

# 2018 Spring NABC Appeals Casebook



# 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 Tournament Directors and to communicate decisions and the process to arrive at those decisions to the membership at large.

A total of twelve (12) cases were heard.

Ten (10) cases were from unrestricted (by masterpoints) North American Bridge Championship Events. The names of the players involved are included.

Two (2) cases were from all other events. 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 and any corrections to the cases, the commentary is added, corrections are 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 Review Panels and commentators. Without their considerable contribution of time and effort, this publication would not exist.

ACBL Headquarters  
Horn Lake, MS

## Abbreviations used in this casebook:

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

## **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 and ACBL Laws Commission.

**Ton Kooijman** has been a tournament director in the Netherlands for almost fifty years and has been involved in international bridge for almost thirty. He became the operations director for both the European Bridge League and the World Bridge Federation in the mid 90's. He became a member of the WBF Laws Committee in 1994 and in 1997, he replaced Edgar Kaplan as chairman. His approach as member of the commentating group is to concentrate more on the technical application of the laws. Since he is European, the differences in approach between both continents might draw his attention.

**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. He joined the ACBL Tournament Director Staff in 2017 and was promoted to Associate National Tournament Director in February of 2021.

**Tom Townsend** lives in London, England. He is a full-time bridge pro and many-time England international. He writes a daily bridge column for the London "Daily Telegraph".

**Adam Wildavsky** was born in Ohio and grew up in Berkeley and Oakland, CA and London, England. A graduate of MIT, he is a retired software engineer and now spends winters in Keystone, CO and much of the rest of the year in New York City. Mr. Wildavsky has won numerous national championships, including the Blue Ribbon Pairs twice, the Reisinger BAM Teams once, and the USBF Open Team Trials twice. He won a bronze medal for the USA in the 2003 Bermuda Bowl and represented Switzerland in the 2012 World Bridge Games. Mr. Wildavsky is a member of the WBF Executive Council, vice-chair of the ACBL National Laws Commission, a member of the WBF Laws Committee, and a former chairman of the ACBL National Appeals Committee. His interest in the Laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

**Kit Woolsey** is a world-class bridge and backgammon player, analyst, and writer, born in Washington, DC. He graduated from Oberlin College in 1964 and earned a master's degree in mathematics from the University of Illinois at Urbana-Champaign. He is a three-time World Champion and holds more than a dozen NABC titles. His most recent major victory was winning the Cavendish Invitational Pairs in 2011. He was elected to the ACBL Hall of Fame in 2005 and lives in Kensington, CA. He has been one of the Panelists on *The Bridge World* Master Solvers Club since 1984. He also serves on the ACBL Competitions & Convention Committee and the Bridge Integrity Task Force.

<b>Subject of Appeal:</b>	Played Card	<b>Case:</b>	N1
---------------------------	-------------	--------------	----


<b>Event</b>	Lebhar IMP Pairs	<b>Event DIC</b>	Matt Koltnow
<b>Date</b>	03/10/2018	<b>Session</b>	First Final

### Auction

West	North	East	South
		1♠	Pass
2♣ <sup>1</sup>	Pass	2♥	Pass
3♥	Pass	4♣	Pass
4♥	Pass	Pass	Pass

1: Game Forcing

### Hand Record

<b>Board</b>	2	N	Ahmed Yousry
<b>Dealer</b>	E	♠ A853 ♥ (void) ♦ K8752 ♣ J764	
<b>Vul</b>	N/S		
W	Mark Cohen		E Stasha Cohen
♠ Q10 ♥ QJ86 ♦ QJ4 ♣ KQ93			♠ K9762 ♥ AK73 ♦ 3 ♣ A85
		S Ahmed Soliman	
		♠ J4 ♥ 109542 ♦ A1096 ♣ 102	

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
4♥ by E			♥2

### Facts Determined at the Table

The Director was called at trick 12. The play of the hand had gone as follows:

- Trick 1: ♥2 won by the 8 in Dummy
- Trick 2: ♠Q won by North with the Ace
- Trick 3: ♦2 won by South with the Ace
- Trick 4: ♥4 won by Declarer with the 7
- Trick 5: ♠K by Declarer
- Trick 6: ♠6 ruffed in Dummy with the Jack (South discarding the ♣10)
- Trick 7: ♣3 won by Declarer with the Ace
- Trick 8: ♠9, ruffed by South, overruffed in Dummy
- Trick 9: ♣K, South discarding a Diamond
- Trick 10: ♣Q, ruffed by South
- Trick 11: ♦9 to the King, ruffed by Declarer with the King

At this point, Declarer held the ♥A and the ♠7. South held the ♥10 and the ♦10, with the cards in the Dummy and North hands being inconsequential. When the Director came to the table, Declarer was holding the Ace in her hand while the seven was exposed on the table. North/South claimed Declarer had dropped the Ace on the floor, but the seven had been played and that South was ruffing in order to set the contract.

East/West stated that Declarer had dropped both cards on the floor, and the seven had just been the first that she picked up. She was always pulling the last trump and then the spade would be good for her tenth trick.

## Director Ruling

Per Law 48A, Declarer is not required to play any card dropped accidentally. As the play sequence showed that Declarer was aware of the trump situation and that the seven would only be good after pulling the last trump, her intent was to play the Ace. Therefore, the Director ruled that the ♠7 was not the card played to the twelfth trick and that the result on the board was 4♥ by East, making four, E/W +420.

<b>Director's Ruling</b>	<b>4♥ by E, Made 4, E/W +420</b>
--------------------------	----------------------------------

## The Appeal

N/S requested a review of the ruling. They felt the statement of facts was incorrect and Declarer had actually played a card as opposed to dropping it.

## Panel Findings

While N/S contested the ruling, they could not provide any evidence that the facts were different from what the Director had determined. As they brought no new information to the Review process and could not point to an error by the Director in the original ruling, the Panel ruled that the Director's ruling was upheld, 4♥ by East, making four, E/W +420. The Panel deemed the appeal to not have merit, and an AWMW was given.

<b>Panel Decision</b>	<b>4♥ by E, Made 4, E/W +420</b>
-----------------------	----------------------------------

## Panel Members

<b>Reviewer</b>	Jenni Carmichael
<b>Member</b>	David Metcalf
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** According to the Facts Determined at the Table, some number of Declarer's cards were dropped. That number was in dispute. Since the Director concluded that E/W's version of the facts was correct, and N/S's is at least close, we, after the fact, pretty much have to go with that version.

It's hard to award an AWMW when important facts are disputed and there's no good evidence to suggest which facts are correct. That shows more confidence in the Director's detective abilities than even he is likely to consider warranted.

**Kooijman:** This is a peculiar case. The dispute seems to be the status of the ♠7, being played according to the defenders and not so in the eye of Declarer. Declarer states that both last cards were dropped on the floor and I expected to read what the defenders saw, but the TD simply ignores this problem and discovers that playing the trump first is normal. The Panel is not doing much better by stating that the defenders do not deliver evidence that the facts were different, while the defenders called the TD and gave him these different facts. Should they have provided a videotape? The only agreed fact is that the Ace was (still?) in declarer's hand and the 7 was faced up on the table. This puts the ♠7 more in accordance with the description of a played card (L45C2) than the trump ace.

I do not see any attempt to establish what really happened. This makes it impossible to determine a lawful decision.

**Marques:** Law 85 is clear in that it is the table director's job to rule according to his view on the balance of probabilities. Then, 48A is also clear, and it's hard to see why N/S would ever appeal this ruling. One of the clearest AWMW that I've seen.

**Townsend:** Concur with TD and Panel.

**Wildavsky:** Something about this case does not compute. If Declarer dropped both cards on the floor, then how did the spade end up face up on the table? I've been playing for 45 years. I've seen players drop cards and have dropped a few myself, but I've never seen them retrieved one at a time with one placed face-up on the table.

The TD ruled as Declarer surely intended to play, but I don't see that he established a credible set of facts. Accordingly, the AWMW does not seem warranted.

**Woolsey:** In a factual dispute, the decision of the Director should always be final unless the Director agrees that in his mind the facts aren't clear. In this case the Director determined that the card had been dropped accidentally, so it is not required to be played. There is nothing more to discuss.

<b>Subject of Appeal:</b> Unauthorized Information	<b>Case:</b> N2
--	-----------------

<b>Event</b>	Leventritt Silver Ribbon Pairs	<b>Event DIC</b>	Ken Horwedel
<b>Date</b>	03/11/2018	<b>Session</b>	First Qualifying


### Auction

West	North	East	South
	Pass	1NT <sup>1</sup>	Pass <sup>2</sup>
2♣	Pass	2♠	Pass
Pass	3♣	Pass	Pass
3♠	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: 12-15 HCP
2: Break in Tempo

### Hand Record

Board	21	N	Sheila Gabay
<b>Dealer</b>	<b>N</b>	♠ A86	
		♥ 3	
<b>Vul</b>	<b>N/S</b>	♦ Q53	
		♣ 987632	
W	Barry Spector		
♠	J1097		
♥	QJ109		
♦	K1096		
♣	Q		
E	Randy Thompson	♠ KQ52	
		♥ 942	
		♦ 84	
		♣ AK104	
		S	James Keegan
		♠ 43	
		♥ AK765	
		♦ AJ72	
		♣ J5	

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
3♠ by E	Down 1	N/S +50	♣J

### Facts Determined at the Table

The Director was called after the conclusion of play. All four players concurred that South broke tempo "noticeably" after East's 1NT opening. North volunteered that South was thinking about the "unusual" 1NT range.

### Additional Factors Determined Away from the Table

The Director polled the North hand to three national-caliber players. All three passed at every opportunity. He asked if a break in tempo by South made bidding more attractive, and all three answered in the affirmative.

### Director Ruling

The Director determined, based upon the poll, that Pass was a logical alternative, and that the hesitation by South suggested 3♣ was more likely to be successful than passing. So, per Law 16B1a, the 3♣ call was disallowed, and the result adjusted to 2♠ by East, making two, E/W +110.

<b>Director's Ruling</b>	<b>2♠ by E, Made 2, E/W +110</b>
--------------------------	----------------------------------

### The Appeal

N/S requested a review of the ruling. They felt that it was a bad matchpoint decision for North to pass 2♠ in a known fit. Based upon the auction, South was marked with values and at most two spades, so there was an implied N/S fit. North averred she would never pass here, playing matchpoints.

The Reviewer interviewed the appellants. He explained the ruling and the polls on which it was based and asked the appellants where they felt the Director went wrong. North repeated her claim that she would never pass, and that passing was wrong at matchpoints. The Reviewer reminded North of the poll results and asked her to clarify why she felt this did not disallow her action. North insisted that passing was wrong. The Reviewer cautioned the appellants that an appeal which failed to find fault with the ruling was likely to be deemed to lack merit.

## Panel Findings

The Panel considered the Director's poll. They agreed that when all three players polled choose Pass that it demonstrates passing to be a logical alternative; that the choice of pollees was representative of North's peers; and that the Director's polling procedure was sound. The Panel found that the Director's poll established Pass as a logical alternative, while bidding was suggested by the Unauthorized Information. There was no reason to think the play in 2♠ would be particularly different from that in 3♠. In accordance with Law 16B, the Panel therefore upheld the Director's ruling of 2♠ by East, making two, E/W +110. The appeal, since it presented no substantive reason to question the initial ruling, was found to lack merit. An AWMW was issued.

Experts Consulted: Linda Lewis, Becky Rogers and Mark Itabashi

<b>Panel Decision</b>	<b>2♠ by E, Made 2, N/S +110</b>
-----------------------	----------------------------------

## Panel Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** Good ruling, except for the missing 1/4 board PP for blatant abuse of UI. Would passing 2♠ have been such a bad matchpoint decision if East doubled 3♠?

**Kooijman:** Well done with one imperfection: N/S should have been assessed three AWMW's!

**Marques:** This appeal illustrates a common trend where the appellants fail to put on the table any valid arguments for the appeal. Not agreeing with a decision and hoping for a better outcome is definitely not a sufficient reason. Another clear AWMW.

**Townsend:** Concur with TD and Panel.

**Wildavsky:** By the book.

**Woolsey:** This one bothers me. There is no question that Pass is a logical alternative, and one that would be chosen by almost all players at this vulnerability. It isn't even guaranteed that South has a doubleton spade. Had East stepped up to the plate and smashed 3♠, there wouldn't have been anything to appeal.

What bothers me is the claim that the BIT makes bidding 3♠ more attractive. North knows from the fact that E/W quit so quickly that South has plenty of high cards. The BIT only echoes that information. What the BIT doesn't say is how many clubs South has and how many spades South has, and these are likely to be the important factors. My guess is that the pollees were first asked what they would bid, gave the obvious answer, and then when asked about the effect of the BIT decided that the actual 3♠ call was suggested by the BIT, so they answered that the BIT suggested the 3♠ call without thinking it through. Since it is so obvious that the 3♠ call will be unpopular, the first question the Director should have asked in the poll is whether the BIT makes bidding 3♠ more attractive, not whether the pollee would have bid 3♠ with no information. The results of this poll would allow the Director to make the proper determination.



<b>Subject of Appeal:</b>	Deceptive Play, Break in Tempo	<b>Case:</b>	N3
---------------------------	--------------------------------	--------------	----

<b>Event</b>	Leventritt Silver Ribbon Pairs	<b>Event DIC</b>	Ken Horwedel
<b>Date</b>	03/11/2018	<b>Session</b>	First Qualifying


### Auction

West	North	East	South
	Pass	Pass	1NT <sup>1</sup>
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: 15-17 HCP

### Hand Record

Board	9	N	Claire Alpert	E	Pat Galligan
Dealer	N	♠	A105	♠	864
Vul	E/W	♥	9875	♥	432
		♦	Q75	♦	AJ6
		♣	Q108	♣	9752
W	Ashaf El Sadi			S	Sylvie Willard
♠	K93			♠	QJ72
♥	KJ			♥	AQ106
♦	10832			♦	K94
♣	AJ43	♣	K6		

Final Contract	Result of Play	Score	Opening Lead
1NT by S	Made 1	N/S +90	♦2

### Facts Determined at the Table

The Director was called at the conclusion of play. The opening lead was the ♦2. Dummy played low, East inserted the Jack and Declarer won her King. Neither East nor Declarer took any extra time after the Dummy appeared to plan the defense or play. At trick two, declarer led the ♠2 to Dummy's 10. The 10 held the trick, but East paused noticeably before playing small. Declarer concluded, based on East's tempo, that the ♠K was offside, and so played the hand accordingly.

The East player stated after the hand that he was thinking about the rest of the hand when he broke tempo. He never said anything like "no problem" during the play.

### Additional Factors Determined Away from the Table

The Director showed the hand to an expert player, asking whether the hesitation should have affected the Declarer's line of play. The expert did not believe it should but admitted that he was biased by looking at the entire hand. Six additional players with similar masterpoint holdings as South were presented the hand as a single dummy problem, with the play (including the hesitation) up to the relevant decision point. Three repeated the spade finesse, while the three who did not cited the hesitation as the reason behind their decision.

### Director Ruling

Law 73E2 states, "If the Director determines that an innocent player has drawn a false inference from a question, remark, manner, tempo, or the like, of an opponent who has no demonstrable bridge reason for the action, and who could have been aware, at the time of the action, that it could work to his benefit, then the Director shall award an adjusted score." East had no demonstrable bridge reason to pause when he did. Based upon the hesitation, Declarer chose to eschew the later spade finesse, which was supported by the poll conducted as being a reasonable inference.

Although East was not attempting to deceive Declarer, this was certainly a situation where East could be aware that a hesitation here could cause Declarer to misplace the cards, which could work to his advantage. Based on 73E2, the Director adjusted the result on the board to 1NT by South, making two, N/S +120.

<b>Director's Ruling</b>
--------------------------

<b>1NT by S, Made 2, N/S +120</b>
-----------------------------------

## The Appeal

E/W requested a review of the ruling. They felt that there was no opportunity for East to think out the defense at trick one, and thus he was entitled to do so at trick two. Holding ♦AJx, East argued that a delayed play at trick one would have disclosed the location of the Ace. Also, finessing the ♠10 seemed a bit odd, and East was not prepared for this play.

## Panel Findings

The Reviewer met with all four players. Declarer's line of play was as follows:

- T1: ♦2 to the Jack and King
- T2: ♠2 to the 10
- T3: ♥5 to the 10 and Jack
- T4: ♦10 to the Queen and Ace
- T5: ♦6 to the 9
- T6: ♠7 to the Ace (eschewing the finesse)
- T7: ♥7 to Queen and King

The defense was now entitled to 6 tricks (one spade, two hearts, two diamonds, and the Club Ace), making 1 NT.

The Declarer explained how her line of play was predicated on the ♠K being offside. East insisted that he had a right to think about the hand, and that before playing to trick two was his first opportunity to do so. The Reviewer suggested that it would have been better not to quit his card at trick one, and thus delay the start of trick two, if he needed some time. While East had the right to think in the middle of trick two, there was some jeopardy to that if it caused an innocent Declarer to go wrong. He read Law 73 to the player and asked how this law should not apply to this situation. East insisted that he had the right to think, and that he was not trying to mislead Declarer.

The Reviewer discussed the poll with the Director and determined that the Director did not know the South player, who is a well-known foreign player whose ACBL masterpoints do not reflect her accomplishments. As a result, it was possible that the polled players might not be a true representation of South's peers.

The Panel considered East's argument that this was his first chance to think about the hand, and whether this would qualify as a demonstrable bridge reason under Law 73E2. The problem was that it was not his first chance to think about the hand – he could have done so before playing to trick one, or if he felt that might be suggestive, at the end of trick one.

While there are lines of play, even without the spade finesse, which would have led to eight tricks, Declarer's line was certainly quite reasonable (assuming the ♠K was offside). It was also clear to the Panel that without that assumption, Declarer would almost certainly have taken eight tricks. The Director's decision to adjust the result to 1NT, making two, N/S +120, therefore was correct, and the Panel upheld the result.

The Panel then considered whether the appeal had merit. The Director testified that he had explained Law 73E2 to East, and showed him the results of his poll, yet the player had insisted on appealing. The Reviewer had gone over Law 73E2 with E/W and asked them to show how it should not apply, but East had simply reiterated that it was his right to think. The Panel could not see how the appellants had found fault with the Director's ruling, nor that they had brought any new, unconsidered issue or evidence to form a basis for appeal. The appeal was deemed baseless, and an AWMW was issued.

Experts Consulted: Six players with 6000-8000 masterpoints each

<b>Panel Decision</b>
-----------------------

<b>1NT by S, Made 2, N/S +120</b>
-----------------------------------

## Panel Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** Good ruling. This AWMW is warranted.

**Kooijman:** Good decision.

**Marques:** Apart from the choice of pollees for the initial poll, great job by the Director and the Panel.

**Townsend:** Concur with TD and Panel. The time to think was at trick one.

**Wildavsky:** Good work all around.

East was entitled to think. He was also entitled to say, "Sorry, no problem." If that gave his partner useful UI, he'd just have to deal with the consequences. Note that East did not even claim that he was considering which card to play from xxx. We need not judge his intent, merely notice that he could have known that his tempo might lead the declarer astray.

**Woolsey:** I disagree with this ruling. While East had no bridge reason for the huddle, East also had no reason to expect the huddle would make any difference. It is obvious from the spade holding that East isn't going to be ducking the 10 of Spades from any honor -- for all East knows, her partner has ♠Q9x. If Declarer judges at the table that East has the King of Spades she is entitled to draw that inference, but that inference is drawn at Declarer's risk as is clearly stated in the rules. She is not entitled to redress if she gets it wrong.

<b>Subject of Appeal:</b>	Misinformation	<b>Case:</b>	N4
---------------------------	----------------	--------------	----

<b>Event</b>	Leventritt Silver Ribbon Pairs	<b>Event DIC</b>	Ken Horwedel
<b>Date</b>	03/11/2018	<b>Session</b>	First Qualifying


### Auction

West	North	East	South
	Pass	1NT <sup>1</sup>	2♥ <sup>2</sup>
3NT	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: 15-17 HCP
2: Spades, no Alert

### Hand Record

<b>Board</b>	<b>5</b>	<b>N</b>	Ben Yang		
<b>Dealer</b>	<b>N</b>	♠ (void)			
		♥ J1084			
<b>Vul</b>	<b>N/S</b>	♦ 109842			
		♣ KQ102			
<b>W</b>	Hakan Nilsson			<b>E</b>	Roger Coffman
♠	QJ6			♠	A1054
♥	Q652			♥	AK9
♦	KJ			♦	Q63
♣	J973			♣	A54
		<b>S</b>	Arnold Kritz		
		♠	K98732		
		♥	73		
		♦	A75		
		♣	86		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
3NT by E	Made 3	E/W +400	♠7

### Facts Determined at the Table

The Director was summoned at the conclusion of play. West stated that had 2♥ been properly Alerted, he would have Doubled (by agreement showing cards), and the final contract would have been 2♠X by South. He explained that a Double of a natural 2♥ would have been for takeout in the partnership methods, so he bid 3NT as his best option. A penalty type sequence was not available to him at the table without an Alert.

### Additional Factors Determined Away from the Table

The Director polled ten Flight A players from another event. Given the West hand, the methods stated by E/W, and the correct explanation, six out of ten would have Doubled 2♥, with the other four bidding 3NT. Continuing the likely auction following a Double, the six would then either Double 2♠, or make a forcing Pass and then Pass if East Doubled.

### Director Ruling

West was given misinformation which affected his choice of calls and thus the final contract. Law 21B stipulates, following a call made by a player influenced by misinformation provided by an opponent, "[w]hen it is too late to change a call and the Director judges that the offending side gained an advantage from the irregularity, he awards an adjusted score." Law 12C1c allows the Director to assign multiple scores weighted by their relative probabilities. Based on his poll, the Director ruled the result as 70% 2♠X by South, down 3, E/W +800, and 30% 3NT by East, making three, E/W +400.

<b>Director's Ruling</b>	<b>70% 2♠X by S, Down 3, E/W +800</b> <b>30% 3NT by E, Made 3, E/W +400</b>
--------------------------	--

## The Appeal

North/South appealed the ruling because they disagreed with the Director's poll-based ruling.

### Panel Findings

The Reviewer met with North and asked for clarification of his reason for appealing the decision. North stated that he did not know that the choice of players polled was a valid sample, or that the sample might be insufficient in size, or that the poll might be flawed in other ways. He compared it to political polls which had been shown to be inaccurate. He was also concerned that E/W did not call the Director until after the hand had been completed and scored and felt that this was too late to raise such an objection. He testified that the correct explanation came out at trick one, when North showed out of spades, and that would have been the appropriate time to object. Finally, he questioned whether E/W truly use the methods they claimed.

The Reviewer met separately with South, who claimed that the objection was raised as E/W were leaving the table. He claimed West said, "Well, maybe I would have Doubled," and called the Director.

The Reviewer asked the Director when he had been summoned to the table, who confirmed that he had been summoned at the end of the hand, before the next hand was played.

The Reviewer met briefly with E/W, who confirmed that the Director was called by West at the end of the hand, as the board was being scored. He repeated his methods and restated that a Double of a natural overcall in this sequence was takeout-oriented, but card-showing if the bid were artificial. He did not provide documentation of his methods but claimed that they had been discussed.

The Panel considered the poll taken by the Director. It was felt that ten people was a more than reasonable sample, and if the explanation caused six of the ten to Double, then the misinformation did materially affect the result. The poll assumed two things: first, that a Double of 2♥ would have led inevitably to a contract of 2♠X; and second, that the methods claimed by E/W were in fact their agreements. The Panel felt that these were reasonable assumptions and chose not to test either one further. As such, the Panel accepted the poll results as valid.

The appellant seemed to feel that poll-based rulings were in general not valid or accurate. However, the Panel felt that questioning the methodology the ACBL and the WBF has chosen to trust and use was beyond the scope of this Panel.

The Panel then considered the relevance of the timing of the Director call. Per Law 92B, "the right to request ... a Director's ruling expires thirty minutes after the official score has been made available for inspection...." While the failure to Alert came to light at trick one, the implication on the possible result of the board might not have been clear until after the play of the hand was over, as the full deal came to light. The Director call came well within the time limits allowed by law.

The Panel discussed the allegation that West misstated his partnership agreements, but the agreement stated is quite common (arguably the standard agreement), and there was no reason to question it.

Having considered all of N/S's allegations and found that they had all been either addressed by the Director in his ruling or were too specious to be given serious weight, the Panel upheld the Director's ruling. Furthermore, based upon the diligence of the Director and Reviewer in addressing those concerns, there was no true merit to the appeal. The Panel therefore issued an AWMW.

<b>Panel Decision</b>	<b>70% 2♠X by S, Down 3, E/W +800 30% 3NT by E, Made 3, E/W +400</b>
-----------------------	--

### Panel Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

### Commentary

**Goldsmith:** This is probably a weakness in the write-up, not the ruling, but I do not see a statement that it was established that 2♥ showing spades is the N/S agreement. If it wasn't, then there was no infraction, and the result stands. In cases of misinformation, the absolute first fact that must be addressed is "what are the actual agreements?"

Assuming that the Director did establish that these were N/S's methods, the ruling seems right. The percentages assigned good, giving 10% to the NOS past the poll.

**Kooijman:** I agree. Apparently, the penalty for incorrect appeals is too low.

**Marques:** Once more, disagreeing with a ruling is NOT a valid reason for an appeal. The rest of North's arguments sound like a lot of spaghetti thrown onto a wall. None stuck. A lot of time wasted on an obviously meritless appeal.

**Townsend:** Concur with TD and Panel. Concur also with the four AWMWs in the first four cases.

**Wildavsky:** I agree that the appeal had no merit. If anything, the ruling seems generous to N/S.

**Woolsey:** This looks reasonable to me. There was definitely MI, so the Director must adjudicate what was likely to have occurred had there been no MI. From the poll, the weighted average given is definitely in the ballpark.

<b>Subject of Appeal:</b> Misinformation	<b>Case:</b> N5
--	-----------------

<b>Event</b>	Leventritt Silver Ribbon Pairs	<b>Event DIC</b>	Ken Horwedel
<b>Date</b>	03/11/2018	<b>Session</b>	First Qualifying


### Auction

West	North	East	South
			1♣ <sup>1</sup>
Pass	1♦ <sup>2</sup>	Pass	1NT <sup>3</sup>
Pass	2♦ <sup>4</sup>	Pass	3♥ <sup>5</sup>
Pass	4♥	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: Strong, Artificial, Forcing
2: Artificial, 0-7 HCP
3: 18-19 HCP, Balanced
4: Transfer to ♥
5: Super Accept

### Hand Record

Board	15	N	Bryan Howard
<b>Dealer</b>	<b>S</b>	♠ Q84	
		♥ QJ1092	
<b>Vul</b>	<b>N/S</b>	♦ 32	
		♣ 976	
W	Stuart Goodgold		
♠	10752		
♥	85		
♦	AQ965		
♣	J3		
		S	Jim Foster
		♠	A96
		♥	AK64
		♦	K10
		♣	KQ108
		E	Buddhadeb Biswas
		♠	KJ3
		♥	73
		♦	J874
		♣	A542

Final Contract	Result of Play	Score	Opening Lead
4♥ by S	Down 2	E/W +200	♠5

### Facts Determined at the Table

The Director was summoned at the end of the play. Following the opening lead, Declarer asked East as to their opening lead agreements. East said, "Standard. No, third and fifth." Declarer stated that he did not hear the correction in the explanation, as he is hard of hearing. He called for the ♠Q from Dummy, covered by the King and Ace. He subsequently lost two spade tricks, two diamond tricks and a club trick for down two.

Declarer contended after the hand that if he knew the lead was 3<sup>rd</sup> or 5<sup>th</sup> best, he would have played low from dummy. This would have made it impossible for East to continue the suit and give Declarer time to set up a club for a spade discard.

### Additional Factors Determined Away from the Table

The Director investigated Declarer's claim to hearing difficulties and confirmed that he is known to not hear well. The Director then polled three players concerning the play of the hand as a single dummy problem. All three said it was always correct to play low from Dummy if the lead was third or fifth, but it might be right to play the Queen to try and win the trick when the lead was fourth best. All conceded that it was unlikely that West held the ♠K, but they all gave serious consideration to playing the Queen with one believing he would likely play the Queen if told the opponents played Standard leads. None of the players would play the Queen given the correct partnership agreement.

### Director Ruling

As Declarer only heard the initial explanation of Standard leads, not the correction to third and fifth, misinformation did exist. Per the ACBL Alert Procedures, it is the obligation of players to make sure that their opponent

has correctly heard their explanation of their methods. As the poll showed that with correct information no one would play the Queen, the Director ruled to adjust the score to 4♥ by South, down 1, E/W +100, per Laws 47E2b and 12C1.

<b>Director's Ruling</b>
--------------------------

<b>4♥ by S, Down 1, E/W +100</b>
----------------------------------

## The Appeal

E/W appealed the ruling. They argued that Declarer did not mention his hearing difficulties until the Director left the table. He claimed to have only heard "Standard" but not the immediate correction to "Third and Fifth". East had immediately corrected the MI, and it was only Declarer's lack of concentration (and selective hearing) that was responsible for his poor result. E/W pointed out that West could have been leading from 1075 or J75 instead of 10752. Finally, they stated that if Declarer truly believed that West held the ♠K, then the 100% play for two tricks from the spade holding is to play low from Dummy on the first trick.

## Panel Findings

The Reviewer met with E/W first. He told them that it was their responsibility to ensure that an explanation (or Alert) was heard by their opponents, and if it was not, it is legally deemed not to have been given. They felt that the play of the Queen could never be right, no matter what the lead.

The Reviewer discussed the Director's poll with the E/W. He pointed out that the poll showed that the Queen was found to be more attractive when the lead was 4<sup>th</sup> best than when it was 3<sup>rd</sup>/5<sup>th</sup>.

The Reviewer met separately with N/S. South claimed that he thought about the hand and the opening lead for several seconds before deciding that his play was dependent on what the lead was. He then asked his question. Once he heard the answer, he was ready to play, and did not hear, nor had any reason to expect, East's correction. North said he heard the correction, but East was soft spoken, and there was a pause before he added, "Umm, 3<sup>rd</sup> and 5<sup>th</sup> leads."

The Panel started with the question of whether Declarer's hearing the first part of the explanation but not the second part was the responsibility of the Declarer or the explainer. The ACBL Alert Procedures state, in capital letters, "IT IS THE RESPONSIBILITY OF THE ALERTER OR ANNOUNCER TO ENSURE THAT THE OPPONENTS ARE AWARE THAT AN ALERT HAS BEEN MADE." While this was not an Alert, the principle extends to explanations as well. Thus, it is the general responsibility of the explainer to ensure that his opponents hear and understand his explanations. While the defenders may not have been aware of Declarer's hearing problem, they still need to ensure that their message was received. Accordingly, the Panel upheld the Director's ruling, 4♥ by South, down 1, E/W +100.

<b>Panel Decision</b>
-----------------------

<b>4♥ by S, Down 1, E/W +100</b>
----------------------------------

## Panel Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** I'm not sure I buy the results of the poll, but they seem remarkably clear. If there was MI, Declarer was damaged.

Was there MI? That's a tough call. While I have sympathy for South's not hearing part of the explanation, it's hard not to have sympathy for E/W's accurate explanation. The Laws say that the Director has to decide, but I'd like to include this one under the umbrella of "language difficulties" and be allowed to award 50% of down one and 50% of down two. There is no provision in the Laws for communication difficulties where no one is really at fault, but maybe there will be in the next set.

**Kooijman:** I am surprised. All three: TD, Reviewer and Panel claim that the Alert Procedure proves that a player needs to check that his vocal answer has been heard. Well, I do not agree, nobody ever does so. There is a good reason that lawbooks have impressive volumes: each specific case has to be dealt with. East apparently was not aware of the hearing difficulties of his opponent. Only had E/W been informed in advance could the TD demand extra attention when giving answers. South might request written answers in the future.

**Marques:** To know that Declarer is known to not hear well is not much relevant in this case. The important issue is to know if East knew that Declarer is aware of that, and if East did enough to make sure that his change of explanation was in fact heard. It seems from the write-up that the table Director was satisfied that East failed, in this regard. If that is so, I agree with the ruling. If that was not so, I would have it that it was South's own misunderstanding and, as Ton Kooijman suggests, South should start asking for written explanations.



**Townsend:** I can't imagine playing the ♠Q whatever the opponents' leads. Mine just don't lead from kings into 18-19 balanced. The pollees, with the presumed benefit of experience at this level of play, evidently think otherwise. Having polled them, we have to respect their input.

East wasn't to know that South was hard of hearing. North heard him and did nothing to save the situation. South, for his part, could have consulted opponents' CC instead of asking. Contrary to TD and Panel, I would let the table score stand.

**Wildavsky:** South knew he was hard of hearing. So did North. East did not. As a practical matter, N/S must inform their opponents of the situation. Otherwise, we'll all have to shout at tournaments or risk an adjusted score.

The TD claimed, "Per the ACBL Alert Procedures, it is the obligation of players to make sure that their opponent has correctly heard their explanation of their methods." I see nothing to this effect in the ACBL Alert Procedures document, and if it were there, it would be impractical. Communication requires the active cooperation of two parties and cannot be the sole responsibility of one. In the case of an Alert, each party sends a single bit of information, the Alert itself and an acknowledgment in return. The Panel claims that the principle extends to explanations as well, but I see no basis for this nor any reason for players to be aware of it if there were. From a player's point of view, the TD and Panel have constructed a rule out of thin air. A regulation that is not available to the players is worse than useless.

Even with the incorrect information, the Queen seems fanciful. If it holds, unlikely to begin with, declarer will still need three club winners.

**Woolsey:** I do not agree. Even if I agreed that playing the Queen of Spades was a reasonable bridge play which becomes more attractive if the opponents are playing fourth best leads, which I don't believe is the case, the table result should still stand. While it is true that it is the responsibility of the side answering the questions to make sure the opponent hears the answer, East had no reason to believe that South hadn't heard his correction. He didn't know South was hard of hearing. It was up to South to make sure he heard properly since he knew he was hard of hearing, or if he might not have heard properly to simply look at the E/W convention card.

<b>Subject of Appeal:</b> Unauthorized Information	<b>Case:</b> N6
--	-----------------

<b>Event</b>	Leventritt Silver Ribbon Pairs	<b>Event DIC</b>	Ken Horwedel
<b>Date</b>	03/11/2018	<b>Session</b>	Second Qualifying


### Auction

West	North	East	South
1♠	Pass	3♦ <sup>1</sup>	Pass
3♠	Pass	4♠	Pass
Pass	Pass		

### Explanation of Special Calls and Points of Contention

1: Alerted, explained as weak/ constructive four card spade raise

### Hand Record

Board	20	N	Joe Quinn		
<b>Dealer</b>	<b>W</b>	♠ J3			
		♥ AJ2			
<b>Vul</b>	<b>Both</b>	♦ 762			
		♣ K10732			
W	Sanford Robbins			E	Lucy Tillman
♠	Q9854			♠	A1072
♥	3			♥	Q54
♦	A1065			♦	KJ3
♣	AJ5			♣	Q94
		S	Ira Hessel		
		♠	K6		
		♥	K109876		
		♦	Q94		
		♣	86		

Final Contract	Result of Play	Score	Opening Lead
4♠ by W	Made 4	E/W +620	

### Facts Determined at the Table

The Director was summoned when Dummy's hand was displayed after the opening lead. East/West were a first-time partnership, filling out the movement for the second session, who had agreed to play "Reverse Bergen" prior to the beginning of the session when they filled out their convention card. East had forgotten the agreement, as it had not come up in the first seven rounds of the session. The Director instructed the pairs to complete play on the board, and for North/South to call at the conclusion of play if they felt they had been damaged. The Director confirmed that E/W did have other agreements in place to show a game forcing raise.

### Director Ruling

The unauthorized information based on partner's announcement that the 3♦ bid was constructive (rather than limit) assisted East in choosing her raise to game in the face of partner's signoff. Based on Law 16B1, the Director ruled that the 4♠ bid was disallowed, and the contract reverted to 3♠ by West, making 4, E/W +170.

<b>Director's Ruling</b>	<b>3♠ by W, Made 4, E/W +170</b>
--------------------------	----------------------------------

### The Appeal

E/W appealed the ruling. West argued that this was their first game playing together, and the first time this bid had come into play during the session. East had simply forgotten the agreement and did not want to want to use Jacoby 2NT since she only had 12 points.

## Panel Findings

The Reviewer confirmed that East had thought that her 3♦ bid showed a limit raise, and that 3♣ would have been constructive. Nevertheless, she insisted she would have bid game in any case. Two expert players were consulted to determine whether it was reasonable to treat the East hand as a "game forcing invitation." The feeling from the experts consulted was otherwise - if this hand were to be considered invitational, then the player should respect a signoff by Opener.

Pass was clearly a logical alternative (indeed, the experts would have chosen that action), and Responder was very likely "woken up" by partner's explanation of their call. Partner's misunderstanding of the bid made bidding game decidedly more attractive, so Law 16B requires the score to be adjusted. The Director's ruling, 3♣ by West, making 4, E/W +170, was upheld.

Experts Consulted: Linda Lewis and Becky Rogers

<b>Panel Decision</b>	<b>3♣ by W, Made 4, E/W +170</b>
-----------------------	----------------------------------

## Panel Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** Obvious adjustment. Ruling is missing the AWMW and 1/4 board PP for blatant abuse of UI.

**Kooijman:** No escape, but from an AWMW.

**Marques:** I find the Panel decision generous to the appellants. No AWMW?

**Townsend:** Concur with TD and Panel. Would issue AWMW.

**Wildavsky:** I see no merit to the appeal and would have assessed a procedural penalty in addition. We cannot allow players to profit from their use of the Alert Procedure or their opponents would, rightly, realize that they'd be better off with no alerts at all.

**Woolsey:** I would have liked to see a poll of players about the East hand, where they are given that East has bid 3♦ showing a limit raise and West has bid 3♣. If most or all still bid game, I would let the result stand. If a fair number pass, I would change to +170. This is the type of situation which polls handle very well, and I do not understand why such a poll wasn't taken here. The way the expert players were consulted is not the proper presentation. It should be a straight "What do you bid?" question.

<b>Subject of Appeal:</b>	Misinformation	<b>Case:</b>	N7
---------------------------	----------------	--------------	----

<b>Event</b>	Vanderbilt Knockout Teams	<b>Event DIC</b>	Matt Smith
<b>Date</b>	03/16/2018	<b>Session</b>	Quarterfinals, Third Quarter


### Auction

West	North	East	South
Pass	1♣	1♥	1♠ <sup>1</sup>
2♥	4♥ <sup>2</sup>	Pass	4♠ <sup>3</sup>
Dbf	Pass	Pass	4NT
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: S to W - 8+ HCP, 0-3 ♠
N to E - 5+ spades
2: S to W - Exclusion for Clubs
N to E - Shortness
3: S to W - Exclusion response
N to E - Natural

### Hand Record

Board	12	N	Dennis Bilde
<b>Dealer</b>	<b>W</b>	♠ AK92	
		♥ 10	
<b>Vul</b>	<b>N/S</b>	♦ K532	
		♣ AQ54	
W	Michal Kwiecien		
♠	QJ43		
♥	876		
♦	AJ8		
♣	762	E	Marcin Lesniewski
		♠	865
		♥	K5432
		♦	9
		♣	K1093
		S	Augustin Madala
		♠	107
		♥	AQJ9
		♦	Q10764
		♣	J8

Final Contract	Result of Play	Score	Opening Lead
4NT by S	Made 4	N/S +630	♥8

### Facts Determined at the Table

The Director was called after the hand was over. West said he would not have doubled 4♣ had he known that N/S did not have an agreement about the meaning of the 1♠ response. West said he doubled 4♣ to keep his partner from leading a heart against a club contract.

### Additional Factors Determined Away from the Table

The Director polled four players as to what call they would make over 4♣ with correct information as to the N/S agreements. None of the four would have doubled if informed that there was no agreement in place as to the meaning of 1♠.

### Director Ruling

Based upon the player poll, the Director concluded that West's Double was based upon the information he received from South. Had West heard North's description of the auction, he would not have assumed clubs would be trumps and that the auction would continue past 4♣. As such, the Director ruled that N/S gained an advantage from the misinformation, and per Laws 21B3 & 12C1, adjusted the score to 4♣ by South, down one, E/W +100.

<b>Director's Ruling</b>	<b>4♣ by S, Down 1, E/W +100</b>
--------------------------	----------------------------------

## The Appeal

N/S requested a review of the ruling. All four players attended the review. N/S stated that this is a new partnership. They felt that 1♠ was just a mistaken bid by South, as nothing on their convention card said they were using the method South described. They also felt that the Director call was taking multiple chances at a good score. If N/S had made 4♣x, E/W would have claimed misinformation and gotten to say they would not double 4♣; in this case, since pulling to 4NT was correct, now they get to say they would not double 4♣. If 4♣x had gone down, then there would not have been a problem. Lastly, N/S said that a spade lead against a club contract could have been disastrous.

### Panel Findings

The Reviewer spoke to four additional players. All four would have doubled or considered doubling 4♣ with the information South provided; none would have doubled 4♣ had they known there was no agreement about 1♠. The Reviewer brought this data and the appellants' other arguments to the Panel he convened. They could not find flaws in the original ruling, nor did they see that any additional evidence collected supported the appellant's argument. The table ruling was ruled to stand. The appeal was deemed to have merit, primarily because the ruling was delivered at the end of the fourth quarter. The players did not have time to make a measured decision as to whether to proceed with an appeal.

<b>Panel Decision</b>	<b>4♣ by S, Down 1, E/W +100</b>
-----------------------	----------------------------------

### Panel Members

<b>Reviewer</b>	Matt Koltnow
<b>Member</b>	David Metcalf
<b>Member</b>	Kevin Perkins

### Commentary

**Goldsmith:** This one doesn't seem like a weakness in the write-up. I think the Directors just assumed there was no agreement rather than ascertaining what the actual agreement is. It is not the case that different explanations with screens imply no agreement. It seems pretty likely that the agreement was that 1♠ was natural (the default), and that 1♣ was a mistaken bid, so by Law 75, no adjustment should be made.

The rulings in this set have generally been very good, but there seems to be a systemic problem with MI rulings. The first step **MUST** be to find the actual agreement. Disagreement between partners does not mean no agreement. Players are allowed to be wrong. Respect Law 75.

**Kooijman:** Good ruling, but a nonsensical argument not to assess an AWMW. I assume there is half an hour after play to decide about such appeal. This Panel opens a wide door for appealing in all cases coming up at the end of a session.

**Marques:** Another good ruling. Considering that the ruling was delivered by the end of the 4th quarter of a probably slow team match, not awarding an AWMW also seems like the right decision. Not to be taken as a general rule that appeals by the end of a session are regarded more leniently. They're not.

**Townsend:** Concur with TD and Panel. Despite the timing, an AWMW feels appropriate.

**Wildavsky:** Good work by the TD and the panel. The objection to the TD call was specious. E/W would have been derelict had they failed to call the TD. They received different explanations, and it is the TD's responsibility to sort this out, not the players'.

**Woolsey:** I don't think this can be treated as a no agreement situation. You can't expect South to alert and say no agreement when he believes there is a special agreement. You can't expect North to alert and say no agreement when he believes it is a normal call. Yes, East and West received different explanations, and if they are damaged by the different explanation (say they misinterpret their own bids) or if one of them takes a losing action based on the wrong information, then E/W are entitled to redress. But not because N/S have "no agreement".

In general, when there is a case of differing explanations, the default is to assume the bidder is giving the correct information unless there is evidence to the contrary. Assuming there is no such evidence, South has given West the correct information, so there is no MI regarding West's Double. West is not entitled to know there has been a mix-up. Thus, the table result should stand.

<b>Subject of Appeal:</b>	Tempo, Unauthorized Information	<b>Case:</b>	N8
---------------------------	---------------------------------	--------------	----

<b>Event</b>	Jacoby Open Swiss	<b>Event DIC</b>	Ken Van Cleve
<b>Date</b>	03/17/2018	<b>Session</b>	First Qualifying


### Auction

West	North	East	South
	2♦	3♣	3NT
Pass <sup>1</sup>	Pass	4♣	Dbl
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: Agreed Break in Tempo

### Hand Record

Board	21	N	Richard Popper
<b>Dealer</b>	<b>N</b>	♠ J107	
		♥ 1082	
<b>Vul</b>	<b>N/S</b>	♦ KQ10965	
		♣ J	
W	Serge Aronovitch		
♠	86543		
♥	9753		
♦	3		
♣	543		
E	Marianne Aronovitch	♠ A	
		♥ KJ4	
		♦ 742	
		♣ AQ10762	
		S	Chris Moll
		♠ KQ92	
		♥ AQ6	
		♦ AJ8	
		♣ K98	

Final Contract	Result of Play	Score	Opening Lead
4♣X by E	Made 4	E/W +510	♦A

### Facts Determined at the Table

All players agreed that there had been a break in tempo by West.

### Additional Factors Determined Away from the Table

Six top players were polled. All six said they would pass over 3NT. Two considered doubling. None of the players polled even mentioned 4♣ as a possible choice. Three 2000-5000 masterpoint players were also polled. All three chose Pass. One considered a 4♣ bid but chose Pass.

### Director Ruling

Under Law 16, West's break in tempo represents unauthorized information, and East chose an option that may have been suggested by the UI, based upon the player poll. The score was adjusted to 3NT by South, making 3, N/S +600.

<b>Director's Ruling</b>	<b>3NT by S, Made 3, N/S +600</b>
--------------------------	-----------------------------------

### The Appeal

E/W requested a review of the ruling. They believed the polled players were unfamiliar with their systemic methods.

East's 3♣ bid was not forcing, showing approximately 10 HCP. East's hand was stronger than what she had showed. The opponents' 3NT contract would obviously make, based on diamond tricks and the ♣K stopper. Given the vulnerability, 4♣ prevents 3NT from being the final contract, and showed a full opener (including the singleton ♠A) and a six-card suit.

The Reviewer confirmed with E/W that there had been a pause for consideration by West, but that East felt it had not influenced her choice of action. E/W are married, and a regular partnership of some years.

The Reviewer attempted to explain the relevant Law to the appellants, but they insisted that East's bid was right, and dismissed the Reviewer's attempts to see the situation from a different light.

## Panel Findings

The Panel felt that the acknowledged break in tempo by West did constitute unauthorized information; that it did demonstrate an interest in action by West, and so demonstrably suggested further bidding by East. Pass was a Logical Alternative with the East hand, as demonstrated by the Director's poll. The Director's ruling was in accordance with Law 16, and so was upheld.

The Panel discussed the Reviewer's conversation with the appellants, and their dismissal of his attempts to get them to understand the relevant Law. It was felt that the appellants did not bring up any substantive issues in the appeal that were not addressed in the initial ruling, nor could they do so when screened by the Reviewer. As such, it was felt that the appeal lacked merit, and an AWMW was issued.

Experts consulted: Linda Lewis, Becky Rogers

<b>Panel Decision</b>	<b>3NT by S, Made 3, N/S +600</b>
-----------------------	-----------------------------------

## Panel Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** Obvious adjustment. Obvious AWMW. 1/4 board PP for blatant abuse of UI. I wish we could give PPs for incredible arguments on appeal. I'd happily award one in this case.

**Kooijman:** I'd like to know how Declarer came to 10 tricks; you need an established revoke or two by the N/S side. Which then leads to a serious error case where N/S are only partly or not at all compensated. But indeed, East should not have bid 4♣, and in my opinion deserves a procedural penalty for doing so. This is a severe ethical infraction.

**Marques:** One more appeal "because we don't agree with the decision." One more good job by the Panel, and a deserved AWMW. When will AWMWs start having tangible consequences?

**Townsend:** Concur with TD and Panel. If East/West had a special agreement about 3♣, perhaps it should have been alerted. Agree with AWMW again.

**Wildavsky:** A well-deserved AWMW. I'd have assessed a PP in addition.

**Woolsey:** Clear, for all the obvious reasons. The claim that the 3-level overcall shows about 10 HCP is as self-serving as it gets.

<b>Subject of Appeal:</b> Misinformation	<b>Case:</b> N9
--	-----------------

<b>Event</b> Jacoby Open Swiss	<b>Event DIC</b> Ken Van Cleve
<b>Date</b> 03/17/2018	<b>Session</b> First Qualifying


### Auction

West	North	East	South
			Pass
Pass	1♠	Pass	2♦ <sup>1</sup>
Pass	3♣	Pass	4♠
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: 4 card limit raise, not Alerted

### Hand Record

Board	23	N	Stephanie Austin
<b>Dealer</b>	<b>S</b>	♠ KQ642	
		♥ K	
<b>Vul</b>	<b>Both</b>	♦ J10	
		♣ Q10852	
<b>W</b>	Kit Woolsey		
♠	AJ		
♥	107543		
♦	K9542		
♣	3	<b>E</b>	Arline Fulton
		♠	105
		♥	AQ986
		♦	AQ83
		♣	74
		<b>S</b>	Tina Bayer
		♠	9873
		♥	J2
		♦	76
		♣	AKJ96

Final Contract	Result of Play	Score	Opening Lead
4♠ by N	Down 1	E/W +100	

### Facts Determined at the Table

The Director was summoned after the auction, but before the opening lead. Away from the table, West said that he would have doubled the 2♦ bid had he been told that it was artificial. When East was taken away from the table, she said she would have doubled the 3♣ bid for takeout, if she had known what 2♦ was. After the conclusion of the hand, E/W felt they would have gotten to their heart game with correct information.

### Additional Factors Determined Away from the Table

Four players were polled with the West hand. All passed 2♦ with no alert. They also all passed when told what 2♦ was. None thought the information made Double more attractive, one labeling it "insane", and another as "you couldn't pay me enough."

Seven players were polled with the East hand. Of the four who were willing to pass over 1♠ (three were not), none would have taken action over 3♣, with or without the alert.

### Director Ruling

Though there was certainly misinformation, the Director found no reason to believe that E/W were damaged by that misinformation. The table result was allowed to stand, since Law 40B3a did not apply.

<b>Director's Ruling</b>	<b>4♠ by N, Down 1, E/W +100</b>
--------------------------	----------------------------------



## The Appeal

E/W appealed the ruling. West did not believe that four competent players could honestly say that the misinformation didn't make doubling less attractive. He had asked several players, and while not all doubled, it was unanimous that with the correct information doubling was more attractive.

Furthermore, West believed the poll was flawed. The proper polling question should have been, "what would the hand do with the correct information?" not what they would do with the wrong information. By asking the wrong question first, a bias was created.

## Panel Findings

The Reviewer first repeated the poll of the West hand after 2♦, with the correct explanation of the 2♦ bid. Of the six players polled, none doubled. However, three of them chose to bid 2♠, an action not considered by the West player at the table. If the 2♦ bid had not been alerted, however, all six players would have passed without asking about the call.

The Reviewer then polled the East hand, with the correct explanation of the 2♦ bid. All those who passed over 1♠, also passed over 3♣. The pollees were then asked what they would do if West had doubled 2♦. Two of the four now chose a 3♦ bid. The others continued to pass.

The Panel first considered West's actions. Neither the Director's poll nor the Reviewer's found support for Double by West, given correct information. However, the Reviewer's poll did find support for a different action.

Then East's actions were reviewed. East certainly could have bid initially over 1♠, as many of the pollees did. However, once having passed, there was no support for later unilateral action, assuming West passed over 2♦. If West were allowed to Double 2♦, then there was reason to accept a diamond bid from East. However, that did not seem likely to propel them into hearts.

The Panel then returned to West. They decided that they could not allow West to choose an action which he had not considered at the table, nor in ensuing discussion, so they would not entertain a 2♠ bid from West. The appellant had made the point that the correct information made doubling more attractive. The Panel agreed that it did, but "more attractive" does not equate to "would have chosen the action." And neither the Director's poll nor the Reviewer's found anyone who thought Double was reasonable. As such, a Double by West did not reach the standard of Logical Alternative.

Finally, they discussed the Director's poll (and polls in general). Did the order in which the questions were asked bias the poll? It was certainly felt that this could happen. However, while there was no way to tell for sure, the certitude of the respondents made it seem somewhat less likely in this particular case. The Reviewer's poll seemed to bear that out.

The Panel thus could not find any reason to reverse the Director's ruling, and thus it was upheld. However, it was felt the appeal had brought up some valid issues that bore further investigation and more careful consideration, and so had merit.

Experts consulted: Chris Compton, Robb Gordon, David Grainger, Greg Hinze, Kelley Hwang, Jan Jansma, Daniel Korbel, Linda Lewis, Mike Lipkin, Chris Moll, Barry Rigal, Jeff Roman, Michael Rosenberg, David Sabourin, Danny Sprung, JoAnn Sprung

<b>Panel Decision</b>	<b>4♠ by N, Down 1, E/W +100</b>
-----------------------	----------------------------------

## Panel Members

<b>Reviewer</b>	David Metcalf
<b>Member</b>	Jenni Carmichael
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** I agree with Kit that an Alert surely makes a Double more attractive. Arguing otherwise is ridiculous. I agree that the poll was flawed, and it baffles me why the Directors did not see this. This strongly supports the directive that polls need to be written down and recorded so that the review process can overcome this type of confusion. Why are we not using a tablet app to implement polls?

Despite all that, I'm not a big fan of doubling a contract when I have no reason to believe I can hold down the second overtrick and therefore agree with the polled players that doubling 2♦ wasn't in the ballpark. Even if it might be for Kit, it isn't for the bulk of his peers, so he doesn't get to do it. It's also far from clear that a Double would lead to an improved score for E/W. It's possible, but not very likely. An adjusted score requires more damage than this.

Why shouldn't West be allowed to bid 2♠? Let's say all the polled players answered, "no, of course I wouldn't have doubled 2♦. I would have bid the totally obvious 2♠." Then E/W would clearly have been damaged if West's bidding 2♠ would likely give them a better result. I don't think 2♠ comes up nearly to this standard on this hand, but it surely could on another.

I was once dubious that a written polling procedure was necessary, but I am now convinced.

**Kooijman:** With Kit being a member of the panel discussing these appeals, I wonder what his opinion is about the job done by the TD and the Panel. I am planning to read it. The Panel did not take the case lightly, looking at the impressive list being consulted. So, the Panel showed more than enough respect for West but could not avoid upholding the inevitable ruling.

**Marques:** As a general guideline, it is usually better to start a poll regarding mistaken information with the correct information. This argument from the appealing side is valid. Regarding the appeal, it's hard to see any flaw in the thorough work that the Panel did in this case.

**Townsend:** Good job by the Panel.

**Wildavsky:** The Panel did not apply the law correctly. West had no UI, so the concept of a Logical Alternative does not apply to him. Once we agree that the correct information makes acting more attractive, as it clearly does, then per Law 12 we must determine the likely possibilities had North properly informed West. Double might not occur often, but it's in the running, and 2♠ is possible even if West did not mention it. Had West doubled, East might have bid hearts, showing a diamond fit since she was a passed hand.

All of this assumes that the N/S agreement was as stated, but we don't know that, and we need to know to make a proper ruling.

I agree with Jeff that the TDs should conduct all polls in writing. In fact, our regulations require it. As far as I can tell, though, our TDs universally ignore the stipulation.

**Woolsey:** Of course, I might be biased here since I was involved. However, there were several awful procedural ways the situation was dealt with.

First of all, the report says that the four players polled about the West hand said they would pass with no Alert. Why were they given this question? What is or is not the normal bid with no Alert has nothing to do with the issue. The only issue is what West is likely to do when given the proper information. Asking the question first with no Alert can only lead to a bias from the pollees. The only question about what bid the pollees would make on the West hand is what they would do if given the proper explanation.

Secondly, the statement that the correct information doesn't make doubling more attractive is absurd. West is expecting his partner to be on lead against a spade contract. The only side suit that West can stand to have partner lead if partner doesn't have a solid sequence is diamonds. The danger of the opponents playing in 2♦XX with overtricks when they have a 9-card spade fit is virtually zero. While one might not agree with doubling the Drury call, saying that doubling isn't more attractive than with no Alert (which makes the 2♦ call natural and thus doubling impossible as it would be a takeout double) is ridiculous. Any expert would agree with that if the question were worded properly, even if they thought the Double is a terrible call.

Thirdly, the report says that West could not choose an action which he had not considered at the table. That makes no sense. The only thing West had to consider at the table was what to bid over a natural 2♦ call. West had no chance to consider making a Michaels call as things went. The fact that West didn't mention Michaels as a possibility when asked is meaningless. West hadn't had the opportunity think things through over a Drury call that he would have had if given the proper explanation.

What would I actually have done with the correct information? I don't know. What would likely have happened in various scenarios? I don't know. But the procedures followed by the Directors were awful.

<b>Subject of Appeal:</b> Misinformation	<b>Case:</b> N10
--	------------------

<b>Event</b> Jacoby Open Swiss	<b>Event DIC</b> Ken Van Cleve
<b>Date</b> 03/18/2018	<b>Session</b> First Final


### Auction

West	North	East	South
	1♣	Pass	Pass
Dbl	Pass	1♦ <sup>1</sup>	Pass
2NT	Pass	3♦ <sup>2</sup>	Pass
Pass	Pass		

### Explanation of Special Calls and Points of Contention

1: Intended as "Negative", No Alert
2: Intended as Transfer to ♥, No Alert

### Hand Record

<b>Board</b> 13	N	Jonathan Fleischmann	
<b>Dealer</b> N	♠ Kx		
	♥ xx		
<b>Vul</b> Both	♦ Q10x		
	♣ AQJxxx		
W	Jacek Pszczola		E
			Jacek Kalita
♠ AQJ9			♠ 8xx
♥ AKQ			♥ J109xxx
♦ AJx			♦ 9xx
♣ Kxx			♣ x
	S	Kelley Hwang	
		♠ 10xxx	
		♥ xx	
		♦ Kxxx	
		♣ 109x	

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
3♦ by E	Down 2	N/S +200	♣10

### Facts Determined at the Table

The Director was called after the round was over, and the teams had compared scores. The board in question had already been shuffled when the Director tried to retrieve it. N/S felt they should have been told about West's failures to Alert 1♦ and 3♦ before dummy was exposed. They said they would have led a diamond with the right information.

### Director Ruling

Per Law 20F5b, East was required to call the Director before the opening lead and tell the opponents that in his opinion, his partner's (lack of) explanation about his bids was incorrect. Three experts were given the hand as a single-dummy play problem after a diamond lead. Each of them took four tricks, so the score was adjusted to 3♦ by East, down five, N/S +500, per Law 12C1.

<b>Director's Ruling</b>	<b>3♦ by E, Down 5, N/S +500</b>
--------------------------	----------------------------------

### The Appeal

E/W requested a review of the ruling. They said that they are not an established partnership; their partnership this week was an emergency arrangement due to a teammate's illness. East hoped West would treat this auction as analogous to a common treatment against a Polish Club. In that treatment, 1♣-X-P-1♦ is negative and artificial, and transfers apply after the Doubler's notrump rebid. They also objected to the Director having polled the play problem after a diamond lead, as they felt a club lead more likely. Lastly, they thought the line of play imposed on them was ridiculous, as it would be automatic to duck the second diamond which would allow Declarer to endplay North later.

They also felt that the ruling was piling on. East had already carefully avoided taking advantage of the UI by bidding 3♦, which he suspected might get passed; he felt it was greedy to suggest that he now be required to tell the opponents what his hand was.

## Panel Findings

The Reviewer spoke to two pairs who play (and play against) Polish Club frequently. He sought to find out whether the treatment East used was common. One pair said that they use this treatment after a Polish Club, but not in the auction E/W had. The other pair said that they use this treatment after a Polish Club, but they could easily see a Polish pair have a misunderstanding about this treatment if they had not played as much outside Poland (where nearly all pairs play Polish Club, which is forcing and artificial, making this auction much rarer). In fact, this pair did use the treatment in this sequence, responding to a balancing double. This data suggested that East used a treatment that was known to peers playing a system such as his, but that its application in this particular sequence was not universal. There was not enough evidence to suggest that West should have recognized this treatment as an implied agreement based on E/W's system and experience.

The Reviewer brought his findings back to a Panel to determine whether E/W had an agreement about this sequence that East needed to disclose. They concluded that the pair simply had not discussed this sequence. East hoped West would recognize this sequence as equivalent to a common treatment, but he did not. While both members of this partnership have experience in North America, they are not regular partners, and it is understandable that they did not discuss this sequence.

The Panel felt that East was not of the opinion that his partner had given erroneous information (by not Alerting); he had given no information. As such, the requirement to correct misinformation by Law 20F5b did not apply. West's failure to alert 1♦ in effect announced that there was no unusual agreement about the bid, and that was indeed the case. The table result of 3♦ by East, down two, N/S +200, was restored.

Experts consulted: Michal Klukowski, Piotr Gawryns

<b>Panel Decision</b>	<b>3♦ by E, Down 2, N/S +200</b>
-----------------------	----------------------------------

## Panel Members

<b>Reviewer</b>	Matt Koltnow
<b>Member</b>	Gary Zeiger
<b>Member</b>	Matt Smith

## Commentary

**Goldsmith:** Lots of needless words. This is how the ruling should have gone:

- what was the agreement about 1♦? Natural, non-forcing.
- what was the agreement about 3♦? Natural, non-forcing.

Therefore, no infraction, no adjustment. Yes, the Panel eventually sort of got there, but MI rulings need to follow the correct procedure, and it appears the directors in this set routinely chose not to. Why?

For what it's worth, the reasoning in the third paragraph of the Panel Findings is fallacious unless one assumes that the agreements are as above. A failure to alert can easily provide MI. But if you assume those agreements, why delve any deeper? This feels like the Panel attempted to "split the baby." They didn't need to.

Of course, if 1♦ really was an artificial negative and West forgot, or if 3♦ was a transfer to hearts, that's a different story.

**Kooijman:** The statement that East should have told the opponents that IN HIS OPINION partner should have alerted is not adequate. It is understandable that East at that moment had realized that no partnership agreement existed for this bidding sequence. The TD should have investigated further.

**Marques:** The table Director should have established what were the E/W agreements, if any. If East was simply hoping that his partner would be in the same page as he, it looks like E/W did not have an agreement. If that is true, then the first statement on the Director ruling's description is incorrect: East does not have to say anything at the table. The non-alert should have pointed the Director to what looks to be the right direction, judging from the write-up. Getting there would have avoided this appeal. However, even if (in his judgment) E/W had an agreement, the Director should then have polled about the opening lead. Only after that should the hand be polled as a single-dummy problem.

Good recovery by the Panel.

**Townsend:** North/South, unacquainted with Polish bidding style, were entitled to be appraised of the background to this auction, otherwise known only to East/West. Whether South would have actually led a diamond is doubtful. Some adjustment was in order, but not as much as down five.

**Wildavsky:** As a matter of justice, I wish I could support the TD's decision to adjust the score. East knew that this kind of misunderstanding was possible and arguably had an obligation to speak up. N/S had no idea but would have if they were familiar with Polish practice. We allow players to use a variety of systems. Because we do, fairness requires that we allow their opponents to be as well informed as if they were themselves familiar with the methods.

That said, I find no basis in law or regulation for changing the table result. The ACBL neither requires nor encourages players to alert agreements they might not have. East did what was legally required by following through with his plan and transferring to hearts over 2NT, even though he had to expect after the failure to alert 1♦ that his partner would take 3♦ as natural. I see no law that requires him to explain the misunderstanding before the opening lead.

If we did adjust the score we'd need to weight the potential results, as Law 12 requires. That would require a poll on the opening lead for starters, as Rui suggests. On a trump lead I agree with the appellants that down 3 seems more likely than down 5, but the TDs have to respect their polls.

The ruling might be different under English Bridge Union regulations. Per their Blue Book (<https://www.ebu.co.uk/documents/laws-and-ethics/blue-book/blue-book.pdf>), Regulation 2D2 reads: "Unless a player knows that his partner's call is not alertable (or announceable) he must alert." Is this regulation better than the ACBL's? Fortunately for me, I am not called upon to decide.

My thanks to Steve Willner who pointed me toward the EBU stance.

**Woolsey:** It is East's responsibility to inform the opponents after the auction has ended and before the opening lead is made that his partner had failed to Alert the 3♦ call. In East's mind that was the agreement, and there was no reason for him to have suddenly realized that he made a mistake (if in fact he did make a mistake). Therefore, N/S did have MI.

As to the adjudication, that is not clear. Is it automatic for South to lead a diamond? To determine that, we have polls. The pollee should be given the South hand as a lead problem, with the information that West had failed to alert a transfer. My guess is that a club lead would be popular. The adjudication should be based on that poll (plus perhaps a more accurate assessment of what is likely after a diamond lead; down 5 is not automatic).

<b>Subject of Appeal:</b> Misinformation	<b>Case:</b> R1
--	-----------------

<b>Event</b> North American Pairs, Flight C	<b>Event DIC</b> Doug Rankin
<b>Date</b> 03/11/2018	<b>Session</b> Second Qualifying


### Auction

West	North	East	South
		Pass	1♦
Pass	1♠	Pass	2♣
Pass	2♥ <sup>1</sup>	Pass	3NT
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: 4 <sup>th</sup> suit forcing, not Alerted

### Hand Record

Board	14	N	140 MPS		
<b>Dealer</b>	<b>E</b>	♠ K9753			
		♥ AQ865			
		♦ K			
<b>Vul</b>	<b>None</b>	♣ J9			
<b>W</b>	280 MPS			<b>E</b>	300 MPS
♠	42			♠ AQ86	
♥	2			♥ KJ973	
♦	1097432			♦ 85	
♣	8764			♣ 102	
		<b>S</b>	380 MPS		
		♠ J10			
		♥ 104			
		♦ AQJ6			
		♣ AKQ53			

Final Contract	Result of Play	Score	Opening Lead
3NT by S	Made 6	N/S +490	♦10

### Facts Determined at the Table

North called the Director after the auction was complete and corrected South's failure to Alert the 2♥ bid. Away from the table, East said she would have doubled 2♥ if it had been Alerted as Fourth Suit Forcing.

Against 3NT, West led the ten of diamonds and declarer won and cashed nine minor-suit winners, dummy coming down to ♠Kx ♥AQ. East, down to ♠AQ ♥KJ9, discarded the Queen of Spades on trick 9. Declarer then led a spade through dummy, forcing East to lead a heart into the AQ. Declarer made 12 tricks, N/S +490.

East/West called the Director after the hand and stated that West would have led a heart if his partner had doubled the 2♥ bid.

### Director Ruling

The Director ruled that West would have led a heart in response to the Double if East had doubled 2♥. He adjusted the score to 3NT by South, making 4, N/S +430.

<b>Director's Ruling</b>	<b>3NT by S, Made 4, N/S +430</b>
--------------------------	-----------------------------------

### The Appeal

North/South appealed the ruling and were the only players to meet with the Reviewer. They felt that East had a Double of 2♥ even if 2♥ were not Fourth Suit Forcing by agreement. They also stated that the poor result was not caused by the failure to Double but by East's errant discard of the Spade Queen.

## Panel Findings

The Director had not ascertained whether or not the East/West pair played fourth suit forcing themselves, so the Panel felt it was not clear whether East/West should have protected themselves by asking about the 2♥ bid.

The Panel considered whether the auction would proceed the same way if East had doubled 2♥. The Reviewer polled four peers with the South hand who opened 1♦ and rebid 2♣. All four players passed after East doubled 2♥. The Reviewer then polled six players with the North hand after East doubled 2♥ and it was passed around to them. Four players passed out 2♥X, and two redoubled if it was confirmed that redouble would have been for business. Since 2♥X rated to make, that did not lead to a better score for East/West than the table result.

The Panel therefore felt that although East/West had been given misinformation, this did not lead to damage to their side and that therefore Law 40B3a did not apply. They therefore restored the table result of 3NT making 6, N/S +490.

<b>Panel Decision</b>	<b>3NT by S, Made 6, N/S +490</b>
-----------------------	-----------------------------------

## Panel Members

<b>Reviewer</b>	Eric Bell
<b>Member</b>	Matt Koltnow
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** Right. The Director should have been able to realize that at the very least, 3NT would be played by North, not South, had there been a Double. Very questionable Director ruling.

**Kooijman:** A sloppy decision by the TD. By accepting the possibility of a double after 2♥ it is mandatory to establish how the auction will develop. This is what the Panel did. Good decision by them.

**Marques:** My impression is that the Director didn't have enough time and ended up rushing to a conclusion on this ruling. Is there any damage from the non-alert (should East have protected herself)? Is Pass a reasonable action for this class of player without the Alert? How would the auction proceed after a Double? Good recovery by the Panel, and an excellent example of a case of "mistaken information but no damage."

**Townsend:** Concur with TD. South would have bid 2♠ over a Double of 2♥, so talk of 2♥X (only 470, by the way, unless there was evidence that pairs would make overtricks in 2♥) or redoubled is not relevant.

**Wildavsky:** The suggestion that East ought to have asked about a 2♥ call that was not Alerted is laughable. Doing so would make UI available to West. The reason we have an Alert Procedure is precisely so that East need not ask.

Pairs seldom play these contracts, doubled or redoubled, even when they ought to, and in any case, Law 12 requires a weighted ruling. Here it looks as though South is overwhelmingly likely to bid 2♠ over the double and to raise 2NT to 3NT. The poll said otherwise, but I do not find it credible.

Given the poll results I'd make the weighted ruling some fraction of -470, -640, -430, -460, and -490. -430 seems remote since South is unlikely to declare.

I prefer the TD's ruling to the Panel's since it grants relief to a pair who may have been damaged, but neither decision looks right to me.

**Woolsey:** I find it hard to believe a player with any experience at all, even with only 300 masterpoints, hasn't heard of fourth suit forcing. Thus, I don't see any real damage. Maybe I am naive about what a player with 300 masterpoints knows.

At any rate, the Directors should check the scoring table. 2♥X, making 2 is 470, less than the 490 actually scored. I think 9 tricks can be taken with knowledge of the bad heart split, so it doesn't matter.

<b>Subject of Appeal:</b>	Tempo, Unauthorized Information	<b>Case:</b>	R2
---------------------------	---------------------------------	--------------	----

<b>Event</b>	Second Friday Open Pairs	<b>Event DIC</b>	Arleen Harvey
<b>Date</b>	03/16/2018	<b>Session</b>	First


### Auction

West	North	East	South
2♠	Pass	3♥ <sup>1</sup>	Pass
3♠	Pass	3NT <sup>2</sup>	Pass
4♠	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Natural, Forcing
2: Agreed Break in Tempo

### Hand Record

<b>Board</b>	<b>24</b>	<b>N</b>	10,300 MPS		
<b>Dealer</b>	<b>W</b>	♠	72		
		♥	A7		
<b>Vul</b>	<b>None</b>	♦	KJ7543		
		♣	J92		
<b>W</b>	550 MPS			<b>E</b>	1700 MPS
♠	QJ96543			♠	A
♥	54			♥	QJ10863
♦	10			♦	A8
♣	1054			♣	AQ76
		<b>S</b>	7100 MPS		
		♠	K108		
		♥	K92		
		♦	Q962		
		♣	K83		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
4♠ by W	Made 4	E/W +420	♦7

### Facts Determined at the Table

The Director was called at the end of the auction and called back at the end of play. The BIT was agreed by all players, though its length was somewhat in dispute. N/S believed they were damaged by West's 4♠ bid after the agreed BIT by East.

### Additional Factors Determined Away from the Table

The Director polled six players ranging from 550 to 5000 masterpoints regarding West's action after 3NT. Three of the six players passed 3NT.

### Director Ruling

The Director ruled that there was UI that demonstrably suggested pulling 3NT and Pass was a logical alternative. The 4♠ bid was disallowed and the contract was adjusted to 3NT by East, down 4, after a diamond lead by South, per Laws 16B1 & 12C1.

<b>Director's Ruling</b>	<b>3NT by E, Down 4, N/S +200</b>
--------------------------	-----------------------------------

### The Appeal

E/W appealed the table ruling. North, East, and West attended a brief review prior to the beginning of the second session. The facts were agreed. West said his 2♠ bid was non-systemic, so his partner couldn't possibly play him for the



hand he held. Their agreement on weak two bids was 5-11 HCP, and specifically a six-card suit. E/W suspected that the players who were polled might not actually have been their peers. Each had taken years off from bridge for jobs and family and felt that they were stronger players than their masterpoint holdings might suggest. A Tournament Director familiar with the pair confirmed this suggestion. North thought the poll results showed the ruling to be correct.

## Panel Findings

Based on input from the above referenced Director, the Reviewer polled 26 players in the 2000-4000 masterpoint range. The large number of pollees was due to the difficulty in finding players who would even consider opening 2♠ with the West hand. Ultimately, the Reviewer could find only two players who would both open 2♠ with the West hand and rebid 3♠. Both of these players were adamant that they would never consider passing 3NT. One player bid 4♥; the other bid 4♠. They voiced the same sentiment that the hand had some value in a suit contract but was worthless in No Trump.

In doing his research, the Reviewer discovered that the table Director gave the pollees the full auction up to the 3NT bid. This suggested that E/W's concern that the poll results did not accurately reflect the views of players who would actually open 2♠ was warranted. Therefore, the Panel decided that for a player who would actually open 2♠ with the West hand, that passing 3NT was not a logical alternative. The table result of 4♠ by West, making 4, E/W +420, was restored.

<b>Panel Decision</b>	<b>4♠ by W, Made 4, E/W +420</b>
-----------------------	----------------------------------

## Panel Members

<b>Reviewer</b>	Gary Zeiger
<b>Member</b>	Matt Koltnow
<b>Member</b>	Kevin Perkins

## Commentary

**Goldsmith:** I agree with the Panel's ruling, but this ruling mostly comes down to the population of players who will be polled with the West cards. I'm not convinced that the process of requiring a player to agree with earlier bids for his opinion of later bids to count is best, but everything worked out. Opening 2♠ on the West cards can't be that far off-base that players cannot adjust to having done it.

I wonder how N/S allowed 4♠ to make. The defense to beat it seems pretty simple; I wonder if they ought to have kept their -420 anyway, even if the E/W score was adjusted. This looks like an "extremely serious error" to me.

**Kooijman:** For such a judgment case the range from 550 to 5000 masterpoints is huge. Though the case is not spectacular you need some bridge knowledge to not obey your partner's choice for 3NT. You have told all there is already. It is a nice case to demonstrate how precise the procedure to conduct a poll has to be. My appraisal is that the Reviewer and the Panel came to the right decision eventually. Asking 26 people is too much, though. You do not really need 2♠ openers in this auction to ask about West's call after 3NT from partner.

**Marques:** The initial poll is clearly incorrect. "What to do after 3NT?" starts on the wrong foot. This case illustrates one reason why a poll about bidding should start from the beginning of the auction. Players who would never take the same initial action as the West player at the table are clearly not his peers. Masterpoint totals are NOT, by far, the only factor to be used in choosing peers for a poll and, judging from the write-up, finding what could be considered peers was a challenge. This is the largest set of pollees I've seen for a given ruling. The Reviewer clearly regarded as non-peers the players that would not have considered 2♠ as an opening bid for this hand and kept on going until he found enough that would. Maybe in this type of situation a more pragmatic approach can be used. Might non-peers have useful insight regarding the merits of a 4♠ bid?

Anyway, in my opinion the Panel reached a good decision.

**Townsend:** Concur with TD. One need not agree with the previous bidding to respond to a poll.

**Wildavsky:** The Panel's procedure was faulty. In effect, they concluded that Pass was not an LA because the two players they polled passed. They needed either to find more pollees who would open 2♠ or to ask players who would not open 2S to put themselves in the position of someone who would.

The fact that N/S could have and should have defeated 4♠ is not relevant for two reasons. One is that, while the defense is not shown, it seems unlikely that it rose to the level of "serious error" that Law 12 specifies would deny a pair redress. The other is that in 4♠, N/S had no opportunity for +200, the likely score in 3NT.

I prefer the TD's ruling to the Panel's.

**Woolsey:** I agree with the later poll which shows that passing 3NT is not a logical alternative.