

Appeals at the 2008 Fall NABC

Boston



Appeals at the 2008 FALL NABC Boston, MA

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 fourteen (14) cases were heard.

Five (5) 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.

Nine (9) 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.

**Appeals at the
2008 Fall NABC
Boston, MA**

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, 68, 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, 49, 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 North American 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. He served as chairman of the ACBL National Appeals Committee from 2003-2006.

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, 48, 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. He works as a senior software engineer for Google, Inc. Mr. Wildavsky has won the Blue Ribbon Pairs twice and the Reisinger BAM Teams once. He won a bronze medal in the 2003 Bermuda Bowl in Monaco. Mr. Wildavsky is chairman of the National Appeals Committee and vice-chair of the National Laws Commission. His interest in the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Bobby Wolff, 75, 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. He has represented the USA in the following team events: 12 Bermuda Bowls, 5 World Team Olympiads, 3 Senior Teams and 1 Mixed Team. 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.

APPEAL	NABC+ One
Subject	Unauthorized Information (UI)
DIC	Steve Bates
Event	Open Board-a-Match Teams
Session	Second Qualifying
Date	November 23, 2008

BD#	30
VUL	None
DLR	East

Simon Erlich	
♠	K Q J 6 5
♥	8 4
♦	Q J T 3
♣	9 5

Ed Freeman		Fall 2008 Boston, MA	Don Kersey	
♠	8 7		♠	A 9 3 2
♥	J T 6 3 2		♥	7
♦	A		♦	K 8 7 5 2
♣	A Q 8 7 2		♣	K J 4

Jeff Rothstein	
♠	T 4
♥	A K Q 9 5
♦	9 6 4
♣	T 6 3

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

Final Contract	3♣ by West
Opening Lead	♣5
Table Result	Making 3, E/W + 110
Director Ruling	3♣ W made 3, E/W +110
Committee Ruling	3♣ W made 3, E/W +110

(1)	Alerted. West explained "I'm taking it as Drury."
-----	---

The Facts: The director was called at the end of the auction. E/W had not discussed whether Drury applied in competition. East said that he believed he had another call based on his hand not the UI.

The Ruling: Four players with similar masterpoint holdings were consulted. None thought that a pass over 2♥ was a logical alternative (LA). Therefore, in accordance with Law 16, the table result of 3♣ making three, E/W plus 110 was permitted to stand.

The Appeal: All four players attended the hearing. South stated that a pass of 2♥ was automatic in his opinion.
E/W is a pickup partnership using standard methods.

The Decision: The committee felt unanimously that pass was not a logical alternative. The committee knows that there are players in the event who would pass 2♥, but it felt that the percentage of those who would do so did not meet the standard set in Law 16B1(b) – i.e. "...be given serious consideration by a significant proportion of such players, of whom it is judged some might select it."

Therefore, the director's decision to allow the table result of 3♣ making three, E/W plus 110, was upheld.

Since the appellants were informed of the results of the director's poll, the committee initially decided that the appeal lacked substantial merit and imposed an appeal without merit warning (AWMW). At the request of the National Appeals Chairman and the National Appeals Director the committee subsequently reconsidered the warning. Realizing the issue of whether or not pass is a logical alternative is closer than it had judged initially, the committee removed the AWMW.

The Committee: Robb Gordon (Chair), Doug Doub, Ellen Kent, Ed Lazarus and Chris Moll.

Commentary:

Goldsmith I suspect the poll is flawed. The directors needed to find a panel of players who would have passed East's hand to start with. In this day and age, there aren't a lot of those. If a player wasn't comfortable having passed the hand, he likely thought, "I have an opening bid; how can I pass now?" overwhelming other issues. I think the decision is very close, and I'd lean towards pass' being a LA, but that's why we have five players on an appeals committee.

Polisner Apparently the directors do not know how to take a proper poll. You don't ask the players polled if a particular bid is a logical alternative, you ask two questions (both without any knowledge of any UI):

1. What calls would you seriously consider?
2. What call would you make?

After taking the poll in this case, the directors determine if a significant number of peers would have considered calls other than 2NT and whether some would have actually have passed 2♥. Only then can they determine what is or is not a LA.

The appeals committee's logic is suspect since they determined that some players would pass 2♥, but not enough to be the "some" required to achieve LA status. I am baffled.

Rigal

West's failure to open a weak-two bid suggests that the auction he followed suggests either bad hearts, five hearts, or normal opening values. Thus East's decision to continue looks like normal bridge. I think pass IS a logical alternative but the group polled produced a united reaction that it was not. We have to respect them. Correct committee decision and I think it is a lot closer to the AWMW than the NAC Chairman and Director of National Appeals did.

Smith

I am more than a little surprised at the result of the player poll. Passing a natural 2♥ bid sure looks like an alternative to me. But I guess that is why we have player polls and committees. But the committee's stated reason for ruling pass not to be a logical alternative is faulty in my opinion. The committee states that there needs to be a "significant proportion" of players who would seriously consider pass for it to be deemed a logical alternative (Law 16B1(b)), and then it gives an opinion on the likelihood of players passing that I think confirms that statement to be true as applied to this case.

Finally, if the committee informed the players of its decision including the AWMW and then later reconsidered it, I think a very bad precedent was set. An AWMW is part of the committee's bridge decision and once a committee has rendered its decision that decision just has to be final, right or wrong. It is probably illegal for a committee to revisit its own decision in a case once it has been delivered, and it is certainly unwise.

Wildavsky The poll results and the appeals committee's (AC) judgment surprised me so I took my own poll. The questions and results are available here:

http://spreadsheets.google.com/ccc?key=pZJesnDzgUg6coOKRy-_eZA

16 players chose to pass, 5 bid 2♠, and 16 bid 2NT. Most, no matter what call they chose, seriously considered at least one other call. My poll results should make it clear that both pass and 2♠ are Logical Alternatives (LA). The director ought to have polled more players. Here his odds of finding four 2NT bidders were about 3.5%. We were unlucky, but polling more players would reduce the role of that luck. Suppose 80% of players would bid 2NT, most after seriously considering pass. Then pass is still a LA, but 41% of the time each of the four respondents will bid 2NT. This is much too high a chance of making an incorrect ruling.

The AC ought to be a safeguard against this kind of result. The committee cited the relevant portion of Law 16, so we know they had it in mind. Apparently their judgment differs substantially from mine. I can't say for sure what went wrong, but we get a hint when the write-up states, "The committee knows that there are people in the event that would pass 2♥." If some would pass then many more would seriously consider it. I have argued for years that directors and ACs ought to take a more expansive view of LAs. Here the AC realized that some players would judge differently than they themselves. A little more introspection might have let them conclude that they could easily be mistaken as to how many such players there are. It should only take one AC member to come to this conclusion. If anyone believes a call is a LA his colleagues should give that opinion great weight.

I don't recall why I didn't give the case to the AC as a blind preview, and I regret not doing so. A blind preview might have helped the AC members realize that the decision was a close one.

Wolff Since convention disruption (CD) caused the whole problem some continued effort should be made to diminish and eventually eradicate it from our game. Because of the director's and committee's position, perhaps plus 110 should remain for E/W and minus 110 for N/S, but with a 1/4 to 1/2 board procedural penalty to E/W for not knowing their convention and causing CD. All masters get served, justice, right score, protection of the field, and ongoing improvement in our scoring.

APPEAL	NABC+ TWO
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Blue Ribbon Pairs
Session	Second Qualifying
Date	November 25, 2008

BD#	10
VUL	Both
DLR	East

Piotr Tuszynski	
♠	K J 4 3 2
♥	K Q 9 7
♦	T 9 4
♣	8

Chuck Lamprey		Fall 2008 Boston, MA	Arch McKellar	
♠			♠	A 9 8
♥	J T 8 6		♥	A 5
♦	A J 6		♦	K Q 8 7 3
♣	A K Q 7 6 4		♣	J 5 3

Apolinary Kowalski	
♠	Q T 7 6 5
♥	4 3 2
♦	5 2
♣	T 9 2

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

Final Contract	6♦ by East
Opening Lead	♠5
Table Result	Making 7, E/W +1390
Director Ruling	3NT E, making 7, E/W +720
Committee Ruling	3NT E, making 7, E/W +720

(1)	Alleged break in tempo (BIT) – N/S said 10 seconds, E/W 6 or 7 seconds.
(2)	Roman Keycard Blackwood for diamonds.

The Facts: South called the director after the auction and again after the play of the hand. Initially the table director had thought that E/W had denied a BIT; however, the screening director determined that E/W thought the BIT was as above. The director determined that an unmistakable hesitation had occurred due to the statements by N/S and West's hand.

The Ruling: The director judged that the BIT demonstrably suggested bidding. He polled six players as to their action over 3NT with the East hand. Four passed and two bid on. Therefore, the director judged that pass was a logical alternative. In accordance with Laws 16B1 and 12C1(e), the result for both sides was adjusted to 3NT by East, making seven, E/W plus 720.

The Appeal: E/W appealed the director's ruling. All four players attended the hearing. Notwithstanding the appeal form, West allowed that 3NT might have taken 2-4 seconds more than the rest of his bids, since he did have alternatives to consider. He said that 3♠ and similar calls usually showed concentration of strength for notrump purposes, opposite which he had no matchpoint interest in minor suit contracts. East said that over 3♦ he had huge slam potential and never intended to play in 3NT. He said he rejected an immediate keycard 4♦ over 3♦ because he hoped partner would be able to bid 4♦ over 3♠, eventually finding out about all of East's controls and the queen of diamonds. Once West didn't take charge over 3♠, East felt it was time someone bid keycard but he was no longer interested in seven over West's supposed lack of interest.

The Decision: The committee found there was an unmistakable hesitation relative to the tempo of the earlier auction. It also found that the hesitation demonstrably suggested not passing 3NT and that passing 3NT was a logical alternative to bidding on, thereby upholding the adjustment to 3NT by East, making seven, E/W plus 720. In doing so, the committee felt that East might have intended 3♠ as asking for a singleton spade honor so that West's 3NT could have shown K, Jxxx, Axx, AKxxx, making slam no bargain. There was also some sentiment that East's first two calls were not optimal so that there was no reason for him to be alive to the possibility of slam other than the suggestion of the hesitation. The committee did not disbelieve East's reasoning for bidding 3♠ but found it irrelevant in light of the UI created by the hesitation. The appeal was determined to have substantial merit.

Dissent (Ron Gerard): In my opinion, passing 3NT was not a logical alternative (LA) to bidding on. To bid 3♠ asking specifically for the singleton king of spades was fatuous since West would also bid it with singleton queen in case East's spade holding were KJx or K10x. Do any pairs have that specific an agreement about bids opposite marked shortness rather than the standard meaning of "I have a maximum holding for my previous auction knowing you are short?" Furthermore, why would West go out of his way to bid around his singleton king with the hand the committee cited as a reason for passing 3NT? No, East's 3♠ had to be a prepared slam try, not some quixotic inquiry about a 12-1 shot.

To penalize East for his 1♦ and 2♦ calls shows lack of proper appeals temperament. Opening 1NT or rebidding 2NT may be clear to your way of thinking, but holding that anything else is so irrational that you forfeit your right to later intelligent action does not belong in the committee room. East had reasons for each of his calls and was under no restrictions when he bid 3♠ as a slam try rather than that ridiculous "notrump help" thing the committee foisted on him.

Finally, I disagree with the polling procedure that established pass as a LA. The director poll resulted in four passes and two bids. The committee was given a blind poll prior to the hearing and two members said they would pass 3NT while I would have cut my tongue out rather than do that, not knowing the hand (x, xxxx, Axx, AKQxx and Bob's your uncle in 7♦). The problem with the director poll is that it is done on the fly, without benefit of insight from the principals. The problem with the blind poll is that members answer in two seconds flat, then spend the rest of the hearing justifying their opinion when they didn't give due consideration to the auction. I defy anyone to support passing 3NT without creating a contortionist meaning for 3♠. And please don't hurl up accusations of bridge lawyering; it doesn't take a bridge lawyer to realize the value of that East hand when West goes out of his way to paint with pastels.

The Committee: Ron Gerard (Chair), Lynn Deas, Mike Kovacich, Richard Popper and Eddie Wold.

Commentary:

Goldsmith I'm with the dissent some of the way, but not with the ruling. Ron's right about the poll, but I think the flaw is that unless a player agreed with East's early bidding, he's thinking, "I should have opened 1NT," which is a strong subconscious push in the direction of passing 3NT. Moreover, if a player would not have bid 3♠, how can he be asked what he'd do here? Maybe it would have been useful to give the problem to players on the previous round and ask them for a plan. If very few would stop in 3NT then, then they should not be stopping now.

On this hand, however, East's bidding is inconsistent. If 3♠ was an advance cue, looking for partner's help to reach a slam, how can he take complete captaincy on the next round after partner made the most discouraging bid? He can't without UI. If East had continued his plan with 4♥, making a slam try, then he'd get to keep his good result. Just taking control, however, indicates that either 3♠ was not an advance cue or he failed to avoid carefully taking advantage of UI, and is not allowed to do so. In other words, if East, without UI, thought his hand was worth key card now, he would have bid 4♦ on the previous round. Therefore, he took advantage of UI. The director's and committee's rulings are correct.

Polisner When Ron Gerard agrees with the player who had potential UI, we all should sit up and take notice, as he is way on the far right normally in cases of UI. When I was given this hand, I felt that it was inconceivable to pass 3NT. In fact, I said that if I had only one bid to make between pass and 7♦, I would select the latter.

If the appeals committee (AC) was even discussing the merit of not having opened 1NT or rebidding 2NT with the East hand, it needs some education about what an AC is supposed to consider. It is not to critique the bidding, but to make decisions about the issues regarding irregularities and infractions.

As you will see in my comments to NABC+ ONE, I am critical of how the directors take polls and wonder if they do it just because they are supposed to do so.

Clearly East knew that West had at most one spade and a very good hand by failing to bid 3♦ (assuming that 2♣ was game forcing - was that true?). Just read Ron's dissent as it more articulately expresses my views.

Rigal I'm torn here. East's decision to bid on over 3♠ does look sensible, but the tempo break if there was one, does point in that direction. Notwithstanding my respect for Gerard's arguments, I might well have bought into the committee decision. I'm not sure this is the time or place to argue the procedure --so I won't.

Smith This seems to be the kind of case where a logical alternative is in the eye of the beholder. Maybe pass really is not a logical alternative to this particular West. The dissenter's argument certainly bolsters that claim. As a director, I have run into this kind of firmly held disagreement on whether a call is a logical alternative depending on who you talk to mostly as it applies to balancing decisions by opener. For example, 1♥ – 2♣ – P – P – ? Some believe that reopening with a double is mandatory with virtually any hand short in clubs, while others believe just as strongly that you need more values than just short clubs to reopen with a double. So yes, as the dissenter states it does point out a flaw in the polling system. But realistically, how could the directors poll any differently? And even if they could, would it matter? The dissenter, despite possessing legendary powers of persuasion himself, was unable to convince his colleagues of his position. Maybe this really is one of those cases where one side will never convince the other side. So as the law is currently written, I think the directors and the committee did the right thing. Pass was found correctly to be a logical alternative according to the only standard we have.

Wildavsky I don't understand East's argument about bidding 3♠ instead of Blackwood. It seems to me that if he discovers his side has all the keycards he can ask for kings and West will know as much as if West had himself bid Blackwood.
I have sympathy for the dissent, but I agree with the director and committee rulings. I see no reason West couldn't hold a hand like K/ KQxx/xxx/AKTxx.

Wolff I agree with Ron Gerard's well thought out dissent. As an aside a deliberate 3NT is not nearly as bad as a fast 3NT which would be much worse. This certainly was a high-level committee, but I don't like their decision.

APPEAL	NABC+ THREE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Blue Ribbon Pairs
Session	Second Semifinal
Date	November 26, 2008

BD#	3
VUL	E/W
DLR	South

Paul Bethe	
♠	J T 6 3
♥	J
♦	Q J T 8
♣	K J 7 2

Richard Zeckhauser		Fall 2008 Boston, MA	Michael Rosenberg	
♠	A K 5		♠	8 4 2
♥	K 7 5 2		♥	T 9 8 6 3
♦	A 7 2		♦	K 6 5 3
♣	Q 6 3		♣	T

Kitty Cooper	
♠	Q 9 7
♥	A Q 4
♦	9 4
♣	A 9 8 5 4

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

Final Contract	2♠ by North
Opening Lead	♣T
Table Result	Down 1, N/S -50
Director Ruling	2♠ N, down 1, N/S -50
Committee Ruling	2♠ N, down 1, N/S -50

(1)	Transfer to hearts.
(2)	All agreed that there was a length break in tempo (BIT) prior to doubling.

The Facts: The director was called after the 2♠ bid and again after play of the hand was completed.. South said “we were in a forcing auction.”

The Ruling: The director judged that pass by North was not a logical alternative. In accordance with Law 16B1, there was no reason to adjust the score. Therefore, the table result of 2♠ by North down one, N/S minus 50 was allowed to stand.

The Appeal: E/W appealed the director's ruling. North and East attended the hearing. North presented his partnership's written agreement covering auctions that begin "1NT – Double." The agreement is:

"If the enemy transfers after we double their No Trump advancer bids:

Double: Penalty of their real suit.

Bids the transferred-to suit: Takeout double.

Pass then Double: Cooperative–honor third plus some other values."

Michael Rosenberg recommended that South should anticipate the ensuing difficulty by taking time over the transfer of 2♦ and not so long over the 2♥ bid.

The Decision: The committee felt that North's decision to bid 2♠ after partner's acknowledged hesitation before doubling 2♥ was justified on a variety of counts:

1. The committee recognized that the agreement over a double of an opening one NT, while not identical, was analogous.
2. The opponents had at least eight trump.
3. His defensive values were very soft and misplaced.

The committee acknowledged Michael Rosenberg's recommendation.

The committee decided for the above reasons that pass was not a logical alternative and ruled as the director had, allowing the table result of 2S by North down one, N/S minus 50 to stand for both sides.

The appeal was determined to have merit.

The Committee: Gail Greenberg (Chair), Ellen Kent, David Lindop, Chris Moll and Bob White.

Commentary:

Goldsmith Good job, except that the case did not have merit. No one would pass or even seriously consider passing 2♥ doubled. This case is a simple judgment call about whether passing was a LA and it obviously isn't, so where is the merit?

Polisner If South's statement that N/S was in a forcing auction is accurate, why did she break tempo before doubling? If indeed it was forcing, the BIT suggested a bad hand suggesting that North pull. Where was the poll which would have assisted the director and the committee as to what is a LA?

Rigal I do not think the appeal has merit if the system notes were produced at the discussion. Yes, maybe South should have bid quicker (do we know who we were talking about here?!), but in the real world North's actions are predicated on partnership agreement not tempo.

- Smith** I think the N/S notes are compelling evidence that pass is not a logical alternative for North. So I agree with the directors and the committee.
- Wildavsky** The director ruling was a stretch, since he didn't have access to the information the committee did. Given what he knew I think he ought to have ruled for the non-offenders. I believe he made the right ruling for the wrong reason.
Had the N/S bidding notes been available during screening, E/W would likely have dropped their appeal.
- Wolff** Good decision, based on sophistication and logic. However, since more often than not sophisticated methods, being somewhat rare, are more subject to being affected by tempo variations and, in addition, are usually being played by sharper, more experienced players, their use has to be accompanied by superior ethics,

APPEAL	NABC+ Four
Subject	Misinformation (MI)
DIC	Steve Bates
Event	Reisinger BAM Teams
Session	Second Qualifying
Date	November 28, 2008

BD#	9
VUL	E/W
DLR	North

Shane Blanchard	
♠	Q 6
♥	A K Q 8
♦	Q 5 4
♣	J 6 4 2

Arno Hobart		Fall 2008 Boston, MA	George Mittleman	
♠	K J T 7 5		♠	A 9 8 4 3 2
♥	T 7 2		♥	
♦	8 7 3		♦	A 8 2
♣	K 9		♣	A Q 7 5

Robert Blanchard	
♠	
♥	J 9 6 5 4 3
♦	K J T 9
♣	T 8 3

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

Final Contract	5♣ doubled by N
Opening Lead	♠A
Table Result	Down 5, N/S -1100
Director Ruling	5♣ dbld, down 5, N/S -1100
Committee Ruling	5♣ dbld, down 5, N/S -1100

The Facts: The director was called at the conclusion of the play of the hand. North and South had repeatedly asked about the meaning of the 2♥ bid and had been told that the agreement was natural. E/W are an irregular but steady partnership. West said that he had psyched 2♥. East said he worked out that West had spades when North bid 3♥. South took 3♥ as a cuebid.

The Ruling: There was no evidence of an explicit agreement about 2♥ (i.e., a conventional spade raise) or that the E/W pair had a history of making psychic calls. Law 40B12 was deemed not to apply. Per Law 40C1 (which gives a player the right to deviate from announced agreements as long as his partner has no more reason to be aware of the deviation than the opponents), no infraction occurred. Therefore, the table result of 5♣ doubled by North, down five, N/S minus 1100 was allowed to stand for both sides.

The Appeal: N/S appealed the director's ruling. All four players appeared at the hearing. N/S argued that West's 2♥ bid was intended as an artificial spade raise, and that East forgot the partnership agreement. Since E/W claimed to rarely psych, this is a more likely explanation for the 2♥ bid than that it was a classic psyching situation. If E/W's agreement were that 2♥ is a spade raise, and N/S were so informed, then N/S would not have played in 5♣, but would have been in hearts instead.

E/W stated that although they played transfers in other auctions, West's 2♥ bid was natural according to their agreements. They do not play transfer advances after overcalls. They believed West was fully within his rights to psych. With a big spade fit and South's negative double, West thought that it was unlikely that partner would get too excited about playing in hearts, and he could always correct to spades.

The Decision: E/W's convention card did not state that they played transfer advances, so the committee judged that N/S were given the correct explanation of E/W's partnership agreement of the 2♥ bid. Since there was no suggestion that East received unauthorized information, his 4♠ bid does not suggest that he violated a law. Thus the table result of 5♣ doubled by North, down five, N/S minus 1100 was allowed to stand for both sides.

Since it appeared to N/S that either an opponent psyched and his partner read it or else they were given misinformation, the committee judged that the appeal had merit.

The Committee: Doug Doub (Chair), Dick Budd and John Solodar.

Commentary:

Goldsmith Good job all around.

Polisner I find it difficult to believe that East did not believe that West at least had spade support for his 2♥ bid even if it was ostensibly natural. My opinion is that West may have erroneously believed that 2♥ was a spade raise and rather than admit he had forgotten the agreement said that he had psyched. The law requires that there is a presumption of MI which can be overcome by convincing evidence to the contrary. I don't see such evidence presented in the write-up which leads me to conclude that the ruling and decision were wrong. If the director and committee concluded that there was "no explicit agreement" about 2♥, then informing the opponents that it was natural is, by definition, MI.

Rigal I would be unhappy as South if this happened to me. But in the absence of any reference to transfer advances I'm not sure how we can legislate anything to exist with so little evidence. I think the appeal is interesting enough to have merit...barely.

Smith This kind of case is difficult for everyone. For the committee to have ruled in favor of N/S, it would have been forced to find that one or both of East or West were not telling the truth no matter how it finessed its decision. And that becomes a conduct committee matter, not a matter for an appeals committee. Maybe 2♥ intended as a transfer is more likely than intended as a psych, but that doesn't come close to proving that 2♥ wasn't intended as the psych West claimed. And it is entirely likely to me that the repeated questions about 2♥ helped East work out that his partner had spade support. I think the committee made the right decision here, since the explanations of East and West were certainly plausible.

Wildavsky E/W ought to have been asked whether they had ever played transfers in this auction. If so it colors the auction differently for them, and its information to which N/S were entitled. I'd also have liked to ask West why he didn't bid 5♠ over 5♣.
I think this case was one where "you had to be there." I don't know how I'd have ruled had I been present -- I cannot fault the director and committee rulings.

Wolff What about East's spade jump? If West was psyching and not "conventioning," why would East now jump in spades? My ruling +1100 E/W, -1100 N/S but 1/2 board procedural penalty to E/W for East's picking up (or whatever) West's psych or else what it really was.

APPEAL	NABC+ FIVE
Subject	Misinformation (MI)
DIC	Doug Grove
Event	NA Swiss
Session	Second Semifinal
Date	November 29, 2008

BD#	3
VUL	E/W
DLR	South

Ron Zambonini	
♠	K Q 6
♥	K Q 9 7
♦	Q 8 7 6
♣	K 8

Simon De Wijs		Fall 2008 Boston, MA	Bauke Muller	
♠	J 8 2		♠	9 7 4 3
♥	8 3 2		♥	4
♦	9 3		♦	A K J T 5 2
♣	Q J 9 7 4		♣	A 5

Waldemar Frukacz	
♠	A T 5
♥	A J T 6 5
♦	4
♣	T 6 3 2

West	North	East	South
			Pass
Pass	1NT ¹	2♦	Dbl
Pass	Pass	Pass	

Final Contract	2♦ doubled by E
Opening Lead	♣6
Table Result	Down 1, E/W -200
Director Ruling	2♦ dbl E, down 1, E/W -200
Committee Ruling	2♦ dbl E, down 1, E/W -200 for E/W 2♦ dbl E, made 2, N/S -180 for N/S

(1)	15-17.
-----	--------

The Facts: The director was called at the conclusion of the hand. East had asked North the meaning of the double and was told that it was penalty. The actual N/S agreement was a transfer to hearts. North had forgotten the agreement.

The Ruling: South most likely could hold only three diamonds. If he had a singleton club, he would have nine cards in the majors. With that hand, it was very unlikely that he would double 2♦ for penalty. Also, if North had KT832 of clubs, he would have covered the ♣Q. Therefore, even though there was MI, the table result of 2♦ doubled by East, down one, E/W minus 200 was allowed to stand.

The Appeal: E/W appealed the director's ruling. North was the only player who did not attend the hearing.

Declarer felt that the MI about South's double adversely affected his line of play. Fearing that South had a singleton club and queen third of diamonds, he could not afford to play on diamonds by finessing.

North felt that, despite the fact that he forgot the agreement, East could have checked the N/S convention card and figured it out. With only four hearts in the combined E/W hands, it was very unlikely that South's double could be penalty.

The Decision: East, an experienced world-ranked player, could have investigated further rather than rely solely on the explanation. If South did in fact have a penalty double and a singleton club his shape would be 4-5-3-1, not a hand likely to double 2♦ for penalty. East's line did not convince the committee that it was a well thought out solution to the play problem. No redress was warranted.

However, N/S was not entitled to the benefit of defeating a contract that would have made easily had the partnership provided correct information. The committee felt that a split decision was appropriate because both sides shared responsibility for the result. Therefore, in accordance with Law 12C1(b), the committee allowed the table result of 2♦ doubled by East, down one, E/W minus 200 to stand for E/W and adjusted the N/S score to 2♦ doubled by East, making two, N/S minus 180.

The Committee: Gail Greenberg (Chair), Ellen Kent, Mike Kovacich, P.O. Sundelin and Bob White.

Commentary:

Goldsmith My rule of thumb about whether a player should protect himself is roughly if you can say, "oh, come on, you knew what was going on," then the player gets no protection. If he had to figure it out from clues, he gets protected. For example, if your right hand opponent (RHO) opens the bidding, you double with 23 HCP, and LHO makes an "invitational" action, you can't complain that you were misinformed; you know that there was MI or that RHO psyched. Either way, you can't play your partner for a Yarborough and blame the MI.

Here, East knows that South does not have a canonical penalty double, but could not he have Axx Kxxx Qxx xxx? Sure, he could; that'd leave his partner with a 3523 15-count. In that case, cashing two rounds of trumps and starting on spades will make the contract. That doesn't sound like an egregious line. We weren't given the actual line, so we can't tell if in fact, it was ridiculous, but if declarer cashed two high trumps, planning to drive out the spades, I think he didn't do anything particularly wrong.

So there was MI. It led directly to the non-offending side's bad result.

Unless declarer's line was something really weird, he should be protected, E/W plus 180.

Polisner Clearly N/S should not receive benefit from its MI. Thus, minus 180 for N/S is appropriate. As to E/W, it is unreasonable for East to need to check his opponents convention card. East is entitled to rely on the explanation unless it is near impossible to be correct. The ACBL Laws Commission has opined that the requirement to “continue to play bridge” after receiving MI does not require a high standard. I would have voted for plus 180 for E/W.

Rigal I'm absolutely convinced that N/S deserve minus 180. As to E/W no matter if you are a World Champion or not, when someone gives you an unequivocal explanation of a call, I really do not think you have to dig around constructing hands for the opponents -- you believe what they say. Failure to do so should not eliminate your protection from MI. Yes, the opponents' hands were unlikely but why do you have to doubt their word?

Smith To quote a late colleague of mine, “If East had been told that double was Blackwood would he have believed it?” I know it has become popular to award split bad scores in these kinds of cases, but to me sometimes an opponent just goes so far off the deep end after receiving MI that no redress should be given and the table result should stand for both sides. Let's not forget that this East is a Bermuda Bowl champion. I don't think N/S gained “any advantage through its infraction” (Law 12B1), but instead through simply being lucky enough to play this hand against an opponent who just lost his mind for a moment. Law 40B4 states: “A side that is damaged as a consequence of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score.” Do we really think E/W were damaged as a consequence of double being misdescribed, or does it really feel as if their damage had a different source?

There must come a point where we would not award a split bad score in this kind of case, so it has to be just a matter of degree. Surely if North had said that double showed five diamonds we would not be adjusting anyone's score. East would “know” that couldn't be true upon the sight of dummy, and if he based his play on South having that hand we wouldn't even consider changing anyone's score. Why is this so different given the caliber of the player involved in this case? And not that I think it is an issue in this particular case, but do we really want to encourage players who just made a horrendous bid or play to call the director to get a good score taken away from the opponents even though in any given case we may all agree that the damage was not a consequence of the infraction at all? I don't think that is what the framers of the Laws intended when they wrote Law 12C1(b).

Wildavsky I like the committee's approach -- I think they improved on the director's ruling. I'm delighted to see that everyone understood that E/W were entitled to know the actual N/S agreement, even though North had forgotten it.

Wolf While I like the committee's decision, East's play did not speak well for his declarer's logic. I did like the final solution with both N/S and E/W deservedly suffering from the projected scores.

APPEAL	Non-NABC+ One
Subject	Unauthorized Information (UI) - Tempo
DIC	Jeff Alexander
Event	Compact KO
Session	First Match of First Session
Date	November 21, 2008

BD#	19
VUL	E/W
DLR	South

Shome Mukherjee	
♠	A K Q 5 4 2
♥	8
♦	J 6 4 3
♣	J T

Marion Kelley		Fall 2008 Boston, MA	Richard Oldford	
♠			♠	J T
♥	Q T 5 3		♥	A K 6 4
♦	T 9 5 2		♦	A K Q 8
♣	Q 9 4 3 2		♣	K 7 5

William Hunter	
♠	9 8 7 6 3
♥	J 9 7 2
♦	7
♣	A 8 6

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

Final Contract	5♥ doubled by W
Opening Lead	♠A
Table Result	Made 6, E/W + 1050
Director Ruling	4♠ dbld N, made 4, N/S + 590
Panel Ruling	4♠ dbld N, made 4, N/S + 590

(1)	8-10 pts and spade support (raise of spades).
(2)	Break in tempo (BIT) of approximately 10 seconds

The Facts: The director was called initially after the 5♣ call. All participants agreed that there was a BIT prior to East's second double. N/S said that East had asked questions and then thought. East explained that he was unfamiliar with the opponent's agreement about 2♦ and was processing the auction.

The Ruling: The director judged that the BIT demonstrably suggested further action and that a pass was a logical alternative. Therefore, in accordance with Laws 16B1, 73C and 12C1(e), the result was changed to 4♠ doubled by North, making four, N/S plus 590.

The Appeal: All four players attended the hearing. West felt that he had no defense. N/S felt that 4♠ could be going set if East had made a quick double.

The Decision: The hand was given to three of E/W's peers. All passed the double of 4♠. Therefore, on review, the director's judgment that action was demonstrably suggested and that pass was a logical alternative was affirmed. The director's decision to adjust the result to 4♠ doubled by North, making four, N/S plus 590 was upheld.

Since this was late in the first match of the event, there was little time in which to discuss the situation with the appellants. So even though they were advised of the reasons for the ruling and how slim their case was, no appeal without merit warning (AWMW) was assessed.

The Panel: Bernie Gorkin (Reviewer) – This was the first match of a compact KO so there was only time to have the decision reviewed by a one person panel.

Commentary:

Goldsmith Prima facie, this is a pretty clear ruling. More deeply, however, I think that East's double of 4♥ isn't strictly penalty, though it will get passed most of the time. Instead, it just says that he thinks 4♥ was making on power, and that partner is expected to try to maximize the plus score. In that case, the UI from the hesitation isn't quite the same; it could be argued that a slow double in that context is slow due to the fear that partner will pull it. But E/W didn't argue that this is how they treat that double, and if that's how they played it, East would not likely have had much trouble doubling. So I agree with the ruling, but could easily imagine it going differently with a different E/W pair.

Polisner I am not comfortable with the ruling and decision without more information as to the length of the time between the questions about 2♦ and the double. As we have discussed in prior cases, a plus or minus five second delay before calling is about right as a call faster than that would be UI and suggest that partner pass. However, without that information (assuming that the BIT demonstrably suggested an alternative) which at IMPs would very likely suggest bidding.

- Smith** The reviewer confirmed with his poll that the directors made the correct ruling. This looks routine, and I suppose I can live with no AWMW given the hectic nature of the event where it was unlikely that anyone had time to explain things to the appellants. Still, the appeals form does explain the risk in appealing and the appellants did sign it . . .
- Wildavsky** East's reason for hesitating is profoundly irrelevant. The director's ruling looks right, but I'm surprised he didn't take a poll. Without poll results to back up the director's judgment, I don't agree that the case was slim – I see merit to the appeal.
- Wolff** Very harsh, but right!. Players need to learn that slow, out of tempo, actions will be dealt with severely.

APPEAL	Non-NABC+ Two
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Daylight Open Pairs
Session	Second Session
Date	November 22, 2008

BD#	17
VUL	None
DLR	North

80 Masterpoints	
♠	8
♥	K Q 9 3 2
♦	Q 8
♣	K J 9 8 7

277 Masterpoints		Fall 2008 Boston, MA	406 Masterpoints	
♠	J 9 4		♠	K Q T 7 6 3 2
♥	A 8 5		♥	T 7 6
♦	A 3		♦	K
♣	Q 6 5 4 3		♣	T 2

305 Masterpoints	
♠	A 5
♥	J 4
♦	J T 9 7 6 5 4 2
♣	A

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

Final Contract	5♦ by S
Opening Lead	♠4
Table Result	Made 5, N/S +400
Director Ruling	4♠ dbld, E, down 1, E/W -100
Panel Ruling	4♠ dbld, E, down 1, E/W -100

(1) Break in tempo (BIT) with a range of time between 15 and 30 seconds

The Facts: The tournament director was called after the slow double. The players agreed on a BIT with a range of time between 15 and 30 seconds. (The play: spade to the ace, spade ruff, heart to the ♥J and ace and West cashed the ♦A.)

The Ruling: Law 16B does not allow a player to select from a logical alternative (LA), one that could demonstrably be suggested over another by the UI. The BIT suggests doubt about the double and thus probable diamond support. Thus, the contract was changed to 4♠ doubled by East. While five tricks are available to the defense, a slight slip would result in only four. Therefore, the result was changed to 4♠ doubled by East, down one, E/W minus 100. N/S got the worst of it because they were the side that created the problem. *(Editors note: According to Law 12C1(e), the director judged, obviously, that down one was the most favorable result that was likely for the non-offending side and that down one was “the most unfavorable result that was at all probable” for the offending side.)*

The Appeal: Only the appealing side (N/S) appeared. The reviewer spent 15 minutes explaining the reasons for the ruling and answering questions. After the explanation the North player (79 MPs) still wished to pursue the appeal and South (305) acquiesced. South said he bid 5♦ because he had such a poor suit. North's (irrelevant) comments were all about why he took so long to make up his mind.

The Decision: A large (9) number of peers (260-500 MPs) were consulted because only two were found who overcalled 4♦ (two bid 5♦ and five passed initially - all seven believed 4♦ was reasonable, so their further opinion was sought). All nine passed partner's double.

The panel also considered E/W's defense of 5♦, but given the experience level of West (277 MPs) decided the error of crashing the top diamond honors was not egregious for this player.

From the consultants' responses it is apparent that pass is not only an LA, but the preferred choice of South's peers. Therefore, in accordance with Laws 16B and 12C1(e), the ruling of 4♠ doubled by East, down one, E/W -100 was affirmed. An appeal without merit warning (AWMW) was given because North was not receptive to the education proffered.

The Panel: Charles MacCracken (Reviewer), Jay Albright and Bernie Gorkin.

Commentary:

Goldsmith For strong defenders, five tricks in 4♠ doubled is at least at all probable. Probably not here, so the ruling looks pretty good. Cashing the ♦A is, in my opinion, egregious for someone who is almost a Life Master, so I think E/W should keep its minus 400. It is, however, close enough that I'd accept either judgment on that.

Polisner Good work by all even taking into account that we are dealing with beginners.

Smith This was a good director ruling (although the reasons for it are poorly stated, and a poll should have been conducted) and a very well researched and thorough panel decision. The new laws are more specific than previous versions in expecting the director to consider whether a subsequent error by the non-offending side mitigates the relief it gets [12C1(b)]. The director and panel did well to consider that point. And yes, even new players should get an AWMW when it is otherwise warranted. It was earned here, and I am glad that the panel issued it.

Wildavsky Good work all around. I agree that the appeal lacked merit.

Wolff The basic ruling was good, however, because, in my opinion, West's switch to the ace of diamonds is egregious for this or any other player (that play cannot win and could easily lose if partner had the ace of clubs or, as happened, the singleton king of diamonds) and should not be rewarded by not having to face up to minus 400 in 5♦ made, instead of the minus 100 they received for 4♠ doubled. The adjustment should be two way - minus 400 for E/W and minus 100 for N/S. Since this is still a bridge contest, keep the candy store closed.

APPEAL	Non-NABC+ Three
Subject	Claim
DIC	Harry Falk
Event	Daylight Open Pairs
Session	Second Session
Date	November 22, 2008

BD#	17
VUL	None
DLR	North

1730 Masterpoints	
♠	8
♥	K Q 9 3 2
♦	Q 8
♣	K J 9 8 7

6320 Masterpoints	
♠	J 9 4
♥	A 8 5
♦	A 3
♣	Q 6 5 4 3

Fall 2008 Boston, MA	
---------------------------------	--

689 Masterpoints	
♠	K Q T 7 6 3 2
♥	T 7 6
♦	K
♣	T 2

1730 Masterpoints	
♠	A 5
♥	J 4
♦	J T 9 7 6 5 4 2
♣	A

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

Final Contract	4♠ doubled by E
Opening Lead	♣A
Table Result	4♠ doubled E, down 3, E/W -500
Director Ruling	4♠ doubled E, down 3, E/W -500
Panel Ruling	4♠ doubled E, down 2, E/W -300

The Facts: The director was called at the time of the claim.

The play up to the claim was:

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

At this point declarer put his hand down and said: "The rest are mine."

The Ruling: No mention was made of the outstanding spade in the defender's hand. Declarer must ruff with the ♠3 and defender over ruffs with ♠5, therefore the result is: 4♠ by East down three, E/W minus 500. (Law 70C)

The Appeal: Statements made by the appealing side: Declarer said when dummy went down he noted he had ten trump. He led one round with all following, which left one outstanding. When asked why he did not mention it, he said it was so obvious it didn't merit a mention.

The Decision: Law 70C gives the steps required before a trump trick should be awarded to an opponent. All must be met.

1. claimer made no statement about that trump, and
2. it is at all likely that claimer at the time of his claim was unaware that a trump remained in an opponent's hand, and
3. a trick could be lost by any normal* play.

*Normal includes play that would be careless or inferior for the class of player involved.

When the solons created this law, they would have left out #2 had they wanted directors to always rule that an opponent gets a trick(s) if conditions 1 and 3 are met. Ergo #2 must have meaning. In general, if declarer has adopted a reasonable line of play and has attempted to draw trump at every opportunity unless there is a valid bridge reason for not doing so, he is allowed to accurately count trump.

Conditions 1 and 3 have been met. When declarer got in he unblocked the diamond suit and led trump. Therefore the conditions of #2 were not met and the claim was upheld..

The result was changed to 4♠ by East down two, E/W minus 300.

The Panel: Charles MacCracken (Reviewer), Jay Albright, Bernie Gorkin.

Commentary:

Goldsmith The ruling seems fair, but East could have made it obvious that he knew that there was a trump out by saying, "ruff high, draw trumps," instead of "the rest are mine." Four syllables each way. Or he could just flip the ♠K on the table and face his cards. It's in the best interest of the game, however, to encourage claims, so the ruling seems OK.

Polisner I agree with the decision, but for condition 3 - not 2. It would be abnormal for declarer to ruff with the three after South had shown out even if he wasn't aware that a trump was outstanding.

Smith Many players don't understand the principles involved in resolving claims made with unmentioned outstanding trumps and, as this case shows, even some directors don't understand them. Congratulations to the panel for correctly deciding this case and for producing a first rate write-up that should be required reading for all directors and committee members.

Wildavsky I agree with the panel's ruling. East ought to have saved us this trouble, though. A player with almost 700 masterpoints surely knows that he ought to mention an outstanding trump when he claims, and that, if he doesn't, he risks losing a trick to it

Wolff Wonderful equitable ruling.

APPEAL	Non-NABC+ Four
Subject	Unauthorized Information (UI)
DIC	Chris Patrias
Event	Mini Blue Ribbon Pairs
Session	Second Qualifying Session
Date	November 25, 2008

BD#	18
VUL	N/S
DLR	East

3001 Masterpoints	
♠	Q
♥	A Q T 7 6 3
♦	K 6 5
♣	A 7 4

3259 Masterpoints	
♠	8 7 4 3
♥	J 5
♦	Q J 9 2
♣	J 6 3

Fall 2008 Boston, MA	
4661 Masterpoints	
♠	A K J
♥	K 9 2
♦	A 7 4 3
♣	Q 8 5

3715 Masterpoints	
♠	T 9 6 5 2
♥	8 4
♦	T 8
♣	K T 9 2

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

Final Contract	6♥ by S
Opening Lead	♦Q
Table Result	Made 6, N/S +1430
Director Ruling	6♥ by S, made 6, +1430
Panel Ruling	6♥ by S, made 6, +1430

(1)	Mild slam try in hearts
(2)	North made an audible gasp, agreed upon at the table

The Facts: The director was called after the 6♥ call. North made a mild slam try by transferring at the two-level then raising to game. South then chose to bid Roman Keycard Blackwood,, and South gasped after (mistakenly) responding 5♥.North raised to 6♥.

The Ruling: Even though Law 16B concerning unauthorized information might suggest that North had the ♥Q and demonstrably suggest that South bid on, pass was not considered to be a logical alternative, since South knew the partnership had all five controls. Therefore, the table result of 6♥ by South, making 6, N/S plus 1430 was allowed to stand.

The Appeal: Since there is no source of tricks, bidding 6♥ is not clear and the unauthorized information could have influenced South.

The Decision: Two players were polled. Both disagreed with the 4NT bid. However, both felt that once bidding 4NT, they would never pass 5♥ when holding five key cards. Also, since the “gasp” could have meant something else than the ♥Q (one ace for instance), the unauthorized misinformation did not demonstrably indicate bidding rather than passing. While Law 16B may have been violated, the panel felt that pass was not a logical alternative and the UI did not demonstrably indicate bidding over passing. Therefore, the table result of 6♥ by South, making 6, N/S plus 1430 was allowed to stand.

The Panel: Bernie Gorkin (Reviewer), John Ashton and Su Doe.

Commentary:

Goldsmith Good except for the missing and obvious appeal without merit warning (AWMW). The use of "controls" instead of "key cards" in the ruling text is an error in terminology and ought to be avoided.

Polisner I agree with the decision to allow the table result to stand. However, depending on the extent of the “gossip,” I would have considered issuing a procedural penalty.

Smith I agree that the gasp doesn't suggest North holds the trump queen any more than it suggests he has only one ace. In any case, a player who asked for aces with a nine card trump fit was not planning to stop below slam when he discovered that his side had all the key cards. So the gasp didn't demonstrably suggest bidding 6♥, and pass was not a logical alternative for this player anyway. Therefore I agree with the directors and the panel. I don't understand why the write-up states that Law 16B “may have been violated.” Perhaps the panel is just pointing out that unauthorized information existed, but if so I think Law 73 is a better reference. There does not seem to be much merit to this appeal.

Wildavsky The poll of only two players was too few to determine that pass was not a logical alternative. That said, pass was certainly not logical – this appeal had no merit.

Wolff Another good ruling which featured a pair, E/W, that was attempting to get something for nothing. A close slam happens to make so they contrive to cancel it out on very flimsy evidence. They should be publicly censured.

APPEAL	Non-NABC+ Five
Subject	Claim or Played Card
DIC	Chris Patrias
Event	0-5000i Blue Ribbon Pairs
Session	First Qualifying
Date	November 25, 2008

BD#	15
VUL	N/S
DLR	South

1,993 Masterpoints	
♠	A K 9 6 3 2
♥	8 6
♦	A Q 9 8
♣	5

1,198 Masterpoints		Fall 2008 Boston, MA	4,266 Masterpoints	
♠	J T 8		♠	5
♥	Q 9 4		♥	A K 3 2
♦	J 5 4		♦	K T 7 2
♣	K Q 8 3		♣	A 7 6 2

4,912 Masterpoints	
♠	Q 7 4
♥	J T 7 5
♦	6 3
♣	J T 9 4

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

Final Contract	4♣
Opening Lead	♠K
Table Result	Down 1, E/W - 50
Director Ruling	4♣ W, down 1, E/W - 50
Panel Ruling	4♣ W, down 1, E/W - 50

The Facts: The director was called after a club was led from dummy (East) at trick 12. West played 4♣. He was in dummy after trick 11. Dummy's cards were the ♣6 and the ♦7. North had the ♦Q and a spade. Neither South nor West held a trump or a diamond higher than the queen.

Declarer sat for a while and at the urging of North to play a card, West called for the club, which was good.

E/W alleged that North played the ♦Q to the twelfth trick. North stated that he was claiming the thirteenth trick with the ♦Q for down one.

The Ruling: The director determined that North was claiming without stating a line of play. In accordance with Law 70D1 and the footnote to Law 70, the director judged that there was no alternate normal play (i.e. to save the ♦Q for trick twelve) and therefore awarded the thirteenth trick to N/S.

The Appeal: All four players attended the hearing.

Declarer agreed that he sat for a long time in the two-card ending. His only explanation was that he was trying to remember if the diamond was good. Both he and dummy were adamant that North faced the ♦Q on the table.

According to N/S, everyone knew the contract was down one, yet declarer sat for over a minute staring at dummy. Finally North said, "Play a card." After declarer called for the good trump, North showed the ♦Q with the intent to claim the thirteenth trick not play it to the twelfth trick.

The Decision: There was a lengthy altercation at the table before the director could obtain all the facts. Both sides had different stories. After about ten minutes, the director determined that this was a claim by North. The panel found no facts that would indicate his judgment was incorrect. Therefore (see Law 70E), the director's ruling was upheld and the result of 4♣ by West, down one, E/W minus 50 was affirmed.

The Panel: Bernie Gorkin (Reviewer) and John Ashton.

Commentary:

Goldsmith Good ruling---Sominex Coups are not supposed to work---but why didn't North claim down one a minute earlier? Some players think one cannot claim if one is not on lead, but it is most definitely allowed. It is unthinkable not to give an appeal without merit warning (AWMW). Declarer not only ought not have appealed, he ought not to have called the director, ought to have apologized that his needless slow play may have caused a problem, and let the defender take his card back even if it was played inadvertently to trick 12. Taking advantage of opponents' procedural errors is one thing; inducing them is entirely another matter. Law 90B2 gives the director the right to award a procedural penalty (PP) for "unduly slow play by a contestant." I'd not do that here, though it's close, but I would penalize declarer five yards for delay of game. Failing to file a recorder form on declarer is criminal unless C&E charges were filed instead.

- Polisner** Someone should have discussed the concept of sportsmanship and fair play with West. Good ruling and decision.
- Smith** Another variety of the Sominex coup. I can't believe E/W even called the director, and for their further efforts they should get an AWMW. Who would really ask for a trick in these circumstances? I'm appalled.
- Wildavsky** This was a bizarre case. E/W committed the only infraction, unnecessary delay of game. They then appeared to want to profit thereby, winning a trick they could not have obtained legitimately. This appeal had no merit. If I could find a way to penalize E/W, I would.
- Wolf** Good. In the absence of clean, indisputable evidence to the contrary the bridge of the matter should prevail.

APPEAL	Non-NABC Six
Subject	Unauthorized Information (UI)
DIC	Patty Holmes
Event	Director Please Compact KO
Session	First Session,
Date	November 24, 2008

BD#	34
VUL	N/S
DLR	East

2621 Masterpoints	
♠	T 6 5 3 2
♥	8
♦	Q 8 4 2
♣	K Q 9

1082 Masterpoints		Fall 2008 Boston, MA	1592 Masterpoints	
♠	J 4		♠	9 8 7
♥	9 7 6 5		♥	K J T 4 3
♦	J T 5		♦	7 6
♣	6 5 3 2		♣	J 7 4

1007 Masterpoints	
♠	A K Q
♥	A Q 2
♦	A K 9 3
♣	A T 8

West	North	East	South
		Pass	2♣
Pass	2♦ ¹	Pass	4NT
Pass	5♦ ²	Pass	5♥
Pass	6NT	Pass	
Pass	Pass	Pass	

Final Contract	6NT by S
Opening Lead	♠7
Table Result	Making 7, N/S +1470
Director Ruling	5♥ by S, down 2, N/S -200
Panel Ruling	5♥ by S, down 2, N/S -200

(1)	Alerted as game forcing
(2)	Announced as "taking as transfer" before bidding 5♥

The Facts: The director was called at the end of the auction. South stated that he was taking the 5♦ bid as a transfer to hearts.

The Ruling: The original ruling was that the result would stand. The E/W pair filed a verbal appeal to that decision. After further discussion, the event staff considered the announcement that the 5♦ bid was being taken as a transfer to hearts was UI. Therefore, in accordance with Laws 16B1 and 12C1(e) changed its decision to 5♥ by South, down two, N/S minus 200, prompting N/S to appeal.

The Appeal: The appealing side indicated that they had no specific agreement about 4NT responses when no agreed suit existed. With other partners, North would have answered diamonds to “see where the auction was going” before bidding slam. She also discussed (post delivery) that she is always on the wrong side of decisions – directors ALWAYS make her bid something she would never bid. South indicated that with a single suited hand he would have bid his suit at the two-level since they were in a game forcing auction.

The Decision: The panel considered the appellants’ comments regarding the concept that with a single suited hand, South would have bid differently. Six peers of N/S were polled and all passed the 5♥ bid on the auction and information given. They were also asked if they would consider bidding Blackwood with a single suited hand – all said yes (an example was given of a two loser hand). In accordance with Laws 16B1, 12C1, and 73C, this strong result led the panel to uphold the director’s final ruling of 5♥ by South, down two, N/S minus 200.

The Panel: Nancy Boyd (Reviewer), Su Doe and Jean Molnar.

Commentary:

Goldsmith Presumably, N/S were playing 1430 and 5♦ denied an ace, in which case the ruling is clearly correct. The appeal had no merit whatsoever, despite the initial erroneous ruling.
Most of the appeal paragraph could have been eliminated. We don't need to know that an appellant whined.
I wonder if the Announcement is correct procedure or not. According to the Announcement rules, transfers from diamonds or hearts after any notrump rebid are announced. On the other hand, no bids are Alerted above 3NT starting with opener's rebid. If Announcements are Alerts, then the transfer must not be Alerted. If not, it must. In theory, Announcements are fundamentally Alerts. They are covered in the ACBL Alert documents. On the other hand, they are treated in different sections. The delayed Alerts section does not refer to "Announcements or Alerts," but only to "Alerts." So I think it could be argued either way whether this transfer needs to be Announced. I also think that the transfer Announcement is too general. After 1S-1NT-2NT, a 3D transfer needs to be announced. That seems a little odd to me. Note that the conflicting rules apply to a common auction: 2C-2D; 2NT-4D/4H, so they ought to be resolved clearly.

Polisner My only concern is: How could the original ruling have been that the table result stands?

Smith I guess the panel was too embarrassed to issue an AWMW after the inexplicable original directors ruling. I'm glad at least that the first ruling was changed by the event staff. I can't fathom what led to it.

Wildavsky South was due a procedural penalty for her violation of correct procedure. Yes, our rules for Alerting and Announcing are too complicated, and not everyone knows that bids above 3NT are neither Alertable nor Announceable after the first round of the auction. That said, "I'm taking it as" should not be part of anyone's bidding vocabulary. This appeal had no merit, and the initial and inexplicable director ruling does not grant it any.

Wolff I disagree with the final ruling. Although there was confusion, North's 6NT bid was entirely reasonable on the auction and not to allow it is too much of a distortion.

APPEAL	Non-NABC+ Seven
Subject	Unauthorized Information (UI) - Tempo
DIC	Richard Mueller
Event	Hartford Bridge Club KO, Bracket 2
Session	Final
Date	November 24, 2008

BD#	31
VUL	N/S
DLR	South

2207 Masterpoints	
♠	A 6 4
♥	K 4 3 2
♦	A K J 5 2
♣	5

2261 Masterpoints		Fall 2008 Boston, MA	4305 Masterpoints	
♠	Q T		♠	J 5 2
♥	Q T 9 5		♥	A J 8 7 6
♦	9		♦	8 4
♣	K J T 8 7 2		♣	A Q 3

956 Masterpoints	
♠	K 9 8 7 3
♥	
♦	Q T 7 6 3
♣	9 6 4

West	North	East	South
			Pass
Pass	1♦	1♥	1♠
4♥	Pass ¹	Pass	5♦
Pass	Pass	Pass	

Final Contract	5♦ by North
Opening Lead	♥5
Table Result	5♦ making 5, N/S +600
Director Ruling	4♥ by E, making 4, E/W +420
Panel Ruling	4♥ by E, making 4, E/W +420

(1) Tempo break in excess of required 10 seconds

The Facts: The director was called at the time of the 5♦ bid. There was an agreement in fact that there was a break in tempo (BIT).

The Ruling: Pass is a logical alternate, especially considering the vulnerability, so per Laws 16 B. and 12C1(e), the contract is reverted to 4♥, making four, E/W plus 420.

The Appeal: The appealing side argued that pass is not a “reasonable alternative” to the 5♦ bid. There is no defense, there could be a double game swing, and the tempo break was not considerably longer than 10 seconds.

The Decision: Six players with the approximate masterpoint holding of the North and South players were polled. All six considered pass – two would not consider it if told of the break in tempo.

The panel believed that the data received in the survey supported the analysis and the director's ruling to adjust the score to 4♥, making four, E/W plus 420 was upheld.

The Panel: Nancy Boyd (Reviewer), Jay Albright and Bernie Gorkin.

Commentary:

Goldsmith The paragraph about the poll seems a little murky. I'm a bit surprised by the results; I would have expected many of the players to bid 5♦ without pause for thought. I wonder if the "consideration" was due to the format of the poll. Were the players just given a hand and asked to bid it, or were they given the problem situation with every action enforced up until then? In any case, did any of the players actually pass? The current guideline for a LA requires it. The write-up didn't discuss how the disputed hesitation was resolved. North's cards make it pretty clear that he had a problem, but I don't see any rejection of N/S's assertion that North's pause was "not considerably longer than 10 seconds." Assuming that there was a hesitation, what UI did it convey? With the South cards, I'd figure that partner was probably thinking of doubling 4♥, not of bidding on, in which case, the UI doesn't demonstrably suggest bidding over passing, and bidding isn't prohibited. I also think that bidding 5♦ is nearly automatic, and would have bid more on my second turn. In fact, I think it's clear enough to bid 5♦ that if partner said, "hold on, I'm thinking of doubling 4♥," that (even ignoring the UI laws) it's still right to bid 5♦ once he doesn't double. Each of these points is arguable, which is why we have five-person appeals committees, but it's definitely reasonable to rule result stands.

Polisner A very poor process or write-up. Of course all players would consider pass. Thinking is the essence of bridge. The standard for a logical alternative is that a significant number of peers would consider pass (which consideration is present) and that some would actually pass (which either was not asked or not reported).

Smith I agree with the ruling and the panel decision. The stated reasons for both could be better, though. The director should have conducted a poll, and both the director and the panel failed to demonstrate why the slow pass demonstrably suggests the 5♦ bid. I see no merit in the appeal.

Wildavsky The rulings look right but the write-up is missing a couple important points. First, what did the BIT suggest? The score can be adjusted only if it suggested bidding, though I agree that it did. Second, what does this mean? "Two would not consider it (pass) if told of the break in tempo." I suppose it might mean that those two players believed that the BIT demonstrably suggested bidding, but it's a curious and ambiguous phrase. That said, I see no merit to the appeal.

Wolff To my mind a difficult decision, but if it was ruled a distinct tempo break hesitation disruption (HD) needs to be ruled against. In a match point game I would only have given E/W an average not plus 420 in order to protect the field (PTF). Of course, N/S should be saddled with minus 420.

APPEAL	Non-NABC+ Eight
Subject	Unauthorized Information (UI) - Tempo
DIC	Mike Flader
Event	Flight Ax Pairs
Session	First
Date	November 24, 2008

BD#	29
VUL	Both
DLR	North

Carl Berenbaum	
♠	8 3
♥	J T 6 4
♦	K J 9
♣	A K 7 3

Glenn Eisenstein		Fall 2008 Boston, MA	Linda Nitaback	
♠	A K 9 7 6 5 4		♠	Q T
♥	A 7		♥	K 5
♦	7		♦	Q 8 6 4
♣	J T 9		♣	Q 8 5 4 2

Jane Ball	
♠	J 2
♥	Q 9 8 3 2
♦	A T 5 3 2
♣	6

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

Final Contract	4♥ by South
Opening Lead	♠A
Table Result	Down 1, N/S -100
Director Ruling	3♠ dbld by W, making 3, E/W -730
Panel Ruling	3♠ dbld by W, making 3, E/W -730

(1)	Alerted and explained by South to East as Reverse Drury
(2)	Break in tempo (BIT).

The Facts: The director was called during the auction and after the play. A BIT was agreed..

The Ruling: The action taken by South was demonstrably suggested by the unauthorized information. Thus the result was adjusted to 3♠ by W, making 3, N/S -730. Four flight A players were consulted, and all passed when given the auction without the UI. Thus, pass was deemed to be a logical alternative, and, in accordance with Laws 16B, 12C1, and 73C, the score was adjusted to 3♠ doubled by West, making three, E/W plus 730.

The Appeal: North was a passed hand and South opened light. When North showed a heart fit, South thought there was no defense.

E/W felt that N/S could have had enough defense to defeat 3♠, but the BIT guaranteed that this wasn't the case. North knew South didn't have a full opener and doubled anyway.

The Decision: Based on the players polled, pass was a logical alternative and the BIT demonstrably suggested bidding. Therefore, Laws 73C, 16B, and 12C1 indicate disallowing the 4♦ bid. The director's ruling of 3♠ doubled by West, E/W plus 730 was allowed to stand.

The Panel: Nancy Boyd (Reviewer), Candy Kuschner and Gary Zeiger.

Commentary:

Goldsmith Good job except for the missing appeal without merit warning (AWMW) and procedural penalty (PP) for blatant abuse of UI.

Polisner Without the results of the poll only the conclusion, it is difficult to correct. I would have guessed that almost every player with the South hand would have pulled with not just a "light" opening bid, but virtually a psych. However, if some number of those polled would actually pass, then so be it.

Smith That is some light opening by South. No wonder she was nervous about leaving the double in. But I'm glad to see that the director conducted a poll, which demonstrated that pass is a logical alternative. I see no merit to this appeal. It seems that the panel relied solely on the director's poll in arriving at its decision. If so, I am surprised. I understood that the panel is expected to do its own research. And again, even though it is obvious in this case, polls should not neglect to get player input on the idea of whether a call chosen was "demonstrably suggested" by the UI. Maybe it was polled in this case, if so it needs to be mentioned.

Wildavsky It would be nice to know how long North hesitated. Since the director judged there was a BIT, I presume North waited longer than the ten seconds required after West's skip bid.
If N/S agreed to the BIT, then I see no merit to the appeal. I can't imagine how N/S thought they might prevail, given the results of the poll.

Wolff Another distorted result (never good) but since it was hesitation disruption (HD) caused, it should probably stand, although, since it was match points, I would prefer E/W receiving average or average plus not plus 730.

APPEAL	Non-NABC+ Nine
Subject	Unauthorized Information (UI) - Tempo
DIC	Olin Hubert
Event	Fast Pairs
Session	Second
Date	November 27, 2008

BD#	23
VUL	Both
DLR	South

2700 Masterpoints	
♠	Q J 5 4 3
♥	A Q 8 5 4
♦	A 4 3
♣	

800 Masterpoints		Fall 2008 Boston, MA	2650 Masterpoints	
♠	7 6		♠	A 2
♥	K 9 7 3		♥	
♦	Q J T 9 6 2		♦	8 7
♣	J		♣	A Q 9 8 7 6 5 4 2

2700 Masterpoints	
♠	K T 9 8
♥	J T 6 2
♦	K 5
♣	K T 3

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

Final Contract	6♥ by South
Opening Lead	♦8
Table Result	Making 6, N/S +1430
Director Ruling	5♥ by North, N/S +680
Panel Ruling	5♥ by North, N/S +680

(1)	Break in Tempo, approximately 15 seconds
(2)	Break in Tempo, approximately 15 seconds

The Facts: There was a break in tempo (BIT) before both the 5♥ and 5♠ bids.

The Ruling: The hesitations suggest that bidding slam may be more successful. Since pass is a logical alternative, in accordance with Laws 16B, 12C1, and 73C, the result was changed to 5♥ by North, making six, N/S plus 680.

The Appeal: North knows East and was sure that he wouldn't bid 5♣ with much missing in clubs. Therefore, most of South's cards would be working. They don't have an upper limit for their negative doubles, so south's double just showed cards.

East pointed out that if North thought all of that through, why didn't she bid 6♥ one round earlier. Other than the BIT, North had no more information than at the previous turn.

The Decision: Based on the players polled, pass was a logical alternative and bidding on was demonstrably suggested by the BIT. Therefore, by Laws 73C and 16B the 6♥ cannot be allowed. The director's ruling of 5♥ by North, making six, N/S +680 was upheld.

Since the polled players were unanimous on passing, and nearly unanimous on the meaning of the BIT, it was judged that the appeal had no merit and an appeal without merit warning (AWMW) was issued to N/S.

The Panel: Bernie Gorkin (Reviewer), Patty Holmes and Ron Johnston

FINAL COMMENTS

Wildavsky Appeals Committees (ACs) heard five cases in Boston and changed the tournament director's (TD) ruling in one of them. That one change, on case NABC+ Five, was in my view an improvement. In effect it changed half the ruling, giving the worst of things to both sides. This will never please the players involved, but must be done when called for by the laws.

Panels heard ten cases and changed one ruling. I thought that change, on case Non-NABC+ Three, was too close to call.

Caseloads per table were nearly as low as they've ever been, for both ACs and panels.

The small caseloads and the small number of rulings changed are both signs that TD rulings are getting better and better. I'm delighted and look forward to the continuation of the trend.

All was not perfect. I disagreed strongly with the TD and AC rulings on case NABC+ One. I can only repeat my call for ACs to take an expansive view of logical alternatives. Subsequent polling inevitably reveals that the spectrum of actions chosen by players is wider than most AC members believe.

Panels assessed an AWMW in two of nine cases. I thought that five of the remaining seven cases deserved an AWMW. The write-ups show that panels and I tend to agree as to whether an appeal has merit. However panels often choose not to assess an AWMW in favor of what they refer to as education. An AWMW is an educational measure -- it is after all only a warning. I'd like to see panels assess an AWMW whenever it is deserved. This will help continue the trend toward fewer appeals.

My figures, including table counts and appeals per table, can always be found at my web site:

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

I welcome suggestions for improvement of the appeals process. Please look me up at an NABC or drop me a line. My address is adam@tameware.com