

APPEALS

For all QBA events any available members of the QBA Appeals Committee should be appointed. Appeals Committees should always comprise uneven numbers. Not more than one person from each team or pair if practicable. Failure to observe this procedure must not be because of perceived time constraints.

There shall be no requirement for appellants to lodge a monetary deposit. However, the Appeals Committee will have the power to apply a procedural penalty for blatantly frivolous appeals. Not more than one person from each team or pair if practicable. Failure to observe this procedure must not be because of perceived time constraints.

During an appeal hearing, both parties should be represented (at least one player from each pair) while the committee is establishing the facts.

APPEALS ADVISOR ROLE AND LIMITATIONS

Some Red/Gold Congresses and/or State Championship events may choose to appoint an Appeals Advisor. This person's role will be to advise potential appellants on the appropriate laws and the possible favourable and non-favourable outcomes of the appeal. An appellants use of an Appeals Advisor will not in any way curtail the powers of the Appeals Committee.

THE APPEALS PROCESS

1. All players have an inalienable right to appeal, provided the appeal is in time and partner (or in teams the captain) agrees.
2. The Appeals Committee may overrule the Director on a point of fact or judgment, but not on a point of law or regulation. If the Committee strongly feels that the Director's decision in law was wrong, they may attempt to persuade him to change his mind. If he refuses, the Committee may refer the facts to the Chairman, QBA Tournament Committee.
3. Players are expected to graciously accept the judgment of the Committee. Players who harangue or abuse committee members after a decision will be subject to disciplinary penalty by the Director or Committee, and/or referral to a QBA Conduct and Ethics Panel.
4. Players involved in an appeal at any level of competition in Queensland other than those conducted under ABF Regulations and who are not satisfied with the result of the appeal may request the decision be reviewed by a panel of QBA Appeals Committee members providing that the specified procedure is followed. Said panel shall consist of five or a higher odd number of members. Any decision made by the panel will be purely advisory and will have no effect on the announced results of the relevant event. Procedure for requesting a review is as follows:
 - (a) Full written details of the original appeal shall be forwarded with the request. This should include the full record, the appellants' and respondents' cases and the committee's decision and reasons. It should be accompanied by a statement by the appellants as to why they believe the decision should be reviewed. Notice of the intention to have a review must be received by the Chairman, QBA Appeals Committee within 14 days of the event, and full documentation received within a further 14 days. The Chairman QBA Tournament Committee should be asked to act if Chairman Appeals Committee is involved in the original appeal.
 - (b) The club at which the original appeal was heard must be advised by the players that review is being requested.
 - (c) It must be understood that, except in very few instances, it will not be practicable for the parties to be heard or represented at these reviews. Parties are entitled to attend if they wish. It is essential that documentation should be complete. The reviewing panel shall only consider arguments and material presented to the original appeals committee.

APPEALS COMMITTEE PROCEDURES

The WBF Code of Practice for Appeals is the primary reference for matters not incorporated in these Regulations.

1. The members of the Committee will be announced before the start of the event.
2. The Committee will meet as frequently as necessary to ensure the integrity of the tournament. However, in events with a Swiss draw, it may not be possible for the Committee to meet immediately. In those cases, any decision by the Committee will not invalidate a previous Swiss draw.
3. As private an area as possible should be provided for the Committee's hearings.
4. (a) The appeal ***should*** be submitted on the approved QBA Appeals Form. **When there are time constraints the chairman of the appeals committee may rule that an appeal be heard without prior completion of the appeals form.** The Director will present his report to the Committee. Due weight should be given to the Director's assessment of facts as he was present at the time and aware of the table 'feel'. Both parties should be heard together where possible. Then the appellants will present their case, and the respondents their response, and opportunity given for rebuttal. The Chairman should not allow any interruption by the other side during this presentation. Committee members may ask questions of the parties to clarify the situation, but should not enter into debate with them.
 - (b) The Director need not remain during this part of the hearing, but should remain available to the Committee for any further clarification of fact or advice on law.
 - (c) When the Committee reaches its decision, it should be put in writing and reasons given. (Care should be exercised in phrasing where matters of propriety may be involved). The Chairman will convey the decision to the Director prior to the parties being informed. The Director or chairman can then inform the parties concerned. Care should be taken that the scorers are also informed. The written decision should be returned to the Director. If the decision was not a unanimous one, it should be so recorded on the record, and the Director and players concerned so advised.
 - (d) **Subsequent discussion by committee members** - The QBA has no wish to stifle discussion on appeals decisions. Indeed it welcomes constructive discussion as a means of attaining consistency in appeals rulings. However, committee members must be aware that discussions in committee attract legal privilege, whereas subsequent public statements do not. In many appeals situations, matters of propriety may affect the decision.

An appeals committee is a committee of equals. Whilst subsequent debate on a decision is one thing, criticism of a fellow appeals committee member is quite a different matter. Committee members who criticise fellow members will not be invited on to subsequent committees.

- (e) Directors, even if they disagree with a committee's decision, should refrain from any public criticism of the committee. Appeals Committees who have doubts about the correctness of a Director's actions in a particular case should discuss this with the Director.
- (f) **Verbal attacks by players on committee members** - Members must avoid becoming involved in 'slanging matches' with players over an appeals decision. The committee has the same procedural and disciplinary powers as the Director, and has the power to apply a disciplinary penalty to players who verbally attack committee members. A warning would be appropriate for the first offence, followed by a matchpoint penalty and even suspension as an

extreme resort. Attacks after the event is over should be referred to a QBA Conduct and Ethics Panel.

5. **Frivolous appeals:** The Appeals Committee may apply penalties for appeals which are deemed to be substantially without merit. The penalty, if applied will be a maximum of 2 VP's in a teams match and half a top in a pairs match.
6. **Fines for players not knowing their system:** The Committee does not have the power to fine players for not knowing their system in a 'one off' situation. Players who repeatedly display deficient knowledge of their system will be subject to penalty. It is the Director's responsibility in appeals involving this type of problem to advise the Committee whether he has had any previous similar problems with the pair concerned. Pairs who play a complex system are particularly expected to know their system. Persistent misunderstandings may result in procedural penalties, and both the Director and Appeals Committee are entitled to direct them to play a simple system.
7. Chairman to use a scribe where possible.

GUIDELINES FOR APPEALS COMMITTEES

1. The Committee has all the powers of the Director, but may not overrule him on a point of law or regulation.
2. The Committee may disagree with the Director on matters of fact or judgment. However, due regard must be given to the Director's assessment of the 'facts' at the table, as he was present at the time.
3. The most difficult areas the Committee will have to deal with are on matters of misinformation (including failure to alert) and unauthorised information. These will be discussed in some detail. In considering these situations, there are three questions to be answered:
 - (a) Did the alleged infraction occur e.g an unjustified action after a hesitation?
 - (b) Did the opponents suffer damage?
 - (c) Did the damage result from the infraction rather than merely follow it? Was the opponent's subsequent poor result caused by the infraction and not by their own actions wholly or partly.

There is increasing evidence that we need to add one further question to this list: Were the 'non-offenders' taking advantage of the infraction and the Laws to have an each way bet?

Some situations are simple. In a competitive auction, West hesitates significantly and East makes an unjustified bid of 4S, thereby pushing NS to the 5H level, off 1. In most cases, adjustment to NS +620 would be appropriate. But what if 5H was cold, but South revoked? Now his damage, whilst subsequent to the infraction, was caused entirely by his own careless play, and was not a result of the infraction. What if South's 5H bid was a totally unjustified bridge action, and if he had passed (forcing in this situation) North would have doubled 4S for an even better score? The committee has to decide whether the NS damage here was caused by the infraction or by South's unreasonable action in bidding 5H unilaterally.

Another situation: Another competitive auction in which West has hesitated. North feels that he can now push the bidding one level higher because, after West's hesitation, East is 'barred'. If East does bid on and NS get a good result, no problem. If they get a poor result, the Director will rescue them with an adjusted score. Committees need to be aware that players knowledgeable in the Laws will increasingly be having an each way bet in these situations.

There is a basic principle that the requirement of opponents to alert does not absolve us from the responsibility to protect ourselves by asking about a bid which experience tells us could well be conventional, even though it wasn't alerted. Players cannot be allowed to have a 'double shot' in this situation i.e. treat the bid as natural because it wasn't alerted; if that pays off, well and good; otherwise call the Director for an adjusted score because of a failure to alert.

One other fortunately rare situation where a player may improperly use the Laws is to deliberately hesitate before passing, not because there was something to think about, but in order to bar partner from bidding!