



DISTRICT APPELLATE CHAIR CHECKLIST

SECTION ONE

YES ___ NO ___ Did you receive a Request to Appeal in writing?

YES: Continue NO: DO NOT PROCEED with phone or email conversations with the Disciplined Party and/or Charging Party regarding a potential appeal that you have not received in writing.

YES ___ NO ___ Was the Request to Appeal submitted by the Disciplined Party/Advocate and/or the Charging Party/Advocate?

YES: Continue NO: The Disciplined Party and/or the Charging Party are the only individuals that have a right to appeal the decision of a disciplinary body.

YES ___ NO ___ Was the Request to Appeal submitted in writing within 30 days following the date on the Notice of Decision?

YES: Continue. NO: You must deny the Request to Appeal (see sample email attached).

YES ___ NO ___ Does the appeal include (or imply) one of the following allegations (see CDR 7.1.2):

- (a) The decision is not supported by the weight of evidence.
- (b) Procedures employed were inconsistent with the CDR.
- (c) Discipline imposed is inappropriate.
- (d) One or more person(s) on the hearing panel had bias, when objection to such bias was raised at the hearing.

YES: Continue NO: For a Request for Appeal to be granted, a written statement providing an allegation from at least one of the allegations from the list above must be submitted in writing. Therefore, the Request to Appeal is denied (see sample email attached).

YES ___ NO ___ Does the Request for Appeal provide a summary of the reasons supporting their position of the allegation they chose above from a-d (see CDR 7.1.2)?

YES: Continue NO: For a Request to be granted, the allegation stated from above (a-d) should include a summary of the reasons supporting their position. Therefore, the Request to Appeal is denied (see sample email attached).

YES ___ NO ___ Do you agree that there is a valid basis for an appeal under the CDR? Consider the following:

The allegation that the Appellant has chosen to request the appeal from a-d above.

The Appellant's supporting reasons for the allegation of a-d.

The Chairperson should give more regard to an equitable solution of the matter and grant Requests to Appeal that are clearly within the spirit or reason behind the CDR rules being applied and resolve any reasonable doubts in favor of the appellant.

YES: Continue No: Deny the Request to Appeal (see sample email attached).

SECTION TWO

_____ Notify the Appellant and the Appellee that the appeal is granted (attach the appeal to the email notification).

_____ Choose committee members to hear the case in accordance with your District Bylaws. CDR Appendix A, III. Selection guidelines are summarized below:

- a) Members should be well-respected members of the bridge-playing community.
- b) Committee as a whole should be a diverse.

- c) An odd number (usually 5, minimum 3) is best to avoid the possibility of deadlock on a single issue.
- d) Members must be unbiased (not regular partner/close friend/spouse/significant other/known enemy of Charged Party/Charging Party).
- e) Members must not be the organization's Recorder, Charging Party or members of the original disciplinary body that heard the matter.

SECTION THREE – Pre-Hearing Matters

- _____ Prepare a [Notice of Hearing](#). CDR 7.4.5
- _____ Email (or mail) the Notice of Hearing to the proper parties (Charged Party and Charging Party) as noted on the form. If notification is by email, request an acknowledgement of receipt. Certified mail is recommended when a party is uncooperative or has not acknowledged receipt of the email.
- _____ Send a request to Recorder@acbl.org for the record of the prior hearing and a summary of the past disciplinary record. No new evidence shall be allowed, and the appellate body may not conduct a new hearing. The request may also include a copy of the audio recording from the original hearing.
- _____ Given the time allotted for the entire hearing, determine how much time each side will be given (which must be the same for each side). Determine the use of opening and closing statements at the hearing in consultation with each side and notify the parties of such. For example, permit each party 5 min. for opening statements and 5 min. for closing statements. CDR Appendix A, III
- _____ Arrange for a person to handle the recording of the hearing. This can be a court reporter, a member of the committee, or an appointed secretary of the committee using a recording device or taking pencil notes. A record of the hearing is mandatory.
- _____ Prepare any reference materials for the hearing. This should include a copy or copies of the proper version of the Code of Disciplinary Regulations, the record from the original hearing, any submitted written statements, as well as a blank copy of the [Hearing Report](#).
- _____ Prepare your opening statement that you will read to call the hearing to order.
 - a) State the date, time, and location of the hearing.
 - b) Introduce yourself, including full name and home city.
 - c) State that you will function as presiding officer.
 - d) Request that all questions and comments be directed to you.
 - e) Have committee members introduce themselves, including full name and home city.
 - f) Ask committee members: "If you believe you can serve and make an unbiased decision, but you know of conditions or circumstances that may be perceived as creating potential bias, please disclose those issues now".
 - g) Introduce parties, including their Advocates, if any.
 - h) Ask each of the Charging Party and Charged Party if they challenge any committee member for cause such as bias.
 - i) Explain how the hearing will proceed (you make this determination). If there is an Advocate present with the party they represent, explain that you will only recognize one speaker for each allotted time and/or procedure described below. Suggestions:
 - a. Appellant/Advocate will begin with a 5-min. opening statement, followed by a 5-min. Appellee opening statement.
 - b. Appellant/Advocate will present supporting arguments for their appeal, if any.
 - c. Committee members may ask questions.
 - d. Appellee/Advocate will present arguments, if any.
 - e. Committee members may ask questions.
 - f. Appellant/Advocate, followed by Appellee, will end with a 5-minute closing statement if time reserved.
- _____ If not in person, coordinate the mechanism (from the Notice of Hearing) for the parties to attend. If it is via telephone, provide the proper number and instructions for the parties to connect to the hearing. Same with web-conferencing and other mechanisms.

_____ Provide the parties and committee members the Request to Appeal, record of the original hearing and written statements if they were submitted prior to the hearing. This is to be provided so the parties have an opportunity to prepare for the hearing. Do not allow parties to argue this appeal before the hearing.

SECTION FOUR – Hearing Procedures

_____ Permit time for parties to appear by phone or other mechanism provided by the committee.

_____ Begin recording.

_____ Read your opening statement.

_____ Read or summarize the Appellant’s reason for appeal from CDR 7.1.2.

_____ Permit Appellant to present opening statement (optional).

_____ Permit Appellee to present opening statement (optional).

_____ Permit Appellant to argue their position in support of their Request to Appeal. New evidence may not be considered.

_____ Permit Appellee to argue their position. New evidence may not be considered.

_____ Permit committee members to ask questions.

_____ Permit Appellant to present closing statement (optional).

_____ Permit Appellee to present closing statement (optional).

_____ Explain that it is time for committee deliberations and that all parties will be dismissed from the hearing. Notify parties that the decision of the committee will be sent to the Office of National Recorder. Remind all parties that the appellate body may: (i) affirm or reverse the decision being appealed; (ii) modify, reduce or increase the discipline being appealed; and/or (iii) remand the matter to any Disciplinary Body which previously heard the matter.

_____ Dismiss everyone except the committee members and allow them to leave.

_____ Turn off the recording device (deliberations are never recorded).

_____ Consult the [Hearing Report](#) form as a guideline.

_____ Examine the reason for the appeal in the Request to Appeal. Remind the committee members that the deliberations shall address only the allegations(s) raised in the Request for Appeal.

_____ Discuss each basis for the appeal separately and decide whether the original body’s decision was appropriate. For example, if the basis of the appeal is:

- (a) the decision was not supported by the weight of evidence, then the committee should review the arguments in the Request to Appeal, the record from the original hearing, and the verbal arguments to determine whether the Appellant has proven this basis.
- (b) procedures employed were inconsistent with the CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity of fairness of the disciplinary process, then the committee should review the arguments in the Request to Appeal, the record from the original hearing, and the verbal arguments and determine whether the Appellate has proven this basis.
- (c) discipline imposed is inappropriate, then the committee should review (i) the arguments in the Request to Appeal, (ii) the hearing report of the original record (under heading Appendix B, Chart 1 and/or Chart 2 of the CDR) (iii) CDR, Appendix B, Chart 1 and/or Chart 2, and (iii) the verbal arguments to determine whether the Appellant has proven this basis. If the committee finds the Appellant has supported their position and the committee agrees, only then refer to the prior disciplinary record.
- (d) one or more persons on the hearing panel had bias which effected the decisions of the panel, when objection to such bias was raised at the hearing, then the committee should confirm that bias was introduced at the original hearing and good cause was shown (not merely alleged).

- _____ If the committee agrees that the Appellant has proven their stated basis for appeal, determine whether you (i) affirm or reverse the decision being appealed; (ii) modify, reduce or increase the discipline being appealed; and/or (iii) remand the matter to any Disciplinary Body which previously heard the matter.
- _____ If the committee wishes to impose modify, reduce or increase discipline, determine the dates that you want the discipline to begin and end.
- _____ Dismiss the committee members with thanks once a final decision has been made. You should not notify the disciplined person of the committee’s decision in writing (but may verbally inform them of the decision).

SECTION FIVE – Post Hearing Procedures

- _____ Complete the [Hearing Report](#) form and submit it with all documentation presented at the hearing to the Office of National Recorder (Recorder@acbl.org).

SAMPLE EMAIL DENYING APPEAL

To: [Name of Appellant]
[Name of Appellee]

cc: Recorder@acbl.org

From: [insert your name], as District [#] Appellate Chair

Subject: Request for Appeal in the matter of [name of disciplined party]

I received your Request for Appeal submitted on [date appeal was received] regarding the decision of [disciplinary body] dated [date of original decision]. Your Request for Appeal is DENIED because [it was not submitted within 30 days following the Notice of Decision] [you are not a party that has appeal rights] [you did not provide a basis for your appeal] [you did not provide supporting reasons for your appeal] in accordance with CDR 7.1.2.

[At your discretion, you can add additional detail regarding your reasoning to deny the appeal].

Sincerely,

[Name and Title]