

**2007 Spring NABC
Appeals Casebook**



Appeals at the 2007 Spring NABC St. Louis MO

FOREWORD

The appeal hearings and commentary descriptions are now being compiled and edited by the American Contract Bridge League. They are published on the ACBL web page. This internet publication is intended to be a tool to help improve the abilities of those serving on appeals committees and tournament directors and to communicate decisions and the process to arrive at those decisions to the membership at large.

A total of 25 cases were heard.

Seventeen (17) cases were from unrestricted (by masterpoints) North American Bridge Championship Events and were heard by a committee of peers. The names of the players involved are included.

Eight (8) cases were from all other events and were heard by a panel (committee) of tournament directors. The names of the players involved are included when the event from which the appeal derived had no upper masterpoint limit or was a top bracket of a bracketed knockout event. When the names of the players are not used, the player's masterpoint total is included.

The cases are first presented without commentary. After the official panel of commentators has had an opportunity to provide their commentary (about 4 weeks) and any corrections to the cases, the commentary is added, corrections made and the internet publication is finalized.

Everyone involved in this process is due praise for their efforts. Special thanks to the NABC Appeals Committee and the Tournament Directors serving on the director committees, scribes and commentators. Without their considerable contribution of time and effort, this publication would not exist.

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THE EXPERT PANEL

Jeff Goldsmith, 44, was born near Schenectady, NY. He has lived in Pasadena, CA, for the last 20 years. He graduated from Rensselaer Polytechnic Institute and Caltech. He is a software engineer, focusing on computer graphics and animation and internet programming, all with a heavy mathematical perspective. He created computer animation for JPL for several years including the movie about Voyager's encountering Neptune. He ice dances and plays many other games, particularly German board games. His web site (<http://www.gg.caltech.edu/~jeff>) contains lots of bridge and other material.

Jeffrey Polisner, 66, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL Laws Commission and the WBF Laws Committee and former Co-Chairman of the ACBL National Appeals Committee.

Barry Rigal, 47, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of a dozen books, including *Card Games for Dummies* and *Precision in the Nineties*. He enjoys theater, music, arts and travel. Barry is an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He has two National team titles, but is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1998 and the Gold Cup in 1991. In 2003 he was appointed chairman of the ACBL National Appeals Committee.

Matt Smith was born in 1957 in Victoria, B.C. and still lives there with his wife Vicky. He has been an ACBL National Tournament Director since 2002. He has been an assistant tournament director at several WBF Championships. Is a member of the ACBL Laws Commission, and the first working tournament director to have been appointed since Al Sobel. Matt is an avid golfer when not directing.

Adam Wildavsky, 46, was born in Ohio and grew up in Berkeley and Oakland, CA and London, England. He is a graduate of MIT and since 1986 he has resided in New York City with longtime companion Ann Raymond. He works as a senior software engineer for Google, Inc. Mr. Wildavsky has won three NABC Championships, most recently the 2002 Reisinger BAM teams. He and his Reisinger team went on to win the 2003 Team Trials and the bronze medal in the 2003 Bermuda Bowl in Monaco. Mr. Wildavsky is a member of the National Laws Commission. His interest in the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Bobby Wolff, 73, was born in San Antonio and is a graduate of Trinity University. He currently resides in Las Vegas. His father, mother, brother and wives, including present wife Judy, all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won 11 World titles and is the only player ever to win world championships in five different categories: World Team Olympiad, World Open Pair, World Mixed Teams, World Senior Bowl and seven Bermuda Bowls. Mr. Wolff has also won numerous NABCs including four straight Spingolds (1993-1996). He served as ACBL president in 1987 and WBF president from 1992-1994. He started the ACBL Recorder system in 1985, has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating convention disruption, encouraging less hesitation disruption, allowing law 12C3 to be used in ACBL events and reducing the impact of politics and bias on appeals committees.

Gary Zeiger, 53, is an Associate National Director residing in Phoenix AZ. He currently is in charge of the non-NABC+ appeal process at NABCs.

APPEAL	Non-NABC+ One
Subject	Unauthorized Information (UI) - Tempo
DIC	Doug Grove
Event	Flight A/X Pairs
Session	First Session
Date	March 10, 2007

BD#	22
VUL	E/W
DLR	East

Janet Burke	
♠	7
♥	9 8 3
♦	7
♣	A Q T 9 7 5 3 2

John McLaughlin		Spring 2007 St. Louis, Missouri	Lloyd Arvedon	
♠	J 8 6 5 4		♠	A K Q T 3 2
♥	Q 5		♥	6
♦	9 6 5 3 2		♦	A K J 8
♣	8		♣	6 4

Frank Burke	
♠	9
♥	A K J T 7 4 2
♦	Q T 4
♣	K J

West	North	East	South
		1♠	2♥
Pass	3♣	3♠	4♥
4♠	5♥	5♠	Dbl ¹
Pass	6♥	Dbl	Pass
Pass	Pass		

Final Contract	6♥ by South, doubled
Opening Lead	♣8
Table Result	6♥ doubled, +1, N/S +1310
Director Ruling	5♠ doubled, -1 N/S +200
Panel Ruling	5♠ doubled, -1 N/S +200

(1) 15 second hesitation

The Facts: The director was called after the 6♥ bid. North agreed with East's estimate of the tempo break at 15 seconds before South doubled East's 5♠ bid.

The Ruling:

- 1) Passing 5♠ doubled is a logical alternative that could have been demonstrably suggested by the break in tempo, Laws 16 A2 and 73. F. 1.
- 2) The lead which led to the contract's success was not an instance where the causal connection between the infraction and the result was broken. In accordance with law 12 C2, the ruling was N/S plus 200, E/W minus 200.

The Appeal: North agreed to a tempo break by partner of 10-15 seconds. She stated that partner needed time to make a decision in such an auction. She has played with her partner for 30+ years, and she would never consider passing in an auction such as this. She stated that she had no defense and that she was bidding 6♥ as a sacrifice against 5♠, which she expected would make. She stated that the break in tempo suggested nothing specifically. North had 2445 masterpoints, South 4193.

E/W stated there was a clear break in tempo, which suggested that South was expressing doubt as to the proper action. North, therefore, had acted upon the unauthorized information by pulling the double. East had 18,840 masterpoints, West 1980.

The Decision: Seven players were consulted to determine whether North had chosen from logical alternatives an action that was suggested by the break in tempo. Two expert players both passed based on the fact they had a defensive trick and that partner had made the decision on the hand with his double. Five players with between 2000 and 4000 masterpoints were also asked to bid over 5♠ doubled and four of the five chose to pass. Based on West's original pass, it was likely that South had two or three spades from the auction. Logically, when West chooses to pass, North could infer additional spade length in the South hand; another reason partner's double should be passed.

These facts clearly indicate that pass was a logical alternative to bidding, and that the break in tempo suggested doubt about the intent of partner's double. The doubt suggested by the break in tempo made the action of pulling the double more attractive to North.

West's opening club lead was a reasonable action. This did not sever the link and should not be held against E/W in determining whether E/W should benefit from the adjustment. The panel upheld the table director's decision and assigned a result of 5♠ doubled, N/S plus 200.

Players Consulted: Arnie Fisher and Harold Feldheim

The Panel: Harry Falk (Reviewer), Candy Kushner and Jean Molnar.

Commentary:

Polisner Simple ruling and decision. I don't see any mention of an AWMW which should have been given.

Rigal I'm not sure I agree with the argument about subsequent and consequent damage – the diamond lead with the West cards looks clear (where does a club loser go?). But having said that, South's slow double makes a pass by North – with an ace yet – forced. I'd like to penalize N/S more but adjusting the score achieved that I suppose.

Smith Good job by the directors, and also by the panel (except for the failure to assess an AWMW).

Wildavsky Good work all around. I'd have considered a procedural penalty against North for her call. I might not have thought of it, but her claim that she held "no defense" while looking at an ace made me check twice.

Wolff This decision is contrary to the best interest of the future of our process. N/S should receive plus 200 and E/W minus 1310. The playing of the game should always enter into our decision; and, when West went for the "greedy" lead of the singleton club, he deserved the result he got. While it is true that N/S were guilty of taking advantage of UI and consequently should lose their plus 1310, it should not enable E/W to avoid responsibility for their bridge actions. This case is a fairly frequent occurrence and when you add its simplicity it would make a marvelous precedent for the future, but I don't recommend it since I don't agree with the decision.

As a precedent the following three "Masters" should be served:

1. N/S loses their windfall because of the UI.
2. E/W is stuck with their bridge action.
3. The matchpoint field is protected.

APPEAL	Non-NABC+ TWO
Subject	Tempo in Play
DIC	Tom Whitesides
Event	Side Game
Session	Tuesday Morning
Date	March 13, 2007

BD#	7
VUL	Both
DLR	South

467 Masterpoints	
♠	Q 8 6 3
♥	A 9 7 5
♦	T 4
♣	J 4 2

440 Masterpoints		Spring 2007 St. Louis, Missouri	218 Masterpoints	
♠	7 5 4		♠	A K J 9 2
♥	K 6 4		♥	Q 3
♦	A K Q		♦	J 9 7 2
♣	Q 9 7 3		♣	A 5

78.5 Masterpoints	
♠	T
♥	J T 8 2
♦	8 6 5 3
♣	K T 8 6

West	North	East	South
			Pass
1♦	Pass	1♠	Pass
1NT	Pass	2♦ ¹	Pass
4♠	Pass	Pass	Pass

Final Contract	4♠ by East
Opening Lead	♥J
Table Result	4♠ made 4, E/W + 620
Director Ruling	4♠ made 4, E/W + 620
Panel Ruling	4♠ made 4, E/W + 620 4♠ made 5, N/S - 650

(1) Check back forcing to game, 2♣ would have been forcing one round.

The Facts: Declarer won the opening lead, which was ducked to his queen. Declarer played the ♠A at trick two. South hesitated before playing the ten at trick two with no explanatory remarks about having no problem. East thought the hesitation was 20 seconds – South thought it was less, but agreed that he was thinking about the defense. East thought the only reason for a hesitation was if South held the queen-ten doubleton.

The Ruling: It was judged that South could not have known at the time of his hesitation that the hesitation could benefit his side. Therefore, in accordance with law 73 D 1 and F 2, no adjustment was appropriate. The table result stands for both sides.

The Appeal: South said he was thinking about the auction and overall defense and was not aware he had to play trick two straight away. He felt East was “looking for something” he couldn’t get from the play. South has only 75 masterpoints, but East, declarer, has only 200. South was told no one was alleging improper behavior or cheating but it would have been better to play his singleton spade in tempo, then to think as appropriate. He picked an unfortunate time to think.

East felt he had gone wrong because of the slow play of the ♠T. He finally decided it had to be queen-ten doubleton. However, he understood that there was no holding possible to hesitate and then play the ten.

The Decision: The panel decided that East was not directly affected by the slow play of the ♠T but by independent bad bridge (East misplayed the trump suit). However, South should not be permitted to benefit from a situation he helped cause (playing out of tempo) even if the procedural irregularity was not 100% responsible for East’s bad decision. The panel ruled that the result for N/S was 4♠ making five, N/S minus 650 and the result for E/W was 4♠ making four, E/W plus 620.

The Panel: Peter Marcus (Reviewer), Candy Kushner and Jean Molnar.

Commentary:

Polisner I don’t believe that the panel should have awarded a split score and the table result should have been 420 for both sides. If the panel believed that the hesitation was a coffee house, then a procedural penalty could have been issued.

Rigal Grossly inappropriate ruling by the panel, and I would also suggest that the initial ruling was also incomplete. If the panel wanted to punish N/S, and in my opinion in a non-NABC event this is questionable, then the right procedure is to give them a procedural penalty (non-reciprocal) for the difference in MP between minus 620 and minus 650. To give E/W something for nothing is not only absurd but will encourage more groundless appeals. The directors might well have considered the procedural penalty – or at least commented that they had considered it and rejected it.

Smith Since there is no holding South could have where hesitating with the ten for 20 seconds makes any sense, then any conclusions East drew were at his own risk. He ceased to be “an innocent player” (law 73F2) when he went to such extremes to try to take advantage of the hesitation, so I agree with the panel that he should not get the benefit of a score adjustment. I think that same law means that N/S should not have their score adjusted. I would much prefer a procedural penalty (if anything) for what happened here.

Wildavsky East is claiming that he thought South was trying to decide whether to play the queen or the ten? What would the queen have been, count?
I do not understand the panel's adjustment. Under what law did they rule?
I could buy this only if the panel cited a law or laws as the basis for its decision. If the panel thought South had committed a procedural irregularity they ought to have awarded a procedural penalty.
I prefer the TD's ruling to the panel's.

Wolff Excellent ruling that covered the bases. The rhetoric could also be a precedent.

APPEAL	Non-NABC+ THREE
Subject	Misinformation (MI)
DIC	Bob Leonard
Event	Senior Pairs
Session	First
Date	March 14, 2007

BD#	17
VUL	None
DLR	North

345 Masterpoints	
♠	J 7 2
♥	K
♦	J 7 2
♣	K Q T 8 5 3

3,791 Masterpoints		Spring 2007 St. Louis, Missouri	3,221 Masterpoints	
♠	A 8		♠	K 6
♥	T 9 3		♥	A J 8 6 5 4
♦	Q 9 8 6		♦	A K T
♣	A 7 6 2		♣	J 4

207 Masterpoints	
♠	Q T 9 5 4 3
♥	Q 7 2
♦	5 4 3
♣	9

West	North	East	South
	3♣ ¹	3♥	Pass
Pass	Pass		

Final Contract	3♥ by East
Opening Lead	♣9
Table Result	3♥ made 6, E/W + 230
Director Ruling	3♥ made 6, E/W + 230 4♥ made 6, N/S - 480
Panel Ruling	3♥ made 6, E/W + 230 4♥ made 6, N/S - 480

(1) Alerted and explained as clubs and 16-18 HCP.

The Facts: The director was first called after the auction and returned after the play was completed. N/S have the agreement that an opening 3♥ or 3♠ bid shows 16-18 HCP and the suit bid. However, 3♣ and 3♦ openings are weak with the suit bid.

The Ruling: Law 40 C applies but deemed that E/W were sufficiently experienced so that the damage came from egregious judgment rather than the MI. The result for N/S was changed to 4♥ by East making six, N/S minus 480. E/W kept the result obtained at the table.

The Appeal: E/W maintain that East, at matchpoints, would have overcalled 3♥ with “only a heart suit,” i.e AKQJx, KQJxxx or KQJxx and an outside card. West stated that since the partnership couldn’t have more than 24 points between them, they couldn’t have a game. When she was told that a large number of players were polled and all bid 4♥ with her hand, she became very upset and wanted to leave saying, “If everyone wants to laugh at my bidding, I don’t need to be here.”

The N/S pair chose not to attend the hearing.

The Decision: In spite of the large number of masterpoints (see above), E/W didn’t appear to understand methods of hand evaluation other than HCP. West kept saying, “We had at most 24 HCP if North had 16-18, so we couldn’t have a game.”

Because of the overwhelming number of players (all 15-20 polled) who bid 4♥ with the West hand even when they thought North had 16-18 HCP, the panel decided the MI was not the cause of the poor E/W score. Their score of plus 230 was allowed to stand. N/S did not appeal their adjustment to minus 480 – that adjustment was allowed to stand.

Even though the appeal was found to be without merit, the committee felt E/W had been punished enough by their poor score (they would have won the event if the appeal had been resolved in their favor). There was a discussion about whether to issue an appeal without merit warning (AWMW). A decision was made not to impose an AWMW even though E/W were apprised of the result of the poll and still pursued the appeal..

The Panel: Jean Molnar (Reviewer), Candy Kushner and Peter Marcus.

Commentary:

Polisner It is interesting that many players believe that if they are given MI, it will automatically result in an adjusted score if they don’t achieve the optimum result. Here, the failure of West to bid 4♥ is poor enough bridge as to deny them an adjustment. An AWMW should have been given.

Rigal For non-experts I really don’t think the appeal was close to being without merit. If you pose the question “Were E/W less likely to bid 4♥ after the mistaken explanation?” I think you’ll see that they WERE damaged, and I’d have no problem in adjusting the score to 4♥ making six for both sides. Well done the panel/tournament director on giving N/S their minus 480.

Smith If E/W were apprised of the poll results prior to their appeal, and they continued to pursue it, then they should have been given an AWMW. Surely that information must mean something even to the most obstinate of appellants. I am also a bit uncomfortable about adjusting the N/S score to minus 480. Law 40C tells the director to adjust for MI when it results in damage to the other side. The ruling in itself seems to say that the damage was a result of West's quirky judgment, not the MI. Would we have adjusted at all if West's ♥3 were exchanged with North's ♥K and West had passed 3♥? I doubt it very much. Surely there comes a point where the only reasonable conclusion in deciding what caused the damage is that it was caused overwhelmingly by a player's poor judgment. I think this case falls into that category and the table result should have stood for both sides.

Wildavsky A good application of Kaplan's distinction between damage that is subsequent to an infraction and damage that is consequent to it. I believe this is embodied in Law 72B1. It would be nice if the TD and panel were to cite the laws under which they adjusted the score. The decision not to award an AWMW was misguided.

Wolff Another excellent appeals result except for the inconsistency of the AWMW. There need to be precedents set and adhered to in the awarding of AWMWs. If A to G would represent what constitutes an AWMW this case would be as high as a B. On another issue it shows how convention disruption (CD), particularly from home brew conventions, can absolutely devastate certain players. Since E/W were evidently point counters West decided that East probably was pushing with his 3♥ bid. The CD reached out and bit E/W, although it was somewhat naive of West to make his judgment. Again this appeal had the same three "Masters" satisfied as non-NABC+ case one.

APPEAL	Non NABC+ FOUR
Subject	Unauthorized Information (UI) - Tempo
DIC	Doug Grove
Event	Red Ribbon Pairs
Session	First Qualifying
Date	March 14, 2007

BD#	7
VUL	Both
DLR	South

780 Masterpoints	
♠	8 2
♥	Q 2
♦	K T 6
♣	A K Q T 5 3

1,928 Masterpoints		Spring 2007 St. Louis, Missouri	1,695 Masterpoints	
♠	Q		♠	K 7 6 4 3
♥	K J T 9 7 5 4 3		♥	A 6
♦	Q 9 5		♦	8 7 2
♣	2		♣	J 9 7

699 Masterpoints	
♠	A J T 9 5
♥	8
♦	A J 4 3
♣	8 6 4

West	North	East	South
			Pass
4♥	Pass ¹	Pass	Dbl
Pass	Pass	Pass	

Final Contract	4♥ doubled by West
Opening Lead	♣A
Table Result	4♥ dbld down 1, N/S +200
Director Ruling	4♥ down 1, N/S +100
Panel Ruling	4♥ down 1, N/S +100

(1) Alleged hesitation, no stop card used, 25 seconds according to W, 10-15 by N.

The Facts: West alleged that there was a 15 second break in tempo (BIT) after the required 10 seconds before North passed 4♥. North said he hesitated 10 seconds but certainly no more than 15 seconds. No stop card was used. South and East each agreed with the respective partner's assessment of the BIT.

The Ruling: The director judged that an unmistakable BIT occurred. A pass by South over 4♥ was judged to be a logical alternative (LA) and the double was demonstrably suggested by the BIT. In accordance with laws 16, 73 F1 and 12 C2 the result was adjusted to 4♥ undoubled down one, N/S plus 100.

The Appeal: The four players involved remembered the pause as follows:
South = 10 seconds, North = 13 seconds, East = 16 seconds and West = 22 seconds.
North said he knew he was supposed to wait even though the stop card was not used.
South said she had played quite a lot and knew she could not bid if her partner took too much time for his call.
West said he knew he would have to call the director if South did not pass because North took so long to make his pass.

The Decision: The panel ruled that an unmistakable hesitation had occurred. Two players with about 700 masterpoints who passed as dealer also passed after 4♥ by West. So, pass was deemed to be a LA. The double was removed.
No appeal without merit was given because there was a serious question about the facts.

The Panel: Charles MacCracken (Reviewer), Patty Holmes and Candy Kushner.

Commentary:

- Polisner** The failure of West to have used the stop card is of no importance. North is required to hesitate approximately 10 seconds. From the description of the facts, I find it unclear as to how the director judged an “unmistakable” BIT which is the first step in a UI analysis. Many players don’t realize how long it takes for a 10-second hesitation. It feels longer. I am sympathetic with N/S’s appeal.
- Rigal** Assuming North and South are at the same level, maybe Ron Gerard will use the doctrine of ‘res ipsa loquitur,’ any North who passes a double of 4♥ (If you jump to 6♣, would you play diamonds ‘correctly’ and make it?) does not get his partner to reopen with a takeout/penalty double. Again – yes this is sounding like a broken record – we are approaching procedural penalty territory when N/S take gross advantage of UI and then appeal the decision to the panel.
- Smith** The director and panel seem to have followed good procedure to come up with a good decision. I wonder where the other loser went.
- Wildavsky** The TD and panel decisions look right to me. For a complete discussion of a similar situation see - http://www.bridgeworld.com/default.asp?d=article_sampler&f=samed.html.
- Wolff** A simple hand, but a good decision. No real precedent involved, only a confirmation of a UI study which should have prevented the balance.

APPEAL	Non NABC+ FIVE
Subject	Unauthorized Information (UI) - Tempo
DIC	Doug Grove
Event	Red Ribbon Pairs
Session	Second Qualifying
Date	March 15, 2007

BD#	8
VUL	None
DLR	West

675 Masterpoints	
♠	J
♥	K Q J T 2
♦	T 5
♣	K J T 9 8

1,536 Masterpoints		Spring 2007 St. Louis, Missouri	578 Masterpoints	
♠	9 8 5 3 2		♠	A K T 6
♥	8 4		♥	A 7 6 5
♦	K J 7		♦	Q 6 4 3
♣	Q 6 3		♣	2

760 Masterpoints	
♠	Q 7 4
♥	9 3
♦	A 9 8 2
♣	A 7 5 4

West	North	East	South
Pass	1♥	Pass	1NT ¹
Pass	2♣	Dbl	2♥
2♠	3♥	3♠	Dbl ²
Pass	4♥	Pass	Pass
Pass			

Final Contract	4♥ by North
Opening Lead	♠A
Table Result	4♥ made 4, N/S + 420
Director Ruling	3♠ dbl, W, made 3, E/W+530
Panel Ruling	3♠ dbl, W, made 3, E/W+530

(1)	Forcing.
(2)	After agreed break in tempo (BIT). A pause of 20-25 seconds.

The Facts: An unmistakable hesitation, just before the double by South, was agreed to by all four players.

The Ruling: The bid of 4♥ was demonstrably suggested by the BIT and pass is a less successful logical alternative (LA). Therefore in accordance with laws 16 A2, 12 C2 and 73 F1 the result was adjusted to 3♠ by West doubled, making three, E/W plus 530.

The Appeal: North said he could not conceive of a South hand that would defeat 3♠ after his partner limited his hand to three spades and 11 or fewer points with his 1NT bid. North said the 2♥ bid could show two, three or four hearts, but admitted that the subsequent double suggested a small number of hearts. He did not bid 4♣ because N/S had found a heart fit and because his suit was so good. E/W had a train to catch and just reiterated the long break and the likelihood of South having a doubleton heart.

The Decision: Two players with approximately 700 masterpoints were consulted. They both passed after bidding 3♥ and hearing partner double. Since there was an unmistakable break in tempo that demonstrably suggested not passing and pass was a LA, the panel upheld the table director's decision of 3♠ by West doubled, making three, E/W plus 530 in accordance with laws 16 A2, 12 C2 and 73 F1. An appeal without merit warning (AWMW) was issued.

The Panel: Charles MacCracken (Reviewer), Su Doe, Patty Holmes, Candy Kushner and Gary Zeiger.

Commentary:

Polisner It is difficult to construct many hands which have a shot to defeat 4♠ holding the North hand, but pass is a LA.

Rigal Well done on the AWMW and the decision by both houses. Yes North has low defense but this was not an auction where he was being consulted. I understand no procedural penalty given North's weakness and extra shape. We have to see more of these rulings to try to keep the players in order.

Smith Good, including the AWMW.

Wildavsky I agree -- this appeal had no merit.

Wolff Another taking advantage of UI decided after the hesitation was confirmed. Well done.

APPEAL	Non NABC+ SIX
Subject	Unauthorized Information (UI) - Tempo
DIC	Doug Grove
Event	Red Ribbon Pairs
Session	First Final
Date	March 16, 2007

BD#	7
VUL	Both
DLR	South

1,129 Masterpoints	
♠	K J
♥	8 5 3 2
♦	A J 8 6
♣	J T 7

416 Masterpoints		Spring 2007 St. Louis, Missouri	419 Masterpoints	
♠	T 4 3		♠	A Q 9 8 6 2
♥	K 9		♥	J T 7 6 4
♦	K 7 3		♦	
♣	Q 9 4 3 2		♣	8 5

343 Masterpoints	
♠	7 5
♥	A Q
♦	Q T 9 5 4 2
♣	A K 6

West	North	East	South
			1NT ¹
Pass	3NT	Pass ²	Pass
Pass			

Final Contract	3NT by South
Opening Lead	♠T
Table Result	3NT S, down 2, N/S -200
Director Ruling	3NT S, made 4, N/S +630
Panel Ruling	3NT S, made 4, N/S +630

(1)	15-17 HCP.
(2)	Agreed break in tempo. Pause of about one minute.

The Facts: All players agreed that East hesitated about one minute before passing over East's 3NT bid. No stop card was available but North did make a stop gesture when he bid 3NT.

The Ruling: The BIT demonstrably suggested a short suit opening lead (because it suggested the presence of a long suit in the West hand) over a logical alternative (LA) of leading from West's long suit.

Therefore, in accordance with laws 16 and 12, the result was adjusted to 3NT making four (with a club lead), N/S plus 630.

The Appeal: E/W said that they felt the auction of 1NT – pass – 3NT – all pass called for a major suit lead independent of their holding in the minors. They acknowledged that they generally make standard fourth best leads against notrump contracts.

Even though they initially told the table director that there was a BIT before East passed over North's 3NT bid, they told the screener the BIT was 10-12 seconds. When questioned further, they said it could have been as much as 20 seconds.

N/S said the BIT was about 60 seconds.

The Decision: Six players with 300-400 masterpoints were queried all of whom played in a Regional Open Pair that used different hand records so no player had played this hand. Two said that they would lead a spade and four said that they would lead a small club (fourth or fifth best according to method). Therefore, a club lead was considered a LA. The two red kings also suggested a club lead, since they could be entries. If East held as little as JTx, E/W could set up three club tricks. If West had no outside entries, a non-club lead might have been more attractive.

The hesitation clearly indicated that East had a suit or suits that East considered bidding suggesting a short suit lead such as a spade. Therefore, in accordance with laws 16 A1 and 12 C2, the score was adjusted to the score that would have been obtained after a club lead by West – 3NT by South making four, N/S plus 630.

The panel was unanimous in believing that this appeal had no merit. Given the relative inexperience of the appellants (400 masterpoints each), it was felt that education about their obligation not to take inferences from a BIT by partner would be more useful than a penalty for an appeal without merit. Therefore, no appeal without merit warning (AWMW) was issued.

The Panel: Peter Marcus (Reviewer), Olin Hubert and Charles MacCracken.

Commentary:

Polisner Good decision.

Rigal The decision was appropriate – but again, where are the procedural penalties (PP)? If the offenders bring this case to appeal the very least they deserve is a PP. I can understand the directors not giving one. And again, as clear an AWMW as you could ask for.

Smith Well done. With more experienced players involved an AWMW, a penalty, and a player memo would have been appropriate.

Wildavsky I agree with the TD and panel rulings. The decision not to award an AWMW was unfortunate. The panel confessed their desire to educate, and the AWMW is the best way to achieve that. And what's this about relative inexperience? I don't think it's relevant, but suppose it were. Relative to whom? They were playing in the Red Ribbon Pairs!

Wolf An outrageous attempt by relatively inexperienced players to take advantage. A good decision by the panel, but not nearly strong enough against E/W. They should be flat told that East was being unethical and his partner West completed the 'hoped for' heist. Not only should West have led a club, but he should then tell East how bad his hesitation and pass really were.

APPEAL	Non NABC+ SEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Priscilla Smith
Event	Stratified Open Pairs
Session	First of Two
Date	March 16, 2007

BD#	21
VUL	N/S
DLR	North

1,300 Masterpoints	
♠	A 8 3
♥	T
♦	Q 8 7 6 5 4
♣	K 7 2

469 Masterpoints		Spring 2007 St. Louis, Missouri	568 Masterpoints	
♠	K Q J 7 6		♠	T 9 8 5 2
♥	9 8 5		♥	K 6
♦	T		♦	A J 2
♣	A 8 5 4		♣	Q T 9 6

1,400 Masterpoints	
♠	4
♥	A Q J 7 4 3 2
♦	K 9 3
♣	J 3

West	North	East	South
	Pass	Pass	1♥
1♠	Pass	2♠	3♥
Pass	Pass	3♠	Pass
Pass	Dbl ¹	Pass	4♥
Pass	Pass	Dbl	Pass
Pass	Pass		

Final Contract	4♥ dbld by South
Opening Lead	♠K
Table Result	4♥ dbld S, made 5, N/S +990
Director Ruling	3♠ dbld E, made 3, E/W +530
Panel Ruling	3♠ dbld E, made 3, E/W +530

(1) Agreed break in tempo. N/S said it was not long.

The Facts: All players agreed that North hesitated before doubling East's 3♠ bid.

The Ruling: The BIT demonstrably suggested bidding over a logical alternative (LA) of passing the double.

Therefore, in accordance with laws 16 and 12, the result was adjusted to 3♠ by West doubled making three, E/W plus 530.

The Appeal: N/S were a regular partnership. South said that North always bids “deliberately.” South didn’t feel that the hesitation before the double was as long as E/W did. But, N/S agreed it was a BIT of maybe 15 seconds. North said she was a very aggressive bidder, often opening strong offensive hands with little defense at the one level. South also said that North had several times in the past doubled the opponents after South opened at the one-level with the contract making because South had little defense. Therefore, N/S had agreed that, if North doubled and South didn’t have what she should have for defense, South was expected to pull the double and not leave North out on a limb. North did not feel she should double less frequently because of South’s known aggressiveness but that South should pull doubles if she had little defense. North said she was considering bidding 4♥ or doubling – not passing or doubling. E/W had little to say other than they felt that the BIT was longer than N/S did, maybe 20-30 seconds.

The Decision: The panel felt a BIT had occurred. N/S had no note on their card about their history with ineffective penalty doubles and that the comments were self-serving. Four players from the Red Ribbon Pairs (the Red Ribbon Pairs played different hands) with about 1400 masterpoints were given the hand South held. One bid 4♥, three passed (one of whom considered bidding 4♥). Pass was considered a LA. Since the 4♥ call was demonstrably suggested by the BIT and pass considered a less successful LA, the score was adjusted to 3♠ doubled by E/W making three. This was in accordance with laws 16 A2 and 12 C2.

Given the N/S experience level, it was felt that they should have known their obligation not to take an inference from a BIT. Therefore an appeal without merit warning (AWMW) was issued.

Players Consulted: Four players from the Red Ribbon Pairs each with approximately 1400 masterpoints.

The Panel: Peter Marcus (Reviewer), Su Doe and Patty Holmes.

Commentary:

Polisner A typical UI case and routine AWMW.

Rigal Okay we got our AWMW – and again we are getting close to procedural penalties. I'm happy with the decision not to give one – maybe the panel might have mentioned the possibility though. Nice to see the non-experts are living up to the ethical standards of the experts....

Smith Correct and clear-cut, including the AWMW.

Wildavsky I agree -- this appeal had no merit.

Wolff Another good ruling, but, if North hesitated before doubling (agreed), then North was being unethical by taking out.
Appeals committees and panels should increase their responsibility to lessening the instances of this happening in the future.

APPEAL	Non NABC+ EIGHT
Subject	Unauthorized Information (UI) - Tempo
DIC	Matt Smith
Event	NAP – Flight B
Session	First Final
Date	March 18, 2007

BD#	22
VUL	E/W
DLR	East

1,200 Masterpoints	
♠	K Q 2
♥	K Q 4 3 2
♦	K 5 4
♣	K 2

700 Masterpoints		Spring 2007 St. Louis, Missouri	400 Masterpoints	
♠	8 7		♠	J T 9 4 3
♥	J T 9 7 5		♥	A 8
♦	Q		♦	A T 9 7
♣	A Q T 8 6		♣	J 5

1,000 Masterpoints	
♠	A 6 5
♥	6
♦	J 8 6 3 2
♣	9 7 4 3

West	North	East	South
		Pass	Pass
1♥	Pass	1♠	Pass
2♣	Pass	2♦	Pass
2♥	Dbl	Pass ¹	Pass
2♠	Pass	Pass	Pass

Final Contract	2♠ by East
Opening Lead	♠5
Table Result	2♠ E, made 2, E/W +110
Director Ruling	2♥ W dbld down 1, E/W -200
Panel Ruling	2♠ E, made 2, E/W +110

(1) Unmistakable break in tempo (BIT) – agreed at the table.

The Facts: The unmistakable BIT was agreed to at the table. 2♦ by a passed hand was not Alerted and was natural.

The Ruling: The UI demonstrably suggested bidding 2♠ and pass is considered a logical alternative (LA). In accordance with laws 16 A2 and 12 C2, the result was adjusted to 2♥ by West, doubled down one, E/W minus 200.

The Appeal: All players were in agreement that there was a BIT over the double. West stated that after North's double, as he had bid twice on a bad heart suit, he knew that he was likely to be in trouble. Since partner's bidding implied five spades, he preferred to play in a known 5-2 fit rather than in what might be a substantially worse heart fit. Clearly partner could not have three hearts on the auction and might have one or none.

N/S thought that the BIT might suggest that there was a better place to play the hand than in 2♥ doubled.

The Decision: Three expert players and nine peer group players were polled. All of the experts stated that they would bid 2♠. All but two of the peers chose to pull the double – some bid 2♠ and some bid 3♣. Only two peers passed the double. When asked what a BIT over the double might suggest, some players thought it might suggest a problem and that it might make pulling the double more attractive. Others thought that it might make pulling less attractive, thinking that partner might be thinking about redoubling. On this basis, the panel determined that pass was not a LA to the action taken. The table result of 2♠ by East making two, E/W plus 110 was restored.

Players Consulted: Jerry Clerkin, Bjorn Fallenius and Linda Perlman.

The Panel: Harry Falk (Reviewer), Su Doe and Candy Kuschner.

Commentary:

Polisner This is the most troubling of the group of cases as 2 out of 9 of the peers polled passed. We do not have a percentage formula (I like the 75% we used previously), but I think that 2 out of 9 qualifies to make pass a LA. It is likely that many of the peers who passed would likely have bid 2♠ at the previous turn and were now merely doing what they thought they should have done previously. However, this particular West apparently did not think that way. I would have upheld the director's ruling.

Rigal This is a very tough ruling; the panel of experts vote made the panel's job very hard, and the case itself is really challenging. There is some authorized information (AI) from the auction, some UI from the tempo, and the argument that East might have been considering a redouble is a fair one (Maybe he was!) though I'm not sure I believe or accept that argument. I guess 2♥ would go one down; not on a diamond lead though!

Wildavsky The ACBL Laws Commission has defined LA as "an action that a significant number of the player's peers would seriously consider, and some would actually take, in the absence of the UI."
Given the definition I see no point in polling anyone except the players' peers.
Two of the nine peers would have passed. That's the "some would actually take." At least those two, and likely more, must have seriously considered it.
The poll showed that pass was a LA. I cannot fathom why the panel ruled as it did. The TD ruling was better.

Wolff A well decided case, since East could be (and was) thinking of redoubling. Since this is a hard case to adjudicate, both from the standpoint of why East was thinking and exactly how many tricks West would take in 2♥ doubled, the final decision of allowing 2♠, E/W plus 110, is entirely acceptable. Compare this case with some of the previous ones and you will understand when I think someone should flat out be called unethical. Here it is very different since West, after rebidding that mangy looking heart suit, had real cause to run and would have, IMO, even without the hesitation.

APPEAL	NABC+ ONE
Subject	Revoke
DIC	Henry Cukoff
Event	NAP – Flight A
Session	Second Final
Date	March 8, 2007

BD#	6
VUL	E/W
DLR	East

Dan Gerstman	
♠	A J 6
♥	Q T 2
♦	K 5 3 2
♣	6 4 2

Ed White		Spring 2007 St. Louis, Missouri	Marty Hirschman	
♠	Q 9 7 3		♠	K 5
♥	7 6 4		♥	A 8 3
♦	A Q J		♦	9 8 7 6 4
♣	T 7 3		♣	J 9 5

Joel Wooldridge	
♠	T 8 4 2
♥	K J 9 5
♦	T
♣	A K Q 8

West	North	East	South
		Pass	1♣
Pass	1NT	Pass	Pass
Pass			

Final Contract	1NT by North
Opening Lead	♦9
Table Result	1NT making 3, N/S +150
Director Ruling	1NT making 2, N/S +120
Committee Ruling	1NT making 2, N/S +120

Play:

Trick 1:	♦9	♦T	♦A	♦2
Trick 2:	♦Q	♦K	♦4	♠2
Trick 3:	♥Q	♥A	♥5	♥4
Trick 4:	♦8	♠4	♦J	♦3
Trick 5:	♠3	♠A	♠5	♠8
Trick 6:	♥T	♥3	♥K	♥6
Trick 7:	♥9	♥7	♣2	♥8

The Facts: The director was called after trick seven. After following to the ♥9 with the ♣2, declarer said the word “heart.” Declarer stated that he was attempting to correct his revoke.

The Ruling: The director judged that declarer by saying “heart” was playing to the next trick. Therefore the revoke was established. In accordance with laws 61-64, a one trick penalty was imposed and the result adjusted to 1NT making two, N/S +120.

The Appeal: At the end of trick seven, declarer was in dummy in which there remained one good heart. Declarer still had one heart in his hand due to his revoke at trick seven. The declarer then said "heart." A moment later (one or two seconds), he took the heart from his hand and started to exchange it for the club he had played to trick seven. There was conflicting testimony about whether declarer's trick seven card was face down at that point. Dummy had not played the remaining heart and West had not played. After a brief exchange between the players, E/W called for the director. E/W said they thought a heart had been called from dummy. Declarer said it was not his intention to call a card from dummy; he just said "heart" because he wanted to correct the revoke.

The Decision: The committee heard the testimony of three of the players and two kibitzers (who had been sitting on either side of dummy). The kibitzers' testimony was requested and consented to by both sides.

Although Declarer had said that he had fully named each previous heart played from dummy, the committee found that his stating "heart" constituted an incomplete designation of the heart from dummy. The laws provide for incomplete designation by deeming it be the lowest card in dummy of the suit named, unless that was incontrovertibly not declarer's intention (law 46 B 2) . The testimony did not suggest that it was clear that declarer was muttering rather than naming a card to be played. Declarer did not say "heart" in a slip of the tongue intending to say something else. He was in a position where cashing dummy's last heart was the logical next play and he said "heart" in such a way that it reasonably could be construed to be a designation of a card he is proposing to play. Under those circumstances the committee decided the heart in dummy is played and the revoke on the previous trick was established. Therefore, a one trick penalty was appropriate and the decision of the table director was upheld. The committee found that the appeal had merit.

The Committee: Barry Rigal (Chairperson), Bart Bramley, Michael Huston, Chris Moll and Bruce Rogoff.

Commentary:

Goldsmith Seems pretty clear-cut. Whatever declarer intended, he had to realize that what he did by saying, "heart," was to call a card from dummy, establishing the revoke. If he wanted to correct the revoke, he should have said, "sorry, I have a heart." Note that if the previous trick was not quitted, it is inappropriate to call from dummy, but that doesn't matter; even an illegally played card by the revoking side establishes the revoke (L63A1).
Appeal has no merit, sorry. The screening director ought to have made this clear.

Polisner Not awarding an AWMW was very charitable.

- Rigal** A very difficult call. I think you had to be there, and form an opinion on the spectator's testimony to come to a conclusion – and we did not find it easy, even after all that. Finally, we could find no reason to overrule the tournament director (TD) (even though, since we had more testimony than the TD, it was within our authority to do so).
- Smith** Saying “heart” is a strange way for a player to indicate that he is trying to correct a revoke from his own hand. The directors and committee got this right, and the appellant was lucky to escape without an AWMW.
- Wildavsky** The decisions look right to me.
- Wolff** There is little argument that this case was decided correctly according to the strict interpretation of the revoke law, however: Long ago a real law scholar once told me: A "good" judge knows the law and then after tying the facts to the law makes a proper judgment and verdict. That is what this director and committee did. A "great" judge knows the law and then when tying the facts to the law always interprets the law, if at all possible, so that the equity in the case wins out. The revoke was so trivial and had nothing to do with trying to gain something or any other evil motive, but it just happened and happened in such a way that it countermanded intent and bridge justice. I hope our "bridge laws" grow to such an extent wherein sometimes in the future this will not be called a revoke. My suggestion would not work in the clubs or in any low level because of the absence of experienced judgment. However, on the big stage, IMO we are ready for this upgrade.
- Zeiger** The decision was obvious and the write up thorough. One question, the appeal had merit because...? We all know it didn't, but the Committee was too nice to say so.

APPEAL	NABC + TWO
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Silodor Open Pairs
Session	Second Qualifying
Date	March 9, 2007

BD#	5
VUL	N/S
DLR	North

Walter Schafer	
♠	T 6
♥	K J 8 7 5 4
♦	J
♣	6 5 4 3

Steven Love		Spring 2007 St. Louis, Missouri	Julian Heicklen	
♠	5 3 2		♠	K Q J 7
♥	Q T 6 3 2		♥	9
♦	5 4		♦	A K 6
♣	A J 2		♣	K T 9 8 7

Bill Kent	
♠	A 9 8 4
♥	A
♦	Q T 9 8 7 3 2
♣	Q

West	North	East	South
	Pass	1♣	1♦
1♥	Pass	1♠	2♦
2♥	Dbl	Pass ¹	Pass
3♣	Pass	3NT ²	Pass
Pass	Pass		

Final Contract	3NT East
Opening Lead	♦T
Table Result	3NT E making 3, E/W +400
Director Ruling	2♥ dbld W, -1, N/S +100
Committee Ruling	2♥ dbld W, -1, N/S +100

(1)	Break in Tempo (BIT)
(2)	A longer BIT

The Facts: The director was called when dummy's hand was tabled. N/S timed the first BIT as being 10 seconds after they noticed a pause. E/W did not think it was that long. There was agreement that the second BIT was longer than the first.

The Ruling: The BIT demonstrably suggested that 2♥ not be passed. Pass was considered a logical alternative (LA). Therefore, in accordance with laws 16 A and 12 C 2, the score was adjusted to the result of 2♥, doubled by West, for both pairs – down one N/S +100.

The Appeal: West stated that he felt that North's double of 2♥ was very fast and that his bid of 2♥ was bad. E/W agreed that East hesitated prior to passing over the double of 2♥. West felt he was bidding 3♣ as soon as North doubled and ignored the BIT by East.

The Decision: The committee found that the BIT suggested action rather than pass. In fact, West even told the committee that he knew that his partner had heart shortness when he hesitated.

The committee considered the authorized information that North, allegedly, doubled rapidly. The evidence for such undue speed was not so clear that West's obligations (to carefully avoid taking any advantage that might accrue to his side from his partner's BIT – law 73 C) were reduced in any way. The committee decided that West had not fulfilled those obligations. Therefore, an adjustment had to be considered.

After considering the play of 2♥ doubled, the committee decided that most lines of play would result in the contract failing by one trick. Accordingly, the committee so adjusted the result.

Players in unlimited nationally-rated events are expected to know of and adhere closely to the standards imposed by law. The committee found that this was a clear case of failure to comply to legal standards. The E/W pair should not have appealed the table director's ruling. Therefore, an appeal without merit warning (AWMW) was issued to E/W.

The Committee: Doug Doub (Chairperson), Gene Kales, Ellen Kent, Tom Peters and Jeff Roman.

Commentary:

Goldsmith The only issue is whether passing 2♥ doubled is a logical alternative. Can West know from authorized information (AI) that his partner is not 4333 exactly? I don't see how. If so, bidding will convert a possible good result into a disaster, which means that passing is a LA, and thus is enforced. Well done, director and appeals committee (AC).
Good write-up.

Polisner Excellent all around.

Rigal Sensible tournament director and panel ruling. One really wants E/W to be made aware that the "I made a bad bid but was always going to make a good one" is a poor line of reasoning. Good AWMW.

Smith Well done by the directors and the committee.

Wildavsky I agree that this appeal had no merit.

Wolff West's rebid was terrible. North's double was as "greedy" as it gets. East's hesitation and then pass then became hesitation disruption (HD). Although East's HD probably indicated he wanted to run, North's double had already confirmed that. However the HD should burden E/W with the minus 100 in 2♥ doubled. N/S should keep their real score of minus 400, if nothing else because of the greediness and after all E/W then did bid to 3NT and make it. Another OK ruling would be to allow plus 400 E/W and minus 400 N/S, but a 1/2 board penalty for taking advantage of HD to E/W. We need to let the punishment fit the crime and keep as much of the bridge alive as is possible, consequently, the allowance of plus 400 E/W and minus 400 N/S.

Zeiger Bravo.

APPEAL	NABC+ THREE
Subject	Unauthorized Information (UI) and Misinformation (MI)
DIC	Henry Cukoff
Event	Silodor Open Pairs
Session	First Final
Date	March 10, 2007

BD#	8
VUL	None
DLR	West

Bob Jones	
♠	K Q J 7 3
♥	K Q 9 5 4
♦	Q 4
♣	9

Krzysztof Buras		Spring 2007 St. Louis, Missouri	Jaroslav Piasecki	
♠	A 6 5		♠	T 8
♥	T 6 2		♥	A J 8 7
♦	K T 3 2		♦	A J
♣	8 7 3		♣	K J 6 5 2

Aubrey Struhl	
♠	9 4 2
♥	3
♦	9 8 7 6 5
♣	A Q T 4

West	North	East	South
Pass	1♠	Dbl	2♥ ¹
Pass	3♥	Pass	3♠ ²
Pass	Pass	Pass	

Final Contract	3♠ by North
Opening Lead	♣
Table Result	3♠ making 3, N/S +140
Director Ruling	3♠ making 3, N/S +140
Committee Ruling	3♠ making 3, N/S +140

(1)	Spade raise not Alerted.
(2)	North corrects explanation of 2♥.

The Facts: N/S have an agreement that 2♥ is a spade raise. North told the opponents that 2♥ was not natural after 3♠. East told the director he would not have done anything differently in the auction had 2♥ been Alerted in a timely manner.

The Ruling: There was misinformation (MI), but it was corrected prior to the end of the auction. Therefore, since the auction was unaffected by the MI, any damage is unrelated to the infraction. No adjustment as South's UI was judged not to affect the result. (law 40 C)

The Appeal: N/S had agreed to play transfers over 1♠ – double, with 2♥ as a constructive raise. North acknowledged at the table that he was initially uncertain whether 2♥ was a spade raise and that he initially failed to Alert the 2♥ bid. After North bid 3♥ and South bid 3♠, North became certain of the meaning of 2♥; so he Alerted and explained its meaning.

East led a club against 3♠, which resulted in North taking nine tricks. East contended that he would have led a trump if a timely Alert had been given.

Since E/W were fully aware of N/S's agreement before the defense, the director ruled that no adjustment was appropriate.

E/W appealed the ruling. All players except West attended the hearing. East contended that North's uncertainty in the auction had created the possibility that his 3♥ bid was intended as a "heart raise" rather than a game try, which made a trump lead less appealing than otherwise. East said he would have led a trump if given a timely Alert, making it clear that North's 3♥ bid was a game try rather than a raise.

The Decision: The committee considered this contention carefully, and it inquired closely about N/S's agreements regarding the auction including the values shown by the 2♥ bid and the type of game try (help suit) played by N/S.

The committee agreed with the director that there was no basis upon which to adjust the score because E/W had received accurate information about N/S's agreement before play of the hand began. In any case, it did not appear that a heart "game try" would be a substantially different hand type than a heart raise in N/S's methods.

The committee also considered whether South's second round call might have been affected by North's failure to Alert. The committee concluded that at matchpoint scoring, there was no logical alternative to South's 3♠ call, where South had shown "constructive raise" values through his 2♥ bid and had three poor trumps and no heart honor.

The committee considered whether the appeal had merit. It concluded that, in light of potential language difficulties with this E/W pair, it was reasonable for E/W to bring the matter before a committee to permit a careful examination and analysis of N/S's agreements. Accordingly, the committee declined to issue an appeal without merit warning (AWMW).

The Committee: John Lusky (Chair and Scribe), Dick Budd, Mike Passell, Aaron Silverstein and Riggs Thayer.

Commentary:

Goldsmith Everyone got this one right. Regardless of language difficulties, the appeal is reasonable enough. There could have been MI damage, and there could have been UI redress, and it isn't blatantly obvious that the correct ruling is result stands, so that's good enough for me not to award an AWMW, though the actual appeal statement is asking for something which the laws do not provide.

- Polisner** Just another case of a player looking for a better result in committee than able to achieve at the table. E/W were astute enough to consider the UI aspect, but the South hand could not even consider bidding more opposite a game try in hearts.
- Rigal** What a terrible appeal! Excellent decision to award an AWMW. I'm surprised that two experts of this caliber would bring an appeal like this, but the result was entirely appropriate.
- Smith** I think East wanted to know what North's understanding of the auction was when he bid 3♥, but in my opinion he is not entitled to that information. He is entitled only to an accurate description of the opponents' methods, and he got that information (although not in a timely manner). Anything else he infers from the way and the timing of any information given by the opponents is at his own risk. Since the late alert in itself did not harm him based on his statement to the director, he had no basis for an adjustment due to misinformation. The UI to South did not seem to suggest his 3♠ bid, so I agree with the directors and the committee.
- Wildavsky** I see no merit to this appeal.
- Wolff** This was a reasonable ruling but, convention disruption (CD) almost always causes problems by, at the very least, causing uncertainty by the opponents, if not with the bidding then possibly the opening lead and subsequent defense. Again N/S should pay some penalty for "confusing" E/W by contributing to not having a trump led. I would change the score to 3♠ down one, N/S minus 50.
- Zeiger** The write ups so far are excellent, but we are three for three in appeals with zero merit.

APPEAL	NABC+ FOUR
Subject	Unauthorized Information (UI) - Tempo
DIC	Olin Hubert
Event	Silver Ribbon Pairs
Session	First Final
Date	March 12, 2007

BD#	8
VUL	None
DLR	West

Rebecca Rogers	
♠	J 8 2
♥	Q 5 4 3
♦	Q J
♣	9 6 3 2

Alan Siebert		Spring 2007 St. Louis, Missouri	Alan Stout	
♠	K Q 9 7		♠	A T 5 4 3
♥	A 8 7 2		♥	K J 9
♦	A 8 4		♦	9 7
♣	T 8		♣	A J 7

Dixie Hsu	
♠	6
♥	T 6
♦	K T 6 5 3 2
♣	K Q 5 4

West	North	East	South
1NT ¹	Pass	2♥ ²	2NT
3♠	Dbf ³	Pass	4♦
Pass	Pass	4♠	Pass
Pass	Pass		

Final Contract	4♠ by West
Opening Lead	♦Q
Table Result	4♠ making 5, E/W +450
Director Ruling	3♠ dbld, made 5, E/W +730
Committee Ruling	3♠ dbld, made 5, E/W +730

(1)	Announced as 10-13 HCP
(2)	Transfer announced
(3)	All agreed to long break in tempo

The Facts: The director was called at the end of the hand. All the players agreed to the auction and hesitation. North stated that their partnership agreement is that 2NT shows strength (cards) and 2♠ would be a cue bid. In addition, North stated that an immediate double of a weak notrump shows 14+ HCP (any distribution). South stated that 2NT was intended to show the minor suits.

The Ruling: The director judged that pass was a logical alternative to bidding 4♦ with the South hand. Two players were polled and they both passed the double in the auction given. The result was adjusted to 3♠, doubled, making five, E/W +730.

The Appeal: North stated that since their partnership agreement was that 2NT by South in this sequence showed strength, and 3NT by the North hand would be to play, that double would be pass or pull since her partner knew she didn't have 14+ HCP. South stated that she was aware of North's hesitation, but that her 4 diamond bid was automatic.

East pointed out that North could have one more spade and an Ace and King more than she had and still have less than 14 HCP.

The Decision: The committee asked the North-South pair if they had any notes or anything else in writing to support the agreements referred to in their appeal. North stated that the notes were in her room, but not with her. The committee considered the lack of any written notes indicating the North-South agreements, and the fact that in an undefined auction, the hesitation before doubling by North, suggested bidding with the South hand.

Since pass by South was considered a clear cut Logical Alternative to the action taken, the committee upheld the director's ruling of 3♣ doubled making five, +730 E/W. This was per Law 16, unauthorized information from break in tempo. The play to take eleven tricks is straightforward and eleven tricks was the result achieved at the table.

An appeal without merit warning (AWMW) was issued to N/S.

The Committee/Panel : Gail Greenberg (Chair), Bob Schwartz, Ken Barbour, Chris Moll, Dick Budd.

Commentary:

Goldsmith If, indeed, N/S had the agreements North believed they did, it's clear that South didn't know them, negating North's argument. The real issue is whether North can have a penalty double of 3♣. The opponents have announced a 9-card fit, so about the only hand possible is AKQ/Axxx/xxx/xx. That's pretty unlikely, but just barely possible, so passing is a LA. Is South's action sufficiently blatant to award a PP? Yes--in order to avoid one, I think she needs to think about the problem at the table, conclude that the double was not penalty, Alert the double, explain that there may be some system stuff going on that she forgot, and act. She won't get to pull, but she also won't get her PP.

Polisner North should have known better than to have brought this frivolous appeal.

Rigal Well done by the director and committee to give the AWMW. This is pretty close to a procedural penalty, and certainly to discussion of its merits, though I can understand why none was given.

Smith Correct by the directors, and a thorough and thoughtful job by the committee. The polling results should have convinced the appellants not to appeal so the AWMW was correct.

Wildavsky I'm surprised N/S brought this appeal.

Wolff An open and shut ruling. There is no doubt that North was only trying to make the right bridge bid, considering that she thought 2NT was natural. However, the study made it obvious to South that partner did not have a full blown penalty double opposite a minor suit takeout. There are extenuating circumstances such as West's free 3♠ bid, but nevertheless convention disruption (CD) should continue to pay a significant price since in most cases, including here, what North did ends the legitimate bridge at the table immediately.

Zeiger I have one issue. If the Committee considered the system notes to be germane, the Chair should have asked North if she was staying in one of the host hotels, and asked her to get them. Since she was indeed staying at one of them, the Committee should not have considered the lack of notes as relevant. If she was asked to get them, and declined, this should have been included in the write up. If the Committee decision would have been the same, but the merit issue changed, with system notes, obtaining them would still have been important.

APPEAL	NABC+ FIVE
Subject	Unauthorized Information (UI) - Tempo
DIC	Olin Hubert
Event	Silver Ribbon Pairs
Session	Second Final
Date	March 12, 2007

BD#	19
VUL	E/W
DLR	South

Steve Cooper	
♠	A Q T 9 8 6
♥	9
♦	K J 7 4 2
♣	7

Galano Glafkos		Spring 2007 St. Louis, Missouri	Judith Eaton	
♠	5		♠	K J
♥	A Q T 8 7 5 4		♥	K J
♦	Q		♦	A T 9 6 5 3
♣	A Q T 3		♣	8 4 2

Kitty Cooper	
♠	7 4 3 2
♥	6 3 2
♦	8
♣	K J 9 6 5

West	North	East	South
			Pass
1♥	1♠	2♦	3♠
4♥	4♠	Db1 ¹	Pass
5♥	Pass	Pass	Pass

Final Contract	5♥ by West
Opening Lead	♠A
Table Result	5♥ making 6, E/W +680
Director Ruling	4♠ N, dbld, dwn 1, E/W +100
Committee Ruling	4♠ N, dbld, dwn 1, E/W +100

(1)	Agreed break in tempo
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The Facts: The double of 4♠ was made by East after an agreed break in tempo (BIT). 5♥ was bid by West after the tempo break.

The Ruling: There was a BIT. There are logical alternatives to bidding 5♥, including pass. The BIT suggested the action taken over other less successful logical alternatives. The score was adjusted per Law 16 A. 2 and Law 12 C 2 to 4♠ doubled by North, down one, E/W +100.

The Appeal: East stated that her double simply showed cards, and West stated that his 5♥ bid was obvious.

The Decision: The only UI issue before the committee was whether there was a logical alternative to bidding 5♥. The committee found that pass was clearly a logical alternative, especially since East could have more spades and fewer hearts for the double. The committee found that this issue was so clearly resolved that the appeal had no merit. So, in upholding the director's decision, the committee issued an appeal without merit warning (AWMW) to E/W.

The play in 4♠ doubled was discussed and the consensus of the committee was that nine tricks would be taken by North.

The Committee: Gail Greenberg (Chair), Ken Barbour, Ed Lazarus, Tom Peters and Bob Schwartz.

Commentary:

Goldsmith An easy one. Good job all around. How about a procedural penalty (PP) for the pull of the slow double?

Polisner Excellent - including the AWMW.

Rigal Excellent ruling by all concerned and the AWMW was again entirely in point. It was a little tempting to be swayed by West's shape but all parties got this absolutely right.

Smith Another easy decision, including the AWMW. Sadly, there seems to be an increase in the number of appeals at this NABC after a decline in recent tournaments. Thus far the quality of the appeals has not been very high.

Wildavsky East clearly had "cards." If her double showed cards then why did it take her so long to come up with it? I agree that the appeal had no merit. I also agree with Jeff Goldsmith that a PP was warranted.
As for the adjusted score, the job of the appeals committee is not to decide what the result would have been -- that is impossible. Rather they must decide, and tell us, what they judge as the most favorable likely result and most unfavorable at all probable result absent the infraction, per law 12C2.

Wolff A good ruling except that I think normal defense would beat 4♠ two tricks, minus 300 N/S. The defense would (and should) probably go king of hearts lead, overtake with a spade coming back.

Zeiger The only UI issue before the Committee was whether there was a LA to 5♥? Excuse me. Isn't there a little item in the Laws about the action taken being demonstrably suggested over other LAs by the UI? Yes, yes, I know the UI did demonstrably suggest 5♥ over pass, but why couldn't the Committee address it?
Will we see ANY appeals in this casebook with merit?

APPEAL	NABC+ SIX
Subject	Card Played
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	First Qualifying
Date	March 13, 2007

BD#	7
VUL	Both
DLR	South

Joanne Antonicu	
♠	
♥	J T 8
♦	A J 9 3
♣	J T 6 4 3 2

John Richards		Spring 2007 St. Louis, Missouri	Joanne Yeager	
♠	J 4		♠	A Q T 8 7 6 2
♥	A K Q 3		♥	9 5
♦	K Q 8 4 2		♦	T 6
♣	8 7		♣	K Q

Jack Weingold	
♠	K 9 5 3
♥	7 6 4 2
♦	7 5
♣	A 9 5

West	North	East	South
			Pass
1♦	Pass	1♠	Pass
1NT	2♣	4♠	Pass
Pass	Pass		

Final Contract	4♠ by East
Opening Lead	♣A
Table Result	4♠ by E down 2, E/W -200
Director Ruling	4♠ by E down 2, E/W -200
Committee Ruling	4♠ by E down 2, E/W -200

The Facts: The defense started with the ♣A, The shift to the ♦7 was won by the ace. The ♣J return was won by declarer with the king. Declarer then led a heart to dummy and then the ♠J was ducked around, and another spade was won by South with the king. South then returned the ♦5 and declarer called for a diamond and then said "I mean the queen". The director was called at this point.

The ♦J was on the table when the director arrived, but declarer and dummy claimed she played it after declarer's statement. The defenders claimed she said it after the ♦J was played.

The Ruling: Declarer's call of "diamond" was careless, not incontrovertibly not her intention. She could have forgotten that the ♦J was out. As per Law 46B2, it was ruled that a low diamond was played. The result assigned was 4♠ down two, with an uppercut on a diamond return after the ♦J won.

The Appeal: East stated that she knew all her cards were high. She stated that she always intended to play the ♦Q. She then said that her statement “I mean the queen” was simultaneous with the play of the ♦J.

North and South both stated that declarer said “play a diamond” and North played the ♦J before declarer said “I mean the queen.”

The Decision: The director provided the committee with the following instructions from the ACBL Laws Commission regarding Law 45.C.4(b):

1. IN DETERMINING “INADVERTENT”, THE BURDEN OF PROOF IS ON THE DECLARER. THE STANDARD OF PROOF IS “OVERWHELMING”. Unless there is such proof to the contrary, the director should assume that the card called was the intended one.
2. IN JUDGING “WITHOUT PAUSE FOR THOUGHT,”
 - a. IF DECLARER HAS MADE A PLAY AFTER MAKING AN INADVERTENT DESIGNATION FROM DUMMY, A “PAUSE FOR THOUGHT” HAS OCCURRED. Making this interpretation has essentially put in a time limit without rewriting the law. If declarer has made a play (usually a play from hand but it can be a play from dummy to the next trick) after an alleged inadvertent call of a card from dummy’s hand, we are to rule that there has been a pause for thought. Therefore, we may not permit declarer to change the play from dummy.
 - b. IF DECLARER’S RHO HAS PLAYED AND THERE IS ANY REASONABLE POSSIBILITY THAT INFORMATION GAINED FROM RHO’S PLAY COULD SUGGEST THAT DECLARER’S PLAY FROM DUMMY WAS A MISTAKE , A “PAUSE FOR THOUGHT” HAS OCCURRED. If we determine that the play by declarer’s RHO suggested to declarer that some type of mistake had been made, the Commission is saying that this constitutes pause for thought. As in a. above, we cannot permit declarer to change the play from dummy.

The committee discussed the relevant law and the Laws Commission instructions, focusing on 2.b.; “If declarer’s right hand opponent (RHO) has played and there is any reasonable possibility that information gained from RHO’s play could suggest that declarer’s play from dummy was a mistake, a ‘pause for thought’ has occurred”. The committee made the point that the ♦J play by North, even if simultaneous with declarer’s statement of “I mean the queen”, suggests that some time elapsed before declarer made her statement. North would not expect a small diamond from dummy, and would not play the ♦J quickly. There had to be a finite length of time – an interval of some time – to allow North to detach and play the ♦J. Thus the director’s ruling of 4♠ down two by E, E/W -200 was upheld.

No consideration was given to issuing an appeal without merit warning.

The Committee: Dick Budd (Chair), Ed Lazarus, Chris Moll, Riggs Thayer and Jim Thurtell.

Commentary:

Goldsmith This is all about timing. The write-up gives three different versions of the relative timing between the corrected call and the play of the ♦J.

1. In "The Facts," E/W are said to claim that the DJ was played after the correction.

2. In "The Facts," N/S are said to claim that the DJ was played before the correction.

3. In "The Appeal," E/W are said to claim that the DJ was played simultaneously with the correction.

We can't know which of these is true. The apparent contradiction within the E/W testimony is not necessarily an indication that N/S's claim is accurate; the change could easily have been caused by an inaccurate write-up or edit, or just imprecise statements or memory.

If situation (1) above is the case, I think 45C4 allows the change of call. If (2) or (3) is the case, the committee's reasoning seems sensible. Which happened? Who knows? Probably, therefore, it's best to go with the director's ruling.

Polisner Good work on a difficult case.

Rigal The director and committee applied the rule properly. I’m happy that no AWMW was awarded, although in a sense it did come close. Once the rule is stated the merits of the E/W case are clearly negligible. But, somehow defining the law to be applied always seems to take more time than in other areas of the game.

Smith Harsh, perhaps, but fair and according to the law. The Laws Commission interpretation quoted is not directly on point to this law (this case hinges on Law 46, not Law 45) but the same principles apply. Good reasoning by the committee.

Wildavsky I would have considered an AWMW, but I understand not doing so when the facts are in question.

Wolff Not unlike NABC+ case one. This case presented a nice description of inadvertence and was no doubt properly decided, but.....it seems that declarer, at the very least, recognized her error and quickly changed her "diamond" call to the queen. However, even if the play of the queen passes scrutiny declarer must return to her hand by leading a high heart and then ruffing the next heart low rather than ruffing an immediate diamond low. To me, the combination of saying "diamond" plus the necessity for coming back to her hand in the "winning" way is enough to rule against her (maybe only down one instead of two). What I am saying is that, at least at the National level we should try and be reasonable according to the bridge of it.

To me, it is showing more respect for the game rather than to liaise with the greed shown by their opportunistic opponents.

Zeiger Why no consideration of an AWMW? If the Laws Commission notes were provided to the appellants no later than screening, this appeal had less than zero merit. I feel like a vegetarian. Isn't there any meat on this menu?

APPEAL	NABC+ SEVEN
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	First Final
Date	March 14, 2007

BD#	20
VUL	Both
DLR	West

Ron Smith	
♠	A 8 5
♥	K 9 8
♦	6 5 2
♣	T 9 8 7

Petra Hamman		Spring 2007 St. Louis, Missouri	Hemant Lall	
♠	6 3		♠	J T 9 7 4 2
♥	T 7 3		♥	A J 6 2
♦	A K Q J T 9 8 4		♦	7 3
♣			♣	5

Linda Smith	
♠	K Q
♥	Q 5 4
♦	Void
♣	A K Q J 6 4 3 2

West	North	East	South
1♦	Pass	1♠	Dbl
4♦ ¹	Pass	4♠	5♣
Pass	Pass	5♥	Pass
6♦	Dbl	6♠	Dbl
7♦	Dbl	Pass	Pass
Pass			

Final Contract	7♦ Doubled
Opening Lead	♦6
Table Result	7♦ W dbld, down 2, E/W -500
Director Ruling	6♠ E dbld, down 3, E/W -800
Committee Ruling	6♠ E dbld, down 3, E/W -800

(1) East explained 4♦ bid as showing long diamonds and spade support
--

The Facts: The director was called at the end of the hand (North made his objections known after seeing dummy, but time for the round had expired). East explained the 4♦ bid as showing long diamonds plus spade support. It was not clear when the explanation was given, but all agreed it was before the 7♦ bid. After declarer won the first trump, she led a spade. North went up with the ace and led another trump. Now the defense can only win two tricks.

The Ruling: There was UI per laws 16.A. and 73 F.1. Knowing that partner thought she had spades demonstrably suggests that West bid 7♦. Pass is a logical alternative. The result was adjusted to 6♠ doubled down three, N/S plus 800.

The Appeal: West stated that she didn't want to chance a spade stack when she had eight solid diamonds. Partner had not jump shifted in spades which would show a strong hand, and had not made a forward going bid over her 4♦ call. She also stated that if 5♥ showed the ♥A, then he couldn't have good spades. East stated that he didn't know if anyone would actually pass six spades, but maybe pass was a logical alternative.

North stated that the table had a time problem and there were directors at the table when 7♦ was bid, and the director said "we may have a problem".

The Decision: The committee asked themselves if pass was a logical alternative to bidding 7♦. They felt that a substantial minority of players would choose pass. They then discussed the play in 6♠ doubled. Although the ♠K lead followed by the ♠Q, then ♣A, then a heart shift garners N/S +1100, the most likely defenses lead to N/S +800.

The committee then analyzed the defense to 7♦ doubled to determine if the defense was egregious and decided that the defense of leading a trump, then playing the ♠A by North was not unreasonable. North knew that South had no trumps and assumed that West had club losers.

Thus, the committee upheld the director's ruling of 6♠ doubled down three, N/S plus 800.

The committee believed that players of the caliber of the appellants should have known that there was no merit in bringing this appeal. Therefore, an appeal without merit warning (AWMW) was issued.

The Committee: Gail Greenberg (Chair), Abbie Heitner, John Lusky, Chris Moll, Aaron Silverstein

Commentary:

Goldsmith Passing 6Sx was a logical alternative. It's unlikely that diamonds will gain two tricks assuming no UI, so passing is enforced. The appeals committee (AC) got this right, good. But L12C2 wasn't applied. Yes, -800 is the most likely result. But was -1100 at all probable? I think the answer to that is, "yes." South knows that West doesn't really have spades when she bid 6♦. So a trump lead is reasonable. When it holds, playing a second one and then playing clubs is obvious. If North high-lows in trumps and gives count in clubs, it is right to shift to hearts, and some Souths would get that right. So E/W get -1100. Is -1100 likely? I don't think it is; it requires very good play by both defenders, and in reality, won't happen a third of the time, so N/S get +800. If the AC had judged that the defense to get 1100 wasn't at all probable, I could buy that, but the write-up didn't say that. Was the defense against 7♦ egregious? It was clearly wrong; at trick one, South surely played the ♣A. At trick two, South surely played the ♠K. North now knows that declarer is 2-8 in the pointed suits and either 3-0 or 2-1 in the rounded. Playing a second trump can't be right. But playing a club could be right if the ♥Q is with declarer. It probably isn't; partner doubled rather than bid clubs, but that wouldn't be an awful defense and would lead to the same 500, so getting 800 is hard enough that failing to do so, even by a line that wasn't best, isn't egregious. If the AC thought the appeal had no merit, why not consider a procedural penalty (PP) against West? Of course, giving them the -1100 I think they should get might be painful enough, but...

Polisner Again I am surprised that this pair would appeal such a clear situation.

Rigal I think there was some merit to the E/W argument, although I'm not sure whether there was enough to escape the AWMW. Sensible decision of course – the UI taints the final call. Once East bids 4♠ after West has defined her hand, West can't bid 7♦, I think. Plus 800 looks fair enough for both sides.

Smith Another good and thorough job by the directors and the committee. There is some sense to the E/W arguments, but not nearly enough to overcome the burden that UI presents. I agree with the AWMW.

Wildavsky I agree that this appeal had no merit.

Wolff Convention disruption (CD) again. Remember when CD occurs it affects everyone at the table and, at the very least, causes "confusion", especially, like here, when it is a highly competitive auction and involves itself also with opening leads and later defense. WE MUST DO WHATEVER IS NECESSARY TO LESSEN ITS OCCURENCE and, to me, the only answer is to penalize it out of existence. I agree with the decision, but do suggest that the above caveat be our guiding light and get that message across, especially to the high-level game.

Zeiger As a side note, I don't think 6♦ would have been allowed, but since that bid did not ultimately damage N/S, it escaped the ax. Less than zero merit.

APPEAL	NABC+ EIGHT
Subject	Unauthorized Information (UI) – Tempo
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	First Final
Date	March 14, 2007

BD#	3
VUL	E/W
DLR	South

Lance Shull	
♠	9 2
♥	Q 6 4 3
♦	T 7 3
♣	J 9 6 4

Ethan Stein		Spring 2007 St. Louis, Missouri	Halina Jamner	
♠	J 8 7 6		♠	A Q 5 4 3
♥	A J T 5		♥	K 8 7
♦	K 2		♦	A 9
♣	A K 8		♣	Q T 7

Audrey Ventura	
♠	K T
♥	9 2
♦	Q J 8 6 5 4
♣	5 3 2

West	North	East	South
			Pass
1NT	Pass	2♥	Pass
3♠ ¹	Pass	4♦	Dbl
Pass	Pass	4♠ ²	Pass
4NT	Pass	5♠ ³	Pass
6♠	Pass	Pass	Pass

Final Contract	6♠ by West
Opening Lead	♦3
Table Result	6♠ making 6, E/W +1430
Director Ruling	4♠ by W making 6, E/W +680
Committee Ruling	4♠ by W making 6, E/W +680

(1)	Shows four spades and maximum.
(2)	Agreed hesitation of at least 20 seconds.
(3)	Shows two controls with the queen of spades.

The Facts: The director was called at the end of the auction to ascertain the fact of the hesitation. The director ascertained that there was agreement on a break in tempo (BIT). He told the players to call after conclusion of play if there was the possibility that, in their opinion, the call taken was demonstrably suggested by the UI and there was a logical alternative (LA) and there was damage. The players called the director after the conclusion of the play.

The Ruling: The director concluded that the BIT suggested further action over 4♠ and that pass was a LA. In accordance with laws 12, 16 and 73 F 1, the score was adjusted to 4♠ by West, making six, E/W plus 680.

The Appeal: West stated to the committee that he never intended to allow his partner to sign off in 4♠. He passed the double of 4♦ to allow his partner a free bid. She did not redouble or bid 4♥ but bid 4♠ after a long hesitation. The appellant argued that he could construct numerous minimum hands that partner might have where he would be safe at the five-level.

The Decision: The committee disagreed. It concluded that, after the 4♠ bid, pass was a clear LA and that action was demonstrably suggested by the UI. The committee upheld the director's decision and adjustment. The committee had agreed to assess an appeal without merit warning (AWMW) only if all members of the committee agreed. Since only two members thought the appeal lacked substantial merit, no AWMW was assessed.

The Committee: Mike Kovacich (Chair and Scribe), Ed Lazarus and Bob White.

Commentary:

Goldsmith Right, except that an AWMW is appropriate. The appeals committee (AC) could agree only to give AWMWs on alternate Thursdays, but that doesn't make their agreement valid. Here I don't think a procedural penalty (PP) for abuse of UI is appropriate. West thought he was taking the normal action, and while it was illegal, generally a PP ought not be given in such a case.

Polisner This is the kind of case where the directors should poll players of the caliber of West to see if, in fact, there is a logical alternative after all. East (who might not be an expert) did make a slam try and West is rich with controls. My guess is that 8 or 9 out of 10 would bid on.

Rigal The awkwardness in this case comes from the fact that I suspect East is a client and West a pro. While West might believe his hand is worth a move, facing a client (whose slow 4♠ call is very revealing) I think he has to suck it up and pass 4♠. 5♠ is likely to be excellent I agree; but there are clearly hands where East has short diamonds, where 5♠ is very poor. (AQxxx/KQx/Q/xxx)

Smith Another somewhat disturbing appeal. Maybe AWMWs need to be handed out more readily or they need to have more teeth to prevent these kinds of appeals.

Wildavsky I'd have bid again with the West hand absent the UI. After partner's 4♦ call, if I had to choose between 4♠ and 6♠ I'd choose 6♠. That said, West has already shown a maximum with four trumps and then shown slam interest. While he argued that he was safe at the five-level opposite many minimums a more relevant question is whether he was in danger at the five-level. Clearly he was -- partner might hold something like Qxxxx/KQ/AQJxx/x, where 5♠ is a favorite but not a lock. I'm not sure what West's comment about partner's not bidding 4♥ implied - did he plan to bid 4♠ over 4♥? Signing off over a second try seems way too conservative to me.

I do think the appeal had merit. The appeals committee (AC) was asked to make a bridge judgment; whether bidding over 4♠ was so clear-cut that passing would have been illogical. It would be unreasonable for the AC to find such an appeal without merit any time they believe the action chosen was not clear. Then the appellants would face only two possible outcomes, winning their case or receiving an AWMW.

Wolff Probably a proper ruling. East, likely a client, could have saved the day by redoubling (showing first round control) and the auction would probably get to 6♠. East, no doubt, had not gotten that far in her learning so did what she thought best. I believe that West was honest in saying he intended to go further, but the hesitation disruption (HD) made it easier. This case is further complicated by the necessity for the declarer to guess the hearts right. South, in a sense made an error when she doubled 4♦ with only the QJ. It probably influenced the expert declarer to play her partner for the ♥Q. So South's possible costly double, instead of causing an adverse slam result, rather led directly to her getting to rule the contract back to game. Because of that I would either keep N/S at minus 1430 or at most, rule N/S up to average minus. I think it is fair to rule E/W back to plus 680 because of the HD. Sometimes we forget that the section(s) in a pair game are always interested parties to appeals and should be protected – protect the field (PTF).

Zeiger West is a far better bridge player than I'll ever be, but I don't understand his failure to cuebid 4♥, or redouble 4♦ to show second round control. His explanation to the Committee was inadequate, at best. If he always intended to Blackwood, why wait? Was he trying for a grand? Was refusal to make a forward going call himself going to help find a grand? Broken record time - no merit.

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	Second Final
Date	March 14, 2007

BD#	19
VUL	E/W
DLR	South

Thomas Carmichael	
♠	J 9 7 4 3
♥	K Q T 9 5
♦	T 7 4
♣	

Susan Jackowitz		Spring 2007 St. Louis, Missouri	Yatindra Sahae	
♠	T 5		♠	A Q 2
♥	A 8 4 2		♥	J 7 6
♦	K Q 9		♦	8 6 3 2
♣	A Q T 9		♣	K J 8

Jill Wooldridge	
♠	K 8 6
♥	3
♦	A J 5
♣	7 6 5 4 3 2

West	North	East	South
			Pass
1NT ¹	2♦ ²	3NT ³	Pass
4♣	Pass	4NT ⁴	Pass
Pass	Pass		

Final Contract	4NT by West
Opening Lead	♥Q
Table Result	4NT - W making 4, E/W +630
Director Ruling	4NT - W making 4, E/W +630 plus ¼ board penalty to E/W
Committee Ruling	4♣ by W down 2, E/W -200

(1)	15-17 HCP.
(2)	Shows spades plus another suit.
(3)	No spade stopper.
(4)	Prior to bid, E said "I think I misunderstand. I thought you said, 'denies spades.'

The Facts: The director was called following the pass to 4♣. The facts are as noted above.

The Ruling: The director ruled that, although there was UI and the UI demonstrably suggested passing 4NT, there was no logical alternative (LA) to passing. However, a ¼ board procedural penalty (PP) was imposed on E/W for the inappropriate remark by East.

The Appeal: The evidence presented showed that East, in addition to his comment about having misunderstood the prior explanation of 2♦, showed an upset demeanor, a break in tempo and discomfort from body language.

The Decision: The committee concluded that the end effect of all the UI passed by East was to “announce” that 4NT was to play. The committee concluded that it could have suggested a partial stopper in spades or that East had four diamonds and three clubs. Therefore, if West had 4-4 in the minors, 5♦ would be a better contract. The committee concluded that if it allowed the 4NT bid, it would then free West to bid over 4NT. The committee concluded that there were LAs to pass over 4NT (if East is allowed to bid 4NT), and, rather than force West to bid over 4NT, it disallowed 4NT by East.

A result of 4♣ down two, E/W minus 200 was assigned to both pairs. The procedural penalty was withdrawn.

The Committee: Mike Kovacich (Chair and Scribe), Ed Lazarus and Bob White.

Commentary:

Goldsmith N/S appealed. Either the appeals committee’s (AC's) ruling is poorly conceived or poorly described. My money's on the former, as neither the director nor the scribe seems to have had a handle on this case. Oddly, despite getting there by incorrect reasoning, they got to the right spot! They argued that East's gratuitous UI made 4NT clearly to play. So what? 4NT is obviously to play no matter what East says; it just means that East forgot to bid 2NT and really has a spade stopper. Who hasn't seen that auction before? I've seen it at least five times, and always opener passed without UI. So the UI from East's comment was all a red herring. But, how did East know that North had spades? From East's comment, it appears that he thought that North's 2♦ bid showed diamonds, so he was denying a diamond stopper by bidding 3NT. How did he get disabused of this notion? By hearing the explanation of 3NT! So his 4NT was, in fact, a violation, and he must pass 4♣. Which is how the AC ruled. If, however, there had been no explanation of 3NT at the table, then East would have been free to do what he pleased. Another but: 4♣ is down only one. I wonder if the director's PP is legal. Normally, blatant transmission of UI deserves a PP if it causes the board not to be able to be played normally. But, here it had no impact whatsoever, and moreover, was totally irrelevant other than to demonstrate that East was violating the laws! If he had shut up, he could have bid 4NT in comfort, known his partner would pass, and would have got a normal result. He could just have said, "whoops, I forgot to bid 2NT then 3NT. Brain fart." His 4NT would have been legal; partner's 4♣ bid would have made it obvious what had happened, and getting to 4NT would have been easy. So the only effect of East's comment was to cost him the board.

- Polisner** It seems clear that East forgot Lebensohl and was awakened by West's explanation (assuming that footnote (3) means that West explained that 3NT denied a spade stopper. However, East is entitled to the benefit of the authorized information that West bid 4♣ and would not have psyched a one notrump opening bid in first seat vulnerable versus not vulnerable. I see nothing improper in East bidding 4NT. The only remaining question is whether in bidding 4NT, conveyed UI to West which suggested that 4NT was to play. I don't see anything that assists in resolving this question. I think that I would have allowed the table result based on the facts as presented.
- Rigal** Maybe I'm missing the point, but the grounds for denying a 4♣ bid are not clear to me. What UI did East have? The explanation of the 3NT call? It seems to me that East was probably free to do what he wanted. The authorized information (AI) of the call itself is enough to get East to know what is going on is it not. I prefer the original contract to stand – and maybe the PP.
- Smith** The case write-up leaves some important matters unclear. Did East hear his partner describe his bid as denying a spade stopper rather than denying a diamond stopper? The director's ruling seems to indicate that at least the director believed he did not have that information. If he did, then I agree with the committee that passing 4♣ must be considered as a logical alternative for East. Even if East did not have that information, then I'm not sure I agree with the director that there is no logical alternative for West but to pass 4NT. 4NT without the UI might well suggest that partner wants you to pick a minor suit at the five-level.

Wildavsky Both East and West had UI at their disposal, so there were two possible infractions. The TD decided that West had no LA to the action he took and seems to have ignored the UI available to East. The AC decided that West did indeed have a LA, but to ignore that aspect of the case and instead adjust on the basis that East had a less successful LA to the action he took. The laws are unfortunately not specific as to how to adjust the score when the same side commits two separate infractions. It seems to me we ought to choose the adjustment that produces the least favorable score for the offenders. Why? Many infractions, as in this case, are matters for the TD's and AC's judgment. They may well decide that one of several potential infractions on a deal was in fact not an infraction. The non-offending side should never end up with a worse adjustment if their opponents' action is judged an infraction than if it is not. Otherwise we could be treated to the spectacle of a player pleading, say, that he had in fact provided misinformation, and his opponents arguing the contrary. The AC improved the TD's ruling. I'd have preferred an adjustment to 5♣, perhaps doubled, but it would not likely have resulted in a significantly different matchpoint score. I cannot fathom why the AC removed the PP. It was particularly appropriate -- East violated procedure by addressing his partner during the bidding.

Wolff A "real" draconian ruling. In spite of East's improper comments and the convention disruption (CD) present, it is hard to imagine that West would consider bidding over 4NT. Add that to the likelihood of E/W being too high, in this case they were "lucky" to receive a fortunate opening lead and have the diamonds 3-3 with the ace onside. We wound up penalizing luck instead of the more rational reasoning of allowing E/W plus 630, but then penalizing E/W (perhaps 1/2 of a board) for their transgressions. Again, protect the field (PTF) since N/S did nothing to deserve their top. Some committees are too often influenced by their likes and dislikes which immediately becomes "abuse of power".

Zeiger The write up is garbled. East did give West a ton of UI, which may have contributed to her passing 4NT. This is irrelevant to the ruling of course, since the committee disallowed the 4NT call. Presumably they disallowed it on the basis of East taking advantage of the UI from West's explanation that his 3NT bid denied a spade stopper. They should have said so. I disagree with that analysis anyway. The 4♣ bid is a bell ringer. The authorized information (AI) from the call itself screams to East that the auction is off the rails. East's 4NT bid should be allowed, as there is indeed no LA. The same thinking applies to West's call over 4NT. The auction screams to West that something has gone haywire. The AI commands West to pass 4NT. I understand the Committee's obvious disdain for East's action. Unfortunately, it clouded the Committee's legal analysis. Table result stands, and if we're really dismayed at East's statements, make the PP 1/2 board.

APPEAL	NABC+ TEN
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Rockwell Mixed Pairs
Session	Second Final
Date	March 14, 2007

BD#	25
VUL	E/W
DLR	North

J. Bachman Nabors, III	
♠	Q 9 7
♥	A 7 6 3
♦	A Q
♣	A 5 4 2

Mary Savko		Spring 2007 St. Louis, Missouri	John Potter	
♠	K J 6		♠	A T 4 3
♥	K Q J T 9 2		♥	8 5
♦	9 3		♦	7 5 4
♣	Q T		♣	K J 7 3

Merle Stetser	
♠	8 5 2
♥	4
♦	K J T 8 6 2
♣	9 8 6

West	North	East	South
	1NT ¹	Pass	2♦ ²
Pass	2♥	Pass	3♦
Pass	3♥	Pass	4♦
Pass	Pass	Pass	

Final Contract	4♦ by South
Opening Lead	♥K
Table Result	4♦ down 2, E/W +100
Director Ruling	4♦ down 2, E/W +100
Committee Ruling	5♦ down 3, E/W +150

(1)	15-17 NT, not announced
(2)	Transfer to hearts, announced after West asked the meaning of 2♦ bid

The Facts: The director was called after the last round of bidding. South stated that she thought partner opened 2♣ and she was responding 2♦ to show controls. West alleged that South sighed and put her 4♦ bidding card on the table with emphasis. N/S did not notice any extraneous information and East stated he was not paying attention to South's actions.

The Ruling: Since there was no corroboration of the UI alleged by West, there was no adjustment per Laws 12 and 16.

The Appeal: This event was the first time N/S had played together, and both players stated that South had forgotten a number of their bidding agreements during the afternoon and evening sessions. South stated that she kept bidding diamonds because she only had a singleton heart. She stated that she made all bids in tempo and without undue emphasis. North said he wasn't paying attention when partner bid 2♦ and simply failed to notice her bid. Then North stated that he passed 4♦ because he had the ♦A (thus 4♦ wasn't a cue bid), and his partner had already misbid a number of hands. He also stated that he was aware of West's interest in the auction.

West stated that she waited after the 2♦ bid for an Announcement or an Alert, then asked about the bid and was told it was a transfer to hearts. She also demonstrated the way in which South put her 4♦ bidding card on table with emphasis.

The Decision: The committee discussed what information was authorized (AI) and what information, if any, was unauthorized (UI) for North. North was entitled to know that South had already misbid some hands and that South couldn't be cue bidding the ♦A with her 4♦ bid. The committee agreed that since West's allegation that South placed her 4♦ bid on the table with undue emphasis could not be confirmed, it couldn't be considered in the decision.

Usually, North could also take inference from West's interest in the auction and decide that passing 4♦ was the correct decision. But, the committee felt that North's failure to announce the 2♦ bid as a transfer created the information of West's interest that he admits using.

The following regulation applies:

Players who by experience or expertise, recognize that their opponents have neglected to Alert a special agreement will be expected to protect themselves.

Since West was forced to ask North what the 2♦ bid meant, it was North's infraction that gained him the information of West's interest in the auction.

Based on the above, the committee adjusted the contract to 5♦ down three, E/W +150. Once North bids 4♥, South would bid 5♦ and North would pass, and neither East or West would double.

The appeal was judged to have merit.

The Committee: Gail Greenberg (Chair), Abby Heitner, John Lusky, Chris Moll, Aaron Silverstein

Commentary:

- Goldsmith** Good discussion of the issue about West's "interest" in the auction, but what did that have to do with anything? I can't see any reason at all for the actual assigned score. South stated that she thought that her partner had opened 2♣. That's consistent with her failure to announce 1NT's range. How did she find out that he didn't open 2♣? By the announcement, however delayed, of 2♦. Once that happens, she can no longer find out that partner didn't open 2♣ unless something unusual happens. Nothing id; partner opened 2♣ and bid and rebid hearts. Over 3♥, bidding 4♥ is a logical alternative (LA). 4♦ is demonstrably suggested over 4♥ by the UI, so it's not allowed. West will double 4♥ and no one has any reason to run. South must then explain that 2♦ wasn't a transfer, but showed 0-1 controls. 4♥ doubled will take four tricks, so N/S get -1400 and E/W +1400. In context, 4♦ would have been a normal bid, so no PP is appropriate.
- Polisner** I would have decided that the final contract was 3♥ by North. If South really thought that North had opened 2♣ (as bizarre as that might be), she should be stuck with that statement and would pass 3♥ and quietly gone down five.
- Rigal** N/S got very lucky here. If North believes South's bidding he will surely be going to at least the five-level. His partner has shown a slam-try with the red suits, and he has a spectacular hand in support of partner. The adjustment was the least E/W should have got; and I'm not happy with the director ruling.
- Smith** The committee found an interesting way to adjust the score on this board. I can't say that its reasoning and conclusions are wrong. North (although not with any intent) created a situation where questions by his responsible opponent may have given him information to which he was not entitled, and that information may have helped him to decide to pass 4♦.
- Wildavsky** When an appeals committee (AC) changes the score in favor of the appellants there's no need to tell us that they found that the appeal had merit.
I do not agree that the AC could not consider West's allegation simply because it was uncorroborated. It is the AC's job to weigh the evidence. They did well to reach the correct decision anyway.
The AC faltered slightly at the end. They need not judge what would have happened had South bid 5♦. They simply specify what they judge likely and at all probable results had South done so. A write-up saying that it was neither likely nor at all probable that either East or West would double would show us that the AC followed the laws.
As for the regulation cited, this case helps show us its foolishness. If we cannot assume that a call that's not alerted is not Alertable then what good does the Alert system do us?

Wolff

First, when the committee changed the result from N/S 4♦ down two minus 100 to 5♦ down three, minus 150, it probably had an enormous match point difference since E/W can make 3♥ for plus 140. To me, the important thing is what convention disruption (CD) caused. West was now effectively ruled out of competitively bidding hearts, CD took over and bridge ceased. Perhaps we should instigate a rule that when something like this happens we give the non-offenders something like an average plus and the offenders anywhere from an average minus on down to zero or worse if other bad things happened. Why deal with fictitious artificiality?

Zeiger

The Committee should have noted it was allowing South's diamond calls based on the AI from the auction. Once North bids 3♥, South knows the auction has gone haywire.

APPEAL	NABC+ ELEVEN
Subject	Mistaken Explanation
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	First Qualifying
Date	March 15, 2007

BD#	8
VUL	None
DLR	West

Lloyd Arvedon	
♠	A Q J 7 3
♥	K 4
♦	J 9
♣	9 6 4 3

John Fout		Spring 2007 St. Louis, Missouri	Jeff Roman	
♠	4		♠	K T 6
♥	Q J 9 5		♥	A T
♦	A K 2		♦	Q T 7 6 5 4
♣	K Q T 7 5		♣	J 8

John McLaughlin	
♠	9 8 5 2
♥	8 7 6 3 2
♦	8 3
♣	A 2

West	North	East	South
1♣ ¹	1♠	2♣ ²	3♠
4♣	4♠	Dbl	Pass
Pass	Pass		

Final Contract	4♠ doubled by North
Opening Lead	♣J
Table Result	4♠ N dbld down 4, E/W +800
Director Ruling	5♣ W made 5, E/W +400
Committee Ruling	5♣ W made 5, E/W +400

(1)	Alerted as 15-20 HCP balanced or 15+ HCP unbalanced with clubs
(2)	Disagreement by E/W, East meant it as transfer to diamonds, West explained it as non-forcing with a club suit

The Facts: There was disagreement as to the meaning of 2♣ in this auction. East thought their agreement was that it was a transfer to diamonds. West contended that 2♣ should be a natural and non-forcing call.

North stated that part of his reason for bidding 4♠ was the expectation of a club void in partner's hand. North asked the meaning of the 2♣ and 4♣ calls before bidding 4♠ and was told that both were natural.

The Ruling: Per the footnotes to Law 75, Partnership Agreements, since E/W were unable to produce evidence as to what their agreement is in this situation, it is assumed to be a mistaken explanation. It is doubtful that North would bid 4♠ with a different explanation, so per Law 84.D., the result was changed to 5♣ by West making 5, E/W +400, the most favorable likely result for N/S.

The Appeal: East stated that he had system notes in his room that showed that their agreement was that 2♣ in this sequence was natural, but since this was a recent change, the addendum to their notes were handwritten, not typed. He stated that he didn't want to insult the committee by presenting notes with handwritten changes.

East also stated that he was appealing the director's decision because he thought this North would always bid 4♠ on this sequence and because this was really a case of a misbid, not misinformation. North was the victim of bad luck, finding both the ♠K and ♥A offside.

North stated that he would not have bid 4♠ with the correct information.

The Decision: The committee agreed with North that 4♠ was a very unlikely bid (one member said it was insane) if correct information had been given. If 4♣ was clubs in an unbalanced hand and 2♣ also showed clubs, North's assumption that South would be void was valid.

Since West showed 15+ HCP and East had 10 HCP it is logical that game would be bid with the E/W cards. Thus, the director's ruling of 5♣ making 5, E/W +400 was upheld.

The committee then discussed the merit of the appeal. The committee felt that East should have brought his notes to the committee, even with handwritten changes, to support his contention that 2♣ was a misbid, and not a misexplanation. The committee also felt that a player of his caliber should know that his appeal did not have merit, thus an appeal without merit warning (AWMW) was issued.

The Committee: Barry Rigal (Chair), Ellen Kent, Chris Moll, Mike Passell, Tom Peters

Commentary:

Goldsmith AWMW appropriate. The write-up was concise and complete, as was the director's ruling. Well done all around.

Polisner Wait a second here. Why should it be assumed that E/W would bid 5♣? Effectively, East has a working seven-count and a doubleton club. My ruling would be +150 for E/W in 4♣. Here again, a poll of peers about what to bid over 4♣-Pass should have been taken. Apparently, 4♣ was not forcing (although not stated) based on the appeals committee's comments. A poor write-up.

- Rigal** This partnership has been suffering in appeals recently, but, as Chairman of the appeal committee, I felt very unhappy that two good players would expect us to rely on their oral testimony when they had written testimony available (particularly in the context of their use of highly complex methods with many unusual transfers).
- Smith** Well done all around. E/W could not seriously have expected the committee to rule that West's explanation of 2♣ was correct given the wording of the footnote to Law 75 (“ . . . the Director is to presume Mistaken Explanation, rather than Mistaken Bid, in the absence of evidence to the contrary.”). They should also have realized that North's argument was reasonable and that they were in danger of being assessed an AWMW.
- Wildavsky** I agree with the TD and appeals committee rulings, and with the AWMW. E/W can't have been surprised that this decision went against them. I do not fault E/W for failing to bring their hand-written addendum.
- Wolff** A reasonable ruling on the surface, but not really. Since convention disruption (CD) was the reason why the committee allowed N/S out of their minus 800 result, why should E/W be assumed to get to a difficult minor suit game when they couldn't even remember their system? It does seem that 3NT would make more (thanks to the fortunate lie of the heart suit), but even so the ruling might be fairer to allow plus 400 E/W but to penalize them for not knowing their home brew system and wreaking havoc on the opponents.
The beat goes on and on, and in spite of it, we do very little to prevent it from happening in the future.
- Zeiger** This was solid reasoning. A lucid write-up.

APPEAL	NABC+ TWELVE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	NABC+ IMP Pairs
Session	First Qualifying
Date	March 15, 2007

BD#	11
VUL	None
DLR	South

Andre Chartrand	
♠	
♥	J T 9 8 6 5 3
♦	9
♣	Q J 8 5 4

Chris Willenken		Spring 2007 St. Louis, Missouri	Robert Levin	
♠	9 7 6		♠	K Q T 8 4 3
♥	K 4		♥	A 7 2
♦	K J T 3 2		♦	Q 8 6 5
♣	A K 9		♣	

Serge Chevalier	
♠	A J 5 2
♥	Q
♦	A 7 4
♣	T 7 6 3 2

West	North	East	South
			Pass
1NT	Dbl ¹	2♥ ²	2♠
Pass	Pass	Dbl	3♣
Pass	Pass	4♣	Pass
4♠	Pass	Pass	Dbl ³
Pass	5♣	Pass ⁴	Pass
Dbl	Pass	Pass	Pass

Final Contract	5♣ doubled by South
Opening Lead	♣K
Table Result	5♣ dbld S down 1, N/S -100
Director Ruling	4♠ dbld W made 4, E/W +590
Committee Ruling	4♠ dbld W made 4, E/W +590

(1)	Pointed or rounded suits.
(2)	With no double a transfer. With double was not discussed.
(3)	An agreed hesitation, moderate in length.
(4)	Director called about hesitation.

The Facts: The E/W NT range is a good 14 to 17 HCP. There was an agreed break in tempo (BIT) prior to South's double of 4♠.

The Ruling: The BIT demonstrably suggested bidding rather than passing. Pass was considered to be a logical alternative (LA). The result was adjusted to 4♠ by West doubled making four, E/W plus 590 in accordance with laws 16 A2 and 12 C2.

The Appeal: South's voluntary 2♠ bid showed a fit for one of North's suits and interest in competing. North passed 2♠ because he knew the hand belonged to the opponents and wanted to make the auction obscure. North passed 4♠ because the opponents might be bidding toward slam, and he felt he had done enough. He pulled the double since partner's bid had shown interest in competing in clubs, and it was unlikely that a passed hand would have 4♠ beat by itself. North was willing to defend 4♠ undoubled but not doubled.

E/W did not appear. Given the agreed BIT prior to South's double of 4♠, the hand spoke for itself.

The Decision: A BIT before South's double of 4♠ was established. The BIT clearly suggests that North pull the double with a doubtful hand. Was pass a LA to 5♣? North had already described a "joke" hand by passing 2♠. The IMP odds on doubling four of a major for a one-trick set are 5-2 against doubling. Thus, South would not normally double unless he expected to set 4♠ in his own hand. Here, it is clearly logical for North to pass 4♠ doubled. Give South AJTx or AJT9 of spades, for example. Going minus 300 in 5♣ doubled instead of plus 100 against 4♠ doubled costs 9 IMPs.

The committee adjusted the result to 4♠ doubled by West making four, E/W plus 590. Since North held a freak hand and South had freely supported clubs, the committee decided that the appeal had merit.

The Committee: Doug Doub (Chair and Scribe), Dick Budd and Adam Wildavsky.

Commentary:

Goldsmith Good job on the ruling and the write-up. I'm not convinced that the appeal without merit warning (AWMW) should have been rejected, but it's OK to fail to give one.

Three-man appeals committees (ACs) are a bad thing, and one in which two of the three are regular partners ought never happen.

Polisner Again, I disagree with a director and the appeals committee (AC) deciding on its own what is a logical alternative without a poll of peers. I also disagree with the AC that North had already described a "joke" hand by passing 2♠. To me, the question is whether passing 4♠ doubled is logical holding minus defense. I am distressed by North's either brilliant analysis about why he passed 2♠ or was just making it up after the fact.

Rigal I have quite a bit of sympathy with North here; he has a defenseless freak, and his partner has announced a club fit. I think I would have been in sympathy with allowing the pull.

Smith Well done by all again.

Wildavsky I haven't changed my mind. I agree with the TD and AC decisions.

Wolff Overall a good ruling. North was really insinuating himself when he passed 2♠, then passed 4♠, and finally took out his partner's slow double. E/W should have discussed the meaning of a possible transfer after interference, but that turned out to not be a factor.

Zeiger I have just one minor quibble. Why were Doug Doub and Adam Wildavsky, longtime partners, on the same committee? Correct decision.

APPEAL	NABC+ THIRTEEN
Subject	Unauthorized Information (UI) and Misinformation (MI)
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	First Final
Date	March 16, 2007

BD#	7
VUL	Both
DLR	South

Yi Zhong	
♠	K J
♥	8 5 3 2
♦	A J 8 6
♣	J T 7

Karl Gohl		Spring 2007 St. Louis, Missouri	Neil Kimelman	
♠	T 4 3		♠	A Q 9 8 6 2
♥	K 9		♥	J T 7 6 4
♦	K 7 3		♦	
♣	Q 9 4 3 2		♣	8 5

Hailong Ao	
♠	7 5
♥	A Q
♦	Q T 9 5 4 2
♣	A K 6

West	North	East	South
			1NT ¹
Pass	3NT	4♣ ²	Dbl
Pass	Pass	4♠	Pass
Pass	Dbl	Pass	Pass
Pass			

Final Contract	4♠ doubled by East
Opening Lead	♣A
Table Result	4♠ dbl'd E made 4, E/W +790
Director Ruling	4♣ dbl'd E down 3, E/W -800
Committee Ruling	4♦ S made 4, N/S +130

- | | |
|-----|---|
| (1) | 15-17 HCP. |
| (2) | Actual agreement is majors, one longer than the other. Not Alerted. |

The Facts: The director was called after the 4♠ bid and again after the play of the hand. South asked the meaning of 4♣ at his turn and was told, "clubs." He told the director away from the table that he would have bid 4♦ if he had been told the actual agreement. E/W play that after 4♣ that 4♦ asks for the longer major – there were no other agreements. E/W play "Hello" versus a strong 1NT opening.

The Ruling: Six players were polled on East's action: three passed the double with the E/W agreements; two bid 4♠ and one was unsure between 4♠ and pass. The UI demonstrably suggested action over a pass and pass was deemed to be a logical alternative (LA). In accordance with laws 16 and 12, the result was adjusted to 4♣ doubled down three, N/S plus 800. The MI was deemed to be moot.

The Appeal: It was unreasonable to pass 4♣ even though there was definitely UI from partner's explanation.

N/S agreed with the facts as presented.

The Decision: If South had been given proper information, he stated he would have bid 4♦ over 4♣. This seems eminently reasonable and would, probably, have ended the auction. West would, if aware of the meaning of 4♣, have most likely led the ♥K. If still unaware of the meaning, he would likely have led a club. Both leads result in 4♦ making four. The table result of E/W plus 790 was in part because MI stopped South from taking his most likely action. The adjudicated result of 4♣ doubled down three, E/W minus 800 was deemed unrealistic by the committee. The result of 4♦ by South making four, N/S plus 130 gives the most favorable result that was likely to N/S – if proper information had been proffered at the correct time.

The Committee: Dick Budd (Chair and Scribe), Abby Heitner, Jeff Meckstroth, Chris Moll and Eddie Wold.

Commentary:

- Goldsmith** Did the appeals committee (AC) really deliberate in as ad hoc a manner as the write-up suggested? Given their vast experience, probably not, but the write-up makes it sound as if they did. They came to a reasonable answer, but if they'd followed precise procedure, maybe they would have found a better one, or at least have been more convincing about their choice. Let's start with the UI case. Is passing 4♣ doubled a LA? It depends on what West's pass means. If it's to play 4♣, then passing is easy. If it means, "bid your longer major," then passing is silly. If E/W have no agreement, East will never take the deep view to pass. Since they appear not to have an agreement, passing is not a LA, despite the poll, so East is allowed to bid 4♠. Good job by the AC to reject the poll. Were N/S damaged by the MI? Yes. South's 4♦ will definitely lead to a better result for N/S than his double did. So we must adjust and use L12C2. What are the at all probable results? 4♦ +130, 4♦ -100, 4♠ doubled -790, 5♦ -200, 5♦ -100, 5♠ doubled +200, all scored from the N/S perspective. I reject 4♣ -300, as South felt very sure he'd bid 4♦. Which are likely? Probably any except N/S's taking only 9 tricks at diamonds or 4♣'s getting passed out. In particular, is 5♠ doubled likely? If South bids 4♦, North is likely to bid 5♦; the conditions are vulnerable at IMPs. Why can't partner have Axx/xx/KQxxxx/AK? Once East has heard the opponents bid to game in his void, he might well bid five over five; he has, after all, already committed to the four-level, and the AI strongly suggests that bidding is much more likely to be successful than it was the previous round. All in all, this is a tough one---judging which of those six results are likely and which are at all probable is difficult. My choice is that N/S +200 is likely, so I rule reciprocal 200s. My second choice, if 5♠ isn't likely, is E/W -200, and N/S -100. I don't think it is likely that the auction will end in 4♦, and while it is certainly at all probable, there is a worse at all probable result for the offending side. What about MI in the UI context? Can we rule that West would have bid 5♣ over 4♦, since South gets the right information, but West doesn't? That'd lead to N/S +1100. No, N/S only get redress from damage from the MI, not the opportunity to continue the auction as it was with the right information.
- Polisner** I am surprised that the director did not consider the fact that South would have bid 4♦ with the correct explanation of 4♣ and ruled +130 for N/S. If I considered East's action of bidding 4♠ egregious enough being in possession of UI, I would have awarded E/W minus 800. I think it is close.
- Rigal** What a bizarre decision to award minus 800. No bridge player would consider passing 4♣ here; the pass of 4♣ says nothing about wanting to play that contract. I like the idea of the auction ending in 4♦ (whether North or East would actually pass here is another matter!) Reasonable decision in a complex position.

- Smith** I disagree strongly with the committee on this one. There existed on this hand both UI and MI. N/S were not damaged by MI. Doubling rather than bidding 4♦ did not damage them, and law 40C tells directors and committees to adjust due to MI only when damage results. The damage to N/S occurred from UI. They were scheduled to and entitled to plus 800 if not for the 4♠ bid by East. Since the polling by the director seems clearly to establish pass as a logical alternative, then that should have been the adjustment.
- Wildavsky** For starters the AC ruling is incomplete. They needed to specify the most unfavorable result that was at all probable for the offenders. The director supervising the appeal should not accept such a decision from the AC. There were two infractions, MI and UI. As in case nine, with two infractions by the same side, the TD and AC should chose to adjust based on the infraction that gives the offenders the worst score. That's what the TD did. The TD's ruling was better than the AC's, and I see no merit to the appeal.
- Wolff** Typical happening of a committee wallowing around trying to determine a score adjustment because of convention disruption. Impossible and not even fun to do.
- Zeiger** Curious. East wouldn't have had the opportunity to act on the UI if South didn't have MI. I like the committee's style, but I don't think the reasoning is correct. In real life, N/S were not damaged by the MI. They were damaged by use of UI. Since the 4♠ bid is actually what caused the damage to N/S, the fact that South would have bid 4♦ with correct information is irrelevant. The TD ruling was correct.

APPEAL	NABC+ FOURTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Whitehead Women's Pairs
Session	Second Final
Date	March 16, 2007

BD#	2
VUL	N/S
DLR	East

Elaine Said	
♠	K 9 3 2
♥	5 3
♦	A Q 5 4 2
♣	T 7

Gigi Weinstein		Spring 2007 St. Louis, Missouri	Janice Seamon-Molson	
♠	8 5		♠	T 7 6
♥	T 7 6		♥	K Q J 9 8 4
♦	8 7		♦	K
♣	K Q 6 4 3 2		♣	A J 8

Jacqueline Sincoff	
♠	A Q J 4
♥	A 2
♦	J T 9 6 3
♣	9 5

West	North	East	South
		1♥	Dbl
2♥	2♠	3♥	Pass ¹
Pass	3♠	Pass	Pass
Pass			

Final Contract	3♠ by North
Opening Lead	♥K
Table Result	3♠ N made 3, N/S +140
Director Ruling	3♠ N made 3, N/S +140
Committee Ruling	3♠ N made 3, N/S +140

(1)	A hesitation alleged by E/W but denied by N/S.
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The Facts: The director was called at the conclusion of play. E/W contended that there was a hesitation by South prior to passing 3♥. South and North disagreed. South contended that the pause over 3♥ was no longer than the pause over 1♥.

The Ruling: Even if there were an unmistakable hesitation, it was deemed that there was no logical alternative (LA) to bidding 3♠.

The Appeal: E/W observed a pause by South before she passed East's 3♥ bid. A takeout double of 1♥ does not promise four spades, but South's hesitation suggested bidding 3♠. Although North had the strength for another bid, double and 4♦ were LAs to the 3♠ bid. North thought that it was very clear for her to bid again and that the opponents would agree when they saw her hand. South thought that North should have bid more at her first turn. N/S did not think that 4♦ was a reasonable alternative to 3♠ or double. South denied that she hesitated at all over 3♥. She is a deliberate bidder and uses her (awkward) left hand to pull the bidding cards. Both her initial double and subsequent passes took several seconds.

Before the opening lead, East pointed out South's tempo over 3♥. North said it will not be a problem. Not admitting a hesitation but certain that she had plenty in reserve for 3♠.

The Decision: It appeared to the committee that South took slightly longer to bid over 3♥ than over 1♥, but it was not clear whether South's tempo constituted an unmistakable hesitation.

However, given North's hand, South's tempo was a moot point. At matchpoints, North would never seriously consider selling out to 3♥ and 4♦ is not an attractive alternative. Either double or 3♠ would result in a contract of 3♠. Therefore, the table result was allowed to stand.

The committee considered the merit of the appeal and decided that there was just enough for E/W to avoid an appeal without merit warning (AWMW).

The Committee: Doug Doub (Chair and Scribe), Ed Lazarus, Aaron Silverstein, Riggs Thayer and Jim Thurtell.

Commentary:

Goldsmith I'd short-circuit the whole problem. What about South's hand suggests that she had any problem over 3♥? Nothing whatsoever; she has a totally obvious pass. When there is a disagreement about whether a hesitation occurred, and the hand held strongly supports one of the sides, go with that. So no BIT, no adjustment, simple case.

Was the appeal with merit? It's obvious that E/W thought there was a hesitation. If there were, there'd be a case. So no AWMW.

Polisner My only comment relates to the lack of an AWMW when there was not even an unmistakable BIT which is the primary component for a claim of UI. Even disregarding that issue, it should be clear to a world champion that 3♠ was 100% after seeing the hand.

Rigal N/S got lucky here. Yes North has an entirely normal 3♠ call at her first turn (some might bid 4♠) and would surely have acted again even if there were a break in tempo. But South's hand suggests that E/W did have a case regarding a pause. Still, after a double by North, South would have bid 3♠. Might North have bid 4♦? That argument is enough to let E/W off any possible AWMW.

- Smith** Another surprising appeal resolved well by the committee.
- Wildavsky** It seems likely to me that South hesitated over 3♥. I would have! With her unexpected shape and opposite a conservative partner South might well be worth a 3♠ bid.
The hesitation certainly suggests the 3♠ bid, so what are North's logical alternatives? In particular, what would be logical for a player who chose to bid 2♠ at his first turn? One way to find out would be to take a poll -- I suspect it would show that pass is a LA.
- Wolff** Why was not an AWMW given? There was no new evidence, although the committee may have overruled the director. So, from a logical viewpoint we are encouraging players to bring appeals since there is no downside not to do so. Wildly inconsistent!
- Zeiger** Since none of us would ever seriously consider selling out to 3♥, as the committee properly observed, and since 4♦ is a poor choice, why did the committee see any merit to this appeal? Not a chance in Hades that East would have ever sold out with the North hand, so why should she think someone else should? Zero merit.

APPEAL	NABC+ FIFTEEN
Subject	Played Card
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	Second Final
Date	March 16, 2007

BD#	24
VUL	None
DLR	West

Bryan Maksymetz	
♠	Q J
♥	T 3
♦	K T 7
♣	K Q T 6 3 2

Karl Cohl		Spring 2007 St. Louis, Missouri	Neil Kimelman	
♠	A 9 8 4		♠	K T 6 5 3
♥	6 2		♥	A 9 4
♦	J 8 6 5 2		♦	A 9 4
♣	5 4		♣	A 9

Vish Viswanathan	
♠	7 2
♥	K Q J 8 7 5
♦	Q 3
♣	J 8 7

West	North	East	South
Pass	Pass	1♠	Pass
3♠	Pass	4♠	Pass
Pass	Pass		

Final Contract	4♠ by East
Opening Lead	♥K
Table Result	4♠ E made 5, E/W +450
Director Ruling	4♠ E made 5, E/W +450
Committee Ruling	4♠ E made 5, E/W +450

The Facts: The director was called after the play of the hand. After winning the ♥A and drawing trumps, declarer led the ♦4 towards dummy (the West hand). South played the ♦3 and declarer called the ♦8. North thought declarer said high. Both west and South heard declarer say “eight.”

The Ruling: In accordance with laws 9 B1a and 45 C4a, the director allowed the table result to stand.

The Appeal: North was somewhat confused by the arrangement of dummy’s hand. Three players agreed that the ♦8 was called from dummy by declarer. North thought the ♦J had been played
E/W did not appear.

The Decision: Since this is a matter of law and there were no different facts presented. The director's decision to allow the table result was upheld.

While the committee judged that the appeal had no merit because it was a matter of law with no contradictory facts presented, an appeal without merit warning (AWMW) was not issued. The reason for this is that the committee understood that N/S were appealing to restore the normal result for E/W to protect the field.

The Committee: Dick Budd (Chair and Scribe), Abby Heitner, Jeff Meckstroth, Chris Moll and Eddie Wold.

Commentary:

Goldsmith If this is just a case of law, then the appeal should have been sent to the Chief Director (L93B1). If the case was not sent to him first, then the appeals committee (AC) has no power to rule, so no AWMW is legal. If the case was sent to him, and was appealed, the appealing side would have been told that the AC can't overrule the director, but can only suggest he change his ruling, and that he wasn't going to change it, so there's no way they would have appealed. If they did anyway, AWMW.

Polisner If no AWMW was issued here, the entire system should be scrapped.

Rigal I hate these 'protect the field' (PTF) appeals. Take the money and run – okay take the AWMW and walk don't run. Groundless case - no merit.

Smith This kind of appeal must be met with an AWMW. Otherwise other appellants will be encouraged to appeal issues that are simple matters of law that they have no chance of winning.

Wildavsky This appeal had no merit, and N/S's claimed motive cannot create merit where none existed.

Wolff Another mechanical mistake, but there is no reason to even consider changing the play. If N/S really brought this action to not have their own score adjusted, but rather to adjust the score to PTF, I think it noble. Perhaps even more than that it proves the players are aware of how important it is to PTF.

Zeiger Oh, come on. As long as you appeal on behalf of "the field", you can bring as asinine a case as you wish and still not get an AWMW?? Surely you jest. My apologies to East from NABC+ case 14. I thought that appeal was very poor. Shows what I know. Let's make a new rule. If an appellant has zero case, should have known he had zero case, was warned in screening he had zero case, he gets a prize. We'll call it an AWMW.

APPEAL	NABC+ Sixteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	Second Final
Date	March 17, 2007

BD#	20
VUL	Both
DLR	West

Eldad Ginowsar	
♠	K 7 4
♥	A T
♦	Q T 9 5
♣	J 7 5 4

Nick Bykov		Spring 2007 St. Louis, Missouri	Srikanth Kodayam	
♠	J		♠	9 8 6
♥	K Q J 9 8 4		♥	5 3
♦	K J 7 3		♦	A 8 6 4 2
♣	A Q		♣	T 8 2

Melih Ozdil	
♠	A Q T 5 3 2
♥	7 6 2
♦	
♣	K 9 6 3

West	North	East	South
1♥	Pass	1NT ¹	2♠
3♦	Dbl ²	Pass	3♠
4♥	4♠	Pass	Pass
Dbl	Pass	Pass	Pass

Final Contract	4♠ dbl, made 4, N/S +790
Opening Lead	♥K
Table Result	4♠ dbl, made 4, N/S +790
Director Ruling	3♦ dbled, made 3, N/S -670
Committee Ruling	3♦ dbled, made 3, N/S -670

(1)	Announced as forcing
(2)	Agreed hesitation

The Facts: The director was called after the 3♠ bid and again after the hand was completed. All the players agreed that North took some time before doubling 3♦.

The Ruling: The director considered pass to be a logical alternative to bidding 3♠, which was demonstrably suggested by the hesitation. In accordance with laws 16 and 12, the result was adjusted to 3♦ doubled by East, making three, E/W plus 670.

The Appeal: South stated that he had a good playing hand and very little defense. E/W should have 8 or 9 diamonds between them, and North probably has some spade support. North admitted that his double of 3♦ was a bad call.

West asked North, while South was away from the table discussing his hand with the director, whether his double of 3♦ was strictly penalty and was told that it was. West also pointed out that North could easily have both a diamond and heart stack, which would have kept him out of the auction on the first round.

The Decision: The committee all agreed that the double of 3♦ was a bad bid. The committee questioned South's contention that North should have spade support and commented that South had 1½ tricks of his own in defense. The issue, though, was whether pass was a logical alternative to bidding 3♠ by South. The answer was yes, and the director's ruling, 3♦ doubled, making 3, plus E/W 670, was upheld.

The committee then discussed whether an appeal without merit warning (AWMW) should be issued. Since South was a foreign player who was unfamiliar with the consequences of lodging an appeal without merit, one was not issued. N/S were apprised that future appeals would be expected to have merit or a formal warning would be given.

The Committee: Richard Budd (Chair), Tom Carmichael, Mike Kovacich, Ed Lazarus and Jeff Meckstroth.

Commentary:

Goldsmith Good ruling, but bad reason not to give an AWMW. Foreign players are unlikely to get multiple AWMWs unless they are regulars at ACBL NABCs. If they are regulars, then they should be playing by the same rules as everyone else. If they are not, then an AWMW is irrelevant to them, and there's no reason not to issue one.

Polisner Routine case of UI.

Rigal South is an accomplished international player. This partnership reached the semi-finals of the last World Championships in Verona for heaven's sake. 'Ignorantia facti non se excusit' Ignorance of the law is no excuse. N/S have played enough ACBL NABCs to know their way around; give them an AWMW.

Smith An AWMW just a warning, and this was an NABC+ event after all. Players who appeal a ruling and take up the time and energy of a number of people should not take the step lightly. If they are unsure of the merit of their case they should consider it before appealing and learn the possible consequences of making a bad appeal. The form they sign even warns them of the consequences. They should not be exempt from getting an AWMW because they plead unfamiliarity with our procedures.

Wildavsky The committee's apology for not issuing an AWMW is absurd. First of all South is an experienced internationalist -- every jurisdiction I know of penalizes appeals without merit. Second the appellants signed a form, which specified the consequences of an appeal without merit. Third any pair experienced enough to file an appeal must be considered experienced enough to bear the consequences. Fourth the AWMW is just that, a warning. The AWMW should be a judgment about the merits of the case, not the appellants.

Wolff When North was asked "Was his double of 3♦ strictly penalty", he answered yes. It was even more than that, it was quantified. It said, "Partner, I think I have a penalty double, but you may pull it if your hand suggests that". He could have gone on to say, "If I didn't need you to help, I would have doubled immediately". Hesitation disruption in all its GORY!

Zeiger A warning is not a jail sentence. It is a warning. In a NABC+ event, committees have no excuses for finding no merit, and not issuing an AWMW. Surely, this NABC has set a new record for highest percentage of utterly meritless appeals.

APPEAL	NABC+ SEVENTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	North American Open Swiss
Session	Second Final
Date	March 18, 2007

BD#	6
VUL	E/W
DLR	East

Helene Bauman	
♠	T 9 4
♥	J T 4
♦	K
♣	A K T 8 6 3

Leslie Amoils		Spring 2007 St. Louis, Missouri	George Mittelman	
♠	A Q 8 7 3 2		♠	6
♥	2		♥	Q 8 6 5 3
♦	A 8 7 6 5 2		♦	J T 9 3
♣			♣	Q 5 2

David Stevenson	
♠	K J 5
♥	A K 9 7
♦	Q 4
♣	J 9 7 4

West	North	East	South
		Pass	1♣
1♠	2♠	Pass	3NT
4♦	Pass	Pass	Dbl ¹
Pass	5♣	Pass	Pass
Pass			

Final Contract	5♣ by South
Opening Lead	♠A
Table Result	5♣ S down 2, E/W +100
Director Ruling	5♣ S down 2, E/W +100
Committee Ruling	5♣ S down 2, E/W +100

(1) Hesitation before doubling.

The Facts: All players at the table agreed that South's double of 4♦ was out of tempo. Three Flight A players were polled and all would have bid 4NT or 5♣ over the double. 2♠ was a limit or better raise of clubs. The partnership did not have a firm agreement about whether a pass of 4♦ by North would be forcing.

The Ruling: While there was an unmistakable hesitation that suggested pulling the double, there was no logical alternative (LA) to North's pulling. Therefore, the table result of 5♣ by South down 2, E/W plus 100 was allowed to stand.

The Appeal: The only issue before the committee was whether there was a LA to bidding over the double. South told the committee that he is fairly random about which minor he opens when they are 3-3, but that he tends to open diamonds when they are 4-4. North said that she erred in not bidding directly over 4♦.

The Decision: The committee reasoned that with E/W vulnerable, West was very likely to have a highly distributional hand. North's holding in spades suggested that East would likely hold at most a singleton spade, making ruffs of the suit a way to garner tricks and set up the suit. North's authorized information strongly suggests that South does not have four diamonds and might have as few as two. Furthermore, if there is a finesse to be taken in spades, it is through South, who is pretty well known to hold the stopper(s) in the suit. The committee decided that the authorized information available to North made passing illogical.

Since North is free to bid, North's choice of bids is unconstrained since the hesitation did not suggest one bid over another. Also, the fact that the double may have intimidated E/W from bidding their 5D contract is irrelevant since there is no violation on which to base an adjustment.

Accordingly, the committee upheld the director's ruling that the table score stands, E/W plus 100.

The Committee: Barry Rigal (Chair), Ken Barbour, Michael Huston, Jeff Meckstroth and Chris Moll.

Commentary:

Goldsmith I don't agree that passing is not a LA for this North. Once she had chosen to pass 4♦, either she was thinking that the pass was forcing and was planning a pass and pull slam try, which she obviously was not, or she was planning to abide by her partner's decision to pass (if her pass was non-forcing) or double 4♦. The poll isn't useful, because the directors didn't consult players who would have passed 4♦. So to bid 5♣ is inconsistent. The appeals committee (AC) members all think that passing 4♦ doubled is impossible, but none of them would have passed 4♦ in the first place, so it is in fact impossible. Passing 4♦ doubled is only possible for a player who would have passed 4♦ undoubled. North, prima facie, is such a player, so for her, passing 4♦ doubled must be a LA, and thus is imposed upon her. 4♦ doubled making five for both sides. This is a basic "transfer of intelligence" case.

Polisner I am uncomfortable with only three players polled - but that is better than not even taking a poll. Based on the poll, the result seems fair.

Rigal Once in a while the UI of a slow double can be overridden by the fact that passing is not a logical alternative. The unanimous view of the committee and sampled experts made North's action acceptable – if very lucky.

- Smith** The poll and the opinions and reasoning of the committee convince me, but I am still troubled by North's pass over 4♦. It is always hard to decide what is a LA to a player who takes a strange action before getting UI and then to try to judge what is logical to that player later. Polling in this kind of case only helps if you find players who would match the earlier action, and I suspect in this case that would have been very difficult.
- Wildavsky** The committee reasoned that West must be highly distributional, but they labored under the handicap of knowing the West was 6-6. A player who should have acted on the previous round should normally be deemed to have left the decision to partner. Holding ♦s QJx and ♣s xxx South would have doubled in tempo. I think the TD and the AC got this wrong, in spite of the poll. It seems to me that under current ACBL Laws Commission guidelines, a poll of three players cannot suffice to rule that there were no LAs to an action. In addition, as Jeff Goldsmith points out, North's peers are those who would have passed 4♦, so if enough of them can be found they are the ones who should be polled.
- Wolff** A very poor decision. First, when a pair gets doubled for penalties in 4♦ it is usually very difficult to then later bid 5♦. After all the 4♦ bidders do not know the tendencies of their opponents and that is a significant disadvantage.
Second, a slow double of 4♦ is much worse than the directors and committees can imagine, because, if South in this case doubles in relatively fast (but not necessarily noticeable) tempo, can we take them to committee if partner stands for it? Of course not! Hesitation disruption was very present here and could always have been avoided if North would have bid her hand immediately over 4♦ and just bid 5♣. This way worked much better for her and for all the wrong reasons. Why are we aiding and abetting this form of unethical behavior?
- Zeiger** This one, at least, is interesting. After hopelessly passing 4♦, I'm not sure North should be allowed to make the intelligent 5♣ call. Maybe passing the double wasn't a LA, but neither was passing 4♦. I would submit that any player who passed 4♦ might have thought of passing an in tempo double. I suspect I may be alone in disallowing the pull, but I've been alone before. E/W plus 910.

Final Comments

Wildavsky

Appeals Committees (AC) heard 17 cases in St. Louis, a dramatic leap from the five in Honolulu and four in Chicago. Only two TD rulings were changed, one for the worse in my opinion, so I can't attribute the increase to poorer TD rulings. I expect the jump is due in part to the different mix of events between the NABCs, in part to normal statistical variation, and in part to AC's and panel's refusal to award AWMWs even for appeals they judge meritless. The AC ruled as the TD did in 15 cases. I thought the AC improved the TD's ruling in case NABC+ NINE and worsened it in case NABC+ THIRTEEN.

Panels heard eight cases, up from three in Honolulu. On six they ruled as the TD did. On cases two and eight I thought they worsened the TD's ruling.

ACs awarded five AWMWs whereas I thought they should have awarded nine. Granted, one of those was a case where they adjusted the score in favor of the appellants. Panels awarded two AWMWs when I thought they ought to have awarded four. In my view an AWMW ought to be awarded anytime an appeal is without merit. It is in no way a judgment of the appellants themselves. To do otherwise both infantilizes players, implying that they are not responsible for their own actions, and unfairly stigmatizes those who do receive an AWMW. Before deciding not to award an AWMW the members of each AC and panel ought to ask themselves whether they can hold their heads high and claim, "This appeal had substantial merit."

As always, data and trend analysis for appeals dating back to 2001 can be found on my web site:

<http://tameware.com/adam/bridge/laws>.

Note that when I say "I agree with Jeff Goldsmith" I do not mean to imply that I disagree with the other panelists. It's just that Jeff's are the only comments I saw before the submission deadline. My use of the phrase indicates that he caught something that I missed.