

2009 Summer NABC

Appeals Casebook

A CAPITAL EVENT!



Washington, DC

NABC

July 23-August 2

2009

**Appeals at the
2009 SUMMER NABC
Washington D.C.**

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-five (35) cases were heard.

Twenty-one (21) 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.

Fourteen (14) cases were from all other events and were heard by a panel (committee) of tournament directors. The names of the players involved are included when the event from which the appeal derived had no upper masterpoint limit or was a top bracket of a bracketed knockout event. When the names of the players are not used, the player's masterpoint total is included.

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

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

**Appeals at the
2009 Spring NABC
Houston, TX**

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.

NABC+ Appeals

Case Number

1. [Misinformation.](#)
2. [Unauthorized Information - Tempo.](#)
3. [Misinformation.](#)
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5. [Misinformation.](#)
6. [Unauthorized Information.](#)
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12. [Misinformation.](#)
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16. [Claim.](#)
17. [Unauthorized Information - Tempo.](#)
18. [Misinformation.](#)
19. [Misinformation.](#)
20. [Illegal Convention.](#)
21. [Unauthorized Information - Tempo.](#)

APPEAL	NABC+ ONE
Subject	Misinformation (MI)
DIC	Steve Bates
Event	Grand National Teams
Session	Second
Date	July 23, 2009

BD#	12
VUL	N/S
DLR	West

Frank Treiber	
♠	A K 8 4
♥	A 6
♦	9 3
♣	K J 8 7 6

Rick Roeder		Summer 2009 Washington D.C.	Iftikhar Baqai	
♠	T 3		♠	J 6 2
♥	J 7 5 3 2		♥	K Q T 9 8 4
♦	A 6 5 2		♦	T
♣	Q 9		♣	T 5 4

Marshall Tuly	
♠	Q 9 7 5
♥	
♦	K Q J 8 7 4
♣	A 3 2

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

Final Contract	3♠ by South
Opening Lead	Not Reported
Table Result	Made 6, N/S + 230
Director Ruling	3♠ S making 6, N/S + 230
Committee Ruling	3♠ S making 6, N/S + 230

(1) Explained as showing an unspecified major suit.

The Facts: The director was called after the play of the hand was concluded. The E/W explanation was confirmed by what appeared on the convention card. West chose to bid 2♠ because he thought it was more likely to be partner's suit. South said that he thought 2♠ required an Alert as pass or correct. E/W believed that heart tolerance was implied by the free 2♠ bid and it was not pass or correct.

The Ruling: The director determined that there was no infraction or failure to Alert. Therefore, the table result of 3♠ by South making six, N/S plus 230 was allowed to stand.

The Appeal: N/S appealed. All four players attended the hearing.

North stated that South had asked about the 2♠ bid and that East had explained after some thought that West must have heart tolerance.

East stated that he had explained West's bid as willing to play 2♠ or 3♥. East denied a significant pause before the explanation.

North responded to East's statement by indicating that such an explanation was, in effect, "pass or correct."

The committee determined that the 2♦ bid is a Mid-Chart convention and, as such, required a pre-Alert before the start of play. No pre-Alert was given.

The Decision: The committee determined that, in spite of the failure to pre-Alert the 2♦ bid and the failure to Alert the 2♠ bid, that the damage to N/S was self-inflicted. Per Law 21B3, E/W gained no advantage from its irregularities. Therefore, the committee allowed the table result of 3♠ by South making six, N/S plus 230, to stand for both sides.

The committee determined that the appeal had merit.

The Committee: Chris Moll (Chair), Abby Heitner and Jacob Morgan.

Commentary:

Goldsmith Yes, 2♠ should be Alerted. It's not natural, and it's reasonable to play it as natural here. The director's ruling is incorrect.

N/S claimed damage due to misinformation. North doubled 2♠. So he knew 2♠ wasn't natural. South bid 3♠, presumably naturally, since 3♥ would have been an obvious cue bid. So he knew 2♠ wasn't natural. So where's the misinformation? There wasn't any. Likewise, there was no merit whatsoever to this appeal.

Polisner An easy case as N/S had all the information necessary to get to slam. Their poor result was certainly self-inflicted and the failure to pre-Alert was not relevant. How can this case have merit?

Rigal The failure to pre-Alert is pardonable (meaning "I've made this mistake myself"). South made a terrible call and gets to keep his bad result. No procedural penalty for E/W though I can imagine some believing that they should be punished for some sort of disruption to their opponents.

Smith Well, the directors should have noted that there actually was an infraction. As the committee pointed out E/W are required to pre-Alert this method (although there is no requirement to provide a defense to it). In my experience, pre-Alerts are almost never offered for this kind of method and experienced opponents are not surprised to encounter it. Maybe it is high time to eliminate the routinely ignored and/or little known requirement to pre-Alert in this situation. So I do agree with the committee and the director that the failure to pre-Alert should not be the basis of a score adjustment in this case. Law 40B4 states that: "A side that is damaged *as a consequence* of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score." (italics added) E/W were not damaged as a consequence of what the opponents did, but instead by their own misunderstanding of the meaning of each other's calls. There is no need to resort to Law 12 regarding how to rectify damage caused by an infraction since the damage was not caused by any infraction. Beyond that, I'm not sure that any alert to West's 2♠ bid even if E/W did have an explicit agreement about its meaning should have mattered. Pass or correct seems pretty obvious to me. So I strongly agree with the ultimate decisions of the directors and the committee, even if not with every conclusion that led to those decisions. I don't really see any merit to this appeal.

Wildavsky Did 2♠ require an alert? I think it did -- I am surprised the director contended otherwise. E/W's testimony regarding its meaning seems obfusatory, but it's clear that neither East nor West believed that it showed a spade suit. That said, there seems to have been no damage from the failure to Alert. Had North been Alerted properly he'd have doubled, and he did double. Likewise I see no damage from the failure to pre-Alert. It seems vanishingly unlikely that N/S would have discussed this sequence had they received a pre-Alert. What about the explanation of 2♠? Did it cause damage? Perhaps. Why did South bid 3♣? 6♣ seems closer to the mark. I think he must have understood the explanation to mean that 2♠ showed a spade suit, so he intended 3♣ as a cue-bid. I wish he'd been asked.

The committee concluded that the explanation of 2♠ caused no damage. I'm not sure of that, but such a conclusion seems reasonable. From the testimony I can imagine two possibilities. One is that South expected to hear the words "pass or correct" and in their absence just assumed that 2♠ showed a spade suit. Another is that the E/W explanation was inadequate, misleading, or both. The director and committee were better placed to judge which of these possibilities was more likely. I won't take issue with their judgment on that score.

Wolff Good ruling-N/S did very little, particularly South's wimpy 3♣ bid. Perhaps, as a reminder to convention lovers and their home brews (this particular treatment) a 1 IMP penalty should be given to E/W for not doing exactly what they were supposed to do.

APPEAL	NABC+ TWO
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	9
VUL	E/W
DLR	North

Bryan Maksymetz	
♠	J 7 4 3 2
♥	A K J T 7
♦	Q 9
♣	T

Rick Binder		Summer 2009 Washington D.C.	Kevin O'Donnell	
♠	K 8		♠	A Q 6
♥	9 5 4		♥	6
♦	A K T 7 6 5 4 3		♦	8
♣			♣	K Q 9 8 7 6 4 2

Zygmunt Marcinski	
♠	T 9 5
♥	Q 8 3 2
♦	J 2
♣	A J 5 3

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

Final Contract	5♦ doubled by West
Opening Lead	♥A
Table Result	Made 5, E/W + 750
Director Ruling	3NT W down 2, E/W -200
Committee Ruling	5♦ dbled W made 5, E/W +750

(1)	Slow
(2)	Slow

The Facts: The director was called at the end of the auction and again after the play was completed. West hesitated before bidding 3NT and North hesitated before passing 3NT. East said he bid 5♣ because North's hesitation made it likely that he had a second suit to lead.

The Ruling: The director judged that the 5♣ bid was demonstrably suggested by West's hesitation and that pass was a logical alternative. (Law 16)
Per Law 12C1(e), the result was adjusted to 3NT by West down two, E/W minus 200 for both pairs.

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

East said that after a 30-40 second hesitation by North, it became clear to him that North had a second suit to lead. That authorized information made it more likely to be correct to bid 5♣. Partner must have the ♠K, so North's spades are weak and he surely has a strong second suit.

N/S said that if that was the case it would suggest a pull to a slam try or 4♣. Also you might pass 3NT at matchpoints. If partner could win the opening lead and had the ♣A, you would score better in 3NT.

The committee determined that West's hesitation was between 10 and 20 seconds.

The Decision: The committee judged that after North's hesitation over 3NT pass was not a logical alternative. Given the auction and East's distribution it was clear to pull.

Therefore, the table result of 5♦ doubled by West making five, E/W plus 750 was reinstated for both pairs.

The Committee: Aaron Silverstein (Chair), Abby Heitner, Eugene Kales, Ed Lazarus and Barry Rigal.

Commentary:

Goldsmith Close call, but I'll buy East's argument and rule with the committee.

Polisner Although I personally agree with the decision, I thought that the directors were supposed to poll peers as to what they would do in a normal tempo auction with the East hand.

Rigal Correct tournament director decision and I think the committee got it right after North's break in tempo. But I would say that wouldn't I?

Smith The committee has convinced me. Perhaps passing 3NT was a logical alternative before North's tank, but it wasn't after it occurred. East is perfectly entitled according to Law 16 to take North's manner and tempo into account.

Wildavsky I like the committee ruling.

Wolff Correct decision by the committee. Normal playing luck (NPL) should be honored and was. East's dummy did not figure to be good but was.

APPEAL	NABC+ THREE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	11
VUL	None
DLR	South

Brenda Bryant	
♠	8 6 5
♥	K Q J 9 3 2
♦	J T 5
♣	7

Gene Kuehuneman		Summer 2009 Washington D.C.	Barry Goulding	
♠	A K		♠	T 2
♥	7 5		♥	A T 8 6 4
♦	K 6 3		♦	A 8 4
♣	J 9 8 6 4 3		♣	K T 5

Susan Wexler	
♠	Q J 9 7 4 3
♥	
♦	Q 9 7 2
♣	A Q 2

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

Final Contract	4♠ doubled by South
Opening Lead	♣8
Table Result	Down 1, N/S minus 100
Director Ruling	3♠ S made 3, N/S + 140
Committee Ruling	4♠ dbl S down 1, N/S - 100

(1)	N/S alleged a break in tempo (BIT) about 10 seconds followed by a shrug before passing.
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The Facts: The director was called after the 4♣ call and again after the play of the hand. The facts are as above. E/W though there was no shrug and that the hesitation was between 5 and 10 seconds.

The Ruling: The director determined that there was an infraction of Law 16B1(b) and in accordance with Law 12C1(e) adjusted the score to 3♠ by South making three, N/S plus 140 for both sides.

The Appeal: E/W appealed. All four players attended the hearing.

E/W thought there was no shrug and that the hesitation was 5-10 seconds. West said he was counting total trumps. East felt that he had too much to pass; give partner ♣AQxxxx and ♣KJx and 4♣ was a favorite.

E/W had no special agreement about the double of 2♥.

The Decision: The committee judged that there was a BIT sufficient to provide UI. West had a sixth trump and only a few seconds ago learned his partner had club support, which greatly improved his hand. His claim that he was counting total trumps further suggests that the hesitation was present and not very short.

What were the logical alternatives to 4♣? After reflection, the committee judged that with three key cards and primary support for a two-level overcall, selling out to 3♠ was not an option. 3NT was out without a spade stopper. So the choices were to double or bid 4♣.

We felt that an overwhelming fraction of West's peers would bid 4♣; very few would double; nearly zero would pass. Thus, there are no logical alternatives to 4♣.

Once pass was determined not to be a logical alternative, the ruling had to be that the table result of 4♠ doubled by South down one, N/S minus 100 stands for both sides.

The Committee: Jeff Goldsmith (Chair), Dick Budd, Ellen Kent, John Lusky and Jim Thurtell.

Commentary:

Goldsmith Another close call, but they almost always are when it is decided that there was no logical alternative to a call suggested by UI. It takes so little to make something a logical alternative that committee has to feel overwhelmingly that it is not. This time the committee did. I'd be okay too if they ruled that pass was a logical alternative. A poll might have been helpful, but how would we find players who would start with a double of 2♥?

Polisner Here again (as in the previous appeal) there should have been a poll. Why should the committee be put in a position of guessing what peers would consider and do? A poll would likely reveal if there were alternatives to bidding 4♣ in a normal-tempo auction.

Rigal I think E/W got lucky here; double by East was still available as an option and is indeed what I would have bid as East. West might then sit for it with bad clubs and two trump tricks. After the infraction by West I might well have needed persuading not to give both sides 3♠ doubled.

Smith The committee's choice of wording makes me wonder if some of the members found this closer than the scribe indicates. Maybe they were a bit uncomfortable predicting with certainty what a player would do when he started with an undiscussed double and followed it up with only 3♣. I wish the director had conducted a poll since this case seems suited to it, but ultimately we rely on the bridge judgment of committees so I can't disagree with this decision.

Wildavsky It seems clear to me that pass is a logical alternative for any level of East player. The fact that East started with a double that many players would not find only makes his future actions less predictable, thus making it even more difficult to rule out a pass or double over 3♠. I wish the director had taken a poll and made it available to the committee. It either would have helped them make a decision I'd like better or it would help them explain their decision to me and to others who read these cases. Looking at things another way, the committee judged that few of West's peers would double. If "few" means "at least one or two" then the double was logical and the correct adjustment was to N/S plus 730.

Wolff Good ruling, except in a perfect world, West would wait 5 to 10 seconds before acting regardless of his hand.

APPEAL	NABC+ FOUR
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	Second Qualifying
Date	July 24, 2009

BD#	22
VUL	E/W
DLR	East

Andy Kaufman	
♠	A 9 8 6 3
♥	J T
♦	Q T 7 4 3
♣	J

Jeffrey Smith		Summer 2009 Washington D.C.	David Sabourin	
♠	K Q		♠	5
♥	8 6 4 3 2		♥	Q 9
♦	A J 9		♦	K 8 6 5
♣	K 9 7		♣	A Q T 8 6 3

Mike Cassel	
♠	J T 7 4 2
♥	A K 7 5
♦	2
♣	5 4 2

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

Final Contract	3♠ doubled by S
Opening Lead	♠K
Table Result	Made 3, N/S + 530
Director Ruling	At table 3NT W, made 3, E/W + 600 On screening 3♠ dbld S, made 3, N/S +530
Comm. Ruling	3♠ dbld S, made 3, N/S +530

(1)	2+ clubs.
(2)	Strong.
(3)	After a 1NT opening or a direct 1NT overcall, Minor-Suit Stayman.

The Facts: The director was called at the end of the auction. Before he doubled 3♠ West asked South the meaning of 1NT and received the response that it was strong. He asked North what 3♠ was and got the response “no agreement.”

The partnership had an agreement that 3♠ was Minor Suit Stayman and a strong game force over a 1NT opening and also (perhaps) over 1NT in direct seat but had not discussed this auction.

East stated that he would have bid 2♣ over 1NT if he had known that the 1NT was for takeout.

The Ruling: The director judged that there was misinformation and per Laws 21B1(a) and 12 adjusted the result to 3NT by West making three, E/W plus 600.

The Appeal: "In screening N/S produced their convention cards. These had been printed by a computer, but each was different. Each partner had filled in his own using a convention card editing program. Each card showed that a 1NT overcall in the sandwich position was natural by an UPH." Therefore, the screening director changed the ruling back to the table result. E/W appealed that decision.

E/W felt that their opponent's accident had robbed them of the chance for a normal result. They did not understand why South would bid 3♠ over 1NT when over a strong 1NT opening that call would be both minors and forcing.

South meant 3♠ as invitational – he did not think that it could be minor-suit Stayman after clubs have been bid.

N/S is an occasional partnership. They had not discussed this sequence in their pre-session discussion. North had simply forgotten their agreement. In most partnerships North plays 1NT in this sequence as unusual.

The committee discovered that North and South had prepared their convention cards separately but both of them had correctly completed the section regarding "Sandwich" notrump.

South did not believe they were playing "system on" over a "Sandwich" notrump as opposed to a direct 1NT overcall.

The Decision: Where there is a potential conflict between a mistaken bid and a mistaken explanation, the laws instruct the director and committee to assume misinformation unless there is clear evidence to the contrary. Here there was such evidence. The partnership had clearly completed their convention cards in identical fashion.

The committee had the option of assuming that despite their identical cards that they were not playing 1NT as strong but that seemed unreasonable.

The next question to address was whether South's 3♠ bid (which appeared odd in the context of the partnership's methods) when coupled with the 1NT bid suggested that South might have been expecting partner to have a two-suiter. It decided that South's rationale for bidding 3♠ to show an invitational hand, as expressed to the committee, made sense. The committee might not agree with South's valuation but they could understand his thought process.

Since the committee could find no reason to adjust the score, it next looked at the question of procedural penalties. It addressed the regulations in force at this event. There were no special conditions for this event.

While each partnership is expected to know its own methods, the committee concluded that N/S had a bidding accident and got lucky, but had committed no infraction.

The committee sympathized with E/W, but it could see no reason to adjust the score or assess a procedural penalty. The committee ruled as the screening director had, allowing the table result of 3♠ doubled by South making three, N/S plus 530, to stand for both pairs.

The appeal was considered to have merit.

The Committee: Aaron Silverstein (Chair), Eugene Kales, Ed Lazarus, Abby Reich and Barry Rigal.

Commentary:

Goldsmith E/W were not damaged by MI. They were damaged by North's misbid. If E/W had bid 3NT, N/S would have gone on to 4♠. That can't be beaten, so E/W would end up minus 590, which is worse than they actually scored. No appeal without merit warning (AWMW) when a ruling is changed by the screening director; players must be allowed adequate time to judge whether to appeal the new ruling, and that time is not available.

Polisner I agree with the committee decision restoring the table result, but would have voted to issue an AWMW in that the basis for the appeal ("E/W felt they were robbed from a chance for a normal result") is not a valid ground for an appeal.

Rigal Correct tournament director ruling to leave it up to N/S to prove their methods. As far as the committee was concerned a completed identical convention card was proof positive of the methods used. Some people would mutter darkly about coincidence between the two actions here; but if we impose harsh conditions about MI/Misbid and a pair meets those conditions we cannot then make up new reasons to find a reason to overturn those rules.
See my closing comments.

Smith Clearly correct, and well explained by the committee. The screening director did well to change the ruling. If the convention cards were available to the table director the original ruling should have been different, and if E/W had then appealed the committee should have considered an AWMW against them. As it is, I can understand why no AWMW was given.

Wildavsky I like the screening director and AC rulings.

Wolff An editorial, since "dead is dead," we need to change the rule since misexplanation and or misbid regarding convention disruption (CD) tends to produce the same terrible chaos, so we should treat those two uninvited interlopers the same.

APPEAL	NABC+ FIVE
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Semifinal
Date	July 25, 2009

BD#	6
VUL	E/W
DLR	East

Eric Rodwell	
♠	K J 9 7
♥	A J 5
♦	A 3
♣	A Q 6 5

Jared Lilienstein		Summer 2009 Washington D.C.	Jacek Pszczola	
♠	A T 6 3		♠	Q 5 4 2
♥	4		♥	T 8 3 2
♦	Q 8 7 4 2		♦	J 6
♣	T 9 8		♣	K 4 3

Jeff Meckstroth	
♠	8
♥	K Q 9 7 6
♦	K T 9 5
♣	J 7 2

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

Final Contract	4♥ by South
Opening Lead	♦4
Table Result	Made 4, N/S + 420
Director Ruling	4♥ S made 6, N/S +480
Committee Ruling	4♥ S made 6, N/S +480

The Facts: The director was called just after the play was concluded. West had placed a convention card on the table that did not belong to him or his partner. It indicated “upside down signals,” which is not the method his partnership is playing.

The play through trick 9:

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

The Ruling: Declarer's play was based upon misinformation for which West was responsible. Per Laws 47E2(b) and 12C1(e), the result was adjusted to 4♥ by South making six, E/W plus 480.

The Appeal: E/W appealed the ruling. East and South were present at the hearing. East commented that there were many inconsistencies with what was on the card and the pre-Alerts provided. He argued that South, the declarer, should have or at least could have noticed what were evident discrepancies. If he had done so, he could have asked about the E/W signals and determined that they actually played right side up count. South said he was just focused on the part of the card pertaining to defensive carding. He noted that it was highly unlikely that E/W had given false count at trick two when he led a spade to the king. The subsequent ruff of the diamond with the club discard indicated two diamonds and three clubs. So, if he knew East also had only four spades, he would have finessed the ♥9 to make 12 tricks.

The Decision: There was unanimous agreement that the misinformation was solely E/W's responsibility. Based on the reasoning provided by the declarer, the committee's analysis, and the lack of a counter argument by the appellant, the committee concluded it was very likely that the declarer would have made 12 tricks if properly informed. The director's adjustment of 4♥ by South making six, N/S plus 480 for both sides was also the committee's adjustment. The committee found no basis for the appeal. There was no reasoned argument to suggest why the declarer wouldn't have taken 12 tricks if E/W had supplied the proper information. Therefore, the committee issued an appeal without merit warning (AWMW) to E/W.

The Committee: Mark Feldman (Chair), Dick Budd, Abby Heitner, Ed Lazarus and Danny Sprung.

Commentary:

Goldsmith Good.

Polisner A well-reasoned ruling and decision. I question the AWMW on the basis that "a lack of a counter-argument to the director's reasoning about the play" as it seems that the basis was that Declarer did not do enough to protect himself about the actual carding agreement. There is no discussion in the decision about this.

Rigal The tournament director made the right ruling, the committee completely missed the point.

Yes, there was an infraction; but South's claim that he would have gotten the play right is absurd! East -- a world champion made an indescribably bad play when he returned the club instead of leading a spade to set up a tap. With four spades this play is unbelievably obvious -- I've never seen this player make such a bad play. How could a world champion who respects East ever play him to have defended so badly? Split scores with South keeping the table result and E/W the adjusted score since the only way East would return a club is if hearts are splitting.

Smith It seems that there is enough here to give N/S redress for the misinformation, so I agree with the directors and the committee. Good job all around.

Wildavsky I agree that the appeal had no merit.

Wolff Penalize E/W for convention card disruption (CCD) and give N/S an average plus not plus 680. Too much speculation and not enough protecting the field (PTF).

APPEAL	NABC+ SIX
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	Second Semifinal
Date	July 25, 2009

BD#	17
VUL	None
DLR	North

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

William Hacker		Summer 2009 Washington D.C.	Leo LaSota	
♠	A K 8 2		♠	J 9 3
♥	9 8 7 2		♥	K T 6
♦	K 8		♦	Q J 9 7
♣	6 4 3		♣	A Q 9

Tor Helness	
♠	7 6 5 4
♥	5 4 3
♦	A T 5
♣	J T 2

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

Final Contract	1NT doubled by North
Opening Lead	♦Q
Table Result	Down 4, N/S - 800
Director Ruling	1NT N down 4, N/S - 200
Committee Ruling	1NT N down 4, N/S - 200 1/8 board penalty to E/W

(1)	Alerted.
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The Facts: The director was called after the hand was played. 1♣, which could be short, was Alerted. The explanation of the Alert seemed somewhat confusing to East. After the Alert, East asked several questions about the bid. After South's initial explanation East asked a few more questions, then looked at the NS convention card before passing.

The Ruling: The director judged that the questioning made UI available to West, that it suggested doubling over passing, and that Pass by West was a logical alternative. In accordance with Laws 16 and 12 the director adjusted the result to 1NT by North down four, N/S minus 200 for both pairs.

The Appeal: E/W appealed the director's ruling. Only North and West attended the hearing.

East asked a total of five questions due to South's confusing initial responses. Both sides agreed that the questioning took the form of:

Q. What's the Alert?

A. Could be short.

Q. What kinds of hands?

A. Five-card Majors (unclear due to South's accent).

Q. It can contain a 5-card major?

A. We play five-card majors.

Q. What kinds of hands would be short clubs?

A. Those with a bad diamond suit.

Q. Could you clarify?

A. It could be 4-2 in the minors since we need a good diamond suit to open 1♦.

East then picked up N/S's convention card and examined it before passing. East further stated that West's double said, "Do something" and did not guarantee any specific suit length. It didn't guarantee spade values and might contain only two spades. East asserted that with both sides not vulnerable at matchpoints they are extremely aggressive in balancing over 1NT (except with poor 4333 hands). They almost never let declarer play a 1NT contract at this vulnerability.

North stated that this was the first time that he and his partner had played together, and that they had filled out a convention card 15 minutes before game time. Their system was not completely defined, but they did agree that 1♦ couldn't be opened on a bad suit. He believed there was zero safety in balancing with West's hand, and noted that it contained only Kx in an unbid suit. West had UI from the earlier table action, and it was likely that East would pass the double. A significant number of players would pass with West's cards.

The committee discovered that E/W had been playing together 1 ½ years and that they essentially play the same "short club" treatment. The discussion had taken somewhere in the range of 20-30 seconds before East finally passed. Additionally, the double had not been Alerted, nothing was noted on the E/W convention card concerning their balancing style, and no pre-Alerts had been given to N/S. Answers to other system questions yielded responses that indicated that their competitive treatments over 1♣ and 1♠ - pass - 1♠ were typical of the vast majority of tournament players.

The Decision: The committee believed that UI had indeed been made available to West via the questioning, and especially when East examined the N/S convention card prior to passing. The UI demonstrably suggested that a balancing double by West would be safe and likely to be successful. Pass was clearly deemed to be a logical alternative. Therefore the committee agreed with the director's decision to change the contract to 1NT by North undoubled.

Regarding the number of tricks that North would likely have taken, the actual line adopted (explained by North as a deceptive attempt to deter E/W from attacking spades since he believed West had something like AJxxx of spades) was deemed to be representative and unaffected by the infraction. Therefore, the score of down four, N/S minus 200 was assigned to both sides.

Additionally, the committee believed that the appellants had presented no substantive evidence or argument for overturning the director's ruling. Accordingly the committee issued an appeal without merit warning (AWMW) to East and West.

The committee members were also disturbed by both the length of questioning and follow-up inspection of the convention card and by the balancing action by West in the face of UI from the aforementioned actions. A 1/8 of a board procedural penalty was assessed to E/W for the balancing double when UI was available.

Finally, based upon guidance from the screening director, West was told that such a treatment needed to be listed on their convention card and that they needed to pre-Alert their opponents regarding their aggressive balancing style.

The Committee: Mark Bartusek (Chair), Michael Huston, Gene Kales, Ellen Kent and JoAnn Sprung.

Commentary:

Goldsmith Good job. Very good job with the procedural penalty.

Polisner Yes, there was UI. However, I know of several prior appeals involving North and a 1♣ opening. It is more than "could be a short" bid. In the San Francisco. 2007 NABC, it was a 5422. If N/S were playing this style, I can understand East's questions especially in light of South's seemingly inane responses to East's questions. However, it was silly for East to be asking questions as he wasn't thinking about taking action over 1♣.

Rigal Finally! A committee who hands out the sort of justice that will, I hope, make E/W think twice before taking the action chosen at the table and then bringing a meritless appeal. Well done the committee (and the TD – I do not expect them to give procedural penalties here though maybe they should).

Smith This appeal should not have been brought, and the committee made it crystal clear that it held the same opinion as it correctly addressed all points of the case.

Wildavsky I agree that the appeal had no merit. The procedural penalty looks appropriate as well.

Wolff Good ruling.

APPEAL	NABC+ SEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 28, 2009

BD#	7
VUL	Both
DLR	South

George Krizel	
♠	Q T 3
♥	Q 9 4 3
♦	Q J 8 5
♣	9 3

Tony Petronella		Summer 2009 Washington D.C.	Carlos Muñoz	
♠	7 4 2		♠	8 6
♥	A 7 6 2		♥	J
♦	A T 6 4		♦	K 9 7
♣	Q 7		♣	K J 8 6 5 4 2

Albert Shekhter	
♠	A K J 9 5
♥	K T 8 5
♦	3 2
♣	A T

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

Final Contract	4♣ by East
Opening Lead	♠A
Table Result	Down 1, E/W -100
Director Ruling	3♣ E made 3, E/W +110
Committee Ruling	3♣ E made 3, E/W +110

(1) Disputed break in tempo (BIT).

The Facts: The director was called after the 3♣ bid and again after the play was concluded.

North vehemently disputed that there was a BIT. South said he plays fast and did think but that it was not a demonstrable BIT. East felt there was a demonstrable BIT. West was not consulted as the director judged that South had conceded the point.

The Ruling: The director judged that there was an unmistakable hesitation, in part because South's hand indicated that he had something to think about. He further judged that the BIT demonstrably suggested 3♠ and that pass was clearly a logical alternative. Per Law 12C1(e) the result for both pairs was adjusted to 3♣ by East making three, E/W plus 110.

The Appeal: N/S appealed the director's decision. Only West did not attend the hearing. In screening, South said the BIT was up to 5 seconds; East said 4-5 seconds and North said no more than 3 seconds.

Both North and South felt that North's decision to bid was justified with or without the hesitation. North felt the time elapsed was not a BIT but a normal pause. South acknowledged he took a few seconds (perhaps 3 or 4) before passing.

East claimed that North's action was dubious even without a hesitation. Holding only three trump and secondary values makes bidding unreasonable after a BIT.

The Decision: The committee felt that despite the fact that North kept stressing the point that three seconds does not constitute a BIT, the exact number of seconds is not relevant once South's tempo made it likely that he had a problem. The committee felt North's hand did not justify any further action and that his bid was demonstrably suggested by partner's hesitation.

The committee upheld the director's decision of 3♣ by East making three, E/W plus 110 for both sides.

The appeal was judged to have substantial merit.

The Committee: Gail Greenberg (Chair), Chris Moll and Bob White.

Commentary:

Goldsmith No merit. 1/4 board procedural penalty to N/S for blatant misuse of UI. This isn't even remotely close.

Polisner It would be important to know what South's "normal" tempo is to determine whether 3-5 seconds between 3♣ and pass was normal or not. In my opinion, 3-4 seconds is proper tempo in a competitive auction as anything faster would be UI. I strenuously object to considering the North hand to determine if South had broken tempo. However, if I was convinced that there was an "unmistakable hesitation" by South, I would have considered North's 3♠ bid to be subject to a procedural penalty.

Rigal Good decision by the tournament director and although I agree the committee's support of that decision I'm not sure I see any merit. The North hand has three trumps and no aces or kings....pray, what would constitute a pass of three spades for this player? Had the committee established that N/S were playing constructive raises –why didn't they? – an appeal without merit warning (AWM W) would have been clear.

Smith Well done by the directors and committee, but I really wish these kinds of appeals would go away. Frankly, they are a waste of time to all concerned. Would any committee, on these facts, really come up with any other decision? Can we really take seriously the notion that 3♠ is clear-cut? That South didn't break tempo? That the tempo break didn't suggest bidding 3♠? The way to express the answers to those questions firmly is to assess an AWMW to the appellants.

Wildavsky I see no merit to this appeal.

Wolff Good ruling and indefensible for North to bid 3♠!

APPEAL	NABC+ EIGHT
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Wernher Open Pairs
Session	Second Qualifying
Date	July 28, 2009

BD#	12
VUL	N/S
DLR	West

Miriam Rosenberg	
♠	8 6
♥	K 9 7 5 2
♦	K J 7 6 2
♣	4

Rich Underwood		Summer 2009 Washington D.C.	Steve Paskin	
♠	Q J 9 5 2		♠	K T 4
♥	A J 6		♥	T 4
♦	5 3		♦	8
♣	8 3 2		♣	A K Q J T 7 5
		Adriana Salinas		
		♠	A 7 3	
		♥	Q 8 3	
		♦	A Q T 9 4	
		♣	9 6	

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

Final Contract	5♥ doubled by North
Opening Lead	♣A
Table Result	Down 2, N/S - 500
Director Ruling	4♥ N down 1, N/S - 100
Committee Ruling	5♥ dbld N down 2, N/S - 500

(1)	Long hesitation described as a tank.
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The Facts: The director was called after the 4♠ bid and again after the play of the hand. The break in tempo (BIT) was agreed. E/W were playing support doubles. West's 1♠ bid showed four or more spades. East chose to bid 3♣ rather than making a support double.

The Ruling: The director judged that there was UI available that demonstrably suggested a call other than pass by East over 4♥. Pass was judged to be a logical alternative. Therefore, the result was adjusted to 4♥ by North down one, N/S minus 100 for both sides.

The Appeal: East contended that bidding 4♠ was clear-cut due to the favorable vulnerability, the fact that West knew that he could only have three spades, and the offensive nature of his hand. Furthermore, he believed the auction made it likely that West would have a five-card spade suit.

The Decision: The committee confirmed the BIT as acknowledged by E/W who attended the hearing. However, the committee determined that pass was not a logical alternative and accordingly restored the table result of 5♥ doubled by North down two, N/S minus 500, to both sides.

The Committee: Gail Greenberg (Chair), Chris Moll (Scribe) and Bob White.

Commentary:

Goldsmith I think passing was a logical alternative. If it were certain that 4♥ would make, then saving seems 100%, but not only is it not certain, in fact 4♥ is going down. Since East bid a non-forcing 3♣ on the previous round, he can't think now that 4♠ is a likely make, and at matchpoints, there is often a large difference between plus100 and minus 100. I'm with the director.

Polisner Here again, as in the previous appeals, Two and Three, a poll would have been helpful. It is not obvious to me that pass is not a logical alternative. I am not saying that many or most players would bid over 4♥, however, with the UI, it is a different story.

Rigal Again I'd like to emphasize the excellence of the pair of rulings, notwithstanding that the committee overturned the tournament director. In cases of doubt tournament directors are encouraged to rule for the non-offender; here the committee determined that there was no doubt, but I would much prefer to have the appeal than have offenders getting something for nothing by getting a favorable ruling they do not deserve. Not all hesitations lead to negative rulings.

Smith This case represents what is to me a disturbing trend. Why was no poll taken by the directors before making this ruling? Had that poll shown what the committee believed, the directors should have made a different ruling. Maybe upon hearing the result of such a directors' poll the aggrieved side would have realized that the correct ruling was given and no appeal would have resulted. Had the poll instead justified the original directors' ruling, again maybe there would not have been an appeal. And, if the appeal had gone forward anyway, at least the committee would have had more ammunition with which to make a judgment. And maybe that judgment would have been different in such a circumstance. Who knows? Not all judgment rulings are ideal for player polling, but the system is not well served if directors don't avail themselves of available opinions before making rulings of this kind.

Wildavsky I prefer the director's ruling to the committee's. There are many West hands where nine tricks are the limit for both sides. West's hesitation makes it a lot more likely that he holds a suitable hand for offense. I'd have liked to see the director take a poll and make it available to the committee.

Wolff Once West huddles and passes, East should be barred from bidding 4♠!

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 28, 2009

BD#	27
VUL	None
DLR	South

Peter Clark	
♠	A 8 4
♥	A T 9 5 2
♦	9 4
♣	T 8 4

Mike McNamara		Summer 2009 Washington D.C.	Marius Agica	
♠	J T 7 6 5 2		♠	
♥	K J		♥	8 7 6 4 3
♦	8		♦	T 6
♣	K J 3 2		♣	A Q 9 7 6 5

Mariko Kakimoto	
♠	K Q 9 3
♥	Q
♦	A K Q J 7 5 3 2
♣	

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

Final Contract	6NT by North
Opening Lead	♥8
Table Result	Made 7, N/S + 1020
Director Ruling	3♦ S made 6, N/S +170
Committee Ruling	3♦ S made 6, N/S +170

(1) Alleged hesitation.

The Facts: The director was called at the end of the round, but he was not able to speak to N/S until just before the start of the second session. E/W alleged that South broke tempo before bidding 3♦. South said there was no break in tempo (BIT). North at first said there was a short break, then, after being told of the score change, said there really was no BIT. He said he bid to show his spade card.

The Ruling: The director judged that there was a BIT (Law 16). 3♦ was not forward going. The BIT demonstrably suggested bidding and pass was a logical alternative. Therefore, the result for both sides was adjusted to 3♦ by South making six, N/S plus 170.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. In screening, E/W said the hesitation was 20-25 seconds. N/S said there was no hesitation.

N/S said that North waited an appropriate amount of time over 2♠ and that South bid 3♦ in normal tempo. North said he thought he would likely make a 3NT bid over a normal 3♦ bid.

E/W said that South hesitated for 20-25 seconds before her 3♦ call.

The Decision: The committee noted that North had initially said there was a BIT when talking to the table director. The committee believed that South's hand required too much thought for there not to be a BIT. Therefore, the committee found it overwhelmingly likely that there had been a BIT. N/S are a new partnership. North has over 6,000 masterpoints and South over 5,000.

North said he had not seen South bid conservatively earlier in the session. South admitted she could have a lot less for her 3♦ call.

The committee determined that there was a BIT, that it demonstrably suggested bidding, and that pass was a logical alternative. A diamond contract will result in 12 tricks on the likely spade lead. The committee determined that, per Law 12C1b, East's failure to lead a club against 6NT was not an error serious enough to deny them redress. Therefore, the score for both sides was adjusted to 3♦ by South making six, N/S plus 170.

Throughout the hearing, South vehemently denied hesitating. Because of that and the timing of the director call and the fact that the director had to wait until the second session to question N/S, it appeared there was a genuine factual issue that gave the appeal substantial merit.

The Committee: Richard Popper (Chair), Darwin Afdahl, Mark Bartusek, Ed Lazarus and Jeff Roman.

Commentary:

Goldsmith It is obvious that South broke tempo; her hand screams that she did, and her partner's does, too. The basic ruling is a slam-dunk.

The only question is the appeal without merit warning (AWMW). That N/S was not informed about the case until long after the session is a reasonable argument against giving a clearly-deserved AWMW, because N/S might have wanted to consult friends before deciding whether to appeal. Two players with 5000 masterpoints, however, ought to know better. I'd give them an AWMW despite the mild reason not to.

Regardless of the AWMW, a procedural penalty for blatant misuse of UI ought to have been automatic.

Polisner Under the facts as given, where North admitted to a "short break." My concern is whether the UI demonstrably suggested that North bid 3NT. Could't South be thinking about passing for penalties or bidding 3♣ with a 3154 with say good diamonds and weak clubs? I don't think the BIT demonstrably suggested that North bid 3NT and would have reinstated the table result.

- Rigal** If the hesitation was established (and let's say it was) I'd like to have seen the question addressed of whether anyone would really have passed 3♦ here. Alas, a split score is not possible here – if passing is a logical alternative we rule under that principle and can't look at more or less favorable results. I'd have needed persuading that it is not 100% automatic to bid 3NT here. But on balance I'd like to see 'offenders' punished so I'll live with this.
- Smith** The committee's reason for not issuing an AWMW in this case is not nearly convincing enough for me. AWMW's don't really have much teeth, but if they succeed in discouraging a few appeals like this they might be worth it. Why are committees so often reluctant to issue them where we would be astonished to see the ruling overturned?
- Wildavsky** South claimed that with an 8-4 hand with two losers she rebid 3♦ in tempo after her partner showed values. Words fail me. I'm glad that East did not find the club lead, otherwise we'd never have had a chance to see this case.
- Wolff** And the beat goes on with "he said that she said...."

APPEAL	NABC+ TEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Tom Marsh
Event	USPC Truscott Senior Swiss Teams
Session	First Final
Date	July 28, 2009

BD#	35
VUL	E/W
DLR	South

Albert Ross	
♠	J T 9
♥	A 9
♦	K Q 9
♣	Q J T 4 3

Jonathan Kurasch		Summer 2009 Washington D.C.	Jack Forstadt	
♠	5 3		♠	A 2
♥	Q J T 6 4 3		♥	K 8 7 5
♦	A T 7		♦	J 2
♣	A 7		♣	K 9 6 5 2

Donna Chambers	
♠	K Q 8 7 6 4
♥	2
♦	8 6 5 4 3
♣	8

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

Final Contract	4♠ doubled by South
Opening Lead	♥Q
Table Result	Made 4, N/S + 590
Director Ruling	4♥ dbld made 4, E/W + 790
Committee Ruling	4♥ dbld made 4, E/W + 790

(1) Break in Tempo (BIT).

The Facts: The director was called after the auction and again after the play had been concluded. All agreed that the double of 4♥ was out of tempo.

The Ruling: The director concluded that South's 4♠ bid was demonstrably suggested by the out of tempo double and that pass by South was a logical alternative. Therefore, the result was adjusted for both pairs to 4♥ doubled by West making four, E/W + 790.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. South felt that bidding 4♠ was normal and said she would have done so after any length hesitation.

E/W had no further comments.

The Decision: All the facts were agreed by both pairs. North's ten second hesitation (before doubling 4♥) was a BIT, which made UI available to South. The hesitation demonstrably suggested that bidding would be more successful than passing. The only remaining question is whether pass is a logical alternative for South.

While the committee agreed with South that bidding is sensible from a bridge logic standpoint, it felt that a significant minority of players who would pass the first time over 4♥ would also pass the double of 4♠. Pass was deemed to be a logical alternative.

Therefore, the committee ruled as the director had, adjusting the score for both pairs to 4♥ doubled by West making four, E/W plus 790.

The Committee: Aaron Silverstein (Chair), Tom Carmichael (Scribe), Gary Cohler, Joanne Sprung and Howard Weinstein.

Commentary:

Goldsmith Of course bidding 4♠ is reasonable. But it was reasonable on the previous round, too, and South didn't bid it then. Does the fact that her partner suggested defense by doubling make it now more reasonable than less? The committee, of course, got this easy one right, but they forgot to award an appeal without merit warning (AWMW) and a procedural penalty.

Polisner I feel like a broken record about the lack of a poll to assist the directors and committee as to whether pass is a logical alternative. The process is seriously flawed.

Rigal Excellent ruling and decision; I would not give an AWMW because the argument that swayed the committee may not have been obvious to the player. The fact that we might all act as South (double 4♥ if action or sacrifice in 4♠ unilaterally) is neither here nor there. E/W got lucky but they deserve to when South commits the infraction.

Smith If the goal is to reduce appeals, here is how we should start. The directors take the South hand to several players and find out what they would do in an auction untainted by UI. Then, if that poll shows that passing the double is a logical alternative N/S should be told that and why it means South is not permitted to bid 4♠ as a matter of law. Then if N/S appeal and the committee agrees with the original ruling N/S can expect an AWMW.

The model should be that directors routinely perform such due diligence on rulings like this and take the time to explain to potential appellants why the ruling was made. Then committees should start with the presumption that the directors' ruling is correct in the absence of new facts or some error in process made by the directors. Currently committees do not start with that instruction. Appellants should then have the burden to show a committee why the directors made a mistake. If not, they don't win their appeal and they often get an AWMW. This model works well in many other jurisdictions (including the World Bridge Federation, where the number of appeals has plummeted since it has been adopted). Many decry the number of appeals we have at NABC's and the resources we devote to the appeals apparatus. This approach would help greatly in eventually reducing the number of appeals. Why don't we try it?

Wildavsky How can it be less attractive to defend 4♥ after partner doubles than it was beforehand? This appeal had no merit.

Wolff Clearly the right ruling since South didn't bid the first time.

APPEAL	NABC+ ELEVEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Tom Marsh
Event	Truscott Senior Swiss Teams
Session	First Final
Date	July 28, 2009

BD#	24
VUL	None
DLR	West

Larry Mori	
♠	2
♥	K 4
♦	T 9 8 7 6 4
♣	T 5 4 2

Nancy Turner		Summer 2009 Washington D.C.	Susan Jackowitz	
♠	T 9 6 3		♠	A K 8 7 5
♥	7 6		♥	T 8 2
♦	A K J 5 2		♦	3
♣	A 3		♣	Q 9 8 6

Zeke Jabbour	
♠	Q J 4
♥	A Q J 9 5 3
♦	Q
♣	K J 7

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

Final Contract	4♥ by South
Opening Lead	♦A
Table Result	Made 4, N/S +420
Director Ruling	3♠ E made 3, E/W +140
Committee Ruling	4♥ S made 4, N/S +420

(1) Disputed break in tempo (BIT).

The Facts: The director was called after the auction and again after the play of the hand. South said all calls were in the same slow tempo. E/W said South's calls were made after a 5-second pause except for the pass over 3♠ where the pause was 10 seconds.

The Ruling: The director judged that there was a BIT that demonstrably suggested action over pass, which was judged to be a logical alternative. Per Laws 16B1 and 12C1(e) the result was adjusted for both pairs to 3♠ by East making three, E/W plus 140.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. East claimed that despite South's affliction, which slows all his bids, his pass over 3♠ was slower than his usual tempo. Based on that she felt North's action was too borderline to be acceptable.

North South did not agree that there had been a break in tempo. North said that he bid 4♥ because it was a two-way action. Based partner's bidding 3♥ voluntarily, he felt he had enough strength (king of hearts and singleton spade) to make down one likely, with the possibility of making if the hands meshed well.

South has Parkinson's disease. As a consequence he makes all of his calls more slowly than most players.

The Decision: The committee found that there was no unmistakable break in tempo. While South may have taken more time for his third call than his first two the committee judged that the time taken was well within the normal range for South to make a call, given his medical condition. The South hand bears this out – there is no indication that South was contemplating any action other than pass.

Since the committee found there was no irregularity the table result of 4♥ making four, N/S plus 420 was reinstated for both pairs.

The Committee: Gail Greenberg (Chair), Chris Moll and Bob White.

Commentary:

Goldsmith This is a very tough call. There is conflicting evidence as to the BIT, so it is reasonable for the committee to rule as it did. It is also reasonable for the director to believe that there was a BIT. Put me down as unwilling to decide.

Polisner I find it difficult to comprehend the basis upon which the committee found no BIT especially when they concluded that the call in question may have taken more time than the player's first two calls. Also, South's first two actions were bids whereas the call in question was a pass - which carries more information than a bid when it is out-of-tempo.

Rigal I'm unhappy with a trend that emerges from these cases, which my recollection tells me goes against past established practice. Although I agree that South's hand is a clear indication that he was not contemplating action – how could he be? – are we as committee members, or is the tournament director supposed to be looking at the hand in question to form or corroborate that judgment? I thought not, but here and in earlier cases we've seen that approach. As I say, I agree with both the director and committee ruling.

Smith I sympathize with the directors' ruling here, but I think the committee got it right. In a dispute between the two sides I don't think an "unmistakable hesitation" occurred based on South's affliction and perhaps even more importantly based on a hand that doesn't look like a hesitation to me.

Wildavsky I like the committee decision.

Wolff 4♥ should be down two tricks; therefore, E/W should have to deal with minus 420. If there was no hesitation then no penalty, but, if so, E/W minus 420 and N/S plus 420 with a 3 IMP penalty.

APPEAL	NABC+ TWELVE
Subject	Revoke
DIC	Harry Falk
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 28, 2009

BD#	18
VUL	N/S
DLR	East

Rahn Smith	
♠	A 7 5
♥	K T 6 4 2
♦	J 3
♣	J 8 7

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

Sharon Meng-Horton	
♠	K 8 6
♥	J 9 5
♦	A Q 9 8
♣	6 3 2

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

Final Contract	1NT by West
Opening Lead	♥4
Table Result	Down 1, E/W - 50
Director Ruling	1NT W down 2, E/W -100
Committee Ruling	1NT W down 4, E/W -200

The Facts: The director was called after the play of the hand was concluded. There was an established revoke by declarer from the closed hand (West) at trick 6. The final unadjusted result was down one. Per Law 64A2, one trick was transferred to N/S resulting in E/W down two minus 100. N/S felt that this was not equitable and asked that this be reviewed in accordance with Law 64C since the one trick rectification did not sufficiently compensate N/S

The play (leads to a trick underlined)

Trick	North	East	South	West
1.	<u>♥4</u>	♥A	♥9	♥3
2.	♠5	<u>♠2</u>	♠8	♠Q
3.	♠7	♠4	♠K	<u>♠9</u>
4.	♥2	♦5	<u>♥J</u>	♥7
5.	♥T	♦6	<u>♥5</u>	♥8
6.	<u>♥K</u>	♠T	♣6	♠3 (Revoke)
7.	<u>♠A</u>	♠J	♠6	♦2
8.	<u>♥6</u>	♣5	♣2	♥Q
9.	♣7	♣A	♣3	<u>♣4</u>
10.	♣8	<u>♣Q</u>	♦8	♣9
11.	♣J	<u>♣7</u>	♦9	♣K
12.	♦J	♦7	♦Q	<u>♦4</u>
13.	♦3	♦K	<u>♦A</u>	♦T

The position prior to North's leading the spade ace was:

BD#	18	Rahn Smith	
VUL	N/S	♠	A
DLR	East	♥	6
		♦	J 3
		♣	J 8 7

Gary Blauth		Summer 2009 Washington D.C.	Herbert Rogall	
♠			♠	J
♥	Q		♥	
♦	T 4 2		♦	K 7
♣	K 9 4		♣	A Q T 5

Sharon Meng-Horton	
♠	6
♥	
♦	A Q 9 8
♣	3 2

The Ruling: In order for N/S to score any additional diamond tricks, declarer must pitch a diamond from Txx opposite Kx, when a much more rational discard (the club four) exists. Therefore, the one trick rectification is sufficient compensation. The result is adjusted to 1NT by West down two, E/W minus 100.

The Appeal: N/S appealed the director's decision. Only South attended the hearing. She said she thought the director summed up the case well.

The Decision: Law 64C, Director Responsible for Equity, reads, “When, after any established revoke, including those not subject to rectification, the Director deems that the non-offending side is insufficiently compensated by this law {Law 64A and B} for the damage caused, he shall assign an adjusted score.”

In order to determine whether N/S were damaged we have to judge whether they would have been likely to get a better result absent the irregularity.

In this case, as usual, it’s impossible to tell what would have happened absent the revoke, but since West discarded a diamond on the spade ace, we judged it likely that had he followed suit to the heart king, he would have discarded a diamond on the last heart or he would have discarded a spade on the last heart, and then a diamond on the spade ace, and N/S would have taken ten tricks. The revoke prevented that, so N/S get the result they likely would have received absent the revoke.

It’s important to note that the non-offending side was not getting a great result because of the revoke; it did not help them at all. They were in the process of getting a great result when the revoke happened.

If the revoke was what caused their good result, then they already had equity and no more is to be granted. That is not what happened here. Hence, the committee judged to award N/S an adjusted score in accordance with Law 12. Since ten tricks for N/S were likely and eleven were not at all probable, reciprocal 200s were awarded. The one trick revoke rectification (penalty) is not awarded when an adjusted score is given.

Was North’s play of the 12th heart so bad that it severed the connection between the revoke and the damage? No. Thinking a card is a winner when everyone has shown out is not a serious error. How was North to know that West would find the ♥Q at that exact moment?

The Committee: Jeff Goldsmith (Chair), Jeff Aker, Michael Huston, Brian Platnick and Danny Sprung.

Commentary:

Goldsmith This case is actually quite clear; it's a ruling of law, not of judgment. The confusing issue is whether, as often happens, the revoke itself led to the non-offending side's good result. If so, no additional adjustment is needed. Here, the revoke interfered with the non-offending side's getting its good result, so Law 12C is used as normal.

Polisner I concur with the committee's analysis.

Rigal Excellent committee ruling to cover the weak director decision. The obiter dicta about the quality of the defense and the N/S score are also very much in point. A fine decision that was well written.

Smith I think N/S were sufficiently compensated for the damage caused by receiving a one trick rectification. I'm not sure I agree that N/S's equity extends to West making an inexplicably bad play in a scenario that never happened. My sense is that their equity is more what would have happened to them against a rational opponent in the absence of a revoke. But I can't say with certainty that according to current law the committee did the wrong thing here. Maybe this is a good issue for the ACBL Laws Commission to decide.

Wildavsky Nice work by the committee. Trying to cash the 12th heart cannot be considered a serious error, since everyone had shown out on the previous round.

Wolff In this case the play of the 12th heart is a grievous error. I think N/S should be plus 100 and E/W minus 200.

APPEAL	NABC+ THIRTEEN
Subject	Unauthorized Information (UI)
DIC	Harry Falk
Event	Wernher Open Pairs
Session	Second Final
Date	July 28, 2009

BD#	20
VUL	Both
DLR	West

Muffie Gur	
♠	6 3 2
♥	K 9 6 2
♦	J 5 2
♣	8 6 5

Todd Zimnoch		Summer 2009 Washington D.C.	Michael Abramson	
♠	A J		♠	K Q T 8 5
♥	T 5		♥	Q 7 3
♦	Q T 6 4		♦	A K 9 8
♣	A J 7 4 2		♣	K

Helen Raleigh	
♠	9 7 4
♥	A J 8 4
♦	7 3
♣	Q T 9 3

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

Final Contract	6♦ by West
Opening Lead	♦2
Table Result	Made 6, E/W + 1370
Director Ruling	6♦ W made 6, E/W + 1370
Committee Ruling	N/S Avg +; E/W Avg-

(1)	Agreement is 4 th suit forcing to game. Not Alerted but explained by East before the opening lead.
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The Facts: The director was called after the play of the hand. South stated that she might have doubled 2♥ had there had an Alert.

The Ruling: South did not protect herself according to the ACBL's Alert Procedures. Therefore, the table result of 6♦ by West making six, E/W plus 1370 was allowed to stand for both pairs.

The Appeal: N/S appealed the director's decision. Only North and South attended the hearing. The director stated that no bias should be attached to E/W's failure to appear because they needed to catch a train.

South reiterated what she had stated to the director previously, and that she was worried about asking questions at the time of the 2♥ bid. She was not sure what percentage of pairs played 4th-suit forcing and wasn't sure when she should call the director.

This was the second time N/S had played together, and each had almost 3,000 masterpoints. They had both previously played a few times in nationally-rated events. They seemed sincere in their desire for information regarding when to call the director. The committee discovered that West possessed approximately 500 masterpoints and that East had about 1,600 masterpoints. Unfortunately E/W were unavailable to shed further light on their understandings and auction.

The Decision: The committee realized that the N/S pair had called the director too late to fully protect their rights. The director should have been called immediately when the irregularity was discovered after the end of the auction. N/S's statements regarding the 4th-suit forcing auction had to be given less weight since they came after the full hand had been revealed. The committee agreed that South was in a difficult position when the 2♥ was not Alerted. It also believed that a double of a properly Alerted 4th-suit forcing 2♥ was extremely unlikely due to the flimsy heart suit. For both reasons, no adjustment was deemed appropriate based on the failure to Alert.

However, the committee was disturbed by East's jump to 6♦ when the normal 4th-suit forcing continuation was 3♦. West's failure to alert combined with his 2NT rebid with only ten doubleton of hearts was deemed prima facie evidence that West either forgot they were playing the convention or that he did not fully understand it. East's leap to 6♦ seems likely to have been based on UI from West's failure to Alert the 2♥ bid.

Since unauthorized information was present the committee applied Law 16. East had UI that demonstrably suggested the bid he chose over a logical alternative, 3♦, which might well have been less successful. Thus, an adjustment was warranted under Law 12C.

The committee then tried to assess the likely and at all probable outcomes after a 3♦ call. Although two committee members argued for an adjustment to 3♦ making six, the committee majority deemed it impossible to predict the likelihood of any contract, in large part because E/W were not present for the hearing and the issue had not been addressed when the case was screened. Thus, N/S was awarded Average plus and E/W average minus based on Law 12C1(d): "If the possibilities are numerous or not obvious, the director may award an artificial adjusted score."

The Committee: Mark Bartusek (Chair), Darwin Afdahl, Ed Lazarus, Chris Moll and Jeff Roman.

Commentary:

- Goldsmith** The committee used Law 12C1(d) to award average plus/average minus. I think they misjudged. That law reads "if the possibilities are numerous or not obvious..." The possibilities are not numerous. Either West would pass 3♦ or he would bid something. Is passing a likely result? Why shouldn't it be? So what if you or I think 3♦ is forcing; there is no reason to believe that West would. I'd rule reciprocal 170s. There are other possibilities, but I think 3♦ is likely to be the final contract and a worse result for E/W is not at all probable, so we can stop there. It is also automatic to give E/W a 1/4 board procedural penalty for blatant misuse of UI. Good job by the committee noting that this was both a UI and MI case, not just an MI case.
- Polisner** East's jump to 6♦ is an egregious use of UI and should have been dealt with severely. South was put in a no win situation and could not inquire about 2♥ for fear of giving UI to North if it turned out to be natural and then did not double. Assuming that South did double (possible - but not likely in my opinion) the possible results would be 3NT by East plus 600, 4♠ by East plus 650, 5♦ by West plus 600. I would have awarded E/W plus 600 and penalized them 1/4 board for the flagrant use of UI.
- Rigal** I'm not convinced I agree with the committee decision about the UI from the 2♥ call not being Alerted but I respect their right to do so. I think I would have held over the decision till I had talked to E/W but if that were not possible the cop-out followed here is understandable. This is truly a difficult case, by the way, on all counts, so I cannot imagine a ruling that would make everyone happy. I do agree that the infraction of the failure to alert 2♥ still did not make the double a possible action for South.

Smith Good for the committee for picking up on the UI issue due to the failure to Alert. In misinformation cases there is almost always a UI component, and the directors should have noticed it and addressed it. I don't disagree with the committee's decision on that basis, even though some would quarrel with the fact that an actual score was not assigned. But the committee's rationale for making its ruling is perfectly legal according to the law it cited.

On the issue of misinformation, I agree with the committee that the heart holding of the South player rendered a double of 2♥ unlikely. But I am a bit uncomfortable with the committee's sympathy for South's apparent dilemma in not asking about a potential missed alert of the 2♥ bid. The directors based their ruling on this issue but there is no direct mention of the regulation that led to it: "Players who, by experience or expertise, recognize that their opponents have neglected to Alert a special agreement will be expected to protect themselves." That means when an opponent makes a bid that sounds as if it should have been alerted you should be able to ask or look at the convention card without prejudice. Yes, I understand that this may seem to create UI issues, especially if in fact no Alert is due. But some Alertable bids are just so common that we all know that an Alert has probably been missed. I would include in that category such things as transfers over a 1NT opening bid, fourth suit forcing, and new minor forcing (among others), and especially so in an NABC+ event. Directors are bound by that regulation, so it must mean something or it should be eliminated. Until or if that happens, I think it means you cannot cry foul later when you don't hear an Alert of such bids and you do not do something to protect yourself. To be fair, directors must be careful to rule that no UI has been transmitted when a player asks a question in those situations. Otherwise we will play into the hands of bridge lawyers who will not ask a question, hope the opponents have an accident, and when they do not have the hoped for accident call the director for a second bite at the apple claiming that they did not ask earlier for fear of transmitting UI. Surely we don't want to encourage that kind of behavior. So I know that the occasional ethical player may disadvantage themselves in these situations, but no solution is perfect. There will always be an inevitable conflict between a player's right to ask a question at his turn to call and the possibility that such a question may transmit unauthorized information. The best we can hope for is an Alert Procedure that accurately reflects current practice, but even that will not solve all of the problems.

Wildavsky I agree with the committee minority. 3♦ plus 170 seems likely enough to me to award it to both sides. I also would have liked to see a procedural penalty assessed to E/W. That said, the committee did well to identify the UI issue that the director missed.

Wolff Awful ruling! South would not have doubled 2♥ and East did explain before the opening lead. N/S fully deserve minus 1370 with E/W plus 1370 minus a small procedural penalty for a technicality.

APPEAL	NABC+ FOURTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Harry Falk
Event	Wernher Open Pairs
Session	First Final
Date	July 29, 2009

BD#	15
VUL	N/S
DLR	South

Martin Dickau	
♠	K Q T 5
♥	A K J 4 3
♦	7 3
♣	K 5

Gary Macgregor		Summer 2009 Washington D.C.	Heather Cutting	
♠	6 4 3 2		♠	A 9 8 7
♥	T 8 5		♥	7
♦	K 8 6 4 2		♦	Q J T
♣	4		♣	J 9 8 7 6

Ellen Dickau	
♠	J
♥	Q 9 6 2
♦	A 9 5
♣	A Q T 3 2

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

Final Contract	6♥ by North
Opening Lead	♦Q
Table Result	Made 6, N/S +1430
Director Ruling	4♥ N made 6, N/S +680
Committee Ruling	6♥ N made 6 N/S +1430

(1)	Shows 4+ clubs.
(2)	Alleged BIT.
(3)	Keycard Blackwood.

The Facts: The director was called after the hand was played. West thought the BIT was noticeable. South said she was deciding what to do. North did not notice a BIT.

The Ruling: The director determined that there was a BIT that demonstrably suggested pushing to slam. 4♥ was considered to be a logical alternative to 4♠. In accordance with Laws 16B1 and 12C1(e), the result was adjusted to 4♥ by North making six, N/S plus 680 for both sides.

The Appeal: N/S appealed the director's decision. East was the only player that did not attend the hearing.

N/S said the BIT was not significant – about five seconds. North said she bid 2♠ because N/S often raise hearts with three card support. This bid was likely to allow North to learn whether South had four hearts.

West said there was a noticeable BIT but not abnormally long. West thought that if North intended to bid aggressively he did not have to bid 2♠ first and could have bid 4♠ directly over 2♥.

The Decision: The committee believed there was no unmistakable BIT and accordingly no irregularity. Therefore, the table result of 6♥ by North making six, N/S plus 1430 was restored for both sides.

The committee decided that based on the N/S system, North had a good reason to bid 2♠ at matchpoints rather than ask for controls immediately. The committee believed that a 5-second pause over a game try was appropriate and that bidding faster might in fact convey UI.

The Committee: Richard Popper (Chair), Jeff Aker, Ellen Kent, Lou Reich and Aaron Silverstein.

Commentary:

Goldsmith There was a BIT. Look at South's hand. She had an acceptance of the 2♠ game try. Can she possibly have more than that? Then look at North's hand. Leaping into Blackwood with two small diamonds and a 16-count is ridiculous. The director got it right. Furthermore, I'd award an appeal without merit warning (AWMW) and a procedural penalty.

Polisner My approximation of an appropriate amount of time to act in such auctions is 3.5 to 4.5 seconds and an extra 0.5 second is not enough to be considered an unmistakable hesitation. Good work by the committee.

Rigal I'm just about convinced of the committee decision. I'd hope to take five seconds over such a decision so would regard that as not being a BIT – but committees are clearly sending mixed signals about what does or does not constitute a BIT. That said, does a slow 3♥ represent demonstrably a near-4♥ bid? Could it be instead a hand with 1-3-4-5 shape and a minimum not prepared to bid 3♦(A/Q10x/xxxx/AQ10xx). Or a hand considering 2NT? (Jx/Qxx/KJx/AQxxx). Who knows? This should have been mentioned, I think, in the decision.

Smith I'm not convinced by the committee. Five seconds over a game try seems to me to be potentially significant depending on South's tempo for other bids. How long did it take her to bid 2♥, I wonder? Why did the committee just accept on faith that this sequence was designed to discover whether South had a three card or four card raise? Shouldn't that be on the convention card, or in system notes, or even Alerted? What is South supposed to bid if she doesn't hold four hearts? And if the agreement is as stated, what was South thinking about for five seconds? Is that North hand right for a blast to slam via Blackwood knowing only that partner has four trumps and a minimum? What about two possible diamond losers? So while I am not saying all isn't as the committee perceived, I am saying that I think the committee did not do all the spadework necessary to satisfy me that it came to the correct conclusion. And just so it doesn't seem that I am critical of the committee while being soft on the directors, where was the player poll before deciding that bidding 4♥ was a logical alternative?

Wildavsky I like the committee decision.

Wolff Good ruling.

APPEAL	NABC+ FIFTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	NABC+ FAST Open Pairs
Session	First Qualifying
Date	July 30, 2009

BD#	18
VUL	N/S
DLR	East

Yvonne Hernandez	
♠	A Q 5 3
♥	4 2
♦	K J 6 5 4
♣	J 3

Arlene Levy		Summer 2009 Washington D.C.	Faye Parsons	
♠	J 4 2		♠	9
♥	K 9 5 3		♥	A J 8
♦	Q 7 3		♦	A T 8
♣	Q 7 4		♣	A K 9 8 5 2

Lu Kohuhtiak	
♠	K T 8 7 6
♥	Q T 7 6
♦	9 2
♣	T 6

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

Final Contract	4♣ by East
Opening Lead	♦9
Table Result	Made 4, E/W +130
Director Ruling	3♠ S down 1, N/S -100
Committee Ruling	4♣ E made 4, E/W +130

(1)	Spades and diamonds (Sandwich NT).
(2)	Alleged break in tempo (BIT).

The Facts: The director was called after the play of the hand. North thought the BIT was 7-10 seconds, South 7 seconds, West 2 seconds, and East did not notice one. Both pairs vehemently held to their opinions.

The Ruling: The director determined that there was a BIT because after bidding clubs three times it would have been difficult to bid clubs yet again in the absence of a BIT. The BIT demonstrably suggested bidding again and pass was judged to be a logical alternative. The result was adjusted to 3♠ by South down one, N/S minus 100 for both sides. Laws 16 and 12C1(e).

The Appeal: E/W appealed the director's decision. All four players attended the hearing. In screening, West was firm in her statement that she did not hesitate. East felt her hand was inappropriate to defend 3♠ and thought she would be down one in 4♣ -- a better result than 3♠ making. The committee asked these players for their masterpoint holdings. West has about 3,000 and East slightly more. They play infrequently (less than once a month) and this is their first NABC+ event.

N/S stated that the first two calls by West were made instantly but the pause over 3♠ was 7 seconds.

The Decision: The committee needed to determine whether or not a hesitation occurred. While it is true that the 4♣ call by East was unusual in this auction, there were other factors in the hand which suggested that a BIT had not occurred. The timing of the director call was unusual. N/S made no statement at the time of the alleged infraction such as, "Do you agree there was a BIT?" N/S did not call when 4♣ was bid. N/S did not call when dummy hit (revealing a fit with little spade wastage), but waited until completion of the hand when 4♣ made. Also, N/S's suggestion that the other two calls by West were instantaneous compared to the third call made it seem likely that the actual duration was about 2-3 seconds, seeming longer in contrast. The committee felt that this did not rise to the level of "an unmistakable hesitation" as required by law. Therefore, the table result of 4♣ by East making four, E/W +130, was restored for both sides.

The Committee: Mark Itabashi (Chair), Tom Carmichael and Chris Moll.

Commentary:

Goldsmith Looks like there was a BIT to me. West has a surprise fit and zero defense, and East has no semblance of a 4♣ bid.
Again, the director got it right.
Why are we seeing so many obvious BITs denied? Has someone told players that if they claim there was no BIT that committees might believe them? Folks, if this is going to happen, you need to call the director immediately after a possible infraction. Here, N/S needs to call the director the moment a 4♣ bid occurs.

Polisner Without an unmistakable BIT - no adjustment.

Rigal I think the committee got too involved in fine-tuning what might have happened. The simple statement would have been that in an unclear case the complete failure by N/S to call the director at the appropriate moment means that they should get the worst of the residual doubt; as here. (If my memory serves me right N/S are not strangers to appeals committees so should know the drill by now.)

Smith The committee's rationale seems tenuous, but I will credit it for making a reasoned decision after having the advantage of interviewing all four players. That should count for something.

Wildavsky I like the committee decision. I understand the director's ruling, but his reasoning troubles me. When the players do not agree on the facts, the standard way to judge whether a BIT was likely is to examine the hand held by the player alleged to have hesitated. East's club bid may look unusual, but if West passes in tempo then East may do as she pleases.

Wolf Since West should have bid 4♣ but didn't, there probably was a BIT. 3♠ N/S minus 100 and E/W plus 100 is my ruling.

APPEAL	NABC+ SIXTEEN
Subject	Claim
DIC	Steve Bates
Event	Mixed Board a Match Teams
Session	First Qualifying
Date	July 30, 2009

BD#	11
VUL	None
DLR	South

Brian Glubok	
♠	Q T
♥	A Q J 8 4 2
♦	7 6 4
♣	7 3

Sylvia Caley		Summer 2009 Washington D.C.	Simon Kantor	
♠	A J 8 7 5 4		♠	6 3
♥	7 6 3		♥	K 9
♦	K J 9		♦	Q T 8 5
♣	Q		♣	T 8 6 5 4

Connie Goldberg	
♠	K 9 2
♥	T 5
♦	A 3 2
♣	A K J 9 2

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

Final Contract	4♥ by North
Opening Lead	♠6
Table Result	North claimed 4♥ making 5, N/S +450
Director Ruling	4♥ N made 4, N/S +420
Committee Ruling	4♥ N made 4, N/S +420

(1)	Alerted – single suited major.
(2)	Alerted.

The Facts: The director was called at the point of the claim:
The play: (Lead underlined)

Trick	East	South	West	North
1.	<u>♠6</u>	♠2	♠J	♠Q
2.	♣4	♣A	♣Q	<u>♣3</u>
3.	♥K	<u>♥T</u>	♥6	♥2
4.	<u>♠3</u>	♠9	♠A	♠T
5.	♦5	♠K	<u>♠4</u>	♥Q

At this point North claimed the remaining tricks saying, "I'll throw my losers on Dummy's high black cards." West immediately objected and called the director.

The Ruling: In accordance with Law 70A and E, the director disallowed the claim and awarded one trick to E/W thus adjusting the result to 4♥ by North making four, N/S + 420 for both sides.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. North said the clock was already on the next round and he always had club finesse in reserve in his mind.

West noted that he might have false-carded with the QT of clubs.

The Decision: Law 70E says you may not play one opponent for a specific card unless one opponent has or will show out on normal play or unless it would be irrational to do otherwise. The committee thought the declarer would likely have finessed the club ten but that the play of the club king would not be irrational. Therefore the committee ruled as the director had, setting a score of 4♥ by North making four, N/S plus 420 for both sides.

The committee found that the appeal had merit.

The Committee: Aaron Silverstein (Chair), Mark Feldman, Robb Gordon, Abby Heitner and Bob Jones.

Commentary:

Goldsmith Right. Sorry, North, but if you intend to take a finesse after claiming, state it in your line of play. The finding of merit is generous.

Polisner Who knows what Declarer had in his mind. He didn't even make a statement about the outstanding trump which could have all been with East giving him another loser. Correct ruling and decision.

Rigal I wish I could give split scores here but I cannot. I cannot imagine giving E/W anything other than minus 450 but I may legally be obligated to. Since even top experts are allowed to miscount their tricks I'd punish N/S by giving them the adjusted score but in my heart I'm not convinced.

Smith I think the committee clearly ruled the right way according to law, but I am not so convinced that this appeal had any substantial merit.

Wildavsky I see no merit to the appeal – the ruling seems clear as a matter of law.

Wolff Why does this appeal have merit? At the very least the declarer should say "finessing the nine of clubs."

APPEAL	NABC+ SEVENTEEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Mixed Board a March Teams
Session	Second Qualifying
Date	July 30, 2009

BD#	17
VUL	None
DLR	North

Belinda Go	
♠	A J 4
♥	J T 5 3
♦	A K 5
♣	A 7 3

Sandy Stern		Summer 2009 Washington D.C.	Roger Stern	
♠	T 5		♠	8 7 3
♥	8 7 4		♥	A K 9 6 2
♦	Q 8 7 4 3		♦	T 9 6
♣	J 9 6		♣	T 5

Jonathan Pines	
♠	K Q 9 6 2
♥	Q
♦	J 2
♣	K Q 8 4 2

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

Final Contract	6♠ by North
Opening Lead	♥K
Table Result	Made 6, N/S + 980
Director Ruling	6♠ N made 6, N/S + 980
Committee Ruling	4♠ N made 6, N/S +480

(1)	Transfer to spades.
(2)	E/W allege a break in tempo (BIT) – N/S disagree.
(3)	Agreed BIT.
(4)	5♣ = 1 or 4 keycards; 5♦ = ♠ ask; 6♣ = ♠Q + ♣K.

The Facts: The director was called after the 4NT bid and again after the play of the hand. E/W said there was a hesitation before the 4♠ bid. N/S did not agree -- South said five seconds and North said less than ten seconds.

The Ruling: The director determined that since there was no agreement on the fact of an unmistakable hesitation there would be no adjustment. Therefore, the table result of 6♠ by North making six, N/S plus 980 was allowed to stand for both sides.

The Appeal: E/W appealed the director's ruling. E/W were the only players to attend the hearing.

East estimated the time that it took South to bid 4♠ at 12 to 18 seconds. West did not have a time estimate but described South's hesitation as "marked." Both thought that the time that South took to bid 4♠ transmitted UI to North.

N/S had told the table director that their estimates of the time taken were five seconds according to South and less than ten seconds according to North.

The Decision: A person's perception of time will normally be different depending upon whether that person is doing something (is busy) or waiting for someone else to act. At South's turn to bid over 3♠, he has a decision to make whether to bid 4♠, try for slam with 4♣ or do something more aggressive. He may be counting losers, constructing possible hands that partner may hold, deciding whether the five-level was in jeopardy, etc.

At the same time, North might be considering what to do over South's most likely bid (maybe 3NT). Should he pass with his flat hand, cue bid his ♣A, or show his red suit control?

E/W don't have much to think about, so their estimate of the time South took will normally be higher than North's whose estimate is higher than South's. The committee judged that South took roughly 8-12 seconds to bid 4♠ based on North's 8-9 seconds and the low end of East's estimate.

Did that amount of time constitute a marked BIT in the context of their auction? The committee ruled "yes." The auction through 3♠ is a common one that South could easily anticipate as soon as partner opened 1NT. Thus, if South took noticeably more than 3-5 seconds to bid over 3♠, he transmitted UI to North. The UI demonstrably suggested that North not pass, and pass is clearly a logical alternative to bidding. South might hold KQ9xx/xx/Jx/KQ8x for his auction opposite which 6♠ has virtually no play, and 5♠ is in significant jeopardy.

Therefore, per Laws 16 and 12 the committee adjusted the result to 4♠ by North making six, N/S plus 480 for both sides.

The Committee: Doug Doub (Chair), Mark Bartusek, Ellen Kent, Josh Parker and Joel Wooldridge.

Commentary:

Goldsmith Of course there was a BIT. North never has a bid over 4♠ without one. Where's the procedural penalty for North's abuse of UI?

Polisner Correct decision for all the reasons stated by the committee.

Rigal I prefer the committee ruling to the director given the timing of the call. You'd have to assume E/W pretty died-in-the-wool villains to assume they had both made up the BIT. And the committee's rationale for establishing the break is right-on. Well done.

Smith Even in a high level auction, I'm a bit surprised that the directors didn't decide that an admitted "less than ten second" break as reported by North, and a longer one as reported by E/W did not lead to the conclusion that an unmistakable hesitation had occurred. It would have been nice for the committee to hear the N/S version of facts and its arguments, but in their absence the committee's decision seems all but inevitable. I would be interested to see the win percentage of appellants whose opponents do not appear before the committee. I think we would find it to be remarkably high.

Wildavsky I prefer the committee decision to the director's.

Wolff Is 3♣ game forcing? If so, I agree with the committee. If not, I do not.

APPEAL	NABC+ EIGHTEEN
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	NABC+ Fast Open Pairs
Session	Second Final
Date	July 31, 2009

BD#	21
VUL	N/S
DLR	North

Marty Nelson	
♠	9 3
♥	T
♦	A Q 5 2
♣	A J 9 6 5 4

Nikolay Demirev		Summer 2009 Washington D.C.	Joshua Dunn	
♠	Q 7 6 5 4		♠	2
♥	7		♥	Q 9 8 6 5 2
♦	K T 8		♦	J 9 6 4 3
♣	Q 8 7 2		♣	K

Gil Cohen	
♠	A K J T 8
♥	A K J 4 3
♦	7
♣	T 3

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

Final Contract	4♠ doubled by South
Opening Lead	♥7
Table Result	Made 4, N/S + 790
Director Ruling	4♠ dbld S made 4, E/W +790
Committee Ruling	4♠ dbld S made 4, E/W +790

(1)	Originally South bid 3♦ and West doubled.
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The Facts: The director was called after West doubled 3♦ in the original auction. South explained that West's prior explanation of 2NT was unclear. South said he thought it was for minors as West said the "two lowest." After West's double of 3♦, North asked for a second explanation of 2NT and was told the "two lower unbid suits."

The Ruling: The director determined that there was misinformation. In accordance with Law 21B2 the director backed up the auction to South's turn over 2NT cancelling South's 3♦ bid and West's double. The subsequent table result of 4♠ doubled by South making four, E/W +790 was allowed to stand for both sides.

The Appeal: At the end of the evening session, E/W appealed the director's decision. East and West were the only players who attended the hearing. E/W thought the first explanation had been clear enough. East thought his partner had actually used the word "unbid," but believed N/S did not hear him.

The Decision: The statement by South that he misunderstood the explanation was credible to the director and was supported by his subsequent actions. When he thought 2NT showed minors, he bid 3♦ showing spades. When he understood that 2NT showed the red suits, he changed his call to 3♥ also showing spades. The committee felt it was not required to assess the calls taken after the director's decision to cancel South's call based upon misinformation (and West's call). Therefore, the committee upheld the table result of 4♠ doubled by South making four, E/W +790 for both sides.

An appeal without merit warning was seriously considered by the committee, but rejected because the current, in our opinion, foolish wording of the convention card is "minors" or "2 lowest" rather than the former wording of "lower unbid."

It was explained to the appellants that following the principles of the Alert regulations and full disclosure guidelines, they should be specific and just explain the bid as "hearts and diamonds" or whatever the two suits shown. Then there should never be a problem.

The Committee: Tom Carmichael (Chair), Barry Harper (Scribe) and Mike Kovacich.

Commentary:

Goldsmith The write-up is pretty unclear. What appears to have happened was that South asked what 2NT meant. He thought the answer was minors, so he made the bid that showed a good hand with spades. North obviously wasn't 100% on the explanation, as he re-asked. Now South said something like, "I'm sorry, I thought you said minors last time. If he has the reds, my bid is 3♥, not 3♦."

Assuming that is correct, it seems unreasonable for E/W to appeal or even call the director, so something important must be missing from the write-up.

Polisner If this is not an appeal without merit warning (AWMW) case, there is not any case which would warrant one.

Rigal Messy case but justice seems to have been done. I would not be happy bringing a case where my sole grounds for doing so would be that my unclear explanation had succeeded in confusing my opponents.

Smith The relevant law is actually 21B1(a). It states in part: “Until the end of the auction period and provided that his partner has not subsequently called, a player may change a call without other rectification for his side when the Director judges that the decision to make the call could well have been influenced by misinformation given to the player by an opponent.” So, although directors routinely give back a call at the table in this type of case, it is entirely appropriate for the director and the committee to later decide if the change of call “could well have been influenced by misinformation” and, if it is judged not, to adjust the score. And according to 21B2, the director and the committee should ensure that the non-offending side is not damaged by information transmitted by any withdrawn call(s). Since the non-offending side was plus 790 on this hand, that part wasn't relevant. But the director and the committee each have the authority to revisit and examine the actions of both sides after 21B1(a) has been applied in spite of what the writeup seems to indicate. Having said all that, I strongly agree with the directors' ruling and the committee decision. Did E/W really think that South in the heat of battle came up with a neat legal excuse to change a bid he realized to be an error according to his system? Or did they just think that N/S should be solely responsible for a misunderstanding based on an incomplete explanation West had given? Isn't it much more reasonable to accept that South honestly and understandably misunderstood what he was told? I think so, and so did the committee. For that reason I think E/W should have been given an AWMW.

Wildavsky Good work all around. I could see the ruling going the other way, though. South might have considered why West would say “two lowest” if what he meant was “minors”, which is both more explicit and easier to say.

Wolff Correct ruling.

APPEAL	NABC+ NINETEEN
Subject	Misinformation (MI)
DIC	Candace Kuschner
Event	NABC+ Open Swiss Teams
Session	Second Qualifying
Date	August 1, 2009

BD#	24
VUL	None
DLR	West

Evette Mashaal	
♠	K Q 7 6
♥	9 8 7 6 5 4
♦	6 2
♣	9

Shannon Cappelletti		Summer 2009 Washington D.C.	Sheri Weinstock	
♠	J 9 8 5 3		♠	
♥	2		♥	K Q J T 3
♦	A Q T 8 5		♦	K 4
♣	T 8		♣	A 7 6 5 4 3

Ghassan Menachi	
♠	A T 4 2
♥	A
♦	J 9 7 3
♣	K Q J 2

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

Final Contract	5♣ doubled by East
Opening Lead	♠A
Table Result	Down 2, E/W -300
Director Ruling	2NT S down 4, N/S -200
Screeener Ruling	5♣ dbld E, down 2, E/W -300
Committee Ruling	5♣ dbld E, down 2, E/W -300

(1) Not Alerted; intended as “just making noise.”

The Facts: The director was called at the end of the match. Lebensohl is marked on the front of the N/S convention card and systems on is written on the back of the convention card. There was a failure to Alert 2NT as a relay to 3♣. East said that with an Alert there was no hurry to bid 3♥. She was worried about a club lead knocking out her entry if the auction ended in at 2NT.

The Ruling: The failure to Alert constituted misinformation (40A4) but since it was too late to allow a change of call (Law 21B3), the score was adjusted to 2NT by South down four, N/S minus 200 for both sides under the assumption that East, South, and West would pass over an unAlerted 2NT. [Law 12C1(e)]

The Appeal: N/S appealed the director's decision. In screening the table director's ruling was changed to the table result of 5♣ doubled by East down two, E/W minus 300. E/W appealed that decision and all four players attended the hearing.

North's 2NT bid not appear to be natural, when one looks at her hand. Had 2NT been Alerted as Lebensohl, East wasn't sure that she would have risked bidding 3♥.

North described her 2NT bid as an attempt to "make a noise." Although they play 2NT as Lebensohl after a 1NT opening, neither player thought that North's 2NT was Lebensohl. In the NT overcalls section of the convention card, both North and South's convention card had written in "Front of card." When asked about the auction 1♦-1NT-Pass, they said that 2♣ would be Stayman and 2♦ would be a transfer.

The Decision: The committee judged that North's hand speaks for itself. North either thought her hand was too good to bid only 2♥ or perhaps was concerned that a 2♥ bid might be treated as a transfer. She did not intend to play in 2NT (or 3NT) when she bid 2NT. Thus, there was misinformation.

Many players would open 1♥ with the East hand. A player who chooses to open 1♣ is committed to bidding the hearts later unless it becomes highly unattractive to do so.

West's 2♦ bid was not unwelcome, since East had a partial fit for the suit.

If North's 2NT were natural, East would expect a hand with about 8 HCP, balanced or semi-balanced. If North's 2NT is Lebensohl, the most likely type of hand (based on East's hand) would be an invitational hand with long spades. That type of hand would have a bit less in high cards and more in shape. Thus, if 2NT were Lebensohl, a bid of 3♥ would be more likely to catch a fit and some useful high cards.

Therefore, the failure to Alert made it less attractive for East to bid then an Alert would have, so E/W were not damaged by the misinformation.

The committee reinstated the table result of 5♣ doubled by East down two, E/W minus 300.

The Committee: Doug Doub (Chair), Jeff Goldsmith, Richard Popper, Lou Reich and Jim Thurtell.

Commentary:

Goldsmith Right. No appeal without merit warning (AWMW) is appropriate if the screening director changes the ruling; the players do not have enough time to make a good judgment whether or not to appeal.

Polisner Good work by the screener and committee.

Rigal I can understand the committee ruling here but I'm not sure I would have taken such a negative position for the non-offenders. My heart tells me that I would have stuck with the director ruling, although on a purely intellectual basis I find it hard to argue against the committee.

- Smith** Just because North bid 2NT and her hand indicated it was intended as Lebensohl doesn't mean that was actually their agreement. So although the North hand may "speak for itself" in terms of what was intended, it cannot speak to the actual N/S agreement. But I do think the convention card as described does show that this pair played Lebensohl in this situation. In any case, I agree with the screening director and the committee that if 2NT had been Alerted East has more reason to bid 3♥ than over a perceived natural 2NT.
- Wildavsky** Good work by the committee and the screening director. The director's table ruling was reasonable, though. N/S had given misinformation, and initially it seemed it might have led to damage.
- Wolff** This ruling seems way too strong in favor of E/W. Why would 2NT be Lebensohl instead of her just bidding her suit at the two-level?

APPEAL	NABC+ TWENTY
Subject	Illegal Convention
DIC	Candace Kuschner
Event	NABC+ Open Swiss Teams
Session	First Final
Date	August 2, 2009

BD#	22
VUL	E/W
DLR	East

Michael Kamil	
♠	9 2
♥	K Q T
♦	3
♣	A K J 6 5 3 2

Ralph Katz		Summer 2009 Washington D.C.	Nikolay Demirev	
♠	8 6 5 4 3		♠	A K Q J T
♥	A		♥	9 8 5 3 2
♦	K Q T 9 5 4		♦	7 2
♣	4		♣	8

Marty Fleisher	
♠	7
♥	J 7 6 4
♦	A J 8 6
♣	Q T 9 7

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

Final Contract	7♣ doubled by North
Opening Lead	♥9
Table Result	Down 3, N/S -500
Director Ruling	7♣ dbld N down 3, N/S - 500
Committee Ruling	A+ (3 IMPs) N/S and A (0 IMPs) E/W

(1)	3-11 HCP, 5+♥, 4+♠ – This convention is not permitted in events governed by the Mid-Chart.
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Note: This hand and the one following were heard by the same committee and the decision on each hand was the same. Therefore, the two hands have been presented as one appeal each with the same facts, etc.

BD#	28
VUL	N/S
DLR	West

Michael Kamil	
♠	T 9
♥	K 5 4
♦	A 5
♣	A K Q 7 3 2

Ralph Katz		Summer 2009 Washington D.C.	Nikolay Demirev	
♠	K J 7 4		♠	5 2
♥	Q J T 8 3		♥	A 9 2
♦	Q 8		♦	K 9 4 3 2
♣	J 9		♣	T 6 4

Marty Fleisher	
♠	A Q 8 6 3
♥	7 6
♦	J T 7 6
♣	8 5

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

Final Contract	5♣ by North
Opening Lead	♠5
Table Result	Down 2, N/S - 200
Director Ruling	5♣ N down 2, N/S -200
Committee Ruling	A+ (3 IMPs) N/S and A (0 IMPs) E/W

(1)	3-11 HCP, 5+♥, 4+♠ – This convention is not permitted in events governed by the Mid-Chart.
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The Facts: The Director was called after the teams compared at the end of the match. The 2♦ opening was pre-alerted by E/W and explained as showing 5 or more hearts, 4 or more spades, and less than an opening bid. This convention is not permitted in Mid-Chart events, but at the time the players were unaware of this. E/W offered their hand-written suggested defense to N/S. N/S chose to use a pre-printed defense they had devised themselves, which they happened to have with them.

The Ruling: The director judged that there was no damage resulting from the use of the unauthorized convention. Therefore, the table result on each hand was allowed to stand for each team – Board 22 = 7♣ doubled by North down three, N/S minus 500 and Board 28 = 5♣ by North down two, N/S minus 200.

The Appeal: N/S appealed the Director's ruling. East, West, and South attended the hearing. Chip Martel, one of South's teammates, also attended. South felt that damage had resulted from the use of the illegal convention, as his teammates holding the E/W hands would not have access to such a precise bid. The convention created difficult situations for N/S on these two boards which probably would not have arisen without the use of the convention.

West plays this particular convention in other partnerships, and has asked directors in the past whether it is permitted and had been told it was. While he did not ask before this event, he had asked as recently as the previous Fall NABC which was since the last update of the Mid-Chart convention list. East plays this convention with other partners and was told by his partner in Houston that a director had said it was legal in a pair event. Neither East nor West could name the director he had spoken to. Several members of the committee have had personal experiences with this situation, including one member who received an unclear answer from a tournament director about a 2♦ opening showing a weak hand with both majors during this event. West was adamant that he had not intended to use an illegal convention and would not have used the convention had a director told him that it was illegal in Mid-Chart events.

The Decision: The committee spent several minutes poring over the ACBL Convention Charts to determine the legality of the convention used by E/W. It was determined that the convention is legal for events governed by the SuperChart but not under the Mid-Chart.

The committee considered whether N/S had contributed to its own damage by a serious error (unrelated to the infraction) or by a wild or gambling action, per Law 12C1b. On Board 22, the Committee determined that 7♣ was not a serious error. In fact 6♠ may well be makeable, e.g., if the ♦2 and the ♣4 are switched in the E/W hands. On Board 28 the committee found that N/S's actions were also reasonable.

The committee decided that the use of the illegal convention certainly contributed to the difficult positions in which N/S were placed in these auctions resulting in damage to N/S. In effect the playing field was not level, since the convention was not permitted at the other table of the match, or indeed at any other table in the event. The subsequent N/S actions were reasonable, and therefore did not sever the connection between the infraction and the damage. The table results on the boards were cancelled and N/S was awarded average-plus (3 IMPs) on each board.

The committee found that the lack of clarity from the directing staff on the legality of this convention was a major contributing factor to the situation that arose. While the table results could not be allowed to stand, it was determined that E/W should receive average (0 IMPs) on each board rather than the usual -3 IMPs per board.

The committee expressed a strong wish for directors to refer to the Convention Charts when asked about the legality of any convention and reminded all of the players that Mid-Chart conventions (other than those listed in items 1-5 of the Mid-Chart) absolutely must be accompanied by printed, ACBL-approved defenses. A copy of the ACBL convention chart can be found at <http://www.acbl.org/assets/documents/play/Convention-Chart.pdf>

The Committee: Chris Moll (Chair), Tom Carmichael, Doug Doub, Steve Robinson, Blair Seidler and Jennifer Broekman (Scribe - non-voting).

Commentary:

Goldsmith It's nice that E/W didn't intend to violate ACBL regulations, but so what? If they could supply the director who told them 2♦ was legal, and if that director agreed, then there's no alternative to using 82C, Director's Error. In that case, E/W get to keep their result and N/S get an adjusted score. But E/W didn't produce such a director. In fact, East just claimed that someone told him that a director once said..., which is nowhere near sufficient to absolve them of blame. Therefore, they get the worst result at all probable and the other side gets the best result likely. What those are may not be obvious, so Average plus/Average minus is reasonable assuming nothing significant occurred at the other table, but I think we can come up with real results.

For example, 5♣ making by N/S is surely a likely result. (Yes, it appears that I'm too lazy to figure out the likely and at all probable results, which suggests Average plus/Average minus is OK, but imagine that there was a 1700 at the other table. Average plus/Average minus is just not acceptable then.)

Again, I'm glad to hear that E/W had no intention of using an illegal convention, but that's not relevant to the score adjustment. Players don't intend to revoke, and the penalties are not lessened because the error was inadvertent.

All the time, I hear players claim that a director told them something false. I have never once had that director identified. Not once. I'm sure everyone who makes that claim remembers that they were told something, but, if they can't identify the specific director and date, their claim just has to be disregarded. Maybe they misheard or misremember. Maybe the director erred. How can we know? What we do know is that they violated the regulations, so they have to pay the penalty.

The committee's strong wish is reasonable, but it implies that they feel confident that a director erred. I think that confidence is overstated. Furthermore, I suggest instead that when an experienced player asks if a convention fits into one chart or another, that the director doesn't judge at all but prints out the appropriate charts and gives copies to the player who asked. It's very hard for a director to interpret systems and conventions in a vacuum. Far better is for the players who know all the details of their methods to figure it out themselves. If a player still isn't sure, he can write the ACBL and get an official ruling. If he doesn't know in time for the current event, that's too bad. He can plan ahead next time.

- Polisner** Board 22: I would have allowed the table result of 7♣ doubled to stand as the use of the illegal convention was not relevant as at the other table the likely auction would have started 1♠- P - 4♠ and the rest of the bidding would have been the same. I would then have penalized E/W 3 IMPs for use of an illegal convention as it is up to the players to make sure that an unusual convention is authorized for the particular event. The self serving statements about what they allegedly were told or heard or what a former partner had been told is insufficient.
Board 28: Here the use of the illegal convention did not cause damage as after the likely 1NT opening by North 2♥ by South. Now even if West doubles 2♥, it is likely that North would bid 3NT (which would make after a heart lead). The only difference is here the auction gave South the opportunity to lose his mind and bid 4♦ erroneously thinking that North was showing long clubs and a shorter diamond suit. Even so, I would have protected N/S from their own disaster as they should not have been put in that position. I would have awarded average+/average- and again imposed a 3 IMP penalty. Perhaps harsh, but appropriate.
- Rigal** Excellent, if unfortunate ruling by the committee covering the entirely deficient ruling by the TD – deficient in common sense, that is. Of course N/S departed from double-dummy, but not culpably so – and the opening bid was the sole reason they were confronted with the problems. If the bid is illegal, so be it; give N/S their 6 IMPs and move on – nothing to see here.
- Smith** This case reminds me of the Pine Tar Incident. Too bad Lee MacPhail wasn't on this committee.
Do we all realize a couple of things here? First, there is absolutely no requirement in law or regulation that a pair playing against an illegal convention automatically gets average plus. Secondly, do we all realize that the hands held for both 2♦ bids happened to have 10 high card points? Ironically, it is legal in General Chart events (let alone Mid-Chart events like this one) to have an agreement where an opening two-level bid promises at least 5-4 in two known suits and 10 HCP. That is why Flannery is legal and common even at club games. Don't we expect that national champions should be able to deal with Flannery? Now I know that since the range of the bid they encountered was 3-11 the Flannery analogy is not completely fair, but how far off can it be? If the E/W pair had simply had an agreement that 2♦ showed 10+ HCP how sure are we that the outcome would have been much different on these hands? On the first, let's not overlook the fact that N/S arrived at the seven level off two aces (nice defense, by the way). And on the second hand, what was 4♦ by South? It looks as if N/S had an accident of their own even while consulting their own defense during the auction!
So let's say that we find it understandable that N/S accepted EW's "ruling" that this bid was legal instead of calling a director to find out. And let's say that we find it understandable that they weren't surprised to be presented with a handwritten defense rather than an approved typed downloaded one from the ACBL database as they should have expected.

Smith (continued)

After all, they may not have even noticed that since they had their own printed defense ready for an illegal convention. Accepting all that as reasonable simply does not lead to the ruling made by the committee. The committee got the law wrong.

While it is not legally incorrect to assign A+/A- in a case like this, the decision to do so was based on a faulty premise. The committee seemed to base the decision to award A+ solely on the determination that N/S had not contributed to its own damage by “a serious error (unrelated to the infraction) or by a wild or gambling action” [Law 12C1(b)]. The committee seems to have completely ignored the first step in the process of looking at Law 12C1(e) i and ii, which are actually the laws that are used to adjust scores in the ACBL after a hand has been played and an irregularity needs to be redressed. Part i states: “The score assigned in place of the actual score for a non-offending side is the most favorable result that was likely had the irregularity not occurred”. Part ii states: “For an offending side the score assigned is the most unfavorable result that was at all probable had the irregularity not occurred.” Leaving out the offenders for the moment (due to the complication of what they might have been told by a director), the committee's job was to project a series of possible auctions and results and select from among them the most favorable one that reached the threshold of “likely” and assign that score to the non-offenders. Only if the non-offenders committed a serious error after the infraction do we deny them the benefit of such a score adjustment.

So, on the first board without the illegal 2♦ bid I think we could reasonably expect a start of 1♠ followed by lots of bidding. Given what this N/S pair did against a method that they were actually familiar with, I don't see any result rising to the level of “likely” that would be nearly as good as the A+ the committee actually gave (of course I don't know what actually happened at the other table, so I am guessing a bit). I must confess that I have a hard time getting past the fact that in real life they bid to a grand slam off two aces. I mention that not as an argument that they committed a serious error, but instead as evidence of how this pair might have handled this hand without the illegal convention but against vigorous preemption. So even if you don't like the directors' ruling of score stands, how about something like 6♣ not doubled down one?

As for the second hand, unless I am missing something N/S had some sort of serious misunderstanding even while consulting their own defense during the auction. It looks as if South thought 3NT was some kind of an unusual no trump, but who knows? Shouldn't they be held partially responsible for their bad board due to that? I think they should lose at least some portion of any favorable adjustment due to that error according to 12C1(b). But some assigned score is necessary, unless the committee wanted to (legally) resort to 12C1(d), which states: “If the possibilities are numerous or not obvious, the Director may award an artificial adjusted score.” But that law was not cited as the committee's reason for the ruling.

Smith (continued)

So, with apologies for going on so long, I get back to the Pine Tar reference. This committee took a far too narrow view and gave away the farm to N/S at the expense of the field. I can only imagine how many IMPs and VPs swung on the committee decision regarding these boards. I don't know but it had to be huge. Legally it was not necessary and for the reasons I state it was not correct either. I'm not sure what was correct for the offenders, but if the committee believed that they had been advised incorrectly by a director then some sort of modified ruling for them seems appropriate. Otherwise, it should be routine if not necessarily automatic to penalize pairs who use illegal methods regardless if a score adjustment is made. But wouldn't it have been nice if they could have named the director so that we knew if what they said was accurate or just misremembered or misunderstood? This committee seemed pretty quick to assume that a director had made an error without actually having any evidence that it occurred.

Wildavsky Illegal convention cases are nothing new. Edgar Kaplan gave an example of how to handle them in 1973 -- the principles involved have not changed since then: http://www.blakjak.org/lws_lan0.htm

Kudos to the committee for correcting an injustice. This case seems a good advertisement for player committees.

Doug Doub gave me an analogy I like. Suppose we ran a tournament where opening three level bids were banned. A player who opened 3♠ with seven spades to the KQJT and out would have an advantage, even though his opponents were familiar with this treatment and in fact used it themselves on other occasions.

E/W got off easy here. I've been playing in the ACBL for 30 years. Many times an opponent has told me that the director had approved his convention. When I've checked I've seldom found that the convention was legal. I would not have accepted E/W's contention unless they could name a director to confirm that they'd been told they could use their gadget. I don't think it should be possible to rule "TD error" unless we can identify the director who made the error.

Wolff

Now to deal with what is symptomatic of a major problem in our whole process.

During the course of this match (NABC+ Open Swiss Teams) we have an example of four very good players and at least one experienced partnership (N/S) committing the following errors:

1. E/W playing an illegal convention according to our rules. Sure whoever told E/W that this convention was legal is all speculation. The fact is only that they were playing an illegal convention.
2. N/S (very likable fellows and usually a total credit to the game) committed terrible (childish) judgment in continuing to bid up to 7♣ (Board 22). Whatever the reason, it was unacceptable bridge judgment. Then (Board 28) N/S misinterpreted partner's 3NT bid for clubs and diamonds instead of to play 3NT. This error likely caused them to go down 200 instead of probably making 3NT with a low heart lead. Another poor bridge judgment.

For this unseemly combination of errors and illegality this committee decided to penalize the field by giving these two pairs a combined average and an extra 3 IMP bonus for N/S. To make matters worse it was made by ostensibly a better than average committee. For our group to ever be party to such a thing is off the charts impossible, but, at least to me, it seems that this committee wanted to make love to at least the N/S pair and also be kind to the pair who were (possibly) wantonly playing this illegal convention.

Until our group has enough leadership to call this aberration to everyone's attention and boil in oil a future guilty committee we have no chance to succeed.

APPEAL	NABC+ TWENTY-ONE
Subject	Unauthorized Information (UI) - Tempo
DIC	Candace Kuschner
Event	NABC+ Open Swiss Teams
Session	Second Final
Date	August 2, 2009

BD#	9
VUL	E/W
DLR	North

Bart Bramley	
♠	Q 9 3
♥	K 9
♦	A Q 9 8 4 2
♣	8 4

Lou Reich		Summer 2009 Washington D.C.	John Adams	
♠	A T 6 5		♠	7 4 2
♥	A J 6 3		♥	T 8 7 4
♦	3		♦	K T 7 5
♣	A Q J 6		♣	9 5

Chris Compton	
♠	K J 8
♥	Q 5 2
♦	J 6
♣	K T 7 3 2

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

Final Contract	3♦ doubled by N
Opening Lead	♣9
Table Result	Down 2, N/S - 300
Director Ruling	3♦ N down 2, N/S -100
Committee Ruling	3♦ N down 2, N/S -100

(1)	Precision.
(2)	A break in tempo (BIT) of 4-5 seconds – not agreed to by E/W.

The Facts: The director was called after the play the hand. N/S contended that East's pass over 3♦ came after a four or five second BIT. While E/W disagreed, East said that he thought he was supposed to take a little time in this auction.

The Ruling: The director determined that East's BIT constituted UI for West [Law 16B1(a)]. Three players were polled. All thought they had already shown their hand and that the BIT suggests a diamond trick. Therefore in accordance with Law 12C1(e) the result was changed to 3♦ by North down two, N/S -100 for both sides.

The Appeal: E/W appealed the director's decision. West was the only player to attend the hearing.

The director said that N/S said that the pause over 3♦ was five seconds. E/W (and East at the hearing) said it was about three seconds. The committee asked West whether that pass took longer than West's previous passes. West said it did, but only slightly. East told the director at the table that he thought this was an auction where he should not pass immediately over 3♦, but rather should pause briefly to avoid conveying information by a fast pass.

West raised issues about South's 2♥ bid, labeling it a favorable-vulnerability lead inhibitor for NT, which could become part of a pattern of bidding that should be Alerted.

This point did not seem to be relevant to the case at hand.

The Committee noted that the absence of N/S made it more difficult to determine the table tempo, since they could not be interviewed.

The Decision: The committee believed that West's previous three doubles during the auction were enough to show his values, and that the fourth double (of 3♦) was an overbid (thus pass was clearly a logical alternative.) The committee thought it was a close decision as to whether there was UI from a break in tempo. The pass over 3♦ took only slightly longer than the previous passes. The committee finally decided there was UI. They all said they would double 3♦ with the East hand (the hand that passed out-of-tempo) so it was easier to believe that East had thought, at least briefly, about doubling, and that that thought could have produced table action to convey the UI.

The committee believed that West would have doubled 3♦ without the UI, but felt he should not be allowed to after the UI.

The committee ruled as the director had, adjusting the score to 3♦ undoubled, down two, for N/S minus 100 for both sides, per Laws 16 and 12.

The Committee found that the appeal had substantial merit.

The Committee: Jeff Meckstroth (Chair), Joe Grue, Michael Rosenberg and Peter Boyd - non-voting scribe,

Commentary:

Goldsmith Was there a BIT? Yeah, it looks like it. East had a reasonable penalty double of 3♦, and West acted a fourth time when I think the third time was marginally an overbid.

It looks as if there was a BIT, so the actual ruling is the correct one. The only question is the appeal without merit warning (AWMW), and I think one is appropriate.

Polisner Good result except for the lack of an AWMW.

Rigal I'm inclined to agree with the director, and with the committee's rationale for not allowing the double. Personally I do not think the West hand is worth another call; partner did after all come through with two tricks to set the contract – and why would he have more than one? I think the committee was unduly charitable to West. I'm not sure I would have ruled this an appeal without merit but I think I would.

Smith This case seems routine. I'm not sure I see any merit.

Wildavsky I agree that the appeal had merit.

Wolff While I do not disagree with the way this committee handled these facts and its ruling was certainly not a naive one, it probably had the side issues right in realizing that West was on a doubling toot. I would like to believe East's contention that he didn't want to pass too fast or too slow, and if someone did believe him then it is also possible to give both sides E/W plus 300. A compromise of E/W plus 100 and NS minus 300 can also be done (opposite of what the candy store committee on case #20 did). We need to penalize culprits and protect the field otherwise we are not doing service to the players in that field who were affected, but didn't have the foggiest idea (through no fault of their own) of what was happening behind closed committee doors.

**Appeals at the
2009 SUMMER NABC
Washington D.C.**

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-five (35) cases were heard.

Twenty-one (21) 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.

Fourteen (14) cases were from all other events and were heard by a panel (committee) of tournament directors. The names of the players involved are included when the event from which the appeal derived had no upper masterpoint limit or was a top bracket of a bracketed knockout event. When the names of the players are not used, the player's masterpoint total is included.

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

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

**Appeals at the
2009 Spring NABC
Houston, TX**

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.

Non-NABC+ Appeals

Case Number

1. [Unauthorized Information.](#)
2. [Unauthorized Information.](#)
3. [Misinformation.](#)
4. [Misinformation.](#)
5. [Misinformation.](#)
6. [Change of Call, Law Misapplication.](#)
7. [Misinformation.](#)
8. [Unauthorized Information - Tempo.](#)
9. [Unauthorized Information.](#)
10. [Mistaken Explanation.](#)
11. [Unauthorized Information - Tempo.](#)
12. [Insufficient Bid.](#)
13. [Unauthorized Information.](#)
14. [Unauthorized Information - Tempo.](#)

APPEAL	Non-NABC+ One
Subject	Unauthorized Information (UI)
DIC	Terry Lavender
Event	International Fund Swiss
Session	Afternoon
Date	July 23, 2009

BD#	12
VUL	N/S
DLR	West

1,350 Masterpoints	
♠	T 8 2
♥	A J 9 8 2
♦	A J T
♣	6 5

4,845 Masterpoints		Summer 2009 Washington D.C.	3,241 Masterpoints	
♠	K 7 5 3		♠	
♥	K T 5 3		♥	Q 7
♦	5		♦	Q 9 8 7 6 2
♣	A 9 7 3		♣	K J T 8 2

410 Masterpoints	
♠	A Q J 9 6 4
♥	6 4
♦	K 4 3
♣	Q 4

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

Final Contract	6♣ doubled by W
Opening Lead	♣6
Table Result	Down 1, E/W - 100
Director Ruling	5♣ W, made 5, N/S -400 for N/S 6♣ dbld W down 1, E/W -100 for E/W
Panel Ruling	5♣ W, made 5, N/S -400 for N/S 6♣ dbld W down 1, E/W -100 for E/W

(1)	Alerted and explained as minors.
(2)	Questions by North about length and strength.

The Facts: The director was called when the 5♠ bid was made and called back after the play was concluded. As stated above, North asked questions before passing 5♣.

The Ruling: The director judged that the questions by North made unauthorized information available for South. The 5♠ bid by South was judged to be demonstrably suggested by the UI and pass was judged to be a logical alternative to the 5♠ bid. Therefore in accordance with Laws 16 and 12, the director adjusted the result to 5♣ by West making five, minus 400 for N/S. However, by bidding 6♣ over 5♠ the director judged that E/W had forfeited its right to redress. Therefore, the table result of 6♣ doubled down one, E/W minus 100 was allowed to stand for E/W.

The Appeal: Originally, both sides wanted to appeal; however, prior to the hearing N/S withdrew its appeal. East and West were the only players attending the hearing. E/W felt that since 6♣ was in the mix originally that they were put in a bad position by the 5♠ bid. North had asked at least three questions about the 4NT bid and thought for a little while.

While North did not attend the hearing, she had told the Reviewer before leaving that she had asked several questions but knew she shouldn't have.

The Decision: Five players were polled about the South hand – all passed (one might have bid 5♠ over 4NT). Four players were polled about the West hand. All doubled 5♠ without thought.

Although South's 5♠ bid was deemed unacceptable, the E/W pair had available a better score than in 5♣. The 6♣ bid was the cause of its bad result. West's defensive values should indicate to him that he has a better score available by doubling 5♠ at this vulnerability.

Laws 73C and 16B1 clearly indicate that South cannot be permitted to gain from bidding 5♠. Therefore the N/S result was adjusted to 5♣ by West making five N/S minus 400. Law 12C1(b) indicates that E/W is not due relief and for it the table result of 6♣ doubled down one, E/W minus 100 stands.

Although the 6♣ bid was deemed to have broken the connection between infraction and injury (all players polled doubled 5♠), the appeal was not considered to be without merit (though barely) because of the egregious 5♠ bid. Two of the players polled wanted to bid 6♣ instead of five at their first turn.

The Panel: Bernie Gorkin (Reviewer), Nancy Boyd and Bill Michael.

Commentary:

Polisner The issue of how bad the bridge must be to break the causal connection from the infraction and the damage is not well defined. In my opinion, the standard should allow for some very bad bridge and forfeiture should occur only when the non-offenders did something wild or crazy. From West's perspective, East could hold, void/x/Axxxxx/KJ10xxx, making 6♣ pretty good or, void/xx/Qxxxx/KQJxxx, making 6♣ a one or two trick save over an easily making 5♠. I would have adjusted to 5♣ plus 400 for both sides.

Rigal Excellent ruling by both the director and panel. It would have been easy if careless to focus on the offenders. Well done by both sets, and a well-reasoned argument for doing exactly what they did.

Smith It looks like West really wanted to declare this hand. Good job by all concerned, although I would like to have seen that the directors had originally polled the hand. The panel correctly describes how the ACBL has traditionally treated an adjustment for the non-offenders following an infraction but after a subsequent serious error by the non-offending side. However, many parts of the world now apply it somewhat differently in light of the wording of the new Law 12C1(b). The ACBL Laws Commission is scheduled to address this issue at its next meeting in San Diego.

Wildavsky "Two of the players polled wanted to bid 6♣ at their first turn." 6♣ may have been a mistake, but it was not the kind of serious error that should deny E/W redress for damage per Law 12C1(b). That would be something like ducking the setting trick against a game or slam. The non-offenders need not play perfectly subsequent to the infraction to receive redress. I think the appellants ought to have prevailed. An appeal without merit warning (AWMW) would have been beyond the pale.

Wolff Extra good ruling.

APPEAL	Non NABC+ Two
Subject	Unauthorized Information (UI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	10
VUL	Both
DLR	East

986 Masterpoints	
♠	8 5 4
♥	K Q J T 5 2
♦	8
♣	T 8 7

1,290 Masterpoints		Summer 2009 Washington D.C.	1,679 Masterpoints	
♠	T		♠	K J 7 2
♥	7 4		♥	8
♦	A K Q 7 6 4 3 2		♦	T 9 5
♣	9 2		♣	A K Q 6 3

2,453 Masterpoints	
♠	A Q 9 6 3
♥	A 9 6 3
♦	J
♣	J 5 4

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

Final Contract	5♥by North
Opening Lead	♣A
Table Result	Down 3, N/S -300
Director Ruling	5♦ dbld W made 5, E/W +750
Panel Ruling	5♦ dbld W made 5, E/W +750

(1) Before selecting the double card, South put his finger on the pass card.

The Facts: The director was called after the 5♥ bid and again after the conclusion of play. South doubled after first placing his finger on the pass card.

The Ruling: The director determined that South's actions made UI available to his partner that demonstrably suggested action rather than inaction. Pass was judged to be a logical alternative. Therefore, the result was adjusted to 5♦ doubled by West making five, E/W plus 750 for both sides. [Laws 12C1(e) and 16B1]

The Appeal: N/S appealed the director's decision. All four players attended the hearing. South said he has problems with hand-eye coordination. He cited a hand he had played earlier when he was trying to play one card and grabbed another instead. He was reaching for the double card when his hand brushed a pass card. He did stop to think briefly, but he had already made up his mind to double. North stated his partner always has four trumps when he raises his suit, so he knew they weren't getting many heart tricks. He was afraid to bid 5♥ immediately; but when partner doubled he was afraid the opponents could make their contract.

East had the clearest view of South's actions. He said that South rested his finger on a pass card for about five seconds before deciding to reach further back and pull out a double card.

North was asked why he passed 5♦, thus leaving the final decision to his partner, and then overrode partner's decision by bidding 5♥. At first he said, "I didn't do that." After being reminded that he didn't bid 5♥ until after partner doubled 5♦, he said, "I guess I did do that."

The Decision: Five players were given the North hand and asked what they would do with no UI after partner doubled 5♦. Three of them passed. Therefore, the panel determined that pass was a logical alternative to bidding 5♥, which was demonstrably suggested by the UI.

The statements about poor hand-eye coordination were considered self-serving, especially since South admitted to thinking with his hand on the box before pulling the double card. The panel upheld the director's adjustment of 5♦ doubled making five, E/W plus 750 for both sides.

The appeal was judged to have merit.

The Panel: Jean Molnar (Reviewer), Diane Barton-Paine, Su Doe, Patty Johnson, Terry Lavender and Kevin Perkins.

Commentary:

Polisner Where is the merit in this appeal?

Rigal No merit; if the facts are all that is in dispute then when the director's version of the facts is upheld all we are doing is looking at North justify...what's that C word again? Taking advantage of his partner's BIT and then appealing the decision. Closer to a procedural penalty than no appeal without merit warning..

Smith I wish my partners always had four trumps when they raised me! Very good job by the panel right up to the point where they forgot to award an appeal without merit warning (AWMW).

Wildavsky "North stated his partner always has four trumps when he raises his suit." Literally incredible. What does partner do with three trump, fondle a raise card and then pass? For that and many other reasons this appeal had no merit.

Wolff Good ruling.

APPEAL	Non-NABC+ Three
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	2
VUL	N/S
DLR	East

2,122 Masterpoints	
♠	Q J 6 5 2
♥	A K J 2
♦	A
♣	Q J 6

3,967 Masterpoints		Summer 2009 Washington D.C.	1,890 Masterpoints	
♠	K 9 4 3		♠	A 7
♥	Q T 4 3		♥	9 6
♦	8 6		♦	J 5 4 3 2
♣	A K 9		♣	8 7 4 2

3,212 Masterpoints	
♠	T 8
♥	8 7 5
♦	K Q T 9 7
♣	T 5 3

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

Final Contract	4♥ by South
Opening Lead	♣A
Table Result	Down 3, N/S -300
Director Ruling	4♥ N down 3, N/S -300 1/4 Bd PP to E/W
Panel Ruling	2NT N down 1, N/S -100

(1) Not Alerted. Agreement is 4-4 in majors with 12-15 HCP.

The Facts: The director was called after the completion of play. North assumed that 2♦ was a natural weak two-bid. The E/W convention card is clearly marked 4-4 majors, 12-15 HCP.

The Ruling: The director judged that the 4♥ bid (which was unrealistically optimistic) broke the causal connection between the infraction and result. Therefore, the table result of 4♥ by South down three, N/S minus 300 was allowed to stand for both sides. A 1/4 board procedural penalty (PP) was issued to E/W for failing to Alert.

The Appeal: N/S appealed the director's ruling and were the only players attending the hearing.

North said that had she been Alerted she would have bid 2NT.

The Decision: Six of North's peers were consulted concerning the 4♥ bid. All except one assumed the 2♦ bid was a natural weak two-bid and made some sort of a game try (most bid 3♥). All felt the 4♥ bid was highly optimistic but was not so bad as to break the connection between failure to Alert and the damage suffered.

The panel found that Law 21B3 was infringed and there was damage caused by the failure to Alert. Therefore, the result was changed to 2NT by North down one, N/S minus 100 for both sides. The ¼ board PP issued to E/W was removed.

The Panel: Charles MacCracken (Reviewer), Terry Lavender and Jean Molnar.

Commentary:

Polisner I thought that the non-offenders had a duty to protect themselves. I would have thought that South would have investigated about the 2♦ opening when the auction came back to him. He or she would have passed. It was South who created the problem with the failure to protect him or herself. I would not have changed the table result for N/S, but would have given E/W minus 300 or minus 500. Also, I agree with the panel for removing the procedural penalty as, if they were awarded for every Alert forget, the average score would be considerably less than 156.

Rigal What??? 2♦ = both majors, and South removes to 2♥ if properly informed?? How about passing? Yes, he or she might have done so anyway, but if properly informed South would always pass, and now we are talking telephone numbers for E/W – who would surely pass out 2♦ doubled. E/W are minus 500, and I do not see why N/S should not get plus 500.

1.

Smith 4♥ looks pretty bad to me, but good for the panel in doing the research to see how bad it is for this class of player. The standard for a “serious error” according to Law 12 is quite high according to the ACBL Laws Commission, so I agree with the panel's conclusion that it did not apply here. Even without the 4♥ bid it is hard to see how N/S will stop short of 3NT at least, so some kind of damage was inevitable even absent the “unrealistically optimistic” 4♥ bid. I agree that the procedural penalty is not appropriate unless there is some evidence that this pair has a history of failing to Alert. I would have liked to have seen some discussion or analysis of how the adjustment to seven tricks was determined.

Wildavsky The director ruling was wrong as a matter of law. Law 12C1(b) provides that we do not adjust the score for the non-offending side if their damage was due to their own serious error, but we must still adjust the offenders' score. I also prefer the panel's judgment regarding the (lack of) seriousness of North's error.

Wolff Okay ruling.

APPEAL	Non-NABC+ Four
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	David Bruce LM-5000 Pairs
Session	First Qualifying
Date	July 24, 2009

BD#	19
VUL	E/W
DLR	South

3,090 Masterpoints	
♠	Q 7 6
♥	A Q
♦	A J 7 5 3
♣	J T 5

4,092 Masterpoints		Summer 2009 Washington D.C.	2,236 Masterpoints	
♠	K 9 5 3 2		♠	J T 8 4
♥	8 6 2		♥	K 9 7 5
♦	K 2		♦	8 6
♣	8 7 3		♣	K 4 2

2,995 Masterpoints	
♠	A
♥	J T 4 3
♦	Q T 9 4
♣	A Q 9 6

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

Final Contract	3NT by North
Opening Lead	♠J
Table Result	Made 4, N/S + 430
Director Ruling	3NT N made 4 N/S + 430 3NT N made 5 E/W - 460
Panel Ruling	3NT N made 4 N/S + 430 3NT N made 5 E/W - 460

The Facts: The director was called at the end of the hand. Before playing to trick one, Declarer asked West the meaning of the opening lead and was told ‘attitude.’ He looked at the convention card, which had ‘coded 9/10s’ on it, but he did not see it. He said he can safely take the club hook to make five if he knows the opening leader cannot have the ♠K.

The Ruling: Alert Regulations require a player to protect himself if he suspects he does not have the full information. North failed to do this, so he received the score for making four plus 430. West did not comply with Law 40B6(a), so under Law 40 B6(b) E/W was awarded the score for the opponents making five minus 460.

The Appeal: E/W appealed the director's decision. All players except South were present at the hearing.

West said that she was not looking at her partner's lead when she answered 'attitude.' East said (several times) that the information was clearly marked on the card. The Reviewer pointed out (several times) that the declarer was entitled to be given the information without having to search for it. [The information was not under opening leads, but in the defensive carding section, so it was not unreasonable to miss it.] East pointed out that N/S played coded 9/10s as well, so he should be familiar with them. Declarer said he looked in the opening leads section, but there was no listing for KJ10. He did not look at the AJ109 (the '10' was circled) because the ace was in dummy. He thought the withheld information damaged him.

Seven players were asked what they would do if faced with this explanation. Five said they would ask more questions. One said she would assume the ♠J was the highest card in the suit led and the other did not think the answer adequate, but would not ask any more questions.

The Decision: North proved that he knew the explanation was inadequate when he examined the convention card. Alert Regulations state: 'An opponent who actually knows or suspects what is happening, even though not properly informed, may not be entitled to redress if he or she chooses to proceed without clarifying the situation.' Since he was an experienced player and he played the same thing, he should have pursued the matter further. Therefore, N/S were awarded the table result of 3NT N making four, N/S plus 430.

A large majority of West's peers thought her explanation was inadequate. While she may not have been looking at the lead when she first responded, at some point she had to have seen it and realized that her explanation was inadequate. Thus, Law 40B6(a) was violated and the adjustment required under Law 40B6(b) and 12C1(e)(ii) gives E/W the score for making five minus 460.

The panel judged that the appeal did not have significant merit and issued an appeal without merit warning (AWMW) to E/W.

The Panel: Charles MacCracken (Reviewer), Terry Lavender and Chris Patrias.

Commentary:

Polisner The response of "attitude" to the query is so nonsensical that it should not have resulted in any problem as it should have been clarified by E/W. The fact that it was not should not deny E/W of the table result and certainly no AWMW.

Rigal Excellent split ruling. Both sides got what they deserved. Not an easy ruling to give --well done director and panel.

- Smith** If I have any sympathy at all for anyone in this case, it is for North. My rule of thumb as a director is that we have to expect that when a player gets an answer to a question that makes no sense it is as if he got no answer at all and he must do more. This North did that. However, it is hard to understand he missed the notation of AJ109 which was right in the area he was looking. How can you deliberately not look at it when you know the ace is in dummy? Look at a convention card for yourself and see how hard that would be to do. So ultimately I accept the directors' and panel's decision. I'm impressed with the AWMW.
- Wildavsky** I agree that the appeal had no merit. I might have adjusted the N/S score as well. Declarer shouldn't have to dig for the information he's entitled to. The explanation was inadequate, and, given the explanation he received, it was reasonable for North to assume that "Attitude" was the defender's only non-standard lead agreement. He did well just to look at the opponent's convention card. West could have and should have corrected her explanation once she saw her partner's lead. It's unfortunate that KJT_x is not listed under "versus Notrump" on the ACBL convention card.
- Wolff** Right ruling-E/W should make sure declarer knows the defense's lead conventions, when asked, and with no CHICANERY or RELUCTANCE.

APPEAL	Non-NABC+ Five
Subject	Misinformation (MI)
DIC	Millard Nachtwey
Event	Flight A Open Pairs
Session	First of Two
Date	July 25, 20092

BD#	27
VUL	None
DLR	South

Aaron Silverstein	
♠	A K
♥	Q 9 5 3 2
♦	J T 5 3
♣	5 2

Eugene Kales		Summer 2009 Washington D.C.	Richard Ferrin	
♠	J 7 2		♠	Q T 9 8 5 4
♥	J T 8 7		♥	A 6
♦	9 8 2		♦	4
♣	J T 7		♣	A K Q 9

Scott Levine	
♠	6 3
♥	K 4
♦	A K Q 7 6
♣	8 6 4 3

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

Final Contract	3♦ by North
Opening Lead	♣A
Table Result	Made 4, N/S +130
Director Ruling	3♠ E made 3, E/W +140
Panel Ruling	3♦ N made 4, E/W + 130

(1)	11 – 14 HCP.
(2)	Transfer to hearts.
(3)	Cards, takeout.
(4)	See facts below.

The Facts: The director was called at the end of the auction and again after the play of the hand. North explained that though he didn't know if it applied in this specific auction, they play scrambling 2NT in other auctions (South intended 2NT as a scramble). East said he would have bid 3♠ had 2NT been Alerted.

The Ruling: The director judged that an implicit agreement existed, which required an Alert of the 2NT bid. Per Laws 21B and 12C1(e), the score was adjusted to 3♠ by East making three, E/W +140 for both sides.

The Appeal: N/S appealed the director's decision.

The Decision: The panel determined that the 2NT bid did not require an Alert, therefore, there was no infraction. The table result of 3♦ by North making four, N/S plus 130 was reinstated for both sides. It was nice of the N/S pair to inform E/W of its agreement. There was no violation of the Alert Procedure or Law. The appeal was determined to have merit.

The Panel: Tom Marsh (Reviewer) and Bernie Gorkin.

Commentary:

Polisner One can only wonder if the directors don't know which bids are Alertable, how can the ACBL expect the players to know?

Rigal I think both director and panel did something reasonable here. In North's seat I would have done exactly the same. I'm not sure I would have described the call as scrambling as opposed to 'do something intelligent – one option being to pass.'

Smith Appeals committees do not have the authority to overrule the director on a point of law or regulation (93B3). What is Alertable is a regulation, and therefore in the province of the director. What authority a panel of directors has in this regard has never been addressed in my recollection. While it was indeed "nice" of North to volunteer the information, we need to know whether it was required or not. It would have been nice if the panel told us what led it to the conclusion that 2NT was not Alertable by quoting from the Alert regulations. Or, by at least telling us that the Head Director had deemed it not Alertable (and why). The writeup is not complete without that information. I will say that even if 2NT does need an Alert, I would expect that it would make little difference to a Flight A East's decision to bid 3♠, so I think justice was done by the panel. The panel's reason for the ruling made a poll moot, but where was the directors' poll of how reasonable East's argument was?

Wildavsky I prefer the panel's ruling to the director's.

Wolff Another correct ruling.

APPEAL	Non-NABC+ Six
Subject	Change of Call – Misapplication of Law
DIC	Patty Holmes
Event	Saturday-Sunday Bracketed KO – Bracket 1
Session	Second Round
Date	July 25, 2009

BD#	13
VUL	Both
DLR	North

Antonio Sementa	
♠	Q 8 6 5
♥	6
♦	J 2
♣	A Q J 9 7 4

Lou Reich		Summer 2009 Washington D.C.	John Adams	
♠	A 4		♠	K T 9 7
♥	A T 3		♥	K J 4 2
♦	Q 9 7 6 5 4		♦	K T 8 3
♣	6 5		♣	8

Georgio Duboin	
♠	J 3 2
♥	Q 9 8 7 5
♦	A
♣	K T 3 2

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

Final Contract	3♦ by West
Opening Lead	♥6
Table Result	Made 4 E/W +130
Director Ruling	3♦ W made 4, E/W +130
Panel Ruling	3♦ W made 4, E/W +130 for E/W 3♥ S down 5, N/S - 500 for N/S

(1)	2♣ was maintained to be a mechanical error. Allowed to change to 1♠ without penalty and the auction proceeded as shown.
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The Facts: The director was called after the 2♣ bid. North told the director, away from the table, that the 2♣ bid was a mechanical error and insisted it was not a change of mind.

The Ruling: North was permitted to change the 2♣ bid without penalty. The table result after the decision was 3♦ by West making four, E/W plus 130.

The Appeal: E/W appealed the director's ruling. The table director agreed, after the fact, that North never used the word "mechanical," just that he "didn't want to bid 2♣." The director, partially because of language problems, assumed this meant "mechanical." As far as the panel was able to determine, there was an Alert of the 2♣ bid before North called the director..

Ten expert players were polled to determine a final contract. Five said 3♣ N/S was a possibility. Four said 3♥ N/S and one said 4♥ N/S. Then players were polled to determine the number of tricks N/S would take in a heart contract. Two players said N/S would win four tricks and two said five tricks.

The Decision: This is a very complicated case made more so by the erroneous initial ruling by the table director. Since the panel considered that the director erred, Law 82C was applied; therefore, E/W would retain its table result of 3♦ making four, E/W plus 130. With the information from the players polled, the panel determined that the result for N/S would be 3♥ by South down five, N/S minus 500. Since this was a knockout match, Law 86B was applied. The IMP scores of the two sides were averaged to produce the same IMP result for both teams.

The Panel: Tom Marsh (Reviewer), Jay Albright, Bernie Gorkin and Bill Michael.

Commentary:

Polisner It is likely that North forgot he was a passed hand and then realized that 2♣ was some form of Drury (assuming that they play such a convention). My view is that South would sign off in 2♥ which would be the final contract as North could no longer bid as it would be forward going. I would have adjudicated to 2♥ down four.

Rigal N/S appeared to have escaped serious trouble by the skin of their teeth. Would one not expect a multiple world champion to know the rules a little better? Reasonable decision after the initial mess-up; a pity about that!

Smith

I assume that despite it not being mentioned in the writeup 2♣ would have been Drury. I'll have to be more forgiving of my wife the next time she forgets Drury if even world champions can't get it right.

Yes, the table director made an error - perhaps an understandable one given the language issue (although 2♣ and 1♠ are pretty far apart in the bidding box), but an error nonetheless. Under the new Law 25 North should not have been allowed to change his call, and the knowledge that he wanted to do so would have been unauthorized for South. So the panel was correct to refer to 82C which states: "If a ruling has been given that the Director subsequently determines to be incorrect, and if no rectification will allow the board to be scored normally, he shall award an adjusted score, treating both sides as non-offending for that purpose." Law 12 deals with how directors should adjust scores after an infraction, and 12C1(e)(i) states: "The score assigned in place of the actual score for a non-offending side is the most favorable result that was likely had the irregularity not occurred." So while I understand the panel's desire not to punish N/S unduly after getting the wrong ruling, I don't think its decision made sense. If it was deemed that the most favorable result that was likely for N/S was minus 500 in 3♥, how could E/W as a non-offending side not get credit for at least the same score? Probably the panel actually meant the opposite: that N/S should get to keep its score due to the erroneous ruling and E/W were entitled to plus 500 against 3♥. But even that would be too generous to N/S since 3♦ by West was never going to happen if the 2♣ bid was made to stand. So Law 82 doesn't just mean to give each side spectacularly good results in the case of director error. We don't just throw up our hands and give each side everything they could have dreamed. We give a reasonable amount of benefit of the doubt to both sides according to Law 12 and assign a result to each side (maybe different ones—the scores do not need to balance) based on that determination.

Wildavsky

This ruling occurred at my teammates' table. While not addressing North's actual intentions, he bid the same way as a player who intended 2♣ as natural would have. The table director should be skeptical when a player asks to change his call in this situation. Yes, a mechanical error is always possible, but we cannot allow a pair to appear to profit from the Alert Procedure. If the price is that more players who do make a mechanical error have to live with their call, so be it.

Wolff

Good ruling.

APPEAL	Non-NABC+ Seven
Subject	Misinformation (MI)
DIC	Nancy Boyd
Event	Young LM-1500 Pairs
Session	First Final
Date	July 26, 2009

BD#	22
VUL	E/W
DLR	East

577 Masterpoints	
♠	K Q J
♥	A T 8 7
♦	A Q J 9
♣	4 2

496 Masterpoints	
♠	9 6 3
♥	Q 4
♦	K 6 4 3
♣	K 8 5 3

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

440 Masterpoints	
♠	8 7 2
♥	K 5 3
♦	T 2
♣	A J T 9 6

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

Final Contract	3NT by North
Opening Lead	♦8
Table Result	Made 5, N/S + 460
Director Ruling	3NT N made 4, E/W + 430
Panel Ruling	3NT N made 4, E/W + 430

(1) Not Alerted.

The Facts: The director was called when dummy was exposed and also after the play was completed. N/S methods required the use of Stayman to invite game in notrump even without a four-card major. East stated that had she known, she would have made the normal lead of a spade.

The Ruling: The director determined that declarer must discard the jack or queen of diamonds on the run of the clubs in order to take eleven tricks. Therefore, failure to Alert the agreement damaged E/W and the result was adjusted to 3NT by North making four, N/S plus 430 for both sides.

The Appeal: N/S appealed the director's decision.

Nineteen pairs in this event played this hand in notrump. 11 took 11 tricks and 7 took 9 or 10 tricks (besides the appellant). 6 of the 7 were polled. Two received a spade lead, played clubs and failed to unblock the diamonds; two received a spade lead, played clubs and neglected to cash the fifth club – one of these declarers finessed diamonds after defense ducked the first club; one received a heart lead and ducked it and one was played by South with a club lead.

North stated that on a spade lead, he would have led a club and if the queen was played (as happened at the table), he would win the ace and immediately finesse diamonds, avoiding the later discarding problem.

The Decision: Per Law 12C1(e), the fact that a substantial minority of declarer's peers (persons qualifying for third day of this event) made only ten tricks with a spade lead establishes this as the most unfavorable result that was at all probable for the offenders. The panel judged that it was also the most favorable result that was likely for the non-offenders. Therefore, the director's adjustment of 3NT by North making four, N/S plus 430 for both sides was upheld.

The appeal was judged to have merit.

The Panel: Jay Albright (Reviewer), Tom Marsh and Bill Michael.

Commentary:

Polisner Seems reasonable.

Rigal Reasonable ruling and decision; I can't get too worked up about this one (I like the decision but might have been persuaded to go the other way).
Good rationale for the decision here.

Smith N/S did two things wrong here. North did not Alert 2NT as required, and South did not speak up after the auction and before the lead as required by Law 20F5(b). The panel's research seems to demonstrate that a spade lead was reasonable (although I think a direct poll would have been more on point and more informative), so a prima facie case of damage seems to exist. Maybe I shouldn't be surprised at how many declarers actually failed to unblock diamonds, but I am. So I guess for those reasons the adjustment is correct for this event. But I wouldn't want to be the one to tell North that I didn't think he was smart enough to unblock the diamonds and make eleven tricks on a spade lead.

Wildavsky I would call what the directorss did fact-finding rather than a poll, but whatever it was the results were useful. North's assertions as to how he would have played the hand are not relevant after he's seen all the cards. If he wants to demonstrate his superior play against opponents who have correct information he must start by properly informing them of his side's agreements.

Wolff Okay ruling.

APPEAL	Non-NABC+ Eight
Subject	Unauthorized Information (UI) - Tempo
DIC	Gary Zeiger
Event	Stratified Open Pairs
Session	First of Two
Date	July 26, 2009

BD#	16
VUL	E/W
DLR	West

53,356 Masterpoints	
♠	T 8
♥	A Q 8
♦	K Q J 6 3
♣	K Q 7

1,074 Masterpoints		Summer 2009 Washington D.C.	1,061 Masterpoint	
♠	6 3 2		♠	K Q J
♥	9 5 2		♥	K J 6 4 3
♦	8 7 4		♦	A 2
♣	T 8 6 5		♣	J 9 4

1,570 Masterpoints	
♠	A 9 7 5 4
♥	T 7
♦	T 9 5
♣	A 3 2

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

Final Contract	3NT by North
Opening Lead	♣4
Table Result	Made 3, N/S + 400
Director Ruling	3NT N made 3, N/S + 400
Panel Ruling	3NT N made 3, N/S + 400

(1)	Transfer to spades.
(2)	8-10 second hesitation.

The Facts: The director was called after the play of the hand was completed. The hesitation by West was agreed. North claimed that the hesitation caused him to go wrong at trick 11.

The play had been club to the queen. Declarer played the diamond king to the ace. The club nine was returned to dummy's ace. Declarer cashed the diamond ten and nine and passed the heart ten to East's jack, East returned the spade king to the ace in dummy. Declarer played the club 3 to his king and cashed the diamond king and queen, which left the following position:

	♠ T	
	♥ A Q	
♠ 6 3		♠ J
♥ 9		♥ K 6
	♠ 9 7	
	♥ 7	

At this point, North cashed the heart ace and led the spade ten.

The Ruling: According to Law 73D1, any inferences from an opponent's hesitation may be taken by a player at his own risk. Additionally, declarer had all relevant information after trick 10. Therefore, the table result of 3NT by North making three was allowed to stand for both sides.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. North said that West hesitated 10 seconds before the final pass (8-10 seconds was agreed). West said he was reviewing the auction. Because of West's hesitation, North elected to play him for the spade jack and one heart (he had discarded the 13th club and a heart). Four players were asked if they thought West's hesitation suggested a lead to East. Three felt it had no bearing; the other said it suggested leading a minor suit.

The Decision: Based on the consultants' opinions, the panel judged that there was no connection between the hesitation before the last pass and the lead. Also, there was no connection between the play at trick 11 and the hesitation. Therefore, the table result of 3NT by North making three, N/S plus 400 for both sides was the correct decision. The appeal was determined to have merit.

The Panel: Tom Marsh (Reviewer), Jay Albright and Bill Michael.

Commentary:

- Polisner** What about Law 73F2 which requires that the director award an adjusted score if he or she determines that West could have known that such a hesitation could work to his benefit? Certainly it could as it runs no risk of fooling partner who will know that West holds a Yarborough. However, I would have still ruled against N/S as it was obvious at trick 11 that West could not have had anything to think about.
- Rigal** Zero, zero, ZERO merit. Absolutely ludicrous behavior by North even to call the director. I think we can work out who it is from the MP total but I choose not to. (Maybe a recorder form issue – but I think even that would be excessive.)
- Smith** This one is hard to understand. Was the issue really just that West hesitated before passing out 3NT? And somehow this led a North with a world of experience to decide that such a hesitation showed the spade jack, the heart king and no other high cards? And then N/S does not get an appeal without merit warning (AWMW)? North didn't even seem to be arguing that the opening lead was the issue, or that another hesitation occurred later in the play by West. Something must be missing, but I can't begin to understand what it is. On the facts as stated the directors and panel were clearly correct, but I have a strong suspicion that more was going on here than the writeup tells us.
- Wildavsky** This is the flimsiest appeal I've ever seen. Was North seriously contending that because of West's hesitation he played him for a Yarborough with a Jack rather than a Yarborough with a Ten? Did he suppose West was considering doubling, or must West have been considering a save? Not a shred of merit.
- Wolff** From the sublime to the ridiculous. The declarer was claiming that because of West's hesitation before his final pass he was more likely to have a Yarborough with one jack than one without it. N/S should not only receive an AWMW, but also a punitive penalty for idiocy. When nothing punitive is done, N/S will continue to want something for nothing.

APPEAL	Non-NABC+ Nine
Subject	Unauthorized Information (UI)
DIC	Michael Roberts
Event	Bracketed Knockout – Bracket 1
Session	Second Round
Date	July 27, 2009

BD#	24
VUL	None
DLR	West

James Rezihan	
♠	T
♥	Q 9 8 6
♦	T 8 7
♣	A K 7 4 2

Patricia Wright		Summer 2009 Washington D.C.	Robert Lavin	
♠	A J 7 5 4		♠	K Q 8 6
♥	T 7 3		♥	A K 5 4
♦	K J 9 4		♦	2
♣	3		♣	9 8 6 5

Estelle Margolin	
♠	9 3 2
♥	J 2
♦	A Q 6 5 3
♣	Q J T

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

Final Contract	4♠ by West
Opening Lead	♣A
Table Result	Made 4, E/W + 420
Director Ruling	3♠ W made 4, E/W + 170
Panel Ruling	4♠ W made 4, E/W + 420

(1) Break in tempo (BIT).

The Facts: The director was approached after the first half of the match to question the bidding after the BIT. North said the BIT was about 10 seconds, the other three thought it was 6-7 seconds.

The Ruling: No ruling was given until after the match was completed. The director did not allow the 4♠ bid, but did feel East would have bid 3♠. He felt that, since West did not make a game try, she would not bid 4♠ and ruled that the result was 3♠ by West making four, E/W plus 170. Laws 16, 73C and 12C1(e).

The Appeal: E/W appealed the director's decision. All four players attended the hearing. East said that after North's 3♦ bid he knew West's values were all working and that she would not have freely bid 1♠ without a little more than the minimum 6 points. West was asked if she would have bid 1♠ with, say, the Qxxx of diamonds instead of the KJ and she said yes. She also said that if we forced her partner to pass she would have doubled 3♦ (which has to go down at least two). West said she wanted to make a game try over 2♠, but could not come up with the right bid. She said she would bid 4♠ if her partner bid 3♠. North said he wished he had not balanced after the BIT. South did not think E/W should be allowed to reach game after the BIT.

Eleven pairs were asked to bid the E/W hands. All eleven reached game, although only two passed 2♠ and so got to game with North's help.

West wanted to bid more, but did not think of 3♠ (invitational in their system) in time. All consultants agreed that East had a 3♠ bid, so it appeared that 4♠ was the only possible contract.

The Decision: Given the above, the panel found the violation of Law 16 did not affect the end result and so restored the table result of 4♠ by West making four, E/W plus 420 for both pairs.

A player memo was filed on East for his apparent use of U.I. for his 4♠ bid.

The Panel: Charles MacCracken (Reviewer), Su Doe and Candace Kushner.

Commentary:

Polisner I would never have allowed E/W to receive plus 420 and in fact, would have assessed a procedural penalty for blatant use of UI. A player memo is insufficient.

Rigal E/W should get the procedural penalty (PP) they deserve to bring their result to no better than 3♠making four. As for the non-offenders I think I'd let them keep 3♠ making four too. My view is that bidding 4♠ with KJ94 of diamonds facing a singleton is far from automatic. Plus partner may have been bidding on my hesitation in which case I've bid my hand already (only joking...I think).

Smith I actually like the directors' ruling better than the panel's, although with more polling I could be convinced the panel is correct. I think the nub of this problem is whether a West who passed 2♠ would necessarily bid 4♠ when partner competed to 3♠ over 3♦. All that shows is short diamonds, which doesn't tell me that a player who couldn't even make a game try a minute ago would think it is automatic to bid game now. So, more of a sampling of that issue would be useful for me. I am offended at East's 4♠ bid, and in the top bracket I think it deserves a penalty as a violation of Law 73C (“When a player has available to him unauthorized information from his partner, . . . he must carefully avoid taking any advantage from that unauthorized information”).

Wildavsky The panel ruling seems to me a miscarriage of justice. What point is there in polling E/W pairs who do not pass 2♠? It's always difficult to reach game once a pair has stopped in a part score. The director's ruling looks right to me, except for the lack of a procedural penalty for East's egregious 4♠ bid, which was consistent with an attempt to take advantage of UI.

Wolff More than a player memo should be filed against East for a flagrant ethics violation! His 4♠ jump, after his partner's hesitation and pass and then a balance is as unethical as it can get. East has no fear of overt unethical conduct (perhaps we should look at ourselves for having this happen).

APPEAL	Non-NABC+ Ten
Subject	Misexplanation and Unauthorized Information (UI)
DIC	Gary Zeiger
Event	Compact Knockout Teams
Session	First of Two
Date	July 29, 2009

BD#	13
VUL	Both
DLR	North

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

1,487 Masterpoints		Summer 2009 Washington D.C.	867 Masterpoints	
♠	J T 9 7 2		♠	A
♥	A Q T 9 8		♥	K J 6 5
♦	T		♦	Q 5
♣	T 4		♣	J 9 8 6 3 2

850 Masterpoints	
♠	8 6 4 3
♥	4 3 2
♦	A 7 4 3
♣	K 7

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

Final Contract	3♥ by West
Opening Lead	♦8
Table Result	Made 4, E/W + 170
Director Ruling	3♦ N made 4, N/S + 130
Panel Ruling	3♦ N made 5, N/S + 150

(1) Alerted and explained as a support double – actual agreement, a responsive double.

The Facts: The director was called before the opening lead and again after the play of the hand. North said there was misinformation concerning the meaning of the double. Had he, North, known that the double was responsive, he would have bid three or four diamonds over the double.

The Ruling: The director determined that there was a misexplanation that damaged N/S as North's calls were affected. Also, there was unauthorized information available to West that demonstrably suggested the call taken (3♥) over logical alternatives. Therefore per Laws 21B3, 16B3 and 12C1(e), the result was changed to 3♦ by North making four, N/S plus 130, for both sides.

The Appeal: E/W appealed the director's decision and were the only players at the hearing. Because of the lateness of the appeal (it was still timely), N/S had not been notified, but, since there was no new evidence, the hearing proceeded.

The Decision: The panel felt the decision to change the score was clear-cut. It also determined that if the 2NT and 3♥ calls were not made, that the available authorized information would have caused East to switch to a club after leading the spade ace. Therefore, the result was changed to 3♦ by North made five, N/S plus 150, for both sides. The panel discussed whether to impose an appeal without merit warning (AWMW). It decided not to for several reasons:

1. The appellants were rushed into the process.
2. The screener felt he had not adequately explained the applicable Laws.
3. The appellants would not have pursued the appeal if they had known that the ruling was irrelevant as to which two teams progressed from the round-robin.

The Panel: William Michael (Reviewer), Jay Albright and Charles MacCracken.

Commentary:

Polisner Good work by the panel.

Rigal I can live with no AWMW... just. Some good reasoning by the panel up to that point.

Smith I think the panel clearly made the correct decision, but the panel is not supposed to just blithely second guess the work of the directors in judgment cases. It is supposed to solicit and apply the opinions of peers to the law in making a decision. It is one thing for directors who are sometimes rushed with other duties occasionally not to have time to research a ruling with players. But I can't think of many good reasons why a panel should not do so. And as for merit, the panel apparently thought the ruling was so clear that it did not even need to talk to players. And it took a trick away from the appellants. By definition there had to be no merit regardless of other circumstances. The appellants presumably signed the form acknowledging that they knew the risks in appealing and chose to pursue it rather than reconsidering the merits of their appeal.

Wildavsky Nice work by the panel, improving an already good director ruling.

Wolff North's bidding judgment belongs in never, never land since West's purported "support double" should have propelled North to bid at least 4♦ since partner figured to have a singleton club. Ruling: E/W minus 150, N/S minus 170. Keep the candy store closed.

APPEAL	Non-NABC+ Eleven
Subject	Unauthorized Information (UI) - Tempo
DIC	Ken Van Cleve
Event	Flight A Pairs
Session	First of Two
Date	July 31, 2009

BD#	25
VUL	E/W
DLR	North

Lee Atkinson	
♠	J 2
♥	A J 8 6 3 2
♦	T 6 2
♣	K 9

Cecily Kohler		Summer 2009 Washington D.C.	Andy Avery	
♠	T 9 8		♠	A K Q 6 4
♥	4		♥	9
♦	K 8 7 3		♦	A Q J 9
♣	T 7 4 3 2		♣	A Q 8

Mark Yaeger	
♠	7 5 3
♥	K Q T 7 5
♦	5 4
♣	J 6 5

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

Final Contract	4♠ by East
Opening Lead	♥K
Table Result	Made 5, E/W + 650
Director Ruling	4♥ dbld N down 3, N/S - 500
Panel Ruling	4♠ E made 5, E/W + 650

(1)	Break in Tempo (BIT) but agreed by all.
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The Facts: The director was called after the 4♠ bid and again after the play of the hand. All players agreed to a BIT. West said it was 8 seconds, East 6-8 seconds and both North and South said 10 seconds. North and South felt that pass was a logical alternative.

The Ruling: The director determined that there was a BIT and that it demonstrably suggested bidding rather than passing, which was considered to be a logical alternative. Therefore the result was changed to 4♥ doubled by North down three, N/S minus 500, for both sides.

The Appeal: E/W appealed the director's decision and all players were present for the hearing. West said her BIT was because she was thinking of bidding 4NT for the minors, but decided her diamond length was not sufficient. She then doubled to show her partner that she had "a card."

The Decision: Ten players were polled (9 with between 2,750 and 7,400 masterpoints and one with 21,000). 8 of the 10 players took action over the double – two passed. Most of the players polled thought that when South bid 4♥, his hand became an open book with long hearts and no values; therefore, pass was not considered by the panel to be a logical alternative. Therefore, the table result of 4♠ by East making five, E/W plus 650 was restored for both pairs.

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

Commentary:

Polisner It is still unclear (at least to me) what percentage of the players polled and take the minority view constitute a logical alternative. In the old days, it was deemed that if the action taken was one which at least 75% of the peers would take, then there would be no logical alternative. In spite of that, I would have gone along with the director's ruling.

Rigal Excellent decision; people who psych (me included) can't then blame their opponents for taking a second or two longer than normal. Boy, I must be getting old. (Initial director ruling was fine too, by the way.)

Smith I happen to think that every latitude possible on tempo should be given to a player who is presented with this kind of problem after an opponent psychs. It is not a normal situation to be in, and taking a reasonable amount of time to solve the problem should be allowed. In fact, I find it a bit distasteful that a player would deliberately create a problem for an opponent by psyching and then call for the director after a brief hesitation as a result. So I think I would have been satisfied if the panel restored the table result for that reason. But the panel's reason for doing so is clearly counter to the law. If two out of ten consulted players passed the double, then pass is a logical alternative. Law 16B1(b): "A logical alternative action is one that, among the class of players in question and using the methods of the partnership, would be given serious consideration by a significant proportion of such players, of whom it is judged some might select it." So, the panel could have said that there was no unmistakable hesitation under the circumstances of this auction, or it could have said that the hesitation did not demonstrably suggest one action over another. But given the poll taken it was illegal to say that pass was not a logical alternative.

Wildavsky Two players out of ten passed. That makes pass a logical alternative according to the standards promulgated by the ACBL Laws Commission. On the face of it pass is certainly logical -- it would be right quite often. It seems to me that the panel overturned a perfectly good director ruling. I cannot fathom their reasoning.

Wolff E/W should definitely be allowed to play 4♠. If possible normal playing luck (NPL) should insist that real results count unless the evidence proves otherwise. For a pair to psych (allowed) and then claim hesitation disruption (HD) is beyond my belief. That is symptomatic of a narcissistic complex, which can be very troublesome to be unleashed in the bridge world. It is important to honor the game, wherein once a pair psychs they should realize that some disruption is to be expected and to be prepared to get the worst of possible ethics violations because of the fallout. To want more than one is entitled to always hurts our game by setting an awful example.

APPEAL	Non-NABC+ TWELVE
Subject	Insufficient Bid – Director’s Error
DIC	Millard Nachtwey
Event	Board a Match Side Game
Session	Wednesday Evening – Only
Date	July 29, 2009

BD#	22
VUL	E/W
DLR	East

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

401 Masterpoints		Summer 2009 Washington D.C.	925 Masterpoints	
♠	K 7 3		♠	A Q T 9 6 4
♥	A Q J T 8 6 3		♥	K
♦	6 4		♦	A K T 3
♣	4		♣	T 2

1,169 Masterpoints	
♠	J 8 2
♥	5 2
♦	Q 2
♣	A K J 9 7 5

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

Final Contract	7♦ dbl by East
Opening Lead	♣K
Table Result	Down 3, E/W - 500
Director Ruling	6♥ W made 6, E/W + 1430
Panel Ruling	6♥ W made 6, E/W + 1430

(1)	Roman Keycard Blackwood in last bid suit.
(2)	0-3 Controls.
(3)	Asks for specific kings.
(4)	Intent was to show the heart king – after the director’s incorrect ruling changed to 7♦.

The Facts: The director was called immediately after the insufficient bid of 5♥. The director ruled in accordance with the 1997 Laws of Duplicate Contract Bridge, which treated the insufficient bid as conventional and barred West from the auction. Upon discovery of the error, another director went back to the pairs to correct the previous director’s error. East was attempting to show the king of hearts.

The Ruling: Upon review, the director determined that had the correct Law [27B1(b)] been applied, East would have been able to show the king of hearts by bidding 6♥ without barring his partner. West would have passed. Therefore, the result was adjusted to 6♥ by West making six, E/W plus 1430 for both sides.

The Appeal: N/S appealed the final director ruling and were the only players to attend the hearing.

N/S said that they felt that there was a possibility that E/W would bid 7♥.

West had stated to the director that he asked for kings because he would play 6♥ if partner had the king of hearts. He knew they were off one keycard.

The Decision: The panel judged that there was no chance that E/W would settle in any contract other than 6♥. Therefore, the director's adjustment to 6♥ by West making six, E/W plus 1430 for both sides was upheld.

While the appeal was not thought to have merit, the problem was caused by the director's error and an appeal without merit warning (AWMW) would not be appropriate.

The Panel: Bill Michael (Reviewer) and Jay Albright.

Commentary:

Polisner It is very sad that ACBL employs directors who apparently are incapable of giving what I consider to be a routine ruling properly. Good job by the second director and the panel – including consideration of an AWMW.

Rigal I agree about the merit issue. Looking at West's hand for the bidding I'd like to punish them (or lock them up) but can't see how. Someone else will show me how.

Smith The insufficient bid law underwent a major change in the 2007 version of the Laws. As mentioned in the writeup, in the old laws a potentially conventional insufficient bid barred partner. In the new laws, 27B1(b) states: "if . . . the insufficient bid is corrected with a legal call that in the Director's opinion has the same meaning*as or a more precise meaning* than the insufficient bid . . . , the auction proceeds without further rectification, but see D below." Part D allows the director to decide at the end of the hand that the non-offending side may have been damaged by the very fact of the insufficient bid and, if so, to adjust the score. I assume that the 5♥ bid wasn't just a slip of the hand (in which case it would be a free change according to Law 25), so this seems to me to be a good case for the director to allow a Law 27B1(b) change without rectification that would not have been permitted under the old laws. So I agree with corrected directors' ruling. Given that West apparently knew his side was off a key card, the final disposition of this case by the directors and panel seems right. But I do have a nagging feeling caused by not knowing why West asked for specific kings when he was off a key card. It would have been nice to know what he was thinking.

Wildavsky I see no merit in the appeal. The initial ruling was irrelevant, since it was made using an obsolete law. N/S ought to be able to understand that, and from the arguments it seems they did understand it.

Wolff Reason prevailed, but N/S should be penalized or disciplined for bringing this action. Also, the tournament director who ruled the wrong way needs to be educated on when and when not to follow a possible interpretation of the law.

APPEAL	Non-NABC+ THIRTEEN
Subject	Misinformation (MI) and Unauthorized Information (UI)
DIC	Scott Campbell
Event	Stratified Open Pairs
Session	First of Two
Date	August 1, 2009

BD#	32
VUL	E/W
DLR	West

746 Masterpoints	
♠	Q
♥	5 3
♦	A Q 9 6 5 3
♣	K 9 7 3

1,713 Masterpoints		Summer 2009 Washington D.C.	1,757 Masterpoints	
♠	K J T 8 2		♠	9 5 4
♥	K J T 9 8 4 2		♥	A Q 7
♦	8		♦	K J T 2
♣			♣	A Q 6

730 Masterpoints	
♠	A 7 6 3
♥	6
♦	7 4
♣	J T 8 5 4 2

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

Final Contract	6♥ by West
Opening Lead	♣3
Table Result	Made 6, E/W + 1430
Director Ruling	6♥ W made 6, E/W + 1430
Panel Ruling	6♥ W made 6, E/W + 1430 ¼ bd penalty against E/W

(1)	By agreement shows 5 spades and 4 hearts – Alerted by East.
(2)	Roman Keycard Blackwood.
(3)	Two controls, no spade queen.

The Facts: The director was called before the opening lead and again after the hand was played. West said that he did not forget his agreements, but wanted to find out about spades before bidding 6♥. There was no mention of a break in tempo (BIT).

The Ruling: The director judged that there was no infraction of law. Therefore, the Table Result of 6♥ by West making six, E/W plus 1430 was allowed to stand for both sides.

The Appeal: N/S appealed and all players except North attended the hearing. N/S maintained that the tempo slowed after 4NT and mannerisms (sighs) were present during the auction.

East felt that West decided on the contract and accepted partner's choice of contracts. E/W were non-specific about the possible presence of mannerisms during the auction.

The Decision: The reviewer polled five players. One answer was not in line with a rational approach to this hand and was discarded. Two players felt that 6♥ fixed the contract and passed. One suggested that 6♥ showed that the wheels were off this auction and also passed. One thought they should correct and bid 6♠.

The panel determined that there was sufficient authorized information available to allow East to pass 6♥. Therefore, the table result of 6♥ by West making six E/W plus 1430 was allowed to stand for both pairs.

West stated that 3♥ was intended as Smolen. Subsequent actions in the auction suggest that this was not so. Therefore, it is probable that there were improper mannerisms at the table. Players in the 1,700 masterpoint range should control those reactions; so, the panel assessed a ¼ board procedural penalty against E/W.

The Panel: William Michael (Reviewer), Bernie Gorkin and Ken Van Cleve.

Commentary:

Polisner I'm confused. N/S called the director. What was it about the auction which caused the call? The only thing that the director determined was that there was not a contention of a BIT. There apparently was not any mention of other UI (gesture, etc.) during the time the director was at the table. Such contentions, which were denied by E/W, were first raised at the hearing. I cannot see giving a procedural penalty for this without more conclusive evidence; however, I might do so for West blatantly lying about his intention in bidding 3♥.

Rigal I do not like anything about this ruling, but I do not know what I'd do, so maybe I can't be too critical. The UI issues are complex – and yes of course West forgot Smolen. I think N/S came out of this without any redress but I'm still not sure if they were hard done-by or not.

Smith It seems from the writeup that the table director was not told of any UI by N/S. And to the reviewer they apparently were not too specific about when the alleged UI infractions occurred. It would seem that they originally called the director because of East's surprise pass of 6♥. So I am not inclined to put too much stock in the contention that UI assisted E/W, especially since the final bid by West was such an alarm bell to East. But maybe you just had to be there to know for sure. I am again troubled by the panel's conclusion regarding a logical alternative based on the polling. 25% among peers constitutes a logical alternative according to Law 16. Maybe the passer was an aberration, but if so only more polling would have revealed that. It's one thing to say that the UI didn't exist or that it didn't suggest the action taken or even that the UI was outweighed by authorized information (the auction itself), but quite another based on the polling to say that no logical alternative to pass existed.

Wildavsky I'd love to know how declarer took 12 tricks, but it doesn't seem relevant to the case. West's explanation is not credible. If he wanted to find out about the ♠Q then why did he bid slam after learning that his side was off two key cards and the ♠Q? I think N/S were due redress.

Wolff By the way, how did 6♥ make? By West going up with the king of spades (catching the queen) or by South rising with the ace when a spade is led from dummy? I'll bet on the latter way and if so for them to want an adjusted score should also accrue extra discipline against them.

APPEAL	Non-NABC+ Fourteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Kevin Perkins
Event	Flight A Swiss Teams
Session	Playthrough
Date	August 3, 2009

BD#	12
VUL	N/S
DLR	West

Corey Krantz	
♠	6
♥	A T 5 3
♦	9 6 5 3 2
♣	Q 7 5

Howard Einberg		Summer 2009 Washington D.C.	Larry Fox	
♠	A K 8 6 4 3		♠	J T 9 7
♥	K J		♥	
♦	A Q		♦	K J T 8
♣	A T 5		♣	K J 6 3 2

Loretta Westler	
♠	Q 2
♥	Q 9 8 7 6 4 2
♦	7 4
♣	9 4

West	North	East	South
1♠	Pass	4♠ ⁽¹⁾	Pass
6♣	Pass	Pass	Pass

Final Contract	6♣ by West
Opening Lead	♥A
Table Result	Made 7, E/W + 1010
Director Ruling	6♣W made 7, E/W + 1010
Panel Ruling	6♣W made 7, E/W + 1010

(1)	Break in tempo (BIT) of about 20 seconds.
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The Facts: The director was called after the play of the hand. Everyone agreed with the fact that there was a 20 second BIT before East bid 4♣.

The Ruling: The director determined that East had made UI available to West. However, the director deemed that a pass over 4♣ by West was not a logical alternative at this form of scoring. Therefore, the table result of 6♣ by West making seven, E/W plus 1010 was allowed to stand for both sides.

The Appeal: N/S appealed the director's decision and all four players attended the hearing.

N/S felt that passing a weak 4♣ bid was a logical alternative. East is a player who just restarted playing after a long hiatus (0 masterpoints recorded) and was going over how to bid this hand.

West believed that 4♣ had indicated shortness somewhere.

The Decision: Six players with from 3,500 to 6,000 masterpoints were polled. All bid on with 5♣ or 4NT planning on bidding a slam. Eight players at N/S level of expertise were polled and three of them did pass.

The panel judged that pass was not a logical alternative for a player with 4,000 masterpoints. Therefore, the table result of 6♠ by West making seven, E/W plus 1010 was allowed to stand for both sides.

Since almost half of N/S's peers passed, the appeal was determined to have merit.

The Panel: Bernie Gorkin (Reviewer) and Bill Michael.

Commentary:

Polisner Okay.

Rigal I'm shocked that the decision to bid on was so clear-cut from experts but live by the panel poll die by the panel poll. I'd have expected the vote to be the other way round

Smith It would have been nice if we had been told what level of experience N/S had so we could evaluate those eight answers (including three passers). But assuming as we were told that the poll was done solely for the purposes of deciding whether to issue an AWMW and not for the purposes of determining whether pass was a logical alternative, then good for the panel. I do have some concerns that West's choice of non-pass (6♠) perhaps should have had more scrutiny. It looks to me to be an action demonstrably suggested by the UI as opposed to a simple slam try. Probably E/W would have arrived at slam even after a slam try by West, but the panel should have examined the issue.

Wildavsky An interesting use of polling to determine merit. I have no quarrel with the finding.

Wolff I agree and not close with any aspect. Why should a slow jump from 1♠ to 4♠ show a better hand than a fast jump or an in tempo jump? N/S, like the N/S in the previous hand appear to be troublemakers and worth being censured. To not act against frivolous appeals tends to damage the whole process.