



Appeals Focus

It's been some time since the last Appeals Focus. The L&E Committee is now intending to produce one per year, summarising appeals-related activity for the previous year. We've had several discussions at meetings, which we thought should be shared with a wider audience.

Polling

For judgement rulings, TDs are encouraged to poll players of equivalent standard to the player whose actions are being questioned. There have been several issues arising from the polling process and subsequent appeals:

- ❖ There have been occasions where it was not clear what question(s) were actually asked, so it would be useful for TDs to write the questions down.
- ❖ In UI cases, TDs should poll players both on Logical Alternatives (LA) and whether actions are demonstrably suggested by the UI. We have had a few cases where the TD thought that one aspect was clear, so polled on the other, only for the AC to overturn on the first aspect.
- ❖ If necessary, the same players can be polled on both aspects. Also, if there are two doubtful actions, TDs can poll the same players on both.
- ❖ TDs should often poll previous actions in an auction. If a player does not agree with the previous actions, his opinions on the doubtful action might be given less weight (he is not a true peer of the player at the table).
- ❖ TDs and ACs should give great weight to any actions taken by the player prior to any UI. This can provide a very good indication of how a player has evaluated a hand, or understood an auction.
- ❖ In MI cases, the TD can poll whether an action was actually affected by the MI. There have been several instances of scores being adjusted because of MI, where the L&E Committee felt that the different information had little or no impact on the decisions made by the non-offenders.
- ❖ There are no particular guidelines for how many players to poll. Often, practical issues (e.g. availability or eligibility) will mean that the pool of pollees is small. This does not mean that correct procedure has not been followed.

In the absence of polls on a topic, ACs will have to form their own judgement. But where a poll has been carried out, ACs should only be adding their opinion to the poll. If an AC overrules the results of a poll, it should write the reasons for doing so on the Appeals Form (e.g. the TD has asked the wrong question, or the pollees were not of similar standard to the player at the table).

Fielded Misbids

If a player fields his partner's psyche, that is deemed to be sufficient evidence of a concealed partnership understanding, and the psyche is ruled as Red. A similar regulation used to exist for misbids, but this was of dubious legality, as misbids are typically accidental, with no intent to deceive.

Therefore, there is no longer an automatic penalty if a player takes an abnormal action which caters for partner's misbid. The TD can still award an adjusted score, even if he's satisfied that it was a misbid rather than a misexplanation:

- a) The TD might determine that UI was passed by the misbidder that made his partner aware of the misbid, and rule on that basis.
- b) If no UI has been passed, the TD can rule that the bid is effectively two-way, either the explained meaning or the intended meaning. If that two-way meaning is not a permitted agreement, then the TD can cancel the board and award an artificial score (typically Ave +/- Ave -). If the two-way meaning is a permitted agreement, then the TD can rule on MI, i.e. that the two-way meaning is what should have been explained to the opposition. A normal MI ruling would then follow.

Section 1.4.5 of the White Book gives a full explanation.

The L&E Committee has been reviewing fielded misbid rulings to make sure that the new regulation is working. Here is an example of such a ruling:

From the 2015 Brighton Summer Meeting

<p>♠ QJ43 ♥ J1092 ♦ 72 ♣ J103 ♠ K952 ♠ 10876 ♥ 75 ♥ Q6 ♦ A10 ♦ K53 ♣ K9754 ♣ AQ62 ♠ A ♥ AK843 ♦ QJ9864 ♣ 8</p>	<p>Board 24 : Dealer West : Love all</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">West</th> <th style="text-align: left;">North</th> <th style="text-align: left;">East</th> <th style="text-align: left;">South</th> </tr> </thead> <tbody> <tr> <td>Pass</td> <td>Pass</td> <td>1♣ (1)</td> <td>2NT (A2)</td> </tr> <tr> <td>Dbl</td> <td>Pass</td> <td>Pass</td> <td>3♦</td> </tr> <tr> <td>4♣</td> <td>Pass</td> <td>Pass</td> <td>4♥</td> </tr> <tr> <td>Pass</td> <td>Pass</td> <td>5♣</td> <td>Dbl</td> </tr> <tr> <td colspan="4">All Pass</td> </tr> <tr> <td colspan="4">(1) Could be 2</td> </tr> <tr> <td colspan="4">(2) Explained as spades and either minor – agrees with system card/notes</td> </tr> <tr> <td colspan="4">Table result 5♣x – 2 by East, NS + 300</td> </tr> </tbody> </table>	West	North	East	South	Pass	Pass	1♣ (1)	2NT (A2)	Dbl	Pass	Pass	3♦	4♣	Pass	Pass	4♥	Pass	Pass	5♣	Dbl	All Pass				(1) Could be 2				(2) Explained as spades and either minor – agrees with system card/notes				Table result 5♣x – 2 by East, NS + 300			
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TD statement and ruling: North was unable to explain 4♥ despite the fact that he passed it. South was asked the meaning of 4♥ with North away from the table and said it did not exist, although she intended it as natural; she intended 2NT as hearts & diamonds. I was prepared to rule misinformation but bidding 5♣ over the making 4♥ was good for East/West. North has repeatedly fielded by not bidding spades, but there did not seem to be any unauthorised information for him. South had UI from the explanation that suggested bidding hearts, and I ruled Pass was a logical alternative and adjusted to 4♣ - 1 by East; NS +50.

L&E Comment: There was some evidence that NS have a different agreement about the 2NT bid than that on the card, but without talking to North about why he never bid spades, it is difficult to tell. The adjustment is fine.

Deposits

We have had several instances of appeals without merit, where the appealing side did not seem to view losing the financial deposit as a deterrent. As a result, we have increased the sanction for an appeal without merit. The guidance to the Referees' List reads (new text in red):

Deposits are required to be taken by the tournament director, and you, the committee, **must** retain them if the appeal is without merit. **As of 2016 there is a further sanction that is applied in addition to any appeals deemed to lack merit – a score adjustment of 20% of a top, or 6 IMPs, or 1 VP, depending on the form of scoring.**

This system is designed to protect players' rights of appeal without giving them the freedom to waste the time of committee members. If you manage to come to a unanimous decision without much discussion, **you should be applying both sanctions given above** unless you have a very clear reason for not doing so. The new style Appeals Forms will ask you for this reason, and if you can't easily explain it, you should have applied the sanction! You should overrule any members of your committee who simply dislike keeping deposits.

Note that this change will only have an impact if the appeal is without merit – players are still entitled to appeal without cost when the appeal is worthwhile.

Appeals Booklets

We have been addressing a backlog of appeals booklets. The EBU website now contains booklets of appeals up to 2014, with the 2015 booklet due early next year. See <http://www.ebu.co.uk/laws-and-ethics/appeals>

These booklets contain all the appeals held at EBU events, together with commentary on the decisions from a group of panellists. They are a very useful resource for example appeals, and the reasons behind the decisions.

I would like to give my thanks to John Pain for organising and collating the handbooks, and to the panel of commentators for giving their time and effort in contributing.

Tim Rees
31st October 2016