

Discretionary tales

There are clear rules for field trial judges but, as **Graham Cox** explains, there will always be a need for carefully exercised discretion.

Field trials have changed in many ways. What is routinely demanded of dogs would astound our forebears.

However, some fundamental truths have stayed the course.

Although just eight small pages long, H. Reginald Cooke's *Short Suggestions for Judging at Retriever Field Trials*, published in the early 1920s when trials were in their infancy, set out emphases that are still with us. His paragraph XXI, for instance, suggests that: "A judge should give credit to those dogs which work systematically and find a large proportion of dead or wounded game, and should not heavily penalise such dogs, even if they are less perfect in small technical details." This is summarised in the margin with the immortal and emboldened phrase: "Game Finding the First Importance".

The wisdom of Solomon

Scroll forward a century to the present Field Trial Regulations – the so-called J Regs – and what do we find? Regulation J (A) 3, which encourages judges to seek out the dog that pleases them most by the quality of its work from the shooting point of view. It is clear that in doing this they "must, therefore, take natural game-finding to be of the first importance in field trials." Whatever the breed being assessed, that is what a judge is there to do. That is clearly stated.

To judge is to exercise judgement: obviously so. It is a term as old as the Hebrew Scriptures and at its heart are the notions of carefully considering and appraising something so as to come to a correct assessment. Certainly, when David Paterson and I conducted a review of the J Regulations over a decade ago, we were keenly conscious of the need to preserve, where at

all possible, the ability of judges to exercise discretion. Paradoxically the word does not appear in the J Regs, yet it underpins every sentence.

The easiest thing in the world is to generate rules: to suppose that every situation can be 'boxed-up' and routinely dealt with, and every problem that arises resolved by bolting on a new regulation. That was how, over the years, the J Regs had, by a process of accretion, assumed an

"The easiest thing in the world is to generate rules: to suppose every situation can be 'boxed-up'."

often haphazard structure. Our review, and the extensive consultation that accompanied it, principally rationalised and reorganised: and, to our satisfaction, the resulting booklet was five pages shorter than its predecessor.

Integrity is essential

The J Regs, of course, provide the framework within which judgement can be exercised. So nothing matters more than judges being thoroughly familiar with the J Regs and being careful, always, to judge in line with its precepts. That is why, exactly 10 years ago, the Kennel Club's Judges Working Party, which I now chair, resolved to come up with a way of ensuring that, as far as possible, new additions to the Kennel Club's Panel of Judges were very aware of the contents of the J Regulations.

No-one has ever pretended that passing the examination in itself makes a person a judge: but procedures really matter and being familiar with them is vital if competitors are to be treated in an even-handed manner. And in saying that we come full circle because, of course, without such even-handedness there is no hope of finding the dog that pleases us most 'from a shooting point of view'. No wonder the Kennel Club's booklet *Guide for Field Trial Judges* begins with the sentence: "Absolute integrity is essential".

The need for discretion

Integrity and familiarity with the J Regulations, plus 'game-sense' and 'dog sense' add up to the possibility of being a half-decent judge: 'possibility' only because there is one other vital ingredient – the readiness actually to judge. That is the readiness to exercise informed discretion.

For example, the J (G) Regulation emphasises that, whilst a dog with a Show Gundog Working Certificate must be under reasonable control, "absolute steadiness is not essential". This is where discretion needs to be exercised. Clearly, a dog that runs off into the blue beyond is unacceptable, but a dog that moves minimally at a drive, or at point of flush, and can readily be stopped, should be. A judge who lazily insists on the standards of steadiness rightly insisted upon in field trial competition – effectively refusing, in the process, to judge – is simply not, in this instance, judging according to the regulations.

First dog failure problem

Turning to the 'Judging of Field Trials', anyone with more than minimal experience will know that to fail when sent first for an item of game,

Judging field trials will always involve a blend of following the rules and using discretion, and it is no easy task.



Photograph: Maurice Stambury

which is not subsequently picked either by another dog or by the judges themselves, is highly likely to be terminal. I say 'highly likely' because it is not necessarily so. 'First Dog Failure' (1DF) is not and never has been an Eliminating Fault. Indeed, before 2002 when it was defined for the first time, the expression could not have been found in the J Regulations.

There has always, and continues to be, however, a Major Fault characterised as "failing to find dead or wounded game". But Regulation J (A) 4 h, it should be emphasised, is clear that a dog showing ability need not automatically be barred from the awards, provided that the game is

not collected by another dog or the judges when they search the area that the handler was instructed to try. Of course timing is critical, too, in that significant delay in getting to the fall, however occasioned, may result in the dog being classed as 'second down' and may thereby avoid the executioner's sword.

A responsibility to judge in the word's true sense

My point, though, is that it should never be a foregone conclusion anyway, however probable it may invariably be. The present regulations and their earlier equivalents relating to 1DF give judges the latitude to

exercise discretion. The regulations are clear, and always have been, so it is a matter of judges judging to them. Judges may well, in the vast majority of cases, wish to penalise 'first dog failures': but the important point is that they are not, and never have been, obliged to.

The key thing is to recognise that discretion is at the heart of exercising judgement and that is what judges are there to do. Pretending something discretionary is obligatory indicates not only laziness – worse than that it is an abdication of the responsibility to find the dog that 'pleases them most from a shooting point of view'. That is what they are there to do. 