

2011 Summer NABC

Appeals Casebook



Appeals at the 2011 Summer NABC Toronto, Canada

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 twenty-eight (28) cases were heard.

Fourteen (14) cases were from unrestricted (by masterpoints) North American Bridge Championship Events and were heard by a committee of peers. The names of the players involved are included.

Fourteen (14) cases were from all other events and were heard by panels (committees) of tournament directors. The names of the players involved are included when the event from which the appeal came was a Flight A/X event or was the 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
2011 Summer NABC
Toronto, Canada**

THE EXPERT PANEL

Jeff Goldsmith, was born near Schenectady, NY in 1961. 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.

Barry Rigal, was born in London, England in 1958. 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.

Adam Wildavsky was born in Ohio in 1960 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, was born in San Antonio in 1932 and is a graduate of Trinity University. He currently resides in Las Vegas. His father, mother, brother and wives, including present wife Judy, all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won 11 World titles and is the only player ever to win world championships in five different categories: World Team Olympiad, World Open Pair, World Mixed Teams, World Senior Bowl and seven Bermuda Bowls. He has represented the USA in the following team events: 12 Bermuda Bowls, 5 World Team Olympiads, 3 Senior Teams and 1 Mixed Team. Mr. Wolff has also won numerous NABCs including four straight Spingolds (1993-1996). He served as ACBL president in 1987 and WBF president from 1992-1994. He started the ACBL Recorder system in 1985, has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating convention disruption, encouraging less hesitation

disruption, allowing law 12C3 to be used in ACBL events and reducing the impact of politics and bias on appeals committees.

APPEAL	NABC+ ONE
Subject	Unauthorized Information
DIC	Millard Nachtwey
Event	Life Master Pairs
Session	First Qualifying
Date	07/22/11

BD#	11
VUL	None
DLR	S

Kathleen Sulgrove	
♠	K965
♥	J52
♦	652
♣	A43

Robert Gordon		Summer 2011 Toronto, Canada	Peter Bisgeier	
♠	AJ7		♠	Q4
♥	K9		♥	AT64
♦	QT874		♦	KJ3
♣	K72		♣	JT65

Don Sulgrove	
♠	T832
♥	Q873
♦	A9
♣	Q98

West	North	East	South
			P
1♦	P	1♥	P
1N	P	2N¹	P
3♣	P	3N	P
P	P		

Final Contract	3N by West
Opening Lead	♠5
Table Result	Making 3, EW +400
Director Ruling	3N by West, Made 3, EW +400
Committee Ruling	3N by West, Made 3, EW +400

(1)	North said that she thought that West alerted the 2N call. The other three players said that West made “a sound” but that it was not an alert.
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The Facts: North-South alleged that East took advantage of Unauthorized Information provided by partner’s sound after his 2N call. North-South argued that 3♦ was a logical alternative to bidding 3N.

The Ruling: The Director decided that the 3♣ call was sufficiently unusual in and of itself to suggest that the auction had gone off track. Therefore even though East was in possession of unauthorized information, the authorized information from the auction allowed East to make his own decision on this board. As a result, the Director ruled that the result on the board stands pursuant to **Law 16 A.1.(a)**.

The Appeal: North-South appealed the Director's ruling and all four players attended the hearing.

Appealing Side: North-South said that East either grunted or alerted the 3♣ call. North-South argued that East-West should treat West's 3♣ call as pick a minor at the 3-level and that East should pass or bid 3♦, each of which would be logical alternatives to bidding 3N.

Non-Appealing Side: East-West play 1N-2N as a transfer to 3♣ for various hands. West could not recall whether they were also playing that on this auction. East argued that pass is not a logical alternative to 3N at matchpoints. East-West explained that in their system, they play 2-way checkback and they do not bypass 1♠ with a four-card spade suit. They also explained that they treat 4-5 in the minors by opening 1♣ or 1♦ depending on suit quality and rebidding in a minor, not 1N.

The Decision: The Committee found that there was not a break in tempo of any significance before the 3♣ call. Before the opening lead, North-South had sufficient information to know that 2N was intended as natural so they were not damaged in the defense.

The Committee decided that there was unauthorized information, either from a grunt by West or an actual alert. However, the Committee believed that with East-West's actual system, 3♣ was an impossible bid and that the bid itself was authorized information which would force East to bid 3♦ or 3N. If East had bid 3♦, West would automatically carry on to 3N knowing that East must have meant 2N as invitational. The Committee judged that East-West would always reach 3N, and accordingly ruled that the table result should stand.

The Committee found that the appeal had substantial merit.

The Committee: Richard Popper (Chairman), Gene Kales, Ellen Kent, Barry Rigal, and Richard Budd.

Commentary:

Jeff Goldsmith: What did 2NT mean systemically? The AC appears not to have found out. West didn't know and thought it might be a relay to 3C. If so, what are the continuations? The ruling cannot be made without knowing this. East appears to have meant 2NT as invitational; if West's alert is correct, East forgot their system. The AI from 3♣ is sufficient to alert East to his error, and once he knows of his error, he will bid something which will get them to 3NT. He chose 3NT, which is legal. But East failed to alert West's 3♣. Now WEST has UI that East forgot their system. So we need to know what the sequence 2NT then 3NT means. Let's imagine that it shows a singleton club and either 3451 or 3541 shape. Then West's bidding over 3NT is certainly a LA and will be enforced. Probably this sequence does not show that, but without knowing West's interpretation of it, we can't determine the correct ruling.

Barry Rigal: The committee were convinced by E/W; I do not recall if they had a system file but I don't think so. The choice in these situations is sometimes to determine whether E/W are lying or to accept their claim. Just because I wouldn't bid that way is no reason others shouldn't.

Adam Wildavsky: I do not like these rulings. E/W appear to have gained an advantage through the alert procedure. Passing 3♣ seems logical enough to me, as does 3♦, which could well end the auction. Why couldn't West hold something like

Jx
Kx
AQTx
Qxxxx

Without supporting evidence the offenders' testimony that they would not rebid 1N must be discounted. Even were such evidence to have been provided who could say that West had not exercised his judgment here? His denial of a club suit by rebidding 1N must be balanced against the fact that he in fact bid 3♣.

As Jeff Goldsmith points out, West has UI as well. I'd have liked to see that issue addressed.

Bobby Wolff: Well reasoned decision, but this pair needs to be warned that they got extremely lucky and to learn their system better or alternately simplify it.

APPEAL	NABC+ TWO
Subject	Misinformation
DIC	Millard Nachtwey
Event	Life Master Pairs
Session	Second Qualifying
Date	07/22/11

BD#	15
VUL	N-S
DLR	S

Brian Johnston	
♠	A432
♥	J3
♦	A64
♣	AQ32

Ray Jochmon		Summer 2011 Toronto, Canada	Gail Jochmon	
♠	Q8		♠	KJ976
♥	AT974		♥	KQ52
♦	72		♦	KJ
♣	KJ54		♣	T6

Mary Oshlag	
♠	T5
♥	86
♦	QT9853
♣	987

West	North	East	South
			P
P	1N	2♥¹	2N²
3♣	DBL	P	3♦
3♠	DBL	P	P
P			

Final Contract	3♠ Dbl by West
Opening Lead	Unknown
Table Result	Making 3, EW +530
Director Ruling	3♠ Dbl by West, Made 3, EW +530
Committee Ruling	3♠ Dbl by West, Made 3, EW +530

(1)	Alerted and explained as Spades or Minors
(2)	Alerted and explained as Lebensohl

The Facts: West played 3♠ doubled for +530 (the opening lead was not included on the appeal form). The Director was called after the dummy was faced. The 2♥ overcall was alerted but an explanation was not immediately requested. The 2N was alerted and explained as Lebensohl. After West's 3♠ bid, North asked West and was told that 2♥ showed either spades or both minors. Both East-West convention cards showed 2♥ as promising both majors. East-West stated that during the dinner break they had decided to switch to "Suction" over the Opponent's 1N. East indicated that she decided to treat her hand as a spade one-suiter.

The Ruling: The Director decided that the table result of 3♠ doubled, making three should stand. The Director ruled that although misinformation existed, there was no connection between the misinformation and the damage pursuant to **Law 40 B.4. and Law 21 C.3.**

The Appeal: North-South appealed the Director's ruling and North-South attended the hearing. Due to an apparent director error the appeal could not be filed until well after the end of the session. As a result East-West could not be found and so were not notified of the Appeal.

Appealing Side: South claimed that she expected her partner to have hearts behind West since East's bid had not shown hearts. She argued that she would have retreated to 4♦ with her weak hand, if she had received the correct information.

The Decision: Even though one committee member testified that he had seen another example of a player treating 5-4 in the majors as a single-suited overcall, the Committee found that the explanation of the 2♥ bid was misinformation. The Committee decided that the poor North-South result was due to speculative/gambling bidding on their part, not the misinformation. In fact, moving one of East's hearts to another suit would not have altered the outcome. South's bidding on a weak hand and North's gambling double led directly to the poor result. Accordingly, the Committee allowed the table result to stand.

The Committee found that the appeal lacked substantial merit and assessed an AWMW to North-South.

The Committee: Mark Bartusek (Chairman), Chris Moll, Jacob Morgan, Ed Lazarus, and John Lusky.

Commentary:

Jeff Goldsmith: I agree that there was no connection between the MI and the NOS's bad result. I would, however, give E/W a ¼ board PP for East's failure to correct the misexplanation before the opening lead. The AWMW is fine even with the PP's changing the ruling.

Barry Rigal: I don't think N/S did anything absurd; both players took aggressive positions and the E/W methods were irrelevant to the result. Bad luck: no adjustment and the AWM is tough but merited.

Adam Wildavsky: I agree with the rulings. Some would consider the AWMW overly harsh -- I could go either way. I have some sympathy for NS who believe they would have done better had they been properly informed. In practice, though, they were unlikely to have their score adjusted. Even if the AC found a link between the MI and the poor result they would likely have adjusted only the EW score, per Law 12.b.1, on account of North's speculative ("gambling") double.

Bobby Wolff: A reasonable final decision, but because of the far reaching goings on an AWMW should not have been given. Actual result should stand but a 1/4 of a board match point penalty (could be more) should have been given for the convention cards not being updated before the session.

APPEAL	NABC+ THREE
Subject	Unauthorized Information
DIC	Candace Kuscher
Event	Wernher Open Pairs
Session	First Semi-Final
Date	07/23/11

BD#	21
VUL	N-S
DLR	N

Peter Fredin	
♠	QJT76
♥	2
♦	7643
♣	862

Joshua Parker		Summer 2011 Toronto, Canada	Bruce Rogoff	
♠	A9542		♠	8
♥	KT9864		♥	53
♦			♦	KQT9
♣	A3		♣	KQJT94

Gary Gottlieb	
♠	K3
♥	AQJ7
♦	AJ852
♣	75

West	North	East	South
	P	2♣ ¹	2♦
2♥	P	3♣	P
3♠	DBL	P ²	P
4♣	P	P	P

Final Contract	4♣ by East
Opening Lead	♦A
Table Result	Making 6, EW +170
Director Ruling	3♠ Dbl by West, Down 2, NS +300
Committee Ruling	3♠ Dbl by West, Down 2, NS +300

(1)	Alerted as Precision 2♣: 11-15 HP with 6♣ or 5♣ & 4-card major
(2)	Long pause of at least 30 seconds

The Facts: 2♥ was described as a one-round force. East-West did not mention during the table ruling that 3♠ might not be natural. East-West told the table Director that East had denied four spades during the auction.

The Ruling: The Director ruled pursuant to **Law 16B** that the final contract should be adjusted to 3♠ Dbl by East, down 2, for North-South +300 because the unauthorized information available as a result of the hesitation demonstrably suggested that 3♠ doubled might not be the best final contract. The Director ruled that pass was a logical alternative to bidding at West's final turn to call.

The Appeal: East-West appealed the Director's ruling and East-West attended the hearing.

Appealing Side: West asserted during the hearing that 3♠ had nothing to do with spade length and confirmed that this type of hand had not previously been discussed. Upon questioning, West explained that double at his first turn to call would have been negative. West stated that 3♠ asked for a diamond stopper and was surprised to discover later that East did not bid 3N over the double. West also confirmed the extremely long break in tempo by East.

The Decision: The Committee agreed that there was a significant break in tempo of at least 30 seconds. It concluded that East likely denied four spades when he rebid 3♣ instead of 2♠ and that a pass in tempo over North's double of 3♠ would have been consistent with better spade holdings such as Kxx, Qxx, Kx or even xxx and less than full diamond protection.

From West's point of view a partner who has denied a diamond stopper is likely to hold some values in the majors. Hence, passing 3♠ doubled is a logical alternative to bidding 4♣. The slow pass by East suggested that passing would not have been the winning action. Therefore, the Committee ruled as the director had and adjusted the score for both sides to 3♠ doubled by West, down 2.

The Committee: Doug Doub (Chairman), Chris Moll (Scribe), Blair Seidler, Ed Lazarus, and Gail Greenberg.

Commentary:

Jeff Goldsmith: Easy. West is experienced enough to know this was going to happen. An AWMW is obvious, and a 1/4 PP for abuse of UI is reasonable.

Barry Rigal: If the slow pass demonstrably indicated that passing would not be successful then I would agree with the decision and would award an AWM. But despite the fact that E/W are an extremely established partnership it is not clear to me that a slow pass indicates spade shortage as opposed to general doubt. In fact I'd say it typically shows doubt about bidding 3NT – not the same thing at all – maybe it actually suggests spade length not shortage. Table result stands.

Adam Wildavsky: Well reasoned decisions by the TD and AC.

Bobby Wolff: Well done decision with good reasoning.

APPEAL	NABC+ FOUR
Subject	Unauthorized Information
DIC	Millard Nachtwey
Event	Life Master Pairs
Session	First Semi-Final
Date	07/23/11

BD#	21
VUL	N-S
DLR	N

Stephen McDonnell	
♠	QJT76
♥	2
♦	7643
♣	862

Mark Itabashi		Summer 2011 Toronto, Canada	Fred Hamilton	
♠	A9542		♠	8
♥	KT9864		♥	53
♦			♦	KQT9
♣	A3		♣	KQJT94

Jonathan Weinstein	
♠	K3
♥	AQJ7
♦	AJ852
♣	75

West	North	East	South
	P	1♣	1♦
1♥	1♠	2♣	DBL ¹
2♦	P	3♣	P
3♠	DBL	P	P
RDB	P	3N	DBL
P ²	P	4♣	P
5♣	P	P	DBL
RDB	P	P	P

Final Contract	5♣ Redbl by East
Opening Lead	♠K
Table Result	Making 5, EW +800
Director Ruling	3N Dbl by East, Down 1, NS +100
Committee Ruling	
N-S:	3N Dbl by East, Made 3, NS -550
E-W:	3N Dbl by East, Down 1, EW -100

(1)	Alerted and explained as promising three spades
(2)	Agreed BIT of at least 20-30 seconds

The Facts: Due to the case arising at the end of the game, the facts were determined in screening.

The Ruling: The Director ruled pursuant to **Law 16 B. and 12 C.1.(e)** that the final contract should be adjusted to 3N Dbl by East, down 1, for North-South +100 because passing 3N doubled was deemed to be a logical alternative to bidding 4♣.

The Decision:

New facts were discovered in screening, namely that the auction at the table was not the one on which the original ruling had been based. The hour being late, rather than make a ruling based on the new facts the screening director referred the case directly to the AC for a ruling. Thus neither side brought the appeal and there was no question of merit. North, South, and East attended the hearing.

E/W statements:

East stated that he bid 3N under duress -- his partner's auction forced him to do so with a diamond stopper. After hearing the double he couldn't imagine a hand where it would be right to play 3N, the more so since West had not redoubled, which he would do with, say

Axxxx
AKxxxx
-
Ax

Regarding the play in 3N, East suggested that were he declaring that contract he would always make it, ducking the first round of spades, winning the second, running clubs, and leading a heart towards the dummy. If South played the 7 he would play the 10 as his only chance to make the contract.

N/S statements:

East had already shown a weak hand with reluctance to play in NT by rebidding 2♣, then 3♣, then passing the double of 3♠. Passing 3N would have been logical. West could have a hand that makes 3N cold such as

AKxx
JTxxxx
x
Ax

3N might well have play even if East held less, as in fact it did.

As for the play in 3N, the chance that North holds a singleton heart honor is a priori the same as a small singleton heart, and the extra chance that North holds ♥Jx seems to swing the percentage play in favor of the ♥K. Further, the play of the ♥K guarantees at worst down one.

New facts discovered by the Appeals Committee:

The duration of West's hesitation over the double was approximately 30 seconds.

South explained that he intended his double of 2♣ as card-showing, and that they had no agreement about this auction.

The A/C determined:

1. That UI was available, namely West's slow pass.
2. That the UI demonstrably suggested East's 4♣ call over pass.
3. The pass would have been less successful than 4♣ -- even if 3N makes, 550 is less than 800!
4. After some discussion the Committee agreed that Pass would be a logical alternative. It judged that most top experts would seriously consider Pass and some would in fact Pass.

Accordingly the Committee determined that the 4♣ call was illegal (an "irregularity") and to adjust the score per Law 12c1e. In the absence of the illegal 4♣ bid the contract would have been 3NT. The adjustment for each side hinged on how often East would make 3N were he declaring it.

Law 12C1e reads:

- (i) 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.
- (ii) For an offending side the score assigned is the most unfavorable result that was at all probable had the irregularity not occurred.

The play to the first 8 tricks would almost certainly go as East had suggested. After that there were several possibilities. If South ducked on the heart lead declarer might play dummy's King, making when North holds a singleton heart honor (presumably the Jack on account of South's double of 3N) or when South holds ♥ AQx and a sixth diamond. Holding ♥ AQx South might play the Q in an attempt to create an entry to the North hand. Then declarer could make by ducking. On the actual deal, though, if South plays the ♥Q declarer must cover with dummy's king.

One AC member estimated Declarer would make the hand five times out of six, another two times in three, and the rest judged the likelihood in between, roughly three times in four.

The standards established by the ACBL Laws Commission say that "at all probable" means roughly one time in six and "likely" roughly one time in three. Accordingly the AC adjusted the E/W score to -100 for 3Nx by East down one, the most unfavorable result for E/W that was at all probable, and the N/S score to -550 for 3Nx by E making, the most favorable result for N/S that was likely.

The Committee: Adam Wildavsky (Non-Voting Chairman), Jeff Aker, David Bakhshi, Bruce Rogoff, Howard Parker, and Stephen Landen.

Commentary:

Jeff Goldsmith: I think declarer will make 3NT pretty nearly all the time (will South really fail to pitch any hearts and will North pitch no hearts, too?), but 80% is a reasonable estimate, so the AC's ruling is fine. The write-up was excellent.

Barry Rigal: A very reasonable decision by the AC in a very trying set of circumstances. Even if I might not have agreed the numbers they did a very thorough job and produced what might look like a surprising result -- but in my opinion a fair one.

Adam Wildavsky: I chaired and wrote up this case, so I will not comment here.

Bobby Wolff: An excellent ruling, which is uplifting for all to hear. An important caveat should be, that when an appeal is heard, usually 90%+ of the time some possible infraction may have been committed and if so, the field should be protected (PTF) and less than the full amount of matchpoints on that board should be given to the two appellants. This decision emphasized that point.

APPEAL	NABC+ FIVE
Subject	Claim
DIC	Chris Patrias
Event	Senior Swiss Teams
Session	First Qualifying
Date	07/25/11

BD#	12
VUL	N-S
DLR	W

Billy Miller	
♠	AT64
♥	J2
♦	K643
♣	A85

Mel Colchamiro		Summer 2011 Toronto, Canada	Sheila Gabay	
♠	KQJ32		♠	875
♥	Q84		♥	653
♦	92		♦	AQJT8
♣	QJ9		♣	K2

Hamish Bennett	
♠	9
♥	AKT97
♦	75
♣	T7643

West	North	East	South
P	1♦	P	1♥
1♠	1N	2♠	3♣
P	3N	X	P
P	P		

Final Contract	3N Dbl by North
Opening Lead	♦Q
Table Result	Down 2, EW +500
Director Ruling	3N Dbl by North, Down 2, EW +500
Committee Ruling	3N Dbl by North, Down 2, EW +500

The Facts: East led the Queen of Diamonds against North's 3N Doubled contract. Declarer won the King of Diamonds and ran the Jack of Hearts, losing to West's Queen. West led the King of Spades which was taken by Declarer's Ace. Declarer ran four rounds of hearts and played Ace and another club. East won the King of Clubs and claimed her three good diamonds and the Eight of Spades. Declarer objected to the claim and East called the Director.

The Ruling: The Director ruled pursuant to **Law 70 D.2 and 70 A.** that the final result should be 3N Dbl by North, down 2, for East-West +500. The Director ruled that West would be able to save a spade in the end position since he knows that declarer does not have five spades from the bidding.

The Decision:

North-South appealed the Director's ruling and North attended the hearing. North testified that at trick 12, West will have the Queen of Clubs and the Queen of Spades. Everyone has seen an expert lose count and make the wrong pitch. North argued that you should not be able to claim and guarantee that partner does not make an error.

The Committee considered the relevant Law:

70D2 "The director shall not accept any part of a defender's claim that depends on his partner's selecting a particular play from among alternative normal* plays.

*For the purposes of Laws 70 and 71, "normal" includes play that would be careless or inferior for the class of play involved.

Partner of the claimer is allowed to make a normal error (careless or inferior). The Committee felt that in this type of case, losing count and pitching wrong would be a careless error.

However, the logic in this situation would dictate that East would come down to the ♣K and a spade, not to the Kx of clubs and so the Committee judged that even if West lost count, he would keep the right card virtually 100% of the time. If we concluded there was even a slight chance of West pitching the wrong card, we would have ruled "down one".

The Committee: Aaron Silverstein (Chairman), Chris Willenken, Richard Popper, Chris Moll, and Josh Parker.

Commentary:

Jeff Goldsmith: Why did East pitch the winning ♦8? There's no reason not to pitch spades. If anyone plays a diamond, her hand is good. I agree with the committee. When East runs her diamonds, at some point, West is going to throw the ♠Q to let partner know his hand is good. I hope she'd play her spade then. Getting this defense wrong is extremely unlikely. It could happen, though, and "careless or inferior" is a vague line in the sand. I think I'd call getting this one wrong is a tad worse than "careless or inferior," but it is close. Certainly, the appeal had merit.

Barry Rigal: The onus of proof is on West, agreed. But when the only issue is to determine how likely it is that partner started life with two spades and North five, that onus has been satisfied. Correct ruling.

Adam Wildavsky: I might prefer to see the Laws treat claims by a defender more strictly. As they read at present I think the TD and AC ruled properly. West would almost invariably get this right even if he had not been counting.

Bobby Wolff: Questionable in theory, just like the claim, but not unreasonable. EW pair could have been penalized 1 VP for the errant claim but, of course, NS not benefit.

APPEAL	NABC+ SIX
Subject	Misinformation
DIC	Chris Patrias
Event	Senior Swiss Teams
Session	First Qualifying
Date	07/25/11

BD#	29
VUL	Both
DLR	N

Doug Andrews	
♠	AT7
♥	K3
♦	KQ8754
♣	A4

Bill Heid		Summer 2011 Toronto, Canada	Bill Staats	
♠	K985		♠	J642
♥	AT94		♥	J6
♦	A632		♦	J
♣	6		♣	KQJT73

David Deaves	
♠	Q3
♥	Q8752
♦	T9
♣	9852

West	North	East	South
	1N ¹	Dbl ²	2♦ ³
P	3♦	P	P
Dbl⁴	P	4♣	P
P	P		

Final Contract	4♣ by East
Opening Lead	♦T
Table Result	Down 2, NS +200
Director Ruling	3♦ by South, Down 1, EW +100
Committee Ruling	3♦ by South, Down 1, EW +100 NS assessed 1 VP penalty

(1)	15-17 HCP
(2)	One-Suiter
(3)	Intended as Transfer-Alerted and Explained as Forcing Stayman
(4)	Intended as Penalty-Interpreted by East as bid your suit

The Facts: East played 4♣ down 2 for North-South -200 on the lead of the Ten of Diamonds. South's 2♦ bid was alerted and explained as game-forcing Stayman. North-South's convention card did not have anything marked over interference. The Director was called before West's double. South told the Director that had his partner explained 2♦ as a transfer then he, South, would have bid 3♥ rather than passing. He also explained that 3♦ would show 5+ Diamonds if his bid was forcing Stayman. Lastly, West's double was obviously meant as penalty which East incorrectly interpreted as "bid your suit."

The Ruling: South's pass of 3♦ is illegal according to Law 16 since 3♦ should be a game try in hearts. Both North and South had unauthorized information, but enforcing a 3♥ bid by South would lead to a making 3N. Thus, given correct information to East-West, the Director projected an auction of 1N-X-2♦-P-3♦-P-P-P. Two expert players were polled concerning their line of play in 3♦, and both led a spade toward's dummy's queen at trick two resulting in down one. Thus, the score was adjusted to 3♦ by North down one for both sides in accordance with Laws 12 and 16.

The Appeal: North-South appealed the Director's ruling and both North and the team captain attended the hearing, East-West were not present. North stated that they normally play Forcing Stayman on in competition, but had neglected to mark the convention card accordingly. After the round, they properly marked their convention cards to indicate this system treatment. North also stated that they had discussed that their system was on over interference, but South had forgotten their methods. Additionally, discussion with team members had determined that North would make 3♦ by playing the Diamond King at trick two and subsequently endplaying West in hearts to lead away from the Spade King. North also thought that West was taking a two-way shot by doubling 3♦.

The Decision: The Committee determined that both North and South had less than 2500 masterpoints each. They have played every few years for the last 40 years because North lives in England and South lives in Canada. Due to the lack of concrete evidence denoting what North-South's real agreement was at the time of the auction, the Committee followed ACBL regulations in ruling that misinformation had been given to East-West. Additionally, there was unauthorized information available to North-South from the alerts and explanations. North-South cannot be given a better score by enforcing a continuation of the auction via a 3♥ bid by South; thus per Law 12C.1(e) a 3♦ contract was deemed appropriate. The offending side is assigned the most unfavorable result that was at all probable while the non-offending side is assigned the most favorable result that was likely had the irregularity not occurred. This was deemed to be 3♦ down one. Note that West was not seen to be taking a double-shot, just attempting to penalize opponents who were having a bidding misunderstanding. Finally, the Committee did not approve of South's passing the 3♦ "game-try" and assessed a one Victory Point procedural penalty against the North-South team in an attempt to educate them regarding a player's obligations upon receiving unauthorized information during the auction. The Committee did not assess an Appeal Without Merit Warning.

The Committee: Mark Bartusek (Chairman), Ed Lazarus, Danny Sprung, Tom Carmichael, and Jeff Roman.

Commentary:

Jeff Goldsmith: The ruling was illegal. South's pass of 3♦ is an infraction. If it damaged the opponents, then a bid is enforced, so a final contract of 3♦ is impossible. If it didn't damage the opponents, then there's no adjustment, so a final contract of 3♦ is impossible.

The talk of MI in the director's ruling is pretty silly. West wasn't acting over 2♦ no matter what it meant. East had already done plenty with his overcall, so he was not acting over 3♦. Then when South passed 3♦, West knew what was going on. In fact, it looks as if he doubled 3♦ expecting to get a shot at 3♥x, since he then knew that South had a weak hand with hearts and his partner had clubs.

Did the pass damage the opponents? Of course it did. N/S wasn't reaching 3NT (which is likely to go down), but 4♥ doubled. How is South to know to pass 3NT once he's heard a super-accept of hearts? Especially doubled? Not with AI, he isn't. 4♥ is going for at least 800, maybe 1100. Why would North ever correct? His partner bid forcing Stayman, bid hearts, then corrected 3NT to 4♥. He has no reason to believe 4♥ isn't a normal contract. Even if it were possible for South to pass 3NT, he lost his opportunity to do so by passing 3♦.

The hard part is the exact ruling. It's hard to tell if 1100 is likely or not. E/W surely can get three trumps, a club, the ♦A, and a diamond ruff. In order for declarer to get 7 tricks, he needs to win the ♣A and play the ♦K. Then if the defense wins the ♦A, gets a ruff, and plays two rounds of clubs, declarer must play the stiff ♥K to prevent East's ruffing with the ♥J. The defense after that to get 7 tricks is not trivial, but will happen some of the time. I'm sure -1100 is at least at all probable. I judge that it is likely, but it's a close call; 800 might be the best score likely for the NOS. Without spending too many hours on this case, I'll rule reciprocal 1100s, but +800 for E/W and -1100 for N/S might be better.

Adjusting N/S to -1100 seems pretty severe, but it really isn't, and it's within the spirit of the laws. South illegally passed 3♦ in order to avoid a huge disaster. So he gets his huge disaster. If he didn't, he would benefit from taking advantage of UI, and we want that not to happen.

3♦x was going down, so East's 4♣ was an error, but not one egregious enough to prevent E/W's getting an adjusted score. Figuring out what your bids mean in situations like this is not always easy; getting one wrong is usually not enough to jeopardize the NOS's equity. East is sort of lucky that his 9 IMP error goes away here.

It's hard to give an AWMW when the ruling was patently wrong, but N/S have a lot of gall asking for a score better than -100. They should have thanked their lucky stars for what they got. Upon reflection, since the appeal was totally ludicrous, I think an AWMW is in order.

It should be no surprise to anyone who has read these books that I am in favor of the PP, though I doubt many ACs would assign N/S -1100 and throw in a PP. Anyone who thinks passing 3♦ is acceptable, however, is in dire need of education, so I'd get them started in that direction. This might be the harshest ruling ever: converting the appealing side's -100 to -1100, giving them an AWMW, and giving them a 1 VP PP, but it seems right to me. (Actually, I know it is not the harshest ruling ever. One time a defender screamed (profanely) at his tanking partner to lead a club. Partner, terrified, complied. The director ruled that some other play was enforced, and the screamer appealed. I chaired that AC. We kept the director's ruling, but we added a 52-board PP, to make 100% sure that the screamer had a negative matchpoint score for the day. And, of

course, referred the screamer to C&E. This was before Zero Tolerance, or I'd have given them only a 26-board PP and the night off.)

Barry Rigal: In an extremely messy case the AC correctly determined that South's pass of 3♦ was inappropriate. Thereafter what West should do is far from clear. It seems to me that N/S got the correct adjustment but I think E/W got unreasonably enriched. I'd have left the table result in place for them – since it seems to me they should not be allowed to survive their accident when the committee had restored that contract. But I admit I'm finding it hard to defend this rationale!

Adam Wildavsky: The TD and AC seem to have gone off track here. My thanks to Jeff Goldsmith for helping me to realize it.

The power to adjust the score is not granted *carte blanche* -- it is limited by Law 12C.1(e) to the following:

- (i) 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.
- (ii) For an offending side the score assigned is the most unfavorable result that was at all probable had the irregularity not occurred.

If the adjusted score for the offenders is more favorable to them than the one they achieved at the table then we conclude that they derived no advantage from their irregularity and we do not adjust.

Here the irregularity was South's pass of 3♦, which by his own admission took advantage of UI. 12c1e grants us the power to adjust the score to one that was likely or at all probable *had the irregularity not occurred*. The TD and AC have done something else entirely -- they adjusted the score to one that was possible only given the irregularity. We have no need to speculate as to the likely result had the irregularity occurred. We know it to a certainty. It is what happened at the table.

The only legal basis to change the result to one where West passed rather than doubling would be if EW had received MI. That was not the case here. The TD was called after South's Pass of 3♦, so at that point E/W were fully and correctly informed regarding both the actual N/S agreement and South's misapprehension about it.

I understand the TD and AC's unhappiness with South's Pass. That said, they had several routes to express their displeasure other than this seemingly illegal score adjustment. For starters they could impose a procedural penalty, as the AC in fact did. To my mind more than one VP was warranted. They also could have reexamined their premise regarding what might have happened had South bid 3♥ as the laws require. It is by no means certain that N/S would have reached 3N, nor that North would have taken nine tricks had they somehow managed to stop there.

It seems to me that had South bid 3♥ over 3♦ as the laws require the auction would continue to at least 4♥, with North placing South for six hearts and South placing North with four. West would be happy to take a crack at this, and it will be bloody after a club

lead. E/W +1100 seems both most favorable result that was likely had the irregularity not occurred for EW and the most unfavorable result that was at all probable had the irregularity not occurred for NS. While appreciating South's forthrightness regarding his motive I would still assess a VP penalty to NS in addition.

All that said, the appeal seems to have merit, since the TD's ruling looks illegal to me.

Bobby Wolff: Another reasonable decision, especially for the extra penalties assessed for either CD or at least marginal CD. The important goal is to try and keep players from disrupting the natural process of the auction which always occurs with CD.

APPEAL	NABC+ SEVEN
Subject	Misinformation
DIC	Candy Kuschner
Event	Werner Open Pairs
Session	Second Qualifying
Date	07/26/11

BD#	9
VUL	E-W
DLR	N

Rob Brady	
♠	KQ653
♥	AK84
♦	
♣	AJT6

Reanette Frobouck		Summer 2011 Toronto, Canada	Allan Graves	
♠	A2		♠	J97
♥	J		♥	Q7
♦	AJ962		♦	KT8543
♣	K7532		♣	Q4
		Randall Rubinstein		
		♠	T84	
		♥	T96532	
		♦	Q7	
		♣	98	

West	North	East	South
	1♠	P	P
2N	P¹	3N	P
P	P		

Final Contract	3N by West
Opening Lead	♥4
Table Result	Down 1, NS +100
Director Ruling	4♥ by South, Making 5, NS +450
Committee Ruling	3N by West, Down 1, NS +100

(1) North asked about West's 2NT bid. East explained that it showed 19-21 HCP

The Facts: North led face-down after the auction listed above. Declarer (West) indicated that the opponents had been misinformed about her 2NT bid. Declarer reported that it showed minors. North claimed that he would have doubled 2N for takeout, if he had been properly informed. South claimed that he would have bid hearts in response to a take-out double of 2N. East claimed that they had always played a balancing 2N as strong, but it was not indicated on either convention card. West later claimed that she was originally mistaken and that their actual agreement was strong. The Director was called before the opening lead was faced and after West's statement that 2N was incorrectly explained.

The Ruling: The Director ruled that N/S were misinformed by the East's explanation of the 2N bid pursuant to Law 40. Law 40 requires the Director to presume misinformation instead of mistaken call without substantial evidence to the contrary. The Director adjusted the result to 4♥ making 5 for N/S +450. Law 12C.1(e).

The Appeal: East-West appealed the Director's ruling and both East and West attended the hearing, North-South were not present. East-West argued that their agreement about 2NT was properly explained to North during the auction. West claimed that she forgot their agreement when she bid 2NT, but that she was now sure that their agreement was strong. East-West were not able to produce any system notes in support of their claim that their actual agreement was strong.

The Decision: The Committee determined that the actual E-W agreement was that 2NT showed an 18+ point hand and that West had forgotten the partnership agreement due to the infrequent occurrence of this particular auction. Since the Committee determined that the actual E-W agreement was a strong balanced hand, East-West's actual agreement was properly explained by East to North before North bid after the 2NT call. Therefore, East also properly bid 3NT in response to West's supposed 18+ point hand. West's decision to pass was proper since, without the explanation, East could have had a logical 3NT bid over West's unusual 2NT bid. Therefore, the Committee restored the table result of 3NT, Down 1, N/S +100.

Dissenting Opinion of Ed Lazarus: After the final pass, North led a card face down. At that time, before the lead was faced, West informed North that there had been a misunderstanding in the bidding. The injury to North-South occurred at this time. North was not given the opportunity to change his lead. Unfortunately, Law 21B.1(a) does not allow the auction to back up to the 2NT call to give North an opportunity to bid or even to the 3NT since South had passed after that call. However, an irregularity occurred that directly caused damage to North-South. Had North been given the instruction per Law 41A that he was allowed to change his lead, it is likely that he would have selected a high heart to lead and the final result would have been 3NT by East-West down 3. The Committee should have reasoned that 3NT by East-West, down 3 should be the assigned result.

The Committee: Jeff Roman (Chairman), Ed Lazarus, Chris Moll, Tom Carmichael, and Blair Seidler.

Commentary:

Jeff Goldsmith: I'm not so sure about E/W's agreements. I suspect that East assumed they were playing "standard," which he assumed is roughly 19-21 balanced. It is quite possible that they have discussed this, but without evidence, Law 75C instructs us to assume MI, which means that the correct answer to North's question was "no specific agreement." In that case, N/S were misinformed. If N/S were misinformed, the director's ruling seems plausible, though it is far from obvious to me that the contract will likely stop at 4♥. If N/S reached 4♥, East would probably bid 5♦, particularly if South bids it and West does not double. 5♦ is down one, so that's the same as the table result.

The AC, however, claims they ascertained that E/W's agreement is that 2NT was natural. They didn't explain how they achieved that, but let's assume they are correct. Then the

dissenter is correct, except that we are supposed to use Law 82C (Director's Error) which means we adjust the score as if each side is the NOS. An opening lead of a high heart/spade is likely, so N/S are +300. An opening lead of a low heart/spade is likely, so E/W are -100.

Barry Rigal: I think the dissenter has a point but the central tenet of the ruling that E/W were playing 2NT as strong seems correctly decided. Again, with CD not part of the Laws (however we feel about that) the AC's hands are tied. I'm fine with that; others may not be.

Adam Wildavsky: I agree with the AC that the contract ought to have been 3N and with the dissent that North ought to have been given the opportunity to change his lead. Since an apparent TD error denied North that opportunity the correct adjustment per Law 82C would have been to adjust the EW score to 3N by W down 1, -100 and the NS score to 3N by W, down 3, +300 for NS.

Bobby Wolff: In order for an opponent to claim damage for CD from the opponents they must have "clean hands" themselves. When that North hand does not act over the 2NT balance, at least in my opinion their hands become dirty and good bridge or at least normal bridge would be to further compete, which directly led to the actual result. My ruling would be that both sides live with +100 NS but EW get a 1/4 board matchpoint penalty for CD.

APPEAL	NABC+ EIGHT
Subject	Unauthorized Information
DIC	Candace Kuscher
Event	Wernher Open Pairs
Session	Second Qualifying
Date	07/26/11

BD#	6
VUL	E-W
DLR	E

Melanie Manfield	
♠	T4
♥	QJ865
♦	Q972
♣	85

Difan Wang		Summer 2011 Toronto, Canada	Jianfeng Luo	
♠	Q97532		♠	J86
♥	K932		♥	A4
♦	A5		♦	K863
♣	2		♣	AQ74

Teri Casen	
♠	AK
♥	T7
♦	JT4
♣	KJT963

West	North	East	South
	P	1♦	2♣
Db1 ¹	P	2N	P
3♠	P	3N ²	P
4♠	P	P	P

Final Contract	4♠ by West
Opening Lead	♣8
Table Result	Making 5, EW +650
Director Ruling	3N by East, Down 1, NS +100
Committee Ruling	3N by East, Down 2, NS +200

(1)	Free Bid would have been non-forcing
(2)	Disputed Break-in-Tempo (BIT)

The Facts: North-South argued that there was a noticeable break-in-tempo of several seconds before the 3N bid, during which East was clearly thinking. East-West told the table Director that all bids were in tempo. The Director was called by North-South after the 4♠ bid and again at the conclusion of the hand.

The Ruling: The Director decided that given the East hand, it was likely that there was a BIT which suggested doubt about 3N. The Director also ruled that the BIT demonstrably suggested removing to 4♠. The Director also decided that West had previously shown no interest in notrump and no reason to overrule the final contract of 3N. The Director ruled pursuant to Law 16B that the final contract should be adjusted to 3N by East, down 1, for North-South +100.

The Appeal: East-West appealed the Director's ruling and only East and West attended the hearing.

Appealing Side: The appealing side argued that pass was not a logical alternative to bidding 4♠. East admitted that he broke tempo before bidding 3N. East-West play Negative Free Bids in this auction, therefore West's 3♠ bid was forcing. West stated that he doubled rather than bidding 3♠ initially to get hearts in the picture. East-West play 15-17 1N openings.

The Decision: The Committee determined that there was unauthorized information based on a BIT, as a result of East's admission of a tempo break of about 5 seconds. The Committee felt that the unauthorized information suggested that bidding 4♠ would be more attractive than passing. West could not adequately explain why he did not bid 4♠ directly over 2N. If East had held the club ten instead of the club seven, he would have bid the same way and 3N would be better than 4♠.

On a club lead, 3N goes down 2 automatically, so the Committee changed the result to 3N down 2.

The Committee did not assign an Appeal Without Merit Warning (AWMW). The Committee cited the inexperience of the appealing pair and that they were not warned about a possible AWMW in screening. The Chair of the Committee respectfully disagrees and believes that an AWMW should have been assigned.

The Committee: Richard Popper (Chairman), Gail Greenberg, Jeff Meckstroth, Jan Jansma, and Nicolas L'Ecuyer.

Commentary:

Jeff Goldsmith: Very good job (nice work correcting to down 2) except that there should be an AWMW. I wouldn't award a PP, since many would bid 4♠ without the UI, perhaps even a majority.

Barry Rigal: AWM seems in place here. The laws are clear enough on this point. Unless the screening director can make a strong case for not awarding an AWM, the facts of this case seem clear enough. Also the fact that N/S called the TD at once makes the establishment of the hesitation prima facie proven (unless you're imputing very devious motives to them).

Adam Wildavsky: All well and good except for the lack of an AWMW. When the committee fails to give this warning it is not a statement about the experience level of the pair who brought the appeal. Rather it is an assertion that the appeal in fact had merit, and this one had none.

Bobby Wolff: When players start playing heretofore strange treatments (such as change of suits being non-forcing and negative doubles showing good hands) ethics and tempo need to adjust to the different bidding ideas and failure to do so, always required,

must suggest to the new toy players their new found responsibilities. Therefore a correct ruling was made which echoed the above.

APPEAL	NABC+ NINE
Subject	Unauthorized Information
DIC	Candace Kuscher
Event	Wernher Open Pairs
Session	First Final
Date	07/27/11

BD#	15
VUL	N-S
DLR	S

Brad Bart	
♠	J
♥	J43
♦	AT874
♣	AKJ3

Mitch Towner		Summer 2011 Toronto, Canada	Adam Kaplan	
♠	KT732		♠	A865
♥	Q9		♥	KT
♦	J2		♦	KQ6
♣	T985		♣	Q742

Michael Yuen	
♠	Q94
♥	A87652
♦	953
♣	6

West	North	East	South
			P
P	1♦	P	1♥
P	2♣	DBL	2♥
2♠	3♥	P	P¹
3♠	4♥	DBL	P
P	P		

Final Contract	4♥X by South
Opening Lead	♠2
Table Result	Making 4, NS +790
Director Ruling	3♠ by West, Down 2, NS +100
Committee Ruling	4♥X by South, Making 4, NS +790

(1)	Alleged BIT of about 8 seconds. BIT disputed by North-South
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The Facts: East-West called the Director after North's 4♥ bid. East-West alleged that South had a Break-in-Tempo (BIT) before passing North's 3♥ bid.

The Ruling: The Director ruled that the BIT was not clear but may have occurred. A BIT by South in this auction would demonstrably suggest a 4♥ call. North's 3♥ bid suggests that for this player passing 3♠ is a logical alternative. Therefore, the Director ruled that the result be adjusted to 3♠ by West, down 2, NS +100.

The Appeal: North-South appealed the Director's ruling and only North and South attended the hearing.

Appealing Side: South argued that he did not hesitate. He had no reason to hesitate with a normal minimum 2♥ bid. North claimed to have lost his mind by forgetting to bid 4♥ earlier.

The Decision: The Committee first addressed the issue of the hesitation. Was there a hesitation? The players disputed this, and the directors said, "BIT not clear, but may have occurred." In these cases, the best way to judge is to look at the hands. South has a dead minimum, a working 4-count. Surely he had no reason to act nor to encourage his partner. He expects partner to have two hearts and a moderate hand; even 3♥ may be too high. North's 4♥ is not outlandish, though probably not mainstream. All in all, the hands suggest that there was no BIT. Therefore, no BIT means the table result stands.

The Committee: Jeff Goldsmith (Chairman), John Lusky, Joel Wooldridge, Ed Lazarus, and Danny Sprung.

Commentary:

Jeff Goldsmith: I wrote this? Feh. South could easily bid 4♥, so I believe there was a BIT. And if 3♠ came around to him, he certainly would have bid 4♥. At this point, he knows his partner is probably 1354, and he knows both 3♠ and 4♥ will have play and may be cold, particularly since partner gave away the location of the ♠Q. Will East double this? He basically had the same information from the BIT that he would then, so I assume so. So result stands, but I don't like the AC's argument at all. Perhaps we had more information than I wrote down. Probably not.

Barry Rigal: In the case of factual dispute of this sort the argument adduced by the committee is persuasive. Knowing South I find it very hard to believe that he would have paused here; no bridge player would think about bidding more –would they? Sensible ruling.

Adam Wildavsky: I do not understand the TD's adjustment based on his assertion that a BIT *may* have occurred. A BIT might always have occurred! The TD's task is to determine, as best he can, what likely did occur. As the finder of fact who is first on the scene he is the only one who has access to the players while their memories are fresh. We rely on him both on that account and also because of his experience in dealing with such matters. Here, if the write-up is accurate, he seems to have abrogated his responsibility. Law 16 allows us to adjust the score only in the presence of an "unmistakable" hesitation. Since the TD made no such finding, he may not adjust the score.

The AC, not having a determination by the TD to rely upon, did the best they could by examining the hand held by the alleged hesitator. I agree that nothing about South's hand suggests that had a problem. That's not to say that no hesitation occurred at the table -- that's something we cannot know with certainty.

Bobby Wolff: If there was no BIT, then any action is legal, but I think in this case that North got very lucky, but he is entitled to that, as long as the officials ruled no BIT.

APPEAL	NABC+ TEN
Subject	Unauthorized Information
DIC	Candace Kuschner
Event	Wernher Open Pairs
Session	First Final
Date	07/27/11

BD#	13
VUL	Both
DLR	N

Karen McCallum	
♠	T9852
♥	T543
♦	J
♣	753

Leila Denotaristefeni		Summer 2011 Toronto, Canada	Matt Meckstroth	
♠	K7		♠	AQJ643
♥	KQJ		♥	A8
♦	AKT9		♦	Q84
♣	AJ94		♣	KQ

Lynn Baker	
♠	
♥	9762
♦	76532
♣	T862

West	North	East	South
	P	1♠	P
2♣	P	2♠	P
4N	P	5♠	P
6N ¹	P	7N	P
P	P		

Final Contract	7N by West
Opening Lead	♠T
Table Result	Making 7, EW +2220
Director Ruling	6N by West, Making 7, EW +1470
Committee Ruling	7N by West, Making 7, EW +2220

(1)	Agreed BIT
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The Facts: North-South called the Director at the end of the auction alleging that East was in possession of unauthorized information from the BIT by West. North-South alleged that the unauthorized information available to East demonstrably suggested bidding on past 6N.

The Ruling: The Directors ruled that West's BIT demonstrably suggested East's bid of 7N. The Director ruled that pass was a logical alternative, as West could be missing an Ace and still have bid the way she did. Therefore, the score was adjusted to 6N by West making 7.

The Appeal: East-West appealed the Director's ruling and all four players attended the hearing.

Appealing Side: This is not an established partnership; this is only the second time that they have played face-to-face. East-West play light opening bids; they open all 11 counts. The 2♠ rebid promised a six card suit. East felt certain that West was thinking about 6N vs. 6♠, not about a grand slam. East argued that if West could drive to slam, then his substantial extra values were enough to bid the grand.

The Decision: The Committee first addressed the issue of the hesitation. Both sides agreed that there was an unmistakable hesitation by West before her 6N bid. The Committee next addressed whether passing was considered a logical alternative. The Committee was able to construct sensible hands for West such that East-West were off an Ace, so passing is certainly reasonable. The Committee felt that some of East's peers would pass, so passing is a logical alternative.

Does the fact that East bid a non-forcing 5♠ over 4N bar him from re-evaluating later? East (with North's agreement) bid 5♠ without pause for thought. He did not consider any other action, not because he rejected them, but simply because he bid instantly. After considering carefully, he concluded that bidding 7N would have been better than 5♠.

Did that hesitation suggest bidding 7NT over other less successful alternatives? This is the crux of the matter. Normally, slow actions show extra values, because the player wants to bid more, but can't justify it. Is that possible here? East is looking at an 18-count. There is no way partner has enough high card values to be thinking of a grand. East has the ♣KQ so partner can't have a source of tricks for a grand. So there is no way partner can be thinking of seven. Someone who is deciding between stopping short of slam and bidding one never bids 6NT, so what partner must be thinking about is the decision between 6♠ and 6NT. Here is the key: she chose the more aggressive action. UI telling you that partner chose to bid more rather than less does not suggest that you should bid then bid more. Rather, if she has taken a close but aggressive action, you should, among close choices, choose the conservative action. It turns out, therefore, that the UI suggests passing over bidding. Therefore, bidding is allowed and the table result stands. If West had slowly chosen 6♠, East would have been forced to pass, because the hesitation would have suggested bidding more.

Many players instinctively would feel barred by partner's hesitation. That's good, one is supposed to bend over backwards to avoid taking unfair advantage of UI. In some cases, however, for example this one, carefully thinking through the situation and working from basic principles can lead to a different conclusion.

The Committee: Jeff Goldsmith (Chairman), John Lusky, Joel Wooldridge, Ed Lazarus, and Danny Sprung.

Commentary:

Jeff Goldsmith: We got this one right. I have no problem with the director's ruling, either---he's supposed to rule in favor of the NOS in non-obvious cases and let them appeal if they think they have a good case.

Barry Rigal: I agree that the slow 6NT bid did not demonstrably suggest bidding seven – indeed you could argue that the point is that it suggests an ace is missing hence discouraging East strongly from bidding on. Thus East is free to do what he likes.

Adam Wildavsky: I agree wholeheartedly with the AC. The UI suggested passing over bidding. That means that the 7N bid was not only legal, it was required. We could, and should, adjust the score here if East passes and 12 tricks turn out to be the limit. I recognize that in practice such adjustments are unlikely.

Because of the foregoing one must take care when reading the final paragraph of the decision. Yes, we are supposed to bend over backwards to avoid taking unfair advantage of UI. No, that does not mean that it's desirable to consider oneself barred when having received UI. Rather, one must carefully think through what it suggests, in order to do the opposite if the opposite is logical. As Michael Rosenberg pointed out years ago, that means we must also make sure we are aware of partner's tempo, since if we are not aware of it we cannot fulfill our legal obligation to act in the opposite direction it suggests.

Bobby Wolff: Sometimes the ethics of the game create unfairness, as is present here for EW. However, when West, after studying, does not continue with 5NT, but instead ventures 6NT East becomes barred. Sad, but perhaps that partnership will be better off for the future (as will bridge) which is what the appeals process is hoping to accomplish.

APPEAL	NABC+ ELEVEN
Subject	Tempo
DIC	Gary Zeiger
Event	Fast Pairs
Session	1 st Final
Date	July 29, 2011

BD#	23
VUL	Both
DLR	S

Doug Doub	
♠	AJ53
♥	J972
♦	Q74
♣	73

Michael Crawford		Summer 2011 Toronto, Canada	Andrew Gumperz	
♠	K987		♠	Q62
♥	543		♥	AQT86
♦	AJ2		♦	95
♣	954		♣	862

Adam Wildavsky	
♠	T4
♥	K
♦	KT863
♣	AKQJT

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

Final Contract	3 Diamonds by South
Opening Lead	♠8
Table Result	Making 4, NS +130
Director Ruling	3♣, making 4, NS +130
Committee Ruling	3N, down 1, NS -100

(1) Disputed time of BIT

The Facts: East/West contended that South thought for about 15 seconds before bidding 3♣, and North/South said it was 8 to 10 seconds. East/West felt that North merely corrected to 3♦ because the BIT by South suggested doubt about his values.

The Ruling: The table result stands. South's 3♣ bid was invitational showing some extras. North had a thin heart stopper and 8 HCP. This hand would need South to have something closer to a 3♣ jump shift for North to be interested in game. Law 16B3

Four expert players were consulted and all said they would bid 3♦ and the hesitation did not demonstrably suggest anything.

The Appeal: The East/West pair believed that there was a BIT which suggested that 3♣ may have been an overbid. They thought that North/South would reach 3N or 5♦ going down.

North felt that the quality of his hand was too poor to look for a “37%” game at matchpoints and that bidding more was not a logical alternative. South did agree that he had broken tempo.

The Decision: North admitted that there had been a BIT. Accordingly, he had unauthorized information. The committee found that the hesitation suggested that the 3♣ bid may have been an overbid.

The committee considered both 3♠ and 3N to be logical alternatives to the 3♦ bid actually made. If North bid 3♠, South would often bid 3N. 3N was likely to go down 1 on a heart lead and down 2 if played by South on a spade lead. 3N down 1 was considered to be the likely result under Law 121(e) for both sides.

The committee did not impose a procedural penalty for bidding 3♦ because it seemed like a normal action, even though the unauthorized information suggested it might be preferable to the alternative.

The Committee: Richard Popper (Chairman), Jeff Goldsmith, Chris Moll, Michael Polowan, and Larry Sealy.

Commentary:

Jeff Goldsmith: Pretty remarkable finding. I doubt we would have made this ruling had N/S not thought it was pretty reasonable and more or less encouraged us to make it.

Barry Rigal: Strongly disagree with the interpretation of the 3C call. I hate that the committee put their own spin on what a call shows or should show; here they took a really arbitrary position as to what was going on. It's far from clear South WAS stretching here. And the pause could have been anything – often South has 5-5 in the minors and too much for 3C. North can do what he likes here – the table result should have stood.

Adam Wildavsky: It's difficult to be objective about one's own case. I thought the TD and AC decisions were both reasonable. I doubt that Doug and I would have appealed had the TD ruled as the AC did.

Bobby Wolff: Because of the translations (bidding diagram) obvious errors it is hard to 100% be sure of exactly what happened, but from what I could glean the ruling was sound and since not much was involved I will not linger.

APPEAL	NABC+ TWELVE
Subject	Tempo
DIC	Ken Van Cleve
Event	Roth North American Swiss
Session	First Qualifying
Date	July 30, 2011

BD#	32
VUL	E-W
DLR	East

Joann Sprung	
♠	6
♥	J9875
♦	K92
♣	QT83

Joan Eaton		Summer 2011 Toronto, Canada	Candace Griffey	
♠	T		♠	AK942
♥	AK43		♥	QT6
♦	QJ763		♦	AT5
♣	AK6		♣	52

Danny Sprung	
♠	QJ8753
♥	2
♦	84
♣	J974

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

Final Contract	6 Diamonds by West
Opening Lead	♣8
Table Result	Making 6, NS -1370
Director Ruling	5 Diamonds making 5, NS -620
Committee Ruling	6 Diamonds making 6, NS -1370

(1)	Game forcing checkback, not alerted
(2)	Long BIT, agreed, over one minute

The Facts: There was a long BIT by East before she bid 5♦, agreed to by both sides.

The Ruling: East's BIT constituted unauthorized information for West and demonstrably suggested bidding on. At a minimum, the BIT showed concern that 5♦ was not the right contract.

A player poll was conducted and although none of the players polled would have bid 2♦ with the West hand, a pass of the 5♦ bid was considered a logical alternative. East could hold KQJxx, void, Kxxxx, QJx or similar. Per Law 16B1 and 12C1e, the score was adjusted to 5♦ by West, making 6, NS -620.

The Appeal: East/West argued that West had substantial extra values for her previous bidding and good controls. If her partner could bid 5♦, then 6♦ was quite likely to be a good contract. North/South argued that West would often have a 6 card diamond suit per the 2♦ rebid. Although 6♦ would often be a good contract, 5♦ might be the limit of the hand.

The Decision: When East broke tempo over 3♥, she could have been considering many different issues. Among the many different considerations that East may have been considering include: Should she risk 3N with a shaky non-existent club stopper; Is honor third adequate support; Should she rebid a decent five-card spade suit; or Should she try a 4-3 heart fit?

All of these considerations are quite possible, and none of them suggest extra values or that 6♦ is more likely to be successful than normal. Thus, East's BIT did not demonstrably suggest that West bid 6♦. Therefore the table result was allowed to stand.

The Committee: Doug Doub (Chairman), John Lusky, Ed Lazarus, Tom Carmichael, Steve Robinson.

Commentary:

Jeff Goldsmith: What is the difference between 5♦ and 4♦? If 5♦ is weaker than 4♦, then passing 5♦ seems possible. If it is a picture bid, then passing is impossible; West is closer to leaping to seven than stopping short of slam. I think I'd allow West to bid if she cue bid. That she didn't consider a grand suggests to me that bidding over 5♦ isn't 100%. In other words, if passing 5♦ is not a LA, then West thinks East's hand is good enough that West surely has enough to try for seven. If 5♦ is weaker than 4♦, it is almost certainly the case that the BIT shows extra values, which suggests bidding over passing.

So, assuming 5♦ is Fast Arrival-ish, weaker than 4♦, then passing is a LA and bidding is suggested over passing by the UI, so passing is enforced. If 5♦ is stronger or more specific than 4♦, then passing 5♦ isn't possible. I infer the former by West's failure to try for a grand. The example hand the AC gave would not have bid 3♣; it would have bid 3♥, 4♥, or 4♦.

Barry Rigal: It is hard to imagine anyone who is perverted enough to rebid 2♦ as West taking a sensible decision thereafter. Having said that, the slow 5♦ does not seem to point in any particular direction so the 6♦ call seems acceptable (and as indicated above not the most irrational call of the auction).

Adam Wildavsky: I prefer the AC's decision to the TD's. I like their reasoning, but Jeff Goldsmith makes some good points as well.

Bobby Wolff: Decent ruling, but the earlier bidding is very strange. However, no real violation probably happened, so I agree with what was decided.

APPEAL	NABC+ THIRTEEN
Subject	Tempo
DIC	Ken Van Cleve
Event	North American Swiss Teams
Session	1 st Qualifying
Date	July 30, 2011

BD#	22
VUL	E/W
DLR	East

Joshua Dunn	
♠	AJ8
♥	J975
♦	632
♣	932

Derek Diamond		Summer 2011 Toronto, Canada	Derek Sanders	
♠	97652		♠	K53
♥	T832		♥	K4
♦	T875		♦	AKQ9
♣			♣	AKQ7

Jason Feldman	
♠	QT
♥	AQ6
♦	J4
♣	JT8654

West	North	East	South
		2♣	3♣
Pass	Pass	Dbl	Pass
3♠	Pass	3NT¹	Pass
4♣	Pass	4♠	Pass
Pass	Pass		

Final Contract	4♠ West
Opening Lead	♣2
Table Result	Making 4, N/S -620
Director Ruling	3NT by East, down 1, N/S +100
Committee Ruling	4♠ West, making 4, N/S -620

(1)	Break-in-Tempo (BIT), agreed to be about 30 to 60 seconds
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The Facts: There was a BIT before the 3NT bid, agreed to by both sides

The Ruling: The West hand was given to four players. Two elected to pass 3NT, making pass a logical alternative. The BIT suggests concern that 3NT may not be the best contract, which demonstrably suggests a call other than pass to West. Per Law 16B1a and 12C1e, since the 4♣ call was demonstrably suggested, a pass was inserted instead.

It is reasonable that the defense will take five tricks against 3NT, so the board is adjusted to N/S +100.

The Appeal: After East doubled 3♣, West decided to first show his spades. If he were not raised, he would then show his red suits. He believed that his pattern with a club void and support for all the other suits made bidding 4♣ a clear choice.

North suggested that passing could be the winning action with the West hand and that East's BIT suggested bidding.

The Decision: Over 3♣, East had a choice between bidding 3NT and doubling, followed by a 3NT bid. As a matter of bridge logic, the second option invites West to remove 3NT with an unsuitable hand for NT play, since the double suggests a balanced hand. West's hand could hardly be better suited to play in a suit versus play in 3NT, and he was able to conveniently offer an appropriate choice among all three of the available suits.

Thus, the Committee decided that Pass was not a logical alternative to the suggested removal of 3NT. The table result was allowed to stand.

The Committee: Doug Doub, chairman, Ed Lazarus, John Lusky, Steve Robinson, and Tom Carmichael.

Commentary:

Jeff Goldsmith: The AC says that bridge logic suggests that double followed by 3NT suggests less interest in 3NT than a direct 3NT, that it suggests alternative contracts. Isn't 3♣x the most likely alternate contract it suggests? That means that this is the sequence showing less interest in an offensive strain other than 3NT. I think ACs often err when they judge that an action is not a LA. Bidding over 3NT is a gamble. West usually wins that gamble if he finds partner with four hearts or three spades and probably loses it otherwise. Why can't partner have Ax Axx AKxx AKQx, the same HCP total and similar shape to the actual hand. Then 3NT is surely better than 5♦. I'd rule as the director did.

Barry Rigal: I think the committee were too generous in imputing a system to E/W which was not brought out by them at the hearing. The meaning of double as balanced (as opposed to penalty) is not at all clear. I might have bid the West cards this way but that is not the point. I'd return the contract to 3NT down one.

Adam Wildavsky: I again prefer the AC's decision to the TD's. I can find no fault with their argument.

Bobby Wolff: While I agree wholehearted with the decision it leaves me with 3 facts left wanting and 1 suggestion.

1. The actual polling and the questions asked, including taking into consideration the system played and, of course, the meaning of the first reopening double.
2. The class of the players polled.
3. The exact definition of "logical alternative" which I think, needs to be more carefully defined, e.g. Under the circumstances of playing a normal (or whatever) system what does one

think should be done after opening a strong artificial 2 clubs, having it go 3 clubs by LHO and passed around to the strong hand should be bids of suits, 3NT, double or jumps. Should partnerships be required to discuss such things (very unwieldy and impractical) or just how much preparation should be required before TDs and committees to follow can act intelligently?

4. The above may lead to a much more comprehensive definition of what logical alternative could mean and under different circumstances.

APPEAL	NABC+ FOURTEEN
Subject	Claim
DIC	Olin Hubert
Event	Spingold
Session	Semi-Final
Date	07/30/11

BD#	29
VUL	Both
DLR	N

James Cayne	
♠	AQJ63
♥	AJ852
♦	J53
♣	

Jeff Meckstroth		Summer 2011 Toronto, Canada	Eric Rodwell	
♠	T9874		♠	K5
♥	T		♥	KQ6
♦	AQ8		♦	7642
♣	KJ42		♣	A973

Michael Seamon	
♠	2
♥	9743
♦	KT9
♣	QT865

West	North	East	South
	1♠	P	1N
P	2♥	P	P
P			

Final Contract	2♥ by North
Opening Lead	♥K
Table Result	Down 1, EW +100
Director Ruling	2♥ by North, Down 1, EW +100
Committee Ruling	2♥ by North, Down 1, EW +100

The Facts: West called the Director and said that in the four-card ending North had played the Ace, Jack, and Six of Spades, and West had claimed the last two tricks. North said his intent was to concede the last trick after taking his three winners. No cards were called from dummy. East said that North might not have noticed him show out on the third round of spades. South said that he saw North play the ♠AJ and saw the ♠6 on the table. Three or four spectators supported West's version. The only spectator to support North's version was one that the Director judged not to be neutral (Jacqui Mitchell).

The four-card end-position was as follows:

AJ6
--
J
--

987		-----		
--		N		--
--	W		E	--
--		S		76
K		-----		A9
		--		
		--		
		K		
		QT8		

The Ruling: The Declarer made no statement at the time of the claim. The Director decided that North intended to claim but, in all likelihood, thought that his spades were good. Two tricks could be lost by the play of the ♠6 (careless but not irrational) if Declarer thought it was good. **Laws 68, 70.**

The Appeal: North-South appealed the Director's ruling and all four players attended the hearing.

Appealing Side: The appealing side stated that in the four-card ending declarer played the ace and jack of spades and the diamond jack. Dummy explained that he was not carefully following the play but that in the ending declarer did not call any cards from dummy and that he did not see declarer play the ♠6.

The declarer asked "How could I claim if the ♠6 were not on the table?"

N/S noted that this kind of position is commonly resolved quickly in rubber bridge: "Ace, jack, give the guy a trick, it's over."

Non-Appealing Side: For the Appellees, East said that he likewise was not following the play to the last four tricks closely. He testified that Declarer played his cards before he, East, had a chance to discard on the third round of spades.

West said that after cashing the top two spades, Declarer played the ♠6 and he, West, claimed the last two tricks.

The Decision: The testimony conflicted but there were only two possibilities -- either Declarer played the hand out or he claimed.

If Declarer played the hand out, the testimony of the kibitzers supported West's version of the facts. The Committee would have liked to hear from the neutral kibitzers first-hand but having the table Director present was the next best thing. The Director is always considered a neutral party and the Committee assigns considerable weight to his testimony concerning events at the table.

If Declarer claimed in the four-card ending, his claim would be premature, since he could not know whether the ♠6 would become a winner.

The Committee did not doubt North's sincerity, but his actions were the same as those that would have been taken by a player who thought the spades were running. To have such situations resolved in his favor, Declarer must be careful to demonstrate that such is not the case, either by playing more slowly, with the usual four cards per trick, or by making a clear claim statement. Declarer could have said, for instance, "I'll cash the two top spades, throwing the ♦K, then the ♦J, then the last spade in case it's good." He made no assertion that such was his intent. Even better, declarer could have cashed the ♦K before ruffing a club to get to his hand. No one could fault him for not doing so, but such care speeds up the game and often avoids the need for a ruling.

As the Committee did not have evidence available that would justify overturning the Director's factual determination, there was no basis on which to rule differently than the Director had. The Committee accordingly awarded the last two tricks to EW.

Due to the lateness of the hour, the Committee did not consider the question of the merit of the appeal.

The Committee: Adam Wildavsky (Non-Voting Chairman), Lynn Deas, Tom Carmichael, Nicolas L'Ecuyer, Steve Robinson, and John Lusky.

Commentary:

Jeff Goldsmith: Cases of disputed facts are very hard to judge at the table and nearly impossible months after the fact. Normally, ACs support the TD in these cases, and I'll guess to do so as well.

Barry Rigal: Sensible ruling given the TD adjudication of the facts.

Adam Wildavsky: I chaired and wrote up this case. I have nothing to add. I look forward to reading the other comments!

Bobby Wolff: Probably the correct technical ruling, but somewhat icky and particularly at a high level. I realize the difficulty involved, especially in the high level game, of the difference of being a nice guy(s) or instead of being a ruthless follower of what the law says.

APPEAL	NON-NABC+ ONE
Subject	Tempo
DIC	Henry Cukoff
Event	AX Swiss Teams
Session	First
Date	July 24, 2011

BD#	14
VUL	None
DLR	East

Ralph Buchalter	
♠	
♥	AKT73
♦	8753
♣	AQ92

Diana Dahdouh		Summer 2011 Toronto, Canada	Saad Dahdouh	
♠	QT4		♠	AK763
♥	865		♥	J942
♦	K94		♦	AT
♣	K876		♣	53

Jean-Michel Voldoire	
♠	J9852
♥	Q
♦	QJ62
♣	JT4

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

Final Contract	3♠ Doubled by East
Opening Lead	Q♥
Table Result	Down 3, N/S +500
Director Ruling	3♠ Dbl'd by East Down 3, N/S +500
Panel Ruling	3♠ by East Down 3, N/S +150

(1)	To play
(2)	BIT of 30 seconds

The Facts: South paused for 30 seconds before passing the 3♠ bid by East.

The Ruling: The table director polled six expert players and all said they would double at their second turn. She ruled that the result stands.

The Appeal: East said South took at least two minutes to pass at his second turn to call and pass is an logical alternative. with the North hand when 3♠ is passed back to him. After discussion the BIT was modified to 30 seconds.

Non-Appealing Side: North agreed South did break tempo for 15-20 seconds, but a double with this hand is automatic non-vulnerable at Swiss Teams.

The Decision: The table Director polled 6 top players and all would have made the second double. However, North has about 4200 points, so six players in the Bruce Life Master to 5000 finals with 3000 to 4000 masterpoints were polled. All six were asked how they would bid the hand (without being told of the BIT) and all doubled at their first opportunity. Two passed the next time around. Of the other four, two doubled and said there was no other possible call with this hand. The other two said they seriously considered a pass. All six said South's BIT suggested taking further action.

The Panel found there was a violation of Law 73C and so, under Laws 16 and 12 it removed the double and thus the score became N-S +150, E-W -150.

The Panel: Charles MacCracken (chairman), Bill Michael, and Ken Van Cleve.

Commentary:

Barry Rigal: I agree with the procedure followed. If a panel when properly prepared decide pass is a logical alternative then the panel decision is correct. One caveat; using MP in the case of an expert who does not play very much might produce a different answer to what you would get if you were told North was an expert and south a French international.

Adam Wildavsky: Good work by the panel. While it seems obvious, for completeness the write-up should mention that the UI demonstrably suggested double over pass. This is clear enough that I agree no poll was necessary on that issue.

Bobby Wolff: An eventual excellent decision, especially flying in the face of what some consider our criteria to determine cause and result.

Insurance policies for success should be restricted to non-bridge related subjects and not spill over to unethical players, whether they mean to be unethical or not. The wording of our regulations need to be examined for practical application.

APPEAL	NON-NABC+ TWO
Subject	Tempo
DIC	Henry Cukoff
Event	AX Swiss Team
Session	First
Date	July 25, 2011

BD#	13
VUL	Both
DLR	N

Ralph Buchalter	
♠	KQJT98
♥	T543
♦	
♣	A32

Diana Dahdouh		Summer 2011 Toronto, Canada	Saad Dahdouh	
♠	4		♠	A6
♥	K872		♥	AQ6
♦	K2		♦	AQT8743
♣	KT9765		♣	8

Jean-Michel Voldoire	
♠	7532
♥	J9
♦	J965
♣	QJ5

West	North	East	South
	1♠	Pass	2♠
Pass¹	3♠	5♦	Pass
Pass	Pass		

Final Contract	5♦ by East
Opening Lead	2♠
Table Result	Making 5, E/W +600
Director Ruling	5♦ by East, Making 5, E/W +600
Panel Ruling	4♦ by East, Making 5, E/W +150

(1) BIT by West over 2♠

The Facts: The Director ruled that there was a slight hesitation by West over 2♠.

The Ruling: East reported that he was planning to take future action in the auction at his second turn to bid. The Director ruled that he would do so regardless of the BIT.

The Appeal: North-South appealed the Director's ruling, and North and East attended the hearing.

Appealing Side: North argued that there was a noticeable break in tempo of 5-10 seconds by West after the raise to 2♠. Yes, East was planning to come in later, but the BIT makes his leap to 5♦ far more likely to succeed. North-South is likely to have

between 17 and 23 HCP. The BIT eliminates the upper end of that range and, with East's spade holding, those values will be working for East-West.

Non-Appealing Side: The BIT was noticeable, but it was very slight, only two seconds. I was trying to get doubled later on when I passed the first time. I have practically no losers. I have to bid 5♦ with this hand.

The Decision: It was impossible to find someone in the 2000 MP range who would voluntarily pass 1♠. Three pairs were asked to bid this hand (an additional pair's comments were discarded when E passed 3♠ because he had been forced to pass 1♠). All three Easts bid 4♦ (without knowing about the BIT). Two Wests passed partner's 4♦ and one bid 5♦. All players polled thought West's BIT showed values that would be useful to East as declarer and thus demonstrably suggested more aggressive action to East.

East acknowledged there had been a BIT by West. The Panel inclined to his opponent's judgment of time elapsed given West's initial testimony on Case 1. Based on comments by peers of East, the Panel ruled that he could bid 4♦ because he was obviously planning to come in with this hand and 4♦ is constant with 'walking the dog.' Based on comments by consultants with the West hand, the Panel judged she would pass and the final contract would be 4♦ making five. Laws 73, 16 and 12 supplied the justification for this ruling.

The Panel: Charles MacCracken (Chairman), Bill Michael, and Ken Van Cleve

Commentary:

Barry Rigal: How apposite to have case two after case one. Agree with the rationale of the decision.

Adam Wildavsky: Another excellent effort by the panel. In contrast to case 1 the TD went badly wrong here, this time with no poll to support his ruling.

Bobby Wolff: Another excellent decision and by the same dedicated panel. In bygone days Roth Stone became popular and somewhat successful since the system advocated strong hands for initial actions (overcalls and opening bids). A positive reason for that, although not to be admitted to, is that good players can then calibrate what partner has (even from wannabe ethical partners, and later make an unethical but informed decision on how to compete. When, as in this case, East did not bid the first time, he might have been exercising unethical means (not necessarily thinking he was, but nevertheless possibly guilty when he then balanced with 5 diamonds rather than 4). When this type of result is judged and then posted, others contemplating such shenanigans may stop doing it, or at the very least warn partner he needs to be especially ethical in his tempo otherwise to expect to garner many very poor matchpoint results. Nothing more, nothing less.

APPEAL	NON-NABC+ THREE
Subject	Tempo
DIC	Sue Doe
Event	Mini-Spangold I
Session	Afternoon
Date	July 25, 2011

BD#	23
VUL	Both
DLR	S

2150 Masterpoints	
♠	AK8753
♥	753
♦	A8
♣	Q5

2400 Masterpoints		Summer 2011 Toronto, Canada	4000 Masterpoints	
♠	6		♠	4
♥	A9		♥	KQT864
♦	64		♦	Q93
♣	AKJT7632		♣	984

2500 Masterpoints	
♠	QJT92
♥	J2
♦	KJT752
♣	

West	North	East	South
			Pass
1♣	1♠	Dbl	2♣¹
3♣	3♠	4♥	4♠
5♣	5♠	Dbl²	Pass
6♣	Pass	Pass	6♠
Pass	Pass	Dbl	Pass
Pass	Pass		

Final Contract	6♠ Doubled, by North
Opening Lead	K♥
Table Result	Down 1, N/S -200
Director Ruling	5♠ Dbld, making 5, N/S +850
Panel Ruling	5♠ Dbld, making 5, N/S +850

(1)	Limit raise or better in spades
(2)	BIT of 15 – 20 seconds

The Facts: The opening lead was the King of Hearts and the result was 6♠ doubled by North down one, NS -200. The Director was called first during the auction, and then called back at the end of the hand. All parties agreed that there was a break in tempo by East before he doubled 5♠.

The Ruling: The Director decided that there was a break in tempo prior to the double of 5♠; that the break suggested uncertainty, thus making 6♣ a more attractive call; and that pass was a logical alternative. According to Laws 16 and 12, the score was therefore adjusted to 5♠ doubled by North making five, NS +850.

The Appeal: East/West appealed the Director's ruling. All players attended the review. As to the length of the hesitation by East, the players told the reviewer the following: North 20 seconds, South 25 seconds, East and West 15 seconds. All agreed that East's prior 4♥ bid took about three or four seconds. East told the reviewer that he would have needed 10+ points to bid 2♥ instead of making a negative double over 1♠ at his first turn to call. East/West told the reviewer that a pass by East over 5♠ would not have been forcing since none of their rules for establishing a force was present (an earlier cue bid of an opponent's suit, a game invitation accepted, or being vulnerable versus not vulnerable). Neither player thought passing by West over the double of 5♠ was possible for a player holding such extreme distribution and poor defense. North/South thought that pass was a reasonable action, and South thought that the East/West agreements regarding forcing passes made it even more so.

The Decision: Law 16B1(a) states: "After a player makes available to his partner extraneous information that may suggest a call or play, . . . the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information." The panel polled two experts and three peers on the bridge questions involved in making this ruling. When given the West hand as a bidding problem without mention of any possible unauthorized information all five players passed the double of 5♠, so pass was found to be a logical alternative. As well, all five players believed that a slow double suggested not passing. Finally, the panel considered the issue of whether the length of time taken by East represented an "unmistakable hesitation" (Law 16). One of the experts offered that anything in excess of five seconds would represent a break in tempo. The other did not answer that question directly but found the pull of the double so unusual that he thought West must have noticed a meaningful hesitation before his partner's double. Two of the peers thought that in this kind of an auction East should be allowed up to fifteen seconds without it being considered a break in tempo. The other thought that the amount of time described by the players was a break in tempo. The panel believed that the hesitation was probably more than fifteen seconds, and it was significantly different from the tempo described at East's previous turn (which was also made in circumstances of extreme competition). So the panel concluded that there was an unmistakable hesitation and upheld the table ruling of 5♠ doubled by North making five, NS +850.

The panel did not consider whether South's bid of 6♠ was a "serious error" or a "wild or gambling action" [Law 12C1(b)] since nothing South did at that point could have restored North/South's equity in 5♠ doubled.

This appeal was heard immediately after the match ended and the result of this board swung the match. No consideration was given to an Appeal Without Merit Warning

since the panel was not convinced that the appellants had been given enough opportunity to have the ruling and its rationale explained to them.

The Panel: Matt Smith (reviewer), Terry Lavender, Matt Koltnow

Commentary:

Barry Rigal: Another good decision – all the factors were properly considered.

Adam Wildavsky: This appeal had no merit. I would have assessed the warning, regardless of the circumstances. I also would have added a procedural penalty for East-West. Note that nothing about the West's distribution was in the least unusual in context - he had bid 1C, 3C, and 5C.

Bobby Wolff: A third straight excellent decision, although a different panel was present. What EW were really saying is that once East made a slow penalty double, no West should stand it since his club length now suggested that the partnership's defense was nil. It is very human to defend one's actions and go into denial as to unethical violations. Such must have been the case with EW here and these cases (all of the first three) should be published as precedents to future committees or at least the chairman in order to preliminarily brief himself before the trial so that he can be prepared to lead his committee to the right decision. More work?, certainly. Better and more consistent results? YES. Good for bridge's future? You betcha!!

APPEAL	NON-NABC+ FOUR
Subject	Played Card
DIC	David Metcalf
Event	Stratified Open Pairs
Session	Second
Date	July 25, 2011

BD#	30
VUL	None
DLR	E

6800 Masterpoints	
♠	8753
♥	KJT4
♦	JT95
♣	J

3875 Masterpoints		Summer 2011 Toronto, Canada	2465 Masterpoints	
♠	K6		♠	QT9
♥	Q972		♥	65
♦	A8763		♦	KQ42
♣	K7		♣	Q652

5500 Masterpoints	
♠	AJ42
♥	A83
♦	
♣	AT9843

West	North	East	South
		Pass	1♣
1♦	Dbl	Rdbl ¹	1♠
2♦	2♠	Pass	4♠
Pass	Pass	Pass	

Final Contract	4♠ by South
Opening Lead	♦6
Table Result	Down 1, N/S -50
Director Ruling	Down 1, N/S -50
Panel Ruling	Down 1, N/S -50

(1)	Shows Ace or King of diamonds
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The Facts: The play went; 6♦ lead ruffed by South, A♣, club ruff, diamond ruff, A♥, heart to ten, K♥, ruffed by East, diamond ruff, club ruff, diamond ruff, leaving the following three card position, South to lead:

87

J

--

--

K6

QT

Q

--

--

--

--

Q

--

--

--

T98

South led the ten of clubs, and when West discarded the heart queen, said “heart – Oh! – trump it” Declarer insisted the change “was in the same breath”.

Later Declarer told the Director she was surprised by LHO’s heart play, which caused her to exclaim “heart!”.

The Ruling: Law 45C4 states that a card must be played if a player names it...but “a player may change an unintended designation if he does so without pause for thought”. The director ruled that declarer’s “Oh!” indicated a mental reset of sorts, even if not accompanied by a significant time lapse, so there was at least some reasonable chance that declarer changed her mind. Perhaps she got a trick ahead of herself.

The director ruled that the Jack of Hearts was played. This resulted in E/W scoring the balance of the tricks, for down one.

The Appeal: Declarer claimed she said “heart” because she saw that’s what LHO played to the trick eleven club lead. She stated that she had been playing the hand on a cross ruff and intended to continue. She also stated that LHO took a long time to play to trick eleven and this was not disputed by East, who attended the hearing.

Non-Appealing Side: Declarer had been playing in tempo, and didn’t name defender’s cards prior to this point in the hand. It appeared that declarer changed her mind about which card to play.

The Decision: Based on Declarer’s agreement that the heart play was a surprise, this seems to be on a par with “Queen, no, Ace!”. Declarer expected to lose this trick. When declarer realized that she could win this trick, she attempted to do so. It appeared to the panel that there was pause for thought.

Law 45C4 allows a player to “....change an unintended designation if he does so without pause for thought”. In short, the call of a heart did occur, and was intended, no matter how briefly.

The Panel: William Michael (Chairman), Patty Johnson, and Ken Van Cleve.

Commentary:

Barry Rigal: The logic of the decision as to whether the card was played or not seems entirely right. Once a card is nominated in one suit you can't change the suit, you might be able to change the card.

Adam Wildavsky: Good work all around. A declarer who says "heart" should not be surprised when dummy plays a heart.

Bobby Wolff: Apparently a satisfactory ruling based on statutory bridge law, but no further comment from me.

APPEAL	NON-NABC+ FIVE
Subject	Misinformation
DIC	Mike Flader
Event	GNT Flight A
Session	First
Date	July 23, 2011

BD#	25
VUL	E/W
DLR	N

1183 Masterpoints	
♠	4
♥	AJ863
♦	J9542
♣	Q6

1467 Masterpoints		Summer 2011 Toronto, Canada	4278 Masterpoints	
♠	AKQT83		♠	7652
♥	9		♥	KT2
♦	T63		♦	KQ7
♣	T92		♣	KJ5

964 Masterpoints	
♠	J9
♥	Q754
♦	A8
♣	A8743

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

Final Contract	3♦ by South
Opening Lead	A♠
Table Result	3♦ by South, making 3, N/S +110
Director Ruling	3♦ by South, making 3, N/S +110
Panel Ruling	3♠ by West, making 4, N/S -170

(1) North to East “Michaels”; South to West “natural”

The Facts: East/West received conflicting explanations of the 2♠ bid. The Director determined that North/South have no agreement.

The Ruling: The Director determined that Law40B4 and Law 40B6b were not satisfied in this case. While there is misinformation, the damage caused is not directly related to the irregularity, so the result stands.

The Appeal: Since the 1♠ response to the 1♦ opening bid could be a three card suit, the misinformation stopped East from supporting his partner’s spades.

The Decision: (1) the 1♠ response to the 1♦ opening bid could be a three card suit; (2) South gave correct information if North was an unpassed hand, South forgot the auction;

and (3) North/South do not have a "Michaels" agreement in this auction. North said since he was a passed hand, he hoped his partner would "work it out a Michaels".

Both North and South should have said "no agreement". This hand was commented on by several players, three players said "I know it is not natural, I bid three spades" and three players said "I know it is not natural, but would pass, and come in at next turn, because direct three spades might be construed as a cue bid". Two 0-5000 players were given the East hand, and bid three spades if given the "Michaels agreement".

North/South gave misinformation at every opportunity. They do not have a "Michaels agreement" and North knew that, but alerted his screen mate that it was Michaels while hoping South would work it out. South, asleep at the switch, told his screen mate that two spades was natural, forgetting North was a passed hand.

If either North or South had said "no agreement", West would have bid three spades. The panel declined to accept a four spade bid by East, as his hand was so poor and he had already decided not to raise because West might have only three spades.

The Panel: Terry Lavender (Chairman), Gary Zeiger, Bill Michaels, and Anita Goldman.

Commentary:

Barry Rigal: While MI was demonstrably given I think N/S might have been due the result for four spades making even if the panel were not prepared to give that score to E/W. West might bid 4S over 3D East might raise assuming his kings were well placed. Shouldn't the rationale for a split score have at least been discussed.

Adam Wildavsky: Is a three-plus 1♠ response legal in this event? If so does it require a pre-alert? If so, was a pre-alert given? I don't think a proper ruling can be obtained without knowing the answers.

If E-W fulfilled all their legal and regulatory obligations then the ruling is reasonable, but the rationale is not. The panel asserted that "If either North or South has said 'No agreement', West would have bid 3♠." This is incorrect on its face, since screens were in use. More importantly, it asserts a fact not in evidence. The panel cannot know what would have happened had the players had different information, nor do the laws require it to make such a determination. Rather an adjudicator's responsibility is to determine the most favorable result that was likely for E-W, and the most unfavorable result that was at all probable for N-S.

Bobby Wolff: Convention Disruption (CD) where bridge (as we know it) totally stops and chaos takes over. Not much needs to be said except West bought the Brooklyn bridge for believing South's explanation so my ruling would be in a match point game 0 for NS (the CDers) but average only for EW since they played bad bridge and do not

deserve better, but the confusion for EW prevents me from having them suffer the table result, -110 in 3 diamonds NS. May I point out that if it was a matchpoint game (which it apparently was not)all masters would be served including protecting the field. With IMPs being played via a KO then EW should unduly benefit from NS's CD but if victory points were present then a negotiation of the EW VP's could be applied. Also an important precedent which, when publicized, would begin to educate what is expected in the event of not knowing one's system (and nuances).

APPEAL	NON-NABC+ SIX
Subject	Misinformation
DIC	Nancy Boyd
Event	Young 0-1500 Life Master Pairs
Session	Second Qualifying
Date	July 23, 2011

BD#	14
VUL	None
DLR	E

758 Masterpoints	
♠	82
♥	KT
♦	KJT6
♣	AJ943

681 Masterpoints		Summer 2011 Toronto, Canada	734 Masterpoints	
♠	Q43		♠	JT76
♥	QJ7652		♥	A9843
♦	2		♦	A73
♣	852		♣	Q

701 Masterpoints	
♠	AK95
♥	
♦	Q9854
♣	KT76

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

Final Contract	3 NT by North
Opening Lead	6♠
Table Result	Making 5, N/S +460
Director Ruling	3NT by North, down 1, N/S -50
Panel Ruling	3 NT by North, making 5, N/S +460

(1) Agreement is responsive, explained as spades

The Facts: At the table the double by North was explained as spades. At the close of the auction, North indicated that he believed their agreement was his double was responsive.

West indicated he would have bid three hearts instead of two if he had know the double was responsive. North stated he would have bid 3NT over three hearts. East/West believed that this auction would create a heart lead.

The Ruling: Law 75 provides that a mistaken explanation of an agreement is unauthorized information and further per 73B that if this error causes damage to the non-offending side that rectification will be provided.

The non-offending side was unable to make the call they considered appropriate over the actual agreement. The Director ruled that the score be adjusted to 3NT by North, down 1, -50.

The Appeal: North said 3NT was automatic with his cards. Partner showed spades with his takeout double. He had an opening hand, a heart stop, and would bid game over a two or three heart bid.

Non-Appealing Side: West told the table Director that he would have bid three hearts after one spade doubled came back to him if he had known double was responsive.

The Decision: West psyched his one spade call and partner led the suit. The panel felt this action would be the same if West had bid three hearts instead of two. Thus 3NT would make. East most likely would lead a spade in hopes of gaining an entry to West's hand for a heart lead through declarer.

Thus the table result was allowed to stand.

The Panel: Terry Lavender (Chairman), Gary Zeiger, and Olin Hubert.

Commentary:

Barry Rigal: A messy decision. South (please note!) did not play his partner for spades when he passed the 3NT call. I'm not inclined to give them the benefit of the doubt...and yet West psyched and created the problem. A plague on both their houses! I guess the AC decision is better but I really hate ruling in favor of the psycher + whiner as opposed to the misbidder + fielder of the misbid/mis-informer. Mr. Amiable, that's me.

Adam Wildavsky: Where to start?

A. The TD ruling says UI, but his adjustment was based on MI.

B. As in case 5, the panel is making determinations that are uncalled for and irrelevant as a matter of law. They cannot know to a certainty what would have happened had a correct explanation been presented. Rather their obligation is to determine that most favorable result likely for E-W and the most unfavorable result that was at all probable for N-S. Using that standard they might well have decided to adjust only the N-S score.

C. I would like to have seen the TD and Panel address the UI aspect of the case. North had UI from his partner's incorrect explanation. What were the logical alternatives to his 3N call, if any, and did the UI make 3N more attractive?

Bobby Wolff: This particular panel found a way to punish CD without stating it such, in those terms. Right result obtained, but I wish the CD (an awful and continual blight on bridge which needs to be addressed) would be specifically mentioned for effect, if nothing else.

APPEAL	NON-NABC+ SEVEN
Subject	Tempo
DIC	Karl Hicks
Event	Side Game
Session	Afternoon
Date	July 25, 2011

BD#	24
VUL	None
DLR	W

1800 Masterpoints	
♠	T964
♥	AJ83
♦	Q765
♣	J

5952 Masterpoints		Summer 2011 Toronto, Canada	137 Masterpoints	
♠	753		♠	QJ8
♥	K76		♥	T92
♦	A		♦	JT42
♣	KQ6542		♣	T93

1700 Masterpoints	
♠	AK2
♥	Q54
♦	K983
♣	A87

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

Final Contract	2NT by South
Opening Lead	5♣
Table Result	2NT by South, making 2, N/S +120
Director Ruling	2NT by South, making 2, N/S +120
Panel Ruling	2NT by South, making 2, N/S +120

(1)	Asked about at end of auction, told it showed 12-14 HCP
(2)	Noticeable hesitation, 8 – 10 seconds

The Facts: There was a break in temp (BIT) before the 2NT call agreed to by all the players. No questions were asked during the auction. At the end of the auction, East/West asked about the 1NT call and they were told that it showed 12 – 14 HCPs.

The Ruling: It was felt that pass was not demonstrably suggested by the BIT. If anything, the BIT suggested extras and 3NT would be the suggested call. Law 16B1a says that “a player may not choose from among logical alternatives one which could have been demonstrably suggested.....”

The Appeal: East/West felt that North showed substandard values with the BIT, suggesting South’s pass.

Non-Appealing Side: North said she was considering whether to pass or bid 2NT. South said she forgot what a balancing 1NT showed in HCPs.

The Decision: Many players were consulted of varying masterpoint holdings. Those in a similar or lesser masterpoint category than North/South felt the BIT showed odd distribution, but did not say anything about strength.

Those with considerably more masterpoints than South felt it showed substandard values. About 50% of all players polled passed with South's hand. Based on this polling data it was felt that the evidence was not strong enough to require South to bid 3NT, nor was pass demonstrably suggested by the BIT.

Therefore the table Director's ruling of no adjustment was upheld.

The Panel: William Michael (Chairman), Ken Van Cleve, and Patty Johnson.

Commentary:

Barry Rigal: Excellent ruling. Who the devil (substitute whatever the reverse of a euphemism is...dysphemism?) knows what a slow 2NT shows –why not a hand that might bid 3NT? The law says 'demonstrably' suggest in the case of a BIT and a pass is not demonstrably suggested.

Adam Wildavsky: It would be nice to know what range South thought she had shown. As is we have no way of knowing whether or not she thought she held a minimum or a maximum. Yes, we'd have to discount her testimony if it was self-serving, but we might as well ask.

North's statement implies that she was not sure whether she was strong enough to invite. It is reasonable to suppose that her partner picked up on this, presumably unconsciously, especially if they are a regular partnership. I would have been inclined to adjust the score.

Bobby Wolff: I have no particular feelings on the decision on this case and will be happy to go along with the panel's judgment of no adjustment, although a warning should be given to NS to better discuss their point ranges for all their standard bids.

APPEAL	NON-NABC+ EIGHT
Subject	Tempo
DIC	Sue Doe
Event	0-5000 Spingold
Session	First Quarter
Date	July 26, 2011

BD#	23
VUL	Both
DLR	S

3132 Masterpoints	
♠	97
♥	A74
♦	Q952
♣	JT83

3615 Masterpoints		Summer 2011 Toronto, Canada	2301 Masterpoints	
♠	AK		♠	QJT852
♥	KQ32		♥	JT5
♦	KJ73		♦	A6
♣	A62		♣	K5

2028 Masterpoints	
♠	643
♥	986
♦	T84
♣	Q974

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

Final Contract	6♠ by West
Opening Lead	A♥
Table Result	6♠ by West, making 6, N/S +1430
Director Ruling	6♠ by West, making 6, N/S +1430
Panel Ruling	6♠ by West, making 6, N/S +1430

(1)	Transfer to spades
(2)	BIT of 60 – 80 seconds

The Facts: East took between 60 to 80 seconds before she bid five spades, agreed to by both sides.

The Ruling: The auction constitutes authorized information which suggested a continuation by West. Per Law16B1a, this supersedes any unauthorized information from the BIT.

The Appeal: North/South felt pass was a logical alternative to the six level call.

Non-Appealing Side: West felt pass was not a logical alternative. East stated her long thought was in trying to determine whether West could have opened 2NT missing the ace and king of hearts. She decided this was possible and bid five spades.

West stated he was going to six when East bid four diamonds. He said East either had a long spade suit with a diamond control or a two suited hand with spades and diamonds. He didn't care which hand East held, his six diamond bid was a choice of slams.

East/West stated that East doesn't play much and often hesitates.

The Decision: Four players were consulted and three bid on while one player passed the five spade call. The person who passed could not really state why she did not carry on. All three that did bid, stated that they have the ace and king of spades and second round heart control. Two said that pass was not a logical alternative, while the third bidder said pass was a 20% or less action.

The Panel felt that pass was not a logical alternative.

The Panel: William Michael (Chairman), Nancy Boyd and Matt Koltnow.

Commentary:

Barry Rigal: In the real world where West is cuebidding for diamonds, the call of six diamonds is close to a no-brainer. 5♠ here denies the heart ace hence West settles for small slam. If partner had a spade hand and diamond control (impossible in the real world but who plays there anymore?) the conversion to 6♠ will see West with a suitable hand for that contract. Good decision.

Adam Wildavsky: The justification for the TD's ruling makes no sense to me.

The panel ruling looks right to me, and it shows a limitation of polls. There is no point in polling a player who cannot provide a reason for taking an action. For all we know such a player might make calls at whim, regardless of the implications of the auction. Players are entitled to do as they please at the table or when responding to a poll, but their answers tell us nothing useful about what a player who employs reason might do.

Bobby Wolff: Another good practical decision, especially considering if, (the next time) if 6 spades did not make, no one would ever hear about it, so there is risk for EW in bidding it.

APPEAL	NON-NABC+ NINE
Subject	Tempo
DIC	Bernie Gorkin
Event	Open Pairs
Session	Second Session
Date	July 26, 2011

BD#	2
VUL	N/S
DLR	E

805 Masterpoints	
♠	KJ98754
♥	
♦	JT6
♣	AQ4

4476 Masterpoints		Summer 2011 Toronto, Canada	5135 Masterpoints	
♠	T62		♠	A
♥	A654		♥	KQJ932
♦	AK8		♦	432
♣	K53		♣	T97

872 Masterpoints	
♠	Q3
♥	T87
♦	Q975
♣	J862

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

Final Contract	4 Spades by North
Opening Lead	K♥
Table Result	Making 4, N/S +620
Director Ruling	4 ♥ by East, Making 4, N/S -620
Panel Ruling	4 ♠ by North, Making 4, N/S +620

(1) BIT, 12-15 seconds estimated by EW, disputed by NS.

The Facts: East led the king of hearts, and the result was 4 Spades by North making, NS +620. The director was called when North bid 4 Spades.

The Ruling: The Director ruled that there had been a BIT, and that the UI suggested bidding on. Therefore the Director imposed a call of Pass on North as a logical alternative to 4♠, resulting in a ruling of 4♥ by East making 4, NS -420 [Law 16, Law 12C1(e)].

The Appeal: NS appealed the director's ruling. The screener spoke briefly to EW separately and more extensively to NS later. EW confirmed the facts as stated by the director.

Non-Appealing Side: NS did not think there had been a noticeable BIT; South admitted to being surprised by East's bid of 4♥ after having opened 2♥.

The Decision: The Panel found that unauthorized information existed for North as a result of South's BIT. Law 16B1(a) states: "After a player makes available to his partner extraneous information that may suggest a call or play, . . . the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information."

A poll of players was taken to determine what, if anything, was demonstrably suggested by South's BIT. Six players were polled; five thought that South's BIT suggested that they were thinking of doubling 4♥. The sixth thought that partner was considering bidding 4♠. The evidence from the screener's poll of peers showed that bidding 4♠ was not demonstrably suggested by the BIT. Therefore, the panel decided that the unauthorized information did not demonstrably suggest bidding rather than passing. As such the panel restored the table result of 4♠ by North making 4, NS +620.

The Panel: Brian Russell (reviewer), Susan Doe, Matthew Koltnow

Commentary:

Barry Rigal: Sensible decision; looking at a heart void the option of South's doubling 4♥ is certainly possible. That said it makes 'non-pass' more attractive than pass. The counter argument to this is that once East bids 4♥ South cannot have soft heart tricks, can he/ or he would have doubled what everyone at the table knows is an undisciplined or perhaps impossible call. And finally I don't think South was thinking of bidding and the auction was unusual – a skip bid without a jump.

Adam Wildavsky: Good work by the panel. The TD missed an important step here.

Bobby Wolff: While I do believe that North acted on his partner's break in tempo, I think the ruling fair and was a very lucky make. There are two jacks of clubs listed and if it was East who held the jack, even after the normal heart lead 4 spades could (and should) be defeated with a club switch. If, however, South held the ten instead, it cannot be defeated unless the declarer misguesses.

APPEAL	NON-NABC+ TEN
Subject	Claim
DIC	Millard Nachtwey
Event	Open Pairs
Session	Second Session
Date	July 28, 2011

BD#	22
VUL	E/W
DLR	E

3500 Masterpoints	
♠	KJT9
♥	95
♦	A7
♣	JT654

4500 Masterpoints		Summer 2011 Toronto, Canada	1150 Masterpoints	
♠	Q865		♠	A743
♥	QT42		♥	AK
♦	QT94		♦	J8632
♣	K		♣	73

5600 Masterpoints	
♠	2
♥	J8763
♦	K5
♣	AQ982

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

Final Contract	4 ♣ Doubled by South
Opening Lead	♦9
Table Result	Making 4, N/S +510
Director Ruling	4 ♣ Dbld by S, down 1, N/S - 200
Panel Ruling	4 ♣ Dbld by S, making 4, N/S +510

The Facts: The Director was called when there were six cards left to play. The situation was:

KJT
Void
Void
T65

Q8	43
QT	Void
94	J863
Void	Void
	Void
	J87
	Void
	Q98

The Ruling: The Director asked declarer for a statement of play – he said he had good cards. The director asked if intended to cross-ruff the hand; he said no, he had good cards. He knew Ace of spades had been played earlier.

Per Law 70AD1, the Director ruled four clubs doubled, down one, North/South -200.

The Appeal: During screening, South was in control of the hand. He said “his Cards were good” – he didn’t state that his hand was good. He thought it was obvious that he wouldn’t lose a trick to the queen of spades.

Non-Appealing Side: East/West agreed with the information of the appeal form. They also felt they gave sufficient time for South to state his line of play.

The Decision: The timing of the claim, as well as the play to the spade nine, seems consistent with declarer’s intent (stated during screening) to trump spades. Declarer did not seem to understand the term “cross-ruff”, but did say something to the effect the “he would use all his cards”.

This strongly suggested that he intended, though poorly worded, to cross-ruff. It appeared to the panel that had the hand been played out, declarer would have scored the rest of the tricks. Declarer was not depending on the location or quantity of guarding cards such as the queen of spades, nor de he seem to think the spades were good.

This makes losing a trick to the queen of spades irrational. As stated earlier, declarer was the only player of the four who could reconstruct the play, making the “in control of the hand” argument that much stronger.

The Panel ruled that the contract be four clubs, doubled, making four for +510 for North/South.

The Panel: William Michael (Chairman), Matt Smith, Terry Lavender

Commentary:

Barry Rigal: In a rather messy position the panel relied on South's demonstrated ability to remember what had gone before to decide he was not going to screw up royally. Looking at this ending it is hard to see how anyone could lose a trick here...or why the defenders called the TD in the first place!

Adam Wildavsky: I prefer the panel's decision to the TD's. I cannot imagine what caused E-W to question declarer's claim, though they were certainly within their rights to do so.

Bobby Wolff: Another good ruling based on the equity of the claim, basically deciding that South knew what he was doing.

APPEAL	NON-NABC+ ELEVEN
Subject	Misinformation
DIC	Tim Crank
Event	Open Pairs
Session	2 nd
Date	July 29, 2011

BD#	16
VUL	E/W
DLR	West

1,740 Masterpoints	
♠	QT972
♥	2
♦	K6
♣	KJ832

837 Masterpoints		Summer 2011 Toronto, Canada	7,126 Masterpoints	
♠	8		♠	KJ653
♥	JT87		♥	A963
♦	QT5432		♦	
♣	A4		♣	QT76

13,111 Masterpoints	
♠	A4
♥	KQ54
♦	AJ987
♣	95

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

Final Contract	3 diamonds by South
Opening Lead	8♠
Table Result	Down 2, N/S -100
Director Ruling	3♦ South, Down 2, N/S -100
Panel Ruling	2♠ East, down 2, N/S +200

(1) 2♦ was explained as a good three card spade raise

The Facts: West led the eight of spades and the result was 3♦ by South down two, NS -100. The director was called during the hand.

The director determined that the convention, 2♦ by a passed hand as a good three card raise, was on both EW convention cards; but nothing was mentioned about it being on or off in competition. East, who suggested they play this convention, plays it on over a double. West thought it off in all competition.

The Ruling: Given what was on the convention cards, the director ruled that misinformation had occurred (Law 75) but that the NS actions were unaffected as a result. Moreover the directors felt that NS poor score was achieved because they did not

know whether North's double of 2S was penalty or takeout. They allowed the table result to stand, 3♦ by South down 2 for NS-100.

The Appeal: NS appealed the director's ruling. All players attended the review. All confirmed the facts as stated by the director. North stated that if he had known that 2♦ was a natural bid he would have passed out 2♠.

The Decision: The screener polled an expert and four peers, asking what action they would take with the north hand, giving them both the misinformation and the correct information. In the first scenario, two doubled and three passed. Given the information that 2♦ was natural all five passed out 2♠. According to Law 12C1(e) the panel assigned the score of 2♠ by East down two, NS +200.

The Panel: Brian Russell (reviewer), Gary Zeiger, Susan Doe

Commentary:

Barry Rigal: Clearly N/S were damaged by the meaning of the 2D bid after North's double. Had 2D been explained as natural South would have known it was penalty. That said, despite North's attempt to stop himself doubling 2S I would have thought it was more not less attractive to do so if there was no fit. Even though North said he would not have doubled I might look at giving N/S 2Sx down two. I'll settle for the AC ruling.

Adam Wildavsky: North and South were entitled to know both the actual E-W agreement, namely that they had no agreement. They were also entitled to know that East thought West held a Spade raise, because they acquired this information through the ACBL's legitimate procedures. In those circumstances it seems more than likely that either North would pass out 2♠ or that South would sit for a double. I'd consider assigning a score of -500 to E-W as the most unfavorable result that was at all probable. I do not fault N-S for having a misunderstanding regarding the double. Most players would be puzzled to find themselves holding Ax in a suit the opponents had raised and partner had doubled for penalties at the two level. It's an almost impossible problem to solve, and one possibility is that the partnership is not on firm ground regarding the double. With correct information this possibility would become substantially less likely.

Bobby Wolff: Another very good equitable decision penalizing CD, and although not mentioning it, South had to deal with holding 2 spades and thinking that 3 were on her left, instead of partner possibly having a stack for what a penalty double would normally be. My only bone to pick with this decision is why wouldn't this panel shout from the mountaintops about the insidious nature of CD so that other committees would start to realize how tragic it always is to the normal playing of the game itself, and in 99% of the cases, only the result of lazy application and partnership discussion from the CDers.

APPEAL	NON-NABC+ TWELVE
Subject	Tempo
DIC	John Gram
Event	AX Pairs
Session	2 nd
Date	July 30, 2011

BD#	26
VUL	Both
DLR	East

Donna Swarthout	
♠	AQ
♥	KQJT953
♦	J9
♣	A4

David Baker		Summer 2011 Toronto, Canada	Dragana Kovacevic	
♠	T5432		♠	97
♥	76		♥	2
♦	832		♦	KQ7654
♣	Q63		♣	J975

David Swarthout	
♠	KJ86
♥	A84
♦	AT
♣	KT82

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

Final Contract	7 ♥ by South
Opening Lead	2 ♦
Table Result	Making 7, N/S + 2210
Director Ruling	6 ♥ by South, making 7, N/S +1460
Panel Ruling	7 ♥ by South, making 7, N/S +2210

(1) BIT of 8 – 10 seconds

The Facts: All four players agreed that there was some break in tempo by South before the 6♥ bid.

The Ruling: A BIT occurred prior to North's six heart bid – up to ten seconds, agreed to by North, East and West. South felt the time was shorter, perhaps five seconds. North/South did not have system notes available, but stated that five notrump invites the seven level. Six club bid showed king, and six diamonds would have asked for diamond king. Once North bypasses this step, South knows North is not looking for diamond king and bids seven hearts holding the spade king.

Per Law 16C1 there was unauthorized information due to BIT which could have suggested North wanted to bid more. Contract was ruled to be six hearts, making seven, North/South +1460.

The Appeal: BIT was not longer than nine seconds, probably five to nine seconds. South felt he should show spade king by bidding seven hearts since North did not ask about diamonds.

Non-Appealing Side: East/West agreed to five to nine second BIT, but felt that BIT suggested further bidding.

The Decision: Since five notrump is a try for the grand slam, and it could have been bid directly over that call. The panel allowed South to complete answering the question asked by five notrump bid and bid six spades.

Although there was unauthorized information conveyed by the BIT, the panel felt that passing was not a logical alternative. Four players were polled and two bid on and two passed the six heart bid.

The Panel: Bernie Gorkin, reviewer, Terry Lavender, Kevin Perkins

Commentary:

Barry Rigal: This is a gross breach of the panel system; when two out of four people tell the panel there is an LA to bidding and they go ahead and allow the action. If you want to be allowed to use panels you can't do stuff like this – it throws all the other decisions taken into disrepute. That fact that South has a case for bidding on is neither here nor there; 6S presumably being the 'right' bid. Once a BIT is established I think he is barred – or at least dependent on a quasi-unanimous panel, which he did not get.

Adam Wildavsky: The panel ruling makes no sense. The results of their poll show clearly that Pass was a logical alternative. South's bidding shows it as well -- if he thought the black kings warranted a grand slam he could have bid it directly over 5NT. North had a responsibility to plan her auction before bidding 5NT. The 6C response should not have come as a surprise.

The panel spoiled a perfectly good TD ruling.

Bobby Wolff: I disagree to this decision if there was decided that there was a BIT.

Naturally there is good reason to bid 7, but by North, not South. Especially since East doubled six diamonds probably showing diamond honors how could the 1NT opener (assuming 15-17) not hold the king of spades. North should bid 7NT in a flash, and by not doing so, her BIT (if there was one) should keep her partner from going on.

APPEAL	NON-NABC+ THIRTEEN
Subject	Misinformation
DIC	Olin Hubert
Event	0-5000 Mini-Spangold
Session	Second Final
Date	July 30, 2011

BD#	5
VUL	N/S
DLR	North

3100 Masterpoints	
♠	Q962
♥	32
♦	AJT972
♣	9

4200 Masterpoints		Summer 2011 Toronto, Canada	4400 Masterpoints	
♠	AK87		♠	JT
♥	KT64		♥	85
♦	643		♦	KQ85
♣	82		♣	AQ543

2600 Masterpoints	
♠	543
♥	AQJ97
♦	
♣	KJT76

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

Final Contract	3♥ by South
Opening Lead	A♠
Table Result	Down 2, N/S -200
Director Ruling	3♥ Dbl by South, down 2, N/S -500
Panel Ruling	3♥ Dbl by South, down 2, N/S -500

- | | |
|-----|---|
| (1) | South told West that 2♣ showed limit raise in hearts; North told East that 2♣ showed diamonds |
| (2) | South told West that 2♠ asked cheapest suit in which North would except game try – pass of 2♠ doubled was undiscussed |

The Facts: The opening lead was the spade ace and the result was 3♥ by South down two, North/South -200. The director was called after dummy came down and again at the end of the hand. West told the director he would have doubled 3♥ if he had been told that 2♣ was a transfer to diamonds rather than a limit raise of hearts. The director determined that the North/South agreement was as North stated.

The Ruling: The director ruled that misinformation existed and that it made it more difficult for West to double 3♥ (Law 40B4). According to Law 12C1(e) he changed the score for both sides to 3♥ doubled by South down two, North/South -500.

The Appeal: North/South appealed the director's ruling. All players attended the review. The reviewer confirmed with North/South system notes that the agreement was as North described to East. 2♣ was usually just diamonds, but sometimes it was a prelude to a forcing sequence including diamonds with a fit. South told the reviewer that he believed that in light of East's opening bid double was clear in any case, and that giving West credit for doubling with the correct information was giving him a "fielder's choice". North pointed out that East's failure to bid spades all but guaranteed that West's AK of spades would cash.

Non-Appealing Side: East/West said that their opening bid style was to open with shapely eleven HCP hands. West said that at IMPs he did not see how it was right to double with a limit raise on his left.

The Decision: North/South had demonstrated that the actual agreement was a transfer to diamonds so West was given misinformation by South (Law 75). Law 40B4 states: "A side that is damaged as a consequence of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score." Law 12B1 states: "The objective of a score adjustment is to redress damage to a non-offending side and to take away any advantage gained by an offending side through its infraction. Damage exists when, because of an infraction, an innocent side obtains a table result less favorable than would have been the expectation had the infraction not occurred—but see C1(b) below." Law 12C1(b) tells the director to consider whether subsequent to the irregularity the non-offending side contributed to its own damage by a serious error unrelated to the infraction, and if so to give it relief only for that part of the damage that was not self-inflicted (while still fully adjusting the offending side's score).

The panel consulted three expert players on West's position first with incorrect information and then with correct information. When given the auction with the incorrect information given by South, all agreed with the original negative double; all agreed with or accepted the double of 2S; and two of the three passed 3H while the other doubled. When told what the actual agreement of 2♣ was, all three doubled 3♥ and all three thought it was much easier to double when given the correct information. Since the testimony of the expert players was so persuasive that the director had made the correct ruling given the standard of the law described above, the panel saw no reason to delay rendering a decision in the finals of a knockout event to consult peers. The table director's ruling of 3♥ doubled by South down two, North/South -500 was upheld.

This appeal was heard immediately after the match when it became known that the winner of the event hinged on the outcome of this board. For that reason there was no time to properly explain to North/South the laws and the reasons for the ruling. For that reason no consideration was given to issuing an Appeal Without Merit Warning.

The Panel: Matt Smith (reviewer), Brian Russell, Gary Zeiger

Commentary:

Barry Rigal: Good ruling and AC decision and I think just enough doubt that it was OK not to award an AWM – certainly in the context of the procedures followed (which were surely sensible).

Adam Wildavsky: Nice work by the TD and the Panel.

Bobby Wolff: Still another way to penalize CD, which I, of course, agree. However, if we eliminate (or almost) by penalizing it out of existence, which everyone will understand and benefit from, we would have many fewer of these types of appeals. The reasoning for this ruling is somewhat confusing and therefore not ready for prime time, but whatever way is used to eventually skin cats is OK with me as long as all of us attempt to reach the same goal of benefiting the playing of our game.

APPEAL	NON-NABC+ FOURTEEN
Subject	Misinformation
DIC	Mike Roberts
Event	2 nd Sunday AX Swiss Teams
Session	First
Date	July 31, 2011

BD#	3
VUL	EW
DLR	S

Sandra Fraser	
♠	8
♥	JT72
♦	JT65
♣	J842

Zbigniew Pianka		Summer 2011 Toronto, Canada	Andrzej Niewiadomski	
♠	AKJ96		♠	Q43
♥	AK84		♥	9654
♦	Q72		♦	43
♣	K		♣	T953

Doug Fraser	
♠	T752
♥	Q
♦	AK98
♣	AQ76

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

Final Contract	4♠ by West
Opening Lead	J♦
Table Result	Down 1, N/S +100
Director Ruling	5♦ Dbl by South, down 2, N/S -300
Panel Ruling	5♦ Dbl by South, down 2, N/S -300

(1) North intended 3♦ to be preemptive. South, before the 4♠ bid explained as limit.

The Facts: The opening lead was the Jack of Diamonds and the result was 4♠ by West down one, North/South +100. The Director was called at the end of the hand. At the end of the auction, West asked North if her hand corresponded to the explanation. North said: "Our agreement is limit". North told the Director that during the bidding she forgot the agreement, which had recently changed from preemptive. South confirmed that the agreement had recently been changed. Both North/South convention cards were marked as preemptive.

The Ruling: Given what was on the convention cards, the director ruled that misinformation had occurred (Law 75) but that East/West actions were unaffected as a result. However, North had unauthorized information from South's explanation and that information suggested passing West's bid. The director polled six players on North's action over 4♠. Two players passed and four bid. Based on that poll, the director imposed a bid of 5C or 5♦ on North as logical alternatives to pass, resulting in a ruling of 5♦ doubled by South down two, NS -300 [Law 16, Law 12C1(e)].

The Appeal: North/South appealed the Director's ruling. The Screener spoke briefly to West separately, and more extensively to North/South later. West confirmed the facts as stated by the Director. During screening, North was informed that since the agreement of limit was not demonstrable she was required to speak up at the end of the auction if declarer or dummy, or at the end of the hand if a defender as was the case here [Laws 75C, 20F5(b)]. The Screener told North/South the results of the director poll and one that was conducted by the Screener prior to the hearing that obtained similar results. North/South maintained that despite the poll results, bidding over 4♠ in their methods after making a pre-emptive raise in diamonds was never reasonable (North/South play a weak no trump in a natural framework). Both argued that the lack of a fifth diamond was critical in deciding not to bid over 4♠. South said he was aware that there was the potential of a misunderstanding in the auction since they had recently changed their methods, but that he did not think a double by him of 4♠ would have been clear even if he had been sure his partner had a limit raise.

The Decision: Law 16B1(a) states: "After a player makes available to his partner extraneous information that may suggest a call or play, . . . the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information."

The Panel found that unauthorized information existed for North as a result of South's answer to West's question. Furthermore, the evidence from the Director's poll and the Screener's poll of experts/peers (five players bid, two passed, one found it too close to call; several players on each side either chose or accepted the initial 3♦ bid as reasonable) indicated that bidding was a logical alternative. Since the fact that North/South play a weak no trump opening was not mentioned in any of the earlier polling, three more players were polled with that information being provided. One bid 5♦ and two passed. None thought that using a weak no trump was relevant to the decision. With that information, the Panel decided that bidding over 4♠ was a logical alternative. The question of whether the unauthorized information demonstrably suggested North's pass was more difficult. Of the four experts consulted on that point, one believed strongly that the UI suggested bidding instead of passing since if the auction happened to be passed out in 4♠ it would likely make (if partner couldn't double it expecting a limit raise) and a good save was probably available and missed in that case. Another was unsure which direction the UI pointed. Two others were convinced that it suggested passing instead of bidding. One suggested that worse things than -620 were possible if North bid and partner expected a limit raise. The other expert agreed and said it felt more dangerous to

bid when partner expects a limit raise. One pointed out that the scenario that actually occurred at the table (East/West going down and North/South unable to make the five level) also argued that pass was suggested.

Despite the conflicting testimony from consulted experts, the Panel decided that the unauthorized information demonstrably suggested passing rather than bidding. According to Law 12C1(e), the Panel assigned the score of 5♦ doubled by South down two, NS -300. East/West made no argument that they would have acted differently with correct information, and the panel believed that in any case possible damage as a result of MI was exceeded by that from UI.

Due to the conflicting input from consulted players, the appeal was found to have merit.

The Panel: Matt Smith (reviewer), Terry Lavender, Bill Michael

Commentary:

Barry Rigal: Excellent detective work and stellar write-up. Well done. As to the decision, I see no reason to overturn the two rulings; once you have MI/MB of this sort it seems to me that the doubt goes to the non-offenders in the case of a tie. I play 4C would ask me to save with a suitable hand and my club length and singleton spade make that the right action.

Adam Wildavsky: I agree with the main thrust of the TD and Panel decisions. I would have liked to see a discussion of the likely and at all probable results after a 5D call. Down three doubled seems a live possibility.

Bobby Wolff: The beat goes on which, to keep saying, I am very pleased to say the least. However, we need to begin rewording the laws to first define and then condemn CD in all its forms until our players realize their responsibilities to the game itself. At least to me, the result will be a slam dunk in favor of aspiring and thinking partnerships to feel the accountability necessary to play unusual conventions and their nuances.