

Decision no. 29 of the Special Ethics Committee

Committee Members: Adv. David Fohrer, Committee Chairman  
Adv. Asher Akselrod  
Mr. Modi Koenigsberg  
Mr. Eitan Levy  
Mr. Adrian Shwartz

**Decision**

Introduction

1. Suspicions of fraud during bridge games by means of forbidden signaling methods, which will be detailed below, were raised against Mr. Lotan Fisher and Mr. Ron Schwartz.
2. Signaling by means of board placement. The method of signaling which is attributed to Mr. Fisher and Mr. Schwartz is that at the end of the bidding stage, when Mr. Fisher and Mr. Schwartz are on defense, the partner of the player who is on lead has the opportunity to signal in which suit he has points, power, or preference for the opening lead.
3. Signaling by means of coughing. According to the method of signaling attributed to Mr. Fisher and Mr. Schwartz, Mr. Fisher coughed during the bidding if he wished to inform Mr. Schwartz that his hand is on the low side of the range which he had shown earlier in the bidding.
4. The Committee finds that Mr. Lotan Fisher and Mr. Ron Schwartz acted deceitfully while engaging in a prohibited method of signaling with regard to signaling by means of board placement. Given the findings with regards to the signaling method by means of board placement, the Committee saw no need to reach a decision with regard to signaling by means of coughing.

The Special Ethics Committee

5. On 8/29/15, the management of the Israel Bridge Federation appointed the Special Ethics Committee (hereinafter the “**Committee**”). The letter of appointment stipulated as follows:

"The management of the Israel Bridge Federation (**IBF**) hereby appoints a Special Ethics Committee (hereinafter the "**Committee**").

The management of the Israeli Bridge Federation further orders as follows:

1. The members of the Committee shall be Adv. David Fohrer, Adv. Asher Akselrod, Mr. Modi Koenigsberg, Mr. Eitan Levy and Mr. Adrian Shwartz. Adv. Fohrer shall be the chairman of the Committee.
2. During the course of its work, the Committee shall take any measures that it deems fit in order to investigate the allegations raised and that may be raised, directly and indirectly, regarding the actions of Mr. Lotan Fischer and Mr. Ron Schwartz while participating in the game of Bridge in Israel and elsewhere.
3. The Committee is given absolute discretion in the use of its authority.
4. The Committee shall establish its work procedures and all aspects relating to its work.
5. The Committee shall submit a report on its decisions.
6. The Committee's decisions shall be binding upon the IBF and Mr. Fischer and Mr. Schwartz.
7. The Committee's decisions shall be final, binding and without appeal and shall be subject to no other form of procedure within the IBF. This shall not derogate from any authority by a judicial court.
8. The IBF will provide any resources required to facilitate the work of the Committee.
9. The coordinator of the Committee shall be Mrs. Oryah Meir – CEO of the Israel Bridge Federation.
10. The Committee shall be entitled to appoint an additional member, whether foreign or Israeli.
11. The IBF thanks the Committee members for their participation."

6. The bridge players in the world were given the opportunity to provide the Committee with any material. Copies of the materials that were received by the Committee were forwarded to Mr. Fisher and Mr. Schwartz.
7. The Committee held preliminary hearings on 8/31/15, 9/20/15, and 10/18/15.
8. The hearings in which Mr. Fisher's and Mr. Schwartz's response to the suspicions against them was presented on 2/14/16, 3/8/16, 4/19/16, 5/29/16, and 7/5/16. The hearings were open to the public, and were filmed and transcribed. The films of the hearings were published on the IBF website.
9. During the course of the first hearings by the Committee, it was decided to temporarily suspend Mr. Fisher and Mr. Schwartz from all activities within the IBF, at first with the consent of Mr. Fisher and Mr. Schwartz, and later - without their consent.

#### The Suspicion Regarding Board Placement

10. The method of signaling by means of board placement which is attributed to Mr. Fisher and Mr. Schwartz is that at the end of the bidding stage, when Mr. Fisher and Mr. Schwartz were on defense, the partner of the player who was on lead had the opportunity to signal by means of the manner in which he placed his board, in which suit he has points, power, or preference for the opening lead.
11. Beyond the claim that the boards were placed in an exceptional manner by Mr. Fisher and Mr. Schwartz, the Committee was provided with a signaling code which, according to the claim, constituted the signaling code used by Mr. Fisher and Mr. Schwartz.

The alleged signaling was done by placing the board at a specific location on the table:

- A. Placing the board on Mr. Fisher 's half of the table – was intended to signal a preference for clubs.

- B. Placing the board on the side of the table closer to Mr. Schwartz – was intended to signal a preference for spades.
- C. Placing the board in the center of the table – was intended to signal a preference for diamonds.
- D. Placing the board diagonally on the table adjacent to Mr. Fisher 's right hand – was intended to signal a preference for hearts.

### The Evidentiary Standard

- 12. The evidentiary standard according to which the Committee operates is that guilt must be proven beyond a reasonable doubt. In this context, see Section 49 of the IBF's bylaws. The Committee reached its conclusions in accordance with this evidentiary standard.

### Evidentiary Analysis of the Claim of Signaling by Means of Board Placement

- 13. The primary evidence against Mr. Fisher and Mr. Schwartz in this matter are video recordings which document the board placement by Mr. Fisher and Mr. Schwartz.
- 14. In the recordings, it is possible to clearly see how, time after time, Mr. Fisher or Mr. Schwartz place the board in an irregular manner, not in the center of the table, in a manner which cannot be random.
- 15. The Committee examined the videos with regard to the card deals and the alleged signaling code, and found the claim to be justified. The placement of the boards was irregular (and incriminating) in and of itself, and it was also found that there was a clear correlation between the placement of the boards in these irregular locations and the alleged signaling code.
- 16. Below we will present an analysis of the videos of the match between Israel and Norway in the 2014 European Championship.

17. In round no. 26 of the 2014 European Championship, Israel played against Norway. Mr. Fisher and Mr. Schwartz sat North – South. In this match, boards no. 17 through 30 were played. A review of the videos demonstrates the facts described below, and made it evident that the actions by the pair are irregular in and of themselves and conform the alleged signaling method.

Board 17: the bidding ends with the board on Mr. Fisher's side. Mr. Fisher is on lead. Instead of leading a card, Mr. Fisher transfers the board to Mr. Schwartz's side. The Norwegian opponent removes the tray; however, Mr. Schwartz takes the board. Mr. Schwartz places the board diagonally on the table adjacent to Mr. Fisher's right hand. Placement of the board diagonally on the table constitutes, according to the alleged signaling method, a signal for hearts. Mr. Schwartz holds KJ873 of hearts.

Board 18: Mr. Schwartz is the declarer. Mr. Fisher removes the tray from the table and places the board in the center of the table. When Mr. Schwartz is the declarer, there is no need for signaling, and it is evident that Mr. Fisher does not have a motoric problem which prevents him from placing the board in its regular place, in the center of the table.

Board 19: the bidding ends with the board on Mr. Schwartz's side. Mr. Fisher removes the tray. Mr. Fisher places the board on his half of the table. Placement of the board in this manner is irregular. According to the alleged signaling method, this is a signal for clubs. Mr. Fisher holds AKQ of clubs.

Board 20: Mr. Schwartz is the declarer. Mr. Fisher removes the tray from the table and places the board in the center of the table. When Mr. Schwartz is the declarer, there is no need for signaling, and it is evident that Mr. Fisher does not have a motoric problem which prevents him from placing the board in its regular place, in the center of the table.

Board 21: Mr. Fisher is the declarer. Mr. Fisher removes the tray from the table and places the board in the center of the table. When Mr. Fisher is the declarer, there is no need for signaling, and it is evident that Mr. Fisher does not have a motoric

problem which prevents him from placing the board in its regular place, in the center of the table.

Board 22: Mr. Schwartz is the declarer. Mr. Fisher removes the tray from the table and places the board in the center of the table. When Mr. Schwartz is the declarer, there is no need for signaling, and it is evident that Mr. Fisher does not have a motoric problem which prevents him from placing the board in its regular place, in the center of the table.

Board 23: at the end of the bidding, Mr. Schwartz is on lead. Mr. Fisher removes the tray and places the board diagonally on the table adjacent his right hand. This is an irregular action. According to the alleged signaling method, this is a signal for hearts. Mr. Fisher holds AT875 of hearts.

Board 24: at the end of the bidding, Mr. Fisher is on lead. Mr. Schwartz removes the tray and places the board diagonally on the table adjacent Mr. Fisher's right hand. According to the alleged signaling method, this is a signal for hearts. Mr. Schwartz holds AJ643 of hearts.

Board 25: at the end of the bidding the tray is on Mr. Fisher's side and Mr. Fisher is on lead. Mr. Fisher's hand shows that he has no interest in any signaling. Mr. Fisher immediately leads. Mr. Fisher does not touch the tray or the board and they remain placed on the table.

Board 26: the bidding ends with the board on Mr. Schwartz's side. Mr. Schwartz is on lead. Mr. Fisher removes the tray from the table and places the board in the side of the table closer to Mr. Schwartz. This is an irregular action. According to the alleged signaling method, this is a signal for spades. Mr. Fisher holds KQT94 of spades.

Board 27: at the end of the bidding the tray is on Mr. Fisher's side. Mr. Fisher is on lead. Mr. Fisher transfers the tray to Mr. Schwartz's side. Mr. Schwartz removes the tray and places the board diagonally on the table adjacent Mr. Fisher's right hand. According to the alleged signaling method, this is a signal for hearts. Mr. Schwartz holds KQ8642 of hearts.

Board 28: the bidding ends with the board on Mr. Fisher's side. Mr. Schwartz is on lead. Mr. Fisher removes the tray and places the board on his half of the table. According to the alleged signaling method, this is a signal for clubs. Mr. Fisher holds K9876 of clubs.

Board 29: Mr. Schwartz is on lead. Mr. Fisher removes the tray and places the board in the center of the table. According to the alleged signaling method, this is a signal for diamonds. Mr. Fisher holds J9732 of diamonds (Mr. Schwartz bids diamonds twice).

Board 30: Mr. Schwartz is the declarer. Mr. Fisher removes the tray from the table and places the board in the center of the table. When Mr. Schwartz is the declarer, there is no need for signaling, and it is evident that Mr. Fisher does not have a motoric problem which prevents him from placing the board in its regular place, in the center of the table.

Board 31: the bidding ends with the board on Mr. Fisher's side. Mr. Fisher is on lead. Mr. Fisher transfers the tray to Mr. Schwartz's side. Mr. Schwartz does not remove the tray or touch the board.

Board 32: Mr. Fisher is the declarer. Mr. Fisher removes the tray from the table and places the board in the center of the table. When Mr. Fisher is the declarer, there is no need for signaling, and it is evident that Mr. Fisher does not have a motoric problem which prevents him from placing the board in its regular place, in the center of the table.

18. The prohibited signals were observed also when Mr. Fisher and Mr. Schwartz sat East – West, as is evident from the videos of Israel's matches against Italy and Germany in the 2014 European Championship. Mr. Fisher and Mr. Schwartz engaged in the prohibited signaling method also when they sat East – West.

Examples are in the match against Italy in board no. 11, and in the match against Germany in boards no. 19, 20, 23, and 25.

19. Mr. Fisher and Mr. Schwartz conceded that the placement of the boards is irregular, and in the end, despite the fact that Mr. Fisher and Mr. Schwartz were given repeated opportunities to refute the evidence against them, Mr. Fisher and Mr. Schwartz did not succeed in undermining the basic fact which stands against them, that the manner in which the boards were placed is so irregular that it constitutes, in and of itself, conclusive evidence of their guilt.

### The Defense's Claims

20. Mr. Fisher and Mr. Schwartz raised a number of claims regarding the alleged method of signaling by board placement.

First, Mr. Fisher and Mr. Schwartz testified that they did not act in order to provide information by means of board placement.

Second, Mr. Fisher and Mr. Schwartz presented the results of polygraph tests which support their testimony.

Third, Mr. Fisher presented a medical opinion.

Fourth, two statistical experts testified on behalf of Mr. Fisher and Mr. Schwartz (Mr. Ravez Gingichashvili and Prof. Ilam Gross), as did an additional expert (Mr. Ynon Liran).

Fifth, Mr. Fisher and Mr. Schwartz argued that, in some cases, there is no correlation between the board's placement and the alleged signaling method.

Sixth, Mr. Fisher and Mr. Schwartz claimed that there is no correlation between the signal allegedly given by the signaling player (according to what is claimed) and the card played by this partner.

Seventh, Mr. Fisher and Mr. Schwartz claimed that there is only a small sample of hands from which it is not possible to reach conclusions regarding a signaling method.



Eighth, Mr. Fisher and Mr. Schwartz claimed that alternative signaling methods could be presented which are also consistent with the manner in which boards are placed, and even presented one such claimed alternative method. Mr. Fisher and Mr. Schwartz claimed that the existence of alternative signaling methods which are consistent with the manner in which boards were placed, indicates that the sample of hands is not sufficient for the purpose of determining guilt.

21. The major obstacle which Mr. Fisher and Mr. Schwartz face is that the manner in which the boards were placed was documented on videos, thus constituting direct evidence for the findings against them. Time after time, Mr. Fisher and Mr. Schwartz are documented placing the boards in an irregular manner. Furthermore, it was found that the manner in which the boards were placed conforms to the alleged signaling code.

Mr. Fisher and Mr. Schwartz's arguments carry no weight opposite this objective evidence, and the Committee has decided to reject the testimony of Mr. Fisher and Mr. Schwartz, according to which they did not signal one another by means of board placement.

22. Given the solid objective evidence against Mr. Fisher and Mr. Schwartz, the results of the polygraph tests do not avail them. This is without deciding on the question of the admissibility of the results of polygraph tests in the framework of the proceedings of the Committee, and the weight which may be attributed to the results of a polygraph test in relation to a person against whom it is claimed that he engaged in serial cheating, as opposed to the weight which may be attributed to the results of a polygraph test in relation to one against whom it is claimed that he cheated in one specific instance.

Beyond what is required, the Committee notes that in the polygraph test, Mr. Fisher and Mr. Schwartz were not asked specific questions with regard to transmitting information by means of board placement.

23. Mr. Fisher and Mr. Schwartz's guilt arises from the videos which document them engaging in the prohibited acts. The Committee heard, over the course of many

hearings, all the arguments raised by Mr. Fisher and Mr. Schwartz, and they were given full opportunity to raise all their claims and explanations. After hearing all of Mr. Fisher's and Mr. Schwartz's claims regarding signaling by means of board placement, the Committee concluded that these claims do not avail them and they do not disprove the guilt which arises from the videos.

24. The experts which testified on behalf of Mr. Fisher and Mr. Schwartz ignored the fact that the placement of the boards by Mr. Fisher and Mr. Schwartz in the manner and location in which they did, time after time, is not a neutral act but rather an irregular action in and of itself. Having ignored this substantive point results in the Committee being unable to accept the analytical method which they presented.
25. A number of additional points will be noted regarding the testimony by the experts on behalf of Mr. Fisher and Mr. Schwartz.

Mr. Fisher and Mr. Schwartz claimed that the expert opinion of Prof. Gross is preferable to the other expert opinion presented by them (by Mr. Gingichashvili).

Prof. Gross stated, in response to the Committee's questions, that he examined the statistical correlation with regard to one signaling method, and nevertheless, with regard to the signaling method attributed to Mr. Fisher and Mr. Schwartz which is described above – there is a very high statistical correlation of the placement of the boards to the alleged signaling method.

Similarly, Mr. Liran's opinion does not truly benefit Mr. Fisher and Mr. Schwartz. This is because it acknowledges the existence of a correlation between the manner of board placement (irregular in and of itself) and the alleged signaling method, and because it is not sufficiently comprehensive and specific, because the description of the facts does not conform to the Committee's unmediated impression stemming from the videos (such as the analysis of Israel – Norway match which was detailed above), as well as because it relates to findings in the field of statistics which is not Mr. Liran's field of expertise.

26. The Committee rejects Mr. Fisher and Mr. Schwartz's argument that a correlation between the signaling partner's signals and the leading partner's lead is required.

The signaling method is demonstrated by the irregular manner in which Mr. Fisher and Mr. Schwartz placed the boards as well as because according to the alleged signaling method, it is not a signal which constitutes a mandatory instruction but rather a signal as to the suit in which the signaller has points, power, or preference for the opening lead.

27. The Committee rejects the claim that a larger quantity of hands is required to base Mr. Fisher and Mr. Schwartz's guilt. In our case, there is a sufficient number of hands, a sufficient number of irregular acts of board placement, and an illegal signaling method which conforms to the irregular placement of boards in a sufficient number of cases.
28. In regard to the alternative signaling method presented by Mr. Fisher and Mr. Schwartz, it is noted that it is a partial method the wording of which also embodies its lack of relevance. According to this method, only two situations are signaled by means of four signals, such that the measure of randomness of the correlation is high. Beyond what is necessary, the Committee notes that this claimed signaling method is not met in full. In any event, even if there were other signaling methods which were consistent with the signals claimed by Mr. Fisher and Mr. Schwartz, this would not avail them whereas, were we to say this, all that would be necessary in order to ensure exoneration from illegal signaling would be to create a signaling method which conforms with two signaling methods.

It is also necessary to remember, in this context, the amplitude of the irregular actions by Mr. Fisher and Mr. Schwartz which is expressed in the irregular manner of the placement of the boards, in and of itself, even without deciphering the signaling method.

29. Mr. Fisher presented a medical opinion to support claims regarding hyperactivity and excessive movement which resulted in placement of the boards in an irregular manner. However, other than a diagnosis regarding hyperactivity and excessive movement, the medical opinion which was presented does not specifically address the issue in a manner which provides a sufficient foundation for the irregular way

in which the boards were placed, and the Committee did not find there to be a sufficient connection between these matters.

30. We note that the method of signaling by means of board placement makes it very difficult to identify an improper action, and had there not been videos documenting the locations of the board placement, the evidence of the commission of infraction would have been destroyed immediately after it was committed.
31. The Committee was told that the videos which were available to the Committee and which were filmed during the course of the 2014 European Championship, were the first formal and public filmed documentation of an entire competition at this level. Beyond what is necessary, we note that this may explain Mr. Fisher and Mr. Schwartz's lack of awareness of the fact that their guilt is demonstrated in such a clear way in the videos.
32. To summarize this chapter, the Committee holds that Mr. Fisher and Mr. Schwartz engaged in fraud by transferring prohibited information to one another by means of board placement before an opening lead during the course of the 2014 European Championship.

#### Suspicion Regarding Coughs

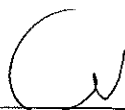
33. With regard to the suspicion of providing information by means of coughs, the primary evidence against Mr. Fisher and Mr. Schwartz is the videos in which they are documented during the course of the 2014 European Championship, in addition to a number of documents (the "Doctors' Documents") which serve as ancillary documents with a bridge analysis of Mr. Fisher and Mr. Schwartz's documented actions.
34. Given the findings regarding fraud in signaling by means of board placement, the Committee saw no need to reach a conclusion regarding the suspicion of providing information by means of coughing.

The European Bridge League

35. To complete the picture, the Committee notes that parallel to the Committee's hearings, the European Bridge League held proceedings against Mr. Fisher and Mr. Schwartz. The European Bridge League found Mr. Fisher and Mr. Schwartz guilty of illegal provision of information and subjected them to the punishment of permanent suspension from playing together, a five-year suspension from playing with others and to bear the costs of the investigation and hearing.
36. The Committee notes that the necessary standard of proof applied in the European Bridge League's decision for the purpose of basing guilt is an intermediate level located between "balance of probabilities" and "beyond a reasonable doubt" ("comfortable satisfaction"), whereas the level of proof under Section 49 of the IBF bylaws, as aforesaid, is at the more stringent level of "beyond a reasonable doubt."
37. It is clarified that in this proceeding, no weight was given to the decision of the European Bridge League.

Continuation of the Proceeding

38. The additional task placed on the Committee is the question of which sanctions will be imposed on Mr. Fisher and Mr. Schwartz.
39. The Committee holds that anyone interested in addressing the Committee on this matter may do so until 8/31/16, by email to the Committee at [Sec@bridge.co.il](mailto:Sec@bridge.co.il).
40. Said materials, if there will be any, will be provided to Mr. Fisher and Mr. Schwartz.
41. Mr. Fisher and Mr. Schwartz are given the opportunity to address the matter of sanctions until 9/30/16.



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The Special Ethics Committee

August 8, 2016