



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT IMPERIAL HOTEL, RUSSELL SQUARE, LONDON WC1
ON THURSDAY SEPTEMBER 4TH 2008**

Present:	Martin Pool	Chairman and Elected Member
	Mike Amos	Elected Member
	Sally Bugden	EBU Vice Chairman
	David Burn	Elected Member
	Max Bavin	Chief Tournament Director
	Barry Capal	EBU General Manager
	Jeremy Dhondy	Vice Chairman and Elected Member
	Frances Hinden	Elected Member
	David Stevenson	Elected Member
	Grattan Endicott	Vice-President
	John Pain	Secretary

The Chairman opened the meeting by noting the recent death of John Armstrong. Mr Pool said it was a sad loss and extended the Committee's sympathy to John's family.

- 1. Apologies for Absence** Gerard Faulkner Vice-President
Peter Stocken EBU Chairman

2. Minutes of Previous Meeting (June 5th 2008)

2.1 Accuracy

There were no corrections.

The minutes of the meeting of June 5th were approved and signed.

2.2 Matters arising

2.2.1 Gold Cup Regulations

The Committee again expressed its concern over the alerting regulations to be used in the Gold Cup and Silver Plate. The Secretary was instructed to write to both Mrs Claridge (BGB Secretary) and Malcolm Oliver (EBU representative on BGB) expressing the Committee's view. Mr Oliver was mandated to present the Committee's preferences at the next BGB meeting. The Committee was unaware as to whether other home unions had discussed this issue or as to whether they felt it concerned them.

2.2.2 Disciplinary Case 'Vesuvius'

The Secretary reported that a hearing would be held on September 22nd.

2.2.3 L&E Blog

Miss Hinden said the first blog would be produced in the next few days.

2.2.4 Admonishment

There had been a subtle change when the bye-laws were changed. Previously the L&E Committee had brought the case and been the panel which heard the case. Under the current rules the Committee brings the case but a separate Disciplinary Panel hears the case. Under the current Disciplinary Rules the sanctions include reprimand or censure, but the former sanction of admonishment was no longer applicable.

4 Appeals to the National Authority

4.1 Appeal from the Bournemouth Spring Congress

08.025

The Committee considered a request for an appeal to the national authority following a ruling and appeal at the Spring Bank Holiday congress. This had been deferred from the June meeting as only one side had had the opportunity to present its case.

Dealer E
NS Vulnerable

Scoring:

Match points
to VPs

North

♠ 9 8 7 6 4
♥ A 2
♦ A J 6 5 3
♣ A

West

♠ None
♥ Q 10 7
♦ K 10 2
♣ K 10 7 6 4 3 2

East

♠ A 10 5 2
♥ K J 6 4 3
♦ 8 7 4
♣ 8

South

♠ K Q J 3
♥ 9 8 5
♦ Q 9
♣ Q J 9 5

Bidding:	West	North	East	South
	1NT	2♦(1)	pass	Pass
	pass	4♠	2♥	3♠
	4NT	end	X(2)	Pass

1 Astro

2 Agreed slow double

Result: 4NT – 4 by West = +200 to NS

Following a reservation of rights by South at the end of the auction and a request for a ruling at the end of the hand by North, The Tournament Director awarded 50% of 4♠x✓ by South (+790) and 50% of 5♥x – 4 by East (+800)

This was appealed by EW and an onsite committee amended the TD's ruling to give 50% of 4♠x✓ by South (+790) and 50% of 4NT – 4 by West (+200).

EW then appealed to the National Authority on the grounds that

- a) the appeals committee has made a judgement that can have no basis in its findings of the facts of the case (White Book P181)

- b) an error in the application of Law or Regulation
- c) a grossly inappropriate value judgement.

The Laws and Ethics Committee Ruling

Should the appeal be heard?

The Committee considered the four tests in the Orange Book Section 8B4 as to whether the Appeal to the National Authority could be heard. The Committee found that under clause b) there had been an error in the application of Law or Regulation.

In such a case as this where a player provides partner with unauthorised information that player may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information. (The 1997 Laws of Duplicate Contract Bridge were in force for this case).

In this case the action that provided the unauthorised information was East's slow double.

When making a ruling in a case such as this the TD and the Appeals Committee should have considered whether the 4NT bid is allowed after the slow double or not. It is not permitted under EBU regulations to allow 4NT to be bid a percentage of the time and not in others. To rule that it can be used a percentage of the time is to give what is known as a 'Reveley Ruling'.

Consequently it was agreed to allow the appeal to be heard and the deposit was returned.

The Committee's decision

Having decided to hear the case, the Committee considered the matter afresh using all the information provided by the parties.

Committee members were reminded that it was using the unauthorised information that was the infraction, not the creation of it. So the committee's attention was drawn to West's 4NT bid. Either the 4NT bid was permitted or it was not. No other ruling was possible.

The Committee considered whether passing 4♠x constituted a logical alternative action and concluded that it was because of the percentage likelihood of 4♠x going down.

Next the Committee considered how the play in 4♠x might go and concluded that declarer would always make 10 tricks, losing two spades and a heart.

Consequently the board was rescored as 4♠x making 10 tricks by South although it is not intended to rescore the match result.

The Secretary was asked to report the decision to all parties including the TD and the Appeals Committee.

The file on the appeal was closed.

5 Disciplinary Cases

5.1 'Blackfriars'

The Chairman had spoken to Honorary Counsel and although the member had received a number of disciplinary penalties at the time there was not a problem with taking further action. The Committee considered there was sufficient evidence to proceed with a prosecution. The Secretary was instructed to start the procedure.

5.2 'Debden'

The Secretary gave a verbal report on an incident at the Bedfordshire One Day event. The matter had been dealt with by the Chairman, Vice Chairman and the Secretary. The Committee approved the action taken and the papers were put to file.

5.3 'Epping'

The Committee considered there was insufficient evidence to proceed with a prosecution and the papers were put to file.

5.4 'Farringdon'

The Committee considered a report from the Chief TD at the Summer Eastbourne Seniors Congress. The Committee considered the action taken was appropriate and the papers put to file. The committee confirmed that even when action had been taken on site they still wished to see a report of the case so as to decide whether further action was necessary or appropriate.

6 Technical Matters

6.1 Correspondence

Dealt with under other headings.

6.2 Referees Panel

The Committee considered the make up of the current Panel of Referees. Gerard Faulkner, Jeff Morris, Sandra Penfold and Alan Kay had asked to be removed from the list and John Armstrong had died. Retiring members were thanked for their service. Jeffrey Allerton and Jon Williams were proposed to join the panel and the Secretary was asked to write to each of them inviting them to join.

6.3 Mutual awareness

Mr Endicott initiated a discussion on OB clause 3B10. The clause states that if a player has knowledge that partner tends to forget a particular agreement that tendency must neither be disclosed nor acted upon. Mr Endicott said that if you do not tell opponents and it turns out to be something significant they would be entitled to redress. Mr Stevenson was worried that if the clause was removed then we should always tell opponents in every case when partner forgets. To say something like 'he commonly forgets' would be unhelpful to opponents. The current wording had been intended to help members, but the Committee agreed that it was illegal to do so. With immediate effect the clause was rescinded and it would be removed from the 2009 OB.

6.4 Possible reprint of the Orange Book

The Secretary reported of a growing clamour from members for a reprint of the Orange Book with all the changes incorporated. Such a version was available to download from the EBU website. The Secretary offered to get a quote for a reprint in time for the next meeting.

6.5 Calls made with bidding boxes

Mr Bavin suggested that the current OB 7B2 regulation might be in conflict with the 2007 Laws of Duplicate Bridge. He suggested that the regulation might be changed to the WBF regulation, where a call was considered made when the bidding card was placed on the table and released. Mr Stevenson offered to find out what other countries did so a decision on the suggestion was deferred.

6.6 Changes to OB 10E

Following the introduction of the 2007 Laws certain prohibitions in section 10E of the Orange Book, familiarly known as 'the Endicott fudge' could now be revised. The revised wording effective from August 1st 2008 was confirmed as follows:

10 E Legal control of non-conventional bids

10 E 1 From 1st August 2008 all agreements may be regulated under Law 40 as 'special partnership understandings'. The EBU defines all agreements that it

regulates as 'special partnership understandings'. The previous indirect method of regulating certain opening bids and overcalls no longer applies.

10 E 2 *Levels 2, 3 and 4*

- (a) A partnership may NOT agree to open 1♥ or 1♠ on 3 cards by agreement.
- (b) A partnership may NOT agree to overcall on 3 cards by agreement.
- (c) A partnership may NOT agree to overcall solely to show strength in the suit bid rather than length.
- (d) A partnership may NOT agree to open on hands weaker than as allowed by 11 C 1, 11 C 9 and 11 C 10.

These rules do not necessarily apply to any artificial bids allowed by other sections.

6.7 Alerting of doubles – final recommendation to the Club Committee

It was left to Ms Hinden to produce the final wording and submit it to the Chairman and Vice Chairman for approval. The final version would then go to the Club Committee in time for its first meeting later in September.

The Secretary asked for clarification regarding the sequence 1 Precision ♦, double. A precision 1♦ opening was deemed to belong to 5E2 (b) Short, Nebulous, Prepared and Phoney minor openings so the double was just an ordinary take out double if not alerted. It was alertable if the double showed anything else.

6.8 Announcing of all 2-level suit openings

The Chairman suggested an extension to the announcing procedure by making all 2-level suit openings announceable. Mr Stevenson suggested that some esoteric openings might cause difficulties but in the majority of cases it would be alright. Mrs Bugden suggested that this was a proposal to run past the Club Committee. Ms Hinden was not keen on the idea. Mr Amos said that a full review of announcements was due anyway and it was agreed to defer for the time being. Mr Capal said that he still received correspondence on the question of announcements.

6.9 Psyches in EBU Tournaments

Mr Endicott initiated a discussion on the current regulations regarding psyches in EBU events. He thought the current regulations were probably illegal. Mr Stevenson said that the classification system of red, amber and green had worked well for many years and the new laws probably made it legal to award an adjusted score for what we called a red psyche by ruling under L12C1d. (If the possibilities are numerous or not obvious, the Director may award an artificial adjusted score)

The Committee considered how to proceed in teams play. The new law 86D allowed the result obtained at the other table to be taken into account when adjusting the score.

The following was agreed for adjusting the score in red psyche situations:

In pairs play the score was adjusted to A+ / A- with a fine against the psycher's side of the standard amount (legal basis 12C1d). (This is the same as now).

In teams play the score is also adjusted to A+ / A- with the proviso to apply L86D where appropriate. In addition there would be a penalty against the psycher's side of the standard amount.

The same would also apply for fielded misbids and use of illegal conventions except that there would be no fine. This would apply with immediate effect in EBU tournaments.

Discussion moved on to the disclosure of psychic tendencies, with Mr Burn suggesting that psychic tendencies should be disclosed but as soon as you do that it becomes subject to the regulations on partnership agreement. An example given was where the auction went 1♣ (Precision) followed by a psychic 1♠ overcall – made on any 13 cards. Partner always treats the call as showing a genuine spade overcall so there is no element of fielding. Mr Stevenson said that it was correct to

disclose such tendencies but you couldn't use them for your own use. It would also be allowed to know that one opponent psyched but the other did not.

Mr Burn suggested that whatever the committee did would be illegal but the most sensible way forward was to allow disclosure.

6.10 Leaving the final contract card out during the play

The Secretary reported several enquiries about whether leaving the final contract card out during the play was contrary to the law regarding aids to memory (L40C3a). Mr Burn pointed out that under L41C you were always entitled to know what the final contract was.

The Orange Book regulation 7B7 which required all bidding cards to be returned to the box was an EBU procedure and as such amounted to a supplementary regulation which the law allows Tournament Organizers to introduce under L80B2f.

The clubs, being Regulating Authorities, may make this decision for themselves and could make a regulation allowing the final bidding card to be left out if it felt that was desirable. However in most events there was an increased risk of the card being seen by players not at the table.

6.11 New Law 16B1b

Wording in the new law 16B1b meant that guidance given in the White Book (16.6) that 'a logical alternative action is a call or play which three or more in ten players of equal ability could be expected to make in the particular situation' might need to be reviewed.

Under the new law a logical alternative action has two components – namely would be given serious consideration by a significant proportion of such players, of whom it is judged some might select it. In other words was it appropriate to try to quantify 'significant proportion' and 'some'.

In a situation where an action was seriously considered by, say, 40% but then none would actually select it did not amount to a logical alternative.

In discussion it was felt that the 70% was now too low and could be as high as 90%.

The Committee agreed that a figure of two in ten should be attached to 'significant proportion' for interpreting the new law, although some members disliked trying to attach a numerical figure at all.

The Committee agreed that 'some' was not quantifiable and would be left to the TD and Appeals Committee discretion.

Mr Dhondy offered to put some advice together to go to referees/appeal chairman.

6.12 Simplified Orange Book

At the Chairman's request Ms Hinden has produced some samples of a simplified Orange Book for general consumption. She said the current OB was a reference document – not a reading article. It was agreed that she and Mr Amos would liaise on producing a final document in time for the next meeting.

6.13 Legal sequence?

Mr Stevenson asked about the method where a 1♣ opening was overcalled by pass to show values and, presumably, by 2♣ to show 3=3=3=4 zero count when the hand had four clubs. The Committee thought this was legal under current methods and were not worried by it.

7. Applications for new permitted methods

An application from Ms Hinden was considered for allowing a 1NT overcall to show a take out double of any strength was considered. She said that currently under 11N9 a take out double could show either a weak take-out double (Baron 1NT overcall) or a strong take-out double 16+ HCP (Hudson 1NT overcall) but the middle range was missing.

The Committee could see no reason not to allow it and the change was agreed from August 1st 2009.

8. Reports from Tournament Directors

08.026

The Committee confirmed this psyche to be in the Amber category.

Dealer W
NS Vulnerable
IMPs to VPs

North
♠ Q 10 8 4 2
♥ 5
♦ K 4 2
♣ K J 5 3

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

East
♠ 9 5
♥ A K J 10 2
♦ 9 8 3
♣ 10 6 2

South
♠ A K J
♥ Q 9 4 3
♦ 6 5
♣ A Q 9 4

Bidding:	West	North	East	South
	2♦(A1)	pass	2♥(A2)	Pass
	pass	pass		

- 1 alerted, weak in diamonds 5 to 9
- 2 constructive bid with opening values

other bids available – 2NT asking bid or 3♥ forcing.

Result: 2♥-2 by East = +100 **Lead** ♠A

Tournament Director's statement of facts & ruling

The TD ruled this to be an Amber psyche.

L&E comment:

Elements appear to be place to be able to control the psyche. It considered that West had a clear raise to 3♥ opposite a constructive bid with opening values.

08.027

Dealer E
EW Vulnerable
IMPs to VPs

North
♠ 9 2
♥ K 6 5 4 2
♦ 3
♣ 10 8 5 3 2

West
♠ J 10 8 7 6
♥ A 10 7 3
♦ K Q 7
♣ 9

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

South
♠ K 5 4
♥ None
♦ 10 9 8 6 5
♣ A K J 7 6

Bidding:	West	North	East	South
	2♥ (3)	3♣	1NT(1)	double (2)
	3♠	pass	3♥	Pass
			pass	pass

- 1 15 to 17
- 2 Minors
- 3 Not alerted. W meant it as transfer because they normally play transfers over the double of 1NT.

Result: 3♠✓ by West = -140

Tournament Director's statement of facts & ruling

In fact EW had not discussed it if the double was conventional, W said later.

On discussion after, North said that West had UI because of failure to alert 2♥ and the answer to North's question. I asked West why he had bid 3♠. He said he had to make a game try opposite a strong NT.

I ruled the score stands.

West has UI but it is hard to see how it leads to 3♠. West surely knows of a 4-4 heart fit and a more normal action would be to bid 4♥. My impression is that East/West were floundering about in an unfamiliar situation caused by a non-penalty double that they were not used to.

I would comment that the 3♠ bid does not make much sense with or without UI. The auction suggests 4♥ (if 3♥ is meant as a super accept of spades then East will convert to 4♥ or 4♠). The UI does not alter that and that the only reason spades plays better than hearts is because the heart break is 5-0 which West could not have known. West system meant as natural.

North/South appealed.

Appeals Committee's decision

Ruling upheld. We believe West made his 3♠ bid in line with their systemic understandings and took a very pessimistic view of the hand which turned out to be correct. We agree with the director's assessment that the potential UI was not a factor.

L&E comment:

The decision is wrong. 3♠ is 'unauthorised panic' – better bid spades because I have them. 3♠ is an illogical alternative, but it can still be adjusted against. Although wrong, it was observed that this is what players do.

08.028

Dealer S
EW Vulnerable
MP pairs.

North
♠ Q 9 7 4 3
♥ None
♦ A Q 8 4 3
♣ J 10 9

West
♠ 8
♥ K Q 6
♦ K J 9 7 2
♣ K Q 7 6

East
♠ A K J 10 6 5
♥ A J 10 2
♦ None
♣ 4 3 2

South
♠ 2
♥ 9 8 7 5 4 3
♦ 10 6 5
♣ A 8 5

Bidding:	West	North	East	South
	1♦	1♠	pass	Pass
	double	pass	pass	Pass
	double	pass	Pass (1)	2♥
1	slow			pass

Result: 2♥x - 4 by South = -800 **Lead** ♠8

Tournament Director's statement of facts & ruling

South believed the slow pass affected the way he played the hand. I ruled that the result stood because of Law 73D1 (1997 laws). East had something to think about and was therefore entitled to do so. If South draws inferences from it, then it was at his own risk.

W	N	E	S
♠8 (lead)	♠9	♠10	♠2
♥6	♠3	♠A	♥4*

* South said without the hesitation he would have played a higher heart.

I did not believe that the hesitation suggested another play of the cards.

Result stands (Law 73D1)

North/South appealed.

Appeals Committee's decision

Ruling upheld. Deposit returned.

L&E comment:

The Committee was shocked that the deposit had not been kept.

08.032

Dealer E
NS Vulnerable
MP pairs.

North
♠ A Q J 6 2
♥ A 10
♦ A 9 8 4 3
♣ 9

West
♠ K 8 5 3
♥ J 9 6 3
♦ J 7
♣ A K 3

East
♠ 10 9
♥ Q 5
♦ K Q 10 5
♣ J 7 6 5 4

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

Bidding:	West	North	East	South
	1NT	double	pass	Pass
	pass	2♠	2♣	Double (1)
	3♣ (2)	pass	pass	Pass
	pass	pass	pass	double

- 1 Q: is 2♣ natural? A: yes
- 2 Q: what is double of 2♣? A: North said take out

Result: 3♣x-2 by East = +300

Tournament Director's statement of facts & ruling

I was called at the end of play by West and obtained the above auction. NS disagreed as to whether the first double of 2♣ was penalties or take out. I read OB5E2 to NS and suggested that they agree on what the double was in this situation.

I ruled that there had been misinformation and cancelled the 3♣ bid. (L21B3, 40C (1997 Laws)).

Adjusted score of 2♠✓ by North = +110.

North/South appealed.

Appeals Committee's decision

Ruling returned to the table score. We believe that NS were not agreed as to the meaning of the double of 2♣, not having discussed it. Thus EW possibly received misinformation. However West's 3♣ was reckless and so should stand. West is minimum, ♠K is wasted, only three clubs, club expected to break badly and East could be weaker.

L&E comment:

The Committee considered that a split score ruling would have been appropriate in this case, namely for NS 2♠✓ +110 and for EW 3♣x-2 +300. In this way EW are not rewarded for action that was considered to be wild or gambling.

08.034

Dealer E
Game All
Hybrid
(Pachabo)
scoring

North
♠ Q 8 4
♥ 10 7 5 2
♦ 7 5 4 3
♣ A 4

West
♠ 10 9 6 5 3
♥ Q 9 8
♦ 6
♣ K J 9 8

East
♠ A K 2
♥ A J 6 4
♦ K 2
♣ 10 6 5 3

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

Bidding:	West	North	East	South
			1NT	2♦(A1)
	Double (2)	2♠	pass	3♦
	pass	pass	Double (A3)	Pass
	pass	Pass		

- 1 alerted, shows ♠ and ♦. S thought her 2♦ was natural.
- 2 Take out. General values
- 3 Penalties.

Result: 3♦x✓ by South = +670

Tournament Director's statement of facts & ruling

I was first called after the end of the round when EW had seen team-mates and told them what happened. Team-mates advised them to seek a ruling on the basis of South's 3♦ bid. I asked South why she bid 3♦ and she said it was because she thought she had got the system wrong once partner bid 2♠.

South has UI from North's explanation. Pass is a logical alternative so 3♦ is disallowed. Contract returned to 2♠ - 4, not doubled, as double might legitimately wake South up. (L16A, 73 (1997))

Adjusted score 2♠ - 4 by North = -400

North/South appealed.

Appeals Committee's decision

TD's decision upheld. Deposit returned.

Two issues: whether N should bid on over 3♦ and whether S has any right to bid 3♦.

S said, when asked, why she had bid 3♦ - 'because I got the system wrong'. When asked how she realised she said 'because of the explanation'. This is almost admitting she is making use of the UI – we just don't think she understand the laws. N passed 3♦ because in the system S could have five diamonds and four spades. We accept this.

Deposit returned because we believe that EW contributed to their bad result with the double of 3♦ - not wild or gambling but making NS feel that EW were trying for a double shot.

L&E comment:

We agree with the ruling, but not the reason for returning the deposit. The reason for returning it is not valid. The deposit decision is based on the merit of the appeal not the actions of the other side.

08.038

The Committee considered an appeal dealt with by a phone referee. It was considered important that the form be sent to the Referee by either the TD or the L&E Secretary so the referee can add his own words to the form.

08.042

The Committee confirmed this psyche to be in the Amber category.

Dealer E
Love all
MPs

North

♠ J 6 5
♥ A 8
♦ A K J 7
♣ K Q 8 2

West

♠ A K Q 9 2
♥ 6 4
♦ Q 5 3
♣ A J 4

East

♠ 8
♥ K 10 3 2
♦ 9 8 6 4 2
♣ 10 9 7

South

♠ 10 7 4 3
♥ Q J 9 7 5
♦ 10
♣ 6 5 3

Bidding:	West	North	East	South
			pass	1♥*
	1♠	double	pass	2♥
	pass	2♠	pass	3♥
	pass	4♥	pass	pass
	pass			

* psyche

Result: 4♥-4 by South = -200 **Lead** ♠A

Tournament Director's statement of facts & ruling

The TD ruled this to be an Amber psyche. A comment made by North to her partner at the end of play was 'why did you bid, you're always psyching'?

L&E comment:

North's actions are consistent with this being confirmed as an AMBER psyche.

9 Date of next meeting

Tuesday 11th November 2008 at 1.15pm. Imperial Hotel, Russell Square, London, London W1.
(Secretary's note: McAlpine's not available that day)

10 End of the Chairman's tenure

As this was the last meeting before the Annual General Meeting it marked the end of Martin Pool's tenure as Chairman of the committee, having held the post for five years. The Vice Chairman thanked Mr Pool for his good offices during his term and the rest of the committee concurred.

The meeting closed at 5.05pm.