

Report of the Calontir Marshal's Quarter Court

First Quarter, 2004

Introduction

The Quarter Court (Court) met at the 12th Night Event, in the Barony of Lonely Tower, in January of 2004. The chief issue was the review of the actions of the Kingdom Earl Marshal with regard to the sanctions against His Grace Martino Michel Veneri resulting from his actions at the Lilies War, 2003, (Lilies) and subsequently following further incident at a the Renaissance Festival in the Barony of Forgotten Sea (Renfest). Also discussed were issues related to the marshalate grievance and sanction process in the Courts capacity as an advisory body.

Decisions of the Court

It is the opinion of the Quarter Court that the Kingdom Earl Marshal (KEM) acted within his mandated authority in all matters related to this incident. If anything, the KEM may be criticized for initially relying too heavily on informal means and traditional courtesies in seeking a resolution to the situation. The Court stresses that all of the marshalate actions and sanctions to date were ultimately founded in His Grace Martino's misconduct on the field of combat at Lilies and Renfest. Furthermore, while there may be some problems with the grievance and sanction processes itself, the KEM fully observed the requirements of the Calontir Marshal's Handbook, Kingdom Law and Society Corpora.

It is the opinion of the Court that the sanctions handed down by the KEM subsequent to Lilies were justified, lawful and correct. Those complaints asserting excessive face thrusts and unsafe use of spear were found to be valid. One complaint, by Sir Dietrich Isenhart, of excessive force did not result in a consensus because His Grace asserted that Sir Dietrich was lying. Neither Sir Dietrich nor other witnesses were available to rebut. The Court chose not to probe that statement as a marshalate issue and the pattern of excessive force was sufficiently clear from other complaints. Those complaints asserting a lack of respect for the marshalate and a disregard for armor standards and safe conduct on the field were found to be valid. The two complaints involving possible "hafting" with the spear were not found to have sufficient evidence, or else to have enough countervailing testimony or confusion of fact among the testimonies, that validity could not solidly be established. The lack of solid validity of these "hafting" complaints is not, however, enough to mitigate the other egregious acts of His Grace and the Court therefore upholds the entire sanction.

His Grace Martino's status as "on report" shall continue through the final day of Lilies War, 2004.

It is the opinion of the Court that those sanctions subsequent to Renfest resulting from His Grace's disrespectful treatment of the marshalate and his attitude, verbally expressed, about the incident were justified but that those resulting from the excessive

face shot were excessive, given the apparently accidental nature of the shot. The KEM based his action upon two premises: that His Grace's response to the marshalate showed a continuing lack of proper respect for the marshalate and that the justification for throwing an excessive shot was not a suitable attitude for a fighter on the field of honorable combat. The Court agrees with the reasoning of these two points, but note that a review of the evidence and testimony support His Grace's claim that he took some care to not strike hard to the face and that the shot was an intended body shot that moved up into the face due to accidents of movement and position. Additionally, His Grace's response to the marshal, while unacceptable, is partially mitigated by the actions of the marshal himself, who understandably was loud because he was upset by what he had witnessed—that being a fighter seemingly intentionally struck in the face hard enough to collapse. Therefore, while the Court does not feel the KEM acted unreasonably or beyond his authority, it is the opinion of the Court that that some portion of the fighting sanctions should be reduced and modified.

The sanction handed down by the KEM subsequent to Renfest had 7 points (amended document attached).

- The Court upholds item 1, removing all marshalling privileges, and amends it to clarify that the marshal privileges are restored upon completing the marshal training and authorization mandated by subsequent points of the sanction.
- The Court upholds item 2 in all parts, requiring His Grace to undergo marshal training.
- The Court upholds item 3, removing spear and two-handed thrusting authorizations, in part. The authorizations remain revoked, but His Grace may attempt to reauthorize under the direction of the KEM at their earliest mutual convenience.
- The Court rescinds item 4, removing melee privileges. The Court believes that the face shot was accidental and that removal of His Grace's melee privileges is not warranted.
- The Court upholds item 5, continuing the "on report" status from the Lilies sanction, amending it in part to state that a subsequent misdeed on His Grace's part may result in further sanction which may include loss of all fighting privileges.
- The Court upholds item 6, continuing his obligation to report to the KEM on a monthly basis.
- The Court upholds item 7, mandating a specified proportion of His Grace's time which must be spent marshaling, with the clarification that the required proportion of Lilies War, 2004, which he must spend marshaling is predicated on a full

week's attendance. In the case that His Grace is unable to attend the entire war the KEM will specify a proportionately lesser amount of marshaling required.

Recommendations of the Quarter Court

While the Court recognizes that no process can address all situations and that in a volunteer organization the kingdom officers must be given some range of judgment within which to act, it is possible that the prerogatives of the Earl Marshal are too broad with regard to the grievance process and that the rights of the accused are not sufficiently protected. Such leeway leaves open the possibility of appearances of bias even if the Earl Marshal is scrupulously following the mandated procedures.

The Court advises the Earl Marshal to consider making the following changes to the process:

- 1) The ability of the Earl Marshal to handle an incident through an "on report" system should remain, but the accused should always be able to request that his incident be handled via a marshal's court and the Earl Marshal should be obliged to form and hold that court.
- 2) The name of the "on report" system is confusing and should be changed to something more intuitive, such as "probation".
- 3) The Earl Marshal should devise and produce formal forms which allow the concise documentation of a marshal's court or "probation". This document will specify the sanction, if any, and a copy, signed by the fighter(s) and marshals involved, should be given to the fighter(s) in question and a copy retained by the Earl Marshal.
- 4) When a fighter is placed on "probation" the details of the scope and severity of the probation should be specified, including what subsequent misdeeds (including possibly any misdeed) will result in what actions (including possibly full revocation of authorization). This will allow the fighter to know exactly where they stand and allow the Earl Marshal to tailor lesser "probations" for lesser offenses (such as merely hazardous use of a single weapon system).
- 5) When the Earl Marshal sanctions a fighter that sanction should be published in a formal Society document.
- 6) The Earl Marshal should in most cases provide duplicates of any and all documentation related to an incident to the fighter in question. If the Earl Marshal decides that some documentation should be withheld (for example, to prevent retribution against a complainant) he may do so but must state that some documentation was withheld with cause. The fighter may appeal this to the Crown, who will review the documents before making Their decision.
- 7) Wherever possible the marshal's court related to an incident should be held at the same event, preferably the same day, to provide the freshest testimony and the greatest access to all witnesses.
- 8) When a quarter court is being convened to review the findings of specific incidents, the Earl Marshal should be required to make every reasonable attempt

to notify the complainants in those incidents to allow their attendance if they desire.

Concluding Remarks

The Quarter Court is not insensitive to the appearance of impropriety and favoritism with regard to His Grace Martino's sanctions and this Court's actions. We wish to emphasize that excessive force is not acceptable and that escalating to unsafe and potentially injurious levels of force because some opponents are not acknowledging blows is equally unacceptable. Additionally, the Court recognizes that marshals of any rank must be allowed to do their duty without consideration for the rank or temperament of any fighter.

Therefore, while we feel that His Grace has taken some steps to address his problems and is commended for his diligence in pursuit of the marshalate requirements, the Court urges the KEM that if His Grace commits another serious misdeed he be sanctioned most severely. Another serious misdeed during his "on report" status should result in the full revocation of authorization for a substantial period.

Thus say we, the members of the Court.

The Earl Marshal, Baron Ilya Yaroslavich, KSCA.

The Representative of the Crown, Baron Angus of Blackmoor, OL, KSCA.

The Representative of the Chivalry, Master Kirk Fitzdavid, OL, OP, KSCA.