

WBF CODE OF PRACTICE

FOR APPEALS COMMITTEES

The World Bridge Federation adopts the following standards as regulations for the conduct of appeals from decisions of Tournament Directors and recommends their adoption to each affiliated Organization.

Composition of Appeals Committees

It is considered that an appeal committee is ideally comprised of not fewer than three members nor more than five. The World Bridge Federation ('WBF') recognizes that there can be circumstances in which an appeal committee may comprise one individual but regards this as unacceptable at international level and to be avoided where possible at national level. It is for the sponsoring organization or regulating authority to establish by regulation its decisions in respect of these matters.

Personnel

The view is taken that an appeal committee will incorporate a quota of strong players together with other members considered to be of broad bridge experience and to have a balanced objective approach to the decision making process. The chairman of a committee should ensure that the strong players play a leading role in questions of bridge judgement and that the other members of a committee are influential in seeking a balanced judgement when applying law and regulation to the bridge merits inherent in the facts as they appear to the committee. It is desirable that at least one member of a committee should have an insight into the laws of the game, but it is not that member's task nor the function of the committee to establish what law is applicable and how it is to be interpreted; these are matters to be enquired of the Chief Tournament Director (i.e. 'The Director' to which Law 81 refers) or his nominee for the purpose. The committee applies the given interpretation of the law to the facts and circumstances of the case. For the recording of the process and the decisions, together with the basis for them and relevant information, the WBF recommends that each committee should have, or should appoint one of its number to be, its Scribe.

Withdrawal

A committee member who has prior knowledge of the subject matter of an appeal, of a kind that may affect his objective participation, should recuse himself from the committee and will preferably be substituted. In an international tournament a committee member may decide to recuse himself because he feels too closely involved, or feels he may be biased, or has discussed the matter with interested parties, or has pre-decided the outcome. It is expected that co-nationals of players involved in the appeal will constitute at most only a small minority of the committee.

Function of an Appeal Committee

The committee is to hear and make judgement upon an appeal duly made as the laws and the applicable regulations determine, from a ruling by a Director (in person or by an assistant on his behalf). An appeal against a ruling may only be made by a side present at the table where the ruling was given. No account is to be taken of the interests of other contestants in the outcome. The consent of any absent person is to be assumed when considering that:

1. an appeal from a ruling in a pairs tournament must have the consent of both members of the appellant side;
2. in a team tournament the captain of a team may determine that an appeal shall be entered notwithstanding the wishes of his players; where players wish an appeal to be entered it requires the consent of their captain for this to be done.

An appeal shall not be entertained if it does not have the consent required.

Appeals under Law 93B2 are to be heard by the committee and this has and may exercise all or any of the powers of the Director in resolving them. Appeals of questions of law or regulation are heard by the Chief

Director; a further appeal against his decision may be made thereafter to an Appeal Committee which has no power to overturn the Chief Director's decision but may recommend to him that he reconsider. The committee may recommend likewise to the Director a review of any disciplinary penalty that he may have applied under Law 91A but may not rescind or vary it (powers that it does have in relation to Law 90 penalties). An appeal committee does have the power to apply a disciplinary penalty if the director has not done so and there is found to have been a breach of the laws governing conduct that the Director has not penalized. The WBF recommends the greatest restraint in exercising this power when the Director has not done so and points to the possible alternative of admonishment if a majority of the committee is strongly of the opinion that some action is justified.

The duty of a committee is to hear the statements of the Director and the players, to allow captains to speak thereafter if they wish, and to explore with questions any aspects of the matter that a member wishes to clarify. The Director who presents the facts and the ruling to the committee should be the Director who went to the table. Evidence should be interrupted as little as possible and committee members should carefully avoid direct exchanges of opinion with other persons in attendance. A wholly courteous manner is fully as essential in the committee members as in those appearing before them. In his discretion the chairman may ask to see the appeal form prior to the hearing.

Decisions of Appeal Committees

No decision of an appeal committee is valid if not agreed, in the manner described hereafter, by a vote of the participating members of the committee. A participating member is one who has been present for the proceedings from the commencement of the Director's statement through to the final vote taken at the conclusion of the private deliberations of the committee. The Director's ruling remains unaltered when there is not an agreement to change it supported by a majority vote of the committee, the chairman having an (additional) casting vote in the event of a tie.

Appeal to 'national authority'

Under the laws it is mandatory that arrangements exist for an appeal to be made to the national authority from the decision(s) of an appeal committee. No appeal to the national authority should be entertained if the prior stages of ruling and appeal have not been pursued and exhausted. It is legitimate for the national authority to set some limitation on matters that it will hear; it is a widespread practice, commended by the WBF, that the national authority will not review value judgements except where the appeal committee has made a judgement that can have no basis in its findings of the facts of a case. Debatable matters of law and/or regulation are valid questions for the national authority.

At international level the WBF urges that arrangements be instituted for an appeal to be considered against the decision of an appeal committee. However, the nature of international tournaments is such that appeals of this category should be restricted; it is suggested that to be heard such an appeal should be certified by one of a small number of nominated senior and expert individuals to be worthy of consideration. If this certificate is obtained it is recommended that the appeal be heard by a joint meeting of, say, the Rules and Regulations Committee with the Laws Committee under the chairmanship of the President or of his nominee for the purpose. Where this procedure applies, as for its own tournaments is henceforward the case with the WBF, the certifying individual is empowered to dismiss the appeal if he/she does not find its content appropriate for the attention of the joint committees.

Score adjustment

The award of an assigned adjusted score (see Law 12C2) is appropriate when a violation of law causes damage to an innocent side (although the extent of redress to this side may be affected, see below, if it has contributed to its own damage by irrational, wild or gambling, action subsequent to the infraction). Damage exists when, in consequence of the infraction, an innocent side obtains a table result less favourable than would have been the expectation in the instant prior to the infraction.

If the damaged side has wholly or partly caused its own damage by irrational, wild or gambling action, it does not receive relief in the adjustment for such part of the damage as is self-inflicted. The offending side, however, should be awarded the score that it would have been allotted as the normal consequence of its infraction. A revoke by the innocent side subsequent to the infraction will affect its own score but again the infractor's score is to be adjusted as before without regard to the revoke.

Law 12C3

This section of the laws operates unless the Zonal Authority elects otherwise. It applies in WBF tournaments. The purpose of this law is to enable an appeal committee to form a view as to what is an equitable outcome in the score, and to implement that outcome, if it considers that the mechanical application of Law 12C2 does not produce a fair answer for one or both of the sides involved. It makes the appeal committee the final arbiter of equity.

It is desired that Law 12C3 be amended to extend the powers it currently gives to appeals committees also to Chief Directors. (This could be a zonal option.) It is the function of the Director to make a ruling in a judgemental matter, having consulted appropriately, that executes most accurately the intention of the laws. The desire is that the Director shall not rule automatically in favour of the non-offending side when he is in no doubt that a true judgement requires him to rule otherwise. (The question of the law change is being pursued.)

Inclination of committee

The expectation is that each appeal committee will presume initially that the Director's ruling is correct. The ruling is overturned only on the basis of evidence presented. For this reason the Director must inform the committee if a ruling in favour of the non-offending side reflects a margin of doubt that continues to exist after the appropriate consultation procedure.

Ethics

A contestant may only be penalized for a lapse of ethics where a player is in breach of the provisions of the laws in respect of the conduct of players. A player who has conformed to the laws and regulations is not subject to criticism. This does not preclude encouragement of a generous attitude to opponents, especially in the exchange of information behind screens.

'Unauthorized information'

Any information used as a basis for a call or play must be 'authorized'. For information to be deemed authorized there must be an indication from the laws or regulations that the use of that information is intended.

Authorization does not follow automatically from a lack of prohibition.

Unless there is an express prohibition it is lawful to use information that is given to the players for the procedures of the game, as described in the laws. Also, information is 'authorized' when the laws state it to be so. A player is permitted to make and use judgements about the abilities and tendencies of opponents and about the inclinations ('style') of his partner in matters where the partner's decisions are spontaneous rather than habitual or systemic. A player's habitual practices form part of his method and his partner's awareness of them is legitimate information; but such method is subject to any regulations governing partnership agreements and to the requisite disclosure. Habit is to be identified when an occurrence is so frequent that it may be anticipated. Not to disclose knowledge of partner's habits and practices is contrary to Law 75A and where this is the case it is a violation of Law 40 (and thus illegal) when the call is made.

Use of unauthorized information

If a player has knowledge that it is illegal or improper to use in choosing a call or play this knowledge is referred to as 'unauthorized information'. Such information may be obtained in any one of a number of ways. If it does not come from the player's partner the Director is instructed how to deal with it in Laws 16B and 16C. Law 16C deals with information from withdrawn calls and plays; these include calls and plays withdrawn by partner. Other information received from partner is the kind that is most likely to be the subject of an appeal.

It is legal for a player to base a call or play on information from prior legal calls in the auction or from plays on the hand, from mannerisms of opponents, or from any other source authorized as already stated. Any information obtained from partner otherwise is unauthorized and it is illegal to use it if it suggests a call or play. This includes any information that eases the choice of a call or play.

Examples of partner's actions that may convey unauthorized information are:

- a remark or question;
- the answer to a question;
- special emphasis or tone of voice, or a gesture;
- attention to an opponent's convention card at a significant moment when it is not partner's turn to call or play;

- examining opponent's convention card when dummy;
- a significant hesitation or undue haste when calling or playing a card;

but these are not the only ways in which unauthorized information may be transmitted and appeal committees will come across various other means that are not lawful.

When use of unauthorized information made available by partner is alleged there are four key questions for the appeal committee:

1. Does the accused player have unauthorized information in consequence of an action by his partner?
2. Could the unauthorized information be thought to suggest demonstrably the action that was taken by the player who possessed it?
3. Were there logical alternatives (or was there a logical alternative) that the player could have selected in place of the action that is questioned?
(A 'logical alternative' is a different action that, amongst the class of players in question and using the methods of the partnership, would be given serious consideration by a significant proportion of such players, of whom it is reasonable to think some might adopt it.)
4. Have opponents been damaged in consequence of the player's action when in possession of the unauthorized information? Damage is assessed in terms of the score obtained.

If the answer to each and every one of these four questions is 'yes' it is appropriate to adjust the score but not otherwise. It is important to keep in mind which member of the partnership has the unauthorized information and to consider only that player's actions when following the path to a judgement. A player who, without design, makes unauthorized information available to his partner does not commit an infraction of law or propriety; it is the use of that information that is a breach of the laws.

If it is shown beyond reasonable doubt that a player has intended to act in a way that will give unauthorized information to his partner, the Chief Director should be consulted as to the provisions of Law 73B1. If it is proven that such action has been prearranged with partner the committee consults the Chief Director concerning Law 73B2.

Discrepancies between explanations given and the related hands

Where the same explanation of a call is given to both members of the opposing side, it being subsequently confirmed that both members of the side giving the explanation agree this is its correct meaning (and there is no conflict with information on the convention card), if the hand to which the explanation relates is materially different from the explanation the matter should be dealt with under the laws and regulations concerned with psychic action.

If the members of a partnership offer differing explanations, or if a conflicting statement on the convention card has caused an opponent to be confused, a procedural penalty for violation of Law 75 may be applied. As a separate issue, the score will be adjusted if opponents are damaged and the conditions for score adjustment are deemed to exist. (See earlier statement on score adjustment and also later statement on procedural penalties.)

Psychic calls

Definition of Psychic Call: "A deliberate and gross misstatement of honour strength or suit length". A psychic call is lawful if not based upon a partnership understanding. No penalty or score adjustment may be awarded against such lawful action. A partnership understanding exists if it is explicitly agreed by the partnership; alternatively it may exist because it is the implicit consequence of one of a number of circumstances. To deem that such an implicit understanding exists it must be determined that the partner of the player who psyches has a heightened awareness that in the given situation the call may be psychic.

This will be the case only if in the opinion of the committee one of the following circumstances is established:

1. similar psychic action has occurred in the partnership on several occasions in the past, and not so long ago that the memory of the actions has faded in the partner's mind - habit is to be identified when an occurrence is so frequent that it may be anticipated; or
2. in the recent past a similar psychic call has occurred in the partnership and it is considered the memory of it is so fresh that it cannot have faded from mind; or

3. psychic calls of various kinds have occurred in the partnership with such frequency, and sufficiently recently, that the partner is clearly aware of the tendency for such psychic calls to occur; or
4. the members of the partnership are mutually aware of some significant external matter that may help recognition of the psychic call.

A psychic call which is found on the above basis to be a matter of partnership understanding is disallowed and an artificial score adjustment may be awarded, together with a procedural penalty to the offending side if deemed appropriate. Players who are found to have any explicit agreement concerning psychic calls, or an implicit agreement concerning a particular kind of psychic call, are to be reminded that they have a partnership agreement that is subject to the regulations established under the authority of Law 40D.

Disclosure of psychic tendencies

A partnership may not defend itself against an allegation that its psychic action is based upon an understanding by claiming that, although the partner had an awareness of the possibility of a psychic in the given situation, the partner's actions subsequent to the psychic have been entirely normal. The opponents are entitled to an equal and timely awareness of any agreement, explicit or implicit, since it may affect their choice of action and for this reason the understanding must be disclosed.

False carding by defenders

Always provided that a true disclosure is made of the agreed meanings and expectations of card plays by defenders, intermittent false carding by defenders is lawful. Declarer then relies at his own risk upon his reading of the fall of the cards. (See 'Unauthorized Information'.)

'Special'

In the laws, regulations, and this Code of Practice, 'special' means 'additional to what is normal and general'.

Action behind screens

The intention of screens is to reduce to the minimum circumstances in which the members of a partnership are mutually aware of any matter not part of the legal auction. Players on the other side of a screen are not to be made aware of an irregularity if it is rectified before the tray is passed under the screen. All consequences of an irregularity so rectified are null save in relation to the possibility that the screenmate of an offender may be misled by a conclusion drawn from the occurrence. The offender may avert this consequence by a helpful and adequate explanation to the screenmate.

The WBF considers it desirable that players should vary the tempo randomly when returning the tray under the screen. Where North and South are the players with next turn to call after the tray is received, these are the players who are to be responsible for the movement of the tray. It is considered there can be no implications if a tray returns after 15 seconds or less. This period may be extended in the later stages of a complicated or competitive auction without necessarily creating implications.

Attention is drawn to the distinction to be made in the tempo expected when players encounter highly unusual situations generated by unfamiliar conventions or treatments. Directors and appeal committees should be sympathetic to the player who has to contend with such a situation.

Procedural penalties

A procedural penalty may only be applied where there is a violation of the laws or of a regulation made under the laws. If an appeal committee awards a procedural penalty it should specify what law or regulation has been violated.

In particular the WBF wishes to stress that a player who forgets his convention, misbids or misuses it, is not subject to automatic penalty. It is envisaged that a procedural penalty will only be applied in aggravated circumstances, as for example misuse several times repeated. Score adjustment is the way to redress damage.

Reporting of appeals

Before any report of an appeal is released for publication the chairman of the appeal committee must be satisfied that it gives a satisfactory account of the committee's proceedings and decisions. Decisions should be referenced with Law numbers and it is highly important that the Chief Director or his nominee confirm Law references.

Lausanne, 24th September 1999.