

# 2013 Spring NABC Appeals Casebook



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<b>APPEAL</b>	<b>NABC+ ONE</b>
Subject	Misinformation
DIC	Doug Grove
Event	Platinum Pairs
Session	2 <sup>nd</sup> Qualifier
Date	March 15, 2013

BD#	<b>23</b>
VUL	<b>Both</b>
DLR	<b>S</b>

<b>Daniel Gerstman</b>	
♠	K32
♥	--
♦	K9653
♣	A10973

<b>John Diamond</b>	
♠	J976
♥	AJ743
♦	7
♣	Q65



<b>Bob Hamman</b>	
♠	A84
♥	KQ65
♦	A102
♣	KJ4

<b>Kenneth Kranyak</b>	
♠	Q105
♥	10982
♦	QJ84
♣	82

West	North	East	South
			<b>P</b>
<b>P</b>	<b>1♦</b>	<b>1NT</b>	<b>2♦<sup>(1)</sup></b>
<b>X</b>	<b>P</b>	<b>P</b>	<b>P</b>

Final Contract	<b>2♦X by North</b>
Opening Lead	<b>♥K</b>
Table Result	<b>Making 4, N/S +580</b>
Director Ruling	<b>2♦X by North, Making 4, N/S +580</b>
Committee Ruling	<b>2♦X by North, Making 4, N/S +580</b>

**(1) Alerted and explained as “majors”**

**The Facts:** North alerted South’s 2♦ bid and explained it was for the majors, but that there was a possibility that South had forgotten. West doubled to show values. The Director was summoned at the end of the auction. North was then sent away from the table and South, upon being asked for the meaning, explained it was for the majors. After the opening lead of the king of hearts, 2♦X made four for N/S +580.

**The Ruling:** South had forgotten his agreement when he bid 2♦, but explained their partnership agreement correctly when asked so there was no infraction and the table result was allowed to stand.

**The Appeal:** East and West appealed the ruling and East, West and South attended the hearing. East/West were willing to stipulate that North/South’s agreement was as explained, but East alleged that North’s failure to bid 2♠ over West’s double indicated that North knew that South did not have majors and therefore, East/West were damaged by the misinformation.

South, who said he had forgotten his partnership agreement, was reminded of it by his partner's explanation and gave that same explanation when asked about the meaning of his 2♦ bid, thinking that his obligation was to describe his partnership agreement and not his hand. He also said that the conventional meaning was described in his partnership's system notes that he had earlier in the week, but that were no longer available.

**The Decision:** The Appeals Committee held that there was no indication from North's Pass that he had any undisclosed knowledge or that the meaning of 2♦ was not as explained. North had no unauthorized information that prevented him from passing and he could always bid 2♠ if necessary on the next round. The AC discounted East/West's stipulation as to the meaning of 2♦, since the AC is obliged to argue the non-offenders' best case for them, but it found that the Law's presumption of mistaken explanation rather than mistaken call does not apply when both partners agree as to the meaning. South's delayed agreement after North's explanation was troubling, but whereas South was not entitled to base any bridge action on North's explanation he was obligated to describe his partnership agreement to the opponents. Therefore, the committee upheld the Director's ruling, but felt that because of South's original uncertainty the appeal had merit.

As an aside, South asked whether it was his obligation to include in his explanation of 2♦ for the majors a statement to the effect of, "But that's not what I thought at the time." Under current laws and regulations, he is not required to do so. However, voluntarily disclosing his confusion (in effect, describing his hand as well as his agreement) would not have been wrong. The Laws Commission is considering whether to recommend that the Laws be interpreted to require such a statement.

**The Committee:** Ron Gerard (Chair), Mitch Dunitz, Patty Tucker, E.J. Kales and Ray Miller

<b>APPEAL</b>	<b>NABC+ TWO</b>
Subject	Unauthorized Information
DIC	Doug Grove
Event	Platinum Pairs
Session	2 <sup>nd</sup> Qualifier
Date	March 15, 2013

BD#	<b>23</b>
VUL	<b>Both</b>
DLR	<b>S</b>

<b>Venkatrao Koneru</b>	
♠	K32
♥	--
♦	K9653
♣	A10973

<b>Joaquin Pacareu</b>	
♠	J976
♥	AJ743
♦	7
♣	Q65



<b>Alejandro Bianchedi</b>	
♠	A84
♥	KQ65
♦	A102
♣	KJ4

<b>Stephen Landen</b>	
♠	Q105
♥	10982
♦	QJ84
♣	82

West	North	East	South
			<b>P</b>
<b>P</b>	<b>1♦</b>	<b>1NT</b>	<b>2♦<sup>(1)</sup></b>
<b>P</b>	<b>2♠</b>	<b>P</b>	<b>P</b>
<b>X</b>	<b>P</b>	<b>P</b>	<b>3♦</b>
<b>X</b>	<b>P</b>	<b>P</b>	<b>P</b>

Final Contract	<b>3♦X by North</b>
Opening Lead	<b>♦2</b>
Table Result	<b>Making 3, N/S +670</b>
Director Ruling	<b>2♠X by North, Down 4, N/S -1100</b>
Committee Ruling	<b>3♦X by North, Making 3, N/S +670</b>

**(1) Alerted and explained as showing the majors**

**The Facts:** The Director was summoned after the dummy was tabled. During the auction, South's 2♦ bid was duly alerted and explained by North as takeout for the majors. This agreement was specifically listed on the North/South convention card.

**The Ruling:** The Director ruled that North's explanation of "Majors" constituted unauthorized information. Law 16 states that a player may not choose from among logical alternatives one which may have been demonstrably suggested by the UI. The explanation of "majors" demonstrably suggested that 3♦ would be a more attractive contract than 2♠X. Accordingly, the Director adjusted the result to 2♠X by North, down 4, N/S -1100.

**The Appeal:** North/South appealed the ruling and attended the hearing. South stated that he had forgotten their methods which were clearly marked on their convention card (as verified by the ruling Director). He knew that the "train had gone off the tracks" and passed 2♠ with a known

poor fit. After West doubled 2♠ he felt that bridge logic demanded that he return to the known 8+ (probably 9) card diamond fit.

**The Decision:** The Appeals Committee discovered that North/South were playing Standard with 1♦ generally promising four cards in the suit. Based upon the appellants' convention card it was clear that the alert and the explanation of the 2♦ bid were correctly given. The only appeal issue was South's bid of 3♦ after 2♠ had been doubled. South had already passed 2♠ when the UI had suggested otherwise. However, the double changed the likelihood of salvaging an acceptable result from playing in a fit that is either 4-3 or 3-3. The AC decided that there was no logical alternative to running to 3♦ after 2♠ had been doubled, especially when the diamond fit was known to be at least 4-4 and maybe better. The actual table result was merely the "rub of the green" for East/West. Thus, the AC adjusted the result back to the original table result of 3♦X by North, N/S +670.

**The Committee:** Mark Bartusek (Chair), Craig Allen, Chris Moll, David Caprera and Marc Rabinowitz

<b>APPEAL</b>	<b>NABC+ THREE</b>
Subject	Break in Tempo
DIC	Su Doe
Event	IMP Pairs
Session	Second Qualifier
Date	March 15, 2013

BD#	<b>24</b>
VUL	<b>None</b>
DLR	<b>W</b>

<b>Carl Sharp</b>	
♠	KJ10983
♥	42
♦	97
♣	A32

<b>Lloyd Arvedon</b>	
♠	A42
♥	KQJ965
♦	QJ4
♣	K



<b>Glenn Robbins</b>	
♠	5
♥	107
♦	K1053
♣	J108764

<b>Steven Kreiner</b>	
♠	Q76
♥	A83
♦	A862
♣	Q95

West	North	East	South
1♥	1♠	P	2♥
3♥	P	P	3♠ <sup>(1)</sup>
P	4♠	P	P
P			

Final Contract	<b>4♠ by North</b>
Opening Lead	<b>♥10</b>
Table Result	<b>Making 4, N/S +420</b>
Director Ruling	<b>4♠ by North, Making 4, N/S +420</b>
Committee Ruling	<b>4♠ by North, Making 4, N/S +420</b>

<b>(1) Break in Tempo</b>
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**The Facts:** The Director was called after the play of the hand was complete. All four players agreed there had been a noticeable hesitation before South's 3♠ bid.

**The Ruling:** The Director ruled that there was unauthorized information available to North from South's hesitation, but that a slow bid of 3♠ did not demonstrably suggest bidding 4♠. Accordingly, no adjustment was made. The table result stands, 4♠ by North, making 4, N/S +420.

**The Appeal:** East/West appealed the ruling and attended the hearing. E/W contended that when someone pauses to think in a position like this, they are always thinking about bidding more. Further, they asserted that no one who has made a limit raise sells out at the three-level so it is impossible that South was thinking of passing.

The Appeals Committee determined that the BIT lasted 10-20 seconds.

**The Decision:** With such clear agreement on the facts, the only question was whether the BIT demonstrably suggested bidding 4♠ over passing. Since it appears that South was actually considering passing 3♥, the appellants' claims seem incorrect. The AC judged that, from North's perspective, South could have been considering passing, doubling or bidding 4♠. In the AC's experience, "Slow shows extras," but at IMPs, many people just bid game in close decisions. So, the chances that South was considering bidding game are reduced and the ambiguity of the hesitation is increased.

Under the old rules, where the BIT only had to "suggest" a line of action, perhaps this case would fit the criteria; but with the new rule, since the suggestion is only one of a group and is not the dominant element thereof, 4♠ is allowed. The table result stands, 4♠ by North, making 4, N/S +420.

The appeal was found to have sufficient merit.

**The Committee:** Jeff Goldsmith (Chair), Michael Huston, Aaron Silverstein, Ed Lazarus and Jim Thurtell



<b>APPEAL</b>	<b>NABC+ FOUR</b>
Subject	Misinformation
DIC	Doug Grove
Event	Platinum Pairs
Session	2 <sup>nd</sup> Qualifying
Date	March 15, 2013

BD#	<b>18</b>
VUL	<b>N/S</b>
DLR	<b>E</b>

<b>Peter Fredin</b>	
♠	AQ106
♥	754
♦	K876
♣	95
<b>Gary Gottlieb</b>	
♠	532
♥	K10
♦	AJ109
♣	Q842

<b>Sabine Auken</b>	
♠	94
♥	A962
♦	5432
♣	1073



<b>Roy Welland</b>	
♠	KJ87
♥	QJ83
♦	Q
♣	AKJ6

West	North	East	South
		1♣ <sup>(1)</sup>	P
1♦ <sup>(2)</sup>	P	2NT <sup>(3)</sup>	P
3♦ <sup>(4)</sup>	P	3♥	P
P	P		

Final Contract	<b>3♥ by East</b>
Opening Lead	<b>Low ♣</b>
Table Result	<b>Making 4, N/S -170</b>
Director Ruling	<b>3♥ by East, Making 4, N/S -170</b>
Committee Ruling	<b>3♥ by East, Making 4, N/S -170</b>

(1)	<b>Announced as 2+ clubs</b>
(2)	<b>Shows hearts</b>
(3)	<b>Unbalanced with four hearts, strong</b>
(4)	<b>Puppet to 3♥</b>

**The Facts:** At the end of the auction, South asked about the minor suit length. East said the sequence just showed an unbalanced hand, and could contained five clubs or five diamonds.

After the session was over, North talked to Bjorn Fallenius who plays a similar system to East/West, and was told that East could not have five diamonds for this sequence. They asked for a ruling, saying that South would not lead a club if told East showed four clubs, which North claimed it does.

**The Ruling:** Given that East/West was unavailable to verify either the facts or that the E/W system was identical to that played by Mr. Fallenius, the Directors ruled that they could not

establish that an infraction took place. The table result was allowed to stand, 3♥ by East, making 4, N/S -170.

**The Appeal:** North/South appealed the ruling and North attended the hearing.

**The Decision:** The Appeals Committee found no basis for a score adjustment. East/West had explained the meaning of 1♣ and had not been aware that hearsay testimony had called that explanation into question. The AC felt that such extrinsic evidence could not establish that E/W had given any misinformation when they had no opportunity to refute the allegation. The AC upheld the Directors' ruling. The AC informed North that an appeal was not appropriate under the circumstances and that his proper course of action would have been to file a Player Memo with the Recorder. Accordingly, the AC assessed an Appeal Without Merit Warning.

**The Committee:** Ron Gerard (Chair), Mitch Dunitz, Patty Tucker, E.J. Kales and Ray Miller

<b>APPEAL</b>	<b>NABC+ FIVE</b>
Subject	Misinformation
DIC	Su Doe
Event	IMP Pairs
Session	1 <sup>st</sup> Final
Date	March 16, 2013

BD#	<b>13</b>
VUL	<b>Both</b>
DLR	<b>N</b>

<b>Richard Chan</b>	
♠	AQ1064
♥	765
♦	A8
♣	Q72
<b>Shan Huang</b>	
♠	K2
♥	AQJ84
♦	K53
♣	865

<b>George Krizel</b>	
♠	975
♥	1092
♦	QJ109762
♣	--



<b>Albert Shekhter</b>	
♠	J83
♥	K3
♦	4
♣	AKJ10943

West	North	East	South
	1♠	3♣ <sup>(1)</sup>	3♥
P	4♥	P	P
P			

Final Contract	<b>4♥ by South</b>
Opening Lead	♠7
Table Result	<b>Down 1, N/S -100</b>
Director Ruling	<b>4♥ by South, Making 6, N/S +680</b>
Committee Ruling	<b>4♥ by South, Down 1, N/S -100</b>

**(1) Explained as preemptive**

**The Facts:** When asked by South, West described the 3♣ bid as preemptive. East/West's convention card showed it was intermediate. The Director was summoned at the end of the hand. Declarer (South) stated that if he had known that the 3♣ bid was "intermediate" then East could easily have had the ♥K. If he takes the hook, he makes six hearts. After winning the opening lead with the ♠K, he played the ♥A and ♥J to guard against ruffs.

**The Ruling:** Law 40.B.4 states that, "A side that is damaged as a consequence of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectifications through the award of an adjusted score." Accordingly, the Director adjusted the result to 4♥ by South, making 6, N/S +680.

**The Appeal:** East/West appealed the ruling and attended the hearing. They contended that South's losing line of play was not the result of misinformation. East and West both claimed that the explanation that they played intermediate jump overcalls vulnerable vs. non-vulnerable and

weak otherwise was accurate and consistent with their filled out convention card. They also stated that vulnerable they would not make “suicidal” jump bids and that they had volunteered that information.

The non-offending side was not present at the hearing, but South claimed at the table that the explanation led him to believe the king of trump was offside and he feared a ruff in both spades and clubs were he to take the finesse and it lost.

**The Decision:** The Appeals Committee felt that although East and West would have done better to describe their vulnerable jump shifts as “heavy”, South’s line of play was inferior. Taking the heart finesse at IMPs would still allow North/South to make their contract, even if it lost, unless West had led from a five card spade suit. The ♠7 made that improbable. Therefore, South’s line of play though reasonable, in IMPs was inferior and did not entitle him to redress.

The AC recommended that East/West use the word “heavy” in the future to describe their pre-emptive vulnerable jump overcalls in the future.

The table result was restored to 4♥ by South, down 1, N/S -100.

**The Committee:** Gail Greenberg (Chair), Jim Thurtell, Ray Miller, Josh Parker and E.J. Kales

<b>APPEAL</b>	<b>NABC+ SIX</b>
Subject	Disputed Claim
DIC	Richard Beye
Event	Silver Ribbon
Session	First Qualifier
Date	March 17, 2013

BD#	<b>2</b>
VUL	<b>N/S</b>
DLR	<b>E</b>

<b>Michael Cassel</b>	
♠	AQ42
♥	32
♦	A1095
♣	1093

<b>Richard Zucker</b>	
♠	K95
♥	J8
♦	KQ842
♣	AQ5



<b>Scott Levine</b>	
♠	108
♥	Q109754
♦	J73
♣	J8

<b>Kenneth Shatoff</b>	
♠	J763
♥	AK6
♦	6
♣	K7642

<b>West</b>	<b>North</b>	<b>East</b>	<b>South</b>
		<b>2♥</b>	<b>P</b>
<b>P</b>	<b>P</b>		

Final Contract	<b>2♥ by East</b>
Opening Lead	<b>♦6</b>
Table Result	
Director Ruling	<b>2♥ by East, Down 1, N/S +50</b>
Committee Ruling	<b>2♥ by East, Down 1, N/S +50</b>

**The Facts:** With six cards left, East claimed. The play up until that point was as follows:

- Trick 1: ♦6 won by ♦K
- Trick 2: ♥J won by ♥K
- Tricks 3-5: Spades, Declarer ruffing in at Trick 5
- Trick 6: ♥Q won by ♥A
- Trick 7: Low ♣ won by ♣J

After playing to the first seven tricks, East exposed his cards and North/South said, 'Don't we get a diamond trick?' East confirmed that they did. Neither North nor South heard East say anything about pulling the last trump, so the director was summoned. When asked by the director, West was not sure that East had said anything about pulling trump either.

**The Ruling:** Law 70.C.3 says that the Director will award a trick to the defense if Declarer fails to mention an outstanding trump at the time of his claim if it is at all likely that he is unaware of

it and a trick can be lost to that trump through normal play. Accordingly, the Director ruled that the Declarer loses the ♦A and a diamond ruff, 2♥ by East, down 1, N/S +50.

**The Appeal:** East/West appealed the ruling and all four players attended the hearing. East felt that his pulling the last trump was obvious even though he failed to mention it during the claim. The non-offending side maintained that East failed to mention the outstanding trump during the claim.

**The Decision:** The awarding of a trick to an unmentioned outstanding trump during a claim is not automatic. The Declarer played the hand in a way that appeared he was conscious of the outstanding trump until the very end. When Declarer was last in his hand, he claimed the remaining tricks. When told that the ♦A was still out and would win a trick he conceded the diamond trick but still failed to mention the outstanding trump. The Appeals Committee felt that with the amount of time and confusion with the claim, East's failure to mention the outstanding trump was a sign that he did not remember it. Accordingly, the AC upheld the Director's ruling that East/West was down one with the outstanding trump winning a trick. The appeal was found to have merit.

**The Committee:** Jim Thurtell (Chair), Craig Allen, Ed Lazarus, E.J. Kales and Marc Rabinowitz

<b>APPEAL</b>	<b>NABC+ SEVEN</b>
Subject	Break in Tempo
DIC	Mike Flader
Event	Mixed Pairs
Session	1 <sup>st</sup> Final
Date	March 20, 2013

BD#	<b>24</b>
VUL	<b>None</b>
DLR	<b>W</b>

<b>Ellis Feigenbaum</b>	
♠	AK3
♥	Q1073
♦	AQJ2
♣	74

<b>Rebecca Rogers</b>	
♠	8542
♥	A862
♦	K87
♣	K3



<b>John Grantham</b>	
♠	QJ1097
♥	K
♦	4
♣	Q98652

<b>Marjorie Michelin</b>	
♠	6
♥	J954
♦	109653
♣	AJ10

West	North	East	South
P	1NT <sup>(1)</sup>	2♣ <sup>(2)</sup>	P
2♥	P	2♠	3♦
3♠	4♦	P	P
X <sup>(3)</sup>	P	4♠	P
P	P		

Final Contract	<b>4♠ by East</b>
Opening Lead	<b>♦10</b>
Table Result	<b>Down 1, N/S +50</b>
Director Ruling	<b>4♦X by North, Making 4, N/S +510</b>
Committee Ruling	<b>4♦X by North, Making 4, N/S +510</b>

(1)	<b>15-17 HCP</b>
(2)	<b>Clubs &amp; a Major</b>
(3)	<b>BIT, estimated as 30 seconds by N/S &amp; 7-8 seconds by E/W</b>

**The Facts:** The Director was summoned at the end of the auction. North/South claimed that East had broken tempo after the 4♦ bid. E/W vehemently denied that East had broken tempo. West did state at the table that she had taken some time before doubling.

After the session, South approached the Director and asked about the ruling. The Director advised South that since they had not been called back after the hand, no ruling had been made. South then contended that due to West's admitted BIT, East should not be allowed to bid 4♠.

**The Ruling:** The Director polled three players from the Vanderbilt. All passed the double with the East hand. A slow double expressed doubt, so the action taken by East was demonstrably suggested by the BIT. Since the player poll determined that pass was a logical alternative to 4♠, the contract was adjusted to 4♦X by North, making 4, +510.

**The Appeal:** East/West appealed and all four players attended the hearing. West said that he had passed 4♦ expecting it to make and that he intended to pull if partner doubled because 4♠ was likely to be down only one trick. Further he said that he did not bid 4♠ directly for fear of pushing the opponents to a makeable 5♦. He felt that passing 4♦X was not logical.

North/South maintained that passing was a LA and that the Director's ruling was correct.

**The Decision:** The Appeals Committee determined that there had been a BIT and that the break did suggest doubt about the double of 4♦. The AC then determined that the BIT, by suggesting doubt, did suggest bidding 4♠. The AC then discussed whether passing 4♦X was a logical alternative. The AC noted that the people polled by the Director were unanimous in passing 4♦X. The AC also thought that pass was a LA and affirmed the adjustment of the result to 4♦X by North, +510. The AC discussed whether the appeal had merit and determined that it did.

**The Committee:** Michael Huston (non-voting chairman), Craig Allen, Ed Lazarus, Ron Gerard, Chris Moll, Jim Thurtell

**Dissent by Ed Lazarus:**

“I respectfully dissent from the decision of the Appeals Committee to revert the final contract to 4♦X for the following reasons:

1. West was a passed hand
2. West supported spades freely, showing at least 4-4 in the majors.
3. West was competing for a better matchpoint result when doubling 4♦.
4. The agreed upon out-of-tempo double by West was irrelevant since it is not a logical alternative for East to pass 4♦X with a 6-5 hand and no defensive values except the ♥K. The 2♣ overcall by East is usually 5-4 in two suits. East would have passed 4♦X if he held a 5-4 hand with some defensive values.”



<b>APPEAL</b>	<b>NABC+ EIGHT</b>
Subject	Misinformation
DIC	Terry Lavender
Event	Whitehead Women's Pairs
Session	2 <sup>nd</sup> Qualifier
Date	March 21, 2013

BD#	<b>16</b>
VUL	<b>E/W</b>
DLR	<b>W</b>

<b>Vonnie Lavender</b>	
♠	A10973
♥	95
♦	1074
♣	Q97

<b>Brenda Bryant</b>	
♠	KQ8
♥	K1076
♦	J9
♣	8542



<b>Sylvia McNamara</b>	
♠	J
♥	J842
♦	KQ62
♣	KJ106

<b>Ann Lindley</b>	
♠	6542
♥	AQ3
♦	A853
♣	A3

West	North	East	South
P	P	1♦	1NT <sup>(1)</sup>
P	2♥ <sup>(2)</sup>	P	3♣ <sup>(3)</sup>
P	3♥ <sup>(4)</sup>	P	3♠
P	P	P	

Final Contract	<b>3♠ by South</b>
Opening Lead	<b>♦J</b>
Table Result	<b>Down 1, N/S -50</b>
Director Ruling	<b>3♠ by South, Down 1, N/S -50</b>
Committee Ruling	<b>3♠ by South, Down 1, N/S -50</b>

(1)	<b>12-15 HCP, Not Alerted</b>
(2)	<b>Transfer to spades, Announced</b>
(3)	<b>Four spades and a maximum, concentrated values in clubs</b>
(4)	<b>Re-transfer to spades</b>

**The Facts:** The Director was summoned at the end of the hand. The play of the hand had proceeded as follows:

- Trick 1: ♦J led and held the trick
- Trick 2: ♦9 led and won by ♦A
- Trick 3: Small ♠ to ♠A
- Trick 4: Small ♠ won by ♠Q, East discarded the ♣6
- Trick 5: ♠K, East discarded a ♦
- Trick 6: ♥ led ....

When asked, South had explained that 3♣ showed a maximum with concentrated values in clubs. East/West felt that they did not receive a complete explanation and that the result should be down two.

**The Ruling:** Director decided that information from the auction indicated South had four spades and four diamonds; therefore, the discard of ♣6 led East's partner to the wrong conclusions and severed any link between the irregularity and the damage. Accordingly, the Director ruled that the table result stands, 3♠ by South, down 1, N/S -50.

**The Appeal:** East/West appealed the ruling and North, East and West attended the hearing. East/West maintained that the explanation of 3♣ showing a concentration of values in clubs and the failure to alert the range of the 1NT overcall (11-15 HCP) constituted misinformation. West could have shifted to a club instead of a heart after cashing her spades.

**The Decision:** The Appeals Committee pointed out that the heart shift was immaterial because the Declarer had a pitch of a losing heart available in the diamond suit and was down one. The heart shift cost nothing. Therefore, the misinformation did no harm and no adjustment was appropriate, 3♠ by South, down 1, N/S -50.

Since neither the appellants nor the directors appeared to be aware that no harm had occurred, the AC decided that the appeal had merit.

**The Committee:** Adam Wildavsky (Chair), Ed Lazarus, Craig Allen, Chris Moll, Jim Thurtell

<b>APPEAL</b>	<b>NABC+ NINE</b>
Subject	Misinformation
DIC	Olin Hubert
Event	Vanderbilt
Session	Afternoon
Date	March 21, 2013

BD#	<b>21</b>
VUL	<b>N-S</b>
DLR	<b>N</b>

<b>Sabine Auken</b>	
♠	A3
♥	K104
♦	987432
♣	J10

<b>Geir Helgemo</b>	
♠	10962
♥	AQ762
♦	--
♣	9852



<b>Tor Helness</b>	
♠	KQJ7
♥	98
♦	AKQJ
♣	K76

<b>Roy Welland</b>	
♠	854
♥	J53
♦	1065
♣	AQ43

West	North	East	South
	P	1♦	P
1♥	P	2NT	P
3♦ <sup>(1)</sup>	P	3NT <sup>(2)</sup>	P
P	P		

Final Contract	<b>3NT by East</b>
Opening Lead	♠5
Table Result	<b>Making 3, N/S -400</b>
Director Ruling	<b>3NT by East, Making 3, N/S -400</b>
Committee Ruling	<b>3NT by East, Down 1, N/S +50</b>

(1)	<b>West to South: Shows five hearts East to North: Shows five hearts and denies four spades</b>
(2)	<b>West to South: Denies three hearts and denies four spades East to North: Denies three hearts</b>

**The Facts:** The Director was summoned at the end of the hand. South said he might have led a heart with the correct information. N/S lead 4th best and middle from three small.

Five expert players were polled and all said that a heart lead was out of the question.

North won the opening lead with the ♠A, East following with the J, and led the ♦8 (second highest, by agreement). East won the trick with the K and South followed with the ♦6. East then led the ♥9 to the queen, losing to North's ♥K. North led another diamond. East led a second heart, South played the ♥J and Declarer ducked, making three.

**The Ruling:** The Director ruled that South was unlikely to lead a heart on the opening lead. Despite further discussion of the play and the Director's attempt to discuss the hand at the table, South had not mentioned the play of the ♦10. Therefore the ♦10 play was ruled unlikely and the table result stands, 3NT by East, making three, N/S -400.

The Director delivered his ruling at the start of the third quarter. South asked that he take a poll regarding the effect of the UI on the defense, noting that he, South, might well have played the ♦10 (upside down attitude) on the 1st round of diamonds had he been provided the correct information. The Director declined to reconsider his ruling.

**The Appeal:** South explained that his defense was predicated on the information that East had at most three spades. He presumed that declarer held ♠KJx, so all his efforts were channeled into making sure his partner not play a second spade, which could provide an entry to dummy's long hearts. The ♦8 promised a higher card, so he knew declarer could not come to nine tricks without help. North/South give suit preference in the first suit declarer plays, so he was concerned that covering the ♥8 with the ♥J might be interpreted as preference for spades. He was likewise concerned that discouraging with the ♦10 might result in partner playing spades. He also asserted that although he understood that none of the players polled chose a heart lead, he leads declarer's short suit much more often than most players. He noted that had he covered the ♥8 or discouraged with the ♦10 the contract would almost certainly have been defeated, and that both those plays would have been substantially more attractive with correct information.

East/West told the Appeals Committee that while they have no system notes, their agreement is in fact the one East provided to North, that 3♦ asks only about heart support, and that West's explanation to South was erroneous. E/W also asserted that North ought to have known that her defense would prove ineffective. She was playing declarer for three spades. East/West open 1♣ with 4-4 in the minors, so East's shape was by implication 3=2=5=3. South's play of the ♦6 was thus likely to have been forced, and could not be relied on as a signal. East/West also noted that covering the ♥9 could be dangerous, sparing declarer a heart guess when he holds 109 doubleton and needs only a second heart trick for his contract.

North/South countered that with ♠KQJ tripleton declarer would almost certainly have unblocked before leading a heart, and also that with ♥109 he would likely have started with the ten to entice a cover.

**The Decision:** The AC had no reason to doubt East/West's testimony that East's explanation was correct and West's incorrect. Accordingly, South had received misinformation.

The facts of the case made it clear that the misinformation made a heart lead less attractive than it would have been with correct information, but the AC agreed with the Director that a heart lead was unlikely in any case.

The facts of the case also made it clear that the winning defense would be more attractive had South had correct information. Had East held only three spades, as South had been told, then passive defense would have been sufficient to defeat the contract. Had he been informed that declarer could hold four spades his entire thought process would have run along different lines.

E/W's contention that North should have played declarer for 3=2=5=3 did not seem correct, since North had the accurate information that East could hold four spades, and could tell from the lead and play to trick three that he likely did hold four.

After winning the ♠A, North needed at least two tricks from her partner. Two could come from the ♦AJx or the ♣AQ. Accordingly, she played a diamond at trick 3, planning to continue if partner encouraged and to switch to clubs otherwise. North's defense seems perfect, and would have succeeded had she received an accurate signal from her partner. South, however, had a good reason for the signal he made. His defense might not have been best, even given the information he had, but the Laws do not require perfect play in order to receive redress for damage. In particular, South's mistakes, if any, did not rise to the level of "serious error" per Law 12C1b.

The AC discussed whether the North/South argument was timely, in that the assertion regarding South's carding was advanced only after the dinner break. We found that N/S had no need to make all their arguments at the table in order to receive redress. They might indeed have only realized at dinner the implications of the correct information on South's defense, but the argument they made stands or falls on its own. South might have a stronger case if he immediately told the TD how and why he would have defended differently with different information, but that is neither what he is nor ought to be concentrating on during the session.

East ought to have realized when he saw the dummy that South had likely received inaccurate information. At that point he could have and probably should have informed South of the actual E/W agreement. Not many players would realize this, and the AC judged that the failure to do so did not warrant a procedural penalty.

The AC found that MI was present and that the offending side gained an advantage thereby, per Law 21B3. The AC judged that given accurate information the most favorable result that was likely for N/S was +50, and that this was also the most unfavorable result that was at all probable for E/W. Accordingly, the score for both sides was adjusted per Law 12C1e, to 3NT by East, down 1, N/S +50.

**The Committee:** Adam Wildavsky (Chair), Michael Huston, Craig Allen, Craig Ganzer and Chris Moll

<b>APPEAL</b>	<b>NABC+ TEN</b>
Subject	Misinformation
DIC	Steve Bates
Event	Jacoby Open Swiss
Session	2 <sup>nd</sup> Final
Date	March 24, 2013

BD#	<b>18</b>
VUL	<b>N/S</b>
DLR	<b>E</b>

Sam Lev	
♠	52
♥	K94
♦	109543
♣	K84

Michael McNamera	
♠	AJ109764
♥	J6
♦	--
♣	QJ73



William Ehlers	
♠	KQ83
♥	10732
♦	AKJ7
♣	9

Piotr Gawrys	
♠	--
♥	AQ85
♦	Q862
♣	A10652

West	North	East	South
		1♦ <sup>(1)</sup>	2♣
2♥ <sup>(2)</sup>	3♣	4♣	P
4♠	P	5♦	X
5♠	P	P	P

Final Contract	<b>5♠ by West</b>
Opening Lead	<b>♦10</b>
Table Result	<b>Making 6, E/W +480</b>
Director Ruling	<b>5♠ by West, Making 6, E/W +480</b>
Committee Ruling	<b>5♠ by West, Down 1, N/S +50</b>

(1)	<b>Precision, 10-15, could be short</b>
(2)	<b>Not Alerted; Transfer to Spades</b>

**The Facts:** West gave the correct information about their agreements prior to the opening lead. East stated that he finally “woke up”. After the 5♠ bid, it appears that West did not take advantage of the UI – if partner cannot cuebid hearts, he is not interested in pursuing slam. South said he would not have doubled 5♦ if he’d known that their suit was spades. A club or heart lead will set 5♠.

**The Ruling:** Several players were polled about the double of 5♦. The players polled described it as “bizarre”, “horrific”, “insane” and similar terms. With such descriptions, the directors judged that the damage that N/S suffered had been divorced from the infraction due to a “serious error, unrelated to the infraction”, per Law 12C1b. Accordingly, the table result was ruled to stand.

**The Appeal:** North/South appealed the ruling and East, West and South attended the hearing. South explained that his double of 5♦ was preparatory to doubling any red suit contract E/W

would ultimately bid. It was not intended as lead directing. Had East informed him at the time of the 5♦ bid that he now realized that West's 2♥ bid showed Spades, then South would not have doubled.

East stated that he figured out the true meaning of West's 2♥ bid when his partner bid 4♠, but was under the impression that he could not Alert in the middle of the auction once he failed to do so at the time of the bid. The Screening Director informed him and the AC that this is incorrect under Law 75B and the ACBL Alert Procedures.

**The Decision:** The Appeals Committee decision was a two-part one. First, the E/W pair, because of the misinformation, was not entitled to benefit and make their contract with an overtrick. The normal lead of a club, probable with proper and timely disclosure of the pair's agreements, would have resulted in down one, and that result was therefore assigned.

The second part was whether the double of 5♦ was so disastrously egregious that the damage N/S received was self-inflicted. The AC felt that although the double was bad, it fell short of the requirements stipulated in Law 12C1b, which would have prevented the pair from receiving redress. The result was changed to 5♠ by West, down 1, N/S +50 for both sides.

**The Committee:** Gail Greenberg (Chair), Chris Moll, Michael Huston, David Grainger and Ed Lazarus

<b>APPEAL</b>	<b>Regional One</b>
Subject	Unauthorized Information
DIC	Scott Humphrey
Event	First Sunday AX Pairs
Session	First Session
Date	March 16, 2013

BD#	<b>8</b>
VUL	<b>None</b>
DLR	<b>W</b>

<b>6605 masterpoints</b>	
♠	974
♥	A974
♦	KQ963
♣	9

<b>16,640 masterpoints</b>	
♠	K8
♥	QJ862
♦	10874
♣	107



<b>4218 masterpoints</b>	
♠	J6
♥	K1053
♦	AJ5
♣	J853

<b>2384 masterpoints</b>	
♠	AQ10532
♥	--
♦	2
♣	AKQ642

West	North	East	South
P	P	P	1♠
P	2♣ <sup>(1)</sup>	P	2♠ <sup>(2)</sup>
P	3♠	P	4NT <sup>(3)</sup>
P	5♣ <sup>(4)</sup>	P	6♠
P	P	P	

Final Contract	<b>6♠ by South</b>
Opening Lead	<b>♥Q</b>
Table Result	<b>Making 6, N/S +980</b>
Director Ruling	<b>2♠ by North, Making 6, N/S +230</b>
Committee Ruling	<b>2♠ by North, Making 6, N/S +230</b>

(1)	<b>Not Alerted – Limit Raise (Reverse Drury)</b>
(2)	<b>Not Alerted – Minimum Hand, agreed break in tempo</b>
(3)	<b>1430 RKC Blackwood</b>
(4)	<b>One or Four Keycards</b>

**The Facts:** The TD was called at the end of the auction. West explained that 2♣ was not alerted, and that South broke tempo before bidding 2♠S. N/S agreed with these facts, and they also explained that 2♠ systemically shows a hand which does not accept a limit raise.

**The Ruling:** North had UI from the BIT. More importantly, South's failure to Alert 2♣ was UI to North. Per Law 16B1, North was not allowed to choose from among logical alternatives one which could demonstrably have been suggested over another by the extraneous information.

The TD determined through a player poll that the failure to Alert 2♣ suggested that partner might not have recognized it as a limit raise and that bidding 3♠ might be more successful than passing.



The TD also found through a player poll that Pass was a logical alternative to bidding 3♠ for North. Therefore, per Law 12C1e, North's 3♠ bid was changed to a Pass, and the contract and result were changed to 2♣ by South, making 6, NS +230

**The Appeal:** N/S appealed the ruling and North, East and West appeared. During the Review, East and West brought no new evidence. North asserted that he had a particularly good limit raise and was always planning to bid 3♠ if partner bid 2♣.

**The Decision:** The reviewer conducted his own player poll. All seven consultants (six peers, expert Janice Seamon-Molson) passed 2♣.

Following the standard procedure for UI cases, the Panel agreed that UI was available to North from South's failure to Alert 2♣. The information contained in the failure to Alert was that South did not recognize that 2♣ was a spade raise. As such, the Panel felt that bidding 3♠ might be more successful than passing 2♣. The player poll showed that in an untainted auction, peers of this player who employ this convention would Pass. Therefore, the Panel adjusted the score to 2♣ by South making 6, NS +230, per Laws 16B1 and 12C1c.

As N/S are experienced players, and since N/S were informed during the pre-hearing screening of the results of the Reviewer's player poll, the Panel felt unanimously that N/S should be awarded an Appeal without Merit Warning.

**The Panel:** Matt Koltnow (Reviewer), Matt Smith, Sol Weinstein

<b>APPEAL</b>	<b>Regional Two</b>
Subject	Unauthorized Information
DIC	Eric Bell
Event	First Sunday AX Swiss
Session	First Session
Date	March 17 2013

BD#	<b>21</b>
VUL	<b>N/S</b>
DLR	<b>N</b>

<b>3550 masterpoints</b>	
♠	10832
♥	J876
♦	973
♣	K6

<b>120 masterpoints</b>	
♠	AK4
♥	10
♦	AKJ6542
♣	Q7



<b>600 masterpoints</b>	
♠	Q65
♥	AK532
♦	Q
♣	J1093

<b>6700 masterpoints</b>	
♠	J97
♥	Q94
♦	108
♣	A8542

West	North	East	South
	<b>P</b>	<b>1♥</b>	<b>P</b>
<b>3♦<sup>(1)</sup></b>	<b>P</b>	<b>4♥</b>	<b>P</b>
<b>6♦</b>	<b>P</b>	<b>P</b>	<b>P</b>

Final Contract	<b>6♦ by West</b>
Opening Lead	♠2
Table Result	<b>Making 6, E/W +920</b>
Director Ruling	<b>5♥ by East, Down 2, N/S +100</b>
Committee Ruling	<b>6♥ by East, Down 3, N/S +150</b>

**(1) Alerted and explained as a Bergen raise**

**The Facts:** The director was called after the auction, and again at the end of the hand. The actual agreement about the 3♦ bid was Bergen as indicated on both convention cards.

**The Ruling:** Initially, the table director ruled without consultation that the score stood, believing the 6♦ bid was not a violation of Law 16. N/S appealed that ruling. Upon reviewing the case, the event DIC decided to poll players before having N/S proceed with their appeal. That poll of four expert players showed all of them making a slam move in support of hearts with the West hand, but signing off in 5♥ after normal follow-ups by East. None considered bidding 6♦ over 4♥. Since logical alternatives existed to the 6♦ bid that were not suggested by the unauthorized information, and since those alternatives might lead to a contract of 5♥, the ruling was changed to 5♥ by East down two, N/S -100 (Laws 16 and 12).

**The Appeal:** E/W appealed the Director's ruling. The reviewer met with all four players together at the end of the afternoon session. West told the reviewer that he forgot they were

playing Bergen raises and he intended his bid to be a strong jump shift, which to him showed a hand of opening bid strength or better. By agreement 3♦ actually showed 11-12 HCP and four card support.

The reviewer spent some time explaining the reason for the ruling and the relevant laws to E/W. Even though this occurred in a flight AX event, E/W (and particularly West with 120 masterpoints) were relatively inexperienced. West did not understand why 6♦ was not a perfectly normal bid. When he was told that a preliminary poll by the reviewer had three of four players bidding 4♠ as a way to investigate a heart slam (the other passed 4♥ stating that it should show solid hearts and no outside controls), he said that bid would never occur to him and that players of his level of experience would never make such a bid.

He accepted that the ruling might be correct for players of the experience of those polled, but asked that polling be done of players with more similar experience to his partnership. Since Law 16 refers to a logical alternative being relative to “the class of players in question and using the methods of the partnership”, the reviewer agreed to do so.

N/S said they thought the 6♦ bid was taking advantage of the unauthorized information, and they wondered if East should be allowed to pass 6♦. The reviewer pointed out to them that the auction itself was authorized to East, and a 6♦ bid after a Bergen raise and a sign-off in 4♥ certainly would be a wake-up call to East that the auction had gone off the rails. In any case, the laws don't restrict East's actions since he was not in possession of any unauthorized information.

**The Decision:** The panel decided that there was unauthorized information from the alert and explanation of 3♦, and that bidding 6♦ was suggested by that information. The panel thought that the appellants' point about the wrong peer group being polled was a valid one. The reviewer therefore gave the hands to two pairs of approximately the same experience level as the appellants to bid.

The polls were conducted in a way that no players were aware that there was a potential misunderstanding of the meaning of the 3♦ bid. Both Wests assumed their partner knew their 3♦ bid was a strong jump shift, and both Easts assumed that partner had made a Bergen raise. Both Easts bid 4♥ over 3♦D. Both Wests then bid 4NT, but one meant it as Blackwood and the other as natural. In the Blackwood pair, East bid 5♥ and West then bid 6♥. In the natural 4NT pair, East bid 5♦ (intending it as a one ace response to Blackwood) and West then bid 6♦. East corrected 6♦ to 6♥.

While the panel had no confidence that a more extensive poll of peers would result in 6♥ being reached all the time, it did feel that the results of this limited poll indicated that a contract of 6♥ met the standard of Law 12C1(e): “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 . . . [and] for the offending side . . . the most unfavorable result that was at all probable . . .” the panel assigned the score of 6♥ by East down three, N/S +150 to both sides.

The panel did not consider an Appeal without Merit Warning since the original table ruling had been reversed.

Players polled by the panel: Tom Breed, Michael Roche, Michael Rosenberg, one other expert, and two peer partnerships

**The Panel:** Matt Smith (reviewer), Bill Michael, Patty Holmes, Geoff Greene, Kevin Perkins

<b>APPEAL</b>	<b>Regional Three</b>
Subject	Misinformation
DIC	Nancy Watkins
Event	Wednesday AB Open Pairs
Session	First Session
Date	March 20, 2013

BD#	<b>10</b>
VUL	<b>Both</b>
DLR	<b>E</b>

<b>5200 masterpoints</b>	
♠	Q10
♥	Q
♦	9864
♣	AKQ543

<b>1370 masterpoints</b>	
♠	87432
♥	A42
♦	KQJ5
♣	2



<b>375 masterpoints</b>	
♠	A5
♥	987653
♦	A1072
♣	9

<b>1370 masterpoints</b>	
♠	KJ96
♥	KJ10
♦	3
♣	J10876

West	North	East	South
		P	1♠ <sup>(1)</sup>
P	2♣ <sup>(2)</sup>	P	2♠ <sup>(3)</sup>
P	3NT	P	P
P			

Final Contract	<b>3NT by North</b>
Opening Lead	<b>♥9</b>
Table Result	<b>Down 1, E/W +100</b>
Director Ruling	<b>3NT by North, Down 1, E/W +100</b>
Committee Ruling	<b>4♣ by South, Down 4, E/W +400</b>

(1)	<b>N/S pre-alerted that they play Precision with Canapé</b>
(2)	<b>Alerted and explained as a spade raise</b>
(3)	<b>Explained as opener's longest suit</b>

**The Facts:** The director was called by E/W, first upon seeing dummy, and then again at the end of the hand. 3NT went down one on the lead of the ♥9. West won the ace and played the ♦K, ♦Q and ♦J. East overtook the jack, cashed the ♦10, and switched to a heart. Declarer took the rest of the tricks.

E/W believed they had been misinformed about both of the opponents' hands. East told the director he would have cashed the ♠A after running diamonds if he had been correctly informed about North's hand, but that he did not since he thought it could not go away, and hoped that his side might come to more than one spade trick.

South explained that he thought his partner was a passed hand and that 2♣ was therefore Drury. The real agreement about 2♣ was natural and game forcing. South's 2♠ bid was intended as a minimum response to Drury, but North's explanation was correct according to their agreements.

**The Ruling:** The Director ruled that any damage to E/W was not a result of misinformation and that the table result stood. East was in possession of enough information from the previous play to realize that partner could not have any more useful cards. Accordingly, no adjustment was made.

**The Appeal:** East/West appealed the ruling and North, South and East attended the hearing. The reviewer met with East separately from North and South since the interviews were conducted during the evening session. East repeated what he had said to the table director.

North and South repeated the explanation of what caused the misunderstanding and explained their methods. The 2♠ bid was correctly explained by North. In their methods 2♠ shows 10-12 HCP and six spades. With 12-15 HCP and six plus spades they open 3♠.

The reviewer informed North that he was required by law to correct his partner's mistaken explanation of his 2♣ bid before the opening lead (Law 20F5b). The reviewer also explained to North that he had unauthorized information from his partner's explanation and he was obliged to avoid using it to any advantage (Law 73C). When asked about his choice of 3NT rather than pursuing spades as a final contract, he said he thought this might be a hand where nine tricks would be easier than ten.

**The Decision:** In deciding cases, panels are expected to consider legal issues possibly overlooked by the director and not mentioned by the appellants. In this case, the panel believed that E/W might have been damaged more by unauthorized information than by misinformation.

The reviewer polled eight players ranging from top experts down to players with 2000 masterpoints regarding North's action over 2♠. Six bid 4♠; one wanted to make a game try of some kind in spades; one considered 3♣, 3♠, and 4♠ as possible bids and could see circumstances where he might want to play in 3NT.

Law 16B1 says that after receiving unauthorized information from partner a player "may not choose from among logical alternatives one that could demonstrably have been suggested over another by the extraneous information." Unauthorized information existed that clearly suggested not bidding 4♠ and the poll indicated that 4♠ was not only a logical alternative, but that it was a majority choice among consulted players. The panel therefore assigned a contract of 4♠ by South. Consulted experts thought that South would take six tricks in that contract, so the table result was replaced for both sides with 4♠ by South, down 4, E/W +400 (Law 12C1e). Since the issue of misinformation became moot with this decision it was not considered.

The appeal was found to have sufficient merit.

Players polled: Ralph Katz, Eric Kokish, Nick Nickell, and five non-experts

**The Panel:** Matt Smith (reviewer), Matt Koltnow, Sol Weinstein



<b>APPEAL</b>	<b>Regional Four</b>
Subject	Break in Tempo
DIC	Bernie Gorkin
Event	Tuesday Open Pairs
Session	Afternoon
Date	March 19, 2013

BD#	<b>28</b>
VUL	<b>N/S</b>
DLR	<b>W</b>

<b>136 masterpoints</b>	
♠	KJ832
♥	Q2
♦	AJ1032
♣	9

<b>6455 masterpoints</b>	
♠	A
♥	1085
♦	K87
♣	AKQ1042



<b>8139 masterpoints</b>	
♠	Q106
♥	K4
♦	Q9654
♣	865

<b>138 masterpoints</b>	
♠	9754
♥	AJ9763
♦	--
♣	J73

West	North	East	South
1♣	1♠	1NT	3♠
3NT	P <sup>(1)</sup>	P	4♠
X	P	P	P

Final Contract	<b>4♠X by North</b>
Opening Lead	<b>♣5</b>
Table Result	<b>Down 1, E/W +200</b>
Director Ruling	<b>3NT by East, Making 3, E/W +400</b>
Committee Ruling	<b>3NT by East, Making 3, E/W +400</b>

<b>(1) Disputed Break in Tempo</b>
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**The Facts:** The director was called during the auction, when 4♠ was bid and again at the end of the hand. West said North “had a slight break prior to the pass of 3NT”. East said it was “longer than a slight break”. North denied pausing and South denied noticing a pause

**The Ruling:** Initially, the ruling was that the North hand suggests that a pause had taken place, that South has logical alternatives to bidding 4♠, and that a break by North demonstrably suggested bidding. However, the director ruled to let the result stand, as 3NT can be beaten, and therefore E/W were not damaged, as they would not receive a better score in 3NT. E/W wished to appeal. However, in consultation with E/W and other players, it was determined that although a 3NT contract might fail, it is very easy for the defense to let it make, and, in fact, it did indeed make several times. Therefore, the ruling was changed to 3NT by East, making 3, E/W +400, per Law 16.



**The Appeal:** North/South appealed, after the director informed them of the reconsideration to adjust the score. The reviewer met with N/S, who were trying to get experience by playing in the Open, rather the novice game. In asking North about whether she had any thing to think about after the 3NT, she admitted that she briefly thought about whether it would be worth it to bid, although she denied it causing her to break tempo. N/S were explained the law about unauthorized information, and were only appealing the claim of a break in tempo.

**The Decision:** The reviewer conducted a poll of players of similar strength, playing in team events. Given the hand held by North, and the auction up to 3NT, many took a moment to decide, with one choosing to bid. A separate poll with the South hand found many not bidding. Given the polling information, the panel decided that the conditions of Law 16 were met, and the director's ruling was upheld.

The panel decided Appeal without Merit Warning was not appropriate since the original table ruling had been reversed.

Players polled by the panel: 6 players under 200 points


**The Panel:** Kevin Perkins (reviewer), Charlie MacCracken, Su Doe

<b>APPEAL</b>	<b>Regional Five</b>
Subject	Misinformation
DIC	Brian Russell
Event	Golder NAP Flight B
Session	First Qualifying
Date	March 23, 2013

BD#	<b>15</b>
VUL	<b>N/S</b>
DLR	<b>S</b>

<b>1621 masterpoints</b>	
♠	J96542
♥	AQ
♦	Q985
♣	4

<b>1644 masterpoints</b>	
♠	Q103
♥	9876
♦	K52
♣	AK7

	
<b>2022 masterpoints</b>	
♠	AK7
♥	105432
♦	7
♣	10965

<b>751 masterpoints</b>	
♠	8
♥	KJ
♦	AJ1043
♣	QJ432

West	North	East	South
			<b>P</b>
<b>1♣</b>	<b>1♠</b>	<b>3♠<sup>(1)</sup></b>	<b>X</b>
<b>P</b>	<b>P</b>	<b>5♣</b>	<b>X</b>
<b>P</b>	<b>P</b>	<b>P</b>	

Final Contract	<b>5♣X by West</b>
Opening Lead	<b>♠5</b>
Table Result	<b>Making 5, E/W +550</b>
Director Ruling	<b>5♣ by West, Making 5, E/W +400</b>
Committee Ruling	<b>5♣ by West, Making 5, E/W +400</b>

**(1) Explained as asking for a stopper**

**The Facts:** South called the director when dummy was put down and East remarked that 3♠ should be a splinter. South claimed that he would not have doubled 5♣ if he had known that it was not a stopper ask. South thought forcing dealer with a ruff was the best defense, so he won the ♠K and continued with the ♠A. Declarer ruffed in dummy and played a club to the ace. He then played a diamond to the jack and drew the rest of the trumps. He returned to the king of diamonds, pitched a heart from dummy on the ♠Q, and finessed in diamonds. He conceded a heart at the end.

**The Ruling:** East/West had no agreement to the jump cuebid, and each had a different idea as to what it should mean. South isn't entitled to what East meant, but is entitled to know that the pair does not have an agreement, so that the possibility of shortness is present, and a double is less attractive. Per Law 21, an adjusted score of 5♣ by West, making 5, EW +400 was assigned.

**The Appeal:** East/West appealed the decision, claiming South only wanted to retract the double on the information that East was splintering, not on the much vaguer information of no

agreement. East had made no attempt to correct the information that they had no agreement before the opening lead, giving South a chance to claim damage and a desire not to double before seeing dummy.

**The Decision:** The reviewer attempted to conduct a poll, first giving the South hand and correct information, that there is no agreement by the opponents about the 3♠ bid. All players polled were concerned that the bid was a splinter and did not double 5♣ and thought it was very dangerous to do so. The players also maintained, that given the alternative explanation of stopper ask, they still thought the double to be unwise.

Trying to approach from the other side and find peers, the reviewer told those polled that the 3♠ bid was stopper asking. None chose to double, but most thought a double was not unreasonable, just too aggressive for them. When told about the possibility that the bid was instead undiscussed, the potential for it being a splinter was agreed to be a concern, and the double was thought to have much less merit.

With this information, the panel upheld the director's ruling of adjusting the score to 5♣ by West, making 5, E/W +400. East/West were reminded to correct misinformation at the earliest legal chance (Law 20F5), avoiding the situation of the non-offending side getting to make protests with more information than they would have otherwise.

The panel decided the appeal had merit due to the subtlety of the argument put forth by South and the difficulty in finding peers.

Players polled by the panel: 3 players of approx. 1700 – 2100 for each poll

**The Panel:** Kevin Perkins (reviewer), Matt Koltnow, Su Doe

<b>APPEAL</b>	<b>Regional Six</b>
Subject	Misinformation
DIC	Kevin Perkins
Event	Sunday A/X Swiss
Session	First Session
Date	March 24, 2013

BD#	<b>15</b>
VUL	<b>N/S</b>
DLR	<b>S</b>

<b>6000 masterpoints</b>	
♠	6542
♥	93
♦	KQJ83
♣	65

<b>6000 masterpoints</b>	
♠	--
♥	Q87
♦	10976542
♣	742



<b>2250 masterpoints</b>	
♠	AJ73
♥	AKJ542
♦	--
♣	KQ9

<b>6000 masterpoints</b>	
♠	KQ1098
♥	106
♦	A
♣	AJ1083

West	North	East	South
			1♠
P	3♦ <sup>(1)</sup>	3♠	4♣
4♦	X <sup>(2)</sup>	4♥	4♠
5♦	P <sup>(3)</sup>	5♥	P <sup>(3)</sup>
P	X	P	P
P			

Final Contract	<b>5♥X by East</b>
Opening Lead	♠Q
Table Result	<b>Down 2, N/S +300</b>
Director Ruling	<b>5♥X by East, Down 1, N/S +100</b>
Committee Ruling	<b>5♥X by East, Making 5, E/W +650</b>

(1)	<b>Alerted and explained as Bergin; Four spades, minimum raise</b>
(2)	<b>Alerted and explained as takeout</b>
(3)	<b>Explained as the equivalent of a penalty double</b>

**The Facts:** The director was called at the end of the hand. The play had proceeded ♠Q, won with Ace (club discard from dummy, discouraging 6 from North); spade ruffed to dummy; diamond ruffed back to hand; spade ruffed to dummy; diamond ruffed low by declarer and overruffed by South; trump exit by South. West told the director that if East knew diamond length was on her right she would have ruffed the second diamond back to her hand high and made the hand. East did not speak to the director.

The director found that in some situations N/S invert the meaning of pass and double. South thought it applied to North's double of 4♦, but North did not. Both agreed that the agreement applied to their later passes over 5♦ and 5♥. N/S did not ask any questions of the E/W auction.

**The Ruling:** The director found that South's explanation of North's double of 4♦ was misinformation (Laws 20 and 75) and that it damaged E/W in the play since East did not appreciate the danger of an overruff by South (Law 40B4 and Law 47E2b). However, the director believed that after, a high ruff by East, it was implausible that a pair of N/S experience would not defeat the contract. After pitching a club on the diamond ruff, followed by another spade ruff in dummy, South would next win the club ace and lead his last spade for partner to uppercut declarer. If declarer refused the uppercut another diamond from North would promote South's ♥10. The score was changed to 5♥X by East, down one, NS +100 (Law 12C1e).

**The Appeal:** E/W appealed the director's ruling. The reviewer met separately with N/S and E/W. N/S confirmed that they had a misunderstanding about whether pass-double inversion applied to North's double of 4♦. North and South each have 6000 eligibility points assigned to their ACBL records due to experience in other bridge organizations.

E/W also confirmed the facts as stated by the director. West thought that a defense which required the right discard on the second diamond ruff, avoiding a club return upon gaining the lead, and having partner ruff with his nine was not nearly as likely as the director did. The reviewer did tell West that the argument of East ruffing high with the correct information would carry more weight if East had been the first to offer it.

**The Decision:** South's explanation to E/W that the double of 4♦ was takeout was not actually the N/S agreement, so legally it was misinformation. Law 40B4 states: "A side that is damaged as a consequence of its opponents' failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score."

In order to determine if East's play of ruffing low was affected by the misinformation that South provided, the reviewer gave the East hand to three of her peers with approximately the same number of masterpoints. When told that the double of 4♦ was not alerted, one player ruffed high and the other two were not sure whether to ruff high or to play South for having false carded with the ♦A and ruff low (one of those two did not agree with East's earlier line of play since he would have ruffed the opening spade lead in dummy). All agreed that on the line of play taken, ruffing low would have been normal if the double had been described as takeout.

Next, the reviewer gave the South hand as a play problem to three experts. All three pitched a club if East ruffed the second diamond high. All three won the subsequent club lead from dummy after a third spade ruff. Two of the three then returned a spade hoping for an uppercut, while one believed that couldn't be successful and returned a trump. As to whether the spade return would be ruffed, when seeing all four hands all agreed that it is clearly the correct play, but one offered that he is surprised at how often players neglect to correctly ruff when partner leads the thirteenth card of a suit. Two of the three experts took more time analyzing the hand than would have been the normal allotment of time to play it.

The reviewer also gave the whole hand to one peer of N/S and asked him what he thought the likelihood was of N/S getting it wrong. In his estimation giving N/S credit for the correct defense was "very generous".

Law 12C1e instructs that “. . . the score assigned in place of the actual score for a non-offending side is the most favorable result that was likely . . .” and “for an offending side . . . the most unfavorable result that was at all probable . . .” had the irregularity not occurred. The panel was persuaded by the sum of the evidence from the consulted players to assign the result of 5♥X by East making five, E/W +650 to both sides.

While the panel was troubled by the fact that West made the bridge argument for East, the polling of East's peers clearly indicated that she had been deprived by misinformation of the chance to make a decision in the play that could have led to the ending considered. As to what might happen in that ending, the panel decided that since one expert actually got it wrong and the other two took a very long time considering the problem before coming up with the right conclusion, there was a significant chance that 5♥X would have made. The panel also found the statement by one of the experts about how often players fail to ruff in this situation persuasive.

In addition to the misinformation that existed, the panel also realized that North had unauthorized information from his partner's explanation of the double of 4♦. That UI did not seem relevant to the case, and in any event, its possible effect was not considered by the panel since the decision made it moot.

Players polled: David Bakhshi, Bart Bramley, Bob Etter, and four non-experts

**The Panel:** Matt Smith (reviewer), Charlie MacCracken