

Summer 2008 NABC

Appeals Casebook



**Appeals at the
2008 SUMMER NABC
Las Vegas, NV**

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 thirty-seven (37) cases were heard. Fourteen (14) 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.

Twenty-three (23) 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, 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	Failure to Correct Partner's Misexplanation
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Qualifying
Date	July 18, 2008

BD#	18
VUL	N/S
DLR	East

Frank Aquila	
♠	A 9 2
♥	K T 6
♦	Q 9 5
♣	J T 5 2

Richard Gross		Summer 2008 Las Vegas, NV	Paul Stern	
♠	K 3		♠	T 7 6 4
♥	J 8 7 5		♥	A Q 9 2
♦	A K J T 7		♦	3
♣	8 4		♣	A K 6 3

Jerome Rolnick	
♠	Q J 8 5
♥	4 3
♦	8 6 4 2
♣	Q 9 7

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

Final Contract	4♥ East
Opening Lead	♥4
Table Result	Made 5, E/W +450
Director Ruling	4♥ E, made 4, E/W +420
Committee Ruling	4♥ E, made 4, E/W +420 Procedural Penalty of 1/10 board to E/W

The Facts: The director was called after E/W had left the table. E/W had 4th suit forcing on their convention cards. East thought 2♠ over 1♥ would be 4th suit but West thought 1♠ was 4th suit. West did not inform N/S that there was a failure to Alert before the opening lead was faced.

The Ruling: West had intended his bid of 1♠ to be conventional and artificial. He did not inform his opponents of the failure to Alert after the auction and before the opening lead. The director judged that had West informed his opponents prior to the opening lead that South would be likely to lead a spade. Then director judged that with a spade lead East was unlikely to make five. Therefore, in accordance with Laws 75D2, 40C and 12C2, the result was adjusted for both sides to 4♥ by East making four, E/W plus 420.

The Appeal: N/S and East appeared at the hearing. According to them, E/W left the table and N/S called the director before or at the beginning of the next round. E/W were not informed until roughly two hours later. E/W did not make a statement to the director until then.

East stated that it seemed unfair that after he had played the hand double-dummy that his result was taken away. And, if it took two hours for the director to rule, something must be wrong or maybe they weren't sure.

The Decision: The E/W convention card was marked "4th suit forcing." Absent any contrary evidence the committee concluded that the agreement applied to 1♠. West's failure to inform his opponents that there was a failure to Alert was an infraction. If West had complied with the law (i.e. announced the failure to Alert), it would have been discovered that his 1♠ call was intended to be conventional and artificial. With this information, some players would lead a spade and some would lead a heart. No one would lead a spade thinking that 1♠ was natural. Since a spade is more successful than a heart, N/S were damaged. An adjustment was in order. Therefore, the committee upheld the director's adjustment for both sides of 4♥ by East making four, E/W plus 420. The more difficult decision was whether or not to award an appeal without merit warning (AWMW). On the face of it, the Laws and bridge judgment are clear enough that this case itself has no merit. However, it occurred during the first round and a movement snafu had the directors rather busy. As a result, E/W never heard that the director was called or that there was a ruling until near the end of the session. This lack of communication made E/W unclear that this was a fairly simple ruling of law and made the whole thing seem unfair. Had there been timely notification and communication, the committee would have decided that there was no merit to the appeal. The infraction by West, however, was blatant and unacceptable for a player of West's experience. The committee felt that it wanted to impress upon West his obligation to speak up in the future and, therefore, awarded a token procedural penalty (PP) of 1/10 of a board. Law 90 encourages directors and committees to award a PP for errors in procedure that require adjusted scores to be awarded.

The Committee: Jeff Goldsmith (Chair), Jerry Gaer, Abby Heitner, Riggs Thayer and Jon Wittes.

Commentary:

Goldsmith The excuse for not giving an AWMW was a little unusual but seems reasonable even now.

Polisner I don't know how the director could have made a ruling before he determined what the partnership agreement was. If East was correct about 1♠ being natural, then there was no obligation to Alert and even if West was awakened about the correct meaning of 1♠ by the failure to Alert, he would not be under any obligation to have informed the opponents before the opening lead. Remember, this is a MI case and not a UI case. Since the ACcommittee was not provided with sufficient evidence to establish what the true agreement was, it was within its discretion to determine MI.

- Rigal** The possibly generous decision as to merit is equaled by the appropriate (and all too rarely awarded) procedural penalty for failure to correct the missing Alert. Well done by the committee.
- Smith** Two factors count against E/W in this case. They did not come to a firm agreement about the meaning of 1♠, which led to the infraction of misinformation, and West failed in his Law 75 obligation to speak up before the opening lead was made.
The combination of these two infractions sets the bar quite low for a score adjustment, particularly where it relates to a choice of opening leads. After all, if either of these two infractions had not occurred South would choose his lead with full information and the director would not be involved in judging possible results absent the infractions. So I agree with the lack of sympathy shown for E/W by both the directors and the committee.
However, there are two factors that should weigh against giving N/S a score adjustment and neither seems to have been addressed by the directors or the committee. First, the later auction screamed to an experienced player that 1♠ was intended as artificial and forcing. Our alert procedures state: "Players who, by experience or expertise, recognize that their opponents have neglected to Alert a special agreement will be expected to protect themselves." Second, why didn't a righteously aggrieved South call the director upon the sight of dummy? Why wait until not only the end of the hand, but until after the opponents had left the table? Maybe he wasn't really so sure that he would have led differently with correct information. So even though E/W did not make their best argument before the committee, those issues convince me that this appeal had merit. I agree that West deserves a penalty for not speaking up. I agree that on a non-trump lead the defense will often score another trick. I can perhaps reluctantly agree that the E/W score should be adjusted. I am not convinced that N/S deserve anything.
- Wildavsky** Looks right to me.
- Wolff** This ruling, especially on the practical side, is ridiculous. If E/W were to get penalized at all it should be a small procedural penalty which should not accrue to N/S's advantage. N/S had to be aware of a fourth suit, especially since, upon being raised to 2♠ he now reverted back to his partner's second suit by jumping to 4♥. Just another case of one side (N/S) being unlucky and having their opening lead not work and then try and conjure up a way to get it back. Rulings like this take the spirit out of the game, both for the players and for the administrators, but, if the committee (or director) caters to that greed, all it will do is keep us from ever moving forward.

APPEAL	NABC+ TWO
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Qualifying
Date	July 18, 2008

BD#	19
VUL	E/W
DLR	South

Eric Greco	
♠	A T 3
♥	A 8
♦	A T 8 4
♣	J T 9 6

Jon Bartlett		Summer 2008 Las Vegas, NV	Hank Gagnon	
♠	8 4		♠	K Q J 7 5 2
♥	J 7 5 4 3		♥	Q T 9
♦	K Q		♦	9 5 3
♣	K 5 4 2		♣	Q

Geoff Hampson	
♠	9 6
♥	K 6 2
♦	J 7 6 2
♣	A 8 7 3

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

Final Contract	3♥ West
Opening Lead	♣J
Table Result	Down 1, E/W -100
Director Ruling	3♠ by E, down 2, E/W -200
Committee Ruling	3♠ by E, down 2, E/W -200

(1)	13+ to 16.
(2)	Explained as two-suited for majors.

The Facts: Before the opening lead, East explained that 2♣ showed one or two majors. This was determined to be the actual agreement.

The Ruling: The UI from the misexplanation demonstrably suggested pass. 3♠ was judged to be a logical alternative. Therefore, in accordance with Law 16A2 and Law 12C2, the result was adjusted to 3♠ by East down two, E/W minus 200.

The Appeal: West, the only player to attend the hearing, stated that in their (the appealing side's) system, 2♦ shows a preference for hearts and 2♥ prefers spades, 2♠ and 3♥ are at least five-card suits with tolerance for partner to correct. Therefore, 3♥ had to be a decent contract. Also, the opponents misdefended 3♥. If they had switched to trumps this would be minus 300.

The Decision: There clearly was UI. The appealing pair had no documentation of their agreement and without such an agreement West could have been expecting partner to pass or correct. Were the agreement in effect, 3♠ would also have been a decent contract. The UI demonstrably suggested passing and 3♠ was a logical alternative in either case, so the committee chose to adjust the score. What were the likely and at all probable results had East bid 3♠? If West continued to believe that 2♣ shows both majors then 3♠ would be forcing and the auction would continue. The committee judged that the unusual 3♠ bid would almost certainly wake West up enough that he would recall the actual agreement and pass. As far as the result in 3♠, down one, two, or three were all possible. The committee judged that down two was both the most favorable result likely for N/S and the most unfavorable result at all probable for E/W.

As for the defense to 3♥, the committee found that a trump switch was far from clear. The defense was not close to being so egregiously poor as to deny N/S their right to redress. The committee adjusted the score for both sides to 3♠ by West down two, E/W minus 200, as the director had.

The committee found that the appeal had substantial merit.

The Committee: Aaron Silverstein (Chair), Dick Budd, Fred King, Ed Lazarus and Michael Rosenberg.

Commentary:

Goldsmith Huh? Seems to me that the UI demonstrably (and it's not close) suggests bidding 3♠ over passing 3♥. Partner thinks you have hearts and you don't--how can that suggest passing instead of correcting to your long suit? Am I missing something? If West were 4-4 in the majors and East had corrected 3♥ to 3♠ and averted a disaster, wouldn't we all think his action was an egregious misuse of UI?

The only reason I can think of that 3♠ might be counter-indicated by the UI is that partner might bid again. But he's a passed hand and has already jumped; he can't have more to say. Much more likely is that it'll help him wake up to his error. And even if partner bids again, the scoring is matchpoints; 3♥ rates to be a terrible spot and worth almost no matchpoints. Taking a chance to try to get a normal result (if spades makes 9 tricks) provides great matchpoint odds.

Polisner Even though East was put in a difficult position by the UI, he should have bid 3♠ if that was what he would have bid absent West's erroneous explanation as pass or correct seems the only practical way to play the method employed by E/W.

Rigal Strongly disagree. It is not enough to say that E/W had an accident so let's rule against them. Yes, East was in possession of UI but who can say what action was going to work out best for him? I'm sure if bidding 3♠ had worked out he would have had that taken away from him too! To my mind East did his ethical best and N/S deserved their minus 100 for the misdefense. If N/S were given an opportunity for a better result, than they could have managed against 3♠. They deserve no special treatment.

Smith This case is interesting. At first glance, it seems obvious that East should make the call he apparently would have made (3♠) without the UI. But, some have pointed out that if East had bid 3♠ we might be criticizing him for using UI to his advantage. If he illegally knows that his partner thinks he has both majors, might it not be safer to bid 3♠ knowing partner may have jumped to 3♥ without more than a four-card heart suit and tolerance for spades?

Wildavsky This is the toughest case I've seen in a while. When I first read it I overlooked the fact that "The UI demonstrably suggested passing" is not obvious. The appeals committee (AC) ought to have demonstrated it. One could argue that the UI demonstrably suggested bidding, since 3♥ could have been a 4-3 fit in which case 3♠ would almost certainly play better than 3♥. An alternative argument is that 3♥ suggested passing, since if partner thinks 2♣ was Landy, he'll treat 3♠ as forcing and a four-level contract will likely be disastrous. The AC ruling seems inconsistent. If the committee thought 3♠ likely to end the auction then 3♠ was demonstrably suggested and the AC ought not adjust the score at all. If the committee judged 3♠ unlikely to end the auction then pass was demonstrably suggested and the score for both sides ought to have been adjusted to NS minus 300 or minus 800. While I find this one too close to call, I don't think the director and AC rulings can be correct.

Wolff Another ridiculous ruling, but probably involving different circumstances. E/W's descriptions of what they were playing rang true (only a guess), but N/S, a well-known pair, really screwed up the defense. From South's viewpoint, partner, for him to have a 13+-16 NT, must have both major suit aces and not the AK of diamonds since he didn't lead one so the defense is very easy to beat 3 hearts three tricks (300). Totally egregious defense, but sometimes committee's are in awe of well-known players and fall victim to their personalities rather than the bridge involved. If the committee found fault with the descriptions, perhaps a small match point penalty (1 to 3 points) could be given which would not accrue to the undeserving N/S pair. I hope that this committee can now see things objectively and change their preparation or whatever it will take for them not to rule so badly.

APPEAL	NABC+ THREE
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Qualifying
Date	July 18, 2008

BD#	20
VUL	Both
DLR	West

Jan Assini	
♠	K Q 6
♥	K Q 9
♦	9 4 2
♣	Q 7 5 2

Martin Fleischer		Summer 2008 Las Vegas, NV	Chip Martel	
♠	J 9 8 7 3		♠	T 5 4 2
♥	4		♥	A 6 2
♦	K J 6 5 3		♦	A 7
♣	9 6		♣	A K J 8

Brian Ellis	
♠	A
♥	J T 8 7 5 3
♦	Q T 8
♣	T 4 3

West	North	East	South
	1♣	1NT	2♣ ¹
Db1 ²	Pass	Pass	2♥
2♠	Pass	Pass	Pass

Final Contract	2♠ by West
Opening Lead	♥K
Table Result	Made 4, E/W +170
Director Ruling	2♠W, Made 4, E/W +170 4♠W, Made 4, N/S -620
Committee Ruling	2♠W, Made 4, E/W +170 4♠W, Made 4, N/S -620

(1)	Not alerted (see facts below).
(2)	Takeout.

The Facts: 2♣ was intended as “any one-suiter” (Cappelletti); the N/S card is marked as such. 2♠ did not promise a five-card suit; double of 2♥ would have been penalty, E/W were not in a forcing auction.

The Ruling: E/W were misinformed as to the actual N/S agreement. There was no logical alternative to 2♥, so Law 16A did not apply. With correct information, it was judged that reaching 4♠ was not likely, but it was at all probable. Using the standards of 12C2, the table result of 2♠ by West making four, E/W plus 170 stood for E/W; the N/S result was adjusted to 4♠ by West making four N/S minus 620.

The Appeal: Both sides appealed the director's ruling. North, South and West appeared at the hearing. The committee discovered that the original director ruling was that the table result of plus 170 would stand for both sides. Subsequently the director informed both sides that the score for the offending pair was being changed to minus 620.

N/S claimed that E/W would rarely get to game and indicated that minus 620 yielded approximately 6 of 38 matchpoints.

West claimed that if E/W had been given the proper information East would have expected longer clubs in the West hand and upgraded his hand sufficiently to offer a courtesy 3♠ raise.

The Decision: In the auction that took place at the table, the committee deemed the misinformation inconsequential to the final E/W table result. South's removal of 2♣ doubled was sufficiently irregular to arouse suspicion. However, with the proper information the committee believed (and West stated) that West would have bid 2♠ directly over the 2♣ bid. The key question was whether the knowledge of a 5-card spade suit and competitive values would be sufficient for East to raise to 3♠. The 1NT overall was described as showing 15+ to 18.

Per Law 12C2, 4♠ was deemed the "most unfavorable result that was at all probable" for the offending side. For the non-offending side the committee was hotly divided over whether 4♠ met the standards imposed by Law 12C2 ("the most favorable result that was likely"). Unlike double, a 2♠ bid by West would not have promised values. It could be made with a weaker hand, and from East's point of view 2♠ could well be the last chance at a plus score. The committee majority subsequently decided that 4♠ did not meet the standard. Thus, E/W were assigned plus 170 while N/S were assigned minus 620.

Finally, the subject of an appeal without merit warning (AWMW) was discussed. The director changing the original ruling was deemed sufficient cause for N/S to appeal. The merits of a 3♠ raise by East were deemed sufficient cause for E/W to appeal. Thus, no AWMW was imposed.

The Committee: Mark Bartusek (Chair), Chris Moll, Jacob Morgan, Lou Reich, and Jim Thurtell.

Commentary:

Goldsmith Nice ruling. 12 game bidders out of 38 (probably it was fewer than this, but if they got 6 MPs, then 12 is a reasonable inference as to the number of game bidders) sounds like "at all probable," and just barely "not likely." If E/W had been "playing system on" over the artificial 2♣, however, I would have rated getting to game as likely; East can super accept the transfer and West will go. (That's what happened at my table.) That E/W would end up playing spades from the weak side is just enough reason to let their chance of getting to game drop below likely.

- Polisner** I disagree that N/S should have been assigned minus 620 as 4♠, in my opinion, was not at all probable. To me, probable means at least 50% to occur and this hand doesn't come close to that standard.
- Rigal** The correct ruling for the offenders, and it is close enough for the non-offenders that one could quite reasonably go either way. Not clear to me that the N/S appeal had merit. Was a contract of 2♣ doubled considered?
- Smith** A good day for directors when:
- a two-way bad ruling is given
 - both sides appeal
 - the committee upholds the ruling.
- This was a good and thorough job by both the directors and the committee.
- Wildavsky** It seems likely enough to me that East would have raised an immediate 2♠ to three. It would be unlucky to take only eight tricks, and ten are odds-on opposite as little as Jxxxxx/xx/xxxx/x. Given the opportunity West would continue to game most of the time. I'd have adjusted the score for both sides to E/W plus 620.
- Wolff** A reasonable ruling in that it kept the candy store closed and penalized the offenders what amounted to over 1/2 a board for "convention disruption."

APPEAL	NABC+ FOUR
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Final
Date	July 20, 2008

BD#	1
VUL	None
DLR	North

Jerry Gaer	
♠	Q 7
♥	A K 9 7 6
♦	Q T 5
♣	A J 7

George Jacobs		Summer 2008 Las Vegas, NV	Norberto Bocchi	
♠	A J 9 5 4 2		♠	K 8 6 3
♥	Q T 2		♥	J 2
♦	J 7		♦	9 8 2
♣	8 2		♣	T 9 6 5

Harvey Brody	
♠	T
♥	8 5 3
♦	A K 6 4 3
♣	K Q 4 3

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

Final Contract	5♥ by North
Opening Lead	♠3
Table Result	Making 5, N/S +450
Director Ruling	6♥ N, down 1, N/S -50
Committee Ruling	6♦ N, down 1, N/S -50

(1)	Roman Keycard Blackwood (RKCB).
(2)	Break in tempo (BIT) – both sides agree it was short – E/W say 6-7 seconds.

The Facts: The director was called after the play of the hand. Both sides agreed to a short BIT after the 4NT bid and before making the 5♥ bid.

The Ruling: The director judged that the BIT before bidding 5♥ demonstrably suggested passing over a logical alternative of bidding slam when N/S held all the key cards (except the trump queen). Therefore, in accordance with Laws 16 and 12C2, the score was changed to 6♥ by N/S minus 50.

The Appeal: Only the North player attended the hearing. He said he passed the 5♥ response because he was worried that the opponents would lead a spade and, with the loss to the ♥Q, he would lose a spade and a trump. South's auction showed exactly three-card heart support since with four or more hearts South would use other methods.

The Decision: The committee discussed South's showing a better hand than he actually held by having continued beyond 4♥, and North's skidding to a stop after apparently finding the spade and diamond aces in South's hand. Playing South to have the doubleton ace of spades would present a problem in 6♥ if the trump queen scored. The spade lead should not present a problem in 6♦, however, due to the spade queen in the North hand. Give South a typical holding such as, Ax/Jxx/AKJxx/Qxx, with which he would proceed past 4♥. Were the ♣K favorably placed 6♦ would be a good contract, perhaps better than 5♥.

The committee determined that the pause, short though it was, was a BIT and provided UI to North, that the UI suggested doubt about the RKCB response, and that such doubt demonstrably suggested Pass over 6♦.

In accordance with Laws 16 and 12C2 the committee adjusted the result for both sides to 6♦ by South, down one, N/S minus 50.

The appeal was deemed to have merit.

The Committee: Bob Schwartz (Chair), Dick Budd, Gail Greenberg, Ed Lazarus, and Jeff Roman.

Commentary:

Goldsmith Good ruling. Was there discussion about giving N/S a procedural penalty (PP) for abuse of UI? Probably it was subconscious, but players with that much experience are expected to be more careful.

Polisner Appalling ruling and decision! Many pairs use six key cards in this auction (which apparently was what South was thinking about). What information was conveyed to North by 6-7 seconds before responding to Blackwood? South would have no reason to lie about his key cards. I suggest that no member of the committee would have responded faster than 6-7 seconds. The table result should have been retained and the committee should apologize to N/S.

Rigal I can't see what the grounds are for the director ruling or the committee decision here. The law tells us only to adjust when a break in tempo (BIT) demonstrably suggests one action over another. Here the BIT (if there was one – I'm not convinced) does not demonstrably suggest one action over another – maybe there is a spade void in South, maybe some doubt as to what trumps are? I'd have let the table result stand, though I do not argue with the initial director decision if it was believed that there may have been an infraction and some doubt as to what it pointed to.

Smith If ever a hand exists where partner's RKCB response guarantees all the aces yet a player might consider signing off at the five-level, I guess this is it. But I can't help thinking that the huddle before 5♥ combined with the possible doubt about which trump suit was in play might have had at least a subconscious effect on North. In any case, the committee came up with a compelling case for its decision.

Wildavsky I don't agree that a pause of 6-7 seconds is a break in tempo on this auction, but this is a judgment call. I've made enough Blackwood mistakes that I always count my key cards twice, and one could argue that a faster response would convey the UI that South took 4N as Blackwood for hearts rather than something more esoteric. If UI was available it's not clear what it demonstrably suggests, though I would buy the argument that since a fast call would tend to show a simple RKCB response a slow call makes some other hand more likely. This was a close case that could have gone either way.

Wolff In relatively close situations, the emphasis should be to keep the table result (here 5♥ making) and if deemed a tempo violation given a procedural penalty to the offenders (perhaps three match points) which is fairer to the parties, but even more importantly to the field (PTF, protect the field).

APPEAL	NABC+ FIVE
Subject	Unauthorized Information (UI)
DIC	Olin Hubert
Event	Spingold
Session	First Session
Date	July 21, 2008

BD#	4
VUL	Both
DLR	West

Bryan Maksymetz	
♠	A T 7 5 4 2
♥	Q 7 6 3
♦	K
♣	T 4

Rick Binder		Summer 2008 Las Vegas, NV	Mark Aquino	
♠	J 8		♠	K
♥	K T 9 5 4 2		♥	Void
♦	Q J 5 3 2		♦	A T 8 7 4
♣	Void		♣	K Q 9 8 6 5 2

Zygmunt Marcinski	
♠	Q 9 6 3
♥	A J 5
♦	9 6
♣	A J 7 3

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

Final Contract	6♦ Dbld by West
Opening Lead	♠A
Table Result	6♦ dbld W, Made 6, E/W +1540
Director Ruling	5♣ dbld E, Down 2, E/W -500
Committee Ruling	5♣ dbld E, Down 2, E/W -500

(1) Fumble with bid box

The Facts: East displayed indecision as to what to bid over 4♠.

The Ruling: The UI demonstrably suggested not passing, and pass was determined to be a logical alternative. Therefore, the table result was adjusted to 5♣ doubled by East, down two, E/W minus 500.

The Appeal: Agreed Facts:

1. South indicated a “stop” warning to West before bidding 4♠, and West hesitated appropriately.
2. East started to pull out a bid in tempo, paused, dropped his bidding cards back in the bidding box, and then bid 5♣.
3. West took a very long time to bid 5♥.
4. South called Director when 6♦ was passed to him.

North, South, and West appeared before the committee. West affirmed the facts above. He suggested that he “knew” the opponents had ten spades. He felt that South doubled 5♣ confidently so the only question was which red suit to bid. He was afraid redouble would lead to a misunderstanding.

On questioning West indicated that he and East played occasionally. They play leaping Michaels, and a cuebid shows a one-suiter and asks for stop. They have no agreement about jump cue or direct 4NT. He was confident that both partners would interpret a later 4NT as clubs and secondary diamonds.

The Decision: Unauthorized information accompanied the 5♣ bid. The UI demonstrably suggested alternative actions to a pass by East, and pass was a logical alternative. Therefore, the committee ruled as the director had and adjusted the score for both sides to 5♣ doubled by East, down two, E/W minus 500.

The Committee: Doug Doub (Chair), Robb Gordon and Ellen Kent.

Commentary:

Goldsmith Okay ruling. The judgment seems very straightforward, so why no AWMW?

Polisner Where was the AWMW? If we don’t issue one here, we should do away with the process.

Rigal Sensible ruling by all concerned; the merit here seems dubious – I’d have liked to hear the committee explain just why it thought it had merit. West correctly read his partner as two-suited on an auction where East could have shown a two-suiter very easily, but chose not to do so. To my mind that is definitely in appeal without merit warning (AWMW) territory – particularly when having committed a UI infraction, and having been ruled against by the director, you bring an appeal.

Smith It doesn't sound as if the committee thought much of E/W's case. Why no AWMW?

Wildavsky Good work all 'round.

Wolff #1 N/S were not entitled to a windfall profit, since if the king of diamonds was located in the other hand (on the bidding I estimate approximately a 60% chance) or if the location of the ace of clubs didn't behave, N/S, by defeating 6♦, would have gotten a top, and we never would have heard about this hand. "Natural Playing Luck" (NPL) should decree that the result must stand both directions. Then, if the committee so chooses, they could penalize E/W up to 12 or more IMPs for the fumbling. In this way most of the "Masters" are served, always a worthwhile goal.

APPEAL	NABC+ SIX
Subject	Misinformation (MI) – Failure to Alert
DIC	Henry Cukoff
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 22, 2008

BD#	28
VUL	N/S
DLR	West

Sam Punch	
♠	Q 4 2
♥	A J 4
♦	K 7 6 3 2
♣	6 2

Marta Peltz		Summer 2008 Las Vegas, NV	Andy Vinock	
♠	K T 9		♠	A J 8 7 3
♥	7 6 3		♥	Q
♦	T 9 4		♦	8 5
♣	A Q J 8		♣	K T 9 7 3

Stephen Peterkin	
♠	6 5
♥	K T 9 8 5 2
♦	A Q J
♣	5 4

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

Final Contract	3♥ by South
Opening Lead	♠T
Table Result	Made 5, N/S +200
Director Ruling	3♥ S, making 5, N/S +200
Committee Ruling	3♥ S, making 5, N/S +200

(1)	Not Alerted – agreement is non-forcing..
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The Facts: The director was called at the end of the auction. South informed E/W of the failure to Alert. The director asked West if she would like to withdraw her final pass with the correct information (i.e. that 2♥ was non-forcing). West said, “No.”

East was asked away from the table what he would have done with timely and correct information. He said he would double 3♥ for takeout.

The Ruling: It was judged that East was unlikely to bid or double with correct information. The failure to Alert was not the cause of damage; therefore, in accordance with Laws 40C and 12C2, the table result of 3♥ by South making five, N/S plus 200 was allowed to stand.

The Appeal: All four players attended the hearing.

East claimed he would have doubled 3♥ if Alerted but passed in the hope that the opponents would not get to game. If they did bid game, he was planning to bid 4♠ over 4♥. West said she would have responded 3♠ had East doubled 3♥. The opening lead was the ten of spades, followed by the spade king and another spade.

The Decision: The committee felt that East's actions rather than the MI resulting from the failure to Alert were the cause of the E/W damage. Even if it could be presumed that South would normally bid again after getting a raise to his forcing 2♥ response, there was no obligation on his part to do so since "forcing" would not necessarily have meant "game forcing." Furthermore, East's range of choices was either to double 3♥ (his preferred action if 2♥ had been Alerted) or to bid 4♠ over 4♥-P-P (assuming that South bid again). The committee thought double of 3♥ clearly superior to 4♠ over 4♥ no matter what the meaning of 2♥ was, and it was not persuaded by East's argument in favor of pass in the hope of a N/S error. A player who rejects a clear action in the hope that his opponents will do the wrong thing is not well-placed to complain when the opponents go right. All of E/W's contentions seemed of a self-serving nature. The committee agreed with the director's ruling of allowing the table result of 3♥ by South making five, N/S plus 200 to stand.

The committee strongly felt that East should have known not to bring this appeal. Therefore, it assessed an appeal without merit warning (AWMW) to E/W.

The Committee: Ron Gerard (Chair), Abby Heitner, Mike Kovacich, Danny Sprung and Eddie Wold.

Commentary:

Goldsmith I don't think this is as open-and-shut as the committee (AC) did. Before finding out the result (though after finding that South will pass 3♥), East said he'd double 3♥ if he knew that 2♥ was non-forcing. The MI (that South ostensibly has a strong hand vs. a weak one) strongly suggests the actual choice over the alternative more successful action. So the judgment call is whether doubling 3♥ is a likely action. The AC deemed that it was not, but I'm not convinced. Is the information from the rest of the auction (South's pass of 3♥) enough to suggest that East's claim that he'd double 3♥ given the correct information is likely to be biased? No, that information is essentially the MI---South passed because he had a hand that will bid 2♥ non-forcing instead of one which will bid 2♥ forcing. So I think I'd accept East's double.

Is East's double of 3♥ automatic regardless of the MI? I don't think it is. I think the plan to bid 4♠ over 4♥ and pass over 3♥ is at least a reasonable if not a majority action. The AC disagrees with this judgment. They may be right, but experience shows that bridge players' decisions vary greatly; I suspect that a group of East's peers would be split between the two plans without overwhelming support for either. Some would plan to pass throughout.

Goldsmith Cont.

What are the likely and probable results after a double of 3♥? West could bid 3♠ or 4♣ over the double. 4♣ seems pretty strongly indicated; East is known to have long clubs and could have only four spades. South could bid 4♥ first, in which case, West will have a problem and will probably pass, as partner didn't act over 2♦. Overall, I think the likely results are (for E/W) plus 130, minus 50, minus 650, and plus 100. At all probable results are plus 140 and plus 170. Other possible results are plus 420 and plus 200 (4♥ doubled down one). I expect others to judge differently, but assuming those ratings, then Law 12C2 requires us to award minus 170 to N/S and plus 130 to E/W.

Was the E/W bad result a consequence of the MI, or was it due to their mis-defending 3♥? Since they can't get plus 130 (or even minus 50) vs. 3♥, E/W's mis-defense is irrelevant.

- Polisner** Excellent. No two bites allowed.
- Rigal** A harsh but not unreasonable decision by the committee. Once East failed to double the clearly non-forcing 3♥ call, he really did not deserve a second chance. After all he already knew the opponents' approximate hand patterns and heart fit. If you don't double 3♥ now, when will you?
- Smith** I am a bit surprised at the AWMW here, but obviously the committee did a very thorough job on the case. It was not even close to being convinced by E/W.
- Wildavsky** The case is not clear-cut. N/S failed to properly inform their opponents, and the MI made the winning action less attractive. With proper information it seems at least at all probable that East would have doubled, and I might judge it likely. E/W's arguments did not help their case, but the appeals committee did not need to attach overwhelming importance to them. The facts of the case speak for themselves. I'd have adjusted the score for both sides to E/W plus 130 in 4♣, so I certainly don't agree with the AWMW.
- Wolff** Okay ruling, but, if the committee thinks it wise, and I do, it is very important to Alert weak two-bid responses not being forcing, so a small procedural penalty is again in order.

APPEAL	NABC+ SEVEN
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	NABC+ Fast Open Pairs
Session	Second Qualifying
Date	July 24, 2008

BD#	21
VUL	N/S
DLR	North

Mary Dresser	
♠	T 5 3 2
♥	9 6 4
♦	A Q 6
♣	Q 8 7

Mike Dorn Wiss		Summer 2008 Las Vegas, NV	Chris Diamond	
♠	K 6 4		♠	A J 7
♥	3		♥	A J 8 7 5
♦	J T 9 4 2		♦	8 3
♣	J T 9 4		♣	A 5 2

William Peters	
♠	Q 9 8
♥	K Q T 2
♦	K 7 5
♣	K 6 3

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

Final Contract	2♠doubled by N
Opening Lead	♦8
Table Result	Down 1, N/S -100
Director Ruling	1NT W, down 2, E/W -100
Committee Ruling	1NT W, down 2, E/W -100

(1) Agreement is forcing but there was no Announcement.

The Facts: The director was called prior to the opening lead. East started to speak up to inform opponents of his partner's failure to Announce that 1NT was forcing. The director instructed the table to play the hand. South stated that had he known that 1NT was forcing that he would not have balanced.

The Ruling: The director determined that there was MI because of the failure to Announce in a timely manner. In accordance with Laws 75 and 12C2, the result was adjusted to 1NT by West down two, E/W minus 100.

The Appeal: All four players attended the hearing. E/W stated that that the difference between a forcing and non-forcing 1NT seemed so slight that it ought not matter that the other side was misinformed.

The Decision: The committee felt that doubling 1NT was a hairline decision. Many players would double on some days and not others. That the 1NT call could have been stronger was, therefore, relevant. It pushed the tight decision a little bit in the successful option's direction. Therefore, the committee judged that the MI damaged the N/S pair. The next question was whether N/S's bad result was due directly to the MI or to North's decision to bid rather than pass the double. While many of us would pass without pause, the committee learned that both North and South thought the double was takeout of hearts - not penalty. Given N/S's experience level and given that they appeared to be on the same (albeit unusual) wavelength, the committee judged that the damage was a consequence of the infraction, not simply due to N/S's misjudgment.

The number of tricks E/W will take in 1NT was difficult to decide. Deep Finesse calculated and the director judged five. Some lines of play will lead to four. Whether those lines are likely enough to invoke Law 12C2's "at all probable" standard is another matter.

Because this was a Fast Open Pairs (i.e. players wanted to get their final scores and leave for the day), the committee decided not to try to guess that and concurred with the director's adjustment of 1NT by West, down two, E/W minus 100.

Since the bridge judgment was close, E/W were not assessed an appeal without merit warning (AWMW).

The Committee: Jeff Goldsmith (Chair), Steve Robinson and Kevin Wilson.

Commentary:

Goldsmith Random case. Ruling either way is fine. Personally, I don't agree with the committee's (AC) judgment, but the other two felt fairly strongly about it. That's why we have more than one player on a committee. This is one in which five-person ACs are likely to produce more reliable results than three-person ACs.

Polisner I definitely would not have adjusted N/S's score as the difference between a forcing and a non-forcing INT is so slight as to not be terribly significant. I may have been convinced to have E/W be down two in INT.

Rigal If the double was agreed as take-out why did South double? If it was penalties – as it appears -- North's decision to remove was what cost the partnership. I'd leave the non-offenders with their table-result, and give the adjusted result only to E/W, the offenders.

Smith Normally I would agree with the idea that the difference between a forcing and non-forcing INT response is so slight that it wouldn't lead to a score adjustment if MI occurred. But I won't second guess the committee in this case.

Wildavsky Note that the actual agreement must have been "semi-forcing," not "forcing," though that doesn't affect the case. The director and appeals committee decisions are reasonable – I can see them going the other way too. This was a close case.

Wolff Good overall ruling and the non-Alert did contribute to the problem.

APPEAL	NABC+ EIGHT
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	NABC+ Fast Open Pairs
Session	Second Qualifying
Date	July 24, 2008

BD#	5
VUL	N/S
DLR	North

Frank Leonard	
♠	K 9 4
♥	A 9 6
♦	9 8
♣	A Q 8 4 2

Robert Todd		Summer 2008 Las Vegas, NV	Jenni Carmichael	
♠	J 6 3 2		♠	A T 7 5
♥	J 5		♥	T 7 3
♦	K J T 6 4		♦	Q 3
♣	K 9		♣	J T 5 3

Phebe Packer	
♠	Q 8
♥	K Q 8 4 2
♦	A 7 5 2
♣	7 6

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

Final Contract	3♥ by North
Opening Lead	♦Q
Table Result	Making 3, N/S +140
Director Ruling	4♥ N, down 1, N/S -100
Committee Ruling	3♥ N, making 3, N/S +140

(1)	12-14 points.
(2)	Announced as transfer to hearts.
(3)	Not Alerted by agreement asks for more information.
(4)	Not Alerted by agreement shows 13/14 and not 4 hearts.

The Facts: The director was called after the opening lead. It was determined that the opening bidder showed three hearts by accepting the transfer over the double.

The Ruling: There was UI available for South. Bidding 4♥ was a logical alternative to passing which was demonstrably suggested by the failure to Alert as partner may have forgotten the agreement and was turning down the invitation. Therefore, in accordance with Laws 16 and 12C2, the table result was adjusted to 4♥ by North, down one, N/S minus 100.

The Appeal: The screening director stated that: At the end of the auction, South informed his opponents that there had been a failure to Alert. South's 2NT was an artificial game try. North's 3♥ showed a maximum with three trump – but not three good ones. South had not Alerted the 3♥ bid for fear of giving North UI. (*Editor's Note: South is required to Alert North's conventional response even though North did not Alert South's call. While Alerting may provide UI to North and may restrict North's options, such is the fallout from an initial failure to Alert. If the opponents are damaged by this UI then the TD will adjust the score.*)

N/S stated that North's 2♥ bid over the double showed at least three trump; so, South's game try was made in that context. With the defense likely to get off to a good start by leading diamonds, with East in a position to over-ruff and the high card count borderline for game; South judged that North would need four trump for game to have a good play. Thus, she believed the pass was clear-cut.

E/W said since South had tried for game and North had by agreement shown a maximum, they thought it was logical for South to continue to game. Her failure to do so could have been influenced by the absence of an Alert by North, which suggested that North intended to show a minimum with his 3♥ bid.

The committee discovered that N/S have been partners for a long time. They changed agreements recently, however, and North is less comfortable with the system than South is.

The Decision: UI was present, and it suggested passing. The committee focused on the question of whether bidding 4♥ was a logical alternative to passing 3♥.

South's bridge logic was compelling. It is difficult to construct a North hand consistent with the authorized information that will produce a good play for game. Note that opener holds a maximum with three trump. None of his 13 HCP were in jacks and his only queen was in a strong five-card suit headed by the ace. He held a top honor in trump, a ruffing value and no wastage in diamonds. With the jack of clubs instead of a small one or the king instead of the queen, many players would open with a strong 1NT. In addition, the hand lay extremely favorably for declarer. The club finesse was onside, the ♠A was positioned to give declarer an extra entry to hand, trumps split 3-2, diamonds were 5-2 rather than 6-1, and a diamond over-ruff would be in the hand with the long trump. With all that ten tricks still requires careful play.

The committee determined that bidding 4♥ was not a logical alternative and restored the table result of 3♥ by South making three, N/S plus 140 and E/W minus 140.

The Committee: Doug Doub (Chair), Dick Budd and Jim Thurtell.

Commentary:

Goldsmith Uh, no. South's reasoning is all well and good, but if she didn't want to play game vs. a maximum, she could have passed 2♥ for all the same reasons she gave. The director's ruling is pretty clear cut. I'm a bit curious---what did North think 3♥ was? It looks as if he was on the same wavelength and the only mishap was the failure to Alert.

- Polisner** In a NABC+ event, it should be deemed normal for North's free bid of 2♥ to show at least three hearts and, therefore, 2NT to be forcing. The lack of Alerts should not have provided any information which affected South's decision. Excellent work by the committee.
- Rigal** While the reasoning that the committee produced is logical enough, are they entitled to impose such top-class reasoning on a pair who cannot remember their system (or make ten tricks in 3♥)? I think not. I'd give both pairs the director adjusted result. (And if game was always going to be bad except facing a transfer-break why bid 2NT at all?)
- Smith** This decision troubles me greatly. I just can't accept that 4♥ is not a logical alternative, a standard that is pretty darned low ("a call that a substantial minority of the player's peers would seriously consider, and some of whom would actually select").
- Wildavsky** Another difficult case. I'd have liked to know whether North thought he was showing a minimum or a maximum, and if the latter why he didn't Alert 2NT. South's reasoning is cogent, but that doesn't mean that some of her peers might not have blasted 4♥. Both the director and appeals committee rulings seem reasonable to me.
- Wolff** This committee did everything right.

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Mixed BAM Teams
Session	First Qualifying
Date	July 24, 2008

BD#	34
VUL	N/S
DLR	East

Alex Kolesnik	
♠	J T 3
♥	4
♦	Q J 8 6 4
♣	A 6 3 2

Carreen Hinds		Summer 2008 Las Vegas, NV	Mark Bartusek	
♠	Q 9 4		♠	K 7 2
♥	A 9 6		♥	K Q J T 8 7 5 3
♦	T 9 3 2		♦	K 7
♣	T 7 4		♣	

Ellen Anten	
♠	A 8 6 5
♥	2
♦	A 5
♣	K Q J 9 8 5

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

Final Contract	5♥ doubled by East
Opening Lead	♣K
Table Result	Down 2, E/W -300
Director Ruling	5♥dbld E, down 2, E/W -300
Committee Ruling	4♥ dbld E, down 1, E/W -100

(1) Break in tempo (BIT), No stop card used by East.
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The Facts: The director was called at the conclusion of play. All parties at the table agreed that there was about a 20 second hesitation preceding the double of 4♥ by South.

The Ruling: The BIT did not demonstrably suggest that bidding would be advantageous compared to passing. This was based on the possibility that South was debating double versus pass in which case bidding on might turn a plus into a minus. In accordance with Law 16, the table result of 5♥ doubled, down two, E/W minus 300 was allowed to stand.

The Appeal: Only East attended the hearing. He contended that the slowness of South's second double suggested a desire to bid, therefore, bidding is demonstrably suggested.

The Decision: The committee believed that an in tempo double would indicate normal shape (4234) and extra values. An out of tempo double indicates a desire to bid something else – not a desire to defend. Because of that, the committee decided that the BIT demonstrably suggested bidding and that pass was a logical alternative (LA). In accordance with Law 12C2, the most favorable result that was likely for the non-offending side and the most unfavorable result that was at all probable for the offending side were both 4♥ doubled, down one, E/W minus 100 and N/S plus 100.

The Committee: Aaron Silverstein (Chair), Jerry Gaer, Abby Heitner, Chris Moll and Michael Rosenberg.

Commentary:

Goldsmith North is due a 1/4 board procedural penalty (PP) for bidding 5♦. That looks egregious to me. Otherwise, the committee got it right.

Polisner Excellent committee decision.

Rigal Strongly disagree; no inferences are available as to what South was thinking about. Not for the first time in this set, committees draw inferences as to what the player might have been thinking about, and decide that the tempo demonstrably suggests that (it may also be relevant that N/S are a scratch partnership and so have no partnership experience of each other's tempo) . Leave the table result in place.

Smith I'm not sure I accept that this slow double indicates a desire to bid something else. Law 16 states that partner's freedom of action is restricted if the huddle "demonstrably suggests" one direction over another. I don't think that standard is met here, so I agree with the original ruling by the directors.

Wildavsky It seems obvious to me that a slow double suggests a hand with reservations about defending doubled. Surely a tournament director should obtain input from expert players before making such a ruling in a National event, especially one where he must suspect his ruling will be controversial. The appeals committee corrected an injustice.

Wolff A subjective but very reasonable ruling.

APPEAL	NABC+ TEN
Subject	Unauthorized Information (UI)
DIC	Steve Bates
Event	Mixed BAM Teams
Session	Second Final
Date	July 25, 2008

BD#	12
VUL	N/S
DLR	West

Ron Smith	
♠	A 8 2
♥	A J 4 2
♦	Q 8 6 5 4
♣	5

Michael Mikyska		Summer 2008 Las Vegas, NV	Adrienne Green	
♠	J 7 3		♠	Q T 9
♥	7 6 5		♥	K T 8
♦	A J 9		♦	T 2
♣	J 8 4 2		♣	A T 9 6 3

Linda Smith	
♠	K 6 5 4
♥	Q 9 3
♦	K 7 3
♣	K Q 7

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

Final Contract	3NT by South
Opening Lead	♣2
Table Result	Down 1, N/S -100
Director Ruling	3NT S, made 3, N/S +600
Committee Ruling	3NT S, down 1, N/S -100 3NT S, made 3, E/W -600

(1)	Asks for more information.
(2)	Artificial showing minimum with three spades.
(3)	Asked opponents to explain auction singling out the 3♣ bid.

The Facts: The director was called at the end of the session and found the facts as noted above.

The Ruling: The questioning at East's final turn to call made UI available to West. The director determined that a club lead was demonstrably suggested by the UI and that a heart lead was a logical alternative (LA). It was judged both likely and at all probable that 3NT would make with a heart lead. Therefore, in accordance with Laws 16, 20F1 and 12C2, the table result was changed to 3NT by South making three, N/S plus 600 and E/W minus 600.

The Appeal: All four players were present at the hearing.
The testimony confirmed the facts found and presented by the director.

The Decision: The committee found that:

- UI was present.
- The UI demonstrably suggested a club lead over a heart lead (Law 16).
- A heart lead was a LA (Law 16).

The committee then had to determine the likely and at all probable results after a heart lead (Law 12C2).

The committee discussed the play after the ♥7 lead. Declarer would duck in dummy and most Easts would play the king and switch to clubs, beating the contract absent subsequent misdefense. Some Easts would put in the ♥T, after which the contract would surely make. It came to a decision that, while 3NT making nine tricks was “at all probable,” it was not likely. Therefore, the committee adjusted the table result to 3NT making three, E/W minus 600 for the offending side and allowed the table result of 3NT down one, N/S minus 100 to stand for the offenders.

The appeal was determined to have merit.

The committee seriously considered assessing a procedural penalty (PP) against West, who asked the worst kind of question at the least appropriate time. In the end, it decided against imposing a PP.

The Committee: Gail Greenberg (Chair), Peter Boyd, Gary Cohler, Chris Compton and Sam Lev.

Commentary:

Goldsmith I don't think playing the ♥K is such a sure thing. Many would lead the ♥7 from the 9765 of hearts, in which case playing the king probably blows a trick. From East's perspective, South might think the opening lead is from K987. I think I'd give reciprocal 600s, though the committee's ruling is thoughtful.

East is not due a procedural (PP). Supplying UI is not generally illegal. West, however, should get at least a 1/4 board PP. It is unthinkable to lead a club after that behavior by partner. Is there any good reason not to give a PP?

Polisner This write-up is incomprehensible as far as the play with a heart lead. When 2NT was Alerted, it was obviously somewhat of an artificial forcing bid and thus the issue is the meaning of 3♣. Would the result be any different if East, at his final turn to call, asked for an explanation of all Alerts (which is his right to do)? In real life, there is no difference in that scenario and the one which occurred at the table.

I would have deemed the play of the heart ten to be so poor as to not be reasonable (with the heart seven lead) as to not have allowed 3NT to make. The table result should stand for both sides and possibly a PP for the question.

- Rigal** Because the committee gave N/S 3NT down one even after adjusting the lead, I don't have to get into the issue of why a club lead looks normal on a deal where East did not overcall. I would have left it at 3NT down one on a club lead, with a procedural penalty to East for the reasons described. If the committee (reasonably) decided that the failure to double 3♣ made the heart lead more attractive, they should have said so! Given that this was not done, the end-result of N/S minus 100 and E/W penalized for the questions is a fair one. Maybe this way East will know better next time... or not.
- Smith** I bow to the judgment of the committee on the likely outcomes after a heart lead. I find it hard to believe that this E/W pair had the audacity to come before a committee at all after the outrageously timed question and the clearly illegal choice of a lead after it happened. Somebody should have given them a penalty.
- Wildavsky** A close case. Both the director and the appeals committee (AC) rulings seem reasonable to me. I'd have assessed a substantial procedural penalty against E/W in addition. A more experienced AC might have. Because the appeal was filed late in the evening I persuaded three top experts who are not members of the NAC to serve, and I'd like to thank them, as well as all the NAC members, for their time and hard work.
- Wolff** The ruling seemed appropriate, especially the split scores. "Little By Little We Do Great Things!"

APPEAL	NABC+ ELEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Gary Zeiger
Event	NABC Swiss Teams
Session	First Qualifying
Date	July 26, 2008

BD#	9
VUL	E/W
DLR	North

Jim Looby	
♠	Q 9 5 3 2
♥	J 7 3
♦	T 6
♣	J T 2

Larry Griffey		Summer 2008 Las Vegas, NV	Spike Lay	
♠	A 8		♠	K J
♥	Q T 8 6 4		♥	
♦	A Q 9 5 2		♦	K 8 7 4
♣	4		♣	A K Q 9 8 6 3

Barnet Shenkin	
♠	T 7 6 4
♥	A K 9 5 2
♦	J 3
♣	7 5

West	North	East	South
	Pass	1♣	1♥
2♦	2♥	4♥ ¹	Pass
4♠ ²	Pass	5♦ ³	Pass
6♦	Pass	7♦	Pass
Pass	Pass		

Final Contract	7♦ by West
Opening Lead	♥3
Table Result	Made 7, E/W +2140
Director Ruling	5♦ W, making 7, E/W +640
Committee Ruling	7♦ W, making 7, E/W +2140

(1)	Meant as exclusion Blackwood.
(2)	Meant as cuebid. Taken to mean 0 controls.
(3)	10-15 second BIT.

The Facts: The director was called after the end of play of the hand The 10-15 second BIT was agreed by all players at the table. There were no Alerts or questions asked during the auction.

The Ruling: There was UI from the BIT which demonstrably suggested bidding on. A sample hand that East could have held is KJxx/ -- /KJxx /KQxxx. Three players were polled – two of those polled passed making pass a logical alternative (LA), In accordance with Laws 16A2 and 12C2 the table result was adjusted to 5♦ by West making seven, E/W plus 640.

The Appeal: East and West attended the hearing. Despite the bidding misunderstanding West maintained that he was searching for a grand slam. He was not stopping below 6♦. A void was extremely likely in the East hand based upon the auction. E/W were a regular partnership who played many treatments and conventions. East thought he was bidding exclusion 3014 RKC while West thought the 4♥ bid was a splinter since exclusion RKC had always been a triple jump in past auctions. West could not imagine playing East for a hand that didn't have a reasonable play for slam after the 4♥ jump. It was determined that 2♦ was not game-forcing in competition and that a jump to 4♦ would have been “minorwood” asking for controls.

The Decision: The committee agreed that the BIT demonstrably suggested bidding on, but a pass by West over 5♦ was deemed not to be a LA. The committee did not believe that East would force to the five-level without at least one first round control and extra playing strength since 2♦ was biddable on an 8-9 HCP hand in competition. A strong hand with a singleton heart would have bid 4♦, “minorwood.” In addition, it seemed odds against for West to play his partner for the rare hand that didn't provide a reasonable play for slam. The committee was surprised by the results of the director's poll and didn't know whether those polled has been apprised of the E/W methods. There was no UI for East; thus, there were no restrictions on him carrying on to 7♦. Thus, the table result of 7♦ by West making seven, E/W plus 2140 was restored for both sides.

The Committee: Mark Bartusek (Chair), Ed Lazarus, Lou Reich, Bob Schwartz and Jim Thurtell.

Commentary:

- Goldsmith** Close call. Passing 5♦ is probably wrong, but I'm pretty sure some number of West's peers would take that action, so it is a LA. I think it ought not be a LA, but by our current rules, I think it is.
- Polisner** Poor ruling and excellent work by the committee. I see that the concept of “if it hesitates - shoot it” is still the rule by many directors.
- Rigal** Tough case. If 2♦ is not a game force, the continuation over 5♦ seems reasonable to me. Are there any LA's? I'll buy into the committee decision – with some reservations – after which the 7♦ bidder is, presumably, on his own. Restoring the table result still feels questionable to me; but I understand why the committee did it and can't find a good reason to do otherwise.

- Smith** The polled players were top flight experts, and they were apprised correctly of the E/W methods. I think committees should be very reluctant to overrule a director poll on logical alternatives without finding out from the director how it was conducted.
- Wildavsky** A close case – this one could have gone either way. I can't fault either the director or the appeals committee ruling.
- Wolff** Good ruling, except for not giving E/W a procedural penalty for not knowing their conventions and causing “Convention Disruption” (CD). I suggest a one or more victory point penalty for the CD problem

APPEAL	NABC+ TWELVE
Subject	Misinformation (MI) – Failure to Alert
DIC	Gary Zeiger
Event	NABC Swiss Teams
Session	First Qualifying
Date	July 26, 2008

BD#	26
VUL	Both
DLR	East

David Siebert	
♠	T 7
♥	J 9 5 2
♦	K 4 2
♣	A 8 5 3

Dan Morse		Summer 2008 Las Vegas, NV	John Solodar	
♠	A 5 4		♠	K Q 6
♥	A 8 6 4		♥	3
♦	A Q 6		♦	J T 9 8 7 3
♣	K 9 6		♣	J T 2

Larry Sealy	
♠	J 9 8 3 2
♥	K Q T 7
♦	5
♣	Q 7 4

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

Final Contract	3NT by West
Opening Lead	♣3
Table Result	Made 5, E/W +660
Director Ruling	3NT W, down 1, E/W -100
Committee Ruling	3NT W making 5, E/W +660

(1)	15-17 points.
(2)	Alerted - transfer to diamonds.
(3)	Alerted – good diamonds..
(4)	Not Alerted.

The Facts: The director was called after the comparison. 3♥ was neither Alerted nor, after questioning, explained properly. The only response was that E/W had no agreement of what the 3♥ bid showed.

The Ruling: The director judged misexplanation with no evidence to the contrary and damage to N/S. Therefore, in accordance with Laws 75, 40C and 12C2 the table result was changed to 3NT by West down one, E/W minus 100.

The Appeal: Only West did not attend the hearing. East and West (from different parts of the country) were playing together for the first time and had completed a convention card that day. They agreed that a 2NT response to 1NT would show diamonds and that opener's 3♦ bid would be forward going. They did not discuss the sequence any further. East judged that the chance that West would interpret a 3♥ bid as shortness was good enough to make it worth bidding. East noted that had West and South's heart holdings been reversed, a club lead would have defeated 3NT, while a heart lead would likely allow it to make.

South said he would have doubled 3♥ had it been Alerted as showing shortness. Additionally, since East had indeed intended his 3♥ bid conventionally showing shortness, he should have explained it at the end of the auction. North claimed that he nearly led a heart as it was, and he certainly would have done so with a correct explanation of the 3♥ bid.

The committee learned that at the end of the auction, North asked about the 3♥ bid. West said that they had no agreement. With some of his partners he played that it showed hearts and with others not.

The Decision: Players are required to Alert their conventional calls and accurately explain their partnership agreements. They are not obliged to describe their hands to their opponents. E/W fully disclosed all of their partnership agreements and history. Thus, there is no basis for adjusting the table result. Since E/W had no agreement about 3♥, "We have no agreement" was not only a proper response it was the only proper response. The committee restored the table result of 3NT by West, making five, E/W plus 660.

The Committee: Doug Doub (Chair), Abby Heitner, Jacob Morgan, Blair Seidler and Aaron Silverstein.

Commentary:

Goldsmith This can't work. South can't ask about 3♥ without effectively barring a heart lead, and obviously can't double if it's natural and forcing. That means the non-offending side was damaged by the Alert procedure. I don't accept that. I'd rule differently.

I think East's choice to bid 3♥ without an agreement means that East thinks that his partner will judge that 3♥ shows shortness. He's making that judgment not on general bridge experience, but on knowledge of his partner. He is welcome to use that information, but it needs to be available to the opponents, so East must announce before the opening lead that there was a failure to Alert.

Furthermore, Law 75D encourages that ruling. It is almost impossible to prove a negative, so we are instructed to rule that East thought there was an agreement. Therefore, from his perspective, he needs to tell the opponents that there was a failure to Alert.

Would West have bid 3NT if 3♥ were doubled? He'd probably redouble; if partner has length, it's bonanza time; if shortness, he'll pull. Given all West's aces, they'd likely end up in 3NT - down one.

- Polisner** Excellent work by the committee. The director's ruling is somewhat incomprehensible. How could E/W prove that they had no agreement about 3♥ as such negatives are usually impossible to prove?
- Rigal** I hate this decision. As East I cannot imagine failing to correct my partner's best guess as to what I'd shown. When I made the call I did it based on my understanding of what our agreements might be. I can't imagine wanting to win at bridge badly enough to do this. I'd assume my opponents were entitled to my thought-processes. I don't care what the laws do or don't say. To me this is not the way the game should be played.
- Smith** While not necessarily disagreeing with the committee's decision, I do disagree with the statement that there was no legal basis for a score adjustment. Our conditions of contest contain the following provision: "A partnership is responsible for knowing when their methods apply in probable (to be expected) auctions. A pair may be entitled to redress if their opponents did not originally have a clear understanding of when and how to use a convention that was employed." One could certainly argue that this E/W pair did not meet that obligation by neglecting to discuss follow up actions after 2NT. And we should be very reluctant to accept a pair's statement that no agreement exists in this kind of situation if failure to form an agreement might disadvantage the other side. Obviously E/W were being truthful. But that is not necessarily the point. The only reason I can accept this committee's decision is that West did explicitly state to N/S what the two possibilities were prior to the opening lead.
- Wildavsky** The director ruling puzzles me. The appeals committee corrected an injustice.
- Wolff** Again, plus 660 was proper, but E/W should have a small procedural penalty for abusing "Convention Disruption." An opening leader should not have to be subject to "red herrings" without definition which could lead to a "psyche's paradise."

APPEAL	NABC+ THIRTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Gary Zeiger
Event	NABC Swiss Teams
Session	First Qualifying
Date	July 26, 2008

BD#	9
VUL	E/W
DLR	North

Ron Smith	
♠	Q 9 5 3 2
♥	J 7 3
♦	T 6
♣	J T 2

Karen Barret		Summer 2008 Las Vegas, NV	Anne Dawson	
♠	A 8		♠	K J
♥	Q T 8 6 4		♥	
♦	A Q 9 5 2		♦	K 8 7 4
♣	4		♣	A K Q 9 8 6 3

Linda Smith	
♠	T 7 6 4
♥	A K 9 5 2
♦	J 3
♣	7 5

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

Final Contract	6♦ by West
Opening Lead	♥A
Table Result	Made 7, E/W +1390
Director Ruling	6♦ by W made 7, E/W +1390
Committee Ruling	6♦ by W made 7, E/W +1390

(1)	Alerted – artificial game force.
(2)	Slow.

The Facts: The director was called after the hand. The 5♦ call was agreed to have been made in a slower tempo than the other calls.

The Ruling: The director judged that passing 5♦ was not a logical alternative (LA) in light of the fact that partner opened a strong 2♣ and had supported diamonds. Therefore, in accordance with Laws 16A2 and 12C2 the table result of 6♦ by West, making seven, E/W plus 1390 was allowed to stand.

The Appeal: In screening, it was agreed that East took a significant amount of time before bidding 5♦. E/W estimated the time taken to be 15 seconds and N/S judged it to be 45 seconds. East was the only player not attending the hearing.

E/W were playing a unique system built around losing trick count. They had explained that they opened some eight-counts and passed other hands with thirteen HCP. N/S were surprised at a 2♣ opening with only 16 HCP and no major. East's hesitation suggested that West bid on. N/S questioned whether E/W might have been off two heart tricks.

E/W's requirements for a 2♣ opening with an unbalanced hand are 16+ HCP with three losers or 22+ HCP with four losers. They could open 2♣ with a balanced hand and five losers and 22+ HCP, in which case the opener would rebid 2NT. Since East had shown an unbalanced hand with diamond length and West covered two losers in diamonds, it was impossible for the hands to contain two losers, and automatic for West to bid on.

The Decision: The committee attempted to construct hands meeting E/W's requirements for a 2♣ opening that might lack a heart control. It was unable to come anywhere close (within the context of West's hand and the auction to that point). Thus, it agreed that passing 5♦ was not a LA action. Therefore the table result of 6♦ by West, making seven, E/W plus 1390 was allowed to stand.

The committee discussed the merit of the appeal. It decided that N/S's unfamiliarity with E/W's unusual system was sufficient for them to avoid receiving an appeal without merit warning (AWMW).

The Committee: Doug Doub (Chair), Abby Heitner, Jacob Morgan and Aaron Silverstein.

Commentary:

Goldsmith What does the system have to do with anything? Partner opens 2♣ and you have two aces, two queens, and a fit. You aren't stopping short of slam. N/S should look at West's hand and realize their appeal is silly, and the committee should tell them that in no uncertain terms. This is the sort of case that AWMWs are designed to inhibit.

Polisner Very good work by all.

Rigal Merit? We don't need no stinking merit! I certainly don't see any merit here to the appeal. Anyone who suggests that West might pass 5♦ needs their head (or conscience) examined.

Smith I don't think N/S should have brought this appeal.

Wildavsky I see no merit to the appeal. Before proceeding N/S ought to have attempted to construct a hand for East where, from West's point of view, slam would be an underdog. Not being able to do so they might have realized they had no case. N/S expressed surprise that East could be so weak. Had East held a stronger hand, though, slam could only have been better.

Wolff AWMWs have a bad taste in my mouth so will not be discussed, but any N/S who didn't think West had her bid should apologize to them and the committee. Also East must be made to realize that a hesitation by her followed by pass will always be severely scrutinized.

APPEAL	NABC+ FOURTEEN
Subject	Misinformation (MI)
DIC	Gary Zeiger
Event	NABC Swiss Teams
Session	Second Final
Date	July 27, 2008

BD#	31
VUL	N/S
DLR	South

Jiun-Ming Chen	
♠	Q 9 4 2
♥	K 8 6 5
♦	A 7 5 2
♣	9

Ton Bakkeren		Summer 2008 Las Vegas, NV	Huib Bertens	
♠	K 8		♠	A J 7 6
♥	J T 7 2		♥	Q
♦	Q J 9 4 3		♦	K T 8 6
♣	Q 3		♣	J T 6 4

Albert Hsiao	
♠	T 5 3
♥	A 9 4 3
♦	
♣	A K 8 7 5 2

West	North	East	South
			1♣
1♦	Dbl	2♣	3♣
Pass	Pass	3♦ ¹	Pass
Pass	Pass		

Final Contract	3♦ by West
Opening Lead	♣9
Table Result	Down 1, E/W -50
Director Ruling	3♦ W down 1, E/W -50
Committee Ruling	3♦ W down 1, E/W -50

(1)	Before this call, East asked the meaning of North's double and was told it denied four-card major(s).
-----	---

The Facts: The director was called after the play of the hand. South had mis-explained North's double. The mis-explanation could have been the result of a language problem. West discovered at trick two that North had at most five cards in the minors (eight or more in the majors). East claimed that he would pass over 3♣ with the correct explanation.

The play of the hand was as follows.

1. Club lead to the king.
2. Ace of clubs (heart discarded by N).
3. Low club, ruffed high, with a heart discarded by North.
4. Low heart to South's ace.
5. Club ruffed high, with North discarding a spade.
6. Diamond to the king, winning, South discarding a club.
7. Spade to the king.
8. Spade to the Queen and ace.
9. Spade ruffed high.

The Ruling: The director judged that the misinformation did not cause damage in the play. Declarer needs to play three rounds of spades starting at trick four to be able to score a small trump in hand. E/W should have asked to see the convention cards. In accordance with Law 40C, the table result of 3♦ by West down one, E/W minus 50 was allowed to stand.

The Appeal: South was the only player not attending the hearing. East argued that he could be almost certain that the opponents had missed an eight-card heart fit, and that with correct information, he would pass out 3♣ (or possibly even double), reading his partner for a doubleton club.

Additionally, after North showed out on the second round of clubs, West asked South about the double, and South confirmed that it was a negative double, denying as many as four cards in either major. West knew that North's hand did not conform to South's description, but thought that the double might have been a transfer, showing five or more hearts. With correct information, declarer would not have led a diamond at trick seven, leaving himself better placed to make his contract.

South suggested that West had simply mis-guessed the play, and the incorrect information was not material. N/S did not play transfers over suit bids.

The committee discovered that the N/S convention card described North's double as negative.

The Decision: The committee did not think that the misinformation had an impact on East's bidding decision. East had stronger diamonds than clubs, and he knew that his side had at least a nine-card diamond fit. Additionally, the singleton heart figured to be more of an offensive rather than a defensive asset.

As to the play, West would have been better placed to trust the N/S convention card and place North with 4-4 in the majors. Had North turned up with five hearts and three spades, and the double been a conventional transfer, he would likely have a better chance to receive redress.

More importantly, in the play, declarer had reached a four-card end position with the lead in the East hand. North was known to have A75 of diamonds and one major suit card.

The actual cards were:

<p>♠ 9 ♥ ♦ A 7 5 ♣</p>	<p>♠ J 7 ♥ ♦ T 8 ♣</p>
<p>♠ ♥ T x ♦ 9 3 ♣</p>	<p>♠ T ♥ 9 x ♦ ♣ x</p>

N/S have taken three tricks. If North's remaining major suit card is a heart, declarer will go down one whether he ruffs a spade low OR high. If North's remaining major suit card is a spade, declarer must ruff low, so ruffing low is the only chance to make the contract. Since it was obvious to West that South was confused about the meaning of North's double, the committee was not inclined to offer redress. Moreover, West had an opportunity to make his contract by making a play in a simple end position that could never lose a trick. The committee ruled that any damage suffered by E/W was a result of its own misjudgments and not misinformation. Since the misinformation that South gave did not materially affect the result, the table result of 3♦ by West down one, E/W minus 50 was allowed to stand for both sides.

The Committee: Doug Doub (Chair), Tom Carmichael, Blair Seidler, Patty Tucker and Michael White.

Commentary:

- Goldsmith** Sound ruling, but to nitpick: The argument about the play doesn't really follow. If the non-offending side's (NOS) bad result stemmed from their own error subsequent to the infraction, then a split score is awarded. If the NOS was not damaged by the infraction, then the table result is awarded. So to argue that E/W's bad result is due to West's poor play and not give a split ruling is misleading. Perhaps the committee ought to have introduced that discussion by "Incidentally," instead of by "More importantly," and concluded it with something like, "so even if E/W had been damaged by the infraction, they would have kept their bad result. Because they were not, N/S keeps its good result as well."
- Polisner** Very keen analysis by the directors and committee. Another example of players looking for relief when none is warranted.
- Rigal** Sensible ruling; well done by the committee in a situation where it might have been easier not to spend the time and trouble to work out what was going on in both the bidding and play.
- Smith** E/W are a world class pair. Their arguments didn't make any sense to me at the time, and I am no more convinced several months later after reading this case.
- Wildavsky** An especially thorough job by the appeals committee.
- Wolff** Well done by the committee and the tournament director, except that N/S might get a procedural penalty for its improper misinformation.

APPEAL	Non NABC+ One
Subject	Unauthorized Information (UI) - Tempo
DIC	Jay Albright
Event	Thursday-Friday Side Series
Session	Friday Afternoon
Date	July 18, 2008

BD#	16
VUL	E/W
DLR	West

14,700 Masterpoints	
♠	T 7 6 5 2
♥	9
♦	K Q J T 7
♣	4 2

1,600 Masterpoints		Summer 2008 Las Vegas, NV	1,500 Masterpoints	
♠	9		♠	J 4
♥	K Q J 4		♥	A T 8 7
♦	A 9		♦	6 3 2
♣	Q J T 6 5 3		♣	A K 8 7

1,100 Masterpoints	
♠	A K Q 8 3
♥	6 5 3 2
♦	8 5 4
♣	9

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

Final Contract	5♠ by South
Opening Lead	♥K
Table Result	Down 1, N/S -50
Director Ruling	4♠ S, made 4, N/S +420
Panel Ruling	4♠ S, made 4, N/S +420

(1)	North alleged and East agreed that there was a break in tempo (BIT) before this pass.
-----	---

The Facts: The director was first called after the BIT noted in (1) above. The director returned after the hand. There was no disagreement with the tempo of the auction.

The Ruling: The director determined that the 5♣ call was demonstrably suggested by the BIT and that a pass by West was a logical alternative (LA). Therefore, in accordance with Laws 16 and 12C2, the score was adjusted to 4♠ by South making four, N/S plus 420.

The Appeal: West stated that he felt he had a good hand and that further action was merited. North and South did not choose to appear.

The Decision: Seven players with between 1300 and 2900 masterpoints were polled. They were given the West hand and presented with an auction free of any tempo problems. Five of the seven players passed, one bid 5♣ and one bid 5♥. The choice of whether to bid or pass was not relevant to the number of masterpoints held by the player questioned. A player with 2900 points bid 5♣ and one with 1300 points bid 5♥. The five passers had between 1500 and 2600 points.

The panel judged pass to be a LA to the call chosen by West, which was demonstrably suggested by the BIT. Therefore:

1. There was a BIT.
2. West chose from among logical alternatives one that could have been demonstrably suggested by the UI.
3. N/S were damaged; so,
4. In accordance with Laws 16A2 and 12C2, the director's decision was upheld and the table result adjusted to 4♠ by South making four, N/S plus 420.

The appeal was judged to have merit.

The Panel: Bernie Gorkin (Reviewer), Harry Falk and Mike Flader (Scribe).

Players Consulted: Seven players with between 1300 and 2900 masterpoints.

Commentary:

Rigal There is an important point of principle here concerning appeals without merit warnings (AWMWs). A player who has taken an action that was deemed to be based on UI is ruled against. He appeals and is told by the survey that it is not close – there are LAs; his action WAS deemed to be based on UI. In any case of this sort the failure to award an AWMW is bad for the game on so many levels; it encourages the behavior, and it encourages the appeal. Why do the panels not bite the bullet and award the AWMW? (After all nobody is going to like you anyway if you rule against them! – I joke, I joke.)

Smith Predictable ruling and panel decision. As to the panel's poll, I wonder if the players polled were given West's decisions at each step of the way. I expect some would have bid 3♥ at their second turn instead of 2♥. If the sample is large enough, I think those people should be excluded from the poll (or at least afford their opinions lesser weight). Then we would have a true peer poll of those who actually chose the same calls as this player at each turn. I see no merit to this appeal.

Wildavsky This appeal had no merit.

Wolff Two factors worth mentioning:
(a) Any natural bridge player, sitting West, will feel a twinge to bid on (5♥).
(b) East's BIT is considerably helpful to justify that twinge.
West's vulnerable 5♥ continuation then became an ethical cave-in and should be a picture perfect example of what NOT TO DO!
Result: E/W needs to be severely scolded for sinking to the depths of unethical action. Without the panel following through, these two culprits will be dangerous whenever and wherever they play. In my opinion, we need a panel that will understand just how bad it was for East to break tempo and then pass and for West (almost whatever his hand, once he only raised to two hearts) to now do anything but pass.

APPEAL	Non-NABC+ Two
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Saturday-Sunday Side Game Series
Session	Saturday Afternoon
Date	July 19, 2008

BD#	19
VUL	E/W
DLR	South

1,262 Masterpoints	
♠	T 7 4
♥	A K T 6 2
♦	J 6 2
♣	Q 3

183 Masterpoints		Summer 2008 Las Vegas, NV	411 Masterpoints	
♠	Q 3		♠	A J 9 8 5 2
♥	J 9 5		♥	4
♦	9 7		♦	A K 5 3
♣	A K T 8 7 2		♣	J 4

1,354 Masterpoints	
♠	K 6
♥	Q 8 7 3
♦	Q T 8 4
♣	9 6 5

West	North	East	South
			Pass
Pass	2♥	2♠	4♥
Pass	Pass	4♠	Pass
Pass	Pass		

Final Contract	4♠ by East
Opening Lead	♥3
Table Result	Made 4, E/W +620
Director Ruling	4♥ N, Down 3, N/S -150
Panel Ruling	4♥ N, Down 3, N/S -150

The Facts: West had a significant pause over 4♥. (N/S claimed a one minute plus pause – E/W claimed a 40 second pause).

The Ruling: The director ruled that pass was a logical alternative (LA) to 4♠. In accordance with Laws 16A2 and 12C2 the result was changed to 4♥ by North, Down three, N/S minus 150.

The Appeal: A poll of nine peers of the E/W pair got five votes for pass, three for 4♠ and one for double.

East stated that the 4♠ call was based on the assumption that at this vulnerability, 4♥ by a passed hand was likely preemptive. West stated that he needed time to consider a double and finally passed because of concern that South might be distributional.

North/South felt that the break in tempo (BIT) suggested competing further.

The Decision: There was unauthorized information from the break in tempo. This demonstrably suggested not passing. Pass was a logical alternative to 4♠. 4♥ down three was deemed the most unfavorable result for E/W that was at all probable and the most favorable result for N/S that was likely. In accordance with Laws 16A2 and 12C2 the table result was adjusted to 4♥ by North, down three, N/S minus 150. As no poll was taken prior to the appeal and as the appellants were inexperienced, no appeal without merit warning (AWMW) was imposed.

The Panel: Jay Albright (Reviewer), Nancy Boyd and Gary Zeiger.

Commentary:

Rigal I am not entirely happy but can live with the decision not to award an AWMW. Obviously this hand is far closer than case one; it is surely up to the screeners to let people know in advance what the options are if they use UI and lose the appeal in a position like this. I would not have been amazed had the poll result been different, but given what it showed, when the majority vote for the action not indicated by the UI we must be close to an AWMW.

Smith We have to stop looking for reasons not to give AWMWs when appropriate. They don't really mean anything unless a player accumulates several of them. So, when a case is obviously ruled correctly by the directors and by the panel or committee, an AWMW should be imposed automatically. The experience level of the appellants is just one of many reasons that should not be considered in making that decision.

Wildavsky West's testimony shows a profound misunderstanding of the laws. It doesn't matter why he hesitated, or whether his hand somehow warranted a hesitation. The fact that he did hesitate, for whatever reason, severely restricts his partner's options. An AWMW might have helped educate E/W – I doubt anything else would have an effect. Their appeal had not a shred of merit.

Wolff Good ruling, but these first two cases are back to the days of very unethical bridge. At least these two players (East and West), having many fewer master points than did the E/W pair in case Non-NABC+ One, have inexperience as an excuse. The panel needs to better educate these culprits.

APPEAL	Non-NABC+ Three
Subject	Misinformation (MI)
DIC	Charlie McCracken
Event	Strati-Flighted A/X Pairs
Session	First Session
Date	Saturday, July 19, 2008

BD#	8
VUL	None
DLR	West

Alex Kornel	
♠	4 2
♥	J 9 6 4 2
♦	A 9 8 5
♣	8 3

Cindy Goatz		Summer 2008 Las Vegas, NV	Phil Goatz	
♠	K Q 7		♠	T 8 5
♥	K T 5		♥	Q 7
♦	Q T 7		♦	K J 6 4 2
♣	A 5 4 2		♣	K J T

Barbara Seagram	
♠	A J 9 6 3
♥	A 8 3
♦	3
♣	Q 9 7 6

West	North	East	South
1♦	Pass	3♦ ¹	3♠
Pass	Pass	Double	Pass
Pass	Pass		

Final Contract	3♠ Doubled by South
Opening Lead	♦7
Table Result	Down 3, N/S -500
Director Ruling	3♦ W, Made 3, E/W +110
Panel Ruling	3♦ W, Made 3, E/W +110

(1)	Alerted as preemptive and guaranteeing 5 Diamonds
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The Facts: East said he had no other bid. Can't bid NT without the majors and could not bid 2♦ as they play inverted. Agreement was 3♦ was preemptive with a nine loser hand.

The Ruling: The director judged that the partnership agreement was not fully explained as the hand could be as good as the hand that was held. In accordance with Laws 75C and 12C2 the result was changed to 3♦ by West making three, E/W plus 110.

The Appeal: The appealing side said their inverted minor agreement is that 1♦-Pass-2♦ is game forcing. They have no call to show an invitational raise. West stated that East has never bid 3♦ with this good a hand.

South stated that she would never have bid 3♠ if informed that 3♦ could be as strong as the hand held.

The reviewer found that E/W have no way to show an invitational hand that is unsuitable for bidding a new suit or 2NT. According to their agreements the West hand was not opened 1♣ because 1♣-Pass-1♦ is artificial showing 6 HCPs and less than three clubs and responder cannot bid 1♦ naturally.

The Decision: Misinformation occurred in the failure to fully explain that since 1♦-Pass-2♦ is game forcing and they have no conventional call to show an invitational raise, their 3♦ call can be significantly stronger than “preemptive” would reasonably suggest. South’s 3♠ call, while aggressive and not as flexible as double, was not deemed to be egregious. In accordance with Laws 40C and 12C2, the panel upheld the director’s adjustment of 3♦ by East, making three, E/W plus 110.

The Panel: Jay Albright (Reviewer), Nancy Boyd and Gary Zeiger.

Commentary:

Rigal South has a hand on which 3♠ is the normal action. While E/W deserve some penalty (no Alert of 1♣ either?) South is not due the double shot here. I would consider either a split ruling or a procedural penalty (PP) to E/W with the table result standing.

Smith I am offended at the explanation offered by West. It wasn't even close to good enough to describe what E/W were really doing. Maybe that feeling biases me in favor of the ruling and panel decision, but even at that I sure would have liked to have seen a poll of players with the South hand given an accurate description of 3♦. There is bridge judgment involved in this case. How much does it matter to peers of South that the upper end of 3♦ is higher than was expected at the table? A panels is supposed to poll such matters.

Wildavsky A closer decision than it might seem. "Preemptive" is not a synonym for "weak," and, were 2♦ a limit raise or better, East might still have chosen 3♦. If the actual agreement were "less than a limit raise," I'd let the score stand. Since the actual agreement seems to have been "less than a game force," I agree with the director's and panel's rulings.

Wolff My inclination, admittedly harsh, would be to leave N/S with its minus 500 in 3♠ doubled, but adjust E/W's score to plus 110 in 3♦. E/W's home brew 1♦ opening was the proximate cause of N/S's disaster, but South made a very dangerous 3♠ overcall (considering that her partner had not overcalled). Sometimes those aggressive tactics get punished and this was one of those times. Let the bridge determine the result, however, E/W were not deserving of either plus 500 or plus 400 in 3NT because of their lack of "full disclosure."

APPEAL	Non-NABC+ Four
Subject	Unauthorized Information (UI) - Tempo
DIC	Guillermo Poplawsky
Event	Stratified Daylight Open Pairs
Session	First Session
Date	July 20, 2008

BD#	6
VUL	E/W
DLR	East

2,139 Masterpoints	
♠	9 2
♥	Void
♦	A Q J 8 5 4
♣	Q 7 6 4 2

200 Masterpoints		Summer 2008 Las Vegas, NV	8000 Masterpoints	
♠	K J 6 4 3		♠	A Q 8 7
♥	5 4 3		♥	A K T 9 7 6 2
♦	9 7 3 2		♦	T
♣	8		♣	J

500 Masterpoints	
♠	T 5
♥	Q J 8
♦	K 6
♣	A K T 9 5 3

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

Final Contract	6♣ Dbld by North
Opening Lead	♥5
Table Result	Made 7, N/S plus 1190
Director Ruling	6♣ dbld N, made 7, N/S +1190
Panel Ruling	6♣ dbld N, made 7, N/S +1190

(1)	BIT 20 seconds
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The Facts: South broke tempo before doubling 5♥.

The Ruling: The director polled four players of equal ability – all made a call (6♣) after South's double. Since pass was determined not to be a logical alternative (LA), in accordance with Law 16, the table result of 6♣ doubled by North, making seven, N/S plus 1190 was allowed to stand.

The Appeal: East said North should sit for the double because of his heart shortness and his ♦Ace is a good defensive value. North said he thought the opponents could make a game and was continuing his sacrifice.

The Decision: A large number of players in the 1500-2500 MP range were polled before two were found who would take the 5♣ approach to this hand. Both bid 6♣. Both said pass was not a logical alternative.

Since the consultants with a similar mind set to North's believed there was no logical alternative to 6♣, the panel ruled that Law 16A was not violated so the table result of 6♣ doubled by North, making seven, N/S plus 1190 was allowed to stand.

The Panel: Charlie MacCracken (Reviewer), Bernie Gorkin and Peter Marcus.

Commentary:

Rigal I have to admit that with the North hand I would bid this way as well. I would take the double as a suggestion but not a command here. Pass would be non-forcing so double just shows some sort of extras – and lo and behold partner has soft trump tricks and it is STILL right to bid.

Smith I'm mildly surprised with the results of the two polls, but they both clearly indicate that pass is not a logical alternative to the peers of this player. I'm especially glad to see that the director conducted a poll before making the ruling. That procedure should be more common. I also agree with the methodology of the panel in trying to find peers who agreed with the earlier actions of North. It would have been useful if the reviewer could have found more than two, and, as I noted in Non-NABC+ One, I would not completely discount what other polled players said even if they did not match North's actions at each earlier turn.

Wildavsky Pass seems logical enough to me. As Edgar Kaplan put it, on a different case, "Would it have been obviously foolish to pass, an egregious error, absurd? No, it wouldn't--pass would be right quite often." In fact pass was right on this deal, had West found a spade lead. A poll of two players is not enough to establish that there is no logical alternative to an action. One need not restrict the poll to 5♣ bidders. Most of us can put ourselves in the place of someone who made a different call than we would have.

Wolff Hesitation disruption (HD) needs to be dealt with more strongly. N/S needs to be given plus 200 vs. 5♥ doubled and E/W should either get only an average (compromise between minus 200 and minus 1190). West might have led a spade vs. 6♣ doubled.

APPEAL	Non-NABC+ Five
Subject	Unauthorized Information (UI) - Tempo
DIC	Millard Nachtwey
Event	Bruce 0-5000 LM Pairs
Session	First Final
Date	Sunday, July 20, 2008

BD#	25
VUL	E/W
DLR	North

1,550 Masterpoints	
♠	K 7 4
♥	T 5 3
♦	J 7 4 2
♣	K 4 2

900 Masterpoints		Summer 2008 Las Vegas, NV	300 Masterpoints	
♠	T 8		♠	Q 3 2
♥	K Q J 9 7 4		♥	A 8 6
♦	K 8 6 5		♦	A Q 3
♣	6		♣	Q J T 8

2,900 Masterpoints	
♠	A J 9 6 5
♥	2
♦	T 9
♣	A 9 7 5 3

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

Final Contract	5♥ by East
Opening Lead	♠A
Table Result	Made 5, E/W + 650
Director Ruling	4♠ dbld S, down 2, N/S -300
Panel Ruling	5♥ E, making 5, E/W + 650

(1)	15-17.
(2)	Spades plus minor.
(3)	Transfer to hearts.
(4)	Some fumble with front of bidding box cards

The Facts: The director was called after the double by East and again after the hand was played. Before her double East fumbled with pass card and then put double card on the table.

The Ruling: West had a choice when he bid 5♥ including pass as a logical alternative (LA) to 5♥. The fumble suggests doubt about the double and therefore suggests action by West. In accordance with Laws 16A2, 73F1, 12C2 the result was adjusted to 4♠ doubled by South down two, N/S minus 300.

The Appeal: West said his side was vulnerable and he felt sure they could make 650 because of his partner's NT opening. He was looking at his hand and did not see the fumbling. East said she was searching for the double card and did fumble. This was her first tournament.

South, who had an excellent position to see East's bid box and what she was doing, said it was more than a fumble. East pulled the pass most of the way out, put it back and played the double. When asked about a break in tempo, she said only the time the fumbling took. North said there was what she would call a "pregnant pause" if the bid boxes were not in use. When asked again about the BIT South agreed with her partner.

The Decision: The play started ♠A, Spade to the King and a trump return.

There were four points to consider:

1. Was there UI? While East is inexperienced (300 MPs), she chose to play in a major event and had to be held to a higher standard. So, yes there was UI.
2. Were there logical alternatives to West's 5♥ call? Yes. Pass was chosen by every person consulted.
3. Was the 5♥ bid demonstrably suggested by the BIT/fumble? A good player believed a pass by East would be forcing and suggested 5♥. However, none of the four players consulted who were in West's peer group (800-1700MPs) thought there was any useful information to be gained by East's actions.

Based on this testimony, the panel ruled Law 16 was not broken and the table result of 5♥ by East making five, E/W plus 650 was reinstated.

The 4th point, the quality of North's defense, thus became moot.

The Panel: Charlie MacCracken (Reviewer), Bernie Gorkin and Tom Whitesides.

Commentary:

Rigal Since there was no agreement as to whether the slow double suggests removal, I suppose we have to live with the panel decision. To my mind E/W should be left with their 300; N/S who were given the opportunity to improve their result and spurned it by ridiculous defense, get left with the table result.

Smith I'm not sure what to say. I can't fathom how a fumble between the pass and the double card doesn't suggest pulling the double. Doesn't it strongly suggest that partner is not sure he wants to defend 4♠? I know with that fumble he doesn't have a small doubleton heart and something nice in spades. Doesn't that then make a pull to 5♥ more attractive? What were the polled players thinking?

Wildavsky The panel's decision puzzles me. It seems likely that a player who fumbles with the "Pass" card before doubling is unsure whether double is the best call. Is the fumble consistent with a holding that includes, say, ♠ KQJ? The panel's rules may preclude them from exercising bridge judgment directly, but they have the option of continuing to consult with players until they get an answer that makes sense. I would adjust the E/W score to plus 300 and leave N/S with minus 650, a score they earned through their egregiously poor defense.

Wolff First, N/S has earned minus 650 because of their awful defense. E/W should be ruled back to plus 300 in 4♠ doubled which could have been worse if N/S had defended 5♥ anywhere near properly. Ethics need to be taught by our teachers and also promoted vigorously in the local clubs.

APPEAL	Non NABC+ Six
Subject	Unauthorized Information (UI)
DIC	Millard Nachtwey
Event	Bruce Life Master Pairs
Session	First Semifinal
Date	July 19, 2008

BD#	12
VUL	N/S
DLR	West

3,429 Masterpoints	
♠	Q
♥	J 7
♦	Q T 9 5
♣	A K Q J 9 7

4,873 Masterpoints		Summer 2008 Las Vegas, NV	1,355 Masterpoints	
♠	J 7 6 5		♠	8 3 2
♥	K 8 5 3		♥	A T 6 4 2
♦	A K		♦	J 8 4 3
♣	6 4 3		♣	2

1,948 Masterpoints	
♠	A K T 9 4
♥	Q 9
♦	7 6 2
♣	T 8 5

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

Final Contract	4♣ by North
Opening Lead	♥A
Table Result	Down 1, N/S -100
Director Ruling	3♥ W, made 3, E/W +140
Panel Ruling	3♥ W, made 3, E/W +140

(1)	10-12 HCP.
(2)	Alerted and explained as long minor or two-suited (a minor and a major).
(3)	Transfer to hearts.
(4)	Break in tempo (BIT).

The Facts: The director was called after the 4♣ bid. The actual agreement was that the double showed a good hand. The BIT was agreed.

The Ruling: While the BIT demonstrably suggested action over a logical alternative action (LA) of pass, the director originally allowed the table result to stand because it was judged that 3♥ would be defeated producing a worse result for the non-offender. After further reflection, it was determined that 3♥ would make almost 100% of the time. Therefore, in accordance with Laws 16A2 and 12C2, the result was adjusted to 3♥ by West, making three, E/W plus 140.

The Appeal: All the players attended the review. It was determined that the BIT was one minute.

North was rude to his partner when explaining his 4♣ bid. He said she was “in outer space,” and it was obvious she had no idea what was going on – a common occurrence. He never paid any attention to her explanations or her tempo. He felt his 4♣ bid was a 100% bid.

E/W felt the hand spoke for itself – that a vulnerable versus non vulnerable 4♣ bid was not an automatic action.

The Decision: Three expert flight A players were consulted. All had more experience than North. They each passed. In accordance with Laws 16A2 and 12C2, the director’s decision of an adjustment to to 3♥ by West, making three, E/W plus 140 was affirmed. The panel felt the appeal had no merit and imposed an appeal without merit warning (AWMW) to North and South.

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

Players Consulted: Alan Mazur, Robert Morris and Mark Shaw.

Commentary:

Rigal Here, if double showed a strong hand, North really cannot act again – although playing with a South player who would pass 4♣ maybe North DOES have to bid both sets of cards. Given that N/S were appealing against using UI, and given the finding that pass was an LA I agree with the AWMW.

Smith Clearly the ruling and the panel decision (including the AWMW) were correct. I'm sure North didn't help his case by his behavior, but it didn't matter. Why did the panel not poll peers of North?

Wildavsky The AWMW was appropriate.

Wolff North should not bid after South's BIT so 3♥ making three E/W plus 140 should be ruled since, except for near impossible double dummy defense, 3♥ will always take nine tricks. If North did pass, then South would probably bid 3♠ which North would correct to 4♣, but that is all speculation and N/S should not be favored because of their ethical violation.

APPEAL	Non NABC+ Seven
Subject	Unauthorized Information (UI) - Tempo
DIC	Chris Patrias
Event	0-5000 Spingold
Session	First Match
Date	July 21, 2008

BD#	22
VUL	E/W
DLR	East

3,002 Masterpoints	
♠	K 6 4
♥	Q J 3
♦	K 6 4 3
♣	K J 6

2,007 Masterpoints		Summer 2008 Las Vegas, NV	1,843 Masterpoints	
♠	Q T 2		♠	J 8 7 5 3
♥	8 7 2		♥	K T
♦	T 7 5 2		♦	J 9 8
♣	7 3 2		♣	Q T 5

4,256 Masterpoints	
♠	A 9
♥	A 9 6 5 4
♦	A Q
♣	A 9 8 4

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

Final Contract	6♥ by South
Opening Lead	♠2
Table Result	Made 6, N/S +980
Director Ruling	5♥ S made 6, N/S +480
Panel Ruling	6♥ S made 6, N/S +980

(1) Break in Tempo (BIT)

The Facts: The director was called during the auction. South's 5♥ bid was slow. During the auction North explained that there was no agreement about the 5♥ bid – it was standard. After play, South said it asked for good trumps.

The Ruling: It was determined that there was a BIT. North chose from among logical alternatives (LA) one that was demonstrably suggested by the BIT. Since good trumps should be one of the top two honors or two of the top three honors, pass was determined to be a LA. Therefore in accordance with Laws 16A2 and 12C2, the table result was changed to 5♥ by South, making six, N/S plus 480.

The Appeal: All players attended the review.

South said she had a very good hand, and she knew partner had an opening hand. She wanted to explore for slam but wasn't sure how because she had all the aces. (Although they play Roman Keycard Blackwood, she didn't think to use it.) She thought 5♥ was standard to see if partner had any heart honors. North said she knew partner was asking about trumps. She thought QJx was good enough. Her partner is always a very slow bidder.

E/W didn't think North had a hand to bid six. It's flat with eight losers. They asked if 4♥ was weaker than 3♥ would've been and the answer was, "Yes."

The Decision: Ten of N/S's peers were asked what they would bid with the North hand after 5♥ by partner. Seven said that they would bid 6♥. They thought they had an excellent hand for their previous bidding. Some thought that the BIT suggested doubt on partner's part about whether or not to try for slam. They felt that passing 5♥ would be taking advantage of UI.

The panel decided that the 6♥ bid was not demonstrably suggested by the BIT. South wanted to try for slam but wasn't sure exactly how to go about it. She chose to ask partner about the quality of her trumps. North felt that QJx was good enough, since she could have had three small on this auction. The lucky lie of the hearts allowed the slam to make.

Therefore, the table result of 6♥ by South, making six, N/S plus 980 was restored.

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

Players Consulted: Ten of North's peers.

Commentary:

- Rigal** The director who gave the initial ruling appears to have overlooked the significance of the word 'demonstrably' in 'demonstrably suggested'. A slow 5♥ call here is a slam try – the bid itself gives that AI, and in context of the ask normally relating to trumps, two honors is a great holding. Note the gratuitous and wrong-headed comment regarding the lucky lie of trumps from the panel; the slam needs either hearts, or clubs to behave. It is neither lucky nor unlucky but round about 50%.
- Smith** I agree with the panel that a slow 5♥ does not give North any useful information about what South's problem was, so it does not demonstrably suggest bidding 6♥. North is free to do whatever he wants.
- Wildavsky** How did the slow 5♥ bid suggest 6♥? The wording of Law 16 suggests that the director must demonstrate why a call is suggested – he did not do so. I agree with the panel's ruling.
- Wolff** The panel's ruling was right-on! I am disappointed with the panel's decision to say the 5♥ bid after a BIT was helpful in allowing North to bid a slam. That doesn't make sense and causes alarm that the panel was simply not qualified to determine bridge decisions.

APPEAL	Non NABC+ Eight
Subject	Misinformation (MI)
DIC	Diane Beyer
Event	Bracketed Knockout – Bracket Six
Session	Third
Date	July 21, 2008

BD#	17
VUL	None
DLR	North

1,135 Masterpoints	
♠	8 7 4 2
♥	
♦	K Q J 8 7 6
♣	A Q 7

242 Masterpoints		Summer 2008 Las Vegas, NV	155 Masterpoints	
♠	K Q T 6 5		♠	A 9 3
♥	K J 8 6		♥	A 9 5 4
♦	9 2		♦	A 5 3
♣	9 6		♣	K 8 4

422 Masterpoints	
♠	J
♥	Q T 7 3 2
♦	T 4
♣	J T 5 3 2

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

Final Contract	2♥ by West
Opening Lead	♦K
Table Result	Making 3, E/W +140
Director Ruling	3NT E, making three, E/W +400
Panel Ruling	3NT E, making four, E/W +430

(1)	No Announcement, actual agreement is transfer.
(2)	No Announcement – actual agreement is transfer (stolen bids on)

The Facts: The director was called at the end of the auction. When asked about the 2♦ bid, North said that it was support for diamonds. West's bid of 2♥ was not Announced as a transfer. The director gave South the opportunity to change the terminal pass due to the lack of Announcement of West's bid. South chose not to do so.

After the play, West said that she would have bid 3NT had the 2♦ call been properly Announced in a timely manner.

The Ruling: There was MI that damaged E/W. Therefore, in accordance with Laws 21B3 and 12C2, the table result was adjusted to 3NT by East, making three, E/W plus 400.

The Appeal: All players attended the review.

N/S didn't think it fair that an arbitrary score of plus 400 should be given to E/W. West didn't mention 3NT until after she had seen all four hands. She first said she would bid 3NT. Then said maybe she'd transfer first. The director said that 4♠ makes; but, if North knows 2♥ is a transfer, North will double for a heart lead. N/S believe 4♠ will go down. Contract the other table was 4♠ and it did go down one trick.

West said part of the problem was the failure to Alert 2♦ as a transfer to hearts. If this is Alerted, the 2♥ call will be clear to partner as a transfer to spades. When partner overcalled 1NT, she was always going to drive to game in spades or NT.

The Decision: The panel determined that North's failure to recognize South's 2♦ bid as a transfer was the direct cause of E/W's failure to get to game. If North does double 2♥ for a heart lead and a heart is led against 3NT, East will make four. Therefore, in accordance with Laws 21B3 and 12C2, the result was adjusted to 3NT by East, making four, E/W +430.

As Life Masters, N/S should have realized that the failure to know their system was the direct cause of the mix-up by E/W. Since they were clearly the offending side, the appeal had no basis and no merit. An appeal without merit warning (AWMW) was issued to North and South.

The Panel: Jean Molnar (Reviewer), Bernie Gorkin and Charlie MacCracken.

Commentary:

Rigal Although it seems rather unfair to N/S that a pair that forgets its system might benefit in this way, they had the rationale for the director ruling properly explained to them; yes, E/W got lucky but they would never have had this accident if the Alert procedure had been properly followed. Given that the situation was explained to them, the AWMW is appropriate.

Smith What a mess! I'll bet South didn't want to change his last pass! The write-up implies without being specific that the information about the 2♦ bid did not come to light until after the hand. I assume it was not discovered before the lead or East should have also been given the chance to change his last pass.

Obviously the failure to Alert had something to do with the E/W accident. But as large or maybe even a larger contributor was their own basic misunderstanding about the meaning of West's 2♥ bid. West thought their agreement was that it was a transfer (I assume regardless of the meaning of 2♦), while East did not. Now if they actually had different agreements depending on the meaning of 2♦ I would have a different opinion. But in the absence of that, I think E/W caused their own bad score and they should keep it. I would adjust the N/S score down, however.

This principle was implied in the old laws (under which this tournament was run) and expanded upon by our Laws Commission. But it is explicit in the new Laws as part of Law 12C1(b): "If, subsequent to the irregularity, the non-offending side has contributed to its own damage by a serious error (unrelated to the infraction) or by a wild or gambling action, it does not receive relief in the adjustment for such part of the damage as is self-inflicted.

The offending side should be awarded the score that it would have been allotted as the consequence of its infraction only." So split bad score is my preference in this case. Therefore I obviously think the appeal had merit. And by the way, on a heart lead against 3NT isn't it pretty easy to make eleven tricks? Even as it is, I think adjusting from 3NT making 3 to 3NT making 4 was a bit of piling on against N/S.

Wildavsky Nice work by the panel, taking North at his word when he claimed he would double 2♥ for a heart lead. Any non-diamond lead against 3NT would result in 11 tricks, though, not 10, since declarer will know to play for the ♣A onside. In any case, the AWMW was well deserved.

Wolff Both sides practiced convention disruption so neither should benefit. The score for E/W should be plus 140 instead of plus 400 or 430 and for N/S minus 400 or 430. Since it was a KO event instead of a pair game, each team might have its IMPs score lessened, but nevertheless I think it would be fairer to do it the way I suggest.

APPEAL	Non-NABC+ Nine
Subject	Unauthorized Information (UI) - Tempo
DIC	Sam Stoxen
Event	Stratified Open Pairs
Session	First Session
Date	Monday, July 21, 2008

BD#	28
VUL	N/S
DLR	West

3,672 Masterpoints	
♠	5
♥	K 6
♦	Q J 8 7 4 3
♣	T 9 7 4

627 Masterpoints		Summer 2008 Las Vegas, NV	1,553 Masterpoints	
♠	A J 8 4 2		♠	T 3
♥	Q 7 2		♥	A J T 8 5 4 3
♦	K 9 2		♦	A
♣	5 3		♣	A 8 6

5,385 Masterpoints	
♠	K Q 9 7 6
♥	9
♦	T 6 5
♣	K Q J 2

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

Final Contract	4♦ Dbl by North
Opening Lead	♥2
Table Result	Down 3, N/S -800
Director Ruling	4♦ N, Down 3, N/S -300
Panel Ruling	4♦ N, Down 3, N/S -300

(1)	BIT (Break in Tempo)
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The Facts: The director was called after the auction. There was a BIT.

The Ruling: The director judged that action was demonstrably suggested by the BIT and that pass was a logical alternate (LA). East was willing to play 3♥. Therefore, in accordance with Laws 16A AND 12C2, the result was adjusted to 4♦ by North, down three, N/S minus 300.

The Appeal: West was the only player to attend the hearing. He said he asked a “couple questions” about the auction, then decided his ♦K was not worth anything and passed. He knew if his partner had a really good hand, he would either bid on or double. His partner later admonished him for not bidding 4♥ immediately.

The Decision: Seven of E/W's peers were given the East hand and asked what they would do after 4♦ with no UI. All but one doubled, bid 4♦ or said they would do one or the other but they weren't passing. However, most said they would have bid 4♥ the first round. When told about partner's BIT, they didn't feel they could take further action since they had been willing to play only 3♥ earlier. The panel determined that these statements confirmed pass as a logical alternative for East. The panel upheld the director's adjustment of 4♦ by North, down three, N/S minus 300.

The Panel: Jean Molnar (Reviewer), Nancy Boyd and Charlie MacCracken.

Players consulted: Seven of E/W's peers.

Commentary:

Rigal If everybody would bid with the East hand then partner's tempo is irrelevant; I approve of the idea of passing (if you bid 3♥ you cannot be worth 4♥ can you?) but here the key is to ignore the tempo and ask the polled group what they would bid. It sounds like the polled players thought there was no LA to bidding. We are not training directors, we are asking for bidding judgment. Having said that, paradoxically, I agree with the directors and the AWMW. But if we relied on the polled players I think we should go the other way; we can't take the verdict we want, but the one they give us.

Smith Good analysis by the panel. As I mentioned earlier, it is always difficult to find peers of players who take unusual actions earlier in a hand. But here, the panel drew the right conclusions from what the polled players said they would do if they had bid only 3♥ earlier. We do have to be careful about allowing polled players to offer opinions on what they think is proper after a hesitation (as apparently happened here). We should be polling players solely on the subject of bridge opinion, not application of the laws. Applying the law is the province of the panel. But I think the panel got it right anyway. I actually don't think this appeal had any merit.

Wildavsky Good work all around.

Wolff Fair ruling. Bidding after partner's BIT has evidently become very fashionable and should be attacked.

APPEAL	Non NABC+ Ten
Subject	Unauthorized Information (UI)
DIC	Nancy Watkins
Event	Stratified Side Swiss Teams
Session	Evening (Only)
Date	Thursday, July 22, 2008

BD#	33
VUL	None
DLR	North

4,700 Masterpoints	
♠	T 9 8
♥	7 6 2
♦	K 6 2
♣	J 5 4 2

2,023 Masterpoints		Summer 2008 Las Vegas, NV	571 Masterpoints	
♠	K J 5		♠	A Q 7 3
♥	Q J 9 4 3		♥	A K 8 5
♦	Q 3		♦	9 8 7
♣	A 8 6		♣	K 9

3,060 Masterpoints	
♠	6 4 2
♥	T
♦	A J T 5 4
♣	Q T 7 3

West	North	East	South
	Pass	1NT¹	Pass
2♦²	Pass	3♥	Pass
4NT	Pass	5♦	Pass
6♥	Pass³	Pass	Pass

Final Contract	6♥ by East
Opening Lead	♦A
Table Result	Down 1, E/W -50
Director Ruling	6♥ E, Made 6, E/W +980
Panel Ruling	6♥ E, Made 6, E/W +980

(1)	15-17 HCP.
(2)	Transfer to hearts.
(3)	4NT was RKC – North asked the meaning of 5♦ before passing.

The Facts: After 6♥ bid, North asked what the 5♦ response indicated. On opening lead, South led ♦A and another diamond.

The Ruling: 16A Unauthorized information applies. After a player makes available to his partner extraneous information that may suggest a play (questioning 5♦ bid to suggest ♦ lead) and an opponent who had a logical alternative has chosen an action that could have been suggested by the information, director may assign an adjusted score. The director determined that the question demonstrably suggested a diamond holding, that North had no bridge reason to ask the question and that South had leads that were logical alternatives to the lead of the ♦A. Therefore, the result was changed to 6♥ by East making 6, E/W plus 980.

The Appeal: N/S thought that leading the ace on this power auction was correct.

The Decision: Several players were polled. A few led the ♦A but most led a club. The question about the 5♦ bid was deemed unauthorized information (UI) and could have suggested diamond interest. Thus, Laws 16A1, 12C2 and 73C led the panel to uphold the director's adjustment of 6♥ by East making six, E/W plus 980. Since several players polled led the ♦A, no appeal without merit warning (AWMW) was issued.

The Panel: Nancy Boyd (Reviewer). Bernie Gorkin and Gary Zeiger.

Players consulted: Several of N/S's peers.

Commentary:

Rigal I'm seriously concerned by this case notwithstanding the result. We MUST have consistency on AWMWs and there is clearly no understanding from the panels on this point. North – let's use a polite word – conveyed unauthorized information to his partner by what was either a very, very, poorly timed question or a deliberate attempt to influence him. N/S then appealed its use of UI and found they were mistaken as to whether there was a logical alternative; hence the UI leads to an adjusted score. Case closed; adverse ruling, AWMW and in my opinion a procedural penalty. Just because 'a few' people agreed is extra reason for the punishments; only a few not even half...it wasn't close!

Smith Players need to learn that these kinds of questions are very dangerous and can only lead to worse scores being assigned if partner gets it right. It doesn't matter if the motivation for the question was honorable, and it doesn't matter that some would choose to lead the diamond ace without UI being available. According to the law a diamond lead cannot be allowed if it is successful. This pair should have been given an AWMW, and maybe even a penalty for flagrantly taking advantage of UI. This was an experienced pair, after all.

Wildavsky We should focus our attention on the losing alternative. Per the quote in my comments on case four, would a club lead have been obviously foolish, an egregious error, absurd? No, a club would be right quite often. Looking at it this way it's easy to see that the case has no merit. Did N/S really think they should be allowed to ask an unnecessary question about a bid and then profit through the lead of that suit? They're lucky to remain anonymous. This appeal had no merit – see my comments on Non-NABC+ case twenty.

Wolff Good ruling for the right reason. Any hint of any action during the auction of directing partner's lead, other than by legally done in the bidding, should not be allowed.

APPEAL	Non-NABC+ Eleven
Subject	Dispute of Auction and Final Contract
DIC	Rick Mueller
Event	Monday-Wednesday AM Side Series
Session	Wednesday
Date	July 23, 2008

BD#	13
VUL	Both
DLR	North

15,716 Masterpoints	
♠	A Q J 4
♥	A J 9
♦	J 9 5
♣	A J 6

184 Masterpoints		Summer 2008 Las Vegas, NV	551 Masterpoints	
♠	K T 8 3		♠	7 5
♥	4 2		♥	K Q T 7 5 3
♦	Q 7 6 4 2		♦	A K 8
♣	T 2		♣	K 5

9,535 Masterpoints	
♠	9 6 2
♥	8 6
♦	T 3
♣	Q 9 8 7 4 3

West	North	East	South
	1NT	2♣ ¹	Pass
2♦ ²	Pass	2♥	Pass
Pass	Pass		
(Contested) or			
	1NT	2♣ ¹	Pass
2♦ ²	Pass	2♥	Dbl
Pass	Pass	Pass	

Final Contract	2♥ by East
Opening Lead	♣7
Table Result	Made 3, N/S +140
Director Ruling	2♥ N, Made 3, N/S +140
Panel Ruling	2♥N, Made 3, N/S +140

(1)	1-suited hand
(2)	Relay

The Facts: N/S both wrote that the contract was not doubled and stated that North had the final pass. E/W both wrote 2♥ doubled and stated that East had the final pass.

The Ruling: The director ruled the contract undoubled as E/W verbally confirmed contract with each other and N/S independently of each other wrote that the contract was undoubled. It was treated as two to one.

The Appeal: E/W definitely saw a double by South of 2♥. East verbally confirmed the contract with West after the auction but N/S did not say anything. E/W recognized after the play that South did not intend to double but they are certain he did.

N/S were certain South did not double 2♥. A double by South in this auction would have been takeout, short in hearts. Since North was not “out of the auction,” she was paying attention to South’s call.

The Decision: The panel couldn’t be certain of the facts. South’s intent was obviously to pass, but he could have pulled the wrong bid card. In the E/W version of the facts, East had made the final pass. N/S said North had made the final pass.

With no firm information to use, the panel decided to use South’s clear intent, and assign a final contract of 2♥ making three by East, E/W plus 140. The appeal was deemed to have merit.

The Panel: Gary Zeiger (Reviewer), Charlie MacCracken and Matt Smith.

Commentary:

Rigal If I had to guess I’d say that the contract was doubled by South by accident – you’d need to be a dyed in the wool villain to invent such stuff as E/W. But who knows what evil....? Obviously if North did not see it, it seems at least reasonable for the director and panel ruling to be as it was, and I’d probably have made the same decision as they.

Smith These cases are very difficult without instant replay being available. Who knows what happened for sure? The job of the director and the panel is to decide the likelihood of what happened based on a preponderance of the evidence, and then to assign the score based on that determination. Some think we should assign split unfavorable scores when the facts are unclear, but I disagree with that since it is only legal to do that if both sides are deemed to be offenders in some way. That doesn't seem to be the case here, so I still agree with the ruling and panel decision in this case.

Wildavsky I don't understand the basis for the director's ruling, in particular why it was considered "two to one." I understand and agree with the basis for the panel's ruling. Luckily both rulings were the same.

Wolff Much ado about not much. When in doubt tend to rule, as this panel did, the probable intent of the hand (in this case, South) was not to double,

APPEAL	Non-NABC+ Twelve
Subject	Inadvertent Call
DIC	Kevin Perkins
Event	Stratified Side Swiss Teams
Session	Monday Evening
Date	July 22, 2008

BD#	11
VUL	None
DLR	South

614 Masterpoints	
♠	K T 8 5 3
♥	K 9 4 2
♦	9 3
♣	K 8

1,374 Masterpoints		Summer 2008 Las Vegas, NV	1,869 Masterpoints	
♠	A Q 7		♠	4 2
♥	Q 8 3		♥	T 6 5
♦	T		♦	8 7 6 5 2
♣	A J T 7 6 2		♣	9 5 3

600 Masterpoints	
♠	J 9 6
♥	A J 7
♦	A K Q J 2
♣	Q 4

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

Final Contract	3NT by South
Opening Lead	♣J
Table Result	Down 2, N/S -100
Director Ruling	3NT S down 2 for N/S, N/S -100 Average+ (3 IMPs) for E/W
Panel Ruling	N/S +420; E/W+11IMPs

(1)	15-17 HCP.
(2)	First put 2♠ on table, then said "I didn't mean that" and changed to 2♣ = ♣ & higher suit..
(3)	Stayman.
(4)	Assumed West's suits were clubs and spades.

The Facts: After change of call by West, the director first treated West's 2♠ as a mechanical error and allowed him to change to 2♣ with no penalty. Later it was found that West forgot he was playing DONT; he meant his 2♠ bid as a transfer to clubs.

The Ruling: The director ruled "director error" (Law 82C) and cancelled the board. They awarded Average+ (3 IMPs) to E/W and decided N/S should keep the table result.

The Appeal: Since this was the last match and the appellants had to get back to their hotel, the appeal was presented to the panel by the DIC of the event. E/W play DONT over NT. West initially forgot and thought he was transferring to clubs. When the director told him he could change, he then bid 2♣ to show clubs and a higher suit. His teammates reached 4♠ (+420) at the other table. N/S at his table were down two in 3NT. E/W got 11 IMPs on the board, which they felt they should be allowed to keep because West was told he could change his bid with no penalty. North told the director he bid 2NT rather than showing his Spade suit because he assumed from West's initial 2♠ bid that his second suit was spades. Without the information, he thought his side would get to 4♠.

The Decision: The panel did not agree with the directors' decision to cancel the board. Directors should try to assign an actual score if at all possible. If West had been told he could change his call for -3 or worse, he probably would have done so because he didn't want his partner to think he had spades. North would then have been much less likely to assume West had spades and would have introduced his own spade suit, allowing his side to reach their 4♠ contract. The board would have been a push for N/S, so the panel gave them that result.

E/W had been told they would not be penalized because the director erred in his ruling. They were allowed to keep their +520 (as a team score) and the 11 IMPs they won on the board.

The Panel: Jean Molnar (Reviewer), Nancy Boyd and Charlie MacCracken.

Commentary:

Rigal I'm not sure I understand the application of the 'TD error' ruling but I'm not worried about technicalities of this sort; in a KO match it would have been far more interesting!

Smith The director's ruling seems overly harsh to N/S, and the panel ruling looks a bit too generous to E/W (although I sympathize with it). The law says that when the director makes an error, both sides should be considered as non-offenders (Law 82C). Here the director's error was allowing West to change his call without penalty as an inadvertent action rather than as a change of mind (Law 25). Under the old Law 25, West could have changed his call but not without negative consequences (too complicated to describe now, especially since it is not in the revised Laws). So I agree with the panel that he would have likely chosen a correction that would have made it much easier for N/S to realize they might have a spade fit and to bid 4♠. That is what should be assigned to N/S as “the most favorable result that was likely had the irregularity not occurred” (Law 12). I think the “most favorable result that was likely” for E/W is the same thing, so I would assign the result of 4♠ to both sides. It looks pretty easy to me that N/S would arrive at a contract of 4♠ without the director error being made. Even if one does not agree with that, then the best E/W would do on a normal Law 25B ruling is minus 3 IMPs (non-balancing in Swiss play), which is worse for them than the result of 4♠ making. But I do understand the tendency of directors (and panels) to be a bit generous to players who were deprived of a proper result due to a director's error.

Wildavsky The facts of the case are not clear to me, and were they clear, I expect I'd find the whole thing depressing. No comment.

Wolff Difficult to judge. Probably E/W should keep their 11 IMPs won but pay a PP, of say 3 IMPs, for their mechanical confusion to their opponents. Those who cause confusion (convention disruption, hesitation disruption, or systemic uncertainty) should usually pay something for their wrongdoing.

APPEAL	Non-NABC+ Thirteen
Subject	Misinformation (MI)
DIC	Candy Kuschner
Event	Thursday-Friday Kos – Bracket Eight
Session	Second Session
Date	Thursday, July 24, 2008

BD#	6
VUL	E/W
DLR	East

200 Masterpoints	
♠	K 8
♥	J 5 2
♦	Q 7 6 4
♣	A Q 9 8

220 Masterpoints		Summer 2008 Las Vegas, NV	620 Masterpoints	
♠	6		♠	Q J T 9 5 4 3
♥	A Q 9 4 3		♥	7
♦	T 8 2		♦	A K 5 3
♣	7 6 4 3		♣	T

800 Masterpoints	
♠	A 7 2
♥	K T 8 6
♦	J 9
♣	K J 5 2

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

Final Contract	3♠ by East
Opening Lead	♣2
Table Result	Down 1, E/W -100
Director Ruling	3♠ E, Down 1, E/W -100
Panel Ruling	3♠ E, Down 1, E/W -100

(1) South volunteered 3♣ was weak

The Facts: East stated she had been about to pass 3♣ when South volunteered that 3♣ was weak.

The Ruling: The meaning of 3♣ was judged to have no bearing on whether East bid 3♠ or passed. Therefore, even though there has been MI, the table result of 3♠ by East, down one, E/W minus 100 was allowed to stand.

The Appeal: East and West were the only players to attend the review. East stated that she was about to pass when South volunteered that 3♣ was weak.

The Decision: Six players were polled. All six bid 3♣ and all six said the meaning of 3♣ was irrelevant. Therefore, the director's decision was upheld. The table result of 3♣ by East, down one, E/W minus 100 was allowed to stand.

The appeal was deemed without substantial merit but no appeal without merit warning (AWMW) was issued because:

This was the third board out of 12 that N/S had given MI to E/W. The entire procedure was rushed as this was the last match and most players had left. The players involved were inexperienced.

The Panel: Bernie Gorkin (Reviewer), Nancy Boyd and Terry Lavender.

Players consulted: Six of East's peers.

Commentary:

Rigal I'm not sure the excuse given for the non-award of an AWMW stands up but I do understand it and might have had sympathy...just a little, but not enough. The appeals procedure should be human and humane, I agree. When you have an obvious bid and make it you don't get a double shot like this.

Smith If N/S had given MI three times in twelve boards, the correct remedy is to give them a procedural penalty under Law 90. The correct remedy for an appeal without merit is an AWMW.

Wildavsky South volunteered an explanation when none was requested? That's a violation of procedure that ought to be well understood by a player with 800 masterpoints. It deserved a procedural penalty. Besides that I agree with the rulings.

Wolff Ruling of allowing the table result to stand would certainly be my choice. Plus 100 for N/S figures to be very good for N/S and, although E/W were given the wrong explanation, N/S got lucky.

1APPEAL	Non-NABC+ Fourteen
Subject	Unauthorized Information (UI)
DIC	Tim Crank
Event	Stratified Open Pairs
Session	Second
Date	July 24, 2008

BD#	23
VUL	Both
DLR	South

978 Masterpoints	
♠	K J T
♥	Q 6 3 2
♦	K 9 8 7
♣	4 2

31 Masterpoints		Summer 2008 Las Vegas, NV	1036 Masterpoints	
♠	A 8 4 2		♠	7 3
♥	A J T		♥	K 9
♦	6 4 2		♦	T 5 3
♣	9 6 5		♣	A K Q 8 7 3

2852 Masterpoints	
♠	Q 9 6 5
♥	8 7 5 4
♦	A Q J
♣	J T

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

Final Contract	3♣ by East
Opening Lead	♥5
Table Result	Made 4, E/W+130
Director Ruling	2♠ W, Down 2, E/W-200
Panel Ruling	2♠ W, Down 2, E/W-200

(1) Opening bid with 4 Spades

The Facts: The director was called after the play of the hand. The opening bid of 1♣ was explained as showing four spades.

The Ruling: The director determined that without an Alert and explanation, which was UI to East, a pass of 2♠ is logical alternative and that a 3♣ bid was demonstrably suggested by the UI. Therefore, the result was adjusted to 2♠ by West, down two, E/W minus 200, in accordance with Laws 16A2 and 12C2.

The Appeal: East admitted that he forgot his pair's agreement. He thought that bidding 3♣ with solid clubs was clear-cut.

The Decision: Six players in the 900-1200 point range were consulted. Without the UI, four passed 2♠ and two bid 3♣.

Since four out of six players consulted passed without the UI, Pass was determined to be a logical alternative. In accordance with Laws 73C, 12C2, the director's decision to adjust the result to 2♠ by West, down two, E/W minus 200 was upheld..

The appeal was determined to have merit.

The Panel: Bernie Gorkin (Reviewer), Nancy Boyd and Candy Kuschner.

Players consulted: Six of East's peers.

Commentary:

Rigal Back repeatedly to the theme of AWMWs. Yet again E/W had UI, took advantage of it, were ruled against, appealed, and lost the case because a majority of people disagreed with their claim that there was no LA to the action taken. Case closed, AWMW; there should be no ambiguity about this; and yet.....

Smith Good ruling and panel decision. If E/W were truly playing the method described, it was illegal in this event. So how about a Law 90 procedural penalty for that in addition to the AWMW they should have received.

Wildavsky It surprises me that the ACBL allows a 1♣ opening to show 4♠ in this event. As for the appeal, it had not a shred of merit. I'd have adjusted the score and assessed a procedural penalty against E/W for flagrant use of UI.

Wolff The bridge gets sillier and worse. Why didn't West correct earlier if 1♣ club by East promised 4 spades? Some appeals really have become below anyone's standards.

APPEAL	Non NABC+ Fifteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Tim Crank
Event	Stratified Open Pairs
Session	First
Date	July 24, 2008

BD#	12
VUL	N/S
DLR	West

1,500 Masterpoints	
♠	T 9 7 2
♥	Q 6 4 3
♦	A T
♣	A J 8

9,400 Masterpoints		Summer 2008 Las Vegas, NV	14,000 Masterpoints	
♠	Q 4		♠	3
♥	T 9 8 5		♥	A K 7
♦	K Q 9 7 3 2		♦	8 6 5 4
♣	9		♣	K Q T 6 2

3,600 Masterpoints	
♠	A K J 8 6 5
♥	J 2
♦	J
♣	7 5 4 3

West	North	East	South
2♦	Pass	4♦	Pass ⁽¹⁾
Pass	Dbl	Pass	4♠
Pass	Pass	5♦	Pass
Pass	Dbl	Pass	Pass
Pass			

Final Contract	5♦ doubled by West
Opening Lead	♠T
Table Result	Down 1, E/W minus 100
Director Ruling	4♦ W, making 4, E/W +130
Panel Ruling	4♦ W, making 4, E/W +130

(1) | Hesitation – N/S claim 8-10 seconds; E/W claim 10-15 seconds.

The Facts: The director was called after North's first double. The length of the break in tempo (BIT) was not agreed as stated above.

The Ruling: The director judged that there was an unmistakable hesitation by South. The BIT demonstrably suggested action over a pass, which was determined to be a logical alternative (LA). Therefore the table result was changed in accordance with Laws 16A and 12C2 to 4♦ by West making four, E/W plus 130.

The Appeal: All four players attended the review. N/S both claim that the BIT was in the 8-10 second range required by skip bid regulations. North felt that E/W were stealing and that a fit must exist.

E/W claim that the BIT was more than 10 seconds but no more than 15 seconds.

The panel discovered that the Stop Card was not used before either the 2♦ or 4♦ bid.

North was asked how long he waited over 2♦? He said about 8-10 seconds – E/W claimed it was less.

The Decision: The panel had a great deal of difficulty in determining if a BIT had taken place. If so, the ruling was clear-cut, as all eight players polled passed with the North hand (most would have doubled 2♦).

Eventually the panel looked at the N/S hands to see if it could get a sense of what was likely to have happened at the table. It was finally determined that it was highly likely that South took more than 10 seconds. While the panel wasn't sure if it was allowed to look at North's hand and conclude that his bid looks like he sensed something from South's tempo, the bid does look strange at that vulnerability after not doubling 2♦.

The panel judged that a BIT had taken place. In accordance with Laws 16A2 and 12C2, the director's adjustment of 4♦ by West making four, E/W plus 130 was affirmed.

Although all players polled passed the North hand, an appeal without merit warning (AWMW) was not issued due to the difficulty in determining whether there was a BIT.

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

Players Consulted: Eight peers of N/S.

Commentary:

- Rigal** I agree with not awarding an AWMW. I'm not happy with the rationale for looking at the South hand and deciding if there was likely to have been a tempo break from it. I agree it is a human thing to do but I'm not sure it is what is appropriate here. I suppose you could say that North's action suggests there must have been a break; but are we supposed to be turning into amateur psychologists? I just don't know.
- Smith** I think the director and panel got this one right. I would have been comfortable if the panel had just stated that the average of the time taken over 4♦ as stated by each side was enough to determine that a hesitation had occurred. We all know that people are supposed to take ten seconds over a skip bid, and we all know that almost nobody really takes that long at the table. Occasionally directors and panels just need to do the right thing, and this is one of those cases.
- Wildavsky** This case is impossible to decide fairly because of the ACBL's untenable policy regarding the use of the Stop card. I've posted a proposal to remedy the situation on my web site:
http://www.tameware.com/adam/bridge/laws/stop_card.html
- Wolff** I'm glad that not many AWMWs were given. Ruling here seems proper, and I think the BIT was handled correctly.

APPEAL	Non - NABC+ Sixteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Mike Flader
Event	Compact Knockout – Bracket Eight
Session	Semifinal
Date	July 25, 2008

BD#	10
VUL	Both
DLR	East

1,667 Masterpoints	
♠	K Q 9 4
♥	K J 8 2
♦	9
♣	K Q J 4

2,088 Masterpoints		Summer 2008 Las Vegas, NV	732 Masterpoints	
♠	T 7 5 3		♠	J 8 6 2
♥			♥	9 7 6 3
♦	A K 4		♦	T 8 6 5
♣	9 8 7 6 3 2		♣	5

1,795 Masterpoints	
♠	A
♥	A Q T 5 4
♦	Q J 7 3 2
♣	A T

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

Final Contract	6♥ by South
Opening Lead	♦A
Table Result	Made 6, N/S +1430
Director Ruling	5♥ S making 6, N/S + 680
Panel Ruling	5♥ S making 6, N/S + 680

(1)	One keycard.
(2)	E/W claimed there was a 30-40 second hesitation. Later, N/S denied any hesitation.

The Facts: The director was called before the opening lead. The facts are as above.

The Ruling: It was determined that there was a BIT and that the hesitation demonstrably suggested not passing over the logical and usual alternative of passing. Therefore, the table result was adjusted to 5♥ by South, making five, N/S plus 680 in accordance with Laws 16A2 and 12C2.

The Appeal: All four players attended the review.

South agreed that she did not immediately bid 5♥. She demonstrated her tempo for the reviewer. It appeared to be about seven seconds. North said she had a very good hand for her partner. If partner was willing to bid Blackwood, there must be a play for slam. If they were off two aces, that was too bad.

E/W amended their original estimate of South's BIT to 20-30 seconds. They felt North knew her side was not off two aces because of partner's hesitation.

The Decision: Once a member of a partnership asks for controls, that person is the captain of the hand. A hand can be constructed for South that would be strong enough for Blackwood but still be missing too many controls when partner has only one. North is no longer allowed to "take a shot" when partner breaks tempo and then places the contract. Partner may not take an action that even looks like it might have been based on partner's tempo. Because this was the first 12-board match of a compact KO and the result was needed immediately to decide the outcome of the match, only the reviewer heard and decided the appeal.

In accordance with Laws 16A2 and 12C2, the director's decision of 5♥ by South making six, N/S plus 480 was affirmed.

North is experienced enough to know that this was a situation in which she should pass. An appeal without merit warning (AWMW) was issued to N/S.

The Panel: Jean Molnar (Reviewer).

Commentary:

Rigal Agree with the decision, agree with the AWMW, do not agree with failure to give a procedural penalty to North for hubris, chutzpah and let's not forget, the 'C word. In my opinion 3 IMPs or ¼ board in a pair game would not be enough.

Smith These hesitation Blackwood cases are getting tiresome, and this is a particularly shameful example of the genre. Good decision all around, including the AWMW.

Wildavsky A well deserved AWMW. I'm surprised that a panel can consist of a single member. Was this necessary due the nature of the event, a compact KO? (*Editor's note: This appeal could have been heard by the Chief Director in accordance with Law 93A because a committee could not meet without disturbing the orderly progress of the tournament. In essence, it was heard by a Reviewer as the Chief Director's designee.*)

Wolff Perfect, all the way? Hoorah!!

APPEAL	Non-NABC+ Seventeen
Subject	Played Card
DIC	Ron Geagley
Event	Stratified Daylight Open Pairs
Session	Second Session
Date	July 25, 2008

BD#	17
VUL	None
DLR	North

2,290 Masterpoints	
♠	T 9 8 3
♥	T 6 5
♦	Q T 4 2
♣	9 3

385 Masterpoints		Summer 2008 Las Vegas, NV	375 Masterpoints	
♠	Q 4		♠	7 5
♥	K 9 4 3 2		♥	Q 7
♦	J 8 7		♦	A K 9 3
♣	Q J 7		♣	A K T 8 5

1,756 Masterpoints	
♠	A K J 6 2
♥	A J 8
♦	6 5
♣	6 4 2

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

Final Contract	4♥ by West
Opening Lead	♠Ten
Table Result	Down 3, E/W -150
Director Ruling	4♥ W, down 3, E/W -150
Panel Ruling	4♥ W, down 3, E/W -150

The Facts: No one remembers the auction, although all agree East opened 1♣ and reversed into 2♦. South cashed ♠AK and switched to ♦6. Declarer played the ♦J and called “play – no up!” after North played the ♦Q. N/S felt she called “play – no up!” after she saw the ♦Q.

The Ruling: Law 45C4, Play of named card, applies. Although Law 45C4(b) says ... without pause for thought the director felt she changed her mind after seeing the ♦Q and that a small diamond must be played from Dummy. Therefore, the table result of 4♥ by West down three, E/W minus 150 that was the outcome of declarer playing small to the queen was allowed to stand.

The Appeal: Declarer said she always saw that the ♦Q was played. She described the way she called from dummy as “small large.” She was thinking her ♦J was small, but she always meant to play up. She did not change her mind.

N/S thought there was a slight break between declarer’s “small” and “up” (or large). They believe she called small, saw the ♦Q on her left, and then changed her mind to “up.” South said declarer’s eyes were always on the dummy and she never looked to her left. Although the table director was told that West said, “play – up”, all four players at the screening said that she said “small – up.”

The Decision: It seemed very likely to the panel that West at first thought her jack was winning the trick, realized the queen had been played and then changed her mind and wanted to play the king or ace.

Law 45C4(b) clearly states that a card called from the dummy can only be changed “without pause for thought.” The pause doesn’t have to be lengthy if it could have indicated a change of mind by declarer. Table director’s decision is upheld and therefore, the table result of 4♥ by West down three, E/W minus 150 that was the outcome of declarer playing small to the queen was allowed to stand.

The Panel: Jean Molnar (Reviewer) and Tom Marsh.

Commentary:

Rigal For some reason I tend to be more sympathetic on the AWMW issues on the card play problems. Here, though, the director gave the right ruling and West brought no new information to the table. Bad luck and an AWMW to boot.

Smith A good ruling by directors and panel and a very good write-up. There really doesn't seem to be much merit to this appeal.

Wildavsky The ruling seems reasonable, though the write-up ought to state whether the appeal was found to have merit. I don't understand why the panel consisted of a single member.

Wolff To me a very poor ruling, though if taken from the "Laws" it could be called proper. When it is obvious to declarer what to do and when he evidently said, "play, up" within one second or so why not let the bridge of it determine, not some silly rule which is, among other things, hard to implement. It would be hard to me, but maybe not to others, to justify any opponent to want to be able to take that diamond trick when it is so obvious to declarer, and to everyone else, what declarer's intent was. I intend to write a blog on two important changes which we need to make in our laws in favor of equity. The above is one

APPEAL	Non-NABC+ Eighteen
Subject	Misinformation (MI) and Unauthorized Information (UI)
DIC	Ron Geagley
Event	Second Friday Daylight Open Pairs
Session	Second
Date	July 25, 2008

BD#	9
VUL	E/W
DLR	North

1,349 Masterpoints	
♠	Q 6 5 4
♥	A J 6 2
♦	T 9 5
♣	8 4

733 Masterpoints		Summer 2008 Las Vegas, NV	695 Masterpoints	
♠	K 9		♠	J
♥	K 8 7 4		♥	Q 9 5 3
♦	A 8 7		♦	K J 6 4 3
♣	A Q T 9		♣	K J 7

3,420 Masterpoints	
♠	A T 8 7 3 2
♥	T
♦	Q 2
♣	6 5 3 2

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

Final Contract	4♥ by East
Opening Lead	♣3
Table Result	Down 1, E/W -100
Director Ruling	4♥ W down 1, E/W -100
Panel Ruling	3NT W down 3, E/W -300

(1) Explained as values and spade stopper, actual agreement is Lebensohl.

The Facts: The director was called before the final pass. It was determined that the meaning of 2NT was explained incorrectly.

The Ruling: The director judged that the UI from the misexplanation did not demonstrably suggest the 4♥ call but rather the fact that partner had made a takeout double rather than overcalling 2NT. Therefore, the table result of 4♥ by West, down one, E/W minus 100 was allowed to stand. The MI had no affect on the outcome.

The Appeal: Only North and South attended the review.

N/S think that East took advantage of UI (when her partner told the opponents she had a balanced hand with a spade stopper) by bidding over 3NT. West could have held a hand with KQx of spades that was strong enough to double and then bid 3NT. They both felt that pass was a logical alternative to bidding 4♥ over 3NT.

E/W chose not to attend the review. They had already told the table director that they play a form of Lebensohl where a direct bid of a suit after a double by partner is weaker than 2NT, forcing 3♣, and then a suit bid – the latter promises an invitational hand.

The Decision: The panel agreed unanimously that East's 4♥ bid was demonstrably suggested by West's explanation of the 2NT bid. West could have had a strong hand with spade stoppers and simply wanted to play 3NT. East has no bridge reason to bid 4♥. At 3NT, the panel determined that, after a spade lead, down three was both the most likely favorable result for the non-offenders and the worst result at all probable for the offenders. Therefore, the result was changed to 3NT by East down three, E/W minus 300 for both sides in accordance with 16A and 73C.

The Panel: Jean Molnar (Reviewer), Mike Flader and Candy Kuschner.

Commentary:

Rigal Appalling director ruling ably corrected by the panel; well done.

Smith The director had a blind spot, but the panel corrected it. That East hand looks more like a slam try than a sign off in 4♥ to me, but in any case surely the UI suggests not passing 3NT. I'm sure the panel's conclusions on the auction and the play were correct, but the panel is supposed to gather player opinions before rendering a decision involving bridge judgment.

Wildavsky Good work by the panel to correct an injustice.

Wolff In order to protect the field (PTF), I would prefer the ruling to be N/S plus 100, E/W minus 300. N/S still got the best of it, since E/W could easily make 4♥ and E/W claimed to play reverse Lebensohl. East got confused and then corrected the contract. Let both justice and PTF rule the day.

APPEAL	Non-NABC+ Nineteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Ken Van Cleve
Event	Stratified Open Pairs
Session	Second
Date	July 25, 2008

BD#	6
VUL	E/W
DLR	East

4,246 Masterpoints	
♠	4
♥	A Q T 8 5 4
♦	9 8 4 3
♣	T 7

4,814 Masterpoints		Summer 2008 Las Vegas, NV	3,807 Masterpoints	
♠	K 8 6		♠	A Q 5
♥	K J		♥	9 7 2
♦	K T 7		♦	A 6 5
♣	A 8 6 3 2		♣	K Q J 5

6,261 Masterpoints	
♠	J T 9 7 3 2
♥	6 3
♦	Q J 2
♣	9 4

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

Final Contract	3NT by East
Opening Lead	♥6
Table Result	Down 2, E/W -200
Director Ruling	3NT E, making 5, E/W +660
Panel Ruling	3NT E, making 4, E/W +630

(1)	14+ to 17.
(2)	An alleged 20 second break in tempo.

The Facts: The director was called at trick three when South showed out of hearts and returned after the play. The BIT was disputed by N/S.

The Ruling: After consultation with a National Tournament Director, the director judged that a BIT had occurred. Since the BIT demonstrably suggested a short suit lead and a spade lead was a logical alternative (LA) the result was changed to 3NT by East making five, E/W plus 660.

The Appeal: North, South and East attended the review.

E/W believed that North thought about 20 seconds before passing 3NT. East thought nothing of it until trick three when he realized that South had led from a doubleton. East felt the BIT suggested a long suit in the North hand and perhaps induced South to lead a short suit rather than her own spade suit. East was not accusing anyone of being unethical – he thinks people subconsciously pick up on things like this.

North denied hesitating before her pass, although she did say she “thought about her heart suit” before passing. She didn’t understand why East didn’t call immediately if he thought there was a BIT. South said she has a vision problem and kept her head down. She didn’t notice anything unusual by her partner. She decided leading her spade suit would be pedestrian and wouldn’t do any good. She was torn between a heart and the ♦Q and finally selected a heart.

The Decision: The panel deliberated at length on the dispute about the length of North’s hesitation. While it may not have been much more than ten seconds, which is the length of time she is supposed to wait after a skip bid, in actual practice nobody hesitates at all after the auction 1NT – 3NT. Any BIT at all, therefore, constitutes UI for partner. The only reason North had to break tempo would be because she held a long suit she was considering bidding.

The panel felt the BIT demonstrably suggested the lead of a short suit rather than South’s long suit. The table director took a player poll in which an overwhelming majority of those polled led the ♠J.

When the panel reviewed the play, it determined that only ten tricks would be taken with a spade lead. Therefore the result was adjusted to 3NT by East making four, E/W plus 630.

The Panel: Jean Molnar (Reviewer), Mike Flader and Gary Zeiger.

Commentary:

Rigal To my mind the adjustment of tricks should not affect the AWMW and also a procedural penalty for South. This is not the way we want the game to be played. We have to show players that lapses in ethics of this sort – and then re-awakening them by bringing frivolous appeals -- are subject to severe sanctions.

Smith I like 660 better since South said she was considering a diamond lead instead of a heart. Because of that, it doesn't matter what the peers were considering. The appellant herself has told us that a diamond lead is a logical alternative. The law is clear that a short suit lead cannot be selected after a hesitation in this kind of auction. Since I agree with the director's ruling, I would have no problem assigning an AWMW. You could also talk me into giving an experienced South a procedural penalty for flagrantly taking advantage of the UI.

Wildavsky The discussion of accusations of unethical behavior does not belong here. It's not even an issue of whether South was unconsciously influenced by the UI. As Michael Rosenberg has pointed out, the laws require South to be influenced by the UI! She must go out of her way to avoid an action that could have been demonstrably suggested by the UI, and she can do so only if she's aware of the UI and figures out what, if anything, it suggests. When South fails in her responsibility to do so, we adjust the score, but there is not even a hint that the reason for doing so is some ethical failing. As for the ruling, South explained that her second choice was the diamond queen, so the director's ruling of E/W plus 660 looks right to me. This appeal had no merit.

Wolff Obvious and certainly a correct ruling, although it bothers me that the director ruled plus 660 instead of plus 630.

APPEAL	Non-NABC+ Twenty
Subject	Unauthorized Information (UI) - Tempo
DIC	Tim Crank
Event	Stratified Open Pairs
Session	Second
Date	July 24, 2008

BD#	15
VUL	N/S
DLR	South

324 Masterpoints	
♠	K 7 6
♥	A K 8 5
♦	A T 7 6 5
♣	K

1,353 Masterpoints		Summer 2008 Las Vegas, NV	2,117 Masterpoints	
♠	T 8 4		♠	A Q 5
♥	T 9 6 3		♥	Q 7
♦	J 8 2		♦	K
♣	A J T		♣	Q 9 8 7 6 3 2

323 Masterpoints	
♠	J 9 3 2
♥	J 4 2
♦	Q 9 4 3
♣	5 4

West	North	East	South
			Pass
Pass	1NT	Db1 ¹	Pass
2♣ ²	2♦	3♣	Pass ³
Pass	3♦	Pass	Pass
Pass			

Final Contract	3♦ by North
Opening Lead	Unknown
Table Result	Made 3, N/S + 110
Director Ruling	3♣ W making 4, E/W +130
Panel Ruling	3♣ W making 4, E/W +130

(1)	One-suited hand – forces 2♣..
(2)	Forced.
(3)	Disputed break in tempo (BIT).

The Facts: West called the director as there was concern about the N/S auction that led to a 3♦ contract. E/W claimed there was a BIT by South before passing 3♣. N/S did not agree.

The Ruling: The director judged that there was a BIT and that it suggested action over a pass, which was judged to be a logical alternative (LA). Therefore in accordance with Laws 16A1, 12C2 and 73C, the score was changed to 3♣ by West making four, E/W plus 130.

The Appeal: All the players attended the review.

North did not notice a BIT. Bidding could have been a disaster as she did not know how many diamonds partner held. South thought the time taken to bid was about five seconds. E/W were surprised when North turned up with only five diamonds. Bidding twice may have been okay but three times was questionable.

The Decision: Six players were polled and asked what they would do with the North hand— four passed, one doubled and one bid 3♥Therefore, the panel determined that there was a BIT, it demonstrably suggested action other than pass and that pass was a LA. In accordance with Laws 16A1, 12C2 and 73C, the director's adjustment of 3♣ by West making four, E/W plus 130 was upheld. Since two of the players polled bid, an appeal without merit warning (AWMW) was not issued.

The Panel: Nancy Boyd (Reviewer), Bernie Gorkin and Jean Molnar.

Commentary:

- Rigal** NO, NO, NO! The panel has again totally misrepresented when an AWMW should be awarded. An agreed break in tempo, and only two people out of six think an action is appropriate. More than half say no; case closed. AWMW.
- Smith** Surely you don't get a third bid opposite a silent partner after opening 1NT if there was a hesitation by partner. South's statement that he took five seconds is enough for me. Should N/S have expected to win this appeal? I don't think so. They should have been given an AWMW.
- Wildavsky** The fact that some players bid with no UI does not give this appeal merit. North had UI that prohibited him from bidding when pass would have been logical, and pass was clearly logical.
- Wolff** Again, a close to perfect ruling. However, another useful caveat (which I will also blog about), making a player who distorts a normal practice (such as either an opening 1NT with a singleton or a weak two-bid with less than a six-card suit, but perhaps 5-5 or even after opening Flannery with 5-6 in the majors instead of 4-5 then use that as an excuse to be able to use UI to his advantage) subject to closer scrutiny to not take advantage of possible UI. There have been some number of cases in the past of players, who after distorting, have tried (and usually succeeded) of making everything turn out okay for his partnership, which on the surface is quite legal, but if only slight UI is present he should not be allowed to perform his magic.

APPEAL	Non-NABC+ Twenty-one
Subject	Misinformation (MI)
DIC	Matt Koltnow
Event	Stratified Open Pairs
Session	Second
Date	July 26, 2008

BD#	8
VUL	None
DLR	West

10,336 Masterpoints	
♠	8 5 2
♥	A K 7 6
♦	Q 9 7
♣	A Q T

2,195 Masterpoints		Summer 2008 Las Vegas, NV	5,204 Masterpoints	
♠	K 6 4 3		♠	A Q T 7
♥	J 8 2		♥	Q T 9
♦	K 3		♦	A 4
♣	9 7 5 3		♣	K J 6 4

10,399 Masterpoints	
♠	J 9
♥	5 4 3
♦	J T 8 6 5 2
♣	8 2

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

Final Contract	3♦ by South
Opening Lead	♠4
Table Result	Made 3, N/S +110
Director Ruling	3♦ S making 3, N/S +110
Panel Ruling	3♦ S making 3, E/W -110 3♦ S down 2, N/S -100

(1)	Explained as minor suit Stayman (MSS); actual agreement is MSS or diamond bust.
(2)	No 4-card minor.
(3)	To play.

The Facts: The director was called after the hand. The facts were determined as above.

The play was:

1. Spade lead to the ace.
2. Spade to the king.
3. Spade ruffed by South.
4. Diamond to the king.
5. Diamond to the ace.
6. Fourth spade giving declarer a ruff and sluff.

The Ruling: Even though there was MI, the director determined that the MI did not cause damage to E/W in either the auction or play. The director judged that damage to E/W had no connection to the incomplete explanation of the 2NT bid. Therefore the table result of 3♦ by South making three, N/S plus 110 was allowed to stand.

The Appeal: Only South and West appeared at the review.

E/W acknowledge that their defense left much to be desired but felt that the failure to disclose that 2♠ could show a diamond bust was something a top pair should not do. E/W believed that the N/S score should be adjusted.

N/S said there was no intent to deceive. Their agreement is common in the Pacific Northwest, and they have always described it as MSS.

The Decision: The panel determined that E/W's result was not directly caused by the MI. However, both North and South have over 10,000 masterpoints and a high standard regarding full disclosure is expected. Therefore, the panel allowed the table result of 3♦ by South making three, E/W minus 110 to stand for E/W and adjusted the N/S result to the most unfavorable result at all probable of 3♦ by South down two, N/S minus 100 (Laws 47E2(b) and 75).

The Panel: Mike Flader (Reviewer), Su Doe and Bernie Gorkin.

Commentary:

Rigal This is well-trodden material (we've seen this precise point in a case involving Cayne/Weinstein as the non-offenders about 12 years ago). It was deemed that the failure to explain was MI; although East already knew that at his last call. After winning the second diamond did not East see dummy and know he had a 100% beat of the hand by playing a club? I cannot see E/W deserve anything; I like the split ruling.

Smith I must confess that I am shocked at the panel's decision in this case. What on earth did E/W think was happening when 3♦ was passed? I would expect even those with vastly less experience than E/W to understand what was going on. I'm not sure I even understand what E/W wanted. The damage to E/W was caused entirely by themselves, and in my opinion the panel did N/S a true injustice by adjusting their score. Maybe I would feel better about this ruling if the panel had actually polled some peers to see what they thought, but I doubt it. This appeal had no merit whatsoever.

Wildavsky I see no UI here. Just as Major Suit Stayman asks for a 4-card major but does not promise both majors, Minor Suit Stayman asks for a 4-card minor but does not promise both minors. North's pass was an eloquent indication that South could hold a diamond signoff. I prefer the director's ruling to that of the panel's.

Wolff The ruling is satisfactory except for one factor. E/W are not deserving of plus 100, simply because East might have acted immediately (system possibly allowing it) allowing them to score up either plus 170 or plus 420. E/W's terrible defense should cost them minus 110 while it seems fair to me to award N/S minus 100 for a faulty explanation. This discourse seems very important, at least to me.

APPEAL	Non-NABC+ Twenty-two
Subject	Unauthorized Information (UI)
DIC	Charlie MacCracken
Event	Fast Open Pairs
Session	First
Date	July 27, 2008

BD#	1
VUL	None
DLR	North

2,960 Masterpoints	
♠	Q 3 2
♥	Q T 4 3
♦	A 9 7 5
♣	3 2

990 Masterpoints		Summer 2008 Las Vegas, NV	3,534 Masterpoints	
♠	A 8 7 6 4		♠	K J T 9 5
♥	A K J 5		♥	9 7
♦	Q J 4		♦	K 8 3 2
♣	7		♣	J 4

10,070 Masterpoints	
♠	
♥	8 6 2
♦	T 6
♣	A K Q T 9 8 6 5

West	North	East	South
	Pass	Pass	4♣ ¹
Pass	4♥	Pass	5♣
Pass	Pass	Pass	

Final Contract	5♣ by South
Opening Lead	♠7
Table Result	Down 2, N/S -100
Director Ruling	5♣ dbld S, down 2, N/S -300
Panel Ruling	5♣ S down 2, E/W +100 4♣ W making 5, N/S -450

(1) Alerted and explained as Namyats (good 4♥ opening).

The Facts: The director was called after the 5♣ bid. Namyats is the correct N/S agreement.

The Ruling: South was determined to have UI and pass to 4♥ was determined to be a logical alternative (LA) to 5♣, which was demonstrably suggested by the UI. However, it was judged that West would act over 4♥ (most likely double) which would permit South to pull to 5♣. Therefore, the result was changed to 5♣ doubled by South down two, N/S minus 300 for both sides.

The Appeal: All four players attended the review.

E/W, the appealing side, was extremely concerned about the apparent disparity of this ruling compared to others. East believed that they were not given an opportunity (because of the misbid) to achieve a par result.

National Event committees have been, throughout the tournament, requiring individuals who “misbid” to play inferior contracts and not “correct.”

The Decision: Separate polls were taken of players with masterpoint holdings equivalent to the N/S and E/W players. Individuals given South’s hand would have passed 4♥ (four of four). Those given West’s hand would have passed 4♣ (four of four) and all but one would have doubled at subsequent turns. The panel felt that not passing 4♥ was a violation of Law 16. Failure of E/W to reach game was deemed not to be related to the initial misbid. Therefore, the panel let the table result of 5♣ by South down two, E/W plus 100 stand for E/W as the most favorable result that was likely and adjusted the N/S result to 4♠ by E/W making five, N/S minus 450 as the most unfavorable result that was at all probable (Laws 16A and 73C).

The Panel: Nancy Boyd (Reviewer), Bernie Gorkin, Candy Kushner and Gary Zeiger.

Commentary:

Rigal If South violated procedure with his 5♣ bid how can you give E/W anything less than 300 from 5♣ doubled? Why penalize them by making them defend 5♣ undoubled? I prefer the director ruling for E/W; N/S get landed with opponents bidding to 4♠ in my opinion, or playing 4♥ doubled, if feeling in Draconian mood. Very unfavorable ruling for the non-offenders. Again we have established case-law that when the partner of the South African Texas/Namyats bidder gives UI, the other hand is screwed.

Smith I'm not sure I understand the write-up completely. The panel poll clearly determines that the auction should have gone 4♥ – P – P to West. Was a poll taken on what West might do in that scenario, or was West's action only polled over 4♥ – P – 5♣? If West would have doubled a dying 4♥, where would that lead? Is it clear that East would pass or might he have bid 4♠? If 4♠, mightn't a South who passed 4♥ now bid 5♣ or 5♥? This could all go anywhere. The new Laws have a section that will help in cases like this. Law 12C1(d) states: “If the possibilities are numerous or not obvious, the Director may award an artificial adjusted score.” Under old law, adjudicating this kind of case fairly was very difficult. I think I prefer the director's ruling to the panel's, but it is hard for me to say what is right with confidence.

Wildavsky North is a passed hand, so what should 4♥ mean? One possibility is a lead director with club support, say xxx/AKxxx/xx/xxx. That seems unlikely, since opposite opponents who have both passed, 5♣ will almost always buy the contract. Another possibility is a choice of games with a hand unsuitable for a weak two, say QTxx/AKxxxx/x/xx. West has no reason to pull if a double comes around to him – pass would still be a logical alternative. I'd adjust the score for both sides to N/S down 800 or so in 4♥ doubled, and in addition assess a procedural penalty against N/S for blatant use of UI. South seems to believe the Alert system is intended to protect him from suffering the deserved results of forgetting his methods. I disagree with the director's ruling and I find the panel's unfathomable. Had an appeals committee (AC) made a decision like that we'd be hearing more calls to dismantle the AC system.

Wolff Here, E/W are entitled to plus 450 and N/S minus 450 which, at least to me, is entirely fair. Convention disruption continues to strike. The Namyats connection changes West's evaluation to such an extent that he had very little chance of recovery. Edgar Kaplan would have said that my ruling would prevent psychers from having their day, but my retort would have been, (and still is), I do not believe it was South's intent to psych a 4♣ Namyats bid, but rather a system forget. This fact is very necessary to deal with, otherwise we will forever be hamstrung by Edgar's opinion.

APPEAL	Non-NABC+ Twenty-three
Subject	Unauthorized Information (UI)
DIC	Susan Doe
Event	A/X Swiss
Session	Playthrough
Date	July 27, 2008

BD#	5
VUL	N/S
DLR	North

Gudrun Wallace	
♠	K 9
♥	A Q T 9
♦	Q T 5 4 3
♣	J 5

Janet Colchamiro		Summer 2008 Las Vegas, NV	Mel Colchamiro	
♠	A Q 8 5 3 2		♠	T 7 6 4
♥	K J 4		♥	7 5 2
♦	7		♦	J
♣	Q T 9		♣	A 8 6 3 2

Mary Gorkin	
♠	J
♥	8 6 3
♦	A K 9 8 6 3
♣	K 7 4

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

Final Contract	5♦ by North
Opening Lead	♠7
Table Result	Made 5, N/S +600
Director Ruling	4♠ W, down 3, E/W -150
Panel Ruling	4♠ W, down 3, E/W -150

(1)	Alerted as weak. Actual agreement is invitational.
(2)	Alleged brief but unmistakable break in tempo (BIT).

The Facts: The director was called after the 5♦ bid.

E/W contended that there was a brief but unmistakable huddle by South before passing over 4♠. South said she had no bid and nothing to think about. North stated that there was no huddle but said that she now remembered that in this partnership 3♦ was invitational.

The Ruling: The director judged that South's hand supports the E/W contention that South probably broke tempo, however briefly. The UI demonstrably suggested bidding 5♦ over passing, which was determined to be a logical alternative (LA) at this vulnerability. Therefore, the result was changed for both sides to 4♠ by West, down three, E/W -150.

The Appeal: All four players attended the review.

South indicated she did not break tempo at all as she had “nothing to think about.”

E/W reiterated that the BIT was “slight” – perhaps a “flicker.”

The Decision: The panel polled six players of about the same masterpoint holding as North and found:

(a) all thought briefly before passing with the South hand and

(b) none were either interested in or willing to bid 5♦ with the North hand.

The panel judged that the probability of a BIT by South was reasonable. In accordance with Laws 16A and 73C, the panel upheld the director’s decision to change the result to 4♠ by West down three, E/W minus 150 for both sides.

The appeal was judged to have merit.

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

Commentary:

Rigal Disagree with the ruling; after the unexpected competition South is expected to take more than the minimum 3-5 seconds; and it is not clear in which direction any break might point. To my mind North can do what he likes. Note, defending 4♠ doubled is in abstract quite likely to be the best N/S can do.

Smith Good job by the directors and panel.

Wildavsky I agree with the director and panel rulings.

Wolff Excellent ruling - timely and just. The panel looked at the hands and determined what probably did happen. Remember N/S start out as culprits, by giving the wrong convention description.

FINAL COMMENTS

Rigal

Conclusions; there is a huge disparity between what the panel should be doing, and what they are doing when it comes to appeal without merit warnings (AWMWs); to my mind in maybe a third of the cases where AWMWs were not awarded they were due. And procedural penalties (PPs) are likewise significantly underused.

I'd like to see firmer guidelines in place since we can't seem to rely on anyone's judgment any more. An 'offending' pair appealing an unauthorized information decision against them needs at least 50% of the polled group to support them, or they get an AWMW? Simple and efficient!

Wildavsky

Appeals Committees (ACs) heard 14 cases in Las Vegas and changed the TD's ruling in five of them. I thought the AC improved on the TD's ruling in cases NABC+ NINE and NABC+ 13. I found NABC+ cases EIGHT, ELEVEN, and TWELVE too close to call.

Panels heard 23 cases and changed 8 rulings. In my judgment the panel improved on the TD's ruling in cases 7, 8, and 18 and worsened it in cases 5, 19, 21, and 22. I found case 12 too close to call.

Comparing caseloads for tournaments of different sizes is not especially enlightening, so thanks to several helpful folks in Memphis I've started tracking caseload per table. Since 2001 NABC+ events have generated 19.1 cases per 1000 tables, while other events have generated 1.4 cases per thousand tables. This disparity shouldn't surprise us. Entrants in NABC+ events are the most competitive of the ACBL's players, and there's more at stake in these events.

In Las Vegas there were 14.5 and 1.2 appeals per 1000 tables in NABC+ and other events respectively. Both are below the long-term average, and I'd love to see both drop further.

There are two main ways to decrease the number of appeals. One is better TD rulings, and I think we are seeing those. The other is to assess AWMWs where appropriate. Vegas ACs did a reasonable job at this, failing to assess an AWMW where it was deserved only on case 13. The panels, though, missed opportunities on nine cases: 1, 2, 6, 8, 10, 14, 16, 19, and 20. This will tend to cause more unnecessary appeals in the future. Write-ups sometimes note that the panel decided to educate the appellants instead of assessing an AWMW. To my mind an AWMW is the most effective form of education short of a score penalty. For those who consider the measure too harsh we should remember that it is, after all, only a warning.

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

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

