
From The Jury Desk – The CYA Judges Newsletter

Notice 28 – December 2010

Judge Emeritus

The CYA Judges Program has a provision to “confer the status of Judge Emeritus on an individual who has given long-standing service as a CYA Judge, made an exceptional contribution to our sport, and who has voluntarily retired their certification.”

It is with great pleasure the Judges Sub-Committee, announces our unanimous decision to confer the status of Judge Emeritus on Graeme Hayward. Graeme will join two other notable former international judges, John Holmes and Lynn Watters.

Who is Graeme Hayward? Collecting the history of an official that has served the sport for over forty years is difficult. During the early years, most of the behind the scenes work went unrecorded but through the memories and notes of people that worked along of him produced the following:

International Judge – Canada’s longest serving International Judge 1980 to 2010
International Umpire -1991 - 2005

IYRU / ISAF Racing Rules Committee 1988 – 2000
Member ISAF Working Party on Umpiring - 1989
Editor ISAF Umpires’ Manual - 1990
Developed the 1st ISAF Umpire’s Test - 1991
Attended and Passed ISAF’s First Umpires Workshop and Test
First Book on Umpiring – 1995 (Used by many as the Call Book)

CYA Appeals Committee
Member 1970 – 1976
Chairman 1976 – 2003
Member Emeritus – 2004 to Present

CYA Rules Committee
Member – start date unknown
Chairman – 1976 (?) to 2008

CYA Umpires Committee
Canada’s Chief Umpire – 1987
Chairman – 1992(?) to 2006

Along the way Graeme was involved with numerous World Championships, Continental Events and special events including Canada Cup Jury in 1978 and Louis Vuitton Cup in 2000.

Past Commodore and Honourary life member of the Royal St Lawrence Yacht Club

The CYA Judges Sub-Committee is very pleased that he will continue to stay active within the judging community as a valued resource as his time and ability permits.

Judges Write Back

Seldom has a topic resulted in as much feedback as did John Holmes' article on the role of judges.

Here are some of the letters:

Sent: November-17-10 08:07

Subject: Answering the "Final Question" from the Jury Desk

Leo

From the Jury Desk - 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.

John, the answer is not a simple one. The answer lies with the expectations that the OA and or what the class wants. If at a major regatta they want the judges to be on the water and signalling the protestee then the chief judge should have some sort of communication and or documentation for the competitors to understand what the judge's role on the water is going to be and this includes any signals that may be made. This information needs to be discussed upfront so that all judges who have been invited understand the role that they are going to have on the field of play.

In an recent Worlds Championship (24 boats, 10 countries) the chief judge in his opening remarks to competitors, he communicated what our role was going to be on the water and what our expectations from the competitors was regarding protests. Out of 5 days of racing there was only one incident from our view there was a potential to call if we were to. Rest of the time the competitors use the word protest to communicate and penalties were taken voluntary. As for jury lead protests, we took a proactive view by communicating among ourselves about developing situations occurring on the water so that we can collectively make a decision about protesting later if required.

Maybe the real question should be why are competitors not protesting? Are they viewing that if they do protest, the potential is 50/50 that they be DSQ'd. Is the process too long? Can we make it fast by changing our work process so that we will post hearing schedule within 10 minutes of receiving a protest. Shorting up the protest time limit? Using arbitration. The other reason could be a simple as "I finished ahead of him so why should I be concerned".

Regards,
RS

Sent: October-07-10 07:10

Subject: Re: From The Jury Desk - The CYA Judges Newsletter - Notice 27 - September 2010

Hi, Leo:

I've had no experience being on-the-water as a Judge, other than Rule 42 work. But, trying to put myself in those "knowledgeable observer" shoes, I agree with the suggestions.

Ignoring blatant violations is bad, but competitors must always be given a (short) chance to protest each other first. (How long do we wait?)

The "Policeman" role is equally bad, since competitors would cease their own enforcement activities, which is really the heart of the Rules effectiveness.

Counsel with the second Judge on board is essential, but must be done quickly. Hopefully both Judges have seen the incident,

If Judges are to protest on-the-water, we should prepare for the same process that the Rules require if a competitor protested. They must display a red flag, hail "Protest", and the sail number of the alleged offender, all at the first reasonable opportunity. This gives the Protestee a chance to think about the options: withdrawal, two-turn (or scoring) penalty, or keep on sailing.

In order to protest successfully, the Jury boat will have to be fairly close to the action, and must be equipped with a loud-hailer. And a protest flag,

Having said the foregoing, I'm guessing that some Judges would not want to be on-the-water, unless they were doing Rule 42 also! "Getting a sense of the conditions" can & does occur very effectively at a hearing: from testimony, from questions, and from the Judges personal racing experiences.

Thanks for listening!

BG

Sent: October-06-10 22:09

Subject: News letter

Leo

I have been interested in the question of judges protesting. I think there are many judges who do not want to do it. During CORK my observations tended to change my opinion. I started hailing sail numbers of boats which hit the mark. I did not say "protest". Immediately the infringers started taking penalties. I am not sure but it certainly didn't improve the concept of a self policing sport. In that particular class most of the sailors would adopt the windsurfer approach and only having boat on boat protests if damage occurred.

In conclusion I must admire the people who have worked all these years at CORK.

ST

Sent: October-10-10 10:43

Subject: Re: From The Jury Desk - The CYA Judges Newsletter - Notice 27 - September 2010

Hi there, Leo.

As usual your newsletter was interesting and thought provoking. Thank you, Leo; this is a consistently great piece of work!

My respect for John Holmes is pretty much boundless, and while reading his piece, two points, one strategic and one practical came to mind.

Rule 42 and match racing aside, there is a strategic issue here, which obviously I am neither the first nor only person to raise. The Basic Principle of the Racing Rules of Sailing makes it pretty clear that the sport of sailboat racing is intended to be self-policing. And while we are all pretty much in agreement that it is not, are we prepared to give up on the Basic Principle and make the sport "refereed", or should we be making a greater effort to teach the discipline of self-enforcement early (and effectively!)? I am a strong believer in the Basic Principle (though admittedly on occasion a non-practitioner), and think we are doing a disservice to the sport by not engraining that Principle in our junior racers. I'm not sure how we get us old dogs to embrace more fully the Principle, but that would be an interesting and important discussion in which I'd love to participate!

The practical issue is much more mundane. Sailing regattas are expensive and capital intensive events to run. At many regattas I've attended, the judges come on-water in large sailing or power boats, which allow them to observe many of the items John mentions, but not get into a position where they might actually protest competitors. To do that requires a smaller boat. However, there is almost always a shortage of functional boats, and my experience is that boats rather than any other resource, is the limiting factor to what regatta a Club can host. So, the question

becomes what is the most effective way to allocate scarce resources? More importantly, which allocation of boats provides the best value to our customers, the competitors?

I've heard all the arguments for both "sides" of that discussion, and with a certain degree of trepidation admit my bias to the race management "side". But as a race officer, I strongly prefer to have judges on the water, their different perspective, extra eyes, extra safety and on occasion their desire to help maintain the race course are invaluable. And even the "J" flag streaming in the breeze can sometimes provide a calming influence on the competitors (there are times I think we should display much larger "J" flags, but I digress...). Given two boats though, one fully capable and the other less so, and two compelling cases for who should get what boat, which allocation best serves the competitors?

I do not claim to have the answer to these questions, but I hope that by throwing them into the cauldron we can work out a better solution to the challenges we face!

Best regards,
DS

Sent: October-12-10 19:09

Subject: Re: From The Jury Desk - The CYA Judges Newsletter - Notice 27 - September 2010

Hi Leo:

RE: Judges on the Water

I was the Chief Judge at the XXXXX Canadian Championship hosted by XXX YC September 2010. Appendix P was not in effect, nor was rule 42 an issue in reality (these are 30+ foot long keelboats with very large mainsails). However, it is my policy, particularly for National Championships, to always have the judges on the water, for several reasons in addition to those you have noted in this month's newsletter:

(1) Acting as a perceived "police presence" on the course has an incredibly positive effect in encouraging competitors to sail in accordance with the rules. In particular, when boats made contact with the windward mark in adverse current while rounding, because of our presence (we were stationed at each mark before the first boat rounded) they always did their One Turn Penalty.

(2) We recorded the order of the boats at every mark rounding in every race, so that in case of a possible Request For Redress we could reconstruct a boat's position prior and subsequent to some possible event giving rise to the request (such as a race not being shortened when the wind died and the time limit ran out).

(3) The waters of Howe Sound and on the south shore of Bowen Island are quite deep, so if a mark's anchor were to lose its hold, we could have the mark set boat retrieve the mark while the Judges boat, displaying code flag M, could hold station where the windward mark was more or less located.

(4) The RO often wants feedback from the judges regarding whether or not the wind conditions (speed, direction) are still a fair contest, or if a mark is drifting.

Possibly because the judges were on the course, when a boat was protested it accepted the alternative penalty (One Turn if the incident was outside the zone; the Sailing Instructions amended rule 44). Consequently, we had no protest to hear, and were able to enjoy the socializing ashore instead of spending hours in The Room. This of course parallels my own experience as an umpire!

I did indicate at the competitors briefing that although the judges were not policing rule 42 and we expected competitors to police themselves, that judges can always protest a boat for breaking a rule, so if we were to see some particularly egregious incident that did not give rise to a protest, then the judges "might" act and protest the boats. It was a very effective statement, trust me.

Regards,

RH

Sent: October-12-10 07:01

Subject: RE: From The Jury Desk - The CYA Judges Newsletter - Notice 27 - September 2010

Leo,

I agree with the writer that the on water Jury position should be more clearly in the rule book, it is not appropriate to have this changing from event to event. I believe that if you have on water judges they should be able to recognise a protest and immediately be able to flag it and be able to take the information to the RC in the form a protest as they do with rule 42.

BT

Should Sailing be a Whistle Sport?

Should we, or are we becoming a 'whistle sport'?

The International Melges 24 Class requires that the jury be proactive on the water. Quoting the class instructions to the jury, "The class operates both the yellow flag for rule 42 and the red / U flag for class rule ... and all other RRS (violations)." A boat taking a penalty is required to do 1 turn but a penalty given by a judge is 2 turns.

At their recent championship the jury had a prolonged discussion regarding the use and timing of the 'red' flag, relating specifically to violations of the RRS. The jury did not want to interfere with the sailor's ability to protest or take a penalty yet wanted to ensure the wishes of the class were followed. The decision was to follow a 3-step process.

1. The judges must have clearly observed the incident.
2. The judges will wait for the competitor to display a protest flag. The wait time would be the same as would be acceptable for a valid protest. If no protest flag was displayed within the expected time, penalize the offending boat.
3. If a flag was displayed, wait for the offending boat to clear to begin her turn. The wait time would be the same time / distance acceptable if the boat was to take a penalty turn on her own. If no reaction, penalize the offending boat.

Of the 6 calls made during the event, 4 were on the first day. In the following days, competitors were seen to taking penalty turns, sometimes without a protest flag being seen.

The method is not new to the Class; Comments from the competitors are they liked this system. It encouraged boats to voluntarily take their penalty. One commented that the fleet was very aware of the visibility of the jury boats – one was always within view.

Whether you agree or disagree with the approach of this class is not the point – it is the decision of the class and its members – and the decision of the judge whether they want to participate in this method of judging. In the Notes to the Jury by the Class clearly request that a judge who does not wish to participate in the manner refuse the invitation.

Most judges grew up playing 'whistle' sports. Most of our sailors grew up in 'whistle' sports – the concept is not foreign to them. It may be this reason that our 'self-policing' sport is not always so.

One of the other reasons we have become not so self-policing is the obstacles that we put in the way of the sailors who wish to protest. We, the officials, are to blame for this. Did not say "Protest" – throw it out! Flag in 20 seconds – throw it out! (And rule 60 can be changed by the SIs but we do not do it.)

Look at our method of adjudicating our sport. Something happens on the course during the first race of the day at 1100 hours. Two races later the sailors come ashore. Protest time ends at 1630. There are four matters to deal with and this sailor is the third one scheduled. The first two take 1 hour each plus 10 minutes organization time. So at 1940 he sits in front of a panel to explain what happened 8 hours ago. He has tracked down his witnesses only to discover one of his witnesses has left and the other got to the beer tent and the party. The hearing is a "he said – he said" with no witnesses on either side – both credible stories. The committee takes about 45 minutes to decide that he did not prove his case and dismiss the protest. Question – how likely is he to come back to the table with another protest the next day?

We have to find better methods of settling rule matters. Arbitration – 3 minute protests – single judge panels – no question panels – only panel questions – something, anything to make the system easier / faster / better for the sailor.

ISAF introduced the concept of whistle calls when Appendix P came into effect. (As an aside – the discussion about policing on the course is exactly the same one that occurred when protesting kinetics first started followed by Appendix P. The original scenario was the judges had to protest the sailor and bring them into the room. The only solution if successful, and many times the PC dismissed the protest because the judge did not describe the actions properly or convince the panel that it propelled the boat, was a DSQ.) Now it is common place and we treat Appendix P as always being there.

ISAF carried forward with the same theme when they introduced Appendix Q and Addendum Q. Both of which have their own quirks.

The real beauty of the Melges 24 system mentioned above – the sport is still self-policing - if the players play according to the rules. Nothing has been taken away from the sailors or their ability to protest. They do not have to do anything different than they would do – hail protest – show a flag etc. Only by their inaction can they, or, do they, invite the judges (referees) into the game. The advantage to the sailor is a single turn if they do it themselves but a double turn if the judge calls it.

To the argument that a competitor may not instigate a protest and have the judges call the infraction forcing two turns, they run the risk of the judges not seeing the incident and not making the call.

This system has a very narrow application:

- First and foremost the system must be class driven
- It is for one-design fleets
- It is applied in single start regattas (multiple starts of a single fleet would require an exponential increase in resources)
- The required equipment is available
- The officials on the course must be at the top of their game

The real benefit is a reduced number of after-race protests because the issue is settled on the water. Now judges become a real service to the sailors.

Will this result in better racing – most competitors would answer yes.

Will add to the cost of an event? Perhaps - but only if the fleet normally did not have a jury on the water.

Will this attract more officials? Maybe! Would you rather be ‘in the action’ or waiting on shore? Would you rather be exiting hearings at 2030 still not had dinner or finishing the last course of a wonderful meal with friends?

Will this be better of the OA? It does have some advantages.

There are no right or wrong answers to those questions but we all know that if you repeat the same actions you get the same results – and our current system is, if not broken, in a state of requiring some major maintenance! How inventive can you be with your next event? Care to send us the results?

Unintentional Consequences

The preamble to Appendix L, Sailing Instructions Guide, contains a statement that the guide would be particularly useful “... for world, continental and national championships and other events of similar importance.” One of the principles on which the guide was written is: “They (ed. sailing instructions) should not change a racing rule unless it is clearly desirable.”

Everyone has seen a sailing instruction similar to the one in Appendix L that reads:

Boats failing to finish within _____ after the first boat sails the course and finishes will be scored Did Not Finish. This changes rules 35 and A4.

The race committee will specify a time, often 30 min, whatever is logical or desired. The reason this instruction exists is to allow multiple races to take place on the same day and RC need not wait for stragglers. This presupposes that the course is the proper length for the boats in the existing condition and predicted conditions. It assumes the reason for the time difference is sailing ability.

Over the last few years, frequently this instruction is being changed to, or something similar to:
“All boats not finishing within 30 minutes of the finish time of the first boat to finish a race shall be scored “TLE” (Time Limit Expired) without a hearing. A “TLE” score shall be two more points than the number of boats that have finished within the time limit. This changes RRS 35, A4.1, A4.2, A5 and A11.”

The argument for the addition of a TLE score is based on ‘fairness’. A DNF is scored one more than the number of boats entered in the series, in a large fleet that could be a very large difference. A boat scored with a DNF would have a difficult time in overcoming the point difference. It is easy to see why some would think this is a very good change. After all, if there is a sudden wind failure and the first few boats finish leaving the rest to languish, why should the sailors suffer the consequences? It was not their fault RC did not foresee the problem and shorten course or abandon the race before any boat finished. RC equally argues that it was not their fault the wind suddenly died and really the sailors should not take the brunt of an unforeseeable event.

There is a very old saying about a road and good intentions or while the concept appears well serving the devil is in the details. Here are some questions the jury should be prepared to answer and / or deal with because of a TLE introduction.

The very first question to be answered is:
Does TLE replace DNF or is TLE in addition to DNF?

The jury on each occasion interpreted TLE as an addition to A4.2 and A11, not replacing DNF.

Will a score of TLE distort a series results?

In a large fleet, TLE makes a huge difference in scoring. In a small fleet the impact may not be as great point wise.

At a world championship the wind went light and the boats were sailing against an adverse current. Since most boats had started the downwind leg there was no method for the RC to shorten course. The options were to abandon before the first boat finished or hope for the best. TLE was in place and RC elected to let the boats continue racing. Approx 60 of 105 boats failed to finish within the 30 minute time limit.

The result: for most of the 45 boats scored TLE, (42% of the fleet), point wise, it would be their best race of the series.

The TLE very much distorted the regatta total point scores for the bottom third of the fleet. Boats that were consistently scoring in the 70, 80 or 90 range would now have a 62 point score in one race. It also means that the boats normally scoring in the upper 90's would be scored as tied in that race with the boat that normally scored in the 60's. Fair?

What score would a boat get if she did drop out of a race because of an equipment failure, damage, or the crew was tired and just quit racing?

If TLE is in the SIs, unless RC was so notified or can prove the boat stopped racing they have no choice but to score them a TLE. The only knowledge RC has is the boat did not finish within the time limit – that meets the TLE definition.

If a boat was scored DNF under those circumstances would they be entitled to redress and granted a score of TLE? Without direct knowledge, supposing something is not proof.

This also leads to a discussion of the fairness of DNF score for boats that do drop out and admit it. They meet both the definitions of “Did Not Finish” and “Time Limit Expired”. Are they DNF or TLE?

Let's add another wrinkle. A boat that takes a penalty under 44.1(b) also meets the definition of DNF or TLE. How are they scored?

While on the subject of penalties, using the regatta mentioned above, it also had a provision for arbitration and a boat may accept a 40% penalty before a hearing. Using the example of the 60 boat finish of a 105 boat fleet, any boat that finished higher than 22st would receive a score worse than the TLE?

If the principle stated in 44.3(c) (score no worse than a DNF) is used, should a boat accepting a percentage penalty have a score worse than a boat that did not finish? Is this an error by RC? Is the boat's score made significantly worse by a failure of the scoring system to address it? Is this an action or omission of the RC?

Should TLE be used to break ties? Appendix A8.1 is based on scores – not finishing positions. Did the writers of the rules contemplate a scoring system that rewarded non-finishers?

If redress (RDG) is granted based on average points, using the example above, should a 62 point score be used when averaging a boat that scores consistently in the 70's, 80's or 90's? Consider a boat that scored 75, 77, 79, TLE(62), 76, 80. The boat's redress is granted in the next race. Should their score be 74 (counting TLE) or 77 (counting only the races in which she actually finished)? The jury must be very much aware of the effects of a TLE score. Instead of simply instructing the scorer to use the method describe in A10a or A10b, the jury should probably calculate the score to be awarded and discarded the TLE.

Although the reasoning for the introduction of a TLE might have the best intentions, it introduces some unintended consequences. If softening the blow of a DNF is really and truly the goal of the OA and therefore RC, then altering A4.2 from “the number of boats entered in a series” to “the number of boats finishing within the time limit” goes a long way to solving the some of the inequities cited, however doing so will surely introduce others.

From a jurist perspective, we do not write the SIs. We only interpret what is written and apply our knowledge to the rules and try to have a fair application. Some of the questions posed will be very difficult to answer if not adequately provided for in the NoR or SIs.

Log Book Entry

“... as an official you are the stewards of the game of sailing. We should not inject ourselves into the sport but keep the playing field even for all competitors.” - Graeme Hayward – 1995 – A quote from one of his many Umpire Seminars

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 your 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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From the Jury Desk is posted on the CYA Website. Previous issues can be found at http://www.sailing.ca/education_and_training/race_officials

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If you have received this message in error or if you prefer not to continue receiving e-mails containing information for the judging community, please reply to this message and request your address be removed from the group list.

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This newsletter may be copied, in whole or in part, or re-distributed providing the source is acknowledged.

If you have a question regarding the Judges Program, RRS, or have information you think should be shared, reply to this e-mail.

CYA Judges Committee

Lynne Beal	Lorne Chapman	John Holmes	David Pelling
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