

# Appeals

The right to appeal a ruling is in the laws, although the exact form an appeal must take is not laid out very prescriptively and there is some latitude for sponsoring organisations to adapt the format to the circumstances.

Law 92 says:

## **A. Contestant's Right**

*A contestant or his captain may appeal for a review of any ruling made at his table by the Director. Any such appeal, if deemed to lack merit, may be the subject of a sanction imposed by regulation.*

Note that it says "any ruling" which includes one that does not directly affect the pair in question, such as the failure to issue a PP to their opponents. Note also that this law means you cannot appeal a law at another table even though it may affect your ranking in an event.

## **B. Time of Appeal**

*The right to request or appeal a Director's ruling expires 30 minutes after the official score has been made available for inspection unless the Tournament Organizer has specified a different time period.*

For most of our events the time limit is 20 minutes after the end of the session in question or after the end of the session in which the ruling is given. **Note that a new correction period starts whenever a new result is published** and players who might be affected by this should be informed of it, if at all possible.

## **C. How to Appeal**

*All appeals shall be made through the Director.*

## **D. Concurrence of Appellants**

*An appeal shall not be heard unless:*

- 1. in a pairs event both members of the partnership concur in making the appeal (but in an individual contest an appellant does not require his partner's concurrence).*
- 2. in a team event the team captain concurs in making the appeal.*

This is worth noting if you have one argumentative player and another who seems embarrassed or trying to keep out of the matter. If they don't both agree to the appeal it doesn't go ahead.

If an appeal is requested, it is not the job of any TD to try to dissuade the players (and certainly not to tell them that they can't appeal). However, it may well be a good idea to suggest that they first talk to an appeals consultant, particularly if you think they may be in danger of the appeal being deemed without merit. Many events have an appeals consultant appointed, but if not you can ask a strong player with a good knowledge of the laws to fulfil that role.

## Composition of an Appeals Committee (AC)

An appeals committee is chosen by the TD (or quite commonly the TD i/c in larger events). The players do not get to choose who is on it, though you should listen to any valid concerns expressed about their suitability for the case in question. AC members should be willing to recuse themselves if their impartiality could be in question. You should try to avoid having on an appeals committee anyone who might appear to have a conflict of interest. This means that in county representative events you should try to avoid having anyone else from the same county(ies) on the committee and in general it is best to have players from a different section in a large event like the Tollemache or the Ranked Masters Pairs. If there is only one group, it's a good idea to have committee members whose current ranking position in the event is not close to that of the players in question – good players having a bad day can often be useful in that regard!

Sometimes you may be at an event where you don't know many players and find it hard to select people to ask. In that case you could ask the opinion of the leading players in the event as to who they think are suitable AC members. Take care though not to ask for input from anyone with an interest in the appeal.

The usual thing is to have three members on an appeals committee, one of them being designated the Chairman with a casting vote if needed. If at all possible we try to make the Chairman someone on the [list of Appeals Referees](http://www.ebu.co.uk/laws-and-ethics/appeals-referees)/chairmen at [www.ebu.co.uk/laws-and-ethics/appeals-referees](http://www.ebu.co.uk/laws-and-ethics/appeals-referees), since they are known to have some knowledge of the laws and EBU regulations. It is more important for the other two members to be experienced tournament players than for them to know much about the laws.

However, circumstances may prevent this from being practical and it is possible to ask one member of the list to act as a referee alone (effectively a committee of one), often by email or phone, though it is to be encouraged that they find someone else to consult with.

## Appeals heard by Director in charge

Law 93 allows for the Director in charge to hear an appeal *in extremis*, but I have never known this power to be used and would not recommend it. However, it also *requires* that the Director in charge hear those parts of the appeal that deal solely with Laws & regulations. This doesn't happen often either, because in practice there is usually an element of judgement in most rulings and an Appeals Committee will accept the advice of the TD as to the Law.

If you think an AC is about to perpetrate an unlawful ruling ("Reveley" for example) you should let them know of the legal position as you understand it. If they nevertheless persist, I think you just have to accept it and wait for the L&E committee to give them feedback in due course.

## Law 93: Procedures of Appeal

### **A. No Appeals Committee**

*The Director in charge shall hear and rule upon all appeals if there is no Appeals Committee (or alternative arrangement under Law 80B2(k)), or if*

*such cannot operate without disturbing the orderly progress of the tournament.*

### **B. Appeals Committee Available**

*If a committee is available:*

- 1. The Director in charge shall hear and rule upon such part of the appeal as deals solely with the Law or regulations. His ruling may be appealed to the committee.*
- 2. The Director in charge shall refer all other appeals to the committee for adjudication.*
- 3. In adjudicating appeals the committee may exercise all powers assigned by these Laws to the Director, except that **the committee may not overrule the Director in charge on a point of law or regulations, or on exercise of his Law 91 disciplinary powers. (The committee may recommend to the Director in charge that he change such a ruling.)***

### Deposits

TDs are required to take a deposit from an appealing side, currently £20 in pairs events and £30 in teams events. This is returned to the appellants **unless the appeal is deemed to be without merit, in which case the AC is required to retain the deposit and, recently, to also adjust their score by twice the “standard amount”** – ie by 20% of a top, or 6 IMPs or 1 VP.

### Appeals to the National Authority

Once an appeal is over and the TD has passed on the decision of the committee to both pairs/teams, that is usually an end to the matter. Players are specifically prohibited from accosting members of the AC to harangue them about the ruling (though some AC members might tolerate a polite request for more information about the reasoning of the committee).

Players should also take care if posting details of an appeal on newsgroups, bridge forums or other social media sites that they are presented in as objective a way as possible and that the case is not still *sub judice* (in the process of being considered). “Naming & shaming” of TDs or players is not an appropriate use of social media, which can, if used properly, provide a valuable service in the discussion of laws, regulations, rulings and appeals.

There is however one final possibility, that of an Appeal to the National Authority, about which more detail can be found in WB 1.7.2, which includes:

*An appeal to the National Authority is heard on its merits, and the deposit normally returned, only if the L&EC considers the appeal to involve one or more of the following:*

- (a) A question of principle*
- (b) An error of tournament direction*
- (c) An error in the application of law or regulation*
- (d) A grossly inappropriate value judgement*

*If none of these factors is present, the appeal will be dismissed and the deposit forfeited. Note that a request to revise a value judgement which falls short of being grossly inappropriate is not a sound basis for an appeal to the National Authority.*

*If one of the specified factors is found to be present, the L&EC will consider the matter afresh in the light of the submissions made, and it may revise a value judgement even if it does not consider it to have been grossly inappropriate.*

Since the deposit for an Appeal to the National Authority is £75 and is kept whenever the L&E committee considers that the grounds for appeal, above, have not been met, players need to be sure of their case before following this avenue.

### The end of Appeals Committees?

Both the EBL and the WBF have stopped having formal appeals committees in the traditional way. What they do instead is to have a “review” process, whereby any team captain who is unhappy with a ruling may ask for it to be looked at by an independent reviewer.

The reviewer will check that the correct process was followed, that sufficient players were polled and they were appropriate peers of the players in the ruling, as well as checking that the law was applied correctly. If there are deemed to be any short-comings in the process the TD will be asked to look at it again and to poll further if necessary. What the reviewer does not do is to decide whether or not they agree with the actual ruling. Deposits are made in the normal way and sanctions can follow for requests for review that are thought to be without merit.

There are no plans for us to go down the same route here in the EBU, though it's worth noting that the ACBL has done away with appeals committees and Bridge Great Britain has recently revised its appeals process to make it closer to the EBL/WBF model. Nevertheless we can certainly learn from the sort of rigour required by the EBL for a ruling that is not subject to appeal.

### Appeals Booklets

Since 2000 the L&E Committee has published a booklet each year of all the appeals from its major events, together with commentaries from a panel of players, TDs and laws experts. They are currently available up to 2014 with 2015 expected fairly soon and can be downloaded from <http://www.ebu.co.uk/laws-and-ethics/publications>