



American Mock Trial Association

Meeting of Board of Directors

Madison, Wisconsin

July 15-16, 2023

Agenda

Call to Order and Roll Call

II. **Welcome and Remarks** (Woodward)

III. **Approval of Agenda**

See Appendix A for an explanation of the agenda.

IV. **Approval of 2022 Mid-Year Meeting Minutes**

See Appendix E.

V. **Committee Reports**

Most committees will deliver their reports to the Board via email prior to the meeting.

VI. **Tabled Motions**

See Appendix A for an explanation of tabled motions.

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

VII. **Approval of Consent Calendar**

See Appendix C for the motions on the consent calendar.

VIII. **Election of 12th AMTA President**

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.

BUDGET-02 To place \$125 cap on AMTA Rep rideshare expenses.

BUDGET-03 To increase regional tournament host stipend from \$3,250 to \$4,500.

BUDGET-04 To increase NCT host stipend from \$25,000 to \$30,000.

BUDGET-05 To increase AMTA registration fees effective 2024-25 season.

BUDGET-06 To increase invitational licensing fee effective 2024-25 season.

CIC-01 To remove language inconsistent with AMTA's penalty structure.

CIC-02 To make clear that "X Inference" is defined term in AMTA Rulebook.

CIC-03 To remove language referencing 2019 AMTA Invention of Fact Memo.

CIC-04 To clarify that recanting is prohibited with affidavit-less witnesses.

CIC-05 To remove language equating Improper Invention with an ethical violation.

CIC-06 To permit CIC to continue issuing advisory opinions.

CIC-07 To amend and clarify Guilty Portrayal rule.

CIC-08 To add another trial year of CIC in-tournament review.

CIC-10 To add probation language to CIC review rule.

D&I-01 To instruct teams to place gender/pronoun/honorific form with ballots.

D&I-02 To reference gender/pronoun/honorific form in Judges' PowerPoint.

EC-01 To change CIC composition; EC review of CIC advisory opinions.

- EC-02** To no longer require majority of non-conflicted CIC members to vote on penalty.
- EC-05** To amend rule regarding motions/agenda process.
- RULES-01** To amend “no devices rule” to permit recording and timing.
- RULES-02** To amend “Act of AMTA” rule to allow denial without investigation.
- TAB-04** To modify determining size of regional for ORCS bid purposes.
- TAC-02** To amend language of rule regarding selection of presiding judge.
- TAC-07** To amend rule regarding assignment of judges.
- TAC-08** To mandate dissemination of judge paradigms.

X. Report of Treasurer/Budget Committee

XI. Approval of 2023-24 budget

XII. Unfinished/New Business

XIII. Adjournment



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Appendix A: Explanation of Agenda

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

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

Advanced Motions (Appendix B)

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

Consent Calendar (Appendix C)

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

Tabled Motions (Appendix D)

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

Voting Standards

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



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Appendix B: Full Text of Motions

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

BUDGET-02: Advanced with a positive recommendation

Motion by Harper and Warihay to update the AMTA Travel Policy for AMTA Representatives with regard to rideshare expenses as follows:

AMTA will reimburse the costs of rideshare services and taxis up to \$125, per AMTA Representative, inclusive of all taxes, fees, and charges. Any reimbursable rideshare or taxi costs must be for the purposes of traveling to and from a tournament location, hotel, airport or other location used by an AMTA Representative for the purposes of their service. Any expense over \$125 will not be reimbursed unless approved by the Treasurer or the Treasurer's designee prior to purchase.

Rationale: The most "uncontrolled" cost for AMTA Representatives right now is the cost of rideshare services, which can vary widely. This is designed to permit AMTA to more accurately budget for AMTA Representative services by placing a cap on rideshare costs, but still giving the Treasurer discretion to approve overages in case-by-case situations, as is customary with other sections of the Travel Policy.

BUDGET-03: Advanced with a positive recommendation

Motion by Hogan and Leckrone (as amended by committee) to amend Rule 11.8 of the AMTA Rulebook as follows:

Rule 11.8 Stipends for regional tournament host.

Absent other arrangements, AMTA shall provide each regional tournament host with ~~\$3,250~~ **\$4,500 for hosting a regional tournament.** ~~Shall any regional host have fewer than 18 teams assigned as of December 1, that regional host shall get a flat stipend of \$2000.~~

No regional host may charge teams additional fees (above those paid to AMTA) to participate in a regional tournament. Regional hosts shall receive their stipend, in full, at least one month prior to the commencement of the regional tournament. The Development Committee and Tournament Administration Committee may also enter into alternative hosting arrangements where a host would receive promotional or other consideration in addition to or in lieu of a direct subsidy from AMTA.

Rationale: It has been many years since we have provided our Regional hosts with an increase in their stipend. Not only have the costs of hosting increased exponentially, but it has become more difficult to keep hosts and attract new hosts with such a small stipend. Moreover, this would eliminate the disparity between hosting a Regional and an ORCS, considering that we no longer require a banquet and/or use of a courthouse at ORCS, and many Regionals host more teams and cost more to host than our ORCS.

The cost of this increase in funding will be offset, partially, by a corresponding motion to increase school membership fees for new and returning programs, reduction from 32 to 28 Regional sites, and utilization of the rarely tapped Tournament Support Fund.

BUDGET-04: Advanced with a positive recommendation

Motion by Hogan and Leckrone (as amended by committee) to amend Rule 14.4 of the AMTA Rulebook as follows:

Rule 14.4 National championship tournament host stipend.

The stipend for the National Championship Tournament host shall be ~~\$25,000~~ **\$30,000**.

Rationale: It has become increasingly more difficult to recruit quality hosts for AMTA's biggest event. This minor increase is necessary to offset the ever increasing costs of hosting this significant event. The cost of this increase in funding will be offset, partially, by a corresponding motion to increase school membership fees for new and returning programs, reduction from 32 to 28 Regional sites, and utilization of the rarely tapped Tournament Support Fund.

BUDGET-05: Advanced with a positive recommendation

Motion by Hogan and Leckrone (as amended by committee) to amend Rule 2.4 of the AMTA Rulebook effective for the 2024-25 AMTA season:

Rule 2.4 Registration fees.

(1) ANNUAL MEMBERSHIP FEE PER SCHOOL. Each school shall pay an annual membership fee of ~~\$450~~ **\$500**. 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(i), 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~~ **\$150**. Each additional team shall pay a registration fee which increases by \$25, so that the second team's fee is ~~\$150~~ **\$175**, the third team's fee is ~~\$175~~ **\$200**, 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 \$150.

(3) OPENING ROUND CHAMPIONSHIP FEE PER TEAM. Each team participating in an opening round championship tournament shall pay a registration fee of ~~\$250~~ **\$300** on or before the Monday before the start of the tournament. If, after the tournament's field had been filled, and within 72 hours of a tournament's start time a team drops out for any reason and a replacement team is added, the newly added team is exempt from paying the registration fee for said tournament.

(4) NATIONAL CHAMPIONSHIP FEE PER TEAM. Each team participating in the national championship tournament shall pay a registration fee of ~~\$500~~ **\$550** on or before the Monday before the start of the tournament. If, after the tournament's field had been filled, and within 72 hours of a tournament's start time a team drops out for any reason and a replacement team is added, the newly added team is exempt from paying the registration fee for said tournament.

Rationale: The purpose of this motion is to increase funding, in part, to offset an increase in stipends for our Regional and NCT hosts. Not only have the costs of hosting increased exponentially, but it has become more difficult to keep hosts and attract new hosts with such a small stipend. Moreover, this increase in funding would permit us to eliminate the disparity between hosting a Regional and an ORCS, considering that we no longer require a banquet and/or use of a courthouse at ORCS, and many Regionals host more teams and cost more to host than our ORCS. It has been many years since we have raised the membership fee per school, and this increase, per school only, is not significant. Note this motion is targeted to be effective for the 2025 competitive season, which is in line with our past practices of implementing fee increases with at least 1 year notice for schools.

BUDGET-06: Advanced with a positive recommendation

Motion by Hogan and Leckrone to amend Rule 4.5 of the AMTA Rulebook effective for the 2024-25 AMTA season:

Rule 4.5 AMTA licensing fee for invitational tournaments.

Each entity or person hosting an Invitational Tournament, as defined by Section 1.2(e) of the Intellectual Property and Licensing Policy, shall remit to AMTA a license fee equal to ~~\$6.00~~ **\$8.00** per team per round not later than 60 days after receiving an invoice. The amount due shall convert into a fine for purposes of Rules 2.5(4) and 2.8(1)(c) if it is not remitted by July 1 following the tournament. An entity or person failing to accurately report registration fees collected for an invitational tournament shall be subject to Section 2.5 of the AMTA Intellectual Property and Licensing Policy. Invitational Tournament hosts also must comply with all other requirements set forth in the Intellectual Property and Licensing Policy.

Rationale: The purpose of this motion is to increase funding, in part, to offset an increase in stipends for our Regional and NCT hosts. Not only have the costs of hosting increased exponentially, but it has become more difficult to keep hosts and attract new hosts with such a small stipend. Moreover, this increase in funding would permit us to eliminate the disparity between hosting a Regional and an ORCS, considering that we no longer require a banquet and/or use of a courthouse at ORCS, and many Regionals host more teams and cost more to host than our ORCS. It has been many years since we have raised the membership fee per school, and this increase, per school only, is not significant. Note this motion is targeted to be effective for the 2025 competitive season, which is in line with our past practices of implementing fee increases with at least 1 year notice for schools.

CIC-01: Advanced with a positive recommendation

Motion by Heytens (on behalf of the Competition Integrity Committee) to remove language that is inconsistent with AMTA’s current penalty structure.

Rule 6.28 Scoring performance of the participants.

(2) **SCORING WITNESSES.** The scores of students playing witness roles should be based on the student’s knowledge of the part, faithfulness to the part, believability of the character, ability to handle cross-examination, and credibility. Witnesses are limited to the information in their sworn affidavits and reasonable inferences. ~~Egregious~~ ~~An Improper Invention of facts by witnesses on direct and redirect examination as defined in Rule 7.21(4)(a)~~ is prohibited. It is a decision of each scoring judge whether testimony offered by a witness is ~~reasonable inference or outrageous~~ **an Improper Invention**. A scoring judge should deduct points from the score of a witness who engages in ~~outrageous fact~~ **an Improper Invention**. See Rule 7.21.

CIC-02: Advanced with a positive recommendation

Motion by Heytens (on behalf of the Competition Integrity Committee) to make clear throughout the AMTA Rulebook that “X inference” is a defined term:

Rule 6.9 Zealous representation.

Attorneys shall represent their clients zealously but within the bounds of the AMTA Rules. Specifically:

(1) ~~REASONABLE INFERENCES BY ATTORNEYS~~. If the facts of the case can lead to more than one **permissible** inference (as defined by Rule 7.21(4)(c)(ii)) or the law can reasonably be interpreted in more than one way, the attorneys may argue the inferences, conclusions and interpretations most favorable to their client(s); however,

Rule 6.28 Scoring performance of the participants.

(2) **SCORING WITNESSES.** Witnesses are limited to the information in their sworn affidavits and ~~reasonable~~ **permissible** inferences (as defined by Rule 7.21(4)(c)(ii))....

Rule 7.21 Invention of fact.

(4) **IMPROPER INVENTION.**

- (a) **Definition.** There are exactly two types of Improper Invention:
- i. Any instance (on direct, cross, re-direct, or re-cross examination) in which a witness introduces testimony or portrays/characterizes the witness in a way that contradicts the witness’s affidavit.
 - ii. Any instance on direct or re-direct examination in which an attorney offers, via the testimony of a witness, material facts not included in or **permissibly** ~~reasonably~~ inferred from the witness’s affidavit **as defined in Rule 7.21(4)(c)(ii).** ...

(c) **Ancillary Terms.**

- ii. **Permissible Reasonable inference.** A witness’s answer does not qualify as a “**permissible reasonable** inference” merely because it is consistent with (i.e., does not contradict) statements in the witness’s affidavit. Rather, a **permissible reasonable** inference must be a conclusion that a reasonable person would draw from a particular fact or set of facts contained in the affidavit.

Rationale: Unlike last summer’s proposal to replace the current rule with a “necessary inference” rule, this proposal leaves the current substantive unchanged while seeking to address some of the confusion that has been created by the use of the term “reasonable inference.”

The CIC believes the current definition of the prohibited conduct is pretty good, and it has not been able to come up with anything better. The bigger problem is that the shorthand we have been using for that standard has misled people about what the standard is. “Reasonable inference” sounds like a substantive standard, which often leads participants to overlook that it is a defined term under our current rules. For that reason, the committee believes that all references to the standard should point the reader toward the definition and that we should replace the shorthand of “reasonable inference” (which sounds like a substantive standard) with “permissible inference” (which does not).

CIC-03: Advanced with a positive recommendation

Motion by Heytens (on behalf of the Competition Integrity Committee) to remove language referencing the 2019 AMTA Invention of Fact Guidance Memorandum:

Rule 7.21 Invention of fact.

~~Comment to Rule 7.21: AMTA has issued supplemental guidance to this rule. The “AMTA Invention of Fact Guidance Memorandum” is available through the AMTA website here.~~

Rationale: Having the guidance memo remain referenced in the Rules (and on the website) risks confusion because it includes timeframes for submitting complaints that do not reflect current AMTA Rules. The lack of fit between the guidance memo and the rulebook will only continue to increase as we continue to tweak that language of various rules.

CIC-04: Advanced with a positive recommendation

Motion by Heytens (on behalf of the Competition Integrity Committee) to reflect the presence of the “affidavit-less” witness within the AMTA Rulebook while making clear that witnesses may not recant statements made under oath:

Rule 7.21 Invention of fact.

(4) IMPROPER INVENTION

(c) Ancillary Terms.

- iii. **Affidavit.** Unless otherwise indicated in the case packet, for the purposes of Rule 7.21, an “affidavit” includes not only a witness’s sworn statement, but also any document in which the witness has stated their beliefs, knowledge, opinions or conclusions (such as a deposition, interrogation, or an expert’s written report). This definition does not include affidavits or documents produced by other witnesses, except to the extent that a witness has relied on such affidavits or documents in forming their own conclusions. All statements made under oath remain subject to Rule 6.11(3).

Rule 6.11 Testimony of witnesses.

(3) NO RECANTING. 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, depositions, expert reports, or other statements made under oath. 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.

CIC-05: Advanced with a positive recommendation

Motion by Heytens (on behalf of the Competition Integrity Committee) to remove language within AMTA Rulebook equating Improper Invention with an ethical violation:

Rule 7.21 Invention of fact.

(6) POST-TOURNAMENT REVIEW.

(b) Factors Considered by Competition Integrity Committee. In determining whether an Improper Invention is egregious, ~~the Competition Integrity Committee shall consider whether, based on the totality of the evidence, the Improper Invention additionally constitutes an ethical violation under Rule 1.5, 1.6, 6.1, and/or 6.9.~~ Factors that may be considered include, but are not limited to, the significance of the invented material fact(s) to the case at hand; use of the material fact(s) elicited through the Improper Invention in closing arguments; repeated use of the same or similar Improper Invention in multiple trials; and any other evidence of prior planning or premeditation by the attorney(s)

and/or witness(es) to knowingly engage in an Improper Invention and use the material fact(s) introduced thereby to gain an unfair advantage at trial. **The Competition Integrity Committee may refer potential ethical violations under Rules 1.5, 1.6, 6.1, and/or 6.9 to the Executive Committee.**

CIC-06: Advanced with a positive recommendation

Motion by Heytens (on behalf of the Competition Integrity Committee) to amend Rule 15.15 of the AMTA Rulebook to permit the Competition Integrity Committee to continue issuing advisory opinions:

Rule 15.15 Competition Integrity Committee duties and procedures.

(2) **CHARGE.** The Competition Integrity Committee has the primary responsibility for issues involving invention of fact. ~~For the 2022-23 season only, t~~**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.**

CIC-07: Advanced with a positive recommendation

Motion by Heytens (on behalf of the Competition Integrity Committee) to amend Rule 6.11 of the AMTA Rulebook as follows:

Rule 6.11. Testimony of witnesses.

(2) ~~NO~~ **“GUILTY PORTRAYALS.” RULE**

(a) To prevent “guilty portrayals” by witnesses who are not the defendant in criminal or civil cases, a defense team may not allege, argue, imply, or suggest that a witness called by the defense may have:

- (i) committed **or is an alternate suspect for the crime or wrong, tort, or other claim** at issue **in the complaint or indictment** ~~or otherwise suggest that a witness called by the defense is an alternate suspect or responsible third party in the crime or wrong;~~
- (ii) acted **wrongfully (whether through negligence, recklessness, intentional conduct or otherwise) in causing or contributing to the harm suffered by the plaintiff or victim;** or
- (iii) committed a crime, **unless the criminal act is stated specifically and directly in the case materials.**

~~To~~**In determining** whether 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. The cross-examiner is not permitted to raise an objection to the judge on the basis of “Guilty Portrayal.”

(b) To avoid witness portrayals that unrealistically implicate a witness’s business or employer, the Case Committee may provide that the Guilty Portrayal Rule applies to persons or entities who are not available to be called as defense witnesses. If the Case Committee elects to do so, the case packet shall clearly state (i) which witness or witnesses must be called by the defense for the extension to take effect, and (ii) the persons or entities about which the rule bars testimony if those witnesses are called.

(4) VIOLATIONS. Violation of Rule 6.11 shall constitute a material invention of fact. No team may raise an objection to the judge based on an alleged violation of this rule or otherwise direct the judges’ attention to this rule.

Rationale: This (1) puts the burden of determining which non-witnesses could be liable on the case comm (which is usually real lawyers) instead of the students; (2) makes clear that you can't say a witness caused the harm in the complaint just because they didn't do the tort in the complaint; and (3) gives the Case Committee a way to add in crimes by defense witnesses if they want to for cross points.

CIC-08: Advanced with a positive recommendation

Motion by Harper to revise Rule 9.11 of the AMTA Rulebook as follows:

Rule 9.11 In-Tournament Investigation.

For the ~~2022–23~~ 2023-2024 season, the Competition Integrity Committee may in its discretion investigate allegations of invention of fact during the National Championship Tournament and, where appropriate, issue penalties in accordance with Rule 9.10. The committee need not be physically present at a tournament to issue an in-tournament finding and/or penalty. In-tournament investigations and penalties require participation from at least three committee members. Committee members are not disqualified from this process by serving as an AMTA Representative at the tournament in question. The Competition Integrity Committee may establish deadlines and procedures for submitting requests for in-tournament review, which must be publicly posted on AMTA’s website **no later than the date on which the National Championship Tournament Case is released.** ~~one week before the National Championship start date.~~ The Competition Integrity Committee may impose sanctions, including refusal to consider future requests, if it determines that a request for in-tournament review was frivolous. See Rule 9.28. Nothing in this rule shall preclude other processes for investigating allegations of invention of fact that exist in the AMTA Rulebook.

Rationale: We deployed in-tournament review during the 2023 National Championship Tournament. In order to adequately assess the success of any in-tournament review process, we should provide for an additional year of trial and study. Additionally, because the Competition Integrity Committee has already prepared procedures, to the extent those procedures need to be modified, that process can and should take place with sufficient time for the teams competing at the National Championship Tournament

to have notice of those procedures.

CIC-10: Advanced with a positive recommendation

Motion by Jahangir and Henry to add the following subsection to Rule 7.21(6) of the AMTA Rulebook:

Rule 7.21 Invention of fact.

(6) POST-TOURNAMENT REVIEW.

(x) Probation. Any teams on probation may be subject to additional review by the Competition Integrity Committee for potential egregious Improper Invention. Details of the additional review, including the procedure for this additional review, shall be communicated to the affected teams.

Rationale: This simply codifies that teams under probation can be subject to a different review procedure than what is currently outlined in the rules.

D&I-01: Advanced with a positive recommendation

Motion by Holstad to amend Rule 5.10(3) of the AMTA Rulebook as follows:

Rule 5.10 Required functions at the captains' meetings.

(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/pronouns/honorifics 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/honorifics form to the judges **by placing the form with the judges' ballots so that judges may review the form prior to trial during pretrial.**

Rationale: Use of the pronoun form seems to be inconsistent, and many times the form is included in a pretrial binder where judges do not read or see the form before trial begins. Requiring the form to be provided to judges with the ballots makes it more likely that judges will review it.

D&I-02: Advanced with a positive recommendation

Motion by Holstad to require addition to Judges' PowerPoint that states that judges will receive a pronoun form with the ballots and that judges are expected to respect and honor student pronouns.

Rationale: Telling judges that there is a pronoun form will make it more likely that they will review it.

EC-01: Advanced with a positive recommendation

Motion by Warihay, Smiley, and Harper to amend Rule 15.15 of the AMTA Rulebook as follows:

Rule 15.15 Competition Integrity Committee duties and procedures.

(1) **COMPOSITION.** The Competition Integrity Committee (“CIC”) shall consist of the Chair, as appointed by the President, the Rules Chair, the currently applicable Case Chair (including any and all co-chairs), the Past-President/President-Elect, and at least two or more individuals appointed by the President to ensure an uneven number of people on the committee.

(2) **CHARGE.** The Competition Integrity Committee has the responsibility of applying and enforcing the AMTA Rules with regard to invention of fact, as outlined in this Rulebook.

(a) **Advisory Opinions.** The CIC shall permit an advisory opinion process for properly registered Schools to submit questions pertaining to the current year case packet under AMTA invention of fact rules. The CIC is not required to answer every question it receives, and the failure to answer any particular question(s) shall not be a defense to any subsequent complaint. The CIC may impose limits on the number of questions a School may submit, and it may respond to questions in any order it deems appropriate. All advisory opinions issued under this rule shall be transmitted to the President and shall be reviewed by the Executive Committee on an “abuse of discretion” standard. Upon approval by the EC, all advisory opinions shall be published to the AMTA community on a no-name basis. 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: This motion has two primary purposes. (1) For the composition changes, it seeks to blend the former CRC composition with the new CIC composition by involving three people by virtue of their position on the AMTA Board, along with continuing to permit the President to appoint a Chair and additional members to the CIC as necessary. (2) Adds a layer of review to CIC Advisory Opinions before they are released to the AMTA community to ensure accuracy and compliance with AMTA Rules under an “abuse of discretion” standard.

EC-02: Advanced with a positive recommendation

Motion by Warihay and Smiley to revise Rule 9.10(1) of the AMTA Rulebook 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 this Rulebooks) or after the tournament at which the violation occurred. For post-tournament penalties, to ensure consistency, a majority of the eligible CIC members (i.e. not conflicted out due to a School involvement conflict) must vote in favor of any/all penalties. No subsets/panels of the CIC are permitted for post-tournament penalties. Depending upon the penalty imposed, necessary details will be communicated to the aggrieved team and/or the offending team.

Rationale: A benefit of the CRC that was not maintained in the CIC was the consistent group of people that reviewed each complaint in a given season helped to ensure consistent application of the rules and penalties. This motion seeks to ensure that benefit continues in the CIC going forward.

EC-05: Advanced with a positive recommendation

Motion by Woodward to repeal Rule 15.7 of the AMTA Rulebook, Meeting Agendas, and replace it with the following:

Rule 15.7 Meeting agendas.

1. **Filing.** A motion shall be filed with the Secretary no later than May 1, for motions for the Summer meeting, or October 15, for motions for the Midyear meeting. Whenever possible, motions should contain the operative text to be added or amended as well as a statement of rationale for the motion. Motions may be filed only by a voting Director. A motion is deemed filed at the time it is emailed to the Secretary.
2. **Executive committee reference.** Within 5 days of the motion filing deadline, the Executive Committee shall review each motion and refer it to one committee that, in the Executive Committee’s sole discretion, is best suited to review the motion. The Executive Committee may recommend that the assigned committee consult with one or more other committee(s) when it appears that a motion involves the work of multiple committees; however, only the assigned committee has authority to take formal action on the motion under this Rule.
3. **Initial committee review and determination.** Each Committee shall review each motion referred to it by the Executive Committee. Each Committee shall then decide to table the motion or advance the motion to the full Board. Motions advanced to the full Board shall carry either a positive Committee recommendation or no recommendation. The assigned committee may make amendments to the text of the motion prior to advancing it to the full Board, provided that the amendments are germane to the topic of the motion. The Committee’s final report on each motion shall be returned to the Secretary no later than May 31 or November 1.
4. **Review and Comment Period.** Those motions advanced by a committee to the full Board shall be published in the aggregate for the review of all Directors, candidates, and other interested members of the community. The operative text of any change to the Bylaws or Rules must be included at this time; no “placeholder” motions are permitted for the community review and comment period. Directors, candidates, and other interested persons may direct comments and further proposed amendments to the assigned Committee during the review and comment period. The review and comment period shall run for no less than two weeks.
5. **Final Committee Review.** Each Committee shall review any comments received during the review and comment period and make any further amendments as the Committee deems appropriate. Of those motions which were not previously tabled, each Committee shall make its final determination as to whether to table the motion or

advance the motion to the full Board, with either a positive recommendation or no recommendation. The Committee’s final report on each motion shall be submitted to the Secretary by June 30 or November 30.

6. **Approval of Agenda.** The Executive Committee shall prepare an agenda for the meeting. The Executive Committee may designate one or more motions to appear on a consent agenda. Consent agenda motions are intended for non-controversial items that do not require debate or deliberation, such as technical or procedural edits to language. The request of three voting Directors at the meeting is sufficient to remove a motion from the consent agenda and bring it before the entire Board for separate debate and deliberation. The Chair has sole authority to determine the order in which motions will appear on the agenda.

7. **Motions tabled by committee.** Five voting Directors, none of whom may be the author of a motion, may rise to seek to bring a motion tabled by committee before the full Board. If five voting Directors so rise, the question of whether to place the motion before the Board for debate and deliberation shall be before the Board. A majority vote is then required to overturn the committee’s recommendation to table and place the motion on the agenda for debate and deliberation.

8. **“New Business” Motions.** A majority vote is required to allow a substantive motion before the Board for debate and deliberation under “new business” at a meeting. The Chair shall determine whether a motion offered as a new business item is “substantive.” Motions to set the date and/or location of a future Board meeting or to approve a tournament host or location shall not be subject to this rule.

Rationale: This proposal would add a public comment period to the pre-meeting committee work, in the hopes of reducing the number of floor amendments offered to proposals. Both substantive concerns as well as technical concerns (wording, proofreading, etc.) could be forwarded to the appropriate committee during the comment period; the committees would then have the discretion to incorporate those suggestions into the final product that would appear on the agenda. Additionally, this motion would require a majority vote before a substantive “new business” motion could be entertained; otherwise, “new business” could be used to circumvent this process without a majority first deciding it was appropriate.

RULES-01: Advanced with a positive recommendation

Motion by Smiley to amend Rule 7.1 of the AMTA Rulebook as follows:

Rule 7.1 Communication during a round.

(1) GENERAL RULE. From the time a trial begins until it ends, each student participant in the trial may communicate only with the following:

- (a)** other students on the roster of either team competing in that trial;
- (b)** judges and tournament officials.

If anyone else, including any coach or spectator, attempts to communicate with a student participant during a trial, it is the duty of the student to terminate the communication.

(2) WIRELESS DEVICES TO BE TURNED OFF. All student participants shall turn the power off on all ~~papers~~, cell phones, **tablets**, wireless communication devices, or computers during each trial except:

(a) where the usage of a device is expressly permitted in the case materials, such as to play an audio exhibit;

(b) for the purpose of making a video or audio recording of the round in accordance with Rule 5.15; or

(c) cell phones may be used to keep time for the round only by the timekeeper.

For any of the above enumerated exceptions, the device must be in airplane mode at all times during the round. The devices must also stay in the trial room during any breaks in the round and cannot be used for any other purpose than the above exceptions.

(3) EMERGENCY EXCEPTIONS. Exceptions to this Rule may be granted by an AMTA Representative for emergency communication not related to the trial. Normally, advance permission should be obtained.

Rationale: The fact that students have to purchase separate timing and recording equipment when they have easy access to more superior forms of technology (phones, tablets, etc.) creates unnecessary hoops for them to jump through. Students should be allowed to use the materials they already have to complete tasks such as recording or time keeping. The no communication rule is still protected with the restrictions placed on the devices. The students are also required to leave any devices in the room during trial breaks, so that lessens the risk that students will use their phones for improper communications during breaks. Further, the timekeepers will be able to monitor each other's use of phones for timekeeping.

RULES-02: Advanced with a positive recommendation

Motion by Smiley and Johnson to amend Rule 12.9 of the AMTA Rulebook as follows:

Rule 12.9 Act of AMTA Relief.

(1) ACT OF AMTA DEFINED. An Act of AMTA is an error, beyond a team's control, that appears to have prevented that team from earning a bid or placement on the Open Bid list that the team otherwise would have earned. Allegations of "bad judging" shall not be deemed acts of AMTA. Acts of God which are beyond the control of the teams, AMTA, and tournament hosts shall also be considered, but shall result in the awarding of bids only in rare circumstances.

(2) HOW TO REQUEST; DEADLINES. A request for Act of AMTA relief must be made by email to the Rules Committee Chair. **Any untimely requests will not be considered or investigated. The deadlines to request Act of AMTA relief are as follows:**

(a) The request must be received by the Rules Committee Chair by 12:00 noon Central time on the Tuesday following the completion of the tournament where the alleged error occurred; or

(b) Notwithstanding the deadline in 12.9(2)(a), if the alleged error occurred on the last weekend of regional tournaments or on the final weekend of opening round championship tournaments, a request for an Act of AMTA bid must be received

by the Rules Committee Chair by 4:00 p.m. Central time the day after the tournament where the alleged error occurred ended.

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

(3) PROCESS FOR HANDLING REQUESTS FOR RELIEF. After receiving the request for relief, the Rules Committee Chair will evaluate the request. If the request is clearly and unambiguously related to conduct for which an Act of AMTA bid cannot be given on the face of the request (i.e. conduct clearly not committed by AMTA, such as invention of fact), then the Rules Committee Chair may deny the request and is not required to refer the matter for investigation or vote. However, any request that on its face does not clearly and unambiguously fall outside of Act of AMTA relief must be referred for investigation and evaluation by the Rules Committee as a whole.

(4) INVESTIGATION AND REPORT EVALUATION. If an investigation is warranted, the Tabulation Director shall investigate the complaints and report the results of the investigation to the Rules Committee no later than two business days after the submission of the request. If additional time is necessary, the Tabulation Director may request such additional time as needed. After the investigation is complete, the Rules Committee will evaluate the request and the findings of the investigation. A majority vote by the Rules Committee shall determine whether relief is granted. The Rules Committee Chair shall act as the tie breaking vote, if necessary.

(5) FAST-TRACK RESPONSE EVALUATION. If a request for Act of AMTA relief relates to a tournament occurring on the last weekend of regional tournaments or the last weekend of opening round championship tournaments, the Rules Committee Chair may issue an official ruling on the request after obtaining support for the ruling from at least two other members of the Rules Committee. In this instance, the Rules Committee Chair will conduct any necessary investigation and will not refer the request to the Tabulation Chair for investigation.

(6) RELIEF. The possible relief consists of:

- (a) Awarding the aggrieved school an “Act of AMTA” bid to the subsequent stage of competition; or
- (b) Modifying the official result of the aggrieved team, which modified result shall be reflected on the Open Bid List to the subsequent round of competition.

Rationale: The Act of AMTA review process is vaguely defined and does not make clear what needs to happen during an Act of AMTA bid request. Many times, Act of AMTA is requested for things that clearly cannot be given Act of AMTA relief for, such as inclement weather preventing a team from attending a tournament or a pending invention of fact complaint. To save the Rules Committee time and energy, this proposed change enumerates the idea that facially improper requests can be denied without investigation. However, the rule is worded such that these denials without investigation are limited to very specific situations and that any ambiguity or need for factual evaluation requires a full investigation and evaluation by the Rules Committee.

TAB-04: Advanced with a positive recommendation

Motion by Jahangir (on behalf of Cannon) to amend Rules 12.5(2)(a) and 12.5(2)(b) of the AMTA Rulebook as follows:

Rule 12.5 Opening round championship bids.

(2) ALLOCATION OF BIDS TO REGIONALS. The total number of bids to the Opening Round Championship Series . . .

(a) Allocation of bids to Regionals with 20 or more bid-eligible teams. Should the number of Regionals not allow for equal distribution of the bids, each Regional shall receive the same number of bids, as outlined in Rule 12.5(s) above, and the remainder shall be distributed jointly by the National Tabulation Director and the Tournament Administration Committee Chair as follows: Regionals with 20 or more bid-eligible teams will be ranked according to the number of teams registered 48 hours prior to the start of the first Regional, from largest to smallest. The unassigned bids will be allocated beginning with the largest Regional tournament. If not all Regional tournaments with the same number of teams can be logistically accommodated, those bids will remain open bids. The number of bids allocated to each Regional will be confirmed at the time of each Regional tournament's registration based upon the number of teams that actually begin in Round 1. If the number of registered teams necessitates a change in the number of ORCS bids assigned, the AMTA Representatives, in consultation with the National Tabulation Director, will announce such at the Opening Ceremony. If team(s) withdraw from a Regional tournament during or after Round 1 begins, the number of bids will not be affected. If a bid is removed from a Regional, that bid shall become an Open Bid. **If the National Tabulation Director has good reason to believe a team that will be unable to compete in Round 1 will still compete in the remaining rounds of the Regional tournament, then the National Tabulation Director has discretion to consider that team to be present at the Regional for purposes of assigning Opening Round Championship Series bids.**

(b) Allocation of bids to regionals with fewer than 20 bid-eligible teams. For Regional tournaments with fewer than 20 bid-eligible teams, Opening Round Championship Series bids shall be allocated as follows: [TABLE OMITTED AS NO PROPOSED EDITS]

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

then the National Tabulation Director has discretion to consider that team to be present at the Regional for purposes of assigning Opening Round Championship Series bids.

Rationale: The added language provides flexibility to avoid eliminating an ORCS bid from a Regional (particularly small Regionals) where a team is unable to compete Round 1 but is otherwise able to fully compete at the Regional.

TAC-02: Advanced with a positive recommendation

Motion by Harper to revise Rule 10.19 of the AMTA Rulebook as follows:

Rule 10.19 Assignment of Judges.

(6) RECOMMENDED CONSIDERATIONS FOR DETERMINING THE PRESIDING JUDGE

(a) Judges are volunteers who bring their knowledge and skill to us free of charge on their days off from practicing, teaching, or studying law. Above all else, we offer them our gratitude, ~~deference, rapt attention, and accommodate their preferences.~~

~~(b) AMTA embraces diversity and understands our diverse students benefit when they see themselves reflected in their judges. To the extent that judges are equally qualified and willing to preside consistent with the recommended considerations in this Rule, AMTA representatives may, in their discretion, break the tie by selecting as a presider a judge whose presence enriches the diversity of the judging pool unless such decision would deprive the students of that judge having a scoring ballot.~~

(c) The assigned presider should be willing to preside.

(d) If it will not take a ballot out of their hands, the most qualified willing judge should preside, subject to exception ~~d~~(i).

(e) In a situation in which not every judge will receive a blue ballot, so long as the less qualified judge is willing to preside, the most qualified judges should be holding blue ballots. There are two exceptions to this rule.

i. The presiding judge, in an ideal world, is someone unlikely to interfere with the outcome of a qualifying determinative round. If a judge is known to interfere with student performance such that it could affect the scoring judge's ability to accurately differentiate, the AMTA Representatives have discretion to consider this when assigning presiding judges to qualifying determinative rounds. This principle should be invoked sparingly by the AMTA Representatives.

ii. A round in the out-bracket of round 4, or an 0-4 versus 0-4 round in round 3 becomes a "teaching" round. To advance the educational goal of the activity, the most knowledgeable judge should preside even if this means the most qualified judge will not hold a blue ballot.

~~(e) AMTA embraces diversity and understands our diverse students benefit when they see themselves reflected in their judges. To the extent~~

~~that judges are equally qualified and willing to preside, AMTA representatives may, in their discretion, break the tie by selecting as a presider a judge whose presence enriches the diversity of the judging pool unless such decision would deprive the students of that judge having a scoring ballot.~~

(f) An actual or perceived failure to abide by these advisory principles is not a basis for seeking relief of any kind.

Rationale: Last summer, the Board amended this Rule to reflect AMTA's emphasis on diversifying our presiding judge selections. These recommended amendments further revise the rule to reflect AMTA's policy on embracing diversity by moving subsection (e) up and by striking language about offering judges deference, rapt attention, and accommodating their preferences. The most important preferences here are those of AMTA and our students.

TAC-07: Advanced with a positive recommendation

Motion by Woodward (on behalf of a regional host, and as amended by committee) to amend Rule 10.19 of the AMTA Rulebook as follows:

Rule 10.19: Assignment of judges.

(1) WHO GATHERS INFORMATION. Tournament hosts are responsible for gathering all of the necessary information about judges for AMTA Representatives to assign judges to rounds.

(2) WHAT INFORMATION IS GATHERED. The following information is the required information to be gathered from volunteer judges:

- (a) Willingness/unwillingness to preside.
- (b) Type: judge, attorney, law student, or non-attorney.
 - a. If judge, years of experience and type.
 - b. If attorney, years of experience and type.
 - c. If law student, year in law school.
 - d. If non-attorney, any legal background/experience.
- (c) Coach or non-coach
- (d) AMTA/mock trial experience.
- (e) Litigator or non-litigator.
- (f) Preferences on being paired with another volunteer.
- (g) Any conflicts/affiliations.

~~(1)~~ **(3) WHO ASSIGNS.** AMTA Representatives are ultimately responsible for assigning judges to rounds. AMTA Representatives may designate tournament staff or coaches to assist with the draft panel assignments or may create the judge panels themselves. AMTA Representatives are strongly encouraged to consult with the tournament staff. **AMTA Representatives must assign the panels to any rounds involving teams from any host schools. If tournament staff assist in creating other panels, AMTA Representatives must review and approve the final panels.**

Rationale (from Judge Recruitment Subcommittee): It would likely make tournaments run substantially behind if hosts were not allowed to assist in assigning panels. This

amended version helps with the appearance of impropriety while recognizing time constraints.

Rationale (from regional host): At regional and ORCS tournaments around the country, the process of judge assignments is different depending on the host and the AMTA representatives. The information that is needed to place judges in rounds according to their preferences, their conflicts, and the regulations of AMTA (e.g. category 1, 2 or 3) is something that can be given to AMTA representatives without any need for tournament hosts to do judge assignments. When tournament hosts are involved with judge assignments, even with AMTA “finalization” or “double-checking,” there is still an opportunity for impropriety or even the appearance of impropriety. This proposed rule change makes the process of judge assignment more objective while eliminating any appearance of impropriety.

TAC-08: Advanced with a positive recommendation
Motion by Woodward (on behalf of a regional host, and as amended by committee) to add the following new Rule:

Access to Information on Judges’ Preferences

To ensure AMTA’s commitment to fair play for all teams, should any host school obtain information that identifies attorney or witness substance and/or performance preferences of the presiding or scoring judges, whether in advance of an AMTA sanctioned tournament or as a result of a prior non-sanctioned tournament, the host school shall be required to provide that information to all schools attending the AMTA sanctioned tournament it hosts.

Rationale (from Judge Recruitment Subcommittee): The rule as originally proposed is largely unenforceable because trying to enforce violations as conflicts would result in extreme delay of tournaments. This new version ensures equal access to information and does not purport to police invitational tournaments.

Rationale (from regional host:) The Proposed New Rule is aimed at eliminating the use of surveys that identify preferences of presiding and scoring judges. The Proposed New Rule aims at prohibiting the practice that existed in at least one ORCS competition in spring 2023. Namely, a survey conducted prior to an invitational tournament identified judges by name and very detailed information about their preference for attorney and witness presentations. Some of these judges also volunteered at an ORCS competition, and only those teams who were invited to/paid to participate in the invitational tournament were provided access to the survey results. Thus, at this particular ORCS tournament, of the 24 teams participating, 13 had information to this specific information and 11 teams did not (nor knew of its existence prior to the ORCS tournament). Only one of these 11 teams advanced to the national competition.

As participants have many methods for identifying the name of their presiding and/or scoring judge prior to the start of a round, this practice results in an uneven playing field for the teams. As coaches may observe (and hosts may even participate in) the judge assignment process, it also makes it difficult for AMTA representatives to provide a

competitive environment that is free, as much as possible, from violations of Rules 9.6 and 7.1 (in that a trial begins when a judge enters the trial room and no communication with any coach or spectator may occur after that point). Moreover, the practice of only some teams having access to preference information, if it were to become known within the volunteer community, may negatively impact AMTA's reputation and make an already difficult process of getting volunteer attorneys and judges to volunteer at sanctioned tournaments.

It is for this last reason in particular that AMTA should not consider an alternative proposed rule which would require any team with survey/preference information to share the same with all participating teams in a sanctioned tournament in advance of the same. Additionally, this would be logistically difficult to monitor/enforce. Instead, a prohibition of this information being used at sanctioned tournaments appears more equitable. Because Rule 1.1 excludes non-sanctioned tournaments from complying with the AMTA Rulebook, the Proposed New Rule includes a provision to prohibit a judge from being assigned to a round in which one of the teams has the judge's preference information from a non-sanctioned tournament (whether current or prior data).

Moreover, an alternative proposed rule which simply requires the gathering of this information to be done in an anonymous fashion removes one of the teaching elements that is so critical to the development of participants: adjusting to differing courtroom conditions and picking up on subtle (or sometimes not so subtle) clues given by presiding and scoring judges during rounds. Instead, attorney and witness performances might be based on a prediction of their preferences based on an averaging of anonymous survey data.



American Mock Trial Association

Meeting of Board of Directors

Madison, Wisconsin

July 15-16, 2023

Appendix C: Consent Calendar

BUDGET-01: Advanced with a positive recommendation

Motion by Warihay and Harper to update the AMTA Travel Policy for AMTA Representatives with regard to hotel expenses as follows:

5. AMTA will reimburse the cost of a standard single-occupancy hotel room. Any hotel rate that **exceeds a nightly average of \$175.00 for the course of the hotel stay**, inclusive of taxes and fees, but exclusive of other costs (e.g., wi-fi fees and parking) must be authorized by the Treasurer or the Treasurer's designee.

Rationale: Our travel policy has not been updated since 2015. This seeks to bring our travel policy into line with current averages for hotel costs actually incurred by AMTA Representatives during their service over the last two years, along with specifying that the restriction is a "nightly average" over the course of the hotel stay, as opposed to a strict per night rate.

EC-03: Advanced with a positive recommendation

Motion by Warihay to remove Rule 15.21 from the AMTA Rulebook:

[Rule 15.21 Online discussion forum.](#)

The Communications Chair in consultation with the Secretary and President shall maintain an online forum for discussion of AMTA policies and proposals. Access will be limited to members of the Board of Directors and Candidate Directors.

Rationale: We do not have a Communications Chair and we have not maintained an "online discussion forum" in some time for Directors and Candidates. While we may choose to create something similar/new in the future, there is no need for this rule to exist at this time.

RULES-03: Advanced with a positive recommendation

Motion by Smiley to direct the Rules Committee to move the AMTA IP Policy into the AMTA Rulebook.

Rationale: The IP Policy as a separate document is difficult for students, coaches, and advisors to find and understand. It will make things much easier to add the IP Policy as a chapter in the Rulebook. Then all information about licensing fees, including the invitational license, will be in one place.

RULES-04: Advanced with a positive recommendation

Motion by Smiley (as amended by committee) to remove the term "participants" from the AMTA Rulebook. All areas where "participants" is used, the Rules Committee will replace with "rostered students." To the extent the context of the rule is clearly intended to apply "participants" to also include coaches, spectators, and/or judges, the Rules Committee will add those terms to the rule as well.

Rationale: The terms used throughout the Rulebook are inconsistent. We use the term "participants" in many rules without any sort of definition of what "participants" means. This motion proposes a standard definition and will result in a clear delineation of which rules apply to which groups of people. After a thorough review of the use of the term "participants" almost all uses refer to rostered/competing students. Therefore, the Rules Committee has determined that the most efficient and clear way to delineate the term is to replace "participants" with the term "rostered students."

RULES-07: Advanced with a positive recommendation

Motion by Jahangir to remove the following language from Rules 8.4, 8.5, and 8.7 of the AMTA Rulebook:

Rule 8.4 Registration deadlines.

For the 2020-2021 Season, the AMTA Priority Registration is November 16th, 2020, and the Final Registration Deadline remains January 15th, 2021. This supersedes language set out in Rule 2.4.

(Rule 8.4 has been suspended for the 2021-2022 Season)

Rule 8.5 Registration fees.

For the 2020-2021 Season, the First Regional Team Registration shall be \$75, and the Late Fee (for registrations after November 15th, 2020 but before January 15th, 2021) shall be \$75. This supersedes language set out in Rule 2.8.

(Rule 8.5 has been suspended for the 2021-2022 Season)

Rule 8.7 Timing.

(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 5.4 and 5.5.

(Rule 8.7 has been suspended for the 2021-2022 Season. Teams must use the time limits for trials as set forth in Rules 5.4 and 5.5.)

RULES-09: Advanced with a positive recommendation

Motion by Jahangir to amend Rule 6.19 of the AMTA Rulebook as follows:

Rule 6.19 Record of time used.

Each timekeeper shall keep a written record of the time **used throughout trial (i.e., statements, directs, and crosses)**, ~~using the official timekeeping sheet, which may be downloaded from the AMTA web site. Teams are responsible for bringing sufficient copies of the timekeeping sheet to each tournament.~~ **Teams may use the timekeeping sheet available on the AMTA website.** The written record ~~completed timekeeping sheet~~ need not be **provided** ~~returned~~ to the tab room unless there is a dispute regarding timing.

Rationale: The official timekeeping sheet is almost never used by teams, so this aims to conform the rule with common practice.

RULES-10: Advanced with a positive recommendation

Motion by Jahangir to amend Rule 7.19(2) and (3) of the AMTA Rulebook as follows:

Rule 7.19 Benchbooks.

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

- (a) The pleadings (e.g., complaint and answer; criminal complaint or indictment;
- (b) Stipulations;
- (c) Pre-trial orders;
- ~~(d) Completed character evidence notification form, if completed;~~
- (e) Midlands case law;
- (f) Statutory law;
- (g) Jury instructions and/or verdict forms;
- (h) Midlands Rules of Evidence;
- (i) Special Instructions.

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

(3) **Other than the material listed in subsection (2) or authorized by special instruction, the benchbook may—but is not required to—contain the character evidence notification form (if completed). If contained in the benchbook, the completed character evidence notification form shall be placed after the Special Instructions, unless otherwise specified in the Special Instructions of the case materials.** The benchbook shall not contain any **other** material ~~not listed in (b) or authorized by special instruction.~~

Rationale: In the years since implementing Rule 7.19, teams are split on whether the Defense wishes to present the character evidence form or include it in Plaintiff's/Prosecution's benchbook. Under the current rules, the former approach would make the benchbook noncompliant. These changes would permit both approaches while maintaining compliant benchbooks in both scenarios.

TAB-01: Advanced with a positive recommendation

Motion by Harper and Warihay (as amended by committee) to revise Rules 13.8 and 14.7 of the AMTA Rulebook as follows:

Rule 13.8 Judges for the opening round championship tournament.

The hosts of the opening round championship series tournaments shall be authorized, but not required, to recruit sufficient judges so as to permit the use of three, four, or five scoring judges in every trial at the tournament. The AMTA Tabulation Director, in consultation with the AMTA Tournament Administration Chairperson, shall make the final decision as to whether **two**, three, four, or five ballots per round will be used at any particular opening round championship series tournament. When possible, the decision will be made prior to the start of the tournament’s opening ceremony, but in all events it must be made prior to the start of the first round. Should the AMTA Tabulation Director make such a decision, they will modify the rules as necessary to adapt to a tournament with three, four, or five scoring judges per round.

Rule 14.7 Judges for the national championship tournament.

The host of the national championship tournament shall be authorized, but not required, to recruit sufficient judges so as to permit the use of three, four, or five scoring judges in every non-final round trial at that tournament. The AMTA Tabulation Director shall make the final decision as to whether **two**, three, four, or five ballots per round will be used. **When possible, the decision will be made prior to the start of the tournament’s opening ceremony, but if not, it must be made and announced to all Teams prior to the start of the first round.** Should the AMTA Tabulation Director make such a decision, they will modify the rules as necessary to adapt to a tournament with three, four, or five scoring judges per round.

Rationale: We should continue to encourage hosts to recruit enough judges so as to permit the use of three, four or five scoring judges in every non-final round at the NCT and ORCS, but because recruitment is fluid, our rules should provide flexibility for the Tabulation Director to make the final call about the number of scoring judges as judges confirm and arrive before round one. This recommended change brings the Rule in line with Rule 13.8, which relates to judges at Opening Round Championship Series Tournaments.

TAB-03: Advanced with a positive recommendation

Motion by Jahangir to remove Rule 12.10(5) [Team Power Rankings – Special Rule for 2020 Season Results] from the AMTA Rulebook.

Rationale: With the 2023 NCT results, we no longer need 2020 results for purposes of TPR, making this subsection moot. Additionally, we explicitly noted in the rule that we may remove this subsection from the rulebook at this point.



American Mock Trial Association

Meeting of Board of Directors

Madison, Wisconsin

July 15-16, 2023

Appendix D: Tabled Motions

BUDGET-07:

Motion by Jahangir (on behalf of D. Evans) to amend Rules 2.4(1) and 5.14 of the AMTA Rulebook as follows:

Rule 2.4 Invention of fact.

(1) ANNUAL MEMBERSHIP FEE PER SCHOOL. Each school shall pay an annual membership fee of \$450, as well as a “Final Round Recording fee”—the amount of which shall be determined by the budget committee to offset the loss of revenue, but not exceeding \$10 per program—which grants them access to all existing final round recordings available on AMTA’s website. 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(i), shall pay a membership fee of \$225.

Rule 5.14 Videotaping or recording by AMTA, permission granted.

AMTA may videotape, photograph, or otherwise record any trial or any other portion of any sanctioned tournament. By competing in a sanctioned tournament, each participant grants AMTA the right to videotape, photograph, or record the participant’s likeness and performance and use the resulting material for any purpose. All available final rounds that are recorded by AMTA shall be made available to all registered teams as part of registration fees. Non-affiliated individuals may acquire these recordings on AMTA’s website for a fee.

Rationale: Although there has never been a rule specifically requiring this, it has become standard practice for AMTA to livestream the final round of the National Championship and then sell that recording on AMTA’s website. In giving access this way, new programs and members have highly limited access to final round recordings if they are not already in a financial situation to afford this access. Even established programs and veterans should not be faced with a pay wall when given the opportunity to learn more and watch the best of the best. To accomplish the goal of adding to AMTA’s very limited sources of revenue while also giving out high-level mock trial to all those who wish to consume it, the improved model would be to simply charge each individual school a small annual fee to grant access to all final rounds on a yearly basis. By placing this charge as part of registration fees, it makes it far more likely that school administrations would be willing to pay this fee than if schools require a separate budget line item requesting “final round recordings” -- \$25. Additionally, this proposal grants free, immediate access to new schools who are looking to learn more about mock trial and how to do it. Finally, this gives stability to AMTA’s budget as there would be a more accurate and consistent year after year projection of revenue rather than guessing at any given year’s sales of the final round recording.

CIC-09:

Motion by Jahangir to amend Rule 7.21 of the AMTA Rulebook as follows:

Rule 7.21 Invention of fact.

(6) POST-TOURNAMENT REVIEW.

(c) Review Procedure. Any allegations of an egregious Improper Invention must be brought to the attention of the Complaint Integrity Committee by submitting the Competition Integrity Committee Form on the AMTA website by 4:00 p.m. Central time on the Monday immediately following the tournament **unless submitting a countercomplaint under subsection (x).** The Competition Integrity Committee . . .

(x) Countercomplaint. If a team receives a request for a Response for an allegation of an egregious Improper Invention brought to the attention of the Competition Integrity Committee through the procedure outlined in subsection (c), the respondent team may file a countercomplaint through the online Competition Integrity Committee Form against the original complainant team. Allegations raised in a counterclaim shall be deemed timely raised within the same deadline as the Response (*i.e.*, 48 hours after request). If the allegation in a counterclaim is raised timely, the Competition Integrity Committee shall investigate consistent with the procedure outlined in subsection (c). If the Competition Integrity Committee created a separate form for complainants to provide notice of intent to seek certain relief, if the original complainant team timely submitted such form, the form shall be deemed timely submitted for any resulting countercomplaint.

Rationale: For a variety of reasons, a team may initially decline raising an allegation of egregious improper invention, but may decide otherwise in response to a complaint. Our rules currently don't allow for that as respondent teams typically learn of the complaint after the deadline. These revisions would allow for respondent teams to raise allegations of egregious improper invention in such instances.

CIC-11:

Motion by Holstad to Amend Rule 7.21(4)(a) to add the following subpart:

Rule 7.21 Invention of fact.

(4) IMPROPER INVENTION.

(a) Definition. There are exactly two types of Improper Invention:

- i. Any instance (on direct, cross, re-direct, or re-cross examination) in which a witness introduces testimony or portrays/characterizes the witness in a way that contradicts the witness's affidavit.
- ii. Any instance on direct or re-direct examination in which an attorney offers, via the testimony of a witness, material facts not included in or reasonably inferred from the witness's affidavit.
- iii. **It shall not be an improper invention if a witness acknowledges that they are unaware of a specific fact if that fact is not mentioned in their affidavit. This rule shall not allow any witness to claim that the absence of a specific fact in their affidavit means that such fact does not exist.**

Rationale: If an affidavit is silent on a fact, it should not be an improper invention for a witness to say they are not aware of that fact. This rule is meant to legislatively overturn the CIC's finding at the 2023 National Championship Tournament that it was an improper invention for a witness to acknowledge that they were unaware of any appeal taken by Aubrey Gold. The CIC's own ruling acknowledged that this answer was "consistent" with the witness's deposition testimony. This ruling broadly expands the application of our current improper invention definition in a way that is not contemplated in the current rules. The rules currently state that there are "exactly two" types of improper invention: when a witness contradicts their affidavit and when a material fact is offered that is not included in or reasonably inferred from the affidavit. An answer that is consistent with the material in the affidavit regarding lack of awareness - particularly where a witness states that they have included all relevant information - should not be penalized as an improper invention.

EC-04:

Motion by Holstad to direct implementation of mobile balloting:

The Executive Committee shall be directed to work with the creator of the AMTA online Tournament Administration System (TAS) to develop a mobile version of the TAS which may be used for in-person AMTA tournaments. The Executive Committee shall have the goal of having development complete by the 2024-2025 AMTA season.

Rationale: Mobile scoring is possible. Many other forensics activities have already implemented mobile balloting. The burdens are minimal. Judges will be expected to have mobile devices (certainly almost all do), and hosts will be expected to have tournaments in locations with wi-fi. Mobile scoring can even require judges to "score as you go". AMTA can retain the ballot system as a back-up for those instances where mobile scoring cannot be implemented for one reason or another.

RULES-05:

Motion by Michalak to amend the Tabulation Manual as follows:

Creating The Team

The AMTA Representatives shall create the team using the following criteria, in order of importance:

1. Current undergraduate students should be used whenever possible. Alumni or coaches should only be used as a last resort.
2. **No more than two (2) students per school shall be on the Bye-Buster per round, unless a Bye-Buster cannot be otherwise created.**
3. ~~2.~~ Students who attend the school opposing the Bye-Buster team in a given round should not compete on the Bye-Buster team, except as a last resort.
4. ~~3.~~ Students who have competed or will compete at a different tournament at the same level of competition should not compete on the Bye-Buster team, except as a last resort.

EXAMPLE: A Bye-Buster team is competing at the Washington, DC Regional.

A student who will be competing at the Owings Mill Regional tournament on a different weekend should not participate on the Bye-Buster team, except as a last resort.

5. ~~4.~~ To the greatest extent possible, the same group of students should compete in both rounds when the Bye-Buster is the Plaintiff/Prosecution. Likewise, the same group of students should compete when the Bye-Buster is the Defense. This is not always 100% possible depending on the roles of the students on their “home” teams.

Rationale: This is an amendment to the Tabulation Manual which is incorporated into the rulebook (rule 5.16) and referenced in Rule 5.12 of the Rulebook. I’ve observed “gamesmanship” at Regionals with respect to the bye-buster team. In one scenario, a team faced the bye-buster in an early round and then students from that school were stacking the subsequent bye-buster roster in an effort to help the CS of their team that faced the bye-buster. Arguably, students from the same school/team would be a more cohesive unit, be able to do their practiced directs with their own witness, have a theme/theory to work from, etc. than students from a variety of schools. The second scenario involved a busted bracket in the 4th round and the bye buster hitting a higher ranked team and a team that needed the bye-buster to take two talked about stacking the bye buster in an effort to try and make that occur. Additionally, on some occasions there are a number of students trying to get on to the bye team and it doesn’t seem fair to allow more than two students per school to take up those spots just because they made it to the front of the room first. While I added the caveat “unless a bye-buster cannot be otherwise created” it’s very rare that there aren’t 6 students not competing in a round from at least 3 schools at a tournament, they may just not be volunteering, but we have had some smaller Regionals lately.

RULES-06:

Motion by Warihay and Smiley to add to Rule 15.12(5) of the AMTA Rulebook as follows:

Rule 15.12 Case Committee duties and procedures.

(5) The Case Committee will choose and adapt the case so that it conforms to the following requirements:

- (i) The Case Committee is permitted, within their discretion, to suspend or otherwise modify only the following AMTA Rules for purposes of a specific case problem without first obtaining permission from the Board: Rule 7.4 Trial Order, Rule 7.8 Motions, Rule 7.9 Objections, Rule 7.11 Jury Trials, Rule 7.12 Burdens of Proof, and Rule 7.13 through Rule 7.21. Any modifications to these rules must be expressly stated within the case problem document, and unless otherwise stated, all AMTA Rules are presumed to apply.

Rationale: The case committees for years have included revisions to AMTA rules in

some cases when needed for the practicality of a specific case problem (i.e. permitting electronics for an audio recording, adjusting burdens of proof, etc.) This motion seeks to codify this to the Case Committee but also lay out the bounds to which the Board is granting them permission to adjust our rules for a specific case problem without the Board's permission to do so.

RULES-08:

Motion by Jahangir to revise Rules 8.4, 8.5, and 8.6 of the AMTA Rulebook to be forward-looking.

Rationale: Currently, Rules 8.4, 8.5, and 8.6 still specifically reference the 2020-2021 season. As currently written, it doesn't make sense to keep the rules. But in the (hopefully unlikely) event that we need these particular virtual competition rules, it makes sense to keep them in some form. As a result, I propose revising these rules to be more forward-looking. These are the only virtual competition rules that need such revision as none of the others are limited to the 2020-2021 season.

RULES-11:

Motion by Holstad to amend Rule 5.13(2) of the AMTA Rulebook as follows:

Rule 5.13 Open and public trials.

(2) EXCEPTIONS.

(a) During **regionals** and 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 9.3 and/or sanctions under Rule 9.6.

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

Rationale: Scouting concerns continue to persist despite the current prohibition on ORCS Rounds 1 and 2 scouting. Now, however, teams with a number of coaches and competitors simply scout their possible ORCS opponents at Regionals. The scouting

concerns which led to the ORCS ban apply equally to scouting concerns at Regionals. The changes to subsection (c) are merely to streamline the exception and allow teams to give permission to anyone they wish to watch a round.

TAB-02:

Motion by Jahangir to direct TAB to consider adding as an impermissible—for ORCS only—where a team faced the other team’s second school on the same side (e.g., if Midlands State already faced University of Midlands A on Defense, Midlands State cannot face University of Midlands B on Defense (but could face University of Midlands B on Plaintiff/Prosecution)).

Rationale: Despite the scouting ban for Rounds 1 and 2 at ORCS/NCT, there is one scenario where a team could effectively be scouted through no fault of their own. Using the above example, if Midlands State faces University of Midlands A on Defense during Rounds 1 or 2 and then faces University of Midlands B on Defense during Rounds 3 or 4, Midlands State has been effectively scouted. This phenomenon is unique to ORCS (and one that has happened to teams). In NCT, you cannot face two teams from the same school (excluding the final round). At Regionals, you can face two teams from the same school, but scouting is not banned. As such, I propose, for ORCS only, considering making such a match-up a conflict.

TAC-01:

Motion by Warihay and Harper to add the following language to Rule 10.7 Tournament Facilities (and/or otherwise codify the following in a place as seen appropriate by the Rules Chair):

Rule 10.7 Tournament facilities.

Schools, teams, and participants (including rostered members of any competitive team, their coaches, family members, friends or other observers) are prohibited from contacting, visiting, or otherwise entering any tournament facility without the express permission of the tournament Host. This prohibition specifically includes visiting or entering any otherwise publicly available spaces (i.e. courthouses or campus buildings) without the Host’s express permission. No Host shall be required to grant permission if requested, and the decision to grant such permission shall rest with the Host. Violations of this Rule shall be subject to investigation by the AMTA Executive Committee as governed by Chapter 9 in this Rulebook.

Rationale: A recent trend has involved some Schools choosing/attempting to visit tournament facilities on the day or two before the tournament starts. While innocent in nature, these visits can have unintended consequences for AMTA Hosts and/or AMTA when the tournament facility does not permit or otherwise condone the visit. Even walking through a public courthouse can cause unintended consequences for Hosts. This Motion seeks to add a restriction to keep the Host in control of this process by allowing the Host to either restrict and/or facilitate the visit to the tournament facility by any School wishing to do so.

TAC-03:

Motion by Holstad to alter AMTA regional tournament structure as follows, in time for the 2024-2025 AMTA season:

1. Cap AMTA's Regional Tournaments at 576 teams, with a set number of 24 regionals consisting of 24 teams each.
 - Allocate 516 of the 576 Regional Tournament placements for regularly registered A, B, and C teams, except as detailed below.
 - Allocate 60 of the 576 Regional Tournament placements for teams who earn bids to Regionals via a new "First Round" Tournament.
 - If there are less than 516 teams which would be allocated to the Regional Tournaments (as described below), those allocations shall become Open Bids to Regionals.
2. The new First Round tournaments shall take place online via Zoom during the month of November, on the two weekends immediately preceding Thanksgiving. If necessary, the first weekend of December may also be used to host First Round tournaments.
 - An equal number of teams shall be assigned to each First Round tournament.
 - AMTA shall have the goal of having First Round tournaments with 24 teams each. AMTA shall adjust the number of tournaments and team numbers as necessary to maintain equal team numbers at each First Round tournament.
 - An equal number of First Round tournaments shall be held on each First Round weekend.
3. The 60 bids to the Regional Tournament shall be equally allocated to each First Round tournament. If the number of First Round tournaments does not allow for an equal allocation of bids, then the most number of equal bids shall be assigned to each tournament with the remainder converting to Open Bids to be awarded based on AMTA's existing Open Bid protocols.
4. The following teams shall, upon registration, be automatically registered to compete in the First Round:
 - All teams that are "New" pursuant to AMTA's definition.
 - All teams which have won 3 or less ballots at three consecutive Regional Tournaments.
 - All teams designated as "D" or above.
5. The following teams may, at the time of registration, "opt down" and choose to register to compete in the First Round:
 - Any team which has won 3 or less ballots at two consecutive Regional Tournaments.
 - Any team which has won 4 or less ballots at three consecutive Regional Tournaments.
6. If, at the registration deadline, and after all teams have made their decisions about whether to opt down to the First Round, there are more than 516 teams which would bypass the First Round and be directly assigned to

Regional Tournaments, the following teams shall be automatically allocated to the First Round if they have not already opted down:

- Any team which has won 3 or less ballots at two consecutive Regional Tournaments.
- Any team which has won 4 or less ballots at three consecutive Regional Tournaments.

In conjunction with this motion, the registration deadlines shall be amended as follows:

1. The registration deadline shall be October 31. There shall be no late registration.
2. If a team wishes to compete in AMTA's tournaments and would not be eligible to be registered for the First Round according to the process described above, such team may request from AMTA a "pending registration."
 - A pending registration will reserve that team's spot in the Regional Tournaments. A pending registration must be converted to a complete registration by December 31 in order to compete at the Regional Tournaments. Failure to do so shall convert the pending registration into an Open Bid.

Here is the practical result of the motion described above:

1. **AMTA First Round Tournaments - November/December**
 1. X tournaments of 24 teams each (number of tournaments depending on number of teams registered)
 1. X bids to Regionals from each tournament (number of bids depending on number of teams registered)
 2. 60 total bids to Regionals
2. **Regional Tournaments – January/February**
 1. 516 automatic spots in Regionals + 60 bids from First Round Tournaments
 2. 24 tournaments of 24 teams each
 1. 8 bids to ORCS from each tournament
3. **Opening Round Championship Series - March**
 1. 8 tournaments of 24 teams each
 1. 6 bids to NCT from each tournament.
4. **National Championship - April**
 1. 1 tournament of 48 teams

Rationale: This proposal was made two years ago and was tabled. I think now that we are back into "normal" competition, it is time to re-address this issue.

There are two main issues with our current regionals system. First, there are the obvious logistical problems that everyone knows. We are getting more teams, and we are more strapped to find quality hosts for in-person tournaments. A Zoom season of mock trial has shown us that we have a cheaper, easier-to-administrate tournament system that can dramatically ease the logistical burden of in-person regionals while still giving teams a worthwhile competitive experience. With this system, the uncertainty of bids/teams is placed at the first round level which has greater flexibility given the online nature.

Second, there is also a less talked about problem: there is an increasing disparity among new/lesser performing teams at Regionals and the teams expected to make it to ORCS every year. There are a lot of programs that go to Regionals as their only tournament of the year, and it does not benefit them to get shellacked by perennial national contenders. Those rounds have a negative educational impact because they do not help weaker teams improve, and they do not help the stronger teams improve their competitive ability. Giving new and lesser-performing teams a tournament where they are more likely to be paired with similar competition in a lower-stakes, less power imbalanced situation would serve our educational mission to lesser performing schools while not compromising the Regional Tournaments' role in our competitive structure that is designed to find a National Champion. In addition, this system will expand mock trial's access to schools without the resources to travel as a new program because they will be able to compete via Zoom.

TAC-04:

Motion by Holstad to alter AMTA ORCS bid structure as follows, in time for the 2023-2024 AMTA season:

1. All schools that have not received a bid to the Opening Round Championship Series in the past three (3) years may elect to participate in a single national tournament ("ORCS Qualifier") to be held on the first weekend of December.
2. Teams may earn a bid from the ORCS Qualifier directly to ORCS. A team that earns a bid from the ORCS Qualifier shall not participate in AMTA Regionals held in the normal course.
3. Any eligible school may register two (2) teams for the ORCS Qualifier. Any school that registers at least one (1) school for the ORCS Qualifier shall not be allowed to register any school for any AMTA regional tournament.
4. The number of bids from the ORCS Qualifier shall be as follows:
 - If 14 or more teams, but less than 20 teams compete in the ORCS Qualifier, there shall be three (3) bids to ORCS.
 - If there are 20-22 teams competing, there shall be four (4) bids to ORCS.
 - If there are 23-26 teams competing, there shall be five (5) bids to ORCS.
 - If there are 27-30 teams competing, there shall be six (6) bids to ORCS.
 - If there are 31-34 teams competing, there shall be seven (7) bids to ORCS.
 - If there are more than 34 teams competing, there shall be eight (8) bids to ORCS. In no circumstances shall there be more than eight (8) bids to ORCS given under this rule.
5. Teams who receive a bid to ORCS through the ORCS Qualifier shall be assigned to separate ORCS.

Rationale: There are a lot of programs that go to Regionals as their only tournament of the year, and it does not benefit them to get shellacked by perennial national contenders. Those rounds have a negative educational impact because they do not

help weaker teams improve, and they do not help the stronger teams improve their competitive ability. Giving new and lesser-performing teams a tournament where they are more likely to be paired with similar competition in a lower-stakes, less power imbalanced situation (but still allow them to qualify to a higher level of competition) would serve our educational mission to lesser performing schools while not compromising the Regional Tournaments' role in our competitive structure that is designed to find a National Champion.

TAC-05:

Motion by Holstad to amend Rule 12.2 of the AMTA Rulebook as follows:

Rule 12.2 Types of bids, how earned.

There are three types of championship series bids:

(1) **REGULAR BIDS.** Regular bids to the opening round championship are strictly determined and earned by the final placement results at regional tournaments. Regular bids to the national championship are strictly determined and earned by the final placement results at opening round championship tournaments.

(2) **HOST BIDS.** Each school host shall be entitled to one bid to the Opening Round Championship Series which said school is hosting. If a host school earns a Regular Bid to any Opening Round Championship Series pursuant to Rule 12.2(1), or if the host bid recipient declines the bid or withdraws subsequent to accepting the bid, that school's host bid shall become an Open Bid. To be eligible for a Host Bid, the host school must have had at least one team that registered and competed at a Regional Tournament. No more than two (2) host bids may be allocated to any one Opening Round Championship Series. If there are more than two (2) hosts at a single Opening Round Championship Series that are eligible for a host bid, the hosts must determine amongst themselves which two (2) hosts will use the host bids and inform the Tabulation Director no later than noon central time on Tuesday following the completion of the last Regional Tournament. Co-hosts shall be determined pursuant to the definition in Rule 12.7(2)(c).

~~(2)~~ (3) **OPEN BIDS.** Open bids consist of regular bids and host bids that have been declined or unreserved, and extra bids not allocated to a tournament as a regular bid. When available, open bids are awarded pursuant to Rule 12.8.

~~(3)~~ (4) **ACT OF AMTA BIDS.** Act of AMTA bids are awarded, when necessary, pursuant to Rule 12.9.

Rationale: Allow more schools to bid to host ORCS with the knowledge that they will get to compete at ORCS even if they don't qualify through regionals. This will incentivize more ORCS host applications.

TAC-06:

Motion by Holstad to amend Rule 12.7(2)(a) of the AMTA Rulebook as follows:

Rule 12.7 National championship bids.

(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 host school 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.

Rationale: Allow more schools to bid to host NCT with the knowledge that they will get to compete even if they don't qualify to ORCS. This will incentivize more NCT host applications.



American Mock Trial Association
Mid-Year Meeting of Board of Directors
Via Zoom
December 11, 2022
Minutes

- I. Call to Order and Roll Call**
- II. Welcome and Remarks** (Woodward)
- III. Approval of Agenda**
See Appendix A for an explanation of the agenda.
Agenda approved by unanimous consent.
- IV. Approval of July 2022 Meeting Minutes**
See Appendix E.
Minutes approved by unanimous consent.
- V. Committee Reports**
 - A. Academics Committee (Leapheart):** Written and oral report.
 - B. Accommodations Committee (Olson):** Written report.
 - C. Analysis Committee (Jahangir):** Written report.
 - D. Audit Committee (Halva-Neubauer):** Written report.
 - E. Budget Committee (Warihay):** Written report.
 - F. Civil Case Committee (Wilson):** Written report.
 - G. Criminal Case Committee (Schuett):** Written report.
 - H. Coaches and Alumni Advisory Council (Sohi):** Written report.
 - I. Communications Committee (Lakkaraju):** Written report.
 - J. Competition Integrity Committee (Heytens):** Written report.
 - K. Development Committee (Sohi):** Written report.
 - L. Disciplinary Committee (Harper):** Written report.
 - M. Diversity and Inclusion Committee (Harper & Minor):** Written report.
 - N. Human Resources Committee (D'Ippolito):** Oral report.
 - O. Invention Ad Hoc Committee (Bernstein):** Written report.
 - P. NCT Case Committee (Bernstein):** Written report.
 - Q. New School Recruitment and Mentorship Committee (Olson):** Written report.
 - R. One Last Time Senior Tournament Committee:** No report.
 - S. Rookie Rumble Committee:** No report.
 - T. Rules, Intellectual Property, and Ethics Committee (Smiley):** Oral report.
 - U. Strategic Planning Committee (Walsh):** Written report.
 - V. Student Advisory Board Committee (Feak):** Written report.
 - W. Tabulation Advisory Committee (Michalak):** Written report.
 - X. Tournament Administration Committee (Hogan):** Written 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.

Consent calendar items approved.

VIII. Motions

TAC-01 Advanced with a positive recommendation

Motion by Tournament Administration Committee to approve Loyola University and the University of Chicago as co-hosts for the 2024 National Championship Tournament.

TAC-01 passes.

EC-01 Advanced with a positive recommendation

Motion by Warihay to amend Rule 7.20(2)(b) as follows:

Rule 7.20 Demonstrative aids.

(2) PERMISSIBLE FORM AND CONTENTS OF DEMONSTRATIVE AIDS.

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

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

Rationale: At the meeting in July, the Board passed significant changes to what is now Rule 7.20. In the comment to a section of that rule, I proposed and the Board approved a change to remove references to the name of a particular method for an expert. During the Fall, I realized that my motion to amend in July missed a portion of the comment that has resulted in an unintended inconsistency in the rule. Therefore, this motion seeks to resolve that issue before AMTA tournaments begin to provide clarity for the community.

EC-01 passes.

EC-02 Advanced with a positive recommendation

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

Rule 3.6 Student eligibility requirements.

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

(a) **Current undergraduate.** This includes an individual who

i. **is still not enrolled in high school or any equivalent,**

ii. has not received a Bachelor’s degree or equivalent,

iii. is enrolled at a registered school, and

iv. is enrolled at least on a part-time basis

Motion by Olson to amend proposed Rule 3.6(2)(a)(i) as follows:

i. **is not still** enrolled in high school or any equivalent.

Seconded. **Motion to amend passes.**

EC-02 passes as amended.

CIC-01 Advanced with a positive recommendation

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

Rule 1.1 Applicability.

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

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

CIC-01 passes.

CIC-02 Advanced with a positive recommendation

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

Rule 7.21 Invention of fact.

(6) POST-TOURNAMENT REVIEW.

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

Rationale: In Summer 2022, the Board revised the penalty structure for invention of fact to disfavor student or team suspensions in favor of penalties that may retroactively impact the outcome of rounds, such as point

deductions or ballot forfeiture. See AMTA Rule 9.10(1). Given the short turnaround between regionals and ORCS and ORCS and NCT, the CIC's view is that these changes are necessary to facilitate timely in-season review.

CIC-02 passes.

CIC-03 Advanced with a positive recommendation

Motion by the Competition Integrity Committee to amend Rule 9.11 of the AMTA Rulebook as follows:

Rule 9.11 In-Tournament Investigation.

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

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

Motion by Smiley to amend proposed Rule 9.11 to change the time frame from “before opening ceremonies” to “one week before the National Championship Tournament start date.” Seconded.

Motion to amend passes.

CIC-03 passes as amended.

IX. Unfinished/New Business

X. Adjournment

Motion by Leapheart to adjourn. Seconded.

Meeting adjourned.