

JAMES LILLY AND BARBARA LILLY*

ACBL Case No: 2023-ACBL-35

IBA Case No: IBA-23-02

James Lilly Information

District: 16

Unit: 176

ACBL Information

ACBL Charging Party: McKenzie Myers

ACBL Co-Advocates: Jeff Edelstein and Justin Coniglio

Charge Date: July 28, 2023

CDR Version: July 15, 2022

*Case against Barbara Lilly was dismissed.

THE INSTITUTE FOR BRIDGE ARBITRATION

American Contract Bridge League, Claimant

vs.

Case No. IBA-23-02

Barbara Lilly and James Lilly, Respondents

Final Award

I. INTRODUCTION

This Final Award arises out of an arbitration between the American Contract Bridge League (“ACBL”) and two players, Barbara Lilly (ACBL #3992403) and James Lilly (ACBL #Q301654) (“Respondents”).

The Charged Parties did not respond to communications from the IBA Administrator, Arbitration Panel (“Panel”), or as far as we can determine, any attempt to communicate with the ACBL prior to the initiation of the arbitration proceeding. Despite the uncontested nature of the case, the Arbitration Panel cannot declare what amounts to a default judgment. Accordingly, the ACBL simply was required to present a prima facie case that a violation of its Code of Disciplinary Regulation (“CDR”) had occurred.

On September 9, 2023, the ACBL filed a Demand for Arbitration alleging that, “Mr. and Mrs. Lilly, while playing in ACBL-sanctioned games on BBO, had, at times, illicitly shared information about their hands and used this information to gain an unfair competitive advantage over their opponents,” a violation of CDR § 301(A)(2): Collusive Cheating, Online. The ACBL-sanctioned games in question were played on Bridge Base Online (“BBO”), the primary online platform for ACBL-sanctioned bridge games. Even though the ACBL referred to “Mr. and Mrs. Lilly,” the Panel subsequently determined that Barbara Lilly was the mother of James Lilly, [REDACTED] (elaborated in more detail below).

The ACBL requested that this Panel award a discipline of a suspension from all ACBL activities for a period of five years, a probationary period following the suspension for a period of five years during which time James and Barbara Lilly are excluded from playing in any ACBL-sanctioned online games as partners, and a forfeiture of 50% of James and Barbara Lilly’s ACBL Masterpoints.

The Arbitration Panel (“Panel”) was selected through IBA procedures, all parties having an opportunity to object to any of the panel members. No preference was expressed, and IBA-certified arbitrators Howard Engle, Craig Kavin, and AJ Stephani (chair) were selected as the panel.

The ACBL National Recorder, Jeff Edelstein, served as co-advocate on behalf of the ACBL and presented the case. Justin Coniglio, ACBL Assistant National Recorder, served as ACBL co-advocate. Despite numerous attempts to contact Barbara Lilly and James Lilly by both the ACBL and the IBA, including sending them formal notice of the Demand for Arbitration and of the times and dates of the preliminary and evidentiary hearings, they did not respond to any communication.

What began as a straightforward unopposed case of collusive online cheating became tangled in a web of assorted questions asked by this Panel regarding the issues raised in this case.

II. INITIAL DISCLOSURE

The ACBL submitted a pre-hearing summary of its evidence to the Panel on November 3, 2023. The Summary contained a Player and Case Background for both James and Barbara Lilly, including the ACBL member detail report (“ACBL Member Report”) for both players, a copy of the sole convention card posted on BBO, a brief bio of the ACBL Advocates, a review of five full sessions of BBO games played during the period May 4 - June 23, 2023 (containing links to all hands), and images of approximately 83 selected hands during the period January 27, 2023 – June 23, 2023 (also containing links to all hands) demonstrating the alleged cheating. A brief discussion for each of the 83 hands was also included. The ACBL identified their members through a “Member Number,” which are clearly indicated in the respective ACBL Member Reports for James and Barbara Lilly.

III. INITIAL EVIDENTIARY HEARING

The Panel held an evidentiary hearing on November 16, 2023, via Zoom. All three panel members were in attendance, as were Mr. Edelstein and Mr. Coniglio. Neither Barbara Lilly (for reasons that will become obvious) nor James Lilly attended the hearing.

At the hearing, the ACBL provided a summary of their evidence and discussed several of the 83 hands submitted in its initial disclosure. To support its allegation that Barbara Lilly and James Lilly were collusively sharing information about their hands, Mr. Edelstein presented evidence that persons under the BBO User Names “yelii” and “mlomacan” illicitly exchanged or transmitted information during numerous online bridge games.

Because neither Respondent appeared at the hearing nor presented any evidence in defense, no defense was presented. Under the standards that apply in unopposed hearings, the ACBL need only have presented a prima facie case that a CDR violation occurred.

The Panel raised several questions during the hearing about the identity of the players using those BBO User Names, discrepancies between the perceived skill of the players, whether the IP addresses tied to those BBO User Names could be ascertained, and the online and total Masterpoint numbers accumulated by James and Barbara Lilly. The ACBL Advocates

demonstrated that they used a BBO web utility tool to identify that the persons under the BBO User Names “yeli” and “mlomacan” were, in fact, linked to the ACBL Member Numbers connected with Barbara and James Lilly, respectively.

IV. PANEL DELIBERATIONS AND INTERIM AWARD

During its deliberations, the Panel had no trouble concluding to a comfortable satisfaction that that person or persons using the BBO User Names “yeli” and “mlomacan” illicitly exchanged or transmitted information during numerous online bridge games. However, the panel was unable to conclude that those person or persons are, in fact, Barbara Lilly and James Lilly. After the Initial Evidentiary Hearing, the Panel on its own determined that Barbara Lilly [passed away](#) on September 4, 2023, five days before the demand for arbitration was filed by the ACBL.

Accordingly, the panel issued an Interim Award on November 19, 2023 raising its concerns to be addressed by the ACBL before it felt it was able to issue a Final Award. The Interim Award was sent to all parties.

In addition to the troubling issue of whether the BBO User Names “yeli” and “mlomacan” properly identified Barbara and James Lilly, the Panel also raised additional concerns in the Interim Award, some of which had been rendered moot by the passing of Barbara Lilly.

In the Interim Award, we stated,

- The panel has serious concerns with inconsistencies in the BBO profiles and the Respondents’ ACBL member detail presented. BBO player name “yeli” is apparently linked to the ACBL record of Barbara Lilly, a 95-year old player and former member of the ACBL. However, the BBO profile for “yeli” reveals a record for an “Ann” who initiated her BBO account on March 13, 2020 and has managed in 3 1/2 years with some 4,000+ logins to have accumulated a “78” BBO status (which translates into some 7,800+ BBO and/or ACBL points). A similar review of the “mlomacan” BBO player name reveals a profile attributed to “Maureen Lo,” with a BBO status number of “11” (which translates into some 1,100+ BBO and/or ACBL points). This account was created on February 14, 2020 and shows only limited play with lifetime logins of 1000+.

While aliases on BBO are common, the ACBL player member profile provided to us reveals a very active online presence for James Lilly, who has earned 5,226+ lifetime online points (of his 7,400+ total ACBL points). Our experience is that most of these online points were accumulated since the pandemic began. However, accumulating 5,200+ online points does not make sense given that “mlomacan” has only 1,100+ BBO and/or ACBL points and his relatively few number of lifetime logins of (1000+). Can “mlomacan” really be James Lilly?

Similarly, the ACBL player member profile provided to us reveals a considerably less active online presence for Barbara Lilly, who has earned 635+ lifetime online points (of her 780+ total ACBL points). However, accumulating 635+ online points does not make sense given that “yeli” has the enormous total of 7,800+ BBO and/or ACBL points and

her considerably large number of lifetime logins of (4000+). Can “yeli” really be Barbara Lilly?

These questions may potentially be resolved through BBO data. Given all of the sessions examined in 2023 played by “yeli,” that BBO account surely would have had been refurbished at some point. Can BBO confirm who purchased the BBO Bucks that populated the “yeli” account? That may help us better understand the identity of this player.

The panel was told during the hearing that the ACBL had evidence that these two players at least once shared the same IP address. Can BBO review any additional evidence as to the IP addresses in play when these two players partnered one another for all hands, or at least most of the hands?

Can it be determined how “yeli” accumulated her “78” ranking? Was it mostly with robots or with other partners?

- An unrelated concern is related to the IBA’s jurisdiction in this case, which the panel can note at any time. Barbara Lilly is listed as “inactive” under her ACBL player profile, which indicates that she had not paid dues during the period in question and is thus not actually a current member of the ACBL. Even if this panel determined that “yeli” is actually Barbara Lilly, she currently has no membership rights that can be removed.

As a non-member, it's not immediately obvious how she would have agreed to arbitration to resolve disputes in any manner during the year in question. We assume that she had agreed to arbitration at some point in the past when she had previously renewed her membership. However, the ACBL Bylaws clearly state that, “any disciplinary matter as between the League . . . on the one hand and any *member* on the other, shall be subject to arbitration as provided in this Article.” ([ACBL Bylaws](#), § 12.3, website version last visited on 11/18/23) (emphasis added).

- Finally, it appears that Barbara Lilly [passed away](#) on September 4, 2023, five days before the demand for arbitration was filed by the ACBL. We assume that an arbitral body does not have jurisdiction over someone who is deceased, as that person would have no opportunity to defend themselves (among other reasons).

V. ACBL RESPONSE TO INTERIM AWARD

On November 21, 2023, the ACBL responded with additional information obtained from BBO regarding how the “yeli” and “mlomacan” BBO accounts were funded and the contact information for those accounts. Based on that information, the Panel concluded that:

- The “mlomacan” BBO account was funded using a corporate credit card from a company called [REDACTED]. This company is listed as belonging to James Lilly and shares the same address as listed on Mr. Lilly’s ACBL membership profile. [REDACTED]

[REDACTED]. This account is linked to James Lilly's ACBL membership number.

- However, the “yeli” BBO account was funded using a credit card issued to [REDACTED] and then [REDACTED] whose ACBL Member Report was also included in the ACBL's response. That report shows that [REDACTED] is an ACBL member [REDACTED]. The contact email for the “yeli” BBO account is [REDACTED]. Critically, it should be noted that this account is linked to *Barbara Lilly's* ACBL membership number, not [REDACTED]. The panel also notes that [REDACTED] is not a charged party in this case (despite the fact that [REDACTED] credit card was used to fund the BBO account linked to [REDACTED]).
- The great majority of “yeli”'s BBO points (almost 8,000) were earned playing [BBO Massive Tournaments \(Daylongs\) games](#), which are played with three robots and do not earn ACBL points.
- Approximately half of “mlomacan”'s BBO points (1100+) were earned playing ACBL online games, with the most of the remainder earned in those same [BBO Massive Tournaments \(Daylongs\) games](#).
- The original disclosure contained an ACBL Member Report revealing that James Lilly has earned 5,226+ lifetime online points (of his 7,400+ total ACBL points). However, this is inconsistent with the ACBL online points awarded to “mlomacan” (535+.) Using the BBO handle “mlomacan” James has only generated about 10% of his ACBL online total.

Some of the information appeared to have come from a BBO employee whose email message had been cut and pasted into their response with the following note: “This is what we see for these usernames, however it is up to you how to interpret this info.” (undated statement from [name redacted], BBO Representative, as stated in the ACBL's response to Interim Award on 11/21/23).

The ACBL response further stated that, “The ACBL believes that there is sufficient evidence and documentation linking the MLOMACAN and YELII usernames to [REDACTED]. . . . Any and all decisions reached by the IBA concerning this matter should only relate to James Lilly” (ACBL's response to Interim Award on 11/21/23).

VI. ADDITIONAL PANEL QUESTIONS TO ACBL'S RESPONSE

Based on these inconsistencies, the Panel sent an email on November 28, 2023, to the ACBL, copying all parties, raising additional questions:

- Where did the majority of James Lilly's online points come from? Does James have other BBO usernames? Could he have been playing on another online forum, such as OKBridge? Who are his partners when he plays under these usernames?

As noted in the interim award, the panel has concluded to a comfortable satisfaction that a person or persons under the BBO usernames “yelii” and “mlomacan” illicitly exchanged or transmitted information during numerous online bridge competitions. We are uncertain whether James is using both usernames, whether [REDACTED] or other uncharged players are playing under those usernames, what other partners James may have in his extensive online play, and whether those partners should also be charged.

The ACBL should provide the panel with additional guidance on these questions and the manner in which it intends to move forward with respect to James Lilly and/or other players.

(Email from Panel to ACBL on 11/28/2023)

VII. ACBL’S RESPONSE TO ADDITIONAL QUESTIONS

On December 1, 2023, the ACBL sent emails containing spreadsheets with data compiled by the ACBL Information Technology Department showing that the monthly history of online masterpoints earned by James and *Barbara Lilly*.

VIII. PANEL’S REQUEST FOR ADDITIONAL GUIDANCE

On January 8, 2024, the Panel sent the following email to the ACBL seeking additional guidance:

We appreciate your responses to your question, but they have raised other ones that the panel needs clarification on.

We can see that Jim Lilly has been playing under six BBO alias names and the detail from BBO for these six alias names accounts for almost all of his ACBL online points -- some 5,193 of 5,226. To be confident in a decision regarding the identity of the players, we should determine how and with whom the points other than with "yelii" were won.

- * When he was not playing with “yelii,” was he playing with robots, albeit under different alias names where no other ACBL players were involved?
- * If not, were any of the other alias names he used banned by BBO at any time? Perhaps that is what led to the additional alias names he created? Further, can we find out who he was playing with in winning the 4,500 or so ACBL points that were not won with “yelii”? Can BBO give us the detail of his partners as well? Certainly, the play of those other partnerships should be investigated to see if any inappropriate behavior is observed.
- * We have also noticed we have the BBO alias names now for [REDACTED] who is not a party to this matter. Curiously, two of the three BBO names have a familiar look -- jmlil1 and

jmlil? Those may just be coincidental names used by [REDACTED] but could be additional names where he played?

(Email from Panel to ACBL on 1/8/2024)

IX. FINAL ACBL RESPONSE

Later that day, the ACBL submitted its final response in this matter:

While we certainly appreciate the Panel's diligence in their deliberations in trying to reach a just decision, unfortunately we cannot provide further clarity on the issues you cite. We suggest that further inquiries be directed to [name redacted] of BBO [email redacted] as we have provided the IBA with all information available to the Recorder's Office.

We do, however, respectfully note that the IBA may be overstepping its mandate in this matter in citing issues that are subject exclusively to prosecutorial and investigatory discretion, e.g., the possible involvement of third parties uncharged. If the respondents wish to assert any type of affirmative defense to the charges, it is incumbent upon them to raise these issues.

Nonetheless, we understand the reasons for the Panel's caution in this matter and await your permanent ruling.

(Email from ACBL to Panel Chair on 1/8/2024)

At no point during the case did the ACBL express an intention to file an amended Demand for Arbitration to include other ACBL Members in the Charge or present additional evidence to support an alternate theory of what had actually occurred.

X. PANEL DISCUSSION

A. The Panel's Role

The Panel and the entire pool of IBA Arbitrators are comprised of dedicated members of the ACBL who are taking an active role in addressing the problems created by the scourge of cheating. We are volunteering in this role because we love this game and desire to see cheating allegations handled with integrity and accuracy and take appropriate actions when offenders are properly identified.

This role also entails a Panel's responsibility to make the game more secure to the extent it can and point out vulnerabilities in current systems. We hope to be a positive force for meaningful change to infuse our great game with the respect and integrity it deserves. When a case alleging

two players draws attention to those vulnerabilities, we believe we have an obligation to shed some measure of light on the problems.

The ACBL is absolutely correct that the role of an arbitral body is not an investigative one. It is critical that all parties respect the various roles played in an adversarial posture such as an arbitration. The integrity of arbitration and any kind of fair proceeding requires that each role maintain its independence of other roles and avoid overstepping the bounds created to secure that integrity. Performing its own role as a final decision maker does not affect the motivation of the Panel members to see justice done. Yet we must render our decision with no bias or favoritism to any of the parties and avoid the temptation of placing our thumb on the scale of what we might suspect is a more accurate and just result. If the Panel had been able to secure the additional information requested from BBO, it is likely that an expanded investigation, perhaps involving other players, may have ensued.

However, the Panel is not permitted to perform its own investigation, and that includes contacting BBO or other any source of information directly. The Panel was attempting to identify the kind of evidence it would need to make the necessary findings to the requisite level of persuasion. Whether that evidence is actually presented is within the hands of the ACBL. It is their decision alone whether or not to present any such evidence or declare it desires to rest on the evidence already presented.

B. Security Concerns

Throughout the case, the Panel had serious concerns about accurately identifying a specific ACBL member based on the ACBL Member number linked to a BBO User Name. In particular, the Panel was not satisfied that the BBO username “yelii” linked to ACBL member Barbara Lilly are one and the same. [REDACTED]

[REDACTED]

The Panel could envision this kind of concern in any uncontested case. Of course, the Panel would raise this kind of question if Barbara Lilly had responded to IBA and ACBL communications and objected to the Charge against her on the basis that she did not, in fact, play under the BBO User Name identifying her. Unfortunately, she was deceased when the Demand for Arbitration was filed and the Panel believes may have been in hospice care for some time before her passing.

C. Jurisdictional Concerns

The Panel also raised questions about the arbitrability of a case involving non-members of the ACBL and/or persons who had not appeared to agree to dispute resolution through arbitration. This jurisdictional point is mooted because we discovered that Barbara Lilly passed away before the demand for arbitration was filed by the ACBL, so the case against her was dismissed on that

basis. However, the Panel expresses its recommendation that any Charged Parties' consent to arbitration be included in the Demand for Arbitration or initial disclosure.

D. Proof of Cheating

As noted above, the Panel easily reached the conclusion that the hands presented by the ACBL played by that person or persons using the BBO User Names "yelii" and "mlomacan" were cheating and thereby violating ACBL regulations.

X. CONCLUSION

The Panel has ample evidence to support a finding that James Lilly (ACBL Member # Q301654) engaged in illicit behavior that likely constitutes some form of cheating under ACBL regulations. Regardless of whether this behavior would have been properly charged as online collusive cheating with some unknown conspirator or "self-kibbitzing" by impersonating another ACBL member and playing both hands simultaneously (behavior that would arguably fall under ACBL CDR § 301(A)(4): Misuse of Hand Records or Other Information), this Panel has determined that an award of the requested discipline is appropriate. Accordingly, James Lilly is suspended from all ACBL activities for a period of five years, will remain under a probationary period following the suspension for a period of five years, and forfeits 50% of his total ACBL Masterpoints.

The Panel expects that the ACBL has the means to ensure that James Lilly is unable to participate in ACBL online games on BBO or any other platform under any alias or User Name.

The case against Barbara Lilly (ACBL Member # 3992403) is dismissed.

/s/ _____ Howard Engle

Arbitrator

/s/ _____ Craig Kavin

Arbitrator

/s/ _____ AJ Stephani

Panel Chair

Dated: January 26, 2024