MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE HELD AT 40 BERNARD STREET, LONDON WC1 ON THURDSAY 8TH MAY 2003

Present:	David Burn	Chairman
	Martin Pool	Vice-Chairman
	Steve Barnfield Max Bavin Richard Fleet David Martin David Stevenson	Chief Tournament Director
	Grattan Endicott	Vice-President
	Peter Stocken	Vice-President
	Nick Doe	Secretary

1.	**Apologies for Absence**	Denis Robson Philip Mason Jeff Smith	EBU Chairman EBU Vice-Chairman
		Gerard Faulkner	Vice-President

2. Minutes of Previous Meeting (12th March 2003)

2.1 Accuracy

The minutes were agreed to be a true record and signed by the Chairman.

2.2 Matters arising

2.2.1 Draft New Laws (item 2.2.1)
2.2.2 Appeal from a County Conduct Committee (item 2.2.2)

Mr Doe apologised that he had still been unable to deal with these matters. Mr Martin considered that there were resourcing issues at Aylesbury which needed to be addressed, and Mr Bavin confirmed that he was aware of and would attend to them.

2.2.3 Psyche record (item 4)

Mr Doe reported that it was still inappropriate to deal with this matter until a potential disciplinary matter had been resolved.

2.2.4 Reports from Tournament Directors (items 5.13 and 5.15)

Mr Doe reported that replies had not yet been received to the further correspondence.

2.2.5 Disciplinary matters – pending case (item 6.2)

The L&E noted that a disciplinary hearing had been held and currently stood adjourned for the obtaining of further evidence.

3. White Book revisions

Revised drafts had been circulated and Mr Stevenson had received some comments.

The L&E considered the current scoring practice where an assigned adjusted score has not occurred on the board. Mr Bavin explained that whilst it was desirable for the board to be re-scored, the limitations of the software often rendered this impracticable, especially in Swiss Pairs. It was agreed that the guidance should be amended to recommend that full re-scoring should be undertaken where practicable. The current guidance, which Mr Stevenson volunteered to re-write to improve clarity, would be retained, with suitable caveats, to be applied where re-scoring was not practicable. The L&E was satisfied that the method described was legal under Law 78D, which provides for special scoring methods.

Mr Martin raised the question of the scoring of non-balancing adjusted scores. It was acknowledged that the correct method was to matchpoint separately for N/S and E/W, but in practice the board was matchpointed once, with the table concerned treated as an average for the purposes of other contestants' comparison scores. Manual adjustments were then applied to the scores of the contestants directly affected. Again the L&E decided to record the strictly correct method, together with the practical option to be followed where the correct method could not practically be applied. Examples would be helpful.

Mr Fleet raised the question of the extent to which players were required under the Laws to answer questions of style, particularly with regard to opening leads. He had in mind questions as to a partnership's philosophy with regard to active or passive leads, or trump leads, and noted that although the two members of a partnership employed the same basic methods, they might well differ in the frequency with which particular types of lead were chosen. The L&E considered that such matters involved elements of agreement and elements of what the players just thought was good bridge. There was a balance to be drawn between full disclosure and practicality. Whilst players should disclose matters of agreement of which their opponents might be unaware, in general it would be satisfactory to leave opponents to ask supplementary questions if they were interested in such matters of style. The L&E considered that the current guidance *(Orange Book 4.2.3)* was satisfactory and did not require to be changed.

The L&E endorsed the correctness of the regulation that a sitting-out contestant receives its average for the whole stage of the tournament concerned, not for the session. This was designed to eliminate distortions arising from the use of sessions of different lengths in certain tournaments.

The L&E considered whether a player, as opposed to a contestant, could be disqualified (i.e., in a teams event, without disqualifying the rest of the team). Whilst the L&E understood that Law 91 applied to a contestant as defined in the Laws, it saw no reason why regulations should not permit a single player to be excluded, for example for bad behaviour, if it was practicable for the contestant to continue without the player concerned (such as if a team consisted of more than four players, or if a suitable substitute was available). The L&E agreed to introduce such a regulation.

Mr Stevenson drew the L&E's attention to the list of things which remained to be done, which had been circulated as part of the latest draft.

4. Procedures

4.1 Disciplinary procedures – progress of review

Mr Doe reported that progress was being made, and that he had attended a meeting with the EBU's new Solicitors at which the matter had been discussed in general terms.

Mr Martin raised the point that the procedures described in the *White Book* should be consistent both with the Bye-laws, and with what actually happened in practice. For example the Bye-laws direct complaints to be made to the Secretary of the Union. He was also concerned at the possibility of complaints being treated as management issues rather than disciplinary matters. Mr Doe confirmed that the points would be drawn to the Solicitors' attention.

4.2 The role of the Judicial Panel

The L&E noted that in the recent disciplinary hearing the question had arisen of the extent to which the Judicial Panel had an inquisitorial role, or whether the process should be more adversarial in nature. Mr Doe reported that this point had been raised with the Solicitors for consideration when the new disciplinary procedures were established. The L&E was content to await appropriate advice.

The L&E noted that members under enquiry have a tendency to be unfamiliar with the process, which could cause unfairness whether the process was inquisitorial or adversarial. The possibility of providing a mechanism for the assistance of members facing disciplinary proceedings should be investigated.

Mr Doe said that it had been suggested that a member of the L&E, possibly Mr Barnfield, should be involved in the discussions with the Solicitors. The L&E was happy for this to be done if it was considered helpful.

4.3 Appeals procedures - deposits

Mr Stevenson recommended that appeals deposits be raised, and other ways of deterring unmeritorious appeals investigated, as he believed that the proportion of frivolous appeals in EBU events was currently too high. The L&E briefly considered a number of other methods which might be tried, and concluded that no single method was likely to work in all cases. It was probably the case that the existing regulations were satisfactory, but that implementation did not match the L&E's intentions in all respects. It was agreed that the Appeals Consultant procedure at major tournaments be re-publicised.

A proposal from Mr Stevenson, seconded by Mr Fleet, was agreed *nem con* as follows:-

- Tournament Directors should be assiduous in drawing potential appellants' attention to the Consultant procedure whenever that was available;
- Appeals Committees should retain deposits strictly on the basis set out in the *White Book*, and should not return them for extraneous reasons if an appeal was evidently frivolous for the class of player involved;
- Appeals deposits would be raised to £20 in a Pairs event, £30 in a Teams event, and £75 for Appeals to the National Authority.

It was agreed that the new deposits would come into force on 1st September, and Mr Doe was asked to arrange for a suitable notice to appear in *English Bridge*.

4.4 Appeals procedures – appeals to the National Authority

The L&E noted that an appeal had recently been heard by "electronic" means, i.e. L&E members had exchanged a series of emails until the matter had been resolved. This had not proved to be a satisfactory procedure, and it had taken a considerable time before it had been possible to determine the appeal. The L&E agreed that it was impracticable to hear appeals otherwise than at meetings at

which members were physically present, unless it could be ensured that the L&E members concerned were all available at the same time and a suitable means of communication, such as a conference call or internet chat facility were available. This would avoid the lack of continuity of communication which had been the principal problem encountered with the use of email.

The L&E noted the regulation that the result of an appeal to the National Authority affects the result of a match in a knock-out competition only if the decision is made before the publication of the draw for the next round. Whilst appreciating the reasons for the regulation, the L&E considered that it operated too harshly. The L&E confirmed that it would always do its best to hear an appeal to the National Authority within whatever timescale was dictated by the requirements of the format of the competition concerned. In the meantime it recommended that the Tournament Committee consider a more flexible regulation. This would ensure wherever practicable that the contestant entitled under the Laws to be considered victorious (i.e. after all appeals procedures had been concluded) was the one which featured in the next round of the competition.

[Secretary's note – at its meeting on 13th May the Tournament Committee accepted the L&E's recommendation and made certain changes to the regulations concerned.]

5. Technical matters

5.1 The interaction between adjustments under Laws 12C2 and 12C3

Mr Fleet noted the provision of *White Book* 73.1, under which, in the case of a player injured by an illegal deception, the L&E's current policy dictates that the offending side is given an adjusted score under Law 12C2, whilst the TD is required to consider equity for the non-offending side in terms of the possibility of an weighted adjustment under Law 12C3. He considered the regulation dubious in principle, and thought it entirely illogical that it be confined to adjustments where Law 73F2 applies.

A lengthy discussion ensued. There was some agreement that it was illogical to apply the current regulation in only the limited circumstances cited. However there was substantial agreement as to whether in general it was appropriate to award Law 12C3 adjustments to both sides, or whether the offending side should be at risk of the full burden of an adjustment under Law 12C2 (i.e. the least favourable result which was at all probable) even where equity for the non-offending side indicated a weighted adjustment. It was noted that in general current practice (except where *WB* 73.1 applies) is that if a weighted score is considered appropriate, then both sides receive the same adjustment under Law 12C 3. There was a widespread belief that the players found this fairer that splitting as well as weighting the score.

At the conclusion of the discussion Mr Stevenson made a proposal, seconded by Mr Fleet, that section 73.1 of the *White Book* should be deleted, and that the normal adjustment in all cases should be that both sides receive the same adjusted score under whichever of Law 12C2 and 12C3 is considered appropriate, with consideration given to the imposition of a procedural penalty on the offending side in appropriate circumstances. This proposal was defeated by 4 votes to 3.

Mr Martin made a proposal, seconded by Mr Burn, that the non-offending side should receive an adjusted score under whichever of Law 12C2 and 12C3 is considered appropriate, but that the offending side should normally receive an adjusted score under Law 12C2 unless there were exceptional circumstances. This proposal was also defeated by 4 votes to 3.

Mr Fleet, seconded by Mr Martin, proposed the deletion of section 73.1, without any specific guidance being substituted. This was agreed by 4 votes to 2.

5.2 Claims – irrationality

Mr Fleet said that he strongly disagreed with the current policy of the L&E, as reflected in the draft *White Book*, that when a player claims on the basis that a suit is solid when in fact it is not, the

claim is normally adjudicated on the basis that the suit would have been played from the top down. He considered it incontrovertible that if a player believes that all his cards are winners, no order of play can be considered irrational.

Mr Burn said that he would be happy with a policy that any cards not mentioned in a claim statement should be played in the legal order most advantageous to the opponents, but Mr Martin doubted that this adhered to the statement in the Laws concerning equity. Mr Burn then suggested that cards not mentioned should be covered by the provisions concerning matters of doubt.

Mr Stevenson thought that it was important to distinguish between intrinsically bad claims, and claims which were essentially correct but accompanied by poor claim statements. If in practical terms it was clear that it was overwhelmingly likely that the claimant would have made the tricks claimed had he played on, then a poor claim statement should not be fatal. It was unreasonable to label as irrational something that happened very infrequently. Mr Burn disagreed – it was inappropriate to define rationality in terms of frequency.

Mr Barnfield considered that it was inappropriate to have a regulation which effectively discouraged claims. He considered that players do normally play from the top down when cashing winners, and he did not consider it to be right to rule that they would do otherwise. Mr Bavin considered that it was dangerous to be too rigid.

Mr Stevenson summarised the discussion by saying that there were three options:-

- to delete the current guidance (and thus leave TDs to rule in accordance with the existing wording of the Laws, without further specific guidance);
- to substitute guidance that it was irrational to play otherwise than from the top down; or
- to maintain the existing guidance, although he preferred the substitution of "may be considered careless" for "is careless" in the last sentence.

He proposed that the last option (with the change of wording referred to) be adopted. This was seconded by Mr Barnfield and carried *nem con*.

[Secretary's note – the guidance now reads as follows:-

> *"A declarer who states that he is cashing a suit is normally assumed to cash them from the top, especially if there is some solidity. However, each case should be considered.*
>
> *Example – Suppose declarer claims three tricks with AK5 opposite 42, forgetting the Jack has not gone. It would be normal to give him three tricks since it might be considered irrational to play the 5 first. However, with 754 opposite void it may be considered careless rather than irrational to lose a trick to a singleton six."]*

5.3 Potential misinformation situations – the extent to which players should be expected to protect themselves

The L&E considered three recent reports from Tournament Directors, which had highlighted difficulties in this area:-

02.103

Dealer W
N/S vul

N.B. Screens in use

North
♠ 9 4
♥ K J 10 9 6 5 4
♦ A J
♣ 7 3

West
♠ Q J 8 6 2
♥ 8 2
♦ 3 2
♣ Q J 5 2

East
♠ A K 7 3
♥ Q 7 3
♦ K 6 4
♣ K 10 9

South
♠ 10 5
♥ A
♦ Q 10 9 8 7 5
♣ A 8 6 4

Bidding:	**West**	**North**	**East**	**South**
	Pass	3♥	Dbl[1]	4♥
	Dbl	Pass	Pass	Pass

1 Alerted by E to N as strong balanced. Not alerted by W to S. E/W's methods are FILM over pre-empts, so double is strong balanced.

Result: 4♥X –2 by N N/S -500

Tournament Director's statement of facts & ruling

E's double was not alerted by W. He said that S bid quickly, but nonetheless, behind screens, he could have alerted after S's call without problem.

S said he had made "an off-centre" call, but if he had been told that the double showed strong balanced he would not have called 4♥.

I ruled that an unalerted double of a pre-empt may be assumed to be for takeout (*OB* 4.7.1 and 4.7.3). As 3♥X is far more likely to be left in if the double is strong balanced, the 4♥ bid is not likely. If S passes W is likely to bid 3♠ and E to pass. I adjusted the score to 3♠= by W, N/S –140.

Referee's decision

I find no cause to disagree with the Director. It is accepted that S might well not bid 4♥ if correctly informed. The Director's adjustment and his reasons for it are reasonable. W explained his confusion after a quickish 4♥ bid; nevertheless there is misinformation.

03.02

Dealer S
Love all

North
♠ K 9 8 4
♥ J 3
♦ K 9 5 4
♣ A K 4

West
♠ J 7 6
♥ A K 7 4
♦ J 2
♣ Q 10 8 3

East
♠ Q 10 5 2
♥ 6 2
♦ A 10 8 7 6 3
♣ 9

South
♠ A 3
♥ Q 10 9 8 5
♦ Q
♣ J 7 6 5 2

Bidding:	**West**	**North**	**East**	**South**
				Pass
	1♦[1]	Pass	Pass	2NT[2]
	Pass	3NT	Dbl	Pass
	Pass	Pass		

1 11-13, no 5 card major
2 explained as 9-10 balanced

Result: $3NT^{X}$= N/S +550

Tournament Director's statement of facts & ruling

W called me to the table after play of the hand. He stated that he had been misinformed as to the meaning of 2NT. This had affected W's opening lead. S stated that the bid was Michaels.

I ruled that E/W had been misinformed. W's opening lead could have been affected by the misinformation. The contract would go off on a ♦ lead. I adjusted the score to:-

30% of $3NT^{X}$=, N/S +550
70% of $3NT^{X}$-1, N/S -100

Appeals Committee's decision

We felt this was a complex situation. Whilst we felt that the director's analysis of the number of tricks was not accurate, we were equally uncertain given the actual defence that E/W would necessarily find the best defence (they do not have to defend to the best in a situation they should not have been in but nevertheless it is indicative).

We revised the adjustment to:-

30% of $3NT^{X}$=, N/S +550
30% of $3NT^{X}$-2, N/S –300
40% of $3NT^{X}$-3, N/S –500

We were very concerned that an experienced pair were playing clearly an inexperienced pair and made no attempt to ascertain from declarer what she thought the bid meant.

03.25

Dealer N
Love all

North
♠ Q 9 3 2
♥ 4 3 2
♦ A K 9 8
♣ A 7

West
♠ J 7 6 5
♥ A Q 5
♦ J 10 5
♣ K 8 5

East
♠ A K
♥ 10 9 8 7
♦ 4 3
♣ Q J 9 3 2

South
♠ 10 8 4
♥ K J 6
♦ Q 7 6 2
♣ 10 6 4

Bidding:	**West**	**North**	**East**	**South**
		1NT	2♣[A1]	Pass
	2♦[2]	Pass	2♥	Pass
	Pass	Dbl	Pass	2♠
	Pass	Pass	Pass	

1 ♣s and another
2 explained as natural at the table

Result: 2♠-1 N/S –50

Tournament Director's statement of facts & ruling

2♦ should have been alerted as it shows preparedness to play in ♦s (hence 3+), denies ♣s and may have a 4-card suit other than ♦s if the hand contains a 3 card ♦ suit. The 2♦ bid must have tolerance, that is 3 card support, for ♥s and ♠s. As a result of the natural 2♦ explanation, S took it that W had 4 ♦s and based his play at trick 7 for ♠s to be 3-3 and for W to ruff the ♥8 lead which N would overruff and hence have an entry to the S hand via the ♠10.

S had the opportunity to clarify the 2♥ bid before playing the contract without putting his side's interests at risk (i.e. the play in that particular suit).

Declarer's line is for a second misdefence rather than being a legitimate line in its own right. I ruled the result to stand.

Appeals Committee's decision

We felt S had done the normal things to protect his side. 2♥ was not alerted, and declarer did ask what 2♥ meant and was still told it was natural. Without this we feel declarer would have made the contract. Score adjusted to 2♠=, N/S +110.

The L&E considered that in the first case (02.103) the players could be expected to know the relevant alerting regulations, so there seemed no reason to deny redress if they failed to protect themselves.

In the second case (03.02) it was pretty clear to W that the explanation which he had received was highly implausible. That did not tell him what the correct explanation should have been , of course, but it did suggest that he ought to have endeavoured to protect himself by seeking clarification. S

of course had an obligation to correct the mistaken explanation, but it appears that she was unaware of this.

The third case (03.25) was not clear enough to draw any specific conclusions.

Mr Burn summed up the conclusions to be drawn in the following terms. It is only experienced players who are expected to protect themselves. If such players receive an explanation which is implausible, and they are able to protect themselves by seeking further clarification without putting their side's interests at risk (e.g. by transmitting unauthorised information or waking the opposition up), failure to do so may prejudice the redress to which they would otherwise be entitled. The L&E was happy to agree.

6. Orange Book 2003/04

There was nothing to report at this stage.

7. Reports from Tournament Directors

7.1 03.32

The L&E considered a psyche report from a Regional Final of the National Pairs, and decided to write to the players concerned for comments with a view to considering whether to reclassify the psyche from Green to Amber.

8. Date of next meeting

Wednesday 16th July at 1 pm at 40 Bernard Street.

9. Any other business

9.1 Child Protection issues

Mr Burn reported that he had been informed by Christine Duckworth that she was currently considering the requirements of the legislation. It seemed that the EBU would be required to establish or delegate some body to deal with allegations of poor practice in this area, and it might be considered appropriate for the L&E to take on the role. More details would be available in due course, but the L&E was in principle prepared to be involved if it was considered appropriate.

9.2 More than one system

The L&E considered the question of whether it was contrary to regulation for a pair to play different systems against different opponents in the same competition. Provided that opponents were not put in any doubt as to the system being played against them, the L&E saw nothing to object to in the practice.