

Standard Appeal Procedure

Leonard Helman Bridge Center and ACBL Unit 383

Version 5 – September 14, 2018

How This Document Came to be Created

The two Boards noticed that recent appeals situations have caused concern for some players. We held discussions on how to improve the appeals process and convened a meeting of directors to discuss specifics. Those present at the meeting (May 22, 2018) asked Unit President Charlie Wilkins to draft a document that reflected the consensus of the participants.

The two Boards intend to formally adopt the resulting procedures, which then will be in effect for all ACBL games at the Leonard Helman Bridge Center.

Directors present on May 22 were: Carolyn Anderson, Joe Bruno, Art McHaffie, and Frank Moran; they are invited to send corrections or additions to more accurately reflect the results of the meeting. Directors James Ewert, Jim Joy and Richard Leonardon could not attend and were provided opportunities to comment.

Background

The Laws of Duplicate Bridge are complicated, and directors do the best they can, but sometimes players think that the director may have mis-applied the laws. When this happens, affected players can appeal the director's ruling. The ACBL allows local clubs to establish their own appeals procedures; the procedures stated here are being considered for adoption by the Leonard Helman Bridge Center and by ACBL Unit 383 (Santa Fe).

An example of an appropriate appeal is when the director has awarded an adjusted score, has refused to award an adjusted score, or has imposed a penalty, and an affected player thinks that the director may have misread or mis-applied the relevant Laws.

Conversely, generally it is not appropriate to appeal a director's ruling about the facts of a situation (was there a revoke or not; was there a bid out of turn or not; was there a break in tempo or not; was a card played or not).

The Boards of the Leonard Helman Bridge Center and of ACBL Unit 383 wish to emphasize that their primary objective in establishing this policy is to enhance everyone's enjoyment of the game of bridge. Our local games here in Santa Fe have a well-deserved reputation for friendliness and pleasantness, the Boards think this is very important, and the Boards think that having a standard appeal procedure will help maintain and enhanced the friendliness and pleasantness of our local games.

The Boards also emphasize their support of and gratitude for the directors. Similarly, the Boards ask all players to recognize that directing is difficult and to take that fact into consideration when deciding whether to make an appeal.

What Players Should Do

As always, when an irregularity has occurred, it's best to call the director. When calling the director, be polite (the director's last name is always "please" as in "Director please"). Do not use calling the director as a weapon against your opponents; instead, call the director to make sure that a ruling is given by the person who is most qualified to do so, and to avoid all of the problems that can occur when players at the table work out a ruling among themselves.

If you disagree with the Director's ruling, then respectfully say that you want to appeal.

What the Director Should Do, When an Appeal is Made

Once an appeal has been made, the director must recruit an appeals committee. The director does not have discretion to deny the appeal.

The director will recruit three experienced players (which may include other directors) who were not involved in the incident and who the director feels are well qualified to consider the question that is the subject of the appeal. Because chairing the appeals committee involves extra responsibility, the director is responsible for appointing one of the three members as the chair of the appeals committee, during the recruitment process, making sure that the appointed individual is willing to be the chair. During the recruitment process, the director will not share the facts of the incident. The director's selection of the appeals committee is final.

When Will the Appeal be Heard?

The appeal will be heard after the end of the game (even in a team game, and even when the result of the appeal might affect which teams play each other next). The director's ruling at the table will stand until the appeal is heard and decided.

Who May Participate in the Appeal Hearing?

All players who were at the table when the incident occurred have a right to be heard respectfully during the appeal hearing.

If a player does not attend the hearing, that player loses the right to be heard; typically a player who cannot attend the hearing should ask his or her partner to bring up any points that the player thinks are important. A player who cannot attend the hearing is not allowed to name a substitute.

The only parties who may attend (or speak during) the appeal meeting are the director, members of the appeals committee, and the players who were at the table when the incident occurred.

Once the players have been heard, and once the facts have been established to the satisfaction of the appeals committee, the director will ask the players and all spectators to leave the room. The appeals committee will then meet. The committee may decide to ask the director to remain and may ask the director to leave the room.

Is the Appeals Committee Decision Final?

Yes. The director and the players must accept the decision of the appeals committee.

Appeal Guideline Proposed For Adoption by Unit 383 and the LHBC

The club appeals committee is called upon to consider matters of bridge judgment and fact. (The club disciplinary committee decides zero tolerance matters.)

The objective of an appeals committee is to provide a forum for a fair hearing and final decision. These guidelines have been prepared to help achieve this objective.

The appeals committee:

1. The appeals committee should be composed of an odd number of members so that a decision may be reached more easily. Specifically, the Unit and Club intend for the appeals committee to consist of three members.
2. Those individuals appointed to serve on the committee are expected to be impartial and to present the appearance of impartiality. If committee members feel they might not be able to act impartially, they should ask to be excused. If there is an appearance of possible partiality (e.g., the committee member is a frequent partner of one of the parties), the member should ask to be excused or the matter should be discussed with the parties involved to determine if there is an objection.
3. There are no preemptory challenges to empaneled committee members. Any party who is eligible to attend and participate in the appeals hearing may challenge a member for cause. The challenger must state the reason(s) for the challenge to the committee, and then the committee meets privately to decide the issue. The committee is the sole judge of its membership. There is no appeal from its decision.
4. Proper decorum should be observed at all times. A committee member may be well acquainted with a party but each should refrain from camaraderie. This applies not only to the hearing but to the periods immediately before and after the hearing.

Powers and duties of the appeals committee:

1. The convened appeals committee must adjudicate every case that is brought before it, but may dismiss an appeal as being either trivial or frivolous and assess a penalty against the player(s) filing such an appeal. The director must inform the committee that its rights and powers include, but are not limited to, the following:
 - a. Upholding the director's ruling;

- b. Canceling the director's ruling and making any adjustment permitted by the Laws which the committee believes will constitute an equitable solution. This adjustment may be:
 - i. to adjust the total point score — The committee may attempt to estimate what final contract would have been played and/or calculate the probable result that would have been achieved had the infraction in question not occurred. It may then order the board scored as though that result had actually been attained at the table.
 - ii. to award an adjusted score — The committee may adjust the matchpoint score received by either or both sides.
 - iii. to cancel results and award an artificial adjusted score — The committee may cancel the result achieved at the table and award average, average plus, or average minus to either side or both sides.
 - iv. to award overall percentage scores — The committee may award one or both sides their overall percentage score in the session on the board in question (in effect, not permitting the board to affect the disputants' scores one way or another).
 - v. to assess matchpoint penalties — The committee may assess a matchpoint penalty against the offenders without granting any compensation to the non-offending side.

Procedures for the hearings on appeals for score adjustments

1. The chair shall call the hearing to order and proceed as follows:
 - a. Determine that an appeal has been filed and both members of a partnership concur in the appeal (in the case of team events, that the team captain concurs in the appeal, Law 92D).
 - b. Introduce himself, panel members, parties appealing, opponents and participating directors. (Anyone else shall be permitted to remain only at the discretion of the chair.)
 - c. Clarify to all parties that the chair is in charge, that no one is to speak until recognized by the chair, and that, upon recognition, the individual should address only the panel.
 - d. Explain how the hearing will proceed.
2. The director's role: The director should be recognized first to relate the facts and explain and interpret applicable Laws or ACBL and/or club regulations. Appellants, opponents or committee members, when recognized by the chair, may ask questions of the director.
3. The appellant parties should then present their side of the appeal.
4. The respondents next should present their side of the appeal.
5. Either side may be questioned by the committee or by the other side through the chair.
6. After all evidence has been received, the chair should state that the testimony phase is closing and will not be reopened unless the committee so decides. The committee then entertains final comments.
7. The chair dismisses all parties so the committee can deliberate in private. The committee may ask the director to remain and may ask the director to leave the room. The chair should specify to the parties whether or not they are to remain available.
8. The chair should conduct the deliberation and poll panel members on any decision proposed. A majority decision shall prevail.
9. The chair should remind panel members that their deliberations are privileged and are not to be discussed with any non-committee members.

10. The chair should notify the director of the committee's decision and then the parties. This may be done orally and/or in writing. If appropriate, the chair should explain the decision to the parties and caution against any continued unnecessary or disruptive argument as such argument could constitute a violation of the Proprieties and subject one to a disciplinary penalty.

Appeal Procedure – Quick Reference Guide for the Director

1. Appeals may not be dismissed; every appeal will proceed to an appeal committee.
2. Appoint a committee of three experienced players, not involved in the incident, well qualified to consider the subject of the appeal, and who will be impartial.
3. Appoint one member as chair, making sure that individual is willing to serve as chair.
4. The appeal will be heard after the end of the game.
5. The appeals committee chair will chair the meeting.
6. The only attendees are the committee, the director, and the four players involved.
7. If an attendee challenges the membership of the committee, the challenge will be heard at the start of the appeals committee meeting.
8. Once the four players have been heard, and once the facts are established to the satisfaction of the appeals committee, the director will ask the players to leave the room. The appeals committee will remain. The director will remain if the committee so decides; the committee may also ask the director to leave the room.
9. The decision of the appeals committee is final.

Appeal Procedure – Quick Reference Guide for Committee Chair

1. You run the meeting. No one can speak until you recognize the speaker and give permission.
2. Speakers speak to the committee, not to other participants.
3. The committee can reach any of these decisions:
 - a. Uphold the director's ruling.
 - b. Cancel the director's ruling and make any adjustment that is equitable and that is permitted under the Laws. Adjustments may include:
 - i. To adjust the total point score.
 - ii. To award an adjusted matchpoint score to one side or to both sides.
 - iii. To award an artificial adjusted score -- such as average, average plus, or average minus – to one side or to both sides.
 - iv. To award one or both sides a percentage matchpoint score that matches their percentage score on the remaining boards in the session.
 - c. Assess a matchpoint penalty against the offending side.
 - d. Determine that the appeal is trivial or frivolous. In these situations, the committee has the additional option of assessing a penalty for filing a frivolous appeal.
4. Procedure:
 - a. Call the meeting to order. Introduce the participants.
 - b. Verify that both members of the partnership agree to appeal.
 - c. Remind everyone that no one may speak until recognized by the chair and that, upon recognition, the individual should address only the committee.
 - d. Ask the director to relate the facts and explain / interpret the Laws that apply. The chair may allow questions to the director after the director has finished speaking.
 - e. Ask the players who filed the appeal to present their side. Committee members may ask questions. Opposing players can ask questions only after recognition by the chair.
 - f. Ask the opposing players to present their side. Committee members may ask questions. Opposing players can ask questions only after recognition by the chair.
 - g. After the players have been heard, ask if there are any final comments.
 - h. Dismiss the four players; the committee will deliberate in private. The chair has the option of asking the players to remain available. The committee has the option to ask the director to remain.
 - i. Chair the meeting of the committee. If the committee asked the director to remain, the director participates in the discussion but does not vote. A majority vote prevails.
 - j. Remind the members that the committee's discussions are not to be shared with anyone outside the committee.
 - k. Notify the director and the players of the committee's decision. Remind the players that the club and Unit take the Proprieties seriously, that Zero Tolerance principles apply, and that it could violate the Proprieties and/or Zero Tolerance if players continued to argue about the issue now that a decision has been reached.