

2012 Spring NABC

Appeals Casebook



Table of Contents

Foreward

Expert Panel

NABC+

1. Unintended Designations
2. Break in Tempo
3. Break in Tempo
4. Break in Tempo
5. Break in Tempo
6. Break in Tempo
7. Misinformation
8. Break in Tempo
9. Break in Tempo
10. Misinformation
11. Break in Tempo
12. Disputed Claim
13. Unauthorized Information

Non-NABC+

1. Break in Tempo
2. Unauthorized Information
3. Break in Tempo
4. Break in Tempo
5. Disputed Claim
6. Misplayed Card
7. Break in Tempo

Abbreviations used in this casebook:

AC	Appeal Committee
AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CD	Convention Disruption
CoC	Conditions of Contest
LA	Logical Alternative
MI	Misinformation
NOS	Nonoffending Side
OS	Offending Side
PP	Procedural Penalty
TD	Tournament Director
UI	Unauthorized Information

2012 Spring NABC Appeals Casebook Memphis, Tennessee

Foreward

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 (20) cases were heard.

Thirteen (13) 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.

Seven (7) 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.

ACBL Headquarters
Horn Lake, MS

Expert Panel

Jeff Goldsmith is an American bridge player originally from Schenectady, NY, currently residing in California. He graduated from Rensselaer Polytechnic Institute and Caltech and works as 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. Goldsmith is an ACBL Platinum Life Master and serves on the ACBL Competitions & Conventions Committee.

Michael Huston is a former English professor and former labor relations consultant. He is now a professional player, bridge teacher and labor arbitrator. Huston has been a member of the National Appeals Committee for over thirty years and is a Platinum Life Master.

Rui Marques was born in 1962 and grew up in Portugal. He is Chemical Engineer, with a M.Sc. in Applied Mathematics and a Ph.D. in Chemometrics. Married to Connie Goldberg, he currently splits his time between Philadelphia (U.S.A.) and Cascais (Portugal). Having started as a Tournament Director in 1989, he directed his first international championship in 1992. He has been the Assistant Chief TD for the WBF since 2011, Chief TD for the EBL since 2015, Sports Personality of the Year in Portugal in 2016. He also is a Lecturer and Group Leader in the EBL International Tournament Directors Courses.

Adam Wildavsky was born in Ohio in 1960 and grew up in Berkeley and Oakland, CA and London, England. A graduate of MIT, he is a retired software engineer and now spends summers in Sarasota, Florida and winters in Keystone, CO. Mr. Wildavsky has won numerous national championships including the Blue Ribbon Pairs twice, the Reisinger BAM Teams once, and the USBF Team Trials twice. He won a bronze medal in the 2003 Bermuda Bowl in Monaco. Mr. Wildavsky is vice-chair of the National Laws Commission, a member of the WBF Laws Committee, and a former chairman of the National Appeals Committee. His interest in the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Chris Willenken was born in 1975 in New York City, Willenken graduated from Collegiate School in 1993 and Williams College in 1997. Willenken is an ACBL Grand Life Master and a WBF Life Master. In 2011, he won the gold medal at the inaugural Sport Accord World Mind Games Individual Championship. In WBF competition, Willenken reached the semifinals of the 2010 Rosenblum Cup and 2011 World Transnational Open Teams Championship and finished fourth in the 2014 World Open Pairs Championship.

APPEAL	NABC+ ONE
Subject	Unintended Designation
DIC	Ken VanCleve
Event	IMP Pairs
Session	2 nd
Date	March 16 th , 2012

BD#	2
VUL	N-S
DLR	E

Peter Manzon	
♠	T9843
♥	J9
♦	T6
♣	Q964

Jian Jian Wang		Spring 2012 Memphis, Tennessee		Hailong Ao	
♠	AQJ652	♠	(void)	♥	AKQ7
♥	6	♥	AKQ7	♦	Q8532
♦	K7	♦	Q8532	♣	K872
♣	AJT5	♣	K872		

Robert Bertoni	
♠	K7
♥	T85432
♦	AJ94
♣	3

West	North	East	South
		1♦	1♥
2♥¹	P	2NT²	P
3♣	P	3♦	P
3♥	P	3NT	P
P	P		

Final Contract	3NT by East
Opening Lead	♥8
Table Result	Down 1, N/S +50
Director Ruling	Down 1, N/S +50
Committee Ruling	Making 3, N/S -400

(1)	Transfer to spades
(2)	Game-forcing

The Facts:

The Director was at the table to prevent slow play. His attention was called to the issue at hand when at the 8th trick the declarer called for a diamond from dummy and then attempted to correct to a club. The Director heard neither the card called for nor the correction.

The first seven tricks:

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

The Ruling:

The Director cited Law 45.C.4a: “A card must be played if a player names or otherwise designates it as the card he proposes to play,” in his decision to let the table result stand.

The Appeal:

East attended the hearing. His contention was that the call for a diamond was a “misspeak”. His intention was to cash the clubs and then the heart, taking his nine tricks and making his contract; and then to see if he could endplay one of the opponents for the extra trick.

The Decision:

The intent of the Declarer was obvious. He had set up his nine tricks to fulfill his contract and leading a diamond from dummy at that time would be completely irrational. He had already pitched two diamonds from his hand and led one to the dummy.

The call for the diamond lead from dummy was a misspeak and the change to the club was without thought and was his original intent (Law 45.C.4b).

The Committee therefore overturned the Director’s ruling and changed the result to 3NT making for +400 E/W.

The Committee: Fred King (Chair), Jim Thurtell and Paul Janicki

Commentary:

Goldsmith - If the designation was truly changed "without pause for thought," then why did the Director rule otherwise? How could the AC determine this if the TD could not? What did the players tell the Director when he was called?

In any case, this seems pretty clear. Declarer miscalled from dummy, and he's allowed to fix such errors if he hasn't gained any advantage by miscalting.

Huston - It is hard to agree or disagree with this decision when the critical facts are not presented. The AC does find declarer's intent from the line of play, but without any discussion of “without any pause for thought,” the value of the write-up is weak and the casual reader (if there is one) of the casebooks will wonder why the AC's decision is preferable to the Director's.

Marques - It is clear from the report that declarer misspoke when stating a diamond as the card to be played from dummy. Good AC decision. 45C4b could be better placed in the Laws. It is frequently overlooked. Just as an aside, declarer might even have paused before realizing the error,

as long as the pause was not “for thought”.

Wildavsky - The write-up says "without thought" but means "without pause for thought." I would have liked to hear the TD explain why he believed that Law 45C4b did not apply. This is a "bread and butter" ruling and ACs should defer to TDs where it is reasonable to do so. The AC did not have any special bridge knowledge to bring to bear.

Willenken - On the facts presented here, I disagree strongly with the Committee's decision. While declarer's intent to run clubs may have been clear, intent is not the legal standard for determining whether dummy's diamond was a played card at trick eight. Law 45C4b states that "a player may change an unintended designation if he does so without pause for thought." The determination as to whether declarer changed his designation in a timely fashion is best made by the table director, especially if (as here) the director was already at the table when the attempted change of designation occurred.

However, it may be that the Committee felt that the Director made an error of law as opposed to an error of fact. The write-up indicates that the table director based his ruling on 45C4a; perhaps the Director neglected to consider declarer's rights under 45C4b. If the Committee suspected an error of law, it was reasonable to change the table ruling. I would have preferred to see the Committee consult the table director to satisfy itself about the basis of the original ruling before changing it.

In order to avoid similar issues in the future, I propose that the table director should be charged with making official findings of fact whenever what actually occurred at the table might be subject to dispute. Such findings would ideally be made before consulting with other directors and should be couched in language which is legally neutral. For example, a director would never find "a break in tempo" as a fact, but he might find that "East took six to eight seconds to Pass over four diamonds." It would simplify matters if the Committee in my hypothetical case had only to consider whether a six to eight second hesitation constituted a break in tempo without listening to after-the-fact testimony on exactly how long a hesitation had actually occurred.

So here, if the Director found that "declarer immediately attempted to change his designation" and ruled against declarer based on 45C4a, a Committee would know that the ruling was an error of law and should be overturned, but if Director found that "after the defenders gave declarer a quizzical look, declarer attempted to change his designation," the Committee would let the table ruling stand.

APPEAL	NABC+ TWO
Subject	Break in Tempo
DIC	Gary Zeiger
Event	Platinum Pairs
Session	2 nd Qualifier
Date	March 16 th , 2012

BD#	11
VUL	None
DLR	S

Joel Wooldridge	
♠	T4
♥	64
♦	AQJ753
♣	K84

Aubrey Strul		Spring 2012 Memphis, Tennessee	Michael Becker	
♠	A862		♠	KQJ753
♥	Q9		♥	KJ832
♦	KT42		♦	9
♣	J52		♣	6

Ahmed Hussein	
♠	9
♥	AT75
♦	86
♣	AQT973

West	North	East	South
			1♣
P	1♦	2♣¹	X²
3♠	X³	P	4♣
P	P	4♠	P
P	5♣	P	P
P			

Final Contract	5♣ by South
Opening Lead	♥Q
Table Result	Making 6, N/S +420
Director Ruling	3♠X by West, making 4, N/S -630
Committee Ruling	5♣ by South, making 6, N/S +420

(1)	Alerted and explained as majors when asked by North
(2)	Alerted, never asked
(3)	Alleged BIT. Response to question about meaning in dispute.

The Facts:

The Director was summoned to the table after South's 4♣ bid. There was a disputed break in tempo before North's double. North claimed it was 15-20 seconds. East/West claimed it was 35 seconds. South didn't notice. East asked South for an explanation of North's double; East/West claimed that prior to the Director's arrival South said, "Penalty". South maintained that his response was "Probably penalty".

The Ruling:

1. A BIT beyond ten seconds which constituted unauthorized information occurred prior to North's double
2. The BIT demonstrably suggested taking action over Passing (i.e., pulling North's double).
3. Pass is a LA to bidding 4♣.

Therefore in accordance with Law 16.B.1.a "*(a) After a player makes available to his partner extraneous information that may suggest a call or play, as for example by a remark, a question, a reply to a question, an unexpected* alert or failure to alert, or by unmistakable hesitation, unwonted speed, special emphasis, tone, gesture, movement or mannerism, the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information,*" and Law 12.C.1.e, "*(e) In its discretion the regulating Authority may apply all or part of the following procedure in place of (c)*: (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 Director adjusted the result to 3♠X by West making 4, N/S -630.

The Appeal:

North, South and West attended the hearing. North/South conceded that there was a BIT by North prior to his double of 3♠, but they asserted that, regardless of the BIT, Passing the double was not a logical alternative to bidding. West contended that Passing the double of 3♠ was a logical alternative to bidding and that South, when asked, had explained the double as penalty or "almost penalty". When South was asked about North's "penalty" double of 3♠ he said that it showed values, but did not promise strength or length in spades.

The Decision:

While the BIT by North prior to his double of 3♠ did present South with the information that bidding might well be better than Passing, the Committee agreed that Passing by South was not a logical alternative. After East announced both majors, probably 5-5, and West jumped to 3♠, the Committee could not believe that South had any alternative to bidding over the double. Therefore, the Committee overturned the Director's ruling and restored the table result, 5♣ by South, making 6, N/S +420.

The Committee: Jim Thurtell (Chair), Ed Lazarus and Fred King

Commentary:

Goldsmith - What did the first double mean? Where was the Directors' poll? It is hard to tell without knowing what South had already shown in the bidding, but if the first double showed real clubs, then I don't see why South would pull an in-tempo double. He has two aces, and if his partner thinks they are going down, I see nothing about South's hand which suggests otherwise. I think Passing 3♠x is a LA, so I like the TD's ruling, but I don't have enough information to know for certain.

Huston - The only issue I see is whether there is a logical alternative. I agree with the AC that there is none.

Marques - BIT established and, in essence, the meaning of North's double also established. It would have been useful to establish also the meaning of South's double of 2♣ because it might change South's available options for the rest of the auction.

The TD should have conducted a poll regarding the essential question of whether Pass by South after North's double was a LA. The AC, confronted with the absence of such a poll, could have itself ran a poll (also because they were about to take the opposite view of the TD). NS arguments have an impact, but if we ignore them it seems easy to consider Pass a LA. I ran a private poll and came up with about 45 passers to two bidders! It sounds from the report that NS persuaded the AC into considering that Pass was not a LA. Anyway, on this case, TD 1 – AC 0...

Wildavsky - South has an excellent hand for defense. I do not understand why he pulled the double, nor why the AC ruled as it did. The fact that the opponents have bid 3♠ does not imply that they can make 3♠. Opponents often make mistakes, thankfully so. Passing the double would be eminently logical.

I do not understand why the TD did not take a poll. I expect it would have demonstrated that Pass is an LA, and I expect the AC would have taken this into account.

If there were any doubt we should consider Chris Willenken's point regarding South's additional UI from the alert of the double of 2♦.

On the facts as presented I strongly prefer the TD's ruling to the AC's.

Willenken - A disastrous Committee decision, and one which threatens to undermine all that we are trying to accomplish in adjudicating high-level bridge. If North had held xxx KJx AKxxx xx, Passing the double with South's hand would have been a winner. Of course, with such a hand, North would have no problem doubling in tempo.

Here is the main problem with the Committee's ruling: let's say that in the next round, South picks up exactly the same hand, hears the exact same auction, and Passes successfully when North doubles in tempo. Clearly, the next-round opponents cannot ask for an adjustment-- there was no irregularity at their table. However, we cannot allow South to profit from his partner's tempo by going right in both cases. So, logic dictates that we must adjust the score on the actual deal. This reasoning is why the laws do not let South 'make his normal call' after a break in tempo if there are logical alternatives to that normal call. The Directors got this one exactly right.

In addition, the Committee appears to have ignored the UI from the alert of South's double of 2♣. South clearly thought he was showing a long club suit, while North presumably thought that South was making a support double. If South had already shown his long clubs, why would he rebid the suit again at the four level?

This Committee appears to have been hopelessly overmatched. All four players involved in the appeal are accustomed to playing in the toughest of games, while none of the Committee members regularly plays at that level. It seems silly to have a Committee below the standard of the table which it is supposed to adjudicate. To be clear, this shortcoming does not reflect negatively on the Committee itself (Committees do not choose which cases they hear) but rather on the current method of assigning cases to Committees.

APPEAL	NABC+ Three
Subject	Break in Tempo
DIC	Gary Zeiger
Event	Platinum Pairs
Session	2 nd Semi-Final
Date	March 17 th , 2012

BD#	3
VUL	E-W
DLR	S

Peter Fredin	
♠	AJ43
♥	J92
♦	A7
♣	AKQ8

Richard Zeckhauser		Spring 2012 Memphis, Tennessee	Michael Rosenberg	
♠	KQ987		♠	T52
♥	QT6		♥	A53
♦	T9632		♦	5
♣	(void)		♣	JT9762

Gary Gottlieb	
♠	6
♥	K874
♦	KQJ84
♣	543

West	North	East	South
			P
P	1♣	P	1♦
P	2NT	P	3♥
P	3NT	P	P
P			

Final Contract	3NT by North
Opening Lead	♣J
Table Result	Making 3, N/S +400
Director Ruling	Making 4, N/S +430
Committee Ruling	Making 3, N/S +400

The Facts:

The Director was summoned to the table after the hand. The first four tricks were as follows:

- Trick 1: ♣J-♣x-♠8-♣A
- Trick 2: ♥x-♥x-♥K-♥x
- Trick 3: ♥x-♥T-♥J-♥A
- Trick 4: ♠5-♠6-♠Q*

*There was an acknowledged break in tempo before West played the ♠Q on Trick 4.

After the hand, when asked by the Director, West explained that he was thinking about whether or not to falsecard.

The Ruling:

Citing Law 73.D.2, "A player may not attempt to mislead an opponent by means of a remark or a gesture, by the haste or hesitancy of a call or play (as in hesitating before playing a singleton), the manner in which a call or play is made or by any purposeful deviation from correct procedure," and Law 73.F, "When a violation of the Proprieties described in this law results in damage to an innocent opponent, if the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo or the like of an opponent who has no demonstrable bridge reason for the action, and who could have known, at the time of the action, that the action could work to his benefit, the Director shall award an adjusted score (see Law 12c)," the Director changed the result to 3NT by North, making 4, N/S +430.

The Appeal:

East and West attended the hearing. The Committee determined that on Trick 4, North won the ♠A and cashed out for the contract. East/West play standard signals.

The Decision:

There were two reasons the Committee ruled as it did:

- 1) Declared made no effort to score the tenth trick. Ducking the spade leads to ten tricks and taking the spade and squeezing West down to a singleton spade would also lead to ten tricks.
- 2) The Committee determined that West's hesitation after having played the ♠8 at Trick 1 suggested that he held both honors in spades. With only one he would have had no demonstrable bridge reason for hesitating. With both, he might pause to consider false carding. Hence, West had no reason to believe that a hesitation might work to his benefit

The Committee: Michael Huston (non-voting Chair), Craig Allen, Ellen Kent, Ed Lazarus; Chris Moll and E.J. Kales

Commentary:

Goldsmith - Where are the arguments by the two sides? Why did the Director rule to give N/S 10 tricks? I suspect we are missing important information, but with what we know, it looks as if the AC's ruling seems clear-cut. But the Director had to rule as he did for some reason, and we don't know what that was.

Huston - If the hesitation during play suggests the holding that actually exists, then there can be no cause for adjustment. I rather dislike a hesitation to consider a false card, but in this case, while it's distasteful, there is no reason to use that as a reason to award an adjustment.

Marques - It would be interesting to know why Fredin just gave up and cashed. It seems atypical and maybe a bit careless. Unfortunately North did not attend the hearing so we will never know what went through his mind. But it is curious that when West pauses, thinking about false carding, and plays a honor, he tends to show both of them. I think the AC was fair.

Wildavsky - The laws ought to say that deciding whether to false card is not a permissible reason

for delay. Currently they are not clear on this matter. Hopefully this will be made explicit in the 2017 (or so) Laws. In the meantime, as the Committee notes, there was little reason to adjust the score on this deal.

Willenken - Good ruling. I would be more explicit than the Committee and state that in cases where declarer has some sort of guess and relies unsuccessfully on the defensive tempo, the score should only be adjusted if the Committee believes either that there was no good bridge reason for the hesitation or suspects that the hesitator's intent was to deceive. Otherwise, legalistic declarers will turn their guesses into locks with savvy Committee testimony.

APPEAL	NABC+ Four
Subject	Break in Tempo
DIC	Tom Marsh
Event	Silver Ribbon Pairs
Session	2 nd Quarter-Final
Date	March 18, 2012

BD#	7
VUL	Both
DLR	S

Dan Hertz	
♠	AQ65
♥	QJT32
♦	Q
♣	976

Lynn Tarnopol		Spring 2012 Memphis, Tennessee		Judy Radin	
♠	42	♠	987	♥	5
♥	A97	♥	5	♦	AKJ5
♦	762	♦	AKJ5	♣	KQT83
♣	AJ542	♣	KQT83		

Natalie Hertz	
♠	KJT3
♥	K864
♦	T9843
♣	(void)

West	North	East	South
			P
P	1♥	2♣	3♦¹
4♣	P²	P	4♥
P	P	P	

Final Contract	4♥ by North
Opening Lead	♦A
Table Result	Making 5, N/S +650
Director Ruling	4♣ by East, making 5, N/S -150
Committee Ruling	4♥ by North, making 5 N/S +650

(1)	Bergen raise showing 4+ hearts and 7-9 HCP
(2)	Break in Tempo

The Facts:

The Director was summoned to the table during the auction. It was agreed by all at the table that the Pass over 4♣ was slow. Eight flight A players were polled and of those eight, four chose to pass 4♣.

The Ruling:

1. There was a break in tempo when North passed 4♣ which constituted unauthorized information.
2. The BIT demonstrably suggested that taking action was preferable to Passing.

3. Passing 4♣ is a logical alternative to bidding 4♥. Therefore in accordance with Law 16.B.1.a “(a) After a player makes available to his partner extraneous information that may suggest a call or play, as for example by a remark, a question, a reply to a question, an unexpected* alert or failure to alert, or by unmistakable hesitation, unwonted speed, special emphasis, tone, gesture, movement or mannerism, the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information,” and Law 12.C.1.e, “(e) In its discretion the regulating Authority may apply all or part of the following procedure in place of (c)*: (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 Director adjusted the score to 4♣ by East, making 5, N/S -150.

The Appeal:

North and South attended the hearing. The 3♦ bid by South was Bergen, showing four or more hearts and 7-9 high-card points. The Committee determined by speaking to North/South and reviewing their convention card that the 1♥ opening bid by North in 3rd seat guaranteed at least five hearts. South contended that she did not want to get North “excited” by not first limiting her hand and that she always intended to bid 4♥.

The Decision:

Despite the poll taken by the Director, no one on the Committee would take any other action but bid 4♥, especially considering that North’s opening bid guarantees 5+ hearts. Thus, although there were was UI, the Committee did not believe this caused any damage to East/West (NOS). South should be able to bid her hand and Pass or double were not considered to be logical alternatives to bidding 4♥.

The Committee: Tom Peters (Chair), Kit Woolsey, Chris Moll, Gene Kales and Craig Allen

Commentary:

Goldsmith - The statement that N/S never open 1♥ in third seat with four is very self-serving. It might be true, but as an AC member, I'd need pretty serious proof before I believed it. I'd also like to know if they play Drury. If they play two-way Drury, they could never convince me that they never opened on four.

I'm a little surprised that the poll was 50/50---were they told that 1♥ promised five? I suspect that the Directors did not know that when they were polling.

I'd like to know what alternatives South had to 3♦. A mixed raise with intent to raise is a very dangerous plan, one I'll pretty much never adopt for just this reason.

All in all, I'd go with the Director's ruling, though it is close. My experience over the long haul is that rulings which require an action not to be a LA are wrong quite a lot, so if it's close, ACs should lean in the direction that the action is an LA.

Huston - This AC decision seems clear. What is troubling is that the polled group was so divided.

Marques - Why did the results of the poll differ so much from the opinion of the Committee? Did the players get the same info (namely the specificities of 1♥ in third seat)? I would have added to the poll a second question, about what the hesitation by North might suggest. If the polled players got all the relevant information I would find it difficult to go against the poll and rule that passing is

not a logical alternative.

Wildavsky - The AC ought to respect the poll results where it is plausible to do so. Here they judged it was not. I'd like to think that had the poll questions and answers been presented to them in written form, as is required as of the summer of 2015, they'd have been more likely to take it seriously, or they would have provided reasons why the poll question or context was not adequate.

APPEAL	NABC+ Five
Subject	Break in Tempo
DIC	Candy Kuschner
Event	Mixed Pairs
Session	2 nd Quarter-Final
Date	March 20 th , 2012

BD#	15
VUL	N-S
DLR	S

Maya Altarac	
♠	8
♥	J973
♦	A8764
♣	654

Hakan Nilsson		Spring 2012 Memphis, Tennessee	Marion Michelsen	
♠	A76		♠	KQ954
♥	AT		♥	Q6
♦	KJ5		♦	93
♣	AT872		♣	KQJ9

Roy Martin	
♠	JT32
♥	K8542
♦	QT2
♣	3

West	North	East	South
			P
1NT¹	P	2♥²	P
2♠	P	3♣³	P
3♠	P	3NT⁴	P
6♣	P	P	P

Final Contract	6♣ by East
Opening Lead	♣3
Table Result	Down 1, N/S +50
Director Ruling	Making 6, N/S -920
Committee Ruling	Making 6, N/S -920

(1)	15-17 HCP
(2)	Transfer to spades
(3)	Natural, forcing
(4)	Not-alerted, intended as balanced slam try with 5♠ & 4♣

The Facts:

After three rounds of clubs and two rounds of spades, Declarer (East) led a diamond toward the ♦KJ in dummy. East asserted that South hesitated before following low to the diamond and East went up with the King. West also claimed there was a five second hesitation. North said there was none. South asked, "Can I not think about the distribution?"

The Ruling:

The Director determined that there was a break in tempo before South played to the sixth trick. South had no demonstrable bridge reason for the BIT. (Law 73D.2: “A player may not attempt to mislead an opponent by means of a remark or a gesture, by the haste or hesitancy of a call or play (as in hesitating before playing a singleton), the manner in which a call or play is made or by any purposeful deviation from correct procedure,” and Law 73F: “When a violation of the Proprieties described in this law results in damage to an innocent opponent, if the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo or the like of an opponent who has no demonstrable bridge reason for the action, and who could have known, at the time of the action, that the action could work to his benefit, the Director shall award an adjusted score (see Law 12c).”) Accordingly, the Director adjusted the result to 6♣ by East making 6, N/S -920.

The Appeal:

North, South, East and West attended the hearing. East (declarer) stated that she played three rounds of clubs at a deliberate pace, and then played two rounds of spades before leading a diamond. South took several seconds before playing small. East further advised that South had been rocking in his chair during the play.

West (dummy) insisted South took a substantial amount of time before the diamond play, but did not notice any particular pause in Declarer’s play.

South agreed that Declarer played three rounds of clubs, paused, then two rounds of spades, paused, then diamond and further stated that none of Declarer’s plays had been made in anything but a slow, deliberate tempo. South estimated that he took three seconds to “get back into the hand” before considering the position and then playing a diamond.

The Decision:

The Committee confirmed that South did make a statement inquiring whether or not he could consider the distribution of the hand.

Based upon the comment and other testimony the Committee concluded that South indeed had broken tempo and had no demonstrable bridge reason not to do so, therefore the Director’s decision was upheld.

The Committee: Craig Allen (Chair), Chris Moll, Ed Lazarus, Ellen Kent and Patty Tucker

Commentary:

Goldsmith – Right. An AWMW is not enough; presumably the write-up forgot to mention it. South’s action needs to be sent to the recorder.

Huston - A terse decision, but entirely supportable.

Marques - Good decision overall. South’s alleged motives for the BIT are typical, and the BIT ended up being established by South’s own words. South should have known that he was in a tempo sensitive situation, and be prepared to play a diamond in normal tempo.

Wildavsky - I see no merit to this appeal. What did South plan to do differently once he had considered the distribution?

APPEAL	NABC+ SIX
Subject	Break in Tempo
DIC	Olin Hubert
Event	Vanderbilt K.O. Teams
Session	Round of 64 – 2 nd Half
Date	March 20 th , 2012

BD#	1
VUL	None
DLR	N

Jaroslaw Cieslak	
♠	AT
♥	J753
♦	632
♣	AT85

Piotr Gawrys		Spring 2012 Memphis, Tennessee	Sam Lev	
♠	54		♠	Q973
♥	842		♥	AT
♦	QJ5		♦	KT4
♣	K9743		♣	QJ62

Waldemar Frukacz	
♠	KJ862
♥	KQ96
♦	A987
♣	(void)

West	North	East	South
	P	1♣	X
3♣	P¹	P	X
P	P	P	

Final Contract	3♣ by East
Opening Lead	♥K
Table Result	Down 2, N/S +300
Director Ruling	Down 2, N/S +300
Committee Ruling	Down 2, N/S +300

(1)	Disputed BIT
-----	--------------

The Facts:

The Director was not summoned until after the match. East/West alleged there was a 10-15 second hesitation before North passed West's 3♣ bid. North/South contended that the pause was no longer than the minimum 5-8 seconds required after a jump bid.

The Ruling:

The timing of the complaint and the inability to get concurrence on the facts gave the Directors no opportunity to rule on this situation. However, looking at the South hand it did not appear that the Directors would have disallowed the reopening double had a BIT occurred. Therefore, the table result stands.

The Appeal:

The appeal came twenty minutes after the session had ended. They had not requested a Director at the time of the infraction, but had reserved their right to call. South, East and West attended the hearing.

The Decision:

The Committee felt there was no logical alternative to South's double. The fact that the BIT came after a skip bid brought into question whether there actually was a BIT at all, but the Committee was unanimous that if there was a break in tempo there was still no logical alternative to South's double. Therefore, the table result stood.

East/West were issued an AWM for two reasons. First, the BIT by North was estimated as 5-8 seconds or 10-15 seconds since it came after a skip bid the "break" was questionable to begin with. Second, there was no logical alternative to South's double.

The Committee: Craig Allen (Chair), Ed Lazarus, Ellen Kent, Jim Thurtell and Fred King

Commentary:

Goldsmith - It looks as if North had a decision to make. Passing 3♣ with North's cards is pretty dangerous; in fact, it caused N/S to miss a game. I suspect there was a BIT and everyone knew it. South's double seems pretty automatic, though, and everyone should know it, so the AWMW is OK.

Marques - Good decision by the TD. The appeal is just a waste of time for the AC. Good AWM warning.

Wildavsky - I agree that the appeal had no merit but the AC ought to be careful in describing the reason. Assume for the moment that there was UI. The reason for the AWMW cannot then be that "there was no logical alternative to South's double" -- that is precisely what the AC is to determine. If that were the criterion, then the only possible outcomes would be to change the result or to issue an AWMW. What I expect the AC intended to convey was that the double of 3♣ was clearcut, on account of the combination of extra shape and extra high cards, and that not to double a second time would be a clear error.

Willenken - No logical alternative to South's second double?!? Again, we see the problem of an overmatched Committee in action. This was a Committee ruling on an event where none of the Committee members regularly enter the event! (I too would have let the score stand because of the unresolvable dispute about the facts.)

APPEAL	NABC+ SEVEN
Subject	Misinformation
DIC	Terry Lavender
Event	Silodor Pairs
Session	1 st Qualifier
Date	March 22 nd , 2012

BD#	6
VUL	E-W
DLR	E

John Rengstorff	
♠	2
♥	AKJ43
♦	543
♣	J973

Bob Balderson		Spring 2012 Memphis, Tennessee	Paul Meerschaert	
♠	654		♠	KQ98
♥	(void)		♥	975
♦	QJT9862		♦	AK7
♣	Q85		♣	AT6

Scott Leving	
♠	AJT73
♥	QT862
♦	(void)
♣	K42

West	North	East	South
		1NT ¹	X ²
2♠ ³	2NT	3♠	P
4♦	P	P	P

Final Contract	4♦ by West
Opening Lead	
Table Result	Making 4, N/S -130
Director Ruling	Making 4, N/S -130
Committee Ruling	4♥ by N/S, making 5, N/S +450

(1)	15-17 HCP
(2)	One long minor or both majors
(3)	Not alerted as "better minor"

The Facts:

Declarer cleared up the failure to alert 2♠ prior to the opening lead, but the Director was not summoned until after the hand was played which is violation of Law 20.F.5.b (“*The player must call the Director and inform his opponents that, in his opinion, his partner’s explanation was erroneous (see Law 75) but only at his first legal opportunity.*”) At the time the Director was summoned, North/South offered no indication what they might have done had an alert been made.

The Ruling:

Because the Director was not called earlier he could not apply Law 21.B.1: *“(a) Until the end of the auction period and provided that his partner has not subsequently called, a player may change a call without other rectification for his side when the Director judges that the decision to make the call could well have been influenced by misinformation given to the player by an opponent (see Law 17e). Failure to alert promptly where an alert is required by the regulating Authority is deemed misinformation.”*

The Director polled several players who mostly bid 2NT with or without the alert of 2♠. The Director also determined that when 2NT showed interest and values and South failed to double 3♠ there was no way to find the heart fit. East's 3♠ bid was “impossible” systemically so the pull to 4♦ was allowed. Therefore, the Director ruled that the table result stands.

The Appeal:

North and South attended the hearing. North/South contended that the failure to alert created misinformation preventing them from reaching their normal contract of 4♥. Even at the conclusion of the auction, the information was not voluntarily explained until North/South were quizzed by the non-offenders.

The Decision:

The Committee agreed with the appellants that misinformation prevented them from reaching their normal result. Result changed to 4♥ making 5, N/S +450.

The Committee: Jerry Gaer (Chair), Tom Carmichael, Patty Tucker, Shannon Cappelletti and Ed Lazarus

Commentary:

Goldsmith - What did 2♠ mean? South knew something was up. Didn't he ask about 2♠? What's this "better minor" stuff? It is impossible for anyone to rule on this without knowing what 2♠ means systemically. What would 3♠ have meant if East had alerted and explained correctly?

Huston - The presentation of the decision is inadequate. For example, there is no discussion of whether the failure to double 3S was an egregious error. I think it was, but I think the AC should explain that it was.

Marques - The TD polled several players who bid 2NT with or without the alert. This seems to show, and I agree, that the misinformation created by the failure to alert was not the reason why NS did not reach their contract. I agree with the TD's decision on this one.

Wildavsky - East's 3♠ bid does not seem impossible to me. He might hold five spades and cards in each minor.

The AC ruling seems reasonable to me, but their justification does not. They must cite a law and explain precisely how NS were damaged and what different actions they'd likely have taken had they been correctly informed.

Willenken - Is it so obvious that 3S was "impossible systemically"? Could not East have held AKQJx xx Kxx Kxx? He knows that his opponents likely have a heart fit, and xx xxx AJxxxx xx

offers a great play for 3S and some play for 4S. Don't you think West would have played his partner for something like my example hand if East had alerted and explained properly?

I think it is high time that we stopped trying to judge all these is-it-a-transfer-or-not UI cases on an individualized basis. We should have Committee guidelines saying that unless a bid is impossible per se (rather than merely unlikely or undisciplined), the holder of UI may not be 'woken up' by partner's bidding.

.

APPEAL	NABC+ EIGHT
Subject	Break in Tempo
DIC	Terry Lavender
Event	Silodor Pairs
Session	1 st Qualifier
Date	March 22 nd , 2012

BD#	18
VUL	N-S
DLR	E

Geoffrey Brod	
♠	8
♥	K9875
♦	K7642
♣	KQ

Drew Cannell		Spring 2012 Memphis, Tennessee	Daniel Lavee	
♠	KT63		♠	AQ952
♥	T		♥	J4
♦	J3		♦	AQ95
♣	J97632		♣	85

Pat McDevitt	
♠	J74
♥	AQ632
♦	T8
♣	AT4

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

Final Contract	4♥ by South
Opening Lead	S6
Table Result	Making 5, N/S +650
Director Ruling	2♠ by East, Making 4, N/S -170
Committee Ruling	2♠ by East, Making 4, N/S -170

(1)	Acknowledged 3-4 second BIT
-----	-----------------------------

The Facts:

The Director was called when South bid 3♥. North acknowledged that he took a few seconds before passing 2♠.

The Ruling:

After polling several players and consulting with numerous Directors, Pass was determined to be a logical alternative to bidding 3♥. The BIT suggested that bidding would be more successful than passing. Therefore in accordance with Law 16.B.1.a “(a) After a player makes available to his partner extraneous information that may suggest a call or play, as for example by a remark, a question, a reply to a question, an unexpected* alert or failure to alert, or by unmistakable hesitation, unwonted speed, special emphasis, tone, gesture, movement or mannerism, the

partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information,” and Law 12.C.1.e, “(e) In its discretion the regulating Authority may apply all or part of the following procedure in place of (c): (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 Director adjusted the result to 2♠ by East, making four, N/S -170.*

The Appeal:

North and South attended the hearing. North agreed that his bidding was slower than his normal pace. He stated that his concern was that although he wanted to bid, he and his partner had not discussed the meaning of 2NT, and he did not want to introduce confusion into the auction. South stated at the table that he, “...felt (North) bid in a (slower) tempo” but in the Committee South said he did not notice the hesitation. Additionally, South stated that a bid by him at matchpoints was clear, and that selling out at 2♠ was not something he would consider.

The Decision:

Because of the agreement at the table and repeated confirmation of the facts by North, the Committee agreed that there was a BIT. The Committee then needed to assess if the hesitation demonstrably suggested one action over another. There were only two viable options to South: passing or bidding 3♥. The Committee had a lot of sympathy for South bidding, but felt that the BIT suggested bidding would be more successful than passing. This coupled with the fact that a poll of several expert players and numerous Directors determined Pass to be a logical alternative led to the Committee upholding the Director’s ruling.

The Committee: Mike Huston (Chair), Ellen Kent, Craig Allen, Fred King and Chris Moll

Commentary:

Goldsmith - OK. N/S missed a game, because North was afraid to bid, and I suspect everyone knew he wanted to act. "3-4 seconds" is probably way off.

South has to know his bid was marginal, so an AWMW is appropriate.

Marques - A good example of how a shorter than usual pause can become a BIT. The polled players spoke. No reason to disagree. The spades tripled on suggests that North is short in spades so the hesitation must be based on general values, suggesting bidding on. Good decision overall.

Wildavsky - Why would the TD consult with numerous Directors? A player poll would seem sufficient to establish that Pass is logical, and no poll is necessary to determine that North's BIT makes bidding more attractive than it would be over an in tempo Pass.

The reason for North's BIT is not relevant. As a matter of law it does not matter whether he was thinking about his system, where he parked his car, or nothing at all. I see no merit to the appeal

Willenken - A very good ruling. I expect that we will hear some dissenters complain that 3-4 seconds is not a break in tempo. Here is my rule for determining if a BIT occurred: If non-litigious players call the Director during the auction and allege a break in tempo, there was a break in tempo. The exact number of seconds doesn't matter - if South could tell that North was thinking of bidding, then North has by definition broken tempo because an even tempo is defined as one that conceals problems from partner.

APPEAL	NABC+NINE
Subject	Break in Tempo
DIC	Terry Lavender
Event	Silodor Pairs
Session	1 st Qualifier
Date	March 22 nd , 2012

BD#	10
VUL	Both
DLR	E

Adam Parrish	
♠	JT9842
♥	AK52
♦	94
♣	4

Gene Nagy		Spring 2012 Memphis, Tennessee	Helen Soderberg	
♠	AQ76		♠	3
♥	Q98		♥	JT73
♦	5		♦	KQ832
♣	KQ532	♣	AT9	

Shome Mukherjee	
♠	K5
♥	64
♦	AJT76
♣	J876

West	North	East	South
		P	P
1♣	1♠	X	XX ¹
2♣	2♠	P ²	P
3♣	3♠	P	P
P			

Final Contract	3♠ by North
Opening Lead	♣A
Table Result	Down 1, N/S -100
Director Ruling	2♠ by North, Made 2, N/S +110
Committee Ruling	2♠ by North, Made 2, N/S +110

(1)	Shows three card spade support
(2)	BIT (3-4 seconds)

The Facts:

The Director was summoned to the table after the auction. North/South claimed that there was a break in tempo prior to East's Pass of 2♠. North estimated that the hesitation was approximately 10 seconds in length. East and West both said that the bid was made in the same tempo as East's other bids.

The Ruling:

The BIT suggested bidding would be more favorable than passing. After polling several experts, it was determined that Pass is a logical alternative to bidding because all five people polled passed. Therefore in accordance with Law 16.B.1.a "(a) After a player makes available to his

partner extraneous information that may suggest a call or play, as for example by a remark, a question, a reply to a question, an unexpected alert or failure to alert, or by unmistakable hesitation, unwonted speed, special emphasis, tone, gesture, movement or mannerism, the partner may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information,”* and Law 12.C.1.e, “(e) In its discretion the regulating Authority may apply all or part of the following procedure in place of (c)*: (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 Director adjusted the result to 2♠ by North making 2, N/S +110.

The Appeal:

North and West attended the hearing. North again asserted that there was a BIT of approximately ten seconds prior to East’s Pass of 2♠. West maintained that East’s bid was made at her normal tempo.

The Decision:

East / West are two relatively inexperienced players. The Committee felt it was impossible for there not to have been a pause for thought by East at that point in the auction. The fact that West then rebid his five card suit for a third time and could not give a logical explanation for his actions swayed the Committee toward their decision that he was influenced by the BIT. Therefore his final bid was disallowed and the Director’s ruling was upheld.

The Committee: Jerry Gaer (Chair), Patty Tucker, Gail Greenberg, Shannon Cappelletti and Ed Lazarus

Commentary:

Goldsmith - The AC did not use strong enough terms. Where's the AWMW? Where's the PP for blatant abuse of UI?

Huston - The AC should not attempt to read a player's mind in these situations. It should apply the law – in this case 16B1. That does not require a finding of whether a player was influenced by extraneous information, but only with such matters as demonstrable suggestion and logical alternative. Finding that a player is influenced by extraneous information can be the basis of an ethical charge, and this case was never more than a law 16B1 issue.

Marques - Another good decision. In a way, West’s bid by itself is evidence that the BIT occurred.

Wildavsky - I think the AC overstates the case when it says an in tempo Pass was "impossible", but I agree that it would be unlikely. The case has merit only because there was a dispute as to the facts.

APPEAL	NABC+ TEN
Subject	Misinformation
DIC	Harry Falk
Event	Womens Pairs
Session	1 st Final
Date	March 23 rd , 2012

BD#	12
VUL	N-S
DLR	W

Ann Brenner	
♠	AJ95
♥	742
♦	AJT95
♣	3

Sally Woolsey		Spring 2012 Memphis, Tennessee	Sharon Gerstman	
♠	K842		♠	Q76
♥	KQ96		♥	AJ3
♦	7		♦	8632
♣	KQ98		♣	JT6

Kitty Cooper	
♠	T3
♥	T85
♦	KQ4
♣	A7542

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

Final Contract	3♦X by North
Opening Lead	♣J
Table Result	Made 3, N/S +670
Director Ruling	N/S: 4♦X by N, down 1 -200 E/W: 3♦X by N, making -670
Committee Ruling	3♦ by North, making 3, N/S +110

(1)	Alerted, explained as a transfer
(2)	BIT
(3)	Alert of 2♦ retracted

The Facts:

The Director was initially summoned after the 3♦ bid was made and North retracted her alert of South's 2♦ bid. North explained that she had forgotten that she overcalled 1♦ and had not opened the bidding 1♦. South felt that her three small hearts were a bad feature and with the opponents bidding freely (1♣ opener, 1NT response), her partner could not have that good of a hand. South stated that she considered it a close decision between bidding 3♣ and 3♦. The Director was again called to the table after the play of the hand was complete.

The Ruling:

If South thought it was a close decision between bidding 3♣ and 3♦, then clearly bidding 3♣ is a logical alternative to bidding 3♦. Bidding 3♦ would be made more attractive when South knows that North's 2♥ bid was made in response to what she mistook as a transfer bid of 2♦ by South. Further, if South had bid 3♣ and North bids 3♦, without the unauthorized information, South should take another call. So without the UI, North/South are most likely to end up in 4♦, going down 1.

However, East's double of 3♦ occurred after the incorrect explanation was corrected and appears to be a "wild or gambling action" (Law 12.C.1b). As such, East/West shouldn't receive relief from the self-inflicted damage. Therefore, the ruling is N/S: 4D by North down 1, -200; E/W: 3DX by North making 3, -670.

The Appeal:

Both sides filed the appeal. North, South and East appeared at the hearing. South argued that she would not have bid 2♦ with a bad hand, with all players bidding, there was not room for North to have a big hand and the 1NT bid by East suggested that diamonds would not break well. South admitted that a 3♣ bid would probably have been a better call than 3♦, but she would not have bid above 3♦. North realized her mistaken explanation as her partner was bidding 3♦ and would have signed off in 3♦ had South bid 3♣.

East judged that double was a reasonable effort to take advantage of the fact that the opponents had no more than half of the high-card points and were higher than they probably wanted to be. She also had an attractive opening lead, however had South bid 3♣, she would not have doubled.

The Decision:

The Committee judged that South's 3♦ bid made improper use of her UI, and imposed a 3♣ bid on her. However, North, now aware of her own previous confusion would sign off in 3♦. Should South bid over 3♦? North did not bid 2NT over 1♣ and thus is unlikely to be 5/5 or 5/6 in the red suits. East/West are unlikely to have an eight-card spade fit, so the club ace could be opposite a void and the 1NT bid warned of a bad diamond split. Accordingly, the Committee determined that it was not at all probable that many of South's peers would bid over 3♦ without the UI.

Would East still double 3♦? Part of the attraction of the double is the potential for missing a game. South might be fairly weak in raising to 3♦. Had South bid 3♣ at her second turn, double would have been much less attractive. Therefore, the Committee changed the result to 3♦, undoubled for both sides.

The Committee: Doug Doub (Chair), Chris Moll, Craig Allen, Ed Lazarus and Patty Tucker

Commentary:

Goldsmith - I don't think South's bidding 3♣ and passing 3♦ is enough. What kind of hand will North have for making a real 2♥ reverse? Something like Kxx KQJx AJ10xxx ---. 5♦ is very good. I think it's at least at all probable that N/S will go minus, and -500 is in the ballpark. After all, how much better a hand can South have to bid 2♦?

East's double looks pretty speculative. In fact, I suspect it was partly based on the knowledge that N/S were having a bidding misunderstanding without which they'd not venture to the 3-level. I

don't know if that reaches the level of "wild gambling action," but it was betting on the fact that North's error got N/S in trouble. But East would not have been able to double 3♦ in a pass-out seat if there had not been a UI infraction, so I'd rule +/-200 or 500.

Huston - A good decision.

Marques - A complicated case. Especially in pairs, the standard for "wild or gambling action" is not met by East's action, IMHO. Good reasoning by the AC. Having UI and being in a close decision between 3♣ and 3♦, South should have known better and should have bid 3♣ at the table...

Wildavsky - Why would we expect North to become aware of her mistake after a 3♣ call? Her partner has shown hearts and clubs and she has an excellent hand in support of hearts – 4♥ seems normal to me. After this start it scarcely matters what the TD and AC judge the most likely final contract -- NS will have a zero or close to it. Had NS followed the laws they would have had a chance to escape. Once they do not we should extend them no quarter. I don't like either ruling, but prefer the TD's to the AC's. Yes, East's double may have been wild or gambling, but she had no opportunity to collect the +500 or so she was entitled to had her opponents followed the laws.

Contrast this case with case NABC+ Thirteen.

Willenken - What?!? If South had bid 3♣ (as was her ethical obligation), North probably would have bid 4♥. 5♦X, down 2, with a 1/4 board penalty to South for flagrant use of UI. A truly awful ruling in a very easy case.

APPEAL	NABC+ ELEVEN
Subject	Break in Tempo
DIC	Terry Lavender
Event	Silodor Open Pairs
Session	1 st Final
Date	March 23 rd , 2012

BD#	13
VUL	Both
DLR	N

Les Bart	
♠	QJ62
♥	Q7
♦	JT74
♣	QJ8

Weishu Wu		Spring 2012 Memphis, Tennessee		Le Yu	
♠	A3	♠	K8	♥	J8643
♥	AKT52	♥	J8643	♦	Q865
♦	932	♦	Q865	♣	96
♣	KT7	♣	96		

Gloria Bart	
♠	T9754
♥	9
♦	AK
♣	A5432

West	North	East	South
	P	P	1♠
2♥	2♠	3♥	3♠
X ¹	P	4♥	P
P	P		

Final Contract	4♥ by West
Opening Lead	♠Q
Table Result	Making 4, N/S -620
Director Ruling	3♠X by South, making, N/S +730
Committee Ruling	3♠X by South, making, N/S +730

(1)	BIT
-----	-----

The Facts:

The Director was summoned after the 4♥ bid by East. North/South reported that there had been a hesitation of approximately 15 seconds before West doubled. West reported that it was 7-10 seconds and East did not notice a hesitation. The double was explained as “card showing”. “Card showing doubles” was also marked on East/West’s convention card.

The Ruling:

An expert player was asked about the hand and he passed with the East hand, so Pass was deemed to be a logical alternative to bidding 4♥. Therefore the contract was changed to 3Sx by South, making 3, N/S +730.

The Appeal:

East and West appeared at the hearing. East maintained that he did not notice a break in tempo; but West acknowledged that his double was made after a greater time than usual. In fact, one of the reasons West offered for doubling was that he knew he had taken enough time to bar his partner from bidding if that would be a logical alternative.

East/West play the double as simply showing extra value in this situation. East/West contended that the hesitation and the double carried the same message and that, as a result, East's discretion should be permitted.

The Decision:

The Committee decided that the hesitation before the double suggested doubt about defending 3♠X. If West had more in the way of extra value he would have been more likely to have doubled in tempo.

Since West acknowledged the BIT, it was clear that Law 16 applied to this case and the only remaining question was whether or not there was a logical and less successful alternative to East's bidding 4♥.

Without the UI, all three members of the Committee would have bid 4♥ at this juncture (if not sooner). However, that does not mean that there is no logical alternative to doing so. The Director had polled seven expert players (the higher standard against which East/West wanted to be measured) and found that three of them would have passed the double made with the same conventional meaning. So whether measured as three of seven or three of ten, a statistically significant number of East's peers would have chosen to Pass, making Pass a logical alternative. The Committee accepted the poll results and thereby ruled to disallow the 4♥ call and uphold the Director's ruling.

The Committee: Michael Huston (Chair), David Caprera and Dan Gerstman

Commentary:

Goldsmith - The AC forgot to assign an AWMW. It is reasonable to award E/W a 1/4th board PP for failing to do the right thing in presence of UI, too.

Marques - This is another example where the poll should contain a second question regarding what the BIT suggests. I think that the vast majority of players would have replied that the BIT is not relevant. If West's double is card showing, EW have a point when they state that the hesitation and the double carry the same message, therefore the BIT cannot demonstrably be shown to suggest bidding (16B1b). To adjust the score, it is necessary to show this connection between the BIT and East's bid.

Wildavsky - Looks good to me. I see no merit, given the poll results.

Willenken - Very strong ruling, not letting the 'slow card-showing double' succeed. Contrast the adept handling of this case with the bungling of NABC+ Case Two.

APPEAL	NABC+ TWELVE
Subject	Disputed Claim
DIC	Steve Bates
Event	National Swiss
Session	2 nd
Date	March 24 th , 2012

BD#	21
VUL	N-S
DLR	N

Steve Cooper	
♠	KJ109532
♥	76
♦	T64
♣	8

Jim Foster		Spring 2012 Memphis, Tennessee	Mark Jones	
♠	A		♠	Q
♥	AQJT985		♥	K432
♦	3		♦	QJ952
♣	AK75		♣	T93

Bob Heitzman	
♠	7864
♥	(void)
♦	AK87
♣	QJ642

West	North	East	South
	3♠	P	4♠
4NT	P	5♦	5♠
6♥	X	P	P
P			

Final Contract	6♥X by West
Opening Lead	♠8
Table Result	
Director Ruling	6♥X, down 1, N/S +100
Committee Ruling	6♥X, down 1, N/S +100

The Facts:

Only two clubs were visible in Dummy at the time of the claim. The statement of claim made by the declarer after winning the opening lead in his hand was, "I give up a diamond; making six." Then the Declarer noticed that a card was missing from dummy and said, "There were three clubs in dummy." The Director was summoned. The Declarer asked South if a club honor had been played and with view of all hands Declarer stated that he would take the finesse in clubs.

The Ruling:

The Director determined that Law 14.B.2 & 4 applied, "When one or more hand(s) is/are found to contain fewer than 13 cards, with no hand having more than 13, at any time after the opening lead is faced (until the end of the correction period), the Director makes a search for any missing card, and: 2. if the card is found elsewhere, it is restored to the deficient hand.
Rectification

and/or penalties may apply,” and “4. a card restored to a hand under the provisions of Section B of this law is deemed to have belonged continuously to the deficient hand, it may become a penalty card (Law 50), and failure to have played it may constitute a revoke.” As well as, Law 70.D.1: *“The Director shall not accept from claimer any successful line of play not embraced in the original clarification statement if there is an alternative normal* line of play that would be less successful.”* Accordingly, the Director awarded a club trick and a diamond trick to the defenders for 6♥X down 1, North/South +100.

The Appeal:

West appealed the Director’s ruling on the basis that if he had been aware of the third club, he would have had to take the winning finesse. North, South and West attended the hearing.

The Decision:

Law 41.D states that Declarer and Dummy are responsible for displaying the dummy. The fact that a card was hidden in the dummy and not discovered until after the claim is Declarer’s responsibility. Law 70 A and 70 D.1 state that Declarer may not take a winning line that was not stated in his original claim. Therefore, when the hidden card was discovered after the claim Declarer could not finesse for the missing club. The Committee ruled to uphold the Director’s decision of 6♥X, down 1, N/S +100. Further, the Committee issued an appeal without merit warning to East/West.

The Committee: Jim Thurtell (Chair), Ed Lazarus and Patty Tucker

Commentary:

Goldsmith - As a matter of law, this appeal should have been heard by the DIC, or if by an AC, one expressly stated as his proxy. If West had been told that, it seems unlikely that he would have appealed, so I'd drop the AWMW. If he was told that it was simply a matter of law and chose to appeal anyway, then he can keep his AWMW.

Huston - I like this presentation of the decision. It's clear and it follows the Laws.

Marques - An interesting and pedagogical situation from a TD’s point of view. Some players the final decision may seem unfair, but if West had played the hand, he would at some point have played AK of clubs and a club (if he hadn’t yet noticed the card missing in dummy). The Laws produce the same result. Play finishes the moment the claim is made (68D), and in that moment declarer is planning to ruff two clubs in Dummy. Good TD and AC decision, although the AWM warning sounds a bit harsh.

Wildavsky - This is a new one on me! I have no reason to question the decisions.

APPEAL	NABC+ THIRTEEN
Subject	Unauthorized Information
DIC	Steve Rates
Event	Jacoby Open Swiss
Session	1 st Final
Date	March 25 th , 2012

BD#	4
VUL	Both
DLR	W

Dan Morse	
♠	AKJ752
♥	K764
♦	4
♣	64

Doug Fisher		Spring 2012 Memphis, Tennessee		Bob Todd	
♠	Q63	♠	T	♥	J982
♥	QT5	♥	J982	♦	QT753
♦	A6	♦	QT753	♣	AQ2
♣	KT875	♣	AQ2		
John Sutherlin					
♠	984				
♥	A3				
♦	KJ982				
♣	J93				

West	North	East	South
INT ¹	2♠ ²	(X)P ³	3♣
P	3♠	P	4♠
P	P	P	

Final Contract	4♠ by North
Opening Lead	♦3
Table Result	Making 4, N/S +620
Director Ruling	4♣ by South, down 4, N/S -400
Committee Ruling	5♣X by South, down 5, N/S -1400

(1)	11-14 HCP
(2)	Delayed alert, explained as a strong hand with a long minor suit
(3)	Initially doubled (which was alerted as 'negative'), then passed after receiving an explanation of the 2♠ bid.

The Facts:

The Director was initially summoned to the table when the delayed alert of 2♠ was made. He was called back to the table at the end of the hand. The North/South agreement is that 2♠ is natural over some ranges and 2♠ shows a good, one-suited minor hand over others. Four players polled all bid 3♥ with the North hand given the auction without the Unauthorized Information of the incorrect alert.

The Ruling:

The Director polled four players, giving them the North hand without the UI from South's alert. They all bid 3♥ over 3♣. The Director enforced a 3♥ bid on North, over which they judged that South would bid 4♣, and North would be obliged to Pass. Thus their assigned result was 4♣ by South down 4, North/South -400.

The Appeal:

North, South, East and West attended the hearing. North/South argued that North's spades were much better than his hearts, and justified a rebid of the suit. North had polled one expert who said he would rebid 3♠. South had raised to 4♠ as a "safety bid". A 4-3 spade fit could be the best game. Alternatively, if North's understanding of the 2♠ bid were different than South's, 4♠ would be MUCH better than 4♣ or 5♣.

North/South played 2♠ as natural over a strong NT. It showed a good hand with a long minor over a weak NT. North emphasized that the 2♠ bid showed a GOOD hand. North thought that 2♠ showed a long minor with a good hand only over a 10-12 or 10-13 NT. South thought that it also applied over an 11-14 or 12-14 1NT opening.

East/West agreed with the Director's ruling. They thought that it was normal for North to show his hearts after having already bid the spades. The UI from his partner's alert and explanation suggested the 3♠ bid, and thus a 3♥ bid should be enforced on him.

The Decision:

Both North and South possessed UI. North from his partner's alert and explanation; South from the withdrawn negative double of 2♠. Neither is allowed to use that information. North's UI suggested that he rebid 3♠ rather than 3♥, and 3♥ is clearly a logical alternative to the suggested 3♠ bid. (South's UI suggested that he raise to 4♠ rather than bid 4♣ or 5♣). Thus, the Committee enforced a 3♥ bid on North at his second turn.

From South's viewpoint, North's bids of 2♠ and 3♥ (in the absence of UI) showed a good hand, probably with six clubs and four hearts. Thus, it would be logical for South to bid 5♣ at his second turn. North must assume that he has shown a hand much like he has, and heard his partner bid clubs and then jump in the suit. So, he would have no reason to remove, even after a double by East or West.

Thus, the Committee assigned a contract of 5♣X by South, with South's taking the same number of tricks (six) that the Directors assigned in a 4♣ contract. NS -1400, EW+1400.

Additionally, North/South should have recognized that in a case of UI, whether a bid is allowed is not determined by whether the suggested bid that was made is reasonable, but whether an alternative bid is reasonable. Certainly, when given the information that four out of four good players rebid 3♥ with the North hand they should not have pursued the appeal. Therefore, North/South were assigned an appeal without merit warning.

The Committee: Doug Doub (Chair), Craig Allen and Joel Wooldridge

Commentary:

Goldsmith - I like the AWMW. I'm not certain that reciprocal 1400s is the perfect ruling, because I am not convinced that E/W will take exactly 7 tricks, and there might be a reasonable split ruling, but I doubt a lot of work spent trying to find out the best split ruling would change the results by more than an IMP or so, so I'm fine with it.

Huston - Excellent work by the AC and the scribe.

Marques A rare case, where appealing leads to a worse result for the appealing side. When both members of a partnership have UI, projecting the final contract is always difficult. This is a good example of a case where a poll can be conducted by asking pairs and not individual players. Such a poll would have helped here. 5♣ seems a bit harsh, but reasonable anyway.

Wildavsky - Excellent work by the AC. I'd liked to have seen the TD make the same adjustment, as Chris Willenken suggests.

Willenken - Good job by the Committee, but the Director should also have ruled -1400 for the offenders. A few rulings like this one will go a long way towards convincing pairs in possession of UI to take their medicine rather than attempting to recover.

APPEAL	Non-NABC+ ONE
Subject	Break in Tempo
DIC	John Gram
Event	Daylight Open Pairs
Session	1 st Session
Date	March 17 th , 2012

BD#	18
VUL	N-S
DLR	E

650 Masterpoints	
♠	J832
♥	Q54
♦	K854
♣	T7

1700 Masterpoints		Spring 2012 Memphis, Tennessee	660 Masterpoints	
♠	AQ7		♠	K96
♥	K2		♥	JT7
♦	AQJ97		♦	(void)
♣	985		♣	AKQJ632

650 Masterpoints	
♠	T54
♥	A9863
♦	T632
♣	4

West	North	East	South
		3NT ¹	P
4NT ²	P	5♣ ³	P
6♣	P	P	P

Final Contract	6♣
Opening Lead	♥A
Table Result	Making 6, N/S -920
Director Ruling	Making 6, N/S -920
Panel Ruling	Making 6, N/S -920

(1)	Not alerted
(2)	At the end of the auction, bid was described as “invitational” – later clarified as invitational to 6NT
(3)	BIT

The Facts:

6♣ made six for East/West +920. The opening lead was the ace of hearts. The Director was called at the end of the auction and again at the end of the hand. Both East/West convention cards showed 3NT Gambling.

The Ruling:

The Director decided that there was an unmistakable hesitation, but that Law 16B1(a) was not violated because the 6♣ bid was not “demonstrably suggested” by the break in tempo. The table result was ruled to stand.

The Appeal:

North/South appealed the Director’s ruling. All players attended the review. East/West confirmed that they play a gambling 3NT showing a solid suit but they have no agreements about the bid beyond that. West told the reviewer he did not alert since he did not know that it was an alertable bid. He also said he was not 100% sure of what his partner's 3NT bid meant at the time it was bid. He described his own 4NT bid as quantitative but said he expected his partner bid her long minor if that is what she had. He agreed that earlier at the table he had described his 4NT bid as invitational to 6NT. East said she knew her partner had a good hand for his 4NT bid but she did not know whether he had a fit for her suit. She considered passing but decided instead to bid 5C since she might not have an entry to her hand in no trump. Both East and West said that neither of them considered that this might be perceived as a Blackwood auction by the other. East/West said they play Gerber over no trump and 1430 in situations where 4NT as Blackwood is employed. All players agreed that there was a significant and noticeable break in tempo before the 5♣ bid. North/South said it was one and a half to two minutes while East/West thought it took less time than that. North argued that there was an inconsistency in West's actions since he offered an invitation to his partner that was declined and then he overrode that decision. North believed that the hesitation showed that the 5♣ bid was not clear-cut and therefore it suggested bidding 6♣. He did not see why West did not simply bid 6♣ directly over 3NT.

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.”* It was clear that there had been an “unmistakable hesitation”, so the Panel focused on whether that hesitation demonstrably suggested the 6♣ bid and whether Pass was a logical alternative. The Panel gave West's hand to five peers. Several different bids were chosen directly over 3NT (Pass, 6♣, 6NT), but the polled players (with varying degrees of reluctance) accepted the 4NT bid made at the table. Over 5♣, again several choices were made including Pass, 6♣, and 6NT. All thought it was a difficult problem. The Panel therefore decided that Pass was a logical alternative to the 6♣ bid chosen. When the polled players were later told of the hesitation before 5♣ and asked what that might indicate, three said they had no idea, one said he thought it suggested bidding 6♣, and one said he thought it suggested passing since maybe partner's clubs were not solid. Given that input, the Panel decided that the hesitation did not “demonstrably suggest” the 6♣ bid and the Director's ruling was upheld.

The appeal was found to have merit.

The Panel: Matt Smith (Chair), Bill Michael and Dan Plato

Commentary:

Goldsmith - I think it's pretty clear that the BIT showed that East had no idea what 4NT meant and how to reply to it. That means that West can't trust East's signoff. So I think the BIT demonstrably

suggests bidding over passing. On the other hand, playing 5♣ when 3NT is playable is losing matchpoints, so Pass really shouldn't be a LA. West knows that most of the field will be playing the hand in some number of NT from the West, which will outscore 5♣, so he has to bid again.

Huston - Excellent review.

Marques - Seems like a simple and good decision. The polling results clearly demonstrate that the hesitation doesn't carry any specific information. Was East deciding between Pass and 5♣, or between 5 and 6? I fail to see the merit of the appeal.

Wildavsky - A slow 5♣ call demonstrably suggests doubt as to whether 5♣ ought to be the final contract. This is so clear that no poll ought to be necessary.

We are not told about the EW style but I presume that East could have opened 3NT without the ♠K. West's invite makes perfect sense in that context, and he has no reason not to respect his partner's signoff. Would he have bid over an in tempo 5♣? We cannot know, and it does not matter. In my view the TD and Panel ought to have adjusted the contract to 5♣ making 5, since South would be less likely to lead the ♥A against that contract.

APPEAL	Non-NABC+ TWO
Subject	Unauthorized Information
DIC	Jenni Carmichael
Event	A/X Pairs
Session	Second of Two
Date	March 21, 2012

BD#	25
VUL	E-W
DLR	N

3,000 Masterpoints	
♠	K6542
♥	872
♦	53
♣	AQ4

3,375 Masterpoints		Spring 2012 Memphis, Tennessee	9,375 Masterpoints	
♠	AT9		♠	Q83
♥	54		♥	AK
♦	KJ64		♦	AT987
♣	9753		♣	KJ6

4,700 Masterpoints	
♠	J7
♥	QJT963
♦	Q2
♣	T82

West	North	East	South
	P	1NT¹	X²
P	2♥³	P	P
X	2♠	X	3♥
P	P	X	P
P	P		

Final Contract	3♥X by North
Opening Lead	♥A
Table Result	Making 3, N/S +530
Director Ruling	Making 3, N/S +530
Panel Ruling	1NTX by East, making 4, N/S -780

(1)	15-17 HCP
(2)	South attempted to correct the "X" when he realized it was in error.
(3)	Transfer to spades

The Facts:

South placed the "X" card on the table and then said that he had pulled the wrong bid. The Director was summoned and away from the table the Director determined that the double was a mental error not a mechanical one and so the bid stood. East asked about the double after knowing that South wanted to change it and North explained that it showed "equal strength" to the 1NT opening bid. After the play, East/West wanted redress because South's hand did not have "equal strength" Also, North's 2♥ bid was intended as a transfer, not recognized as such by South.

The Ruling:

The Director ruled that there was no misinformation and no damage done by the un-alerted transfer bid. Table result stands.

The Appeal:

East/West appealed the Director's ruling. North, South, East and West attended the hearing. East/West stated that North should have passed 1NTX and that only the UI from South's actions told him that South didn't have the equal strength hand promised. With East/West vulnerable, North didn't even have to consider that a game might be worth more than the profit from defending.

North claimed that he bid 2♥ looking for the correct game. He did not consider defending.

South's desire to change his double was clearly due to him suddenly remembering their system. The change of call was properly not allowed. The knowledge that South wished to change his call was UI for North, per Law 16.B.1 (a).

The North hand was given to five of North's peers as a bidding problem and without the UI all five passed 1NTX.

The Decision:

The Panel decided that North had UI from South's actions which demonstrably suggested he not pass 1NTX. Pass was considered to be a logical alternative.

Per Law 12.C.1 (e), the score was adjusted to 1NTX by East making 4, N/S -780.

The Panel: Gary Zeiger (Chair), Bernie Gorkin and Peter Marcus

Commentary:

Goldsmith - Good Panel ruling. I'm not sure if East will take ten tricks, but it probably didn't matter. How did E/W allow N/S to take nine tricks in 3♥? That was probably pretty egregious. But it's very hard to get 800 vs. 3♥x, so E/W aren't held to the standard of doing so to get their good result.

Huston - Very good.

Marques - The poll spoke loud and clear. With E-W vulnerable, North has an obvious Pass. I would at least seriously consider an AWM warning.

Wildavsky - The TD seems to have gone astray here. He ignored the UI aspect of the case. Good work by the Panel.

APPEAL	Non-NABC+ THREE
Subject	Break in Tempo
DIC	Eric Bell
Event	V.T. Gala Swiss
Session	First of Two
Date	March 22 nd , 2012

BD#	2
VUL	N-S
DLR	E

5,250 Masterpoints	
♠	J2
♥	J8643
♦	J3
♣	QT73

10,175 Masterpoints		Spring 2012 Memphis, Tennessee	4,800 Masterpoints	
♠	KQ9765		♠	A4
♥	T7		♥	AK9
♦	AKT2		♦	Q85
♣	2		♣	KJ985

5,275 Masterpoints	
♠	T83
♥	Q52
♦	9764
♣	A64

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

Final Contract	6♠ by East
Opening Lead	♣A
Table Result	Making 6, N/S -980
Director Ruling	4♠ by East, making 6, N/S -480
Panel Ruling	6♠ by East, making 6, N/S -980

(1)	15-17 HCP
(2)	Transfer to spades
(3)	BIT

The Facts:

All parties agreed that there was a break in tempo before West's 4♠ bid. East felt that his hand was a maximum and that he was entitled to go on. North/South disagreed.

The Ruling:

All agreed that West broke tempo before she bid 4♠. It was felt that the BIT suggested that partner had interest in going higher and that passing was a logical alternative to bidding 4NT. Law 16.B.1(a) says that a player may not choose from among logical alternatives one that could

demonstrably have been suggested by the BIT. Two players were polled and both passed 4♠. Therefore, per Law 12.B.1, the table result was adjusted to 4♠ making 6, N/S -480.

The Appeal:

East/West appealed the ruling. They were playing Texas transfers and contended that by bidding 3D♦ and then showing the six-card spade suit West was showing a big hand with slam interest if the NT opener was at the top of their range. North/South admitted that the hesitation before bidding 4♠ was not a significant break in tempo.

The Decision:

The polling of players of the same ability all showed that East would never Pass the 4♠ bid by West. Everyone polled said they would cuebid or ask for aces in this auction. The Panel concluded that the BIT did demonstrably suggest that he bid, but, based on the results of the poll, Pass was not a LA. Therefore, the Panel reversed the Director's ruling. The result was changed back to the table result, 6♠ by East making 6, N/S -980.

The Panel: Gary Zeiger (Chair), Brian Russell and Nancy Watkins

Commentary:

Goldsmith - If West had hesitated for 15 seconds before bidding 4♠, I'd rule as the Director did. A long BIT suggests that West was not sure that 4♠ was a clear slam try. A 3-second hesitation could just be the thought, "will partner read this as a slam try? Sure, it's obvious." So I'll go with result stands, though talking with the players really is necessary to get this one right.

Huston - Good.

Marques - This is an important point of discussion. A BIT makes it easier to choose A rather than B, but if A is the choice anyway, then B is not a logical alternative. Good decision by the Panel.

Wildavsky - The polling information is inconsistent. Were two polls taken? If so, how many players were included in the second poll? How strong were the players in the first poll?

I am puzzled as to the time taken by West to consider his 4♠ call. "The Facts" says that there was a BIT. "The Appeal" says there "was not a significant break in tempo." Does that mean there was an insignificant BIT? If so, why did NS call the TD?

The Panel decision claims that "The polling of players of the same ability all showed that East would never Pass the 4♠ bid..." This is an overstatement. Polls can never tell us this, only provide some insight as to what was logical. To allow East to bid we need not divine what he would have done over an in tempo 4♠. Rather we need to determine whether Pass would have been logical per Law 16. This is not at all the same thing.

If there was no significant BIT then there was no UI and East could do as he pleased.

If there was a significant BIT that is evidence that the E/W agreements were not as clear as they claimed in their testimony.

Since the TD on the scene determined that there was a BIT, and since he conducted a seemingly appropriate poll, I prefer his ruling to the Panel's.

APPEAL	Non-NABC+ FOUR
Subject	Break in Tempo
DIC	Matt Koltnow
Event	Stratified Open Pairs
Session	2 nd of Two
Date	March 23 rd , 2012

BD#	2
VUL	N-S
DLR	E

3,650 Masterpoints	
♠	8
♥	QT87
♦	KT97
♣	QT53

1,850 Masterpoints		Spring 2012 Memphis, Tennessee	2,100 Masterpoints	
♠	Q954		♠	AKJ762
♥	J432		♥	5
♦	AJ4		♦	Q8652
♣	97		♣	2

575 Masterpoints	
♠	T3
♥	AK96
♦	3
♣	AKJ864

West	North	East	South
		1♠	2♣
2♠	X ¹	4♠	P ²
P	5♣	P	P
X	P	P	P

Final Contract	5♣X by South
Opening Lead	♠5
Table Result	Making 6, N/S +950
Director Ruling	4♠ by East, Making 4, N/S -420
Panel Ruling	4♠ by East, Making 4, N/S -420

(1)	Responsive
(2)	BIT (disputed)

The Facts:

The Director was summoned to the table immediately after the 5♣ bid by North. East/West claimed there was an “egregious” BIT by South prior to his Pass of 4♠. North/South said that it was not long after the 4♠ skip bid and that East did not use the Stop card. East says she did use the Stop card and always uses it.

Five players from the Silodor Open were polled and all five passed with the North hand. Therefore, Pass was determined to be a logical alternative to bidding 5♣.

The Ruling:

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.”* Accordingly, the Director adjusted the score to 4♠ by East, making 4, N/S -420.

The Appeal:

North/South appealed the ruling. North, South, East and West appeared at the hearing. North stated that his partner is a player with limited experience. He agreed that South took some time, but that he would never have bid over a long break in tempo.

The Decision:

Law 85.A.1 states, “When the Director is called upon to rule on a point of law or regulation in which the facts are not agreed upon, he proceeds as follows: Director’s Assessment: 1. in determining the facts, the Director shall base his view on the balance of probabilities, which is to say in accordance with the weight of the evidence he is able to collect.” Accordingly, a poll was conducted and those players polled found it highly unlikely that a player holding South’s cards would Pass smoothly over 4♠.

Given that the five players polled passed, the Panel supported the Director’s ruling that the five club call was demonstrably suggested by the BIT and that Pass was deemed to be a LA.

The Panel: Brian Russell (Chair), Gary Zeiger and Bill Michael

Commentary:

Goldsmith - The decision should state that the Panel determined that there was a BIT, since this was disputed. It's nearly certain there was one, because no one could Pass South's hand smoothly. This is how the Panel ruled; I'm only quibbling with the write-up. And the failure to award an AWMW.

Marques - A curious poll, asking players if they found it likely that South passed smoothly or not. I fail to see the need for this poll, after North admits that South took “some time”. That, for me, establishes the BIT. But what is South thinking about? Does he have some values in spades and is he thinking about doubling? Or about bidding on? On the first poll all players passed, but I would be curious about what those players thought that a hesitation showed. I’m not completely certain that there is a 16B1b (“could demonstrably have been suggested”) connection available between the BIT by South and the action by North. An argument in North’s favor is that if he did not intend to bid on, probably he wouldn’t bid a responsive double but instead showed immediately the club fit.

Wildavsky - Both the TD and the Panel rulings are silent as to whether there was a break in tempo (here it would have to be more than ten seconds) and if so how the TD determined it. The rulings make sense if there was, but it would be enlightening to learn how the determination was made. Most Souths would have trouble passing within a few seconds, but the ten seconds afforded by the skip bid is sufficient for most.

APPEAL	Non-NABC+ FIVE
Subject	Disputed Claim
DIC	Jay Albright
Event	Morning Side Game
Session	3 rd
Date	March 24 th , 2012

BD#	9
VUL	E-W
DLR	N

2,000 Masterpoints	
♠	AQ76
♥	AJ7
♦	T2
♣	QJT7

125 Masterpoints		Spring 2012 Memphis, Tennessee	550 Masterpoints	
♠	T		♠	9432
♥	KQ63		♥	842
♦	KQ874		♦	AJ
♣	A62		♣	9853

25 Masterpoints	
♠	KJ85
♥	T95
♦	9653
♣	K4

West	North	East	South
	1C	P	1S
X	2S	P	P
P			

Final Contract	2S
Opening Lead	ST
Table Result	
Director Ruling	Making 2, N/S +110
Panel Ruling	

The Facts:

The Declarer claimed with five cards left stating, "Drawing Trump". West was on lead at the time and East spoke up saying, "Lead a diamond." When the Director was summoned the position of the remaining cards was as follows:

	<u>North</u>	
	♠Qx	
	♥x	
	♦ --	
<u>West</u>	♣QJ	<u>East</u>
♠ --		♠9x
♥ --		♥8
♦Qxx		♦ --
♣xx	<u>South</u>	♣xx
	♠KJ	
	♥T	
	♦9x	
	♣ --	

The Ruling:

Because the Declarer did not mention ruffing a diamond return with the queen of trump, the Director determined that South would lose a trick to the 9 of trump. (Law 70.C.3: “When a trump remains in one of the opponents’ hands, the Director shall award a trick or tricks to the opponents if ... a trick could be lost to that trump by any normal* play.”)

The Appeal:

North / South appealed the Director’s ruling. South, East and West attended the hearing. South (declarer) said that East interrupted his statement of claim by saying, “Lead a diamond.” East agreed that she had interrupted South. South contended that had he been able to complete his statement it would have included ruffing with the ♠Q if a diamond was led. South further noted that since his ♠Q in dummy was duplicated by the trump holding in his hand “it would be silly” not to use it to ruff were a diamond led by West.

The Decision:

The Panel felt that South was on the right track in delivering his statement of claim and had he been allowed to complete it without interruption he would have correctly ruffed with the ♠Q. No violation of Laws 70C.2 or 3 or D.1 occurred. Therefore, the Director’s ruling was overturned to 2♠ making three, N/S +140.

The Panel: Terry Lavender (Chair), Matt Smith and Nancy Watkins

Commentary:

Goldsmith - Why didn't South just reply to the "lead a diamond" with "ruff high, pitch a diamond on a club, and draw trumps?" Maybe he did, so I need more information before guessing this one.

Huston - Good.

Marques - I agree with the Panel. Given the opportunity, maybe South would have made a complete statement, or maybe not. But having been shown that East interfered with the claim, she is the only one to blame for the final outcome, even if it looks suspicious that South claimed with West on lead, ready to produce an elaborate claim statement, instead of waiting for one more card...

Wildavsky - The Panel seems to have done the right thing here. "Lead a diamond" is not the proper response to a claim statement. East ought to have waited until declarer was finished, then politely called for the TD.

APPEAL	Non-NABC+ SIX
Subject	Misplayed Card
DIC	Matt Smith
Event	AB Open Pairs
Session	1 st of 2
Date	March 24 th , 2012

BD#	8
VUL	None
DLR	W

1,850 Masterpoints	
♠	873
♥	T96
♦	KJ6
♣	A974

1,925 Masterpoints		Spring 2012 Memphis, Tennessee	1,925 Masterpoints	
♠	JT9642		♠	K5
♥	K3		♥	J7542
♦	A95		♦	QT2
♣	QT		♣	J53

1,050 Masterpoints	
♠	AQ
♥	AQ8
♦	8743
♣	K862

West	North	East	South
P	P	P	1NT
P	2NT	P	P
P			

Final Contract	2NT by South
Opening Lead	♠J
Table Result	Down 3, N/S -150
Director Ruling	Down 3, N/S -150
Panel Ruling	Down 3, N/S -150

The Facts:

At trick two, the Declarer played the ♣K from her hand and called for the Ace after West played low. She immediately, and without prompting, corrected herself and asked Dummy to play small. At this point the Director was summoned to the table. When she was asked away from the table, the Declarer said that the Ace was what she was planning to play to the next trick.

The Ruling:

Per Laws 45.C.4: “(a) A card must be played if a player names or otherwise designates it as the card he proposes to play. (b) Until his partner has played a card, a player may change an unintended designation if he does so without pause for thought. If an opponent has, in turn, played a card that was legal before the change in designation, that opponent may withdraw the card so played,

return it to his hand, and substitute another (see Laws 47d and 16d1)." According to the Laws and their interpretation the call of the Ace was not an "unintended designation"; therefore the table result stands.

The Appeal:

North and South attended the hearing. The situation was completely explained to South and the Law was read to the player by both the table Director and the Screening Director. South not only wanted a Panel hearing but requested specific Directors. South gave no statement beyond that she was human, could err and should not be held accountable for the momentary slip.

The Decision:

Laws 45.C.4 (a) and (b) are quite clear, a card must be played if a player names it or otherwise designates it as the card he proposes to play. Although there was no pause for thought, the call of the ace was not "unintended" according to the law or the Panel's interpretation. Therefore, the table result stands. Further, South was given an AWMW.

The Panel: Terry Lavender (Chair), Nancy Watkins, Brian Russell and Gary Zeiger

Commentary:

Goldsmith - Wrong ruling. South didn't intend to play the ♠A on this trick; she accidentally said what she intended to play to the next trick. Since she corrected the unintended call without pause for thought, she's allowed to.

Adam tells me that the ACBL has an interpretation of Law 45C4b which differentiates between a "slip of the tongue" and a "slip of the mind." This unintended call was deemed a slip of the mind, because declarer intended to play the ♠A to the next trick, so she was not allowed to change her call. I don't understand any rationale, legal, theoretical, or practical for such a distinction. The laws specify only that the call is "unintended." They say that the player must correct the call "without pause for thought," because otherwise, unscrupulous players could gain an unfair advantage by reading their opponents' actions in the time between the not really-unintended call and the correction. The Laws make no distinction among the reasons declarer's may have been unintended, and I cannot come up with any good reason why we ought to try reading people's minds to come up with reasons to rule inequitably. In my opinion, the (mis-)interpretation distinguishing "slip of the tongue" and "slip of the mind" contravenes both the letter and intent of the laws, and ought to be fixed.

The AWMW is terribly wrong. It is completely reasonable for South to contest what appears on the face of it to be a ruling unsupported by the laws.

Note to players: if you ever miscall a card always say, "I just accidentally said the wrong thing." Offer no more information, as it can only hurt you. This suggestion alone ought to make it clear that the interpretation used in this case is erroneous.

Huston - This seems very harsh, yet it also seems to be exactly according to the book.

Marques - Great decision by the TD and the Panel. The moment that she pronounced the word "Ace", South intended to play the Ace even if in her mind it was for the next trick. It is a clear slip of mind, not a slip of the tongue.

Wildavsky - Declarer got a trick ahead of herself. This happens, but the Laws do not allow a change on that account. She can correct a slip of the tongue, not a slip of mind. Law 45 could be

written more clearly, but ACBL TD guidelines on its interpretation are well understood, hence the consistent rulings here.

APPEAL	Non-NABC+ SEVEN
Subject	Break in Tempo
DIC	Gary Zeiger
Event	North American Pairs Flight B
Session	1 st Final
Date	March 24 th , 2012

BD#	24
VUL	None
DLR	W

1,100 Masterpoints	
♠	76542
♥	62
♦	K865
♣	Q4

900 Masterpoints		Spring 2012 Memphis, Tennessee	450 Masterpoints	
♠	AJT983		♠	Q
♥	QJT73		♥	K94
♦	--		♦	AQT4
♣	63		♣	AJT82

2,050 Masterpoints	
♠	K
♥	A85
♦	J9732
♣	K975

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

Final Contract	6♥ by West
Opening Lead	♥6
Table Result	Making 6, N/S -980
Director Ruling	5♥ by West, Making 6, N/S -480
Panel Ruling	5♥ by West, Making 6, N/S -480

(1)	Showing 1 or 4 keycards
(2)	BIT

The Facts:

The Director was summoned at the end of the auction. East admitted that she took some time (10- 15 seconds) to bid 5♥ because she was trying to remember if West's 5♣ bid showed 1 or 4 keycards or 0 or 3 keycards.

The Ruling:

East's hesitation was unauthorized information which demonstrably suggested that bidding on might be more successful. Pass was deemed to be a logical alternative. Therefore per Law 12.C.1 (E) the result was changed to 5♥ by West making 6 for N/S -480.

The Appeal:

East/West appealed and attended the hearing. West felt that 6♥ was automatic as he had a void in diamonds and no conventional way to show it. He said this would be a surprise to his partner. Two of the players polled felt the “surprise” would take the form of the possible four losers in the round suits. West also felt that his was a high-level bid that would only be understood by top players and that players of his level would be appropriate to poll.

Six players were polled and were unanimous in not bidding over 5♥. East’s doubt about the type of keycard Blackwood they were playing was conveyed to her partner by the BIT.

The Decision:

West’s bid was informed by the UI conveyed by East’s BIT. The Director’s ruling stands, 5♥ by West, making 6, N/S -480.

The Panel: Terry Lavender (Chair), Bill Michael and Anita Goldman
Commentary:

Goldsmith - Good, but we are missing an AWMW and 1/4 board PP for blatant abuse of UI. I'd actually give this particular West a 1/2 board PP for arrogant abuse of UI, explaining, "normally, for this sort of severe error, we give the player a 1/4 board PP, but since you are a 'high-level' player, you are to be held to a higher standard than others, so you get 1/2 a board."

Huston - Seems right. Perhaps the Panel could have considered an AWMW,

Marques - Nothing to add. Amazing, how many times players with a void decide to bid on after responding to Blackwood and seeing partner hesitate and signoff.

Wildavsky - Open and shut. I see no merit to the appeal. Note to East: The proper time to think about responses to Blackwood is before you bid 4NT.