
From The Jury Desk – The CYA Judges Newsletter

Notice 27 – September 2010

Judges Write Back

Sent: July-01-10 10:32

To: leo.reise@talspar.ca

Subject: Re: From The Jury Desk - The CYA Judges Newsletter - June 2010

RE:

No objection about interested party No

The wording of the Protest Form first question leads to an ambiguity if the answer given is Yes or No. No could be interpreted as "No, there was no objection" and Yes could also be interpreted as "Yes, there was no objection". No could be interpreted as "No, there was an objection" and Yes as "Yes, there was an objection". My own interpretations would be that Yes means there was no objection and that No means there was an objection. The answers True and False would be unambiguous.

GW

From: Leo Reise [mailto:leo.reise@talspar.ca]

Sent: July-01-10 10:36

Subject: RE: From The Jury Desk - The CYA Judges Newsletter - June 2010

Thanks for the comment – very valid.

Quite rightly then the comment should read “No Objection” or some amplification.

On the lodging of protests by Judges. Some thoughts for discussion.

Why should the Judges be on the water anyway?

First, it gives them something to do at a regatta, (between the hearing of protests), apart from swapping stories in the comfort of the Club-house.

Much more significantly, it allows them to observe at first hand, the wind and sea conditions, the actions of the Race Committee and their supporting flotilla, and the behaviour and demeanour of the competitors. It also allows them to witness incidents between competitors that may or may not result in their lodging protests against each other. They may also witness unacknowledged violations of the Racing Rules. They may see events that give rise to requests for redress.

The presence of Judges on the water has given rise to many arguments as to what their role should be and where its limits may lie.

This issue often arises at many major events where the Judges are afloat as observers, usually in pairs, and with or without the responsibility of trying to enforce Rule 42. There is a variety of possibilities and some are considered below:-

1. No protests By Judges are permitted

At some regattas, it has been a deliberate policy of the Chief Judge that no protest may be lodged by an on-the-water Judge, however blatant the Rule infringement, and they may only contribute first-hand evidence at the hearing of a valid protest (or request for redress) lodged by a competitor, being (of course) excluded from the Jury while so doing.

I believe this policy to be wrong. It is in part motivated by the fear that a member of the PC may make a fool of themselves, by producing unconvincing, lame evidence in front of the protestee showing, for example, that the Judges were badly positioned to see the incident. The presenting of weak evidence would diminish the status and authority of the Chief Judge. (It also betrays the C.J.'s lack of confidence in his/her team).

This policy has its effect on the competitors too. Those who are involved in an obvious Rule infringement in full view of a Judge's boat (e.g. hitting a mark) may feel justified in taking no penalty and sailing on, secure in the knowledge that no protest will ensue.

This is an unhappy situation for Judges.

2. Judges are *required* to protest any observed Rule violations, i.e. act as policemen.

From my experience, if such a requirement were to be imposed upon Judges, the result is unlikely to be either fair or effective.

Consider an average class championship, with say a fleet of 60+ high-performance dinghies or small keelboats. It would be impossible effectively to "referee" such an event with no more than a typical Jury complement of 5-7 members. Having experienced such a policy first hand, I can assert that it results in a considerable number of futile protests.

Note that because "absolute" refereeing is not possible, this too is sometimes used as an excuse for implementing policy number 1. Also a common argument against any policy that permits Judges to lodge protests is that because the Judges cannot possibly see every Rule violation, it is somehow unfair to those who get caught and penalized.

3. Judges are expected to protest, should they be in a position to do so

I believe this to be the proper approach.

When observing a fleet in action, Judges are quite likely to observe true, potential or possible Rule infractions. If a Judge clearly observes a blatant disregard of a Rule/Rules, that is accompanied by no hail, flag or penalty turns, then I would argue that it is the observing Judge's duty to do something about it, but only if he/she feels quite confident that the evidence that they will be able to present at a hearing is sound. (Discussion with a companion Judge is always useful here). Mistakes will undoubtedly be made, but if such protests are handled well by the C.J., respect for the Jury will not be forfeit.

I can think of no sport where all the Rules are upheld 100%.

A few more thoughts:-

I recall a good number of incidents when the possibility of one protesting has arisen, and discussion with a companion Judge has allowed a clear and sensible decision to be made. This is certainly the case with Rule 42 infringements, an interesting Rule that has taken well over 50 years to refine.

In my experience, at PC hearings, the temporarily-disqualified judge who is called to give evidence related to a competitor-lodged protest is not always capable of adding essential or even useful evidence to the PC. But then that surely is part of the learning experience for any Judge?

One final question:

Should the protesting Judge (if protesting an action on the water – ed.) make any kind of signal to the intended protestee?

Care to comments, please.

John Holmes 7/2010.

About the Author – John Holmes was an International Judge for many years and remained a National Judge in Canada for a number of years following his ‘retirement’ from the international scene. John was appointed Judge Emeritus in Canada and remains actively involved through the Judges Sub-Committee of the CYA.

National Judge Seminar

The 2010 CYA Judges Program requires that a Regional Judge or a National Judge attend a sanctioned Judge Seminar within their four year certification cycle. The seminar will target those who are seeking certification or recertification as a Regional or National Judge within the next four years.

CORK offered to host a National Judge Seminar and subsidized the event to the extent the costs to participants were greatly reduced.

Because the seminar was held in conjunction with the event, there a number of foreign judges that joined the session. Representative from USA, BER, and NZL as well as CAN were present. There were several international judges in the mix enhancing the discussions.

The Judges Sub-Committee will assess the results of the seminar. We will directly solicit input from Regional and National Judges regarding the planning of future seminars in a separate e-mail.

Judges Program Review

The new program has been in place for about a year. The Judges Sub-Committee is in the process of reviewing the wording of some of the clause as well as the requirements of each of the levels.

We would like to hear from you. If you have a comment to make, like or dislike, please e-mail any member of the committee or reply to this e-mail. Submissions should be received before the end of October.

Log Book Entry

If you don't know where you are going, any road will get you there.
Lewis Carroll - Alice in Wonderland

Certification Renewals

All CYA Judge Certifications expire on Dec 31 of the four year cycle. The data base of judges held by the office is set to automatically drop anyone whose certification has expired. **Have you checked yours lately?**

Race Officials

Have you checked you Member Profile? Are you listed? In order for you to be listed as an available judge on the CYA website, you must respond YES to “**List CYA Certifications (in member's area)**” within your member profile.

Please take a moment to update your Member Profile on our website at www.sailing.ca.

If you require assistance or are not sure of your username and password, please contact admin@sailing.ca.

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