



MINUTES OF THE MEETING OF THE EBU LAWS & ETHICS COMMITTEE HELD ONLINE (ZOOM) ON THURSDAY 19TH MAY 2022

Present:	David Burn (DBu) Chairman & Elected Member
	Steve Green (SG) Vice Chairman & Elected Member
	David Bakhshi (DBa) Elected Member
	Robin Barker (RB) Deputy Chief TD
	Peter Hasenson (PH) Elected Member
	Ian Payn (IP) EBU Chairman
	Gordon Rainsford (GR) EBU Chief Executive
	Tim Rees (TR) Elected Member
	Gayle Webb (GW) Appointed Member
	Heather Sanderson (HS) Secretary

1. **Procedural Matters**

1.1 Apologies for Absence: William Clennell

2. **Minutes and Matters Arising**

2.1 The minutes of the meeting of 3rd February 2022 were approved and signed with one correction. It was noted that Gayle Webb was an appointed member rather than an elected member.

3. **Appeals to the National Authority**

3.1 Appeal from the Gold Cup

- a. The ruling in the first instance (RIF) and the ruling by the referee (REF) related to deal from a Gold Cup match held on BBO. Notably, when a case involves two English teams, the Laws and Ethics Committee (L&EC) acts as the National Authority. The appeal to the National Authority was decided via email prior to the meeting. DBu, who drafted the decision, stated that it seemed to boil down to whether the player in question had the information that he was entitled to. The decision reflected the opinion that the player had the information to draw the correct conclusion. He invited comments from the committee.
- b. TR, the referee in the case, stated that reasons for hearing the appeal to the National Authority appeared to be completely spurious. He read from the decision which indicated that because there was a difference of opinion between the RIF and the REF on the issue of misinformation that there “*must have been an error in the application of Law or regulation*”. He further noted that the write up did not say whether there was misinformation only that West was not

damaged by misinformation. TR contended that it should have said there was misinformation or there was not misinformation. In TR's opinion, North's actions were inconsistent with his explanation of the bid as clubs and a major. North did not play his partner for his bid on the first round. If South had his bid, then Seven Hearts could be laydown. TR noted that under the old rules, it would be an automatic minus threeimps. North had undisclosed information that this bid has not come up before. TR stated that the decision should say that there was clear misinformation. DBu said that he could change the report to make it clear that there was misinformation.

- c. TR stated that if West was misinformed but he was not damaged by it, that means that he should have got it right which is an argument that has been debunked previously and goes against the L&EC guidance from two years ago, guidance which he referenced in his decision.
- d. DBu explained that the general guidance still applies but in this specific case, in this specific auction, with this specific player, it does not apply. Although the laws are kind to the misinformed, more experienced players are meant to protect themselves.
- e. TR posited that this was applicable to players who failed to ask questions rather than players who asked questions and drew the wrong conclusion. TR argued that West tried to protect himself by asking the right questions at the right time. According to the decision, the fact that he drew the wrong conclusion, appears to be entirely down to him because he's an international player. TR further explained that he took into account West's ability and gave a weighted ruling but the National Authority decision has effectively concluded that 100% of people of West's ability would have passed.
- f. DBu insisted that with the explanations that West had and with the hand that he held that he should have passed. TR stated that he would hate for this to become precedent because if this same hand comes along again, he will rule the same way. DBu insisted that it will not be precedent because it was exceptional. He insisted that it does not matter who told West the true state of affairs, what matters is that he was in possession of the true state of affairs, it matters not how he came by it. DBu stated that West knew what was happening, he knew the extent of North/South agreement or lack of it. He knew that South had clubs and that North thought that South had clubs and a major and that was what he was entitled to know. The ruling is that West was not damaged by misinformation.
- g. SG raised the issue of unfairness due to random order in which people are chosen to make a ruling and hear an appeal. It was noted that the EBU has a list of TDs to choose from for a ruling and then a separate list of referees. Thus, players choose from separate and distinct lists. SG thought the referee should always consult the person who made the original ruling and try to persuade them. SG also recommended that the appeals process be reviewed with a view to making changes to decreased the randomness through more consultation.
- h. TR explained that, at the appeal stage, there is a presumption that the original ruling is correct. Thus, referees need quite firm ground to overturn. TR stated that he overruled the original ruling because he knew of all of the precedents on the L&E due to his many years of experience on the committee. He argued that there was an error in the application of the law in the first ruling. To have an appeal that says there has been a different application of the law so we are going to hold an appeal to the National Authority just means that there will be loads of appeals to the National Authority. DBu stated that he would do his best to correct that by clarifying that the ruling was based on considering it was an exception to the guidance.
- i. PH suggested educating people that rulings can break one way or another as it is an imprecise science. He also argued that there should be a price for forgetting a convention. DBa stated that there should be a greater onus on players in online events to know their system and properly disclose agreements when players are allowed to consult their notes. Furthermore, he thought that there should be a strong inference that online opponents will not have a misunderstanding on the first round of an auction when they consult their notes. There was

general agreement that the case at hand would have been decided differently had the circumstances been in person rather than on BBO.

4. Disciplinary Matters

4.1 – 4.4 The status of cases that were discussed involved unfair play online, other dishonesty and rude behaviour. There were no live cases where the defendant had been charged. A very brief status report was given on cases that were in the pre-charge phase of proceedings. It was noted that two concluded cases, where the defendant had been charged, were no longer pertinent to the L&EC. Lastly, the reasons why several cases had not resulted in charges were discussed.

5. Proposed Changes to the Disciplinary Rules

5.1 Disciplinary Rules 2022 for L&EC Approval

- a. SG referred to discussions from the prior meeting. He explained that, in getting to the current stage, drafts were initially shared with L&EC members and some Disciplinary Panel members. Changes were made based on feedback and then a new draft was sent out for consultation to Shareholders, County Secretaries and all Disciplinary Panel members. Further feedback was incorporated into the latest draft. After approval by the L&EC, the next step is for a lawyer to check the proposed changes. In particular, it was noted that there were issues that required clarification:
 - i. Whether offering a reduction of sentence for a guilty plea is acceptable,
 - ii. Whether retrospective application is acceptable. Specifically, there was a desire to apply the less burdensome process to the less experienced players.
 - iii. Changing language to gender neutral.
- b. SG shared the feedback from the consultation that was received. Every comment was discussed excluding ones that essentially stated they were happy with the proposal and recommended no further changes.
- c. PH read a statement from a member which was highly critical of the disciplinary process. It was decided that the L&EC would invite further comments from the member.
- d. There was further discussion on new language in the document. The L&EC thanked SG for his hard work on updating the rules. No vote was taken on the new Rules.

6. Technical Matters

6.1 White Book (RB is the editor)

RB reported that the White Book would be updated this year and that there would be an amalgamation of much of the Sky Blue Book. Other sections of the Sky Blue Book would be incorporated into the Blue Book. Robin noted that online announcing and alerting would be incorporated. It was noted that EBU online events are self-alerting. PH noted that Middlesex decided that players online must properly identify themselves in all county events. GR explained that the EBU does not insist that players in 12 board games identify themselves but it is required for Congresses. It is preferable that players identify themselves but it is essentially unenforceable for the daily 12 board games.

6.2 Blue Book (RB is the editor)

6.2.1 Strong Openings

- a. SG referenced the decision in February to form a strong subcommittee to discuss and draft changes. It was noted that members routinely contact the L&EC for clarification on strong openings. The subcommittee met on a number of occasions and agreed changes to simplify and clarify the regulations.

- b. TR pointed out that 5cb1 needs further clarification to say that 13 hcp must be contained in the two suits for hands containing 10+cards in those suits. TR asked about the requirement for 5 cards for Level Two openings. SG stated that an agreement of opening a weak two with only four cards would not be allowed under the new regulations.
- c. It was agreed that changes would be adopted as of 1st September rather than the traditional 1st of August.
- d. **Blue Book Amendments – approved by L&E Committee 19 May 2022**

(1) 5C3 Replacement – Definition of “Strong”

To be considered a “Strong” opening bid, the minimum allowed by agreement is:

- (a) At the 1 level at least 13 HCP
(b) Above the 1 level at least 16 HCP, or 13 HCP concentrated in two suits containing 10+ cards.

(2) 6D Replacement – Level 2 – Two Level Opening Bids

These may be played as any one of the following meanings:

- (a) Natural, defined as 5+ cards in the suit opened
(b) Any “Strong” hand (see 5C3 above)
(c) A 3-suited hand (5440, 4441 or 5431) with a specified shortage and opening bid strength

Notes:

- A 2NT opening must always be Strong
- Multi style openings are not allowed

(3) 7B1(ii) Replacement - 1♣ and 1♦ openings

(ii) Forcing, with any meaning or meanings as long as they are all “Strong”

(4) 7C Replacement – Level 4 - Opening Bids 2♣ to 3♠ inclusive

These may be played as one or more meanings within (a), or (b), or (c). Alternatively, any number of meanings of (a) may be combined with a single meaning from (b) or (c).

- (a) Any “Strong” hand (see 5C3 above)
(b) Natural, defined as either of the following in the suit opened:
(i) 5+ cards, or
(ii) 4+ cards if a second suit is also specified
(c) Non-natural, defined as either:
(i) Any hand that shows 5+ cards in at least one suit, specified or not, but which must not be the suit opened, or
(ii) Any hand that shows at least 4-4 in two specified suits, neither of which is the suit opened, or
(iii) A 3-suited hand (5440, 4441 or 5431) with any specified shortage

2NT Opening

Can be played as any meaning, but if not “Strong”, it must either specify at least one 5+ card suit, or a maximum of two possible 5+ card one-suiters.

Notes

(1) In all cases players should explain their method by at least stating:

- HCP range or equivalent expression of hand strength
- Minimum length of longest suit(s)
- Forcing or not

Blue Book Amendments – approved by L&E Committee 19 May 2022 continued...

(2) Subject to any changes in the Announcement regulations, apart from natural single-suiters and a strong balanced 2NT, which are announced, all other openings above the 1 level are alertable

(3) It is the responsibility of the pair alerting and explaining to be clear whether or not their agreement conforms to the definition of “Strong”, especially when using terms such as “Benjy” or “8 playing tricks” which otherwise may well be understood to show a strong hand.

(4) Pairs that deviate from the “Strong” requirements above will usually be considered to have done so by agreement unless they can demonstrate otherwise.

6.2.2 Announcements

- a. DBu noted that the paradigm of disclosure has changed due to the prevalence of online bridge. People are used to self-alerting and announcing by typing explanations as soon as calls are made. DBu wondered if players would find it difficult or confusing returning to face-to-face rules. (i.e., not alerting above 3N except on the second round of the auction) There are some announcements which would be in line with online bridge such as jump overcalls and transfers over 1N.
- b. DBu invited comments about what we should change and when we should change it. TR said that he thought people should be able to play a basic system without worrying about loads of announcements. Thus, he was opposed to announcing the minimum number of cards for every opening bid. GW said that, in her experience playing in Australia, it seemed strange at first to announce card length but she now prefers it. PH noted that many players find the alerting and announcing rules confusing and whatever can be done to simplify the process should be done.
- c. GR very few other NBO have announcements other than the EBU and the Americans.
- d. 1S (P) 2c*: In this auction 2c could be an artificial game forcing relay, a spade raise or natural, game forcing. There was a preference for announcing natural game forcing and alerting the artificial bids. It was noted that players have taken it upon themselves to announce game forcing.
- e. It was noted that if lots of announcements are adopted then alerts will become Super Alerts.
- f. There was discussion of American style post alerts.
- g. It was decided to put together another subcommittee for announcements and aim for changes for 1st September. GW suggested that we approve the changes before Eastbourne so that it could be publicised there.
- h. DBu will put together a timeline and circulate it via the secretary. It was agreed to have a meeting just about announcements.

7. Applications for new permitted methods

None at this time

8. Reports from Tournament Directors

One Report of Hand from Spring Foursomes was discussed. South psyched 1NT and GR marked it as Green. Central to his decision was the vulnerability, green vs red. TR and DBa thought it could be amber but did not feel that the ruling should be changed. It was noted that the L&EC Secretary keeps a log of psyches. If a player ticks a box indicating that they have never done something before and then it is discovered that they have, the L&EC writes them a stern letter.

9. Date of next meeting

The next meeting will only be about adopting announcements. DBu noted we will aim to have a face-to-face meeting in October.

10. PH motioned that the L&EC recognise and thank the enormous amount of work done reviewing the L&E processes. It was seconded and passed.

Heather Sanderson
Secretary to the Laws & Ethics Committee
June 2022