

RACING ROOM

CLUB RACING BY JOHN NESBITT

PROTESTS AND APPEALS, PART 2

This month, we conclude a three-part series looking at rule enforcement, protests and appeals. This month, we finish protests with some practical advice. Then we look at appeals.

SOME PRACTICAL ADVICE

The Stewards of the Meeting (SOM) are not like something you see on TV. However, they are required to provide you with due process, within the GCR. The court makes its judgment based solely on the GCR, the supps and the evidence presented. Here are some tips:

- You cannot appeal a Chief Steward's Action (CSA). You can, however, protest the CSA. If the SOM upholds the CSA, you have the right to appeal the judgment.
- Cite all the rules. For example, you protest another driver for on-track contact. You cite GCR 6.11.1.A (Avoiding Contact). The SOM decide that the other driver made contact, but that 6.11.1.B (Racing Room) is the applicable rule. Some courts will disallow your protest because you cited the "wrong" rule. This is incorrect, but it happens. You can avoid this problem by making a broad-based protest. Cite 6.11.1.A/B/C/D (On-Course Driver Conduct) and 2.1.4 (Reckless or Dangerous Driving).
- Present your case in a calm and reasonable fashion. This is really the best way. As upset as you may be, make a clear and logical case to the court. Cite rules and evidence.
- You can withdraw your protest.
- Videos can be very useful, but are not compulsory. The SOM will retain your video. SCCA will return it at the end of the appeals period.
- There may be corroborating evidence (especially for incidents on track) in the race log or reports from corner stations. If necessary, remind the court to examine any relevant documents.
- Bring all of your evidence and witnesses to the hearing. Do not assume that the court will look for evidence. If you present the SOM with incomplete evidence, they may not have enough information to reach the

correct conclusion. Present the court with all the evidence that supports your case.

- The court is looking for a protest which is "reasonable, logical, and based on sound evidence" – thus well founded. If your protest is not well founded, you may forfeit your protest fee. Protestors "whose actions are in bad faith or vexatious" may be penalized.
- What is your objective in protesting? What do you hope to achieve? If somebody wrecks you, the SOM cannot make you whole. You will still be repairing your damage yourself. Can the court do something to help prevent a repetition?
- Finally, remember that, while this is not a court of law, the SOM will need compelling evidence in order to impose a penalty or to change a result.

An SOM hearing cannot always be a friendly thing, but it can be professional and businesslike.

APPEALS

Any named party to a protest or Request for Action (RFA) has the right to appeal the judgment of the SOM. The SCCA Court of Appeals will render a final decision.

If you decide to appeal, please read the detailed description of the appeals process in section 8.4. Here is an outline:

- You must file your appeal within 10 days of the SOM judgment. Normally, the clock starts when the SOM delivers the judgment to you. The exception to this

rule is for National races held less than 28 days before the National Championship Runoffs. In this case, you have 48 hours to file your appeal.

- The appeal fee is \$175. SCCA will retain at least \$100 unless the Court directs otherwise.
- The Court will not retry the original case. You must submit new evidence or demonstrate that the SOM did not provide you due process.
- The Court will not normally contact you about your appeal, nor are you entitled to a "live" hearing. If you have evidence or witness statements relevant to your appeal, include them in your submission.
- The Court will notify all the other parties to the case and give them an opportunity to make submissions.
- You can withdraw your appeal, except in very specific circumstances, any time before the court starts its review.
- The Court will meet privately, normally within 30 days of receiving your appeal, reach its decision and deliver a written judgment. It may uphold, overturn or modify the original SOM judgment, including penalties. It will not order a race to be run again.
- The Court will determine whether your appeal was well founded. If it was, the Court will return some of the appeal fee. Bad faith appeals will expose you to penalty.
- The Court's ruling is final, and cannot be appealed further.

SCCA Club Racing's protest and appeals may not be like something you'll find in a court of law, but there is due process.

