



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT THE 40 BERNARD STREET, RUSSELL SQUARE, LONDON WC1
ON THURSDAY 18TH OCTOBER 2007**

Present:	Martin Pool	Chairman
	Mike Amos	
	David Burn	
	Max Bavin	Chief Tournament Director
	Jeremy Dhondy	Vice Chairman
	Gerard Faulkner	Vice-President
	David Martin	
	Peter Stocken	EBU Chairman
	David Stevenson	
	Sally Bugden	EBU Vice Chairman
	Grattan Endicott	Vice-President
	John Pain	Secretary

1. Election of Chairman and Vice Chairman

The Secretary opened the meeting by calling for nominations for Chairman and Vice Chairman of the Committee for the 2007-2008 term. Mr Martin proposed and Mr Amos seconded that Martin Pool be nominated as Chairman and Jeremy Dhondy as Vice Chairman. There were no other nominations and motion was carried Nem Con. Mr Pool took the chair.

2. Apologies for Absence Barry Capal EBU General Manager
Frances Hinden

3. Minutes of Previous Meeting (September 19th 2007)

3.1 Accuracy

There were no corrections.

The minutes of the meeting of September 19th were approved and signed.

3.2 Matters arising

3.2.1 Disciplinary case – ‘Kilimanjaro’

The Secretary reported that the defendant had admitted the charge and the case had been passed to the Disciplinary Committee for consideration of a sanction.

(Following the meeting the Disciplinary Committee made the following ruling and directed this should appear in *English Bridge*:

An EBU member was recently charged as follows: *that during the EBU Summer Meeting at Hilton Metropole Hotel, Brighton on Saturday 11th August, Sunday 12th August and Friday 17th August 2007 he or she made a sustained verbal attack on members of an EBU Appeals Committee who were carrying out their duties in accordance with Law 93B. The Laws and Ethics Committee judges that the Disciplinary Committee will consider this to be conduct or behaviour falling below the standards required of EBU members, and therefore misconduct amounting to an Offence under paragraph 3.2(v) of the Disciplinary Rules.*

The member admitted the charge and offered a written apology. In accordance with the Disciplinary Rules, a sanction has been imposed: this is that the member receive a formal reprimand, which remains on his record in perpetuity and acts as a warning as to future conduct. The sanction also required that the facts of the matter be published hereby, as a reminder that a serious view will always be taken of intemperate behaviour).

The L&E Committee would not appeal against sanction imposed.

3.2.2 Disciplinary Case – ‘Fuji’

The Secretary reported further correspondence with one of the complainants but the Committee agreed to take no further action. The papers were put to file.

3.2.3 6.1.2 – Hand ref 07.008 (May 16th)

The Committee the following hand from the Spring Congress Mixed Pairs and responses received from the North South Pair. It was agreed to reclassify the psyche from GREEN to RED.

Dealer South, Game, All

Scoring: Match
Points

	North		
	♠ A J 9		
	♥ A J 10 5 3		
	♦ K 9 8 3		
	♣ Q		
West		East	
♠ 10 8 5 4 3		♠ K 7 6 2	
♥ 7 6		♥ K 8 4	
♦ 5		♦ A Q	
♣ 8 7 5 3 2		♣ A J 10 6	
	South		
	♠ Q		
	♥ Q 9 2		
	♦ J 10 7 6 4 2		
	♣ K 9 4		

Bidding:	West	North	East	South
	pass	1♥	double	Pass
	pass	2♠	pass	1♠*
* - psyche	pass	pass	pass	3♥

Result: 3♥ ✓ by North = +140 Lead ♠2

3.2.4 Portland Club

Mr Faulkner asked whether funding issues with the Portland Club had been resolved. In particular how is the money divided between the Portland Club and EBU, now that the BBL is no longer in existence. Mr Bavin confirmed that the Portland Club continues to receive a payment for each copy

of the laws that is sold. He further added that the Portland Club wished the EBU to print the new laws and to receive copyright payments for each copy sold. Mr Endicott said that the copyright issue was something to be sorted out by the WBF lawyers. It was agreed that Mr Bavin would draft a letter to the WBF stating that we wished to print and sell the new laws and continue to make copyright payments to the Portland Club.

4 *Appeals to the National Authority*

None this time

5 *Disciplinary Matters*

5.1 *'Annapurna'*

The Secretary was instructed to progress matters to a hearing.

5.2 *'Banachdich'*

The Committee considered the case of a member suspended for part of a session and readmitted for the rest of the competition. It was confirmed (as per minute 3.2 Sept 19th 2007) that boards missed as a consequence would be scored Offenders 40%, Non offenders 60% including a board not completed. It was agreed that no further action should be taken.

Mr Faulkner wondered whether there should be some sort of 'points system' for offences and it was agreed to look further at the idea.

The papers were put to file.

5.3 *'Cotapaxi'*

The Committee considered the situation in an Inter-county league in what was, in effect, a match played privately. It was agreed to remind bodies organising such events of the need to have suitable regulations in place for dealing with matters such as obtaining rulings and holding appeals. The matter before the Committee could have been resolved by the organisers several months before had such procedures been in place. The papers were put to file.

5.4 *'Denali'*

A verbal report on an incident from a One Day Event was considered, but there was nothing for the Committee to act upon. The papers were put to file.

5.5 *'Galdhoppigen'*

The Committee considered a report from a One Day Event. An apology had been received from the accused which had been accepted by the complainant. The Committee agreed to take no further action. The papers were put to file.

5.6 *'Olympus'*

The Committee considered a complaint from a member. After discussion it was decided that although the matter did fall within the remit of the L&E Committee under 7.1 of the Disciplinary Rules, no action would be taken. The papers were put to file.

5.7 *'Logan'*

The Committee considered a complaint from a member in a match played privately, together with the response from the accused. The Committee felt there was sufficient evidence to proceed to a hearing and the Secretary was asked to progress matters.

It was confirmed that the team making the complaint had conceded the match by walking out part way through the match and the other team would progress in the draw.

5.8 *'Matterhorn'*

The Committee considered a complaint from a member following an incident at an affiliated club. The Secretary was instructed to write to the accused asking for his side of the story.

6 Technical matters

6.1 Correspondence

6.1.1 Bridge Laws Mailing List

The Committee read some emails that had been sent to the bridge-laws mailing list saying that the Orange book editor had no overseer, and referring to the unfortunate choice of an example of alerting in the Orange book which was at variance with an Appeal Committee's decision.

The Committee stated that the Orange book editor's work is overseen by the full Laws & Ethics Committee, and is then subject to the Board of the EBU before becoming official.

In the case of the actual sequence complained of the L&E had decided that the sequence was not alertable, and had minuted the fact in its minutes of Wednesday 11th January 2006, item #4.1. The L&E believes that a minuted decision is very suitable as an example for the Orange book. The minute is repeated here for the convenience of readers.

4.1 05.51

Dealer E

N/S vul

Swiss Pairs

North

♠ A 4
♥ A 5 4
♦ A Q 10 6 5
♣ Q J 7

West

♠ K 10 7 5
♥ J 10 8 7 6 3
♦ -
♣ K 10 2

East

♠ Q J 9 3
♥ K 2
♦ K J 3 2
♣ 9 5 4

South

♠ 8 6 2
♥ Q 9
♦ 9 8 7 4
♣ A 8 6 3

Bidding:	West	North	East	South
			1NT ¹	Pass
	2♦ ²	Dbf	Pass ^{A3}	3♦
	3♥	3NT	Pass	Pass
	Pass			

- 1 10-13
- 2 Explained simply as "transfer"
- 3 Denies 3-card support

Result: 3NT-2 N/S -200

Tournament Director's statement of facts & ruling

Phone call was made late on Friday night to register a request for a ruling; details were submitted on Saturday afternoon.

N/S are claiming damage on the grounds that the 3♥ bid should have been alerted, as its meaning was affected by other agreements, and that the "transfer" explanation was insufficient. E/W play that an immediate 3♥ response to 1NT is pre-emptive. N claims that, armed with this knowledge, it is less likely that she would have bid 3NT.

I ruled that 3♥ is not alertable – it is competitive in nature, and is scarcely affected by undisclosed agreements. The opponents could reasonably expect that there were other such agreements, and had the opportunity to ask for any further implications about the bid.

3♥ was a free bid, and therefore hardly likely to be made on a weak hand. Even with a “correct” explanation, I don’t believe that N would have bid any differently.

I allowed the result to stand.

Appeals Committee’s decision

Our reading of OB 5.2.1(c) indicated that 3♥ is alertable.

If N was in full possession of the facts we believe that she might not have bid 3NT but would have done so much of the time. Because N/S do not play Lebensohl N would have had to guess more often here.

We do not agree that N is required to ask to receive information here. If she asks and then passes, S would be under ethical strain.

We adjusted the score to:-

	15% of	3♥-1 by W	N/S +50
plus	85% of	3NT-2 by N	N/S -200

L&E comment:

It is clear from the large percentage of the table score included in the weighting by the Appeals Committee that there is a plausible argument that N was not damaged. However, the L&E has concluded on balance that no adjustment at all should have been made because the 3♥ bid did not require an alert.

From N’s perspective the likely strength for W’s 3♥ ranged from merely competitive to positively invitational. The fact that a purely pre-emptive hand was excluded could perhaps have been inferred from W’s decision to bid again. The third basic alerting rule in the present *Orange Book* requires an alert if a call is “natural but its meaning is affected by other agreements which your opponents are unlikely to expect”. The degree of unexpectedness of the actual methods in use in this case was not sufficient to require an alert.

Mr Endicott undertook to place the agreed minute on BLML.

6.1.2 Alerting of Doubles – Richard Fleet

The Committee considered a request for clarification regarding the double in a sequence where there is no partnership agreement. The question was whether you

- a) do not alert because there is no agreement or
- b) alert because it might have an intended alertable meaning, albeit there is no agreement to this effect.

The sequence was (1♦) - 1♠ - (2♥) - pass (3♣) – pass - (3♦) – double.

The Committee confirmed that OB5B10 applied:

A player who is not sure whether a call made is alertable, but who is going to act as though it is, should alert the call, as the partnership is likely to be considered to have an agreement, especially if the player’s partner’s actions are also consistent with that agreement.

The Committee confirmed that option b) applied – the double should be alerted.

6.1.3 Reply to a member

Mr Burn was reminded about a reply he had agreed to compose.

6.2 2007 Laws of Duplicate Bridge

Mr Endicott reported on the completion of the work in Shanghai to redraft the new laws. The new laws were available to download from Anna Gudge’s ECats website. He also advised the Committee of two typographical errors which had been corrected.

The Committee recommended to the Tournament Committee and the Board that new laws should apply in England from August 1st 2008.

A request had already been received from WBU about the implementation date as they wished to introduce the new laws at the same time as England. The Secretary was asked to write to Scotland and Ireland advising them of our likely intentions.

Mr Bavin mentioned that the new laws gave Regulating Authorities (i.e. EBU) a number of options that they needed to consider. His recommendation would be that the default position in the Laws should obtain in England but this should be confirmed at a later meeting once members had had a chance to study the new laws.

6.3 *Order of L&E business*

The Committee approved the new order of taking disciplinary matters earlier on the agenda.

6.4 *Psyche and Appeal forms from One Day events*

The Secretary asked whether psyche and appeal forms from One Day events should be forwarded to him to be included in the screening process. These events were formerly jointly organised between the EBU and the County and came to the Secretary as a matter of routine. Now they were organised wholly by counties there was a question of whether the Committee should see them. The Committee asked that they should be included wherever possible.

6.5 *Screening of Psyche and Appeal forms*

The screeners for the time being were confirmed as David Stevenson and Steve Barnfield. Screeners were asked to apply a tougher test to reduce the volume of forms coming before the Committee. The meeting thought that only appeals which raised significant and important principles should come before the committee for review. Mr Stevenson reminded the meeting that it had previously been requested that amber and red psyches were drawn to the attention of the committee.

6.6 *Discussion of L&E procedures with a view to streamlining*

Committee members were asked to think about all aspects of L&E business with a view to having a discussion at a future meeting.

7 *Reports from Tournament Directors*

The Committee were concerned at the number of Appeal Forms that say something to the effect 'the deposit was only returned due to the relative inexperience of the players'. The Secretary had identified two cases in the current batch where one pair were Premier National Masters and another pair were National and Premier National Masters.

It was agreed to modify the Appeal form to include a space for players' Master Point rank and Appeals Committee chairmen would be encouraged to find out the information.

7.1 *07.033*

Mr Dhondy felt there was scope for giving advice to Appeals Committees on how and when to give weighted scores. The Committee was pleased to note that in the 2007 Laws of Duplicate Bridge the awarding of weighted scores was to be the default position.

There were no specific comments on any forms considered, although due to lack of time some were held over to the next meeting.

8 *Attendance of David Harris – Honorary Counsel*

The Chairman welcomed David Harris to the meeting for this item. The Chairman was concerned about the amount of litigation that appeared to be building up and wondered whether there was a better way to deal with it. Mr Harris noted that the Chief TD had the right under law 90 and 91 to deal with matters that occurred at tournaments, but he acknowledged that some matters were too serious to be dealt with on-site and needed to be referred. There were also cases that arose in matches played privately where there was no TD or matters referred to the L&E from clubs.

Mr Harris agreed that the notion of a 'caution' could be added to the Disciplinary Rules. He gave an example of a simple caution in law which had to meet the following requirements:

- a) there was evidence that the accused had infringed the regulation or offended in some way
- b) the accused admitted the offence
- c) the accused was prepared to accept the caution.

If the accused did not admit the offence then the appropriate avenues for proceeding to a hearing were present.

Discussion moved on to the consequences of a member having a caution placed on their record at Aylesbury. Questions raised included a) how many cautions could a member have? b) how long would a caution stay on the members record?

There was some suggestion that powers to Caution could be delegated to the Chief TD and while that might be built in to the regulation it was felt unlikely to be used, particularly in the early days.

Committee members wanted to know how quickly such a regulation could be drafted and it was agreed that Mr Faulkner would draft a new bye-law and liaise with Mr Harris over the exact wording.

Mrs Bugden wondered whether the phrase 'bringing the game into disrepute' should appear in the bye-laws to identify bridge matters. She said we shouldn't be raising members expectations that all matters would be dealt with by the L&E. Mr Faulkner wondered whether the scope of the bye-laws was too wide. He also wondered whether we should be asking clubs to report disciplinary matters to the L&E but no decision was made.

The Chairman thanked Honorary Counsel for attending the meeting.

9 ***Date of next meeting***

Monday 17th December at 1.15pm. The Dorchester Room, McAlpine's, 40 Bernard Street, London W1.

The meeting closed at 6pm.