



**MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE
HELD AT YOUNG CHELSEA BRIDGE CLUB, GOLDHAWK ROAD
ON WEDNESDAY MAY 25TH 2016**

Present:	Tim Rees (TR)	Chairman and Elected Member
	Mike Amos (MA)	Elected Member
	Robin Barker (RB)	Elected Member
	David Burn (DB)	Elected member
	Jeremy Dhondy (JD)	EBU Chairman
	Richard Fleet (RF)	Elected member
	Frances Hinden (FH)	Vice Chairman and Elected Member
	Martin Pool (MP)	Elected Member
	Gordon Rainsford (GR)	Chief Tournament Director
	John Pain (JP)	Secretary

1	<i>Apologies for Absence</i>	Barry Capal (BC)	EBU General Manager
		Ian Payn (IP)	EBU Vice Chairman

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2.1/2 ***Minutes of the previous meeting and accuracy***

The minutes of the meeting of January 20th were approved and signed.

2.3 ***Matters arising***

2.3.1 Deterring appeals without merit

The committee considered the paper by TR which is attached to these minutes (Appendix A). There was discussion about whether the sanction should be either/or, but it was agreed that giving an option was not the best way forward. After discussion it was agreed to introduce the revised arrangement from August 1st (i.e. the normal time for making amendments to regulations). (The change is shown in italics).

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. This sanction will be both of:

- ***A score adjustment equivalent to twice the standard adjustment (e.g. 20% of a top, 6 IMPs or 1 VP).***
- **A financial deposit (£20 for pairs games, £30 for teams).**

It was agreed that the term 'frivolous' would no longer be used when discussing appeals and would be replaced by 'without merit'. It was agreed to send the revised regulation to all panel TDs and

Referees/Appeal Chairmen and to promulgate the change in *English Bridge*, Appeals Focus and congress programmes.

[Action: GR, Peter Stockdale]

A proposal by RF to increase the financial deposits from £20/£30 to £40/£60 was withdrawn for lack of support.

2.3.2 Reforming the Standing Committees

JD gave an update on the reform of the standing committees following the defeat of the proposals at the AGM in November. He said that fresh proposals would be sent to the existing standing committees for comment. Following the June board meeting the proposals would go to the County chairmen and firm agenda proposals would come to the AGM in November. Specifically for the L&E Committee the proposal was to split the responsibilities into a regulatory panel and a separate prosecuting panel. The regulatory panel would likely be smaller than the current L&E (e.g. 5 nominated members + ex-officio members), with the reduction in numbers happening over time due to natural wastage. The prosecuting panel would not meet often, if at all. The size and composition of the prosecuting panel would be similar to the regulatory panel. but no-one could serve on both.

3 Appeals to the National Authority

3.1 Richmond Blue Point Swiss Pairs

The committee considered an appeal from the Richmond Blue Point event which had been made to the national authority. The committee considered the grounds for appeal submitted by the appellant and decided that there were sufficient errors in the process of conducting the original on-site appeal to allow the appeal to the national authority. Consequently the committee agreed to hear the appeal and the £75 deposit was refunded.

<p>♠ J1095 ♥ Q9654 ♦ 52 ♣ KQ</p> <p>♠ AK42 ♠ Q8763 ♥ A8 ♥ 10 ♦ KQJ9 ♦ A6 ♣ 986 ♣ A10743</p> <p>♠ - ♥ KJ732 ♦ 108743 ♣ J52</p>	<p>Board 17 : Dealer North : Love all</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">West</th> <th style="text-align: left;">North</th> <th style="text-align: left;">East</th> <th style="text-align: left;">South</th> </tr> </thead> <tbody> <tr> <td></td> <td>2♦ (A1)</td> <td>Pass</td> <td>4♥</td> </tr> <tr> <td>Pass (2)</td> <td>Pass</td> <td>5♣</td> <td>All Pass</td> </tr> </tbody> </table> <p>A1 – Ekren, showing both majors and a weak hand 2 – hesitation, not agreed.</p> <p>Table result: 5♣= by East, NS – 400 TD ruling: 4♥-1 by South, NS -50 AC ruling: TD ruling upheld</p>	West	North	East	South		2♦ (A1)	Pass	4♥	Pass (2)	Pass	5♣	All Pass
West	North	East	South										
	2♦ (A1)	Pass	4♥										
Pass (2)	Pass	5♣	All Pass										

The ruling itself was a routine case of bidding on after an alleged hesitation following a stop bid. The TD ruled that the score should be adjusted to 4♥-1 . The problem came with the constituting of the appeal committee. The TD was not familiar with the standard of the field at the event and asked a member to help with selecting a committee. Unfortunately the member was one of the pair involved in the appeal. There is no suggestion that the appeal committee were influenced by being selected in this way but the L&E committee considered this to be very poor practice.

The original appeal form from the day could not be found so a substitute form was constructed by the TD some weeks later when the intention to appeal to the national authority was lodged, but agreement on its content between the parties proved difficult to achieve. It was not clear whether the stop procedure had been used correctly and whether this contributed to the hesitation or not. The TD should have found this out at the time and recorded it on the form.

The L&E committee considered that it was too late to change any result on the board due to the passage of time and lack of agreement of the facts but agreed to make certain recommendations.

1. The appeal form proforma would be amended to include information about the stop procedure
2. Recommendations about forming appeal committees would be reinforced (see current regulation WB1.8.2).
3. Better form keeping
4. The process would be considered at the forthcoming panel TDs training weekend.

TR would produce a full report for all parties.

[Action: TR]

3.2 Easter Festival 16.011

(Having been involved on the day GR gave factual information only and did not vote)

This appeal to the national authority arose following the Easter Festival Swiss Pairs. The grounds given by the appellant were an error in tournament direction due to the disclosure by the TD to the Appeal Committee of the information he had gathered by conducting polls of players and other TDs. The L&E committee considered that this amounted to an error in tournament direction and allowed the appeal to be heard. The £75 deposit was returned.

Having decided to allow the appeal to the national authority the L&E Committee considered the case afresh.

<p>♠ J1075 ♥ 1092 ♦ Q986 ♣ Q8</p> <p>♠ 963 ♠ KQ ♥ KJ873 ♥ Q54 ♦ A4 ♦ 105 ♣ K93 ♣ AJ10652</p> <p>♠ A842 ♥ A6 ♦ KJ732 ♣ 74</p>	<p>Board 42 : Dealer East : All vulnerable</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><i>West</i></th> <th style="text-align: left;"><i>North</i></th> <th style="text-align: left;"><i>East</i></th> <th style="text-align: left;"><i>South</i></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>1♣ (1)</td> <td>1♦</td> </tr> <tr> <td>1♥</td> <td>3♦</td> <td>Pass (2)</td> <td>Pass</td> </tr> <tr> <td>Dbl</td> <td>Pass</td> <td>3♥</td> <td>Pass</td> </tr> <tr> <td>4♥</td> <td>All Pass</td> <td></td> <td></td> </tr> </tbody> </table> <p>(1) 2+ clubs, could be a weak NT if short clubs. (2) Agreed break in tempo. Also agreed that E put his hand on the bidding box as if to make a bid (both N and S saw the bid was 3♥; W did not see the specific bid), but then passed.</p> <p>Result: 4♥ = by W; NS -620 TD ruling: result stands AC ruling: uphold the TD ruling</p>	<i>West</i>	<i>North</i>	<i>East</i>	<i>South</i>			1♣ (1)	1♦	1♥	3♦	Pass (2)	Pass	Dbl	Pass	3♥	Pass	4♥	All Pass		
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The TD had conducted two polls – one about the double, which he found everyone would make and a second (carried out later) about the 4♥ bid. The second poll was restricted to two panel TDs both of whom bid 4♥ and this information was given to the appeal committee. The TD had also spoken to the Chief TD who gave a contrary view but this was not told to the Appeal Committee. This was considered an error in tournament direction.

The L&E committee considered that West passing 3♦ was not a logical alternative, and therefore allowed the double. However, the committee felt that passing 3♥ was a logical alternative, and that the 4♥ bid was suggested by the UI from East, as he must have been considering an immediate 3♥ bid over 3♦. Therefore, the committee disallowed the 4♥ bid, returning the contract to 3♥ + 1.

It was confirmed that the Chief TD could not overrule a TD on a matter of judgement once the decision to rule in a particular way had been made.

TR would produce a full report for all parties.

[Action: TR]

4 Disciplinary Cases

4.1 Wroxall

The secretary reported that the matter had been concluded. The papers were put to file.

4.2 Ultravox

The committee considered papers received from the member concerned and additional evidence. The committee concluded that there was a case to answer and the member should be charged with an offence under the disciplinary rules. The secretary was to make the necessary arrangements.

[Action: JP]

4.3 Vangelis

The secretary reported that the hearing had been held on January 29th 2016 and the Disciplinary Committee found the following which has been reported in *English Bridge*).

A disciplinary hearing was held recently to consider the charge that Mrs N Bainbridge knowingly used the facility provided by the National Grading Scheme to opt out of certain sessions after the event had taken place. Mrs Bainbridge admitted the fact that she had done this to an EBU Board member at a meeting where other county representatives were present.

The charge was admitted by the defendant and the disciplinary committee accepted the plea. It was decided to issue a reprimand to Mrs Bainbridge based on the belief that there was no dishonest intent and on the mitigation put forward. The disciplinary committee wished the findings to be published.

4.4 Wings

The secretary reported that a hearing had been scheduled for May 11th 2016 but had been postponed until July 12th 2016.

4.5 Dispute between a member and his club

There had been no further correspondence from the member since the middle of April. It was thought unlikely there would be anything further.

5 Technical Matters

5.1 Board proposal to change the burden of proof in dishonesty cases

The committee noted that the shareholders meeting on May 12th had approved the change from 'beyond reasonable doubt' to 'comfortably satisfied' in respect of any new case that came along. Cases already in progress would be considered under the old criteria.

(Due to lack of time, there was no discussion on this topic)

5.2 Retirement of Jim Proctor from the TD Panel

The committee noted the retirement of Jim Proctor from the TD panel and also his years of service to the L&E committee in the early 1980s. The EBU board were considering a suitable accolade for him.

5.3 Appeals Booklets 2013 and 2014

The secretary noted that the appeals booklet for 2013 was now available on the website and 2014 was in production.

5.4 Arising from the 2014 Appeals Booklet currently in preparation

The committee noted correspondence about the footnote to Law 25 where a player became aware of his error by partner's action. The committee confirmed the footnote currently stands as part of the law.

5.5 White Book amendments

RB presented his list of proposed changes to the White Book. The items were approved apart from §2.3.1.3 Emergency/ineligible substitutes in teams where GR and RB would produce a regulation for the committee's approval by email before August 1st.

§1.7 - §1.8: "frivolous" appeals

The term "frivolous" when applied to appeals is not used in other EBU documents and some have objected to the term. The preferred term is "without merit" and the proposal is to replace "frivolous" with "without merit" or (as a qualifier) "meritless".

§2.3 Substitute v stand-by

There is some inconsistency in the use of the terms "stand-by" and "substitute" players/contestants. I understand that substitutes replace original players as bona fide contestant and their scores count as the scores for that contestant. Stand-by players may be replaced by late players and retrospectively become substitutes, or stand-by players may play throughout as if they had entered the event, if they are eligible. If the stand-by players are ineligible for the event, they play "without standing": scores obtained count for their opponents, but the boards are scored as missing for the contestant with stand-by players.

§2.3.1 "substantially detrimental to the other contestants"

The TD can allow a substitution if "the substitution is not substantially detrimental to the other contestants". If the opponents disagree with the TD decision after they have played boards against the substitutes on the grounds that the substitutes were too strong the TD may be in an awkward position. Should the TD allow the opponents to object to the substitutes in advance?

§2.3.1.3 Emergency/ineligible substitutes in teams **(NOT APPROVED in its current form)**

I think these are probably better referred to as "stand-by" rather than "substitute". Gordon is unhappy with these regulations:

"Why would a pair/team want to play on if they played without standing? Unless they were only without standing on those particular boards, but that's not what I understand by the term. Perhaps it's meant to mean that the TD imposes a player/pair/team to complete the round/session, but if that's the case, why would it be limited to four boards? I just find it hard to see when one would use an emergency substitute rather than a substitute."

I think that "the team plays without standing" could be replaced by "the emergency substitute players play without standing, their scores do not count for the team (the boards are scored as if the players were missing)". This would mean that the team keeps its scores on other boards and, for teams of eight, the other three scores would count.

§2.3 & §8.80.4 "without standing"

The term "without standing" is used in a number of places and explained in some of the places it is used. It is probably best if it used in quotes each time and the consequences explained each time.

§2.4 Scores for late/missing/withdrawn contestants

The regulation for withdrawn contestant sometimes only give a score for the opponents, on the basis that the withdrawn contestant does not need a score. But withdrawn contestants are not necessarily disqualified.

The regulation for late arrival are slightly inconsistent in the score for the late contestant. They reference the regulations for a withdrawn contestant, so again there is a need for a score to be assigned for the missing contestant.

The proposal is to ensure that a score defined for the missing (e.g. late or withdrawn) contestant. That score will be the converse of the score for their opponents, with the possibility of further penalty for the missing contestant.

The 2016 White Book would be made available in time for August 1st by the middle of July.

6. Applications for new permitted methods

The Committee considered the applications as follows:

6.1

“Short diamond” opening bids that could be made on a balanced 7-count. The application was refused.

6.2

A proposal by RF to delete BB7A3 and to amend BB5A3 and 5C to remove all references to Rule of 18 and allow all methods of hand evaluation subject to proper disclosure was withdrawn due to lack of support.

A proposal to amend the wording of BB 7B1(v) and 7C1(b)(iii) was considered. FH agreed that the current wording was cumbersome and agreed to look again at the wording. All agreed it was difficult to summarise precisely what the committee’s intentions were and if the committee was having trouble with it, it was not surprising that the members were as well.

7. Reports from Tournament Directors 16.001 to 16.012

Due to lack of time discussion was deferred to the next meeting.

8 Date of next meeting

Wednesday October 5th 2016 at 1.15pm.

Venue is Young Chelsea Bridge Club, Goldhawk Rd, Shepherds Bush.

The meeting closed at 5.10pm.

Deterring Appeals Without Merit

The Problem

At the moment, we require a financial deposit which is retained if the appeal is deemed to lack merit. This is potentially inequitable, as money has a far greater importance to some than to others. In particular, we have had several appeals over the last year from sponsored teams, where money is (presumably) no object. Many of these had little or no merit, but still took time to resolve. The current system allows the richer teams to try their luck, with little downside (to them). In contrast, other more impoverished teams might not put in a valid appeal.

The US system of appeals without merit warnings (AWMW) doesn't seem suitable. I'm not aware of anyone crossing the threshold for warnings, and even if they did, players should still have a right to appeal under Law 92.

Proposed Solution

We want to make the sanction for an appeal without merit something that the appellant cares about. People view money, masterpoints, NGS etc differently, and apply different values to them. We could ask on the form what people cared about, then penalise them correspondingly, but people would no doubt lie! In general, people appeal to get their score improved (although there are a few that do it through a feeling of grievance). Logically, if they are trying to improve their score, they should care about potentially making it worse. So the proposal is to penalise appeals without merit by applying a sanction equivalent to twice the standard adjustment listed in WB8.12.3 (e.g. 6 IMPs, 20% of a top or 1 VP).

This would be likely to be effective for appeals heard during an event, when the result is not known. At the end of an event (especially a knockout match), the application of a score sanction to the losing side will be ineffective. For KO appeals at the end of a match, we would still need a financial deposit. There would be several situations (e.g. at the end of a pairs event), where a score sanction might or might not be effective. Therefore, the sanction for an appeal without merit would be both a score sanction and a financial sanction. The financial sanction would remain unchanged from current levels (where it has stayed for many years).

Options:

- a) Make the score sanction the standard adjustment (that seems a bit low to me).
- b) Determine the sanction for each event separately. For example, a 1 VP sanction seems a pittance at Brighton, where 280 VPs are up for grabs. Mind you, it's the same for the standard penalties.
- c) Leave it up to the AC to decide the level of sanction (not keen – we wouldn't get consistency).
- d) Give the AC the option of which of the two sanctions to apply (not keen – we wouldn't get consistency).

Proposed Regulation:

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. This sanction will be both of:

- A score adjustment equivalent to twice the standard adjustment (e.g. 20% of a top, 6 IMPs or 1 VP).
- A financial deposit (£20 for pairs games, £30 for teams).

Tim Rees

25th May 2016