



Sound Judgment

Senior Conformation Judges Association, Inc.

Newsletter Vol. XXVI #1 June 2008

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SCJA CELEBRATES ITS 25th ANNIVERSARY

We would like to congratulate all of the officers and Board members, who have served voluntarily through the years, for their unselfish and dedicated service to all our judges. And, of course, to our loyal members who have supported the SCJA efforts through the years.

SCJA ANNUAL GENERAL & BOARD MEETINGS MARCH 12th, 2008

The announcement was made of the appointment of Mrs. Nancy Guttenberg as SCJA Legal Counsel.

- ❖ **The \$25.00 FEE PER BREED APPLIED FOR.** After discussion and suggestions from both the members and Board members present, it was agreed that the SCJA should again ask the AKC Board to review their policy. During the discussion, it was pointed out the AKC initiated the policy because of financial problems at the time; however, the AKC, as a not-for-profit organization, has made millions in each of the past several years and no longer should use their financial status as an excuse for imposing this further considerable financial burden on its judges. The AKC Board has authorized millions of dollars in donations to all sorts of causes, a good many of them unquestionably worthy. However, these worthy, and sometimes grandiose schemes, should certainly not be funded by judges who spend thousands of dollars of their own personal funds to comply with the often unrealistic requirements for approval to judge. The AKC as a not-for-profit organization should spend its money first on its primary mission as outlined in its charter and bylaws approved by New York State.

SCJA ANNUAL GENERAL & BOARD MEETINGS MARCH 12th, 2008 (con't.)

- ❖ **THE PRESENT JUDGING APPROVAL PROCESS.** Everyone present agreed the approval process needed a complete overhaul. Many of the incongruities of the system were brought up to include the actual evaluation of a judge's placements to the AKC Reps acting on unsubstantiated complaints by exhibitors on not only procedures but a judge's demeanor. This has long been a problem and often times the Reps act on the complaint with the judge not being aware of the complaint (see the members' response to Question #3 on the enclosed questionnaire). Another questioned requirement was that anything learned or experienced more than three years previously for an applicant could not be credited. Following this thinking, there would be no doctors or any other professionals that required more than three years to complete a degree. We will enclose a letter from one of many letters and communications received from fellow judges on this subject. She is to be congratulated for her courage in granting permission to publish her letter. Yes, we said courage. For that is what it takes for a judge to publicly criticize the AKC Judges Department. You all may recall last year when a judge was admonished for calling her judges organization for guidance. The SCJA wrote a strong letter to the AKC Board indicating the AKC Judges Department could by no stretch of the imagination prevent any one of our members from contacting us for guidance on any problem whatsoever. The AKC Board and President straightened out the AKC Judges Department on this issue.

- ❖ **SCJA OPEN LETTER TO THE DELEGATES WHICH INCLUDED A SUGGESTION THAT THE DELEGATES APPOINT A DELEGATE COMMITTEE ON JUDGING POLICIES AND RULES.** Members were informed that the SCJA was successful with our suggestion that the Delegates did, indeed, appoint a committee on judging policies and rules. In following up on the progress of the Delegate Committee, however, we were most unhappy to have a report from one of the original Delegates on the Judges Committee who informed us the AKC President had asked the committee to table any action. There was no reason given to this Delegate. We will again go forward on this issue. **ALL MEMBERS SHOULD PROD THEIR DELEGATE TO STEP UP TO THE PLATE AND ADDRESS THIS ISSUE UNDER THE PROVISIONS OF ARTICLE XIX. THE DELEGATES HAVE THE "SOLE POWER" TO MAKE AND CHANGE RULES.** Is it too much to ask the AKC Board to comply with their own bylaws as mandated by ARTICLE IX of AKC's bylaws? As Bill Kendrick often said, "The AKC Delegates are the sleeping giants.", and we were successful in getting the Delegates to act. They formed the Judges Committee, and we will urge them to proceed full steam ahead. The committee did ask for input, and the SCJA furnished recommendations and will continue to work with them.

The paragraph immediately following this paragraph pertains to communications the SCJA has received from members relating to various aspects of the judging approval process. We will preface these comments with a few of our own.

First of all, the SCJA understands the difficulties involved in carrying out the policies imposed by the AKC Board on the AKC Judges Department personnel including the Field Reps. As the Director of the AKC Judges Department pointed out last year at the ACEF Institute, he is but the messenger that is obliged to carry out the policies approved by the AKC Board of Directors, albeit in most cases, the procedures emanate from the AKC Judges Department to the AKC Board. Nonetheless, if the AKC Board approves them, then the Board is responsible, and we have told the AKC Board this in writing. Having said this, someone has to speak out for any policies which affect our judges. (Our members should study the enclosed questionnaire which represents our members' views. Worth repeating, each questionnaire is signed.) It is indeed unfortunate, but it is very much a fact, the

vast majority of our judges are literally fearful of speaking individually against AKC policies including unpleasant encounters they have personally experienced. Recently, however, more of our members find things have deteriorated to the point that they have reduced to writing both the events and policies that they find objectionable. One of the SCJA's primary purposes covered in our bylaws is to speak out on behalf of our judges on matters that are unacceptable. We do ask for signed documentation as a good many of our members realize. No names are ever divulged unless permission is granted. We also carry out an investigation of our own to ascertain the validity of the facts. With these thoughts in mind, the following communications and subjects are covered in the following paragraphs. The SCJA intends to have most of the controversial subjects which we had acted on through the years posted on our web site under "Historical Positions Taken By The SCJA". Any member interested in assisting with this project should call the CEO at (703) 451-5656.

COMPLAINTS FROM OUR MEMBERS WHO HAVE APPLIED FOR A NEWLY APPROVED RARE BREED AND BEEN REJECTED

Their complaints were based on the very credible fact that they had judged a number of the breed applied for for the rare breed clubs and other registries and thus had experience actually judging the breed. Their applications were returned with a curt handwritten note in the margin

"No – not enough experience in the breed."

followed with a set of illegible initials and no title. We will ascertain if one individual on his or her own authority can turn down an applicant in this manner. Consider the anomaly when hundreds of Group judges have been approved for the breed without ever having judged the breed, and a good many have never laid eyes on the breed! We would be interested to learn from other members who have been similarly summarily disapproved. Include the number of times you have judged the breed and the approximate number of the rare breed judged and the manner in which you were disapproved.

THE AKC DIRECTOR OF JUDGING OPERATIONS' ARTICLE IN THE AKC SPRING 2008 NEWSLETTER

If you have not read it, we suggest you do. The Director gave a string of examples using various numbers to make a point on the increase in the number of judges annually. Without going into detail, he concludes in a favorable light that the AKC is approving judges for Groups who exhibited their first dog less than twenty years before. It is stated further, in essence, considered this way the present system is "very liberal" and "offers a very fast track". (underlining added) Just imagine, you can get to judge a Group of dogs in just twenty years after you get in the Sport! After all, that's only ten or so years longer than it takes an individual to become a heart surgeon, an attorney, an airline pilot or a General commanding thousands of troops, and today, even to run for President of the United States. It is further added that a judge could be approved for the rest of the breeds in that Group without one of the breed ever having stepped a foot in his or her house. **One of our members** brought up the obvious comparison (when the phrase "stepped foot in" was used) that the AKC apparently has a liberal policy of appointing those in charge of over 3,000 judges without that person ever having stepped foot into a ring to judge a dog! All of you who complained about how long it is taking you to get your first Group should reconsider – you might be on a fast track!

INCREASED COMPLAINTS ON REPS QUESTIONING JUDGES PLACEMENTS AT SHOWS

Through the years, the SCJA has received complaints from our members concerning AKC Reps questioning their placements. However, the past two years have seen a marked increase in these complaints, some reportedly done in a self-asserting manner. A number of judges question the indoctrination the newer Reps are receiving. It is only a few of the newer Reps that are involved in the increased complaints by our members. The vast majority of our Reps handles a difficult job well and realizes their limitations on adjudicating on all breeds, and they express their opinions to the judges in a professional manner.

Obviously, the main concern expressed not only by our members but expressed by some individuals of the dog press is that, with all due respect, some of the Reps are judging judges from ringside on certain breeds the Reps have no experience having bred, handled or judged.

Few people realize the Reps themselves were not enthused about critiquing the judges when the ill-advised program was started years ago (long before the present incumbents took office). The vast majority of our Reps do a great job, and they realize full well they are not authorities and experts in all breeds. Unfortunately, the records do not show it, but the SCJA has, on quite a few occasions, passed on compliments to the Reps on their performance and help to the judges in various circumstances.

We want to reiterate any member is free to discuss and seek advice on how to handle any matter you perceive to be a problem including any report or conversation with anyone in authority. Your organization was incorporated 25 years ago and is here to help you in any and all areas involving your judging career.

TERRY-ALL KENNEL CLUB PROPOSED AKC BYLAW CHANGE

Last year we informed our members that we owed a vote of thanks to the Terry-All Kennel Club for the positive action they took in proposing a change to the AKC Bylaws which, in accordance with AKC's Bylaws, would have directed the AKC Board forward to the AKC Delegates the proposed change for an up or down vote by the Delegates. The proposed change was identical to the AKC Board's questionable policy affecting all judges. Unbelievably, the AKC Board refused to comply with Article XX of their bylaws which demands that the AKC Board forward the proposal to the AKC Delegate Body for a vote.

The AKC Board took advantage of the six months they are allowed to hold it up and simply said it was "out of order". This is especially egregious when one considers the wording of the member club's proposed change was identical to the wording of the policy the AKC Board had adopted. The purpose was to have the AKC Delegates the opportunity to vote it up or down. The AKC Board simply declared the proposed change "out of order". We question this action by the AKC Board. We have made available the legal opinion obtained from a prestigious national legal firm. Any of our member AKC Delegates should request the AKC Board to furnish their authority for declaring the Terry-All Kennel Club's proposed change to the AKC Bylaws "out of order". Since the AKC policy affected all judges, the SCJA alone took a strong position in writing, personal lobbying and also sought a legal opinion from a prestigious national law firm on this subject. Members should recall we attempted to have the other two national judges groups join us in protesting in writing and by lobbying the Delegates to no avail (legal opinion acquired by the SCJA is attached). A number of our members donated funds to pay for this

TERRY-ALL KENNEL CLUB PROPOSED AKC BYLAW CHANGE (con't.)

opinion. The opinion states clearly the AKC policy was “*ultra vires*” (a legal term which means without authority).

SCJA ELECTIONS

In accordance with our bylaws, the SCJA Board appointed the following individuals to serve on the Nominating Committee for the forthcoming elections: Laurie Doumaux, Chairperson (VA) (703) 250-4835 oahunorth@aol.com; Patsy Black (NC) (919) 663-4340 patsyblack@yahoo.com; Anthony Clemento (TN) (931) 980-0464 andial@bellsouth.net; Deborah Wilkins (MN) (952) 440-5040 wsmark1@aol.com; Ruth Zimmerman (DE) (302) 478-6752 k9sr@comcast.net. The Nominating Committee has nominated the following individuals for the SCJA Board of Director for the forthcoming term:

Dr. Peter Emily, Mr. Joseph Gregory, Mr. Wayne Gurin and Mr. Ed Sledzik

Article V of the SCJA Bylaws details the election process.

UPCOMING EVENTS

ACEF'S 20th ANNUAL JUDGES INSTITUTE 2008 – THE GRANDDAD OF JUDGES EDUCATION - A MUST FOR JUDGES WITH LESS THAN A GROUP - BY FAR THE MOST COMPREHENSIVE COURSE FOR DOG SHOW JUDGES

The American Canine Education Foundation (ACEF) is holding its 20th Annual Basic Judges Institute from Saturday, August 23rd, through Friday, August 29th, 2008 at the Fiesta Henderson Casino Hotel in Henderson, Nevada. Five days of top quality learning, camaraderie and enjoyment at a most reasonable cost. The week long Judges Institute includes six nights hotel, lunch everyday (except for the afternoon off), all breaks, class material, graduation banquet, graduation certificate and great networking. **THE COURSE IS BY FAR THE MOST COMPREHENSIVE COURSE AVAILABLE TO JUDGES. IT HAS BEEN CALLED THE “SUPER BOWL OF JUDGES’ EDUCATION!”**

Tuition (to include six nights hotel): Double \$395; Single \$595.

The AKC has awarded full credit to ACEF's Judges Institutes since the very first one in 1989 and the AKC is well represented. We have top-notch speakers on Anatomy and Movement as well as Judges Ethics and Ring Management and Procedures. For the past nineteen years, we have had an AKC Field Rep at our Institutes. There will also be time allocated for individuals to actually fill out application forms for initial or additional breeds. **THIS SHOULD BE A MUST FOR ALL PROVISIONAL JUDGES, AND WE HOPE YOU WILL JOIN US.** See enclosed registration form. We finish on the last day with the #1 authority on AKC rules, regulations and other administrative matters with AKC's Executive Secretary, Mr. James Crowley. Mr. Crowley's lecture covers AKC Rules, Regulations and Guidelines as well as Bench Show Trial Boards. Jim is our after-graduation dinner speaker, and his talk has long been the highlight of the week.

ACEF'S 20th ANNUAL JUDGES INSTITUTE 2008 (con't.)

SCJA members and ACEF patrons receive priority for enrollment for the first 30 days acceptance and a discount. **All newly approved judges should consider this a must and all non-Group judges should make every effort to attend.** A registration form is enclosed. You will learn everything you need to know for a judging career except for breed-specific knowledge which is covered at our Graduate Institutes. You will get the very latest AKC changes from Mr. Jim Crowley, AKC Executive Secretary. Full details will be on the ACEF web site at www.k9education.org or email us at scja@cox.net or email the Director of Education, Nina Sherrer at acef04@yahoo.com. When emailing, please put **2008 JUDGES INSTITUTE LAS VEGAS, NV** in the subject and also **include a day and evening phone number** with your emails.. You may also write us at ACEF 7200 Tanager St. Springfield, VA 22150 or call (703) 451-5656.

PAST EVENTS

ACEF RECEPTION & DANCE 2008

The ACEF held its 24th annual fund-raising reception, and thanks to the Brown-Foreman Beverage World, for the first time, we were able to offer an open bar. Our New York stay also had over 100 members and patrons utilize our block of box seats.

ACEF GRADUATE INSTITUTE SPORTING GROUP LOUISVILLE, KENTUCKY MARCH 12th – 16th, 2008

The ACEF recently held a very successful Sporting Group Graduate Institute in conjunction with the Kentuckiana cluster in Louisville, KY. Every breed was presented consecutively allowing our judges to cover all Sporting breeds needed. **A GIANT PLUS!** Next year the Working Group is scheduled.

RESULTS OF SCJA SEPTEMBER 2007 QUESTIONNAIRE

The results of our September 2007 questionnaire are enclosed and need little amplification except for a few of the questions. We plan to follow each question with appropriate comments which will be posted on our web site.



THE AMERICAN CANINE EDUCATION FOUNDATION
COURSE IN CANINE CONFORMATION JUDGING
For Judges, Aspiring Judges and Breeders
Saturday, August 23rd – Friday, August 29th, 2008
FIESTA HENDERSON CASINO HOTEL, 777 W Lake Mead Pkwy, Henderson NV, 89015
Just minutes from the heart of Las Vegas, Nevada.

REGISTRATION FORM

 Last Name (please print) First Name

 Address City State Zip Code

() _____ () _____
 Home Phone Cell Phone E-Mail Address (please print)

WEEK'S TUITION includes: 6 night's hotel (Sat. Aug 23rd – Fri. Aug. 29th, 2008: Arrive for 5:30 pm Registration, Sat Aug 23rd. Check out is Friday morning, Aug 29th), daily lunch (except Tuesday), all breaks, Thursday night's Graduation banquet, course material, and a Certificate of Graduation. Individuals are responsible for nights other than the six nights scheduled. Advise the **Fiesta Henderson Casino Hotel** if you plan to be there for more than the scheduled six nights at (866) 539-0036.

CHECK ONE PLAN BELOW: ROOM OPTIONS

- 2 persons - double occupancy \$395 per person – for SCJA Members or ACEF Patrons \$365 per person
- 1 person - single occupancy \$595 per person – for SCJA Members or ACEF Patrons \$565 per person
- living locally (no room needed) \$195 per person

PLEASE FIND SOMEONE TO SHARE A ROOM Yes___ No___ SMOKER Yes___ No___
 (If needed, I can share room with smoker YES ___)
 I have made arrangements to room with: _____

PLEASE NOTE: If you are bringing a spouse/companion (to share a room with you) who will not be attending classes and does not need a class book, please print their name: _____. The cost will be the same as a double occupancy per person. They will have a "guest badge" and will be included in the lunches and Graduation banquet. Unattached spouses may wish to participate in sight seeing tours during class hours.

TRAVEL PLANS (Information on hotel and travel directions will be on the ACEF web: www.k9education.org)
 _____ Flying. (Use McCarran International Airport). _____ Driving

BACKGROUND (check one): Judge___ Yrs. Judging_____ Breeder___ Yrs. Breeding_____

Original Breed _____

TOTAL TUITION DUE \$ _____ (MINIMUM DEPOSIT OF \$150.)

AMOUNT ENCLOSED \$ _____ **BALANCE DUE \$** _____ **No later than AUGUST 11th, 2008.**
 No reminders will be sent.

MAKE CHECK PAYABLE TO ACEF. MAIL TOGETHER WITH THIS FORM TO:

ACEF – 2008 Judges Institute
7200 Tanager Street
Springfield, VA 22150

SPACE IS LIMITED. Students paying full tuition will be accepted by date registration is received. Those sending a deposit will be prioritized by date final payment is received.

IN CASE OF EMERGENCY PLEASE NOTIFY:

Name Relationship

Address & Phone (include area code)

NOTE FOR FULL TIME STUDENTS - unless you have a guest for Thursday night's Graduation dinner, *this section does not apply.*

FOR THOSE STUDENTS ATTENDING LESS THAN FULL WEEK

Fill out name, address, phone number and all other pertinent info on front. (A limited number can be accommodated since we are obliged to utilize a number of sleeping rooms and classroom seating is limited.)

Exhibitors, local breeders, all-breed club members and others are invited to the Graduation banquet. For those students wishing to bring a spouse, friend, etc. to Thursday's Graduation Dinner, please print their name, indicate number below and include cost in check.

Thursday *Graduation Dinner Guest* Name (please print)

Thursday *Graduation Dinner Guest* Name (please print)

PLEASE CHECK DAYS ATTENDING (includes lunch except Tuesday)

Classes: Sun__ Mon__ Tues__ Wed__ Thurs__ ____ days @ \$55 ea.Due \$ _____

Room nights: Sat__ Sun__ Mon__ Tues__ Wed__ Thurs__ Total nights ____Due \$ _____
\$105 SAT single/double - \$50 each night SUN-THU single/double

THURSDAY GRADUATION DINNER - number of people ____ @ \$34 ea.....Due \$ _____

TOTAL DUE \$ _____

Refunds through August 1st, 2008.

IF YOU WANT CONFIRMATION, PLEASE enclose a self-addressed, stamped envelope. Check the ACEF Web for up to date information. An email *may be* sent to you approx. two weeks before the Institute.

For Questions Contact:

Wally Pedé, CEO - phone (703) 451-5656 / fax (703) 451-5979
Nina Sherrer - email: nina@k9education.org Subject: ACEF 2008 Jdg Institute

For office use. Do not write below.

Date Received _____ Deposit \$ _____

ID No: _____

Date Received _____ Pd in Full \$ _____

Rm With ID No: _____

10 March 2008

COL Wallace A. Pede, CEO
Senior Dog Judges Association, INC.
7200 Tanager Street
Springfield, Virginia 21150

Dear Sir:

Not long ago, a discussion on the Judges-L centered around education and the policy of AKC regarding what represents acceptable education when applying for additional breeds. I would like to know how the various judging organizations are working on our behalf to get AKC to listen to us? What is being done and what can be done to stop the trend of denigrating education because it does not fit the AKC parameters? Since when is continuing to build on knowledge out of date? When did the acquisition of knowledge acquire an expiration date? As a Registered Nurse, I certainly did not learn everything in my initial school of nursing. That was just the foundation and I have spent many, many years adding to that body of knowledge. The Board of Nursing continues to recognize this year after year and I keep my license. Many other professions can say the same.

Isn't the process of becoming a judge much the same? Don't most of us start with the breed we bred and build from there? I have been a judge since 1986 and have learned about many breeds that I may never judge but it has served to mold me into what I am today. To be denied the opportunity to include older information on an application, should I ever ask for some of those breeds, is ludicrous. Knowledge is knowledge.

Thank you for your time and for any assistance that your organization can provide.

Very truly yours,

Frances H.(Marci) Forrester
J4663

with permission



**SENIOR CONFORMATION JUDGES ASSOCIATION, INC.
MEMBERS QUESTIONNAIRE RESULTS
SEPTEMBER 2007**

ALL INFORMATION WILL BE HELD IN STRICT CONFIDENCE AND USED ONLY TO COMPILE TOTAL FIGURES AND PERCENTAGES.

98% No 1. Do you believe the AKC Reps are qualified to pass judgment on all the breeds they are passing judgment on?

77% Yes 2. Do you believe the AKC Reps have too great a voice in the judges approval process for additional breeds?

96% Yes 3. When a complaint of any nature is made on a judge at a show to an AKC Rep or club official, do you believe it should be made in writing on a form and signed by the individual making the complaint? (A copy to be furnished the judge on the day.)

4. How would you rate the overall performance of the AKC in its relationship with its judges?

**Excellent <1% Good 19% Good-Fair <1% Fair 44% Fair-Poor 2%
Poor 21% Very Poor 13%**

67% Yes 5. For judges with 1/2 Group or more, has the AKC's judges approval process inhibited you from applying for additional breeds?

99+% Yes 6. Do you agree with the majority of positions the SCJA has taken on behalf of our members?

95% Yes 7. In particular, do you agree with the SCJA's position that the entire judges approval process has had band-aids applied to it for the past several years and now needs major surgery, i.e. it should be completely overhauled?

91% Yes 8. Do you believe that a system should be initiated that allows an individual meeting initial requirements to be approved for one Group in less time than it takes to become a surgeon or an astronaut?

99+% Yes 9. Do you believe judges should be told the specific reasons why they are not granted additional breeds in order that they know how to correct their reported deficiencies?

We were assured by Dennis Sprung, then VP for Dog Events, in his February 24, 1997 letter that and we quote, "At no time, however, does a Field Representative 'challenge' the judge's decision."

53% Yes 10. Has an AKC Rep ever questioned your placements?

46% Yes 11. Have you ever been turned down for your request for approval of any additional breed(s)?

OVER

54% Yes 12. Have you ever had an experience with an AKC Rep in which you felt their interaction with you was conducted in a less-than-professional manner?

25% Yes 13. Have you ever had an experience, written or verbal, with the AKC Judges Department that you thought was not conducted in a professional manner? The fact that you did not receive the answer you desired should have no bearing on your response.

14. Do you believe the interaction between the judges and the AKC Judges Department has, in the past two years:

Improved 5% Has Deteriorated 41% Remained About the Same 54%

15. There has been much talk about reduced income from registrations, money AKC spends educating judges and the need for the \$25 per breed fee for judges. Most recently, AKC's Chairman expressed his concern about the gap between income and expenses of the Event Department which obviously hints at the needs for increased fees. With the thought of economizing, a dog publication suggested perhaps the time has come when AKC should take a look at executives' salaries and the very generous retirement plans. Please check below what you believe the President of the AKC's salary is:

\$100,000 to \$150,000 13% \$150,000 to \$250,000 44%

\$250,00 to \$350,000 21% \$350,000 to \$450,000 12%

Half a million dollars 10% (from official reports)

84% No 16. Do you have any positive statements concerning any phase of AKC's judges approval process? If so, we encourage you to forward them and return them in the self-addressed enclosed envelope.

17. Please furnish 3 words which best describe your thoughts on AKC's position that the First Amendment to the U.S. Constitution (free speech) does not apply to AKC judges.

There were numerous words submitted in answer to this question – below are just three of the ones used most:

UNCONSTITUTIONAL

UNBELIEVABLE

ILLEGAL

70% Yes 18. FOR AKC DELEGATES JUDGING A GROUP. Would you be willing to ask the show-giving clubs to make a donation in your name to the American Canine Education Foundation (ACEF), an approved IRS tax-exempt 501(c)(3) corporation, as permitted by AKC policy?



WILLIAMS MULLEN

Direct Dial: 703.760.5236
kholmes@williamsmullen.com

June 8, 2007

Senior Conformation Judges Association, Inc
ATTN: Col. Wallace H Pedé, Chief Executive Officer
7200 Tanager Street
Springfield, VA 22150

RE: Senior Conformation Judges Association
American Kennel Club – Opposition to AKC Board Judging Conflict Policy

Dear Colonel Pedé:

You have asked this firm to provide a legal opinion to the Senior Conformation Judges Association, Inc. as to whether the adoption by the American Kennel Club (“AKC”) of a policy that restricts AKC judges from providing services at non-AKC venues without AKC’s prior approval violates the AKC’s charter and bylaws.

History of the AKC Changes to the Judging Conflict of Interest Policy

The AKC was formed in 1909 under a charter granted by the State of New York. AKC operates through its elected members of a Board of Directors (“Board”) and the Delegate Body. The Board acts subject to ARTICLE IX of the AKC Bylaws (“Bylaws”). ARTICLE IX grants general powers to the AKC Board, but also mandates that the Board comply with all other provisions of the bylaws as well as applicable state and federal laws and regulations. AKC Rules (“Rules”) govern dog show events. These Rules are amended and approved by the AKC Delegates who, acting as a body, have the sole power to do so in accordance with ARTICLE XIX of the Bylaws.

In May 2006, the Board adopted a policy concerning a Judging Conflict of Interest Policy (“2007 Conflict Policy”). The Conflict Policy was amended by the Board in January 2007. Board policies, generally, are intended to interpret and express the Board’s understanding of the Rules and Bylaws it is authorized to enforce. With respect to AKC judges, the existing Rules exclude judges whose commercial interests could raise questions of the appearance of impropriety by show participants whose dogs were being judged. The Rules adopted by the Body of Delegates regarding judging eligibility appear at Chapter 7, Section 1 of the AKC Rules.

The 2007 Conflict Policy purported to interpret Chapter 7 of AKC’s Rules to include with the categories of persons to be excluded from judging AKC events those persons with a

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www.williamsmullen.com



WILLIAMS MULLEN

Col. Wallace H Pedé
June 8, 2007

significant interest in a dog registry or dog event-giving organization deemed by the AKC to be in competition with the American Kennel Club. The amended policy provides:

Judging Conflict of Interest

No AKC judge may have a significant interest in a dog registry or dog event-governing organization deemed by the AKC Board to be in competition with The American Kennel Club. Significant interest would include, but not be limited to ownership of, employment by, a directorship in and holding office in.

As applied, the amended policy would subject otherwise eligible AKC judges to disciplinary action (including termination) in the event that the AKC, in its discretion, deems a dog registry or dog-event governing organization to be in competition with it and further determines that an AKC-licensed judge is employed by, directs, or holds office in such an organization.

Analysis

The 2007 Conflict Policy does not conform to AKC Rules regarding Judging Eligibility (the "Rules"). The AKC Rules applying to dog shows provide at Chapter 7, Section 1:

Any reputable person who is in good standing with The American Kennel Club may apply for approval to judge any AKC recognized breed or breeds of purebred dogs, which in his or her opinion he or she is qualified by training and experience to pass upon, with the following exceptions:

Persons connected with any publication in the capacity of solicitor for kennel advertisements, persons connected with dog food, dog remedy or kennel supply companies in the capacity of solicitor or salesman, persons who buy, sell and in any way trade in or traffic in dogs as a means of livelihood in whole or in part, professional show superintendents and their employees, and persons who show dogs for others will not be approved if still engaged in such activities.

The Rules clearly exclude those persons whose commercial interests could reasonably raise questions of impropriety as between the show participant and the judge.



WILLIAMS MULLEN

Col. Wallace H Pedé
June 8, 2007

Under Article X, Section 9 of the AKC Bylaws, the Board has the power “to issue and revoke licenses to Judges, Superintendents of Purebred Dogs and Handlers of Dogs.” While the authority to discipline judges for violations of the Rules, or a refusal to issue a license for an applicant judge’s failure to conform to the Rules, may certainly be derived from this power, the authority to discipline based upon work performed by a Judge for an AKC competitor is beyond the scope of the Board’s delegated powers. The Rules set forth clearly the grounds upon which a license to judge is to be granted or revoked. Work for another dog registry or dog-showing event organization does not fall into exclusionary territory. Nor can it be reasonably maintained that such work undermines a judge’s experience or training. Accordingly, the AKC Board has no authority to use ARTICLE X, Section 9 to revoke a judge’s license.

The 2007 Conflict Policy is not derived from applicable AKC Rules. Moreover it is not consistent with the principle underlying the Rules, namely, that a person whose commercial self-interest is tied directly to the care, sale or promotion of dogs will not be eligible to judge AKC events. The 2007 Conflict Policy excludes persons who own or assist organizations that compete against AKC. While this might create a conflict between the AKC and the other organization, it is not a conflict that would interfere with AKC’s mission in providing impartial judges for AKC events. Because the adopted policy is not reasonably related to an existing Rule, or even to the underlying rationale of Judging Eligibility Rules, the AKC Board has exceeded its authority under the AKC Charter and Bylaws by adopting a “policy” that is, in sum and substance, a Rule change.

Rule changes are only properly effected through the action of the AKC Delegate Body in ARTICLE XIX of AKC’s bylaws which grants sole power to the Delegates to do so. The AKC Board’s authority to interpret existing Rules or Regulations (Article X) does not extend to the authority to add new rules or to change existing rules.

Conclusion

It is our opinion that the 2007 Judging Conflict of Interest Policy adopted in May 2006 and subsequently amended by the AKC Board is a nullity, constituting an ultra vires act by the AKC Board.

WILLIAMS MULLEN
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By: 
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