



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT THE IMPERIAL HOTEL, RUSSELL SQUARE, LONDON WC1
ON WEDNESDAY 19TH SEPTEMBER 2007**

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

- 1. Apologies for Absence** Barry Capal EBU General Manager
Peter Stocken EBU Chairman

The Chairman opened the meeting by extending a vote of thanks from the Committee to Steve Barnfield whose three-year term on the Committee comes to an end at the Annual General Meeting in October. Steve has not sought re-election for another term. He had served on the Committee for 18 years, including a term as chairman. Amongst other things he had overseen the production of the previous White Book. The Chairman also thanked Steve on behalf of the membership of the EBU, most of whom would never know the enormity of Steve's input. The rest of the Committee concurred with acclamation.

2. Minutes of Previous Meeting (May 16th 2007)

2.1 Accuracy

There were no corrections.

The minutes of the meeting of May 16th 2007 were approved and signed.

2.2 Matters arising

2.2.1 Disciplinary case – 'Yak'

The secretary reported that nothing further had been received. The papers were put to file.

2.2.2 Disciplinary Case – 'Zebra'

The secretary reported that nothing further had been received. The papers were put to file.

2.2.3 **6.1.9 – Hand ref 07.020**

The Committee considered the response from the pair in question. There was no doubt in Mr Barnfield's mind that, if playing normal methods North had psyched. He had overcalled 2♣ on ♠10 7 ♥9 ♦10 8 7 6 2 ♣Q J 10 9 5, and there was no indication he was not playing normal strength overcalls. Mr Stevenson reminded the Committee it was perfectly legal to play an overcall as 0+HCP providing that was the agreement. Mr Dhondy considered that the necessary evidence regarding the strength of overcall had not been collected and Mr Endicott advised that TD's should base their classification on evidence collected. The Committee decided to declassify the hand completely due to insufficient evidence. The secretary was to write to the pair concerned advising of the decision, but suggesting if they played light overcalls this should be on their convention card.

2.2.4 **6.1.12 – hand ref 07.012**

The Chairman reported that at the recent Board meeting, the Board had expressed concern at the way some players were being treated by TDs when presented with a 'psyche/report of hand form'. Players, possibly unfamiliar with the form, had it thrust under their noses when about to play and asked to sign. The Board asked the L&E to consider whether there was a better way of collecting evidence.

The Committee had a lively discussion on how best to proceed and concluded that the present requirement for players to sign should be removed.

Mr Stevenson agreed to draft a revised form, with the signature boxes removed and the TD certification modified which would be circulated to members for approval.

The Committee considered another case where a pair had refused to sign the form. The secretary had written to the pair but not received a reply. In view of the decision to make signatures optional it was agreed that the matter should be left.

The Committee asked that TDs be reminded that some players are unfamiliar with procedures such as reporting psyches and that care was needed when approaching players in such cases.

2.2.5 **6.1.2 – hand ref 07.008**

The Committee considered the response from one member of the pair, but no reply had been received from the other member. The Committee was minded to change the classification to Red. The secretary to write again to the other member of the pair.

2.2.6 **Other matters arising not elsewhere on the agenda – Matter from the Board**

In response to Mr Barnfield's request for clarification at the L&E meeting of May 16th, Mrs Bugden reported the following minute from the Board meeting of 10th July.

6.1 Laws & Ethics Committee

The Board supported the opinion of the Honorary Counsel that the default position in regard to disciplinary Hearings was that they be public, except in the case of members under the age of 18, and that it was not an option for defendants or witnesses to object to the proceedings being open.

3 **Technical matters**

3.1 **Correspondence following an appeal**

The Committee considered correspondence from a member who had received an appeal ruling with which he continued to disagree. The secretary was instructed to write to the member advising him that all appeals are considered by the Committee as part of the review process.

3.2 **Score Penalties for a person disqualified or temporarily suspended**

The Committee considered the case of a member who had been temporarily suspended for the remainder of a session but readmitted to the competition for the remaining sessions. The Committee confirmed that in such a case the player's side should receive 40% for each board at match-pointed pairs. In addition there would be a disciplinary penalty, the amount of which was at the discretion of the Director in Charge.

3.3 *Correspondence from a member*

Mr Dhondy withdrew for this item. The Committee considered a letter from a member where unauthorised information had been ruled. Mr Burn would compose a reply.

3.4 *Dealing with Appeals to the National Authority*

As in previous meetings, the Chairman was concerned about the time it took for matters to be processed – in particular appeals to the national authority. One such appeal being dealt with today arose at the Pachabo Cup in June. Email conferences could work, but members of the Committee were not keen on this approach. Telephone conference calls could also work but might not be appropriate. It was agreed that in the event of an urgent appeal needing to be heard then an emergency meeting could be called remembering that at least three elected members would need to be present to constitute a quorum.

3.5 *Correspondence on permitted methods*

A letter from Bob Rowlands was considered, in which he was concerned that some methods played at level 4 were not appropriate in certain EBU competitions and might have the effect of putting players off. He cited MOSCITO as such a method. The Committee agreed to look at the question of permitted levels but any such changes would not take effect until August 1st 2008. The secretary was instructed to write to Mr Rowlands advising him of the timeline.

3.6 *Correspondence on Precision Club*

The Committee considered correspondence on how the changes to 'Extended Rule of 25' had effected those playing Precision Club methods. The secretary was instructed to reply making it clear that what the correspondent had perceived to be a change to disallow had never in fact been legal in the first place.

3.7 *Best Behaviour at Bridge and the Appeals Process*

The Committee considered how the Best Behaviour at Bridge policy should apply where a member misbehaved at or after an appeal. It was confirmed that during the appeal itself the appeal Committee had all the rights of a tournament director so could apply disciplinary penalties if that was considered appropriate. Once the appeal was over any bad behaviour became the tournament director's responsibility again.

Whilst it was inappropriate for members and appeals Committee members to enter into arguments about the result (White Book 93.4.3 (m)) there might be times when a member asked for further clarification about a decision. It was confirmed that such a request should be made of the TD who would consult with the AC Chairman who could accede or not to the request.

Committee members and those attending appeals would be reminded of the White Book clause about subsequent behaviour. The notes accompanying appeal forms would be amended to remind all participants of their obligations.

3.8 *Correspondence from R.J. Fleet*

Questions from Mr Fleet would be included in the review of Orange Book regulations.

3.9 *On Line survey of announcing and alerting*

Mrs Bugden reported on the result of the On Line Survey regarding announcements and alerting. There had been 774 replies and the status quo had been the most popular response in all cases. Approximately 30 members had taken advantage of the facility to email additional comments, which would be considered in the next review of the Orange Book.

3.10 *Petition from Paul Hauff*

The Committee considered a petition from Paul Hauff regarding the application of Law 77. The Secretary was instructed to write to Mr Hauff thanking him for his petition.

3.11 *Correspondence from T. Forrester*

The Committee noted correspondence from Tony Forrester which would be included in the review of Orange Book regulations.

3.12 2008 Laws of Duplicate Contract Bridge

Mr Endicott gave a progress report on the 2008 laws. First he wished recorded the drafting Committee's thanks to Rick Assad (an EBU Club Director) who had produced an index to the 1997 laws based on law numbers rather than page numbers. The Committee was recommending the style be adopted in the 2008 laws.

Mr Endicott confirmed that drafts of all 93 laws, the Definitions and the Scope and Interpretation of the Laws would be ready to be considered in Shanghai. The WBF President had decreed that the laws would be agreed by the end of Shanghai. Mr Endicott thought that NBO's might be permitted to implement the new laws at a date of their choosing up to September 30th 2008. He wasn't sure how the printing rights would be resolved, but noted that a copy would be available on the world wide web.

Mr Faulkner enquired whether the Board had resolved payment issues between the Portland Club, the EBU and old BBL. Mr Bavin said that for each law book sold a proportion of the sale goes to the Portland Club and the other home unions. He would, however, check the current position and report back.

4 Appeal to the National Authority

4.1 07.042

The Committee considered the following hand from the Pachabo Cup.

Dealer East, Love All

	North			
Scoring: Point	♠		10 3	
a board +	♥		4 3	
graded	♦	10	10 9 4 3	
aggregate	♣	J 10 4 3	J 10 4 3 2	
	West		East	
	♠	9 9 8 6 5	♠	Q J 2
	♥	8 A 8 2	♥	9 9 7 5
	♦	A 8 5	♦	J K Q J 6
	♣	Q 7 6 Q 7 6	♣	A 8 5 A 8 5
		South		
Cards in BOLD		♠	A K 7 4	
remain in play.		♥	Q J 6 K Q J 10 6	
		♦	7 2	
		♣	K 9 K 9	

Bidding:	West	North	East	South
			1♦	1♥
	1NT	pass	pass	Dbl
	redbl	2♣	pass	2♥
	2♠	end		

Result: 2♠ - 2 by West = +100 Lead not recorded

Director first called: During the play.

Director's statement of facts I was called by West during the play. South, on lead, had faced ♥Q and ♣9 on the table. I decided that Law 50B probably applied but I did not say anything. At no time did I get the law book out. I asked South to leave the table with me and asked him which card he intended to lead. He said ♥Q. We went back to the table. West asked what had happened away from the table and I told her. I stated that the ♥Q was led, the ♣9 stayed face up on the table and it was unauthorised information to North that South had that card. I stated that "if South wished or

had to play a club below the 10 he must play the ♣9 first". South asked for clarification and I repeated the last bit in quotes.

Adjusted Score awarded: I was called by West at the end of play. Apparently she could have done better. She said she had misunderstood what I said.

Appealed by East West on the grounds of Director's error.

Appeals Committee decision Director's statements were accurate and not misleading. No request was made by West for further information.

West admitted that it may have been her own misunderstanding. The player in question is a player of international standard and should be presumed to understand rulings clearly given. It was clear that West misunderstood but this was entirely her own mistake. The Committee decision was unanimous including the decision to forfeit deposit.

Appeal to the National Authority

Should the appeal to the national authority be heard?

The Committee considered section 8B of the Orange Book.

8B1 The appeal had been presented in writing to the Secretary of the L&E Committee with a £75 deposit.

8B2 It was confirmed that there had been an appeal against the TD's ruling.

8B3 The appeal to the national authority had been lodged in time.

8B4 The Committee considered each of the criteria for hearing the appeal to the national authority and decided that

- (a) there was no principle at stake.
- (b) there may have been a possible error of tournament direction.
- (c) the correct law had been applied so there was no error in the application of law or regulation.
- (d) this was a book ruling, so there was no value judgement involved.

The grounds for appeal therefore failed tests (a), (c) and (d), but was ALLOWED under (b).

The deposit of £75 was therefore refunded and the appeal heard.

Findings

The Committee found that West's actions showed that she probably did not understand the ruling given by the TD. However they discussed whether this amounted to an error in tournament direction or was it just bad luck.

The Committee found that had the TD read the law straight from the law book then any misunderstanding would have been entirely West's and there would have been no recourse.

The Committee considered that there was some chance that the TD's wording had caused the misunderstanding.

The Committee therefore ruled under Law 82C that this amounted to Director's error.

If the Director has given a ruling that he or the Chief Director subsequently determines to be incorrect, and no rectification will allow the board to be scored normally, he shall award an adjusted score, considering both sides as non-offending for that purpose.

The effect of this was to award one additional trick to West's side – the contract being scored as 2♠ - 1.

The Committee refunded the original deposit of £30.

4.2 07.063

The Committee considered the following hand from the Brighton Swiss Pairs. Mr Amos left the meeting for this item.

Dealer North, Game All

Scoring: match
points to
victory points

North

♠ Q 7 4 2
♥ K 9 6 4
♦ J 9 6 5 3
♣ void

West

♠ 8 5 3
♥ J 10 8 2
♦ 8 7 2
♣ Q J 8

East

♠ A 9 6
♥ A 5 3
♦ 4
♣ K 10 9 6 5 2

South

♠ K J 10
♥ Q 7
♦ A K Q 10
♣ A 7 4 3

Bidding:	West	North	East	South
		Pass	1♣	Dbl
	pass	1♥	2♣	2♥(H)
	pass	3♦	pass	5♦
	pass	pass	pass	

(H) South agreed that he thought for some time.

Result: 5♦ ✓ by North = +600 Lead not recorded

Director first called: After match was complete by East/West.

Director's statement of facts I was approached by East/West after the match who said that they had only just realised North had bid on six points after South's slow 2♥ bid. I questioned North/South. South agreed that he had thought. His 2♥ bid showed extra values – North might have zero points, after 2♣ a NT contract was not going to succeed. North said her hand was excellent. She had shown no points and after her partner's 2♥ bid she hoped for game. She had support for three suits.

Details of ruling: Pass not a logical alternative (Law 16A2)

TD believed that North had the strength to make a positive call of some sort.

Appealed by East West

Comments by N/S: N said it was clear-cut to bid again after partner's voluntary second bid. It was their practice to bid ♥ before ♦ with 4 ♥ and 5 ♦.

Comments by E/W: claimed that North's 3♦ bid was influenced by the hesitation.

Appeals Committee decision North had logical alternatives of 3♥ or 4♥ on 2nd round. Decision to bid 3♦ could be influenced by hesitation which suggested fewer than 4♥ with South.

Score adjusted to 4♥ - 2.

Appeal to the National Authority

Should the appeal to the national authority be heard?

The Committee considered section 8B of the Orange Book.

8B1 The appeal had been presented in writing to the Secretary of the L&E Committee with a £75 deposit.

8B2 It was confirmed that there had been an appeal against the TD's ruling.

8B3 The appeal to the national authority had been lodged in time.

8B4 The Committee considered each of the criteria for hearing the appeal to the national authority and decided that

- (a) there was a matter of principle at stake – namely that the Committee should have enquired whether their methods allowed for the possibility of a raise on three hearts.
- (b) there was no error of tournament direction.
- (c) the correct law had been applied so there was no error in the application of law or regulation.
- (d) the possibility that the judgement might be grossly inappropriate was worthy of discussion

The grounds for appeal therefore failed tests (b) and (c), but was ALLOWED under (a) and (d).

The deposit of £75 was therefore refunded and the appeal heard.

Findings

The Committee found that there was conflicting evidence regarding questions that may have been asked during the appeal.

The Committee found that the appeals Committee had been correct to consider whether North had used unauthorised information in deciding what to bid. In particular it was believed to be clear to North that South's hesitation indicated that four hearts were not held.

The Committee concluded that the ruling to award 4♥ - 2 may or may not have been correct. There were several other possible adjusted scores that the Committee may have considered awarding.

The Committee concluded that the award of the adjusted score of 4♥ - 2 did not amount to a grossly inappropriate value judgement. The result was left unchanged.

5 *Disciplinary matters*

The Chairman left the meeting and the Vice Chairman took over the chair for the remainder of the meeting.

5.7 Disciplinary case – 'Kilimanjaro'

The Committee considered papers and instructed the secretary to proceed to a hearing.

5.5 Disciplinary case – 'Fuji'

The Committee decided to take no further action and the papers were put to file.

Mr Amos asked whether the order of items on the agenda could be altered so that Disciplinary cases were heard earlier in the meeting. The secretary would liaise with the Chairman about the order of items.

7 *Date of next meeting*

Thursday 18th October at 1.15pm. The Dorchester Room, McAlpine's, 40 Bernard Street, London W1.

Due to lack of time, consideration of other disciplinary items and Reports from Tournament Directors was deferred to the next meeting. The secretary asked Committee members to retain papers and to bring them to the next meeting.

The meeting closed at 5.55pm.