

**National High School Mock Trial Championship, Inc.**  
**Board of Directors' Meeting**  
 Thursday, May 5, 2005 at 9:00 a.m.  
 Adams Mark Hotel  
 Mecklenburg II, 1st Floor  
 Charlotte, North Carolina

<b><u>Board Members Present</u></b>	<b><u>Term Expires</u></b>
Pete Jones, Chair, Host Director for 2008	2010
Cindy Coker, Vice-Chair	2005
Stephen H. Miller, Secretary	2006
Michael White, Treasurer	2008*
Dee Runaas, Archivist	2005±
Robert Noel, Host Director for 2003	2008*
Rebecca Britton, Host Director for 2005	2007
Renee Hildebrant, Host Director for 2006	2008
Judy Yarbrow, Host Director for 2007	2009
Justice Carley	2006
Carolyn Ferber	2007
Rick Nagel	2008*
Andrew McVey	2007
John Wheeler	2006

\* Elected to 3-year term as an at-large board member at State Coordinators' Meeting

± No longer an elected Board position by action taken by the Board of Directors

**Attended Second Day**

Doris Huffman, Host Director for 2001	
Jane Meyer, Newly elected Board member	2008

**Others Present**

Larry Bakko, Technical Support  
 Jennifer Smith, Public Affairs Coordinator, North Carolina Academy of Trial Lawyers  
 Daniel L. Meadors, Visitor from Seoul, Korea

**I. Call to Order (Mr. Jones, Chair)**

The first segment of the Board meeting was called to order by Mr. Jones at 9:00 a.m. on Thursday, May 5, 2005. The meeting agenda was taken out of order to accommodate the schedules of various attendees who had other commitments. At 1:00 p.m. on Thursday, the meeting was suspended until resumption at 9:30 a.m. Friday morning. The Board immediately went into executive session and the meeting was suspended at approximately 11:30 a.m. until resumption Friday afternoon at 2:15 p.m.

**II. Approval of Minutes of October 28, 2004 Board Meeting (Mr. Miller, Secretary)**

- A. There being no further amendments to the October 2004 minutes, Mr. Noel moved to approve and Ms. Britton seconded. The minutes of the October 28, 2004 meeting as corrected were approved unanimously and will be posted on the NHSMTC, Inc. website by Mr. Bakko.
- B. Mr. Miller volunteered to email a draft of the minutes for comment and review to the Board members as soon as they are completed. Mr. Miller was also asked to keep minutes of the State Coordinators' meeting even though there will be a court reporter present for the discussion regarding the potential change of the format currently being used for the competition.

**III. Treasurer's Report (Mr. White, Treasurer)**

A copy of the report as amended, is included as part of the minutes of this meeting. Mr. White reported that current assets include \$20,000 in a certificate of deposit currently held at a banking institution in New Orleans, Louisiana and a checking account balance of \$51,637.83, which includes the second installment payment of \$5,000 from the \$25,000 contract that was signed with Triumvirate for TV filming rights to NHSMTC, Inc. final rounds for the next 10 years, beginning in 2004, renewable annually, at the option of the parties. This figure does not include the \$6,000 payment tendered from the State of Oklahoma as the host state for 2006.

Mr. White moved to renew for a one-year term the certificate of deposit in New Orleans in the amount of approximately \$20,000 and also moved to create a \$25,000 certificate of deposit from the funds currently being held in the checking account for a 6-month term to be deposited in a banking institution in the State of Alaska. This motion was seconded by Mr. Noel and approved by the Board unanimously.

Mr. Jones moved and Mr. Wheeler seconded a motion to reimburse Mr. Bakko \$600 for the cost of website maintenance and expenses for the year 2005. This motion was approved by the Board unanimously.

Mr. Miller moved and Ms. Runaas seconded a motion to reimburse Mr. Bakko for expenses incurred, up to \$1,000, for consultation with a public relations firm which motion was approved unanimously by the Board.

Mr. White moved and Mr. Noel seconded a motion to reimburse Mr. Jones for the cost of the numerous Board telephone conference calls held in the days preceding the 2006 competition regarding the request by the State of New Jersey to change the competition schedule and format, which motion was approved unanimously by the Board.

Justice Carley moved and Mr. Noel seconded a motion to authorize payment for the transcript of the discussion of the format at the State Coordinators' meeting to be held later today, which motion was approved by the Board unanimously.

Once the Treasurer's Report has been amended it will be presented to the Board for acceptance and approval.

**IV. Articles and Bylaws Committee (Mr. McVey, Chair)**

Mr. McVey presented the report of the Articles and Bylaws Committee which included a number of suggested amendments to the current Bylaws. The changes recommended included amendments to Article II, Section 9 regarding notice of meetings, Article VII, Section 1 (b)(2) concerning meetings and Section 2 concerning reports of meetings of committees, Article VIII, Section 2 concerning who shall give notice of the meetings to the members and the directors, Section 6 concerning the duties of the secretary, and timing changes to indicate that the Bylaws are current in conjunction with this Board meeting. Ms. Ferber made a motion to approve all of the suggested amendments and changes to the Bylaws which motion was seconded by Mr. Noel and approved by the Board unanimously.

Ms. Coker made a motion to have the Articles and Bylaws Committee draft an amendment to the Bylaws to make the archivist position an appointed officer as opposed to an elected officer. This motion was seconded by Justice Carley and approved by the Board unanimously. The Board then went on to amend Article VIII, Section 7 concerning the archivist to change the language of said provision to read as follows: "At the annual meeting of the Board of directors, there shall be appointed an archivist." Ms. Runaas was then appointed as archivist for the Board for the year 2005-2006.

Finally, Mr. McVey reported that he will explore the cost of D&O insurance for NHSMTTC, Inc. board members and officers no later than August 1, 2005.

**V. Agenda for State Coordinators' Meeting (Mr. Jones, Chair)**

**A. Recording of State Coordinators' Meeting Minutes**

Mr. Jones requested the Secretary of the board begin keeping official minutes of the State Coordinators' meeting. For this meeting a moderator, family court commissioner Lindsay Draper, of the State of Wisconsin has volunteered to conduct a discussion of the requested format change from the State of New Jersey. A court reporter has been retained to transcribe the minutes of the meeting, which will be incorporated as the official minutes of the meeting for 2005.

**B. Election of Board Members**

Mr. Jones announced that there are seven candidates for four available board positions for 2005-2006. Those seeking election or renomination to the board are current members Pete Jones, Rick Nagel, Robert Noel and Michael White, and Duane Fox of Arizona, Jane E. Meyer of Pennsylvania, and Ann-

Marie Waldron of Indiana. Justice Carley moved to hold the election of new directors at the beginning of the State Coordinators' meeting and Ms. Ferber seconded the motion. It passed by a 9 to 3 vote of the Board.

Resolution of this issue was then followed with a general discussion of the agenda for the Coordinators' meeting. Lindsay Draper, a family court commissioner from the State of Wisconsin, has agreed to serve as a mediator for the meeting and will preside over the format discussion after the meeting is called to order by Mr. Jones. Ms. Coker has prepared a roster for State Coordinators to sign in for voting purposes at the meeting. Ms. Coker is also providing "yes" and "no" signs for voting purposes. Mr. Miller will keep a set of minutes although a court reporter has been hired to keep the official transcript of this meeting.

## **V. Host Site Reports**

### **1. Charlotte, North Carolina 2005 (Ms. Jennifer Smith)**

Ms. Smith announced this year's competition will include 43 teams plus the second-place team from North Carolina to make an even number. She reported that the judges invited for each competition round had been padded by 10% to make sure that there are three scoring judges and one presiding judge for each of the competition rounds. A special minibus will be used for transportation of the two teams who are in the third round on Friday to the evening event at Jillian's. Ms. Smith was applauded for the work North Carolina has done to prepare for Nationals and was excused to take care of more important host duties for the remainder of the Board meeting.

### **2. Oklahoma City, Oklahoma 2006 (Ms. Hildebrant)**

Ms. Hildebrant presented her 2-page 2006 host committee report. She introduced former Oklahoma mock trial coordinator Judy Fitzer as the new national coordinator for the 2006 event. Mr. Nagel, chair of the Case Materials Committee, reported that Oklahoma will have a final draft of the 2006 problem presented by July 1, 2005, ahead of schedule.

### **3. Dallas, Texas 2007 (Ms. Yarbrow)**

Ms. Yarbrow presented the report on behalf of Texas for 2007. She indicated that \$175,000 of the proposed budget has already been raised and case ideas have been presented to the Case Materials Committee. A copy of those case ideas was presented to the Board and only one was rejected. Ms. Yarbrow, in light of the current situation for this year's competition, announced that Texas cannot hold two rounds of the competition on Thursday if a Courthouse scenario is expected.

## **VI. Site Selection Committee (Ms. Runaas, Chair)**

Ms. Runaas presented the report of her committee which will be incorporated into the minutes of this meeting. She reported that two States have bid to host for 2008,

Delaware and Georgia, and she announced both bids meet the qualifications to host the national event. By coin flip it was determined that Georgia would present its bid first followed by Delaware.

**A. Atlanta, Georgia.**

Present for the State of Georgia were Ms. Stacy Rieke, the state coordinator for Georgia, Mr. Roy Manoll, III, chair of the high school mock trial committee for the State of Georgia and the national competition planning board, and Ms. Christine S. Barker, co-vice-chair of the national competition planning board for the State of Georgia. Highlights of Georgia's bid include the celebration of the 20<sup>th</sup> anniversary of the state-wide mock trial program in Georgia in the year 2008. Atlanta is proposed as the host city and \$50,000 has already been committed to fund the competition. It is anticipated the rounds for nationals would be held at the Fulton County Courthouse which has two entrances and a ceremonial courtroom for the final round. The Hyatt Regency would be the headquarters' hotel and there is an 18-minute maximum walk from the hotel to the Courthouse. Other details concerning Georgia's bid are found in its formal presentation packet which will be kept as part of the official minutes of this meeting.

**B. Wilmington, Delaware.**

Presenting the bid on behalf of the State of Delaware were the Honorable Myron T. Steele, Chief Justice of the Delaware Superior Court, the Honorable Joseph R. Slights, III, Judge, Superior Court of the State of Delaware, and Franny Haney, Administrator of the Delaware Supreme Court. Chief Justice Steele announced that funds already committed to date include \$105,000 in cash and \$70,000 of in-kind donations. He reported that Delaware has a uniform Court system and there would be no problem hosting competition rounds on Thursday if needed. The competition would be held at the New Castle County Courthouse which contains 44 courtrooms with the final round to be held in one of the Superior Court's large ceremonial courtrooms. Attendees would stay at two major hotels, the Wyndham Wilmington hotel with a commitment of 195 sleeping rooms and five suites, at a rate no greater than \$135 per night per room, plus ten percent tax and the Brandywine Suites Hotel with a commitment of 30 of its 48 suites at the Federal Per Diem Rate in 2007. Delaware's bid packet will be kept as part of the official minutes of this meeting.

Both groups were applauded for the quality of the bids presented and following both presentations, Justice Carley and Mr. Jones were excused for the decision by the Board as to the host site for 2008. At the conclusion of that discussion, Justice Carley and Mr. Jones were invited to come back to the board meeting and it was announced that Wilmington, Delaware would be the host of NHSMTTC, Inc. for the year 2008.

Mr. White moved and Ms. Ferber seconded a motion to appoint John Wheeler as the new chair of the Site Selection Committee which motion was approved by the Board unanimously.

## **VII. Rules Committee (Mr. Miller, Chair)**

### **A. Korea**

No issues were brought to the Rules Committee prior to this Board meeting but Mr. Jones first presented Daniel L. Meadors of Seoul, Korea, who traveled a great distance to observe the competition and make a request that Korea be invited to participate in future National competitions. Mr. McVey pointed out that Article III, Section 2 of the Bylaws specifies that the Board of Directors shall rule on applications for membership in NHSMTC, Inc. It was generally agreed that the decision to include Korea should be made by the State Coordinators and Mr. Meadors was invited to make a presentation at the Coordinators' meeting later today. Ms. Britton suggested setting aside a portion of the mid-year Board meeting for discussion of growth and long-term planning. A motion by Mr. Noel to extend an associate membership to Korea and that as a condition of full membership Korea demonstrate the full structure of its mock trial program was tabled to allow the Coordinators to make the decision on extension of membership to Korea. The other consideration discussed with Mr. Meadors had to do with Rule 3.1 concerning team eligibility and the all-star team rule. Mr. Meadors indicated that there are a number of schools who could field their own mock trial teams and composition of an all-star team from several schools would not be an issue.

### **B. Timekeepers**

Mr. Jones indicated that an issue has been raised with regard to who should be responsible for timekeepers at Nationals competitions. Ms. Coker moved and Mr. Noel seconded a motion that this issue be referred to the Rules Committee for presentation at the October meeting of the Board, which motion was approved by the Board members.

### **C. Score Sheet for Final Round**

Mr. Jones believes that the score sheet for the final round should only have a block at the bottom that would allow the scoring judge to indicate the best overall presentation and should not have the blanks for the scoring of the witnesses and the attorneys. After a thorough discussion of the score sheet issue for the final round, the consensus among the Board at the present time was not to change the current format.

## **VIII. Nominations Committee (Mr. Jones, Chair)**

Ms. Coker presented this report on behalf of Mr. Jones as the Vice-Chair of this Committee. The Committee made the following recommendations for officers:

Chair: Pete Jones  
Vice Chair: Andy McVey  
Secretary: Stephen H. Miller  
Treasurer: Michael White

In the event Mr. White is not re-elected to the Board, the Committee recommended Mr. Wheeler to serve as Treasurer. The Committee also recommended that Ms. Runaas be appointed the position of archivist which issue was resolved earlier at this meeting. Mr. Noel made a motion that the slate of officers for NHSMTC, Inc. for the year 2005-2006 as presented be adopted by acclamation which motion was seconded by Ms. Runaas and approved unanimously.

Justice Carley was chosen as the official spokesperson for NHSMTC, Inc.'s Board of Directors for all dealings with the news media and with regard to any press releases.

**IX. Information System Issues (Mr. Jones, Chair)**

**A. Case Library**

The case library continues to grow and the Board discussed the issue of allowing the automatic downloading of cases from the NHSMTC, Inc. website. Mr. Noel moved and Mr. Miller seconded a motion to provide direct access to the case library off of the website with the use of a password accompanied by copyright recognition. Said motion was approved by the Board unanimously and this new direct access will go into effect by July 1, 2005.

**B. Coordinator Listserve**

Since Ms. Coker's term on the Board ends this year, it has been decided that the Coordinator listserv will be moved to the NHSMTC, Inc. website and notification will be issued to all of the States by Mr. Bakko by July 1, 2005.

**X. Case Materials Committee (Mr. Nagel, Chair)**

Mr. Nagel reported that Oklahoma will have the final draft of its Nationals problem submitted to the Committee by July 1, 2005. Ms. Yarbrow, Host Director for Texas for 2007, presented a list of ideas for cases to the Board and all were approved except one.

**XI. Long Range Planning Committee (Ms. Huffman, Ms. Runaas)**

**A. Grant Writing**

Ms. Huffman was assigned the responsibility by the Chair of contacting potential grant writers. After a thorough discussion of the two most promising prospects for grant writing, this Committee recommends Research Associates which requests a \$500 research fee and charges \$2,800 per grant request written.

Mr. Miller moved and Mr. McVey seconded a motion to pursue grant writing for funds with due diligence to check references and expend the \$500 research fee charged by Research Associates, which motion was passed by the Board unanimously.

**B. Production Company Delinquency**

Mr. Jones reminded the Board that Triumvirate Films has made two of the five \$5,000 payments made pursuant to their contract for exclusive rights to filming production and filming of NHSMTTC, Inc. final rounds for the next 10 years. They are now delinquent under the contract but have made a counter-proposal to pay us out of any royalties received. Mr. McVey suggested an assignment of proceeds from Mark L. Webb, the contracting party to secure the rest of the funds originally agreed upon in the contract. Ms. Huffman suggested requesting a time-line from Mr. Webb and the status of his efforts to market filming of the final round for sales purposes. Mr. White suggested requesting a formal proposal from the other film company that has expressed an interest in filming final rounds at Nationals. After a lengthy discussion it was decided to take no formal action at the present time and Mr. McVey indicated he would pursue these issues on behalf of the Board and report to the Board as soon as possible.

**XII. Newsletter (Mr. Nagel)**

Mr. Nagel announced that the mock trial surveys 1 and 2 are currently on the website and have provided a wealth of information. Mr. Nagel reported that the October issue of *Mock Trial Matters* will include an article authored by former Chief Justice Gene Franchini of the State of New Mexico.

The Board expressed sincere appreciation and gratitude for the work that Mr. Nagel has done on the newsletter as well as the mock trial surveys and it was expressed to him the hope that he will continue to take on this awesome but invaluable service to the membership.

**XIII. Policy Committee (Mr. White, Chair)**

**A. Website Linkage**

Mr. White pointed out several organizations have indicated an interest in linking to our website. The Board is concerned about whether or not such linkage might be construed as an endorsement of the organizations with links. After general discussion of this item, a decision was deferred to the October Board meeting.

**B. Attorney Coaches as Members of NHSMTTC, Inc. Board**

Mr. Wheeler volunteered to have a proposal for the Board on this issue at the fall meeting. The issue is whether or not a board member who currently serves on the Board should be allowed to serve as an attorney coach for a team that comes to Nationals as a state champion.

**C. Site Selection**

The issue here is solicitation of support for hosting future competitions prior to the formal presentation of the bid to the National board for consideration. This issue has been discussed previously and was also deferred to the October Board meeting.

**XIV. New Business**

**A. Scoring Room Issues**

There was a general discussion about the needs in the scoring room to minimize the amount of time needed between rounds to tabulate the results from each round and to be able to post the pairings for subsequent rounds. The issue includes the provision of folders, posting boards, and other needs. Ms. Runaas moved and Ms. Hildebrant seconded a motion to formulate a list of the scoring room needs which will be subsequently added to the policy manual. This motion which includes judges' packets was approved by the Board unanimously. The list will be compiled by the Policy Committee and presented at the fall meeting of the Board.

**B. Format for Future Competitions**

Mr. Jones moved and Mr. Noel seconded a motion to go into executive session. That motion was passed unanimously. When the Board came out of executive session a public relations committee was formulated with Justice Carley as the chair and the following persons as members: Robert Noel, Renee Hildebrant, Judy Yarbrow, Rebecca Britton, and Larry Bakko. Mr. Noel volunteered to develop talking points for future discussion on the format issue, especially in light of the vote by the State Coordinators by a margin of 23-6 not to change the current format for future competitions.

Mr. Jones moved and Ms. Runaas seconded a motion to approve up to \$3,500 for a public relations firm which motion was passed by the Board unanimously. It is anticipated that the same firm who did some preliminary work at the authorization of the Board through Mr. Bakko will be retained for this endeavor.

**C. Committee Assignments**

Ms. Runaas suggested using more non-Board members on our committees, which Mr. Jones supported and pledged to accomplish.

Prior to a wrap-up of the meeting, Mr. Jones was encouraged to call telephone conference Board meetings at any time as needed. The Board was reminded that there is a post Nationals telephone conference Board meeting currently scheduled for Monday, May 16, 2005 at 4:00 p.m. central daylight time and will be originated by Mr. White.

**XV. Adjournment**

There being no further business to come before the Board at this time, Mr. White moved to adjourn the meeting at 2:45 p.m. on Friday, May 5, 2005 which motion was seconded by Justice Carley and approved by the Board unanimously.

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Stephen H. Miller, Secretary

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Pete Jones, Chair