
From The Jury Desk – The CYA Judges Newsletter

Notice 29 – March 2011

Judges Write Back

The feedback on John Holmes' article on the role of judges continues:

Sent: October-19-10 08:59

Subject: Direct Judging

Always good to hear from John; he has a knack of posing questions in a way that leads to thoughtful dialogue and replies. His latest teaser is well thought out and presented.

I read with agreement down through the introduction where he gives the basic reasons, to me at least, for a judge to be on the water. We then arrive at his points of judge rule enforcement.

Should the Rules of the game be enforced by: the Competitors; the Race Committee; the Judges; Organizing Authority; or a combination of all?

In my many years on the judge side of the fence, 99.99% of our work was a result of a problem or a difference of opinion being brought to us by one or more of the entities listed above. Out of all of the work load received, only a very small fraction came from the judges and were for incidents that were difficult for competitors to see and protest, i.e., failure to sail the course, hitting a mark when few if any boats were there, etc. Perhaps that is why we are called "judges" and not policemen.

The fundamental question "*Is there really a problem?*" needs to be addressed.

There are many that do not like the violations that we now see on the race course because we firmly believe in the concept stated in the Basic Principle at the beginning of the RRS Part 1: The competitors are expected to FOLLOW and ENFORCE the Rules.

Our sport consists of many classes and it is obvious that there are classes in which many sailors are competing and having fun with, to them, an acceptable disregard for the Rules. Other classes like to maintain a tighter view of following and enforcement of the rules. When the J22 class started in Annapolis, many of the new members came from the J24 class. They changed classes because they did not want to be in a class with the on the water behavior that the J24 class had at that time. They made it clear that the J22 class would not be the same. How many incidents do you see on the water in the Star Class racing? The policing of our sport lies with the classes! A class can provide a strong influence through peer pressure and protests to provide the racing that their members want.

Recently, however, some classes want to pass the responsibility onto others (policemen). If police (judges) were to go on the race course and force a system using one or two "Smokies" on the course it would make matters even worse. Check out police enforcement when the traffic load is high. The odds of being caught are very low so the speed picks up from 5 mph to over 20 mph. On the race course protests by competitors would drop still further because "it's not my job." How many times have we, as judges on the course, been asked by competitors: "Did you see that? Why didn't you protest?" My response has always been: "You saw it, you protest it."

How many judges and boats would be required? Match and team races require at least two to reasonably handle two to six boats and the competitors are required to call for a decision from the umpires. What would the level of fairness be with one or two boats on a fleet race course? How would the police know that a starboard tack boat waved a port boat on because he wanted to go left and did not want port to tack under him? How will they call overlaps with several boats approaching a mark or apply the "reasonable doubt" rule of 18.2 (d)?

If a class feels that they want more rule observance than they currently have and do not want to do it themselves, we can certainly write the SI so that the judges could penalize both boats involved in an incident they observed: one for

not following the rules and the other for not enforcing the rules. I could go along with that program and I believe that it would have an immediate effect on competitor enforcement of the rules in a short period of time.

While I am very willing to do Appendix P and umpire team racing, I could never be involved with direct policing of Part 2 on a fleet race course. If it was not important to the starboard tack boat that was forced to make a violent duck or tack to avoid port, I do not see why it should be important to me. It is hard for me to believe that the changes in our society have gone so far that our inability to take care of ourselves has reached the point that we need someone else to protest for us.

HK

Sent: January-11-11 14:24

Subject: Re: From The Jury Desk - The CYA Judges Newsletter - Notice 28 - December 2010

Hi everyone,

Re the issue of scoring after the time limit has expired. Whether FOC or TLE or DNF are used it will be, as someone has stated, a matter of good sailing instructions, good race officers, and good jury.

When a time limit is included in the sailing instructions, if possible, we should get input from the fleet re their interests. This might help turn the devil in details inside out.

Salutations

RT

Unintentional Consequences

The following is a detailed note from Paul Ulibarri, International Race Office and CYA National Judge. Paul also is the Chairman of the CYA Race Management Sub-Committee. Paul copied his response to members of the RMSC and their comments are also included. (Edited by removing)

Sent: Wed 05/01/2011 7:41 PM

Subject: Re: From The Jury Desk - The CYA Judges Newsletter - Notice 28 - December 2010

Hi Leo,

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Thought I might comment on the article Unintentional Consequences.

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.

An additional fix for this was the plus/minus option to shorten or lengthen a course which I introduced to US Sailing in 1994 for the 96 Olympics, wherein we were required to complete a race within 2 minutes of target time to accommodate TV.

It worked fine for that application however in boat supplied events where there was a need to round robin boats after every race we still had the problem of individual sailors of less talent holding up the boat rotate system. The obvious solution seemed to be to address the problem of the stragglers themselves, but how to do it without creating greater problems.

The answer was simple, but when we first used it, it gave the International Jury a heart attack, and still results in a chat with the jury chair when she/he first reads the SI draft. The answer: finish stragglers on course and give them a finish position.

We have been using this system now for about 17 years. All juries are apprehensive when they first read the instruction, but end up supporting the concept when they see it in action. We have never had a request for redress as a result of this instruction.

The procedure is critical and includes instructions like:

- When approximately 90% of the fleet has finished, stragglers may be finished on the course.
- Boats so finished will be awarded a finish position.
- Boats may be finished at a mark or on a leg of the course.
- Boats finished on course will not be given a position greater (ed. better) than those who complete the course (for handicap races, which is another issue)

There are other refinements, such as how they are finished, etc.

- Those finished at a mark are simple, those finished on a leg of the course are more controversial, and require additional scrutiny.
- A finish on an open leg is only used for a situation where all have finished and one or two boats clearly separated and well back are still racing (in some cases perhaps a full leg behind)

As an example, at the first pre-Olympic Regatta in China, I often finished one of the Chinese boats on course, since they were always a full leg, and occasionally a full lap behind. It was not a written instruction, but well accepted by competitors, coaches and jury alike in that it saved up to 45 minutes per race. The fact that this was not a written instruction is not recommended in any case. In this case it was as a result of a meeting where all, particularly the Chinese coaches agreed on the procedure.

By the second pre-Olympic regatta the following year the Chinese team had improved so that the procedure was not required. However in the interim ISAF worlds and Class Worlds we did use the same system for the same boat/team, at their request.

Finished on course seldom if ever effects the overall standings. It could affect the standings in that it normally permits the fleet to have more races to score.

Though the system was first introduced to accommodate boat rotation at a boat supplied event, we have expanded it to many events including keelboat handicaps events; however we strongly recommend it only be used for one design fleet racing.

... As you read the remaining article below, several other problems surface. Without going into each one my only observation is that major events scream for qualified, *experienced* race officers. Abandon, shorten course, shorten legs are powerful tools but must be used correctly. It takes experience to do so.

The article also suggests that scoring and redress scoring awards can be more complex and potentially damaging than they appear.

pu.

Sent: January-10-11 20:30

Subject: RE: From The Jury Desk - The CYA Judges Newsletter - Notice 28 - December 2010

HI All

I enjoyed the article and Paul's comments.

I have 'finished boats on course' for many years now for the same reasons as Paul describes below. In fact, I have learned this process from working with Paul. I finish boats at the mark and on a leg of the course. I concur that I have not had a request for redress as a result of finishing a competitor on course. I have only used this instruction with one design fleets only but would like to hear how this process can be applied to handicap fleets.

The TLE can pose a number of problems as described in the article below. I have found that 'FOC' works well.

IM

Sent: Tuesday, January 11, 2011 8:47 AM

Subject: RE: From The Jury Desk - The CYA Judges Newsletter - Notice 28 - December 2010

Editor's Comments

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I am glad some interest has been generated.

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In the late 70's, for our local regattas we had a FOC procedure although we did not call it that. As my memory serves the SI read something like "The RC is allowed to move to set up the next course while the last two boats are still on the course. If they do the RC will score the boats in the approximate order they are on the course." When it did occur, if there was any doubt as to the boat's order, the RC sent a mark boat down the course and recorded the numbers. I do not recall a problem at all.

I presume the system Paul describes is very similar.

I find this approach very acceptable. It is straight forward. Boats have scores approximating their finish position. It eliminates the penalty problems and average point problems and easily distinguishes boats racing and boats that should be scored DNF. Thought has gone into the process and the implications on the scoring.

If anyone has a copy of the SIs that describes this or a similar method or finishing boats on the course I would be pleased to receive them and put it in the next newsletter.

Thanks all for the input.

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

Sent: Sunday, January 09, 2011 12:54 PM

Subject: Direct Judging

Harry,

It is in for the next issue - I understand your point of view - it is perfectly valid. Penalty turns on both boats might be the answer.

I pulled out your questions from below and ordered them in an attempt to answer. It is conversations like these that help me understand what I think my role is in the sport.

I put your last question first because it might help in understanding the answers.

What were the "rules" in your last regatta? Was it a "penalty" as in Appendix P or a "protest"?

Here are the sailing instructions for the worlds that will be held a few months from now: The SIs are from the class standard and virtually identical from event to event.

16.9 Decisions of the Jury will be final as provided in rule 70.5.

16.10 Jury actions on the water:

16.10.1 If a member of the Jury witnesses an infringement of the rules or Class rule C.11, they may indicate their observation with a whistle and a red flag. The boat shall then exonerate itself by complying with SI 14.1 (two-turns penalty). If no penalty is taken the Jury may protest.

16.10.2 If the Jury witnesses an incident that cannot be called with the red flag as above, it may indicate with a whistle and Code Flag "U" and expect a competitor protest ashore if no boat exonerates herself.

16.10.3 Action or lack of action by the Jury under SI 16.10.1 or 16.10.2 shall not be grounds for granting redress. The Jury boats may be positioned anywhere on the course area. Their position at any time shall not be grounds for granting redress. This changes rule 62.1(a).

The protest the jury might file as noted in 16.10.1 is the boat's failure to comply with the sailing instruction that is she did not take a two turn penalty as required. It is not about the incident. (Appendix P is also in force but under another SI.)

Is a party to the protest an interested party?

A party to the protest is an interested party however but that definition does not apply to a member of the jury or RC simply because they filed a protest.

Do you lose 2 members of the P/C?

No – although one member might present the case and not take part in the decision.

Can you discuss the incident with another member of the P/C?

Your boat partner yes – because they saw it as well. The other members of the jury, I would suggest not.

+++++

There are many other reasons for the "problem"

Some people believe that using the word "protest" is insulting; that is why "do your turns" is so common.

Others feel that they will lose friends if they protest.

Then there is the onerous task of going to hearing so you can: Wait three hours; the decision is wrong over 50% of the time. (guaranteed to be more accurate with one or two judge boats on the course); The jury will find some way to throw the protest out (did not tell RC; did not hail/flag soon enough, etc).

Three minute justice with no appeal works very well as does arbitration.

Harry – I think you are correct – there are a number of problems being addressed at the same time. I happen to think that the M24 method is the best of both worlds and stated so in my contribution "Should We Become a Whistle Sport". The M24rules allow the boats to protest each other and take penalties as the rules define. As I say in my opening remarks to them at the competitor's meeting: "You invite the judges to participate if you choose not to play by the rules of our sport – i.e. Hail Protest! Display your flag! Take your penalty!"

Taking your last statement first –I think there are a number of judges out there that delight in tossing a protest because of the lack of the word ‘protest’ or the flag was 20 seconds not 10 or for some other reasons – all within the rules mind you!

IS THE ‘FUNDAMENTAL PRINCIPLE’ STILL RELEVANT?

The following is an article recently written by Peter Wilson and reprinted with his permission. Peter Wilson is a Senior Judge for US Sailing.

As a racing sailor who is also a coach, judge and umpire, I worry that the ‘fundamental principle’ which is the foundation of our (mostly) ‘self regulating’ sport has become significantly less relevant. As a consequence, our racing rules appear to have less value to competitors, and the behavior we expect these rules to encourage is not as prevalent as it used to be.

Quoting from the RRS, “Competitors in the sport of sailing are governed by a body of rules that they are expected to follow and enforce. A fundamental principle of sportsmanship is that when competitors break a rule they will promptly take a penalty, which may be to retire.” Most of us would agree that this means; 1) If I hit a mark and whether someone sees me do it or not, I should take a one-turn penalty; 2) If I tack to port because I can’t fetch the starting pin and force a boat on starboard to tack when she can fetch, I should take a two-turns penalty whether or not the other boat hails protest; and 3) If a boat fouls me in a way that significantly worsens my position in the race, I should enforce the rules and protest.

However, what I have observed on the race course over the past fifteen years, in the US and abroad, is a growing percentage of sailors who do not enforce and follow the rules. I see sailors break rules with contact between boats and ignore their infraction, even when the other boat protests or the infringing boat gains an advantage in a flagrant foul. I am not talking about incidents where who is at fault is unclear and no penalty turns are taken or no one is protested. We all do that from time to time. I’m talking about the apparent trend towards an obvious level of clear infractions with no action by either party. What seems puzzling is, if it is so easy to exonerate, why does it happen so seldom? Why do sailors break rules and keep on sailing if no one protests? Why do sailors use kinetics when there are no judges around? And a related question is, why aren’t there more protests taken to the room? Are the rules not as relevant in today’s world as they used to be?

Perhaps the best analogy is speeding on the highway. Lots of us drive above the speed limit. But when the radar detector says we are approaching a trap, or we see a cop parked up ahead or coming up behind us, we slow down. But most of the time, the ‘speeders’ speed. Similarly, when there are judges or umpires enforcing rule 42 (kinetics) on the water, body pumping, rocking, and sculling seem to disappear when the judge boats are close by, but they often reappear when the judge moves on to observe other boats. And, when judges whistle their observation of a foul with the option to protest, competitors usually take their penalty...and when the judges are not around (or don’t whistle/protest), not much happens. Just like speeding, it seems as if one doesn’t break a rule unless an official says we do.

In a recent laser event the judges flagged over forty rule 42 infractions, but observed at least twice as many serious infractions of Part 2 rules (many where boats gained an advantage), and that does not include twice again as many contact incidents observed at the starts with an adequately long line... and fewer than five percent of sailors took voluntary penalty turns. I guess judges can only control the behavior they are authorized to monitor, unless they want to discourage enforcement and compliance by the sailors.

If indeed our racing rules and the ‘fundamental principle’ have become less relevant to many sailors (**but not yet the majority**) ...why is this the case and should we do something about it? Here are some possible reasons for lack of ‘compliance’.

- Most of today’s sailors under the age of forty have grown up playing a variety of sports where you do not break a rule unless the referee or umpire says you broke a rule (and penalizes you).
- Mark roundings in large fleets of optimists and lasers have complex situations where no one can figure out who broke a rule, and starts are often so crowded that minor contact is frequent. Both lead to lack of protesting that may well carry over to the rest of the race course.
- “No harm no foul” is a more practical way to sail. Minor contact or a close incident is viewed as ‘no harm’, so just as going 5 mph above the speed limit doesn’t seem to break the law, neither does minor contact on the starting line.

- The protest process most often requires a major time commitment with an uncertain outcome...and the rewards from social activities after sailing are a 'better use of time'.
- Protesting is also inhibited by peer pressure, so "you owe me one" can be a more practical solution when you are fouled. Cooperation is far more socially acceptable and productive on the race course.
- The rules are complex, particularly for transitions, and only the most dedicated and experienced judges/umpires/sailors understand them well...and most sailors don't take the time to really learn and understand the rules.

What can we do about the problem? Is it practical to fully referee our sport? Of course not...although we know umpiring works pretty well for all concerned in team racing, match racing and medal races. And there is good evidence that having judges or umpires on the course with authority to signal by whistle their observance of a foul, and protest if they want to, can work in big fleets when the judges are positioned at the starts and mark roundings where most incidents occur. However, there are clearly not enough judges or umpires to implement broad scale on the water judging.

So what do we do? Should we abandon the fundamental principle? I would not because the majority of races sailed each year have to rely on it. Should we accept the sailors 'no harm – no foul' principle? I would not because clearly it is leading to some 'no protest – no foul' behavior where some sailors gain a big advantage. Perhaps we need to change the incentives to protest and at the same time the incentive to exonerate on the water and to avoid the protest room. For example:

1. Give more power to the protestor. Allow a protested boat to take a 25% scoring penalty any time prior to the hearing (unless there is damage or injury or competitive advantage claimed in the protest). However, if the protested boat does not take a scoring penalty before the protest hearing (either voluntarily or as a result of arbitration) and is deemed to have broken a rule by the protest committee, the penalty is a DNE.
2. Make it easier for a protested boat to exonerate on the water. Change the alternative penalty for immediate exoneration to one-turn except within the zone or when there is contact, where it remains two-turns.
3. Require on-the-water judges with Sailing Instruction permission to protest at all national championships, ladder events and international qualifiers. An on-the-water protest by a judge/umpire is an automatic three turn penalty (two more turns than a voluntary penalty, except at a mark or with contact), and can still be taken to the protest room if there is damage, injury, or competitive advantage is gained, for a possible DNE.
4. Increase the penalty for a breach of rule 2 (fair sailing), perhaps a DNE and a DNC for the next nearest race in the series.

Some may feel that the direction (and it is only that) suggested above is draconian, and perhaps it is. However I believe the issue needs to be addressed with big changes if we want to reverse the decline in adherence to the 'fundamental principle'.

Log Book Entry

"If you always do what you have always done, you will always get what you have always got!" - Unknown

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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