertain the all-loss time for each round, and to seek AMTA Representative intervention if it appears that their trial will not be completed in time. Merely advising the AMTA Representatives that the trial is running long is not an intervention request and does not entitle the teams to any relief from the operation of this rule.

(6) REQUEST FOR INTERVENTION.

(a) A rostered member of either team must make a timely request for intervention to the AMTA Representatives who will observe the trial and determine whether the team requesting intervention is entitled to relief.

(b) When requested, the AMTA Representatives or their designee may intervene to get a delayed trial back on schedule.

(c) The AMTA Representatives may allow adjustment to the operation of this rule on those rare occasions where delay in a trial occurs without any contribution from either team. The decision of the AMTA Representatives is final, subject to any right to appeal described in Section 8 below.

(d) When an intervention has been requested, approximately 5 minutes before the all-loss time, an AMTA Representative or a designee may go to each uncompleted trial to ascertain the status of the trial. If the AMTA Representative or designee determines that trial is complete by the all-loss time, the judges shall complete their ballots and no penalty shall be imposed. If trial has not been completed by the all-loss time, the penalty set forth in section 4 shall be imposed. ~~Trial is deemed completed when competitors have finished speaking (usually at the conclusion of closing arguments).~~

(7) NO RELIEF FROM JUDGES. No presiding judge or scoring judge may grant relief from the operation of this rule.

(8) RIGHT TO APPEAL. The imposition of an all-loss penalty may be appealed to the Competition Response Committee in compliance with the deadlines set forth in Rule 6.10. The decision of the AMTA Representatives will

be reviewed under an abuse of discretion standard. The decision of the Competition Response Committee is final.

Rationale: The proposed change to paragraph 1 is a companion proposal to the proposed change to Rule 4.31. The proposed reduction is proportionate to the proposed reduction in time for the scored performances. The other changes are meant to bring the rule in line with our current practice and to remove any unnecessary burdens on AMTA Representatives and competitors.

TAB-01 **Motion by Eslick to add Rule 4.34(5) to read as follows:**

Rule 4.34 Severe weather rules.
(5) In the event a team is unable to compete in a particular round in a tournament due to inclement weather, the AMTA Representatives shall field a bye-buster team to take the place of the team that is unable to compete. If the team does not compete in the final round of a tournament or competes in only one round, the comment to Rule 4.7 shall apply. If the team competes in more than one round and competes in the final round of the tournament, the result of any trial involving a bye-buster team shall be imputed to the team unable to compete.

Rationale: We had a weather event at an ORCS tournament this year where two teams were nearly unable to compete because of the weather. We couldn't find a rule telling us what to do to allow the competition to proceed or how to treat those teams' records if we fielded a bye team. I'm not married to the specific text of the motion, but the gist is that if a team competes in 2 or more rounds and competes in round 4, then the team can still earn a bid, but if they miss round 4 or only compete in one round, they can't.

TAB-03 **Motion by Smiley (on behalf of Lampert) to amend Rule 5.31(1) as follows:**

Rule 5.1 National championship tournament individual awards.
(1) ALL-AMERICAN AWARDS BASED ON RANK POINTS. Each student who receives at least an average of 4.5 individual award points per ballot on one side of the case at the National Championship Tournament shall be designated an Intercollegiate All-American Witness or Intercollegiate All-American Attorney. If less than ten students in a division earn at least 4.5 individual award points per ballot, all students who receive at least as many award points as the student with the tenth-highest number of individual points will receive All-American status. A student may receive All-American designation as both an attorney and a witness.

After individual award points per ballot have been calculated, the tournament shall add a number of award points equivalent to the number of ballots a team

won at the national championship tournament on a given side. For example, if a student earned a total of 20 award points on the defense as an attorney, and their defense side did not win any ballots, they would maintain a total of 20 award points; if that student's defense side won four ballots, they would have a total of 24 award points.

Rationale: GAMTI adopted this system to recognize the truly outstanding advocates: the students who are the top performers on the top teams. AMTA already has a philosophy consistent with this policy, since they recognize the top performers who make the AMTA final round (by naming each participant an All-American). There are often performers on the second or third place teams in divisions who narrowly split with (or never got a chance to compete against) the finalists. The goal of AMTA nationals is to recognize the best of the best; this makes it easier to do that.

TAC-03 **Motion by Smiley to amend Rule 5.24 as follows:**

Rule 5.24 Location of national championship tournament.
In each year, the location of the National Championship Tournament will be determined by an open bid system akin to what is utilized for ORCS and Regionals. ~~The committee making the determination may consider a preference that Des Moines host in years marking AMTA milestones. (e.g., 2015 as the 30 year anniversary).~~

Rationale: Eliminating this language brings this rule in line with AMTA's policy over the last 10+ years. The host selection committee should be free to choose the best candidate for NCT.

TAC-06 **Motion by Smiley (on behalf of Lampert) to do the following:**

(A) Replace Rule 7.26 with the following language:

Rule 7.26 Ballots.
In scoring the trial, judges shall use digital ballots provided by the competition. These digital ballots shall be available in a scoring portal accessible by the judges and AMTA representatives. After the digital ballots have been submitted by the judges and released by AMTA representatives, the digital ballots shall become accessible to the teams who were judged via a scoring portal. AMTA shall advise judges to bring electronic devices to competitions (tablets or laptops) to access this scoring portal. In case judges are unable to provide their own devices, AMTA shall create a fund to provide judges with backup devices at competitions.

(B) Amend Rules 4.6, 4.20, 7.31, 7.32 and 7.33 accordingly concerning the "copies" of the ballots and "blue" ballots.

Rationale: AMTA is behind the times when it comes to digital balloting. Every major debate tournament in the United States of America (including the NSDA national championship, which hosts over 4,500 students and 1000+ coaches/judges across a week) switched to purely digital balloting around 2018. They did this for three main reasons (all of which apply to AMTA).

- *First, paper ballots are notoriously difficult to read and write clearly on. AMTA's impression ballots are even worse; judges routinely violate 7.26's language about 'writing on one page at a time only,' so a huge percentage of ballots are useless. Judges also mess up students' names (in a way that's sometimes unchecked by tab), skewing individual honors.*
- *Second, a digital balloting system allows for better ballot preservation, which more strongly upholds the educational mission of AMTA. Right now, ballots are thrown out (if they're on paper) or vanish (if they're digital). Neither system is optimal. More importantly, neither system is necessary. Forensicstournament.net, Speechwire.com, and Tabroom.com have created ballot tabulation preservation systems that go back years. I don't know if we can retrieve what's gone, but we should be able to keep everything from here on out.*
- *Third, a digital ballot system means more accountability for judges. We're at a turning point for AMTA where students are rightfully demanding better behavior out of their judges. If a paper ballot has hastily scribbled comments AMTA representatives glance over before returning to students, we won't be able to easily retrieve those comments. If a digital ballot has searchable text, we can find which judges are providing model ballots (which should undoubtedly be posted on the AMTA website for educational purposes) and which ones should be re-educated or asked not to return.*

TAC-07 **Motion by Smiley (on behalf of Lampert) to amend Rule 7.33(1) as follows:**

Rule 7.11 Comment and critique by the court.

(1) WRITTEN COMMENTS. To offer critique or comment to an individual student, judges are ~~encouraged~~ mandated to write down their ideas in the section of the ballot ~~below the~~ next to that student's name. ~~It is a good idea to write such comments as the trial progresses, but judges should feel free to add to their comments after the trial, too. Each team will get one copy of the ballot.~~ Judges shall write down at least one constructive suggestion and one compliment for each section of the trial. Judges shall be provided with a model ballot during their judge training. Ballots shall be checked for written comments at the conclusion of each round. Judges shall be required to complete those written comments before the next round may be paired. AMTA shall post model written comments next to sample rounds on its website and share them during judge training.

Rationale: Many AMTA ballots are suboptimal. They don't achieve the mission expressed in 7.33(2) of each mock trial judge becoming a 'law-related educator.' After sitting next to judges who wrote zero comments, gave no substantive oral feedback, and admitted to not knowing what to look for at determinative rounds at multiple national championship competitions (including a round 4 that named an honorable mention team and a national championship round where judges seemed surprised that witnesses also get comments), it's clear many 'law-related educators' are being educated by the students, rather than the other way around. We can easily enforce word count minimums online by using text boxes with required conditions before submission; the technology exists on every major debate platform.

TAC-08 **Motion by Smiley (on behalf of Lampert) to add Rule 7.35:**

Rule 7.35 Judge Certification.

Judges shall be held to standards commensurate with the educational mission and goals of AMTA and to emphasize the ideals of mock trial as described in Rule 1.5. Consequently, they shall be required to complete an online certification program prior to being allowed to judge an AMTA regional, ORCs, or national competition. After completing this program, they shall be added to a searchable database. This interactive program should mirror the most recent judge presentation available on AMTA's website. If judges do not behave in a manner consistent with their certification and the goals of AMTA at competitions, they shall be addressed by the appropriate AMTA representatives and disciplinary action may be taken. If disciplinary action is taken against a judge, it shall be documented and a certification may be revoked or suspended. Judge certification shall be preserved in a database accessible to AMTA member schools.

Rationale: The word 'training' doesn't appear a single time in AMTA's rulebook. The effectiveness of judge training, in my experience, is inconsistent at best. Every year (at the AMTA regional, ORCs, and national levels), we encounter judges who don't pay attention to training, behave inappropriately towards students, and have inadvertently created whisper networks about this bad behavior. We also encounter judges who are trying their best but don't know what to look for. AMTA should copy the best practices of every other major public speaking competition organization by adopting this system. The best speech and debate one is on tabroom.com, which lists a judge's certifications next to their name. It's easier than ever to create a judge database; the technology is here. We should make it easier for good judges to do a good job and harder for bad judges to get away with substandard behavior.

TAC-09 **Motion by Smiley (on behalf of Lampert) to add Rule 7.36:**

Rule 7.36 Judge Record/Paradigm Database.

Judges' records, which shall include which teams they voted for, the margins of their decisions, and the AMTA-sanctioned tournaments at which they made those decisions, shall be preserved in a database accessible to AMTA member schools. Judges shall have the option of completing a questionnaire at the time of their certification. This questionnaire shall ask them for their preferences regarding attorney and witness presentations (which shall be expressed in a numbered list; e.g., on a scale of 1-10, with one being 'extremely polite' and 10 being 'extremely aggressive', how aggressive do you prefer to see advocates in college mock trials?) and provide a space for them to leave additional comments. These answers, hereafter referred to as a judge's paradigm, shall be preserved in a database accessible to AMTA member schools.

Rationale: Debate introduced online judge paradigms well over a decade ago. The benefits to the community have been tremendous there and they'll be just as helpful here. First, it's easier for new teams to improve their presentations because they see what most judges care about. Second, the rounds become more enjoyable for judges, since the advocates have to make strategic decisions about amending their prepared cases to suit the judge's tastes. Third, it's easier for AMTA representatives to catch judges with inappropriate paradigms before those paradigms harm students. Fourth, it solves one of AMTA's biggest problems: 'reading the judge.' As Malcolm Gladwell summarized in Talking to Strangers, humans are generally awful at interpreting nonverbal cues, which is all AMTA competitors normally have when addressing a panel. In real trials, we'd have a chance to know the jury before putting on the case via voir dire. This simulates that experience. Fifth, it makes judges better at their job because it forces them to think about these dimensions and the activity as a whole before they go into the round, which solves the 'this judge doesn't know what mock trial is' issue.

I piloted this system at a mock trial round robin in mid-April of '22. Half the judges filled out paradigms, which were released to the students a day before round one. Every one of those judges made positive comments about the opportunity to express their preferences. The top-placing student teams made comments about how those preferences helped them in adjusting their performances.

TAC-10 **Motion by Smiley (on behalf of Lampert) to amend Rule 5.33 as follows:**

Rule 5.33 Judging of the national championship trial.
Judges of the National Championship Round shall be assigned by the tournament host in consultation with the Tournament Administration Committee Chair. Prior to the scored portion of the national championship trial, an odd number of at least five potential scoring judges shall be presented to the teams. One student advocate per team competing in the national championship trial shall be allotted five

minutes to question the judging panel about their preferences in a manner consistent with voir dire practices. After both voir dire segments have concluded, each team shall announce one judge to be dismissed from the panel with the thanks of the court. Judges asked to score the national championship trial shall be made aware of this process when they are initially asked. The national championship trial shall be scored by an odd number of at least three. The presiding judge should not score if possible.

American Mock Trial Association
2021 Mid-Year Board Meeting Minutes
December 12, 2021, 2:00 pm EST
Via Zoom

I. Call to Order

Attendance:
Members present (28): Ben-Merre; Bernstein; D'Ippolito; Detsky; Eslick; Halva-Neubauer; Harper; Henry; Heytens; Hogan; Holstad[1]; Jahangir; Johnson; Langford; Leapheart; Leckrone; Michalak; Minor; Olson; Parker; Schuett; Sohi; Thomason; Walsh; Warihay; Watt; West; Woodward
Members not present (2): Gelfand; Haughey
Candidate Members present (5): Feak; Mundy; Schuette; Smiley; Wilson
Candidate Members not present (0)
Staff & Guests (0)

II. Welcome and Remarks (Harper)

III. Format of Agenda:

Delivered by Secretary – D'Ippolito

Pursuant to Rule 10.2.1 of the AMTA Rulebook, all motions submitted were referred to the corresponding AMTA committee. All motions are referenced numerically by the abbreviation of the AMTA committee to which the motion was referred (*e.g.*, EC-02 or TAB-03). Each committee had the option of (1) tabling the motion; (2) amending the motion; or (3) substituting the motion. Tabled motions retained their original designations, but are provided in an appendix. Motions could be advanced with recommendation or without. The Executive Committee subsequently set the final motion agenda order, subject to agenda amendments made at the Board meeting.

Motions appear in red and bolded. The decision of the respective committees follows each motion **IN BOLD BLUE, CAPITAL LETTERS AND UNDERLINED.** Motions that have been recommended by committee do not need to be seconded at the meeting. Motions forwarded without recommendation require a second. For a motion to

[1] Pursuant to Section 4.13.01 of the Bylaws, Directors Holstad and Walsh are both affiliated with Loyola University Chicago. Therefore – and in accordance with Bylaw Section 4.13 – Walsh served as a Voting Director during the Board Meeting, and Holstad served as a Non-Voting Director.

be adopted, it must have received a majority of the votes cast at a meeting at which quorum is present. *See* AMTA Bylaws, Section 4.10. Motions to amend the Bylaws required an affirmative vote of two-thirds of the Voting Directors. *See* AMTA Bylaws, Section 8.02.

Attached to the Agenda as **Appendix 1** are the minutes from the July 2021 Board meeting.

IV. Approval of Agenda

Motion by Olson to approve the Agenda. Seconded. **Agenda approved.**

V. Approval of July 2021 Board of Directors Meeting Minutes

Motion by Woodward to approve the Minutes. Seconded. **Minutes approved.**

VII. Committee Reports:

- **A. Academics Committee (Leapheart): Written report**
- **B. Accommodations Committee (Olson): Written report**
- **C. Analysis Committee (Jahangir): Written report and December 12, 2021 Memorandum re: State v. Sutcliffe Case Data.**
- **D. Audit Committee (Parker): Written report**
- **E. Budget Committee (Warihay): Written report**
- **F. Criminal Case Committee (Schuett): Written report**
- **G. Communications Committee (Holstad): Written report**
- **H. Competition Response Committee (Thomason): Written report**
- **I. Development Committee (Harper): Oral report**
- **J. Disciplinary Committee (Woodward): Written report**
- **K. Diversity and Inclusion Committee (Sohi): Written report**
- **L. Human Resources Committee (D'Ippolito): Written report**
- **M. Invention Rules Ad Hoc Committee (Bernstein): Written report**
- **N. NCT Case Committee (Thomason): Written report**
- **O. New School Recruitment and Mentorship Committee (Olson): Written report**
- **P. One Last Time Senior Tournament Committee (Smiley): Written report**
- **Q. Rules, Intellectual Property, and Ethics Committee (Smiley): Written report**
- **R. Strategic Planning Committee (Walsh): Written report**
- **S. Student Advisory Board Committee (Feak & Sohi): Written report**
- **T. Student Eligibility Rules Ad Hoc Committee (Woodward): Written report**
- **U. Tabulation Advisory Committee (Michalak):Written report**
- **V. Tournament Administration Committee (Watt): Written report**

VIII. Committee of the Whole Discussion: 2022 Tournament Logistics and 2022 National Championship Tournament Location

Motion by Halva-Neubauer to enter Committee of the Whole. Seconded. **The Board enters Committee of the Whole.**

During Committee of the Whole, the Board held a meaningful and productive discussion addressing tournament logistics that will facilitate AMTA's intended return to safe, in-person competition for the 2022 competitive season if possible. AMTA will publish COVID-19 guidance and rules that all participants and attendees must adhere to, subject to any applicable federal, state, and local laws and regulations. AMTA will continue to monitor the ever-evolving COVID-19 pandemic and will update its plans for competition, published guidance, and rules, as appropriate.

The Board also discussed the 2022 National Championship Tournament location. *See infra* NB-04.

Motion by Woodward to exit Committee of the Whole. Seconded. **The Board exits Committee of the Whole.**

IX. Motions:

EC-01: Motion by Woodward to amend Rule 5.31(2) by adding the language in red:

Rule 5.31 National championship tournament individual awards.

(2) ALL-AMERICAN AWARDS BASED ON REACHING FINAL ROUND. Each student portraying an attorney or witness in the championship round shall be designated an All-American attorney or witness, respectively. Each other student on the roster of either team in the championship round shall also be designated an All-American Attorney or All-American Witness, so long as the student actually scored points as an attorney or witness during any of Rounds 1 through 4 of the national championship tournament. **AMTA shall furnish a physical award to each awardee under this section.**

Rationale: Historically, AMTA has not provided a physical All-American award to the students who earn the designation by reaching Round 5. It is appropriate that these students have a physical award to commemorate their All-American status the same as the other All-American awardees.

ADVANCED WITH A POSITIVE RECOMMENDATION

EC-01 passes.

IX. Unfinished/New Business

NB-01: Motion by Watt and Hogan to amend Rule 3.3 by adding the language in red:

Rule 3.3 Number of teams eligible for regional competition.

Each school may register an unlimited number of teams for regional tournaments. However, no more than three teams from a program will be guaranteed a space in a regional tournament. All additional teams from a program will be placed on the waitlist pursuant to rule 2.10. No more than two teams from any given school may compete at any single regional tournament. **During the 2022 competitive season only, the Chair of the Tournament Administration Committee can allow more than two teams from one school to compete at the same tournament, only if that tournament is a regional being held online and not in-person.**

Rationale: We already have one school with three teams request to compete online. While our hope is that we can spread those teams across two online tournaments, we won't know if that's possible for some time. This rule gives TAC the flexibility to accommodate teams for regionals only, and is designed to sunset after this year, thus is limited in scope and clearly designed to only apply for this limited purpose.

Seconded. **NB-01 passes.**

NB-02: Motion by Watt and Hogan to amend Rule 11.7 by adding the language in red:

Rule 11.7 Timing.

(1) TIME LIMITS. For the 2020-2021 Regionals and ORCS Tournaments, Opening Statements and Closing Arguments shall be 12 minutes total per side, and Direct and Cross Examination shall be 38 minutes total per side.
(2) TIME SELECTION. At captain's meeting, each team must announce, in whole minutes, how much of the 38 minutes it designates for direct examination. The direct examination time selection must be 20, 21, 22, 23, or 24 minutes. The remainder of the 38 minutes will be the team's cross examination time. For example, if a team designates 23 minutes for direct examination, the team will have 15 minutes for cross examination. A team may not carry over unused time from direct examination to cross examination or vice versa. For example, if a plaintiff team designates 24 minutes for direct examination but only uses 19 minutes on direct examination, the team's total cross examination time remains unchanged at 14 minutes.
(3) ALL LOSS. The all-loss time is reduced to 150 minutes.
(4) PRIOR RULE. Rule 11.7 supersedes language set out in Rule 4.31.
(5) EXCEPTION: Subject to the approval of the Chair of the Tournament Administration Committee, a tournament that is forced to be moved from in-person to online competition will follow the

timing rules for in-person competitions as set out in Rule 4.31, 4.32, and 4.33.

Rationale: We want to preserve the online time limits as they're widely considered as necessary for online mock trial to be successful. However, it is possible we have to move an entire tournament from in-person to online with little notice for teams. If that situation were to arise, it would be even more challenging for teams to have to cut their material to meet the shorter time limits, especially on short notice. This rule change would provide the flexibility to give teams the time they've prepared for if we're in a situation that requires a late move to online from in-person.

Seconded. **NB-02 passes.**

NB-03: Motion by Watt/Hogan to amend Rule 4.26 by adding the language in red:

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 the number of 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.

(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 edit empowers AMTA Reps to enforce AMTA and host restrictions.

Seconded.

Motion by Woodward to amend NB-03 to add the language "and/or sanctions under Rule 9.5." to the end of proposed Rule 4.26(2)(b).

Seconded. **Motion to amend passes.**

Motion by Parker to amend NB-03 to remove the language "the number of" from proposed Rule 4.26(2)(b).

Seconded. **Motion to amend passes.**

NB-03 passes as amended.

NB-04: Motion by Leckrone to appoint Grant Keener, on behalf of Elizabethtown College, to serve as the host of the 2022 National Championship Tournament.

Seconded. **NB-04 passes.**

NB-05: Motion by Leapheart to authorize AMTA to contract with a third party for COVID-19 guidance compliance certification for in-person competition.

Seconded. **NB-05 passes.**

NB-06: Motion by Jahangir to institute the in-person time limits for all 2022 AMTA online competition.

Seconded. **NB-06 fails.**

NB-07: Motion by Jahangir to amend Rule 3.15 by adding the following language in red:

Rule 3.15 Substitutions in case of illness.

(1) GENERAL RULE. If a participant becomes unable to compete because of illness, injury, ~~or~~ personal emergency**, or restrictions related to the COVID-19 pandemic**, 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 3.15(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 3.15(2)(a).

Seconded. **NB-07 fails.**

X. Adjournment

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