

2019 Spring NABC

Appeals Casebook



American Contract
Bridge League

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 ten (10) cases were heard.

Eight (8) 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.

Jeanne van den Meiracker became a director in 1988 because her club in Amsterdam with more than 200 members needed more directors and she loved the job immediately. She took the International Tournament Directors course in Amsterdam in 1993, along with seventy-six other TDs from all over Europe, including Rui Marques. They both passed the exams, and she started working in the EBL as a TD. In 1996, she started directing for the WBF and was promoted to Chief Tournament Director in 2004. She also served on the WBF Laws commission from 2004 to 2010. In 2012, she and her husband Huub Bertens moved to the USA, and she joined the ACBL Tournament Director Staff. She enjoys the ACBL work, but it is completely different from working in the EBL and WBF

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.

Subject of Appeal:	Break in Tempo, Unauthorized Information	Case:	N1
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Event	Leventritt Silver Ribbon Pairs	Event DIC	Ken Horwedel
Date	03/22/2019	Session	Second Qualifying


Auction

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

Explanation of Special Calls and Points of Contention

1: 1430 RKC Blackwood
2: 0 or 3 Keycards
3: Asking for ♥Q
4: Disputed Break in Tempo, Denied ♥Q

Hand Record

Board	4	N	Tom Kneist
Dealer	W	♠ 5	
Vul	Both	♥ 432	
		♦ 9742	
		♣ 85432	
W	Norman Schwartz		
♠	AJ83		
♥	AJ108		
♦	AQ3		
♣	Q9		
		S	Richard Oshlag
		♠	Q109762
		♥	Q5
		♦	J85
		♣	107
		E	Francisco Bernal
		♠	K4
		♥	K976
		♦	K106
		♣	AKJ6

Final Contract	Result of Play	Score	Opening Lead
7♥ by E	Made 7	E/W +2210	♠

Facts Determined at the Table

North/South alleged that there had been a 6-8 second hesitation before the 6♥ bid. East/West strongly disputed that West broke tempo.

Director Ruling

Based on Law 16, in the presence of Unauthorized Information, the Director disallowed the 7♥ bid, and, using Law 12C1E, adjusted the result to 6♥ by East, making 7, E/W +1460.

Director's Ruling	6♥ by E, Made 7, E/W +1460
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The Review

E/W appealed the ruling, believing that the 6♥ bid had been in normal tempo (2-3 seconds), and so did not pass any unauthorized information to East, leaving East free to act.

The Reviewer met with the players and confirmed the facts of the case. The West player insisted that he had not broken tempo, since he knew his agreements, and only took a couple of seconds to bid 6♥. He said that he played 5NT as denying the queen as well, but showing a better hand, and that he considered that call, but rejected it because he was not sure his partner would understand it as such. The South player felt that the break in tempo had been about 7-8 seconds.

The Reviewer showed the auction through the 6♥ bid, along with the East hand, to six players, and asked each one, "What does a 5-7 second pause before your partner's 6♥ bid suggest to you? Does it help you figure out what to do now?" All six players responded that they did not know what it suggested. Several offered that it was possible West was

unsure of what their bids meant, since this was not a common auction. In any case, it did not suggest any particular action or actions to any of the pollees.

Panel Findings

In considering the testimony presented by the Director and the Reviewer, the Panel decided that the evidence supported the Director's conclusion that there was a reasonable likelihood that West had broken tempo before the 6♥ bid. Most telling was his own statement where he described considering another call before choosing 6♥. However, the Reviewer's poll made it appear that whatever hesitation there was, it did not demonstrably suggest bidding 7♥ over Pass. Law 16 reads, in part, "A player may not choose a call that is *demonstrably* suggested over another by unauthorized information..." The word "demonstrably" in this Law means that the suggestion should be clear and unambiguous. In this case, it was obviously unclear to the pollees what it suggested. Therefore, the Panel felt that there was no basis for adjusting the score, and it restored the table result of 7♥ by East, making 7, E/W +2210.

Panel Decision	7♥ by E, Made 7, E/W +2210
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Panel Members

Reviewer	David Metcalf
Member	Kevin Perkins
Member	Jenni Carmichael

Commentary

Goldsmith: It does not appear to me that the TD established that there was a BIT. The Panel judged there was one due to West's testimony, but I don't find that statement at all believable. He said he plays 5NT denies the trump queen, but normally it shows the queen and no side kings. No one would consider it as denying the queen without express partnership agreement, so I believe West's statement was self-serving, even if it didn't work out that way.

There is a very strong piece of evidence that there was no BIT: West's hand. If you are denying the trump queen, what is there to think about? In contrast, there is an even stronger piece of evidence that there was a BIT: East's bidding 7♥. That's an impossible bid with his hand and without UI. So, I think there was a BIT. And it surely does suggest bidding 7♥ over Passing, though doing so is probably foolish. Perhaps partner is 5-6 without the trump jack, and that's what gave him pause. The grand is not percentage. I suspect East imagined that West was 5-6 *with* the trump jack, in which case, bidding seven is reasonable. From East's perspective, what else could a BIT show?

All in all, at first this seemed like there couldn't be a BIT or UI, but East's bid just can't be based on anything other than UI, so I'd rule as the Director did. How about an AWMW? Probably yes, unless East can give some good reason for bidding the grand. I wonder why no one asked him about that. There is one other possible reason I can think of; perhaps East saw North's trump holding. (South's wouldn't be good enough; East doesn't know about the jack.) Let him say that. Then Law 16D3 tells us to adjust the result to 60% of +1430 and 40% of +1460. Since not telling us this is better for E/W than doing so, a 1/4 board PP seems in order.

Kooijman: I am surprised that neither the TD nor Panel seemed interested in the question why East after hearing that the ♥Q was missing with a 4-4 suit bid the grand. Looks relevant to me. This surprise leads to the second question: it takes at most three seconds to make the call denying the queen if that is available in the system, so what does a long hesitation mean then? Without a convincing answer to the contrary on the first question my logic tells me that East had UI and interpreted the hesitation as: 'he was not sure how to show or deny the queen'.

Marques: The writeup is skimpy on details on the Director's decision process. Was there a poll conducted? Anyway, from West's statement to the reviewer the BIT becomes clear, and the reason for it also. West was thinking about his methods because he had two ways of denying the Queen. It looks like the pollees were not given this information. When playing "two speeds denials" the break in tempo suggests doubt about which of the denials to choose. Maybe the Director failed to poll, but his decision in this case is the correct one.

Meiracker: Didn't the TD poll players before making his ruling? The 6♥ means: I have no ♥Q and probably West doesn't have a 5 card heart suit, because he opened 1♦. East knows they have a 4-4 trump suit without the Queen. The result of the poll is that the hesitation doesn't mean anything, so it seems right that the Panel restored the table result of 7♥ making.

Wildavsky: The TD either skipped a step in Law 16 or followed it but did not convey his reasoning to the Reviewer. This is a serious failure in either event. To help address procedural problems like this, the National Appeals Committee started using a form for UI rulings a decade ago. I recommend its use to TDs and Panels as well. You can find a copy here:

https://tameware.com/adam/bridge/laws/ui_form.html

Jeff, Kit, and Ton have convinced me that a slow 6♥ demonstrably suggests bidding 7♥. Both East's hand and N/S's request for the TD are evidence that the call was out of tempo. We would all like to know why East bid 7♥ - it seems another failure of procedure not to have asked him.

As I see it, the Panel's procedure was better than the TD's but the TD's ruling was better than the Panel's.

Woolsey: The 5♠ bid asked for the ♥Q. Suppose West had, in fact, held the ♥Q. I think we would all be saying: West's huddle (as opposed to a quick 6♥ signoff) indicates that he has the ♥Q and is deciding how to show it. We would not allow East to be bidding 7♥.

The 6♥ call denies holding the ♥Q. So, on what basis did East bid 7♥? We know the answer. It was because he "knew" from the table action that his partner had the Queen, even though his partner had denied it. Even though he had misread the situation and then gotten lucky, it is apparent that his 7♥ call was based on UI. Just as we would not allow the 7♥ call if West did hold the ♥Q and bid a slow 6♥, we should not allow the 7♥ call when West doesn't hold the ♥Q and the 7♥ call happens to succeed. The cards speak. Even though those polled couldn't work out what the huddle meant, it was clear what East had worked out.

Subject of Appeal:	Break in Tempo, Unauthorized Information	Case:	N2
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Event	Kay Platinum Pairs	Event DIC	Mike Roberts
Date	03/23/2019	Session	First Semifinal

Auction

West	North	East	South
		1♠	1NT
Pass	Pass	Pass	

Explanation of Special Calls and Points of Contention

Hand Record

Board	26	N	Chris Willenken		
Dealer	E	♠	K943		
		♥	J		
Vul	Both	♦	865		
		♣	K10983		
W	Stephen Sanborn			E	Stephen Sanborn
	Kerri Sanborn			♠	QJ862
♠	5			♥	K103
♥	8765			♦	A72
♦	KJ94			♣	Q6
		♣	J542		
		S	Andrew Rosenthal		
		♠	A107		
		♥	AQ942		
		♦	Q103		
		♣	A7		

Final Contract	Result of Play	Score	Opening Lead
1NT by S	Made 2	N/S +120	♥8

Facts Determined at the Table

The Director was called at the end of the hand. The opening heart lead went to East's king and South's ace. Declarer played the ace of clubs, a club to the king, and the ten of clubs. On the third round of clubs, East discarded the two of diamonds. All four players agreed that East took quite a bit of time (nearly a minute) before playing. The E/W discard agreement is odd/even discards; a low even diamond discourages diamonds and expresses preference for hearts over spades. When West won the club jack, she played the four of diamonds to East's ace. East returned a diamond which resulted in eight tricks for declarer.

Additional Factors Determined Away from the Table

The Director polled four players with the West hand as a single-dummy defense problem. Three of four chose a heart lead; the other accepted it. Upon winning the club jack, all four players said they would play a heart because that was what partner's discard asked for. All four players thought that a slow discard expressed doubt about a heart continuation.

Director Ruling

If West leads a heart after winning the club jack, Declarer will take nine tricks. The UI contained in the tempo of the diamond discard demonstrably suggested not playing a heart, and a heart was deemed to be a logical alternative. Therefore, the result was changed to 1NT by South, making three, N/S +150, by Laws 16B1 and 12C1.

Director's Ruling	1NT by S, Made 3, N/S +150
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The Review

E/W requested a review of the ruling. East said that because he was known to hold multiple even spade spot cards, he could have signaled for the lead of any suit at this point. He felt he had no strong preference for either red suit but did not want a spade continuation. In other words, West should be able to work out that she should ignore the message contained in his discard when he did not discard an even spade. The Reviewer asked whether the six of spades would have sent the message "discourage spades, no suit preference," but East said it would be unclear. The Reviewer also asked East why it would take a minute to choose a play if the position would be so clear to West. He indicated that it took him a while to figure out how obvious the position would be from his partner's point of view. For her part, West noted that Declarer had played the ♥A and ♣A, and from this line of play had to hold the ♠A (otherwise the spade king is not a guaranteed entry to dummy's clubs). Therefore, East must have a useful diamond card, and a diamond is the only correct play.

The Reviewer was able to speak to N/S as well. They felt it was not a known fact that South held the ♠A; Declarer could have held ♠JT_x. They suggested declarer might be playing clubs without a certain entry in order to force the opponents to discard or lead something to their disadvantage. They further asserted that defenders even at this level make errors, but they felt the tempo clarified the situation (making it clear West should not heed the message from the odd/even discard).

Panel Findings

The Panel met to determine a course of action. Since the poll conducted by the Director appeared to be valid, they discussed the E/W contention that it was always correct to play a diamond at this point. If that was correct, then the polling results were wrong and a non-heart would not have been a logical alternative per Law 16B1. With input from an expert player, the Panel concluded that East could hold ♠AJ862 ♥KT9 ♦Q72 ♣Q6 and South could hold ♠QT7 ♥AQ432 ♦AT3 ♣A7. On this lie of the cards, a heart is the correct play. Playing a diamond would cost; South could hold up, then play the ♥Q and a heart. East would have only spades left and be endplayed.

The Panel was satisfied that the E/W contention was not correct. The pollees worked out to play a heart, and it could have been the winning play.

The play of a heart was indeed determined to be a logical alternative, and the information contained in the break in tempo demonstrably suggested a play other than a heart. The original table ruling of 1NT by South making 3, N/S +150, was ruled to stand. E/W were given an Appeal Without Merit Warning, and the case was referred to the recorder for use of Unauthorized Information.

Experts consulted: Michael Polowan, Hjordis Eythorsdottir, Magnus Olafsson, Shannon Cappelletti

Panel Decision	1NT by S, Made 3, N/S +150
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Panel Members

Reviewer	Matt Koltnow
Member	Jenni Carmichael
Member	Kevin Perkins

Commentary

Goldsmith: Good job. Was West's play deserving of a PP? If she returned a diamond quickly, I'd say yes. If after long thought, no. Since I don't know and she didn't say something like, "I understand that the slow discard suggests a diamond over a heart, but after a minute's cogitation, I concluded that a diamond shift was clear," then I'm awarding one.

Kooijman: Good decision, but this case leads to repeating the question whether severe score penalties should be possible for ridiculous appeals.

Marques: Good job by the Director and Panel. A well-deserved AWMW

Meiracker: The TD and Panel did a good job. You hesitate for a minute, give a clear signal for hearts and discouraging in diamonds, and partner plays back a diamond!

Wildavsky: I agree that the AWMW was warranted. Over 20 years ago, Bobby Wolff pointed out the ethical problems that players using odd/even discards often face. To follow laws 73 and 16, they must be careful not to gain any possible advantage from partner's tempo.

Kit's reasoning is sound, but it fails to take into account the severe limitations the Laws place on a player who has UI that demonstrably suggests an action. In any case, the Panel was bound by its poll results.

Woolsey: For a good player, signals are the last resort for making a defensive play. Working out the hand always has the highest priority. So, let's forget about signals and see what West can work out.

We aren't told what South discarded on the third round of clubs. I'm assuming South discarded a heart.

South and East are both known to have a doubleton club. East is known to have at least 5 spades, and almost certainly exactly 5 spades as otherwise South would have been bidding 1NT with 5-4-2-2 shape and only a doubleton spade. South wouldn't have overcalled 1NT with 6 hearts. If South had 4 hearts and 4 diamonds then East would be pitching down to a singleton diamond when East has other discards available, which makes no sense. Thus, South's distribution figures to be 3-5-3-2.

What about high cards? South is known to have ♥AQ of hearts and ♣A. He definitely has a spade honor for his 1NT call; the assertion that South could have ♠J10x is absurd. This means that East must have a diamond honor to get up to an opening bid.

Let's suppose East held ♠AJ862, ♥K109, ♦Q72, ♣Q6, the hand that some so-called expert player constructed. Would East ever discard a diamond? Not a chance. East would know he can keep Declarer off Dummy, and hanging onto the third diamond would be clear, both to take a diamond trick and avoid an eventual end-play. East would have an easy spade discard.

With the actual hand, a diamond discard is quite logical. East knows declarer has an entry to the clubs and that he will have to make three discards, which he knows will have to be two spades and a diamond. By discarding the diamond now, he makes it clear to his partner that he doesn't hold the ace of spades.

The conclusion is that the diamond shift is automatic. This is what West tried to explain.

As for the 4 experts who said they would continue hearts, I am sure they are all capable of working out that a diamond shift is clear. They were probably rushed and gave a snap answer just looking at the odd-even aspects without thinking the hand through fully. It was an unfortunate ruling, based on inadequate bridge expertise.

Subject of Appeal:	Illegal Deception	Case:	N3
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Event	Kay Platinum Pairs	Event DIC	Mike Roberts
Date	03/24/2019	Session	Second Final

Auction

West	North	East	South
2NT	Pass	3NT	Pass
Pass	Pass		

Explanation of Special Calls and Points of Contention

Hand Record

Board	12	N	David Gold		
		♠	KJ943		
		♥	1093		
		♦	1072		
Vul	N/S	♣	J6		
W	Zia Mahmood			E	Curtis Cheek
♠	Q8			♠	A1076
♥	AK4			♥	J85
♦	Q943			♦	AJ8
♣	AKQ3			♣	754
		S	Kevin Rosenberg		
		♠	52		
		♥	Q762		
		♦	K65		
		♣	10982		

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

Facts Determined at the Table

The Director was called at the end of the hand. East indicated that he believed South unintentionally deceived West with his tempo and mannerisms to his play at trick 1, causing West to err in the play of the hand. South had taken almost a minute to play to the first trick. The play of the hand:

Trick 1: ♠3 - 6 - 2 - 8
 Trick 2: ♠Q - K - A - 5

Another spade was played which caused E/W to lose 3 spades and a diamond.

Additional Factors Determined Away from the Table

The Director polled three players asking them what it would mean if RHO took approximately one minute before playing to trick one. He inquired if that is indicative that RHO has a problem with the play to trick one or a problem with the hand. Two of the three players felt that RHO could be thinking about any number of things and does not indicate that they have a problem with trick one.

Director Ruling

The Director ruled that the result was unchanged based on the fact that a player is entitled to think, specifically at trick one, for as long as he needs without it indicating that there is a problem with this trick.

Director's Ruling	3NT by W, Made 3, E/W +400
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The Review

E/W requested a review of the ruling. There was video of the hand in question. The video showed that after the opening lead and Dummy was tabled, West inquired about opening leads and, after receiving the information, called small from dummy after about 3-5 seconds. South studied the dummy and, after about 10 seconds, detached the two of spades and moved it towards the end of his hand, folded up his hand and continued thinking for another 40 seconds. At this point, South detached the same card and held it in front of him for another 2-3 seconds before playing it. West felt that the detaching of the card, coupled with taking 56 seconds prior to playing a card, indicated that South was not only thinking about the hand but also had a significant problem with his play to trick one. He felt that the most likely holding for South was Jxx or 9xx. He knew he was taking a chance in his choice of line of play if South held 9xx, but the suit would be blocked and he would still have ways to take 10 tricks.

The Reviewer polled four experts asking what they thought was going on in South's mind after a 56 second break in tempo before playing to trick one. The Reviewer included the facts that a card was detached and moved towards the end of the hand and that the card selected was held in front of the player for 2-3 seconds prior to playing it. Three experts felt strongly that South had a problem that related specifically to trick one, the other said South could be thinking about the whole hand, however the movement of the cards makes it less clear. The Reviewer also asked about the play that Declarer took, given the play to trick one. While West's specific line was not replicated, the pollees felt that it was a reasonable line to take given the pause and actions by South.

Panel Findings

Law 73E addresses Deception:

"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, the Director shall award an adjusted score."

Based on the data from the Reviewer's poll, the Panel judged that South's actions qualified as deceptive and overturned the Director's ruling. The table result was adjusted to 3NT by West, making 4, E/W +430.

Experts Consulted: Brian Platnick, Ish Delmonte, Boye Brogeland, Joel Wooldridge, Nick Demirev, Migry Zur Campanile, Mike Cappelletti

Panel Decision	3NT by W, Made 4, E/W +430
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Committee Members

Reviewer	Jenni Carmichael
Member	David Metcalf
Member	Kevin Perkins

Commentary

Goldsmith: This was a controversial ruling, but I think both the TD and Panel got it right. The TD didn't know about the histrionics from third chair. Once those came to light, the Panel correctly judged that declarer was damaged.

Kooijman: Interesting case for educational reasons. 98% of RHO have never in their live thought for one minute before playing to the first trick and for 0.0% of them it can be considered normal to think for a minute before playing to the first trick. And then the TD in charge thinks that RHO may think as long as he wants without it indicating anything and finds supporting players when he does not give them the relevant facts. My advice to players is that if they take a long time before playing and do not want to suggest considering what to play in the developing trick say tell so, even on the first trick. Lucky for Zia that the Panel had a more realistic view.

Marques: It seems that not all the facts were brought to the attention of the table TD in due time. The video was essential for gathering those facts and, based on it, the Reviewer and Panel did a good job. It's very likely that South was thinking about the whole hand, but the standard set by the laws is that he could have known that the BIT and the way the Declarer perceived it might have led him to draw a false inference.

Meiracker: If Declarer plays very fast from Dummy in the first trick, the RHO has the right to pause before playing, but to think for a minute before playing while moving his cards is a clear example of Law 73E. The Panel made the right decision to adjust the score to 3NT+1.

Wildavsky: I strongly prefer the TD's ruling to the Panel's. Defenders have a lot to think about at trick one. They should invariably hesitate so as to avoid making UI available from too quick a play, and a more lengthy hesitation than usual should only mean that the defender is sizing up the deal. Declarer draws inferences from a trick one hesitation at his own risk.

Woolsey: While South is entitled to a little time for his trick 1 play when Declarer calls quickly from Dummy, he isn't entitled to think for a minute with a worthless doubleton. If he wants to take time to plan the defense, he should make his play at trick 1 and leave the card face up for whatever time he needs.

South can't know that what he did will make a difference and deceive Declarer, but he must know that it is misleading. Thus, N/S should get -430.

However, the rules say that a player draws inferences from the opponent's mannerisms at his own risk. West chose to draw such an inference, and he was wrong. Had he been right, he would have gained. He shouldn't be allowed this double shot. Thus, assuming it is legal to do so, I would award a split ruling of +400 to E/W and -430 to N/S.

Subject of Appeal:	Failure to Follow Alert Procedures	Case:	N4
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Event	Vanderbilt Knockout Teams	Event DIC	Matt Smith
Date	03/28/2019	Session	Round of 16


Auction

West	North	East	South
3♠ ¹	Dbf	4♣	4♠
Pass	Pass	Pass	

Explanation of Special Calls and Points of Contention

1: Alerted, Solid Minor

Hand Record

Board	28	N	Migry Zur Campanile
Dealer	W	♠	AK74
		♥	AK53
Vul	N/S	♦	10643
		♣	5
W	Jerry Stamatov		
♠	53		
♥	42		
♦	52		
♣	AKQ10876		
E	Diyan Danailov	♠	QJ106
		♥	109
		♦	J8
		♣	J9432
		S	David Berkowitz
		♠	982
		♥	QJ876
		♦	AKQ97
		♣	(void)

Final Contract	Result of Play	Score	Opening Lead
4♠ by S	Made 4	N/S +620	

Facts Determined at the Table

South called the Director at his turn to bid. At first, he was told that this bid was an allowed convention in this event, without needing to Prealert and provide a defense. The Director came back at the end of the hand, having determined that the bid was an allowed convention, but must be Prealerted, with a defense provided.

Director Ruling

E/W failed to follow the requirements for playing this convention. Had this been followed, the Directing staff determined that the N/S pair would bid to slam, getting to hearts or diamonds equally likely. Therefore, a weighted score of 50% of 6♥ and 50% of 6♦ was assigned, by Laws 40B4 and 12C1c.

Director's Ruling	50% 6♦ by S, Made 6, N/S +1370 50% 6♥ by S, Made 6, N/S +1430
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The Review

E/W requested a review of the ruling. They raised four points. First, North doubled without looking or asking for a defense, as E/W had the defense for artificial preempts (but not for this bid). Second, the two defenses, one for transfer preempts and one for three of a suit showing a solid suit, usually a minor, have similar meanings for Double. Because of these two points, E/W felt that having the proper defense would not make a difference. Third, even with the defense that was required to be provided, it isn't clear that N/S would have bid slam. And fourth, South took an extremely conservative view of the hand. N/S stated that, had a Prealert been given and the proper defense provided, they would have been able to discuss their defense, and no misunderstanding would have occurred.

Panel Findings

The Panel discussed the points raised. It was determined that N/S were in a position that they never would have been in had E/W properly followed the Alert procedure. A poll was conducted, giving the N/S hands to two sets of expert pairs and another set of expert players who were not an established partnership. The pairs were given the ACBL approved defense. All bid to 6♦. Based on this poll, the Panel determined that N/S had been damaged due to E/W not following the proper Alert procedures. Therefore, the result of the board was changed to 6♦ making, +1370, by Laws 40B4 and 12C1c.

Experts Consulted: Brad Moss and Joe Grue, Howard Weinstein and Marion Michelsen, and Samantha Punch and Stephen Peterkin

Panel Decision	6♦ by S, Made 6, N/S +1370
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Panel Members

Reviewer	Kevin Perkins
Member	Jeff Jacob
Member	David Metcalf

Commentary

Goldsmith: Here's the defense that ought to have been provided: Double = Strong NT or better. 3NT = Majors. Other bids are Natural. Later Double of 4 of a minor by either hand is Takeout. Double of 3NT is Penalty. I think it's pretty clear that North will pass, East will bid 4♣, and South will Double for takeout. Most reasonable auctions now get to a red suit slam. Sometimes East will save. Once in a while, N/S will get to 7, perhaps after a forcing pass of 7♣ by South. All in all, I think there are a number of possible results, but most of the time, N/S will play six of a red suit, so the rulings are close enough.

This is yet more evidence to get rid of L12C1c. It's a pain in the neck to use it, and it's pretty clear that it ought to be used here, and the Panel decided not to. Their polled pairs all got to 6♦, but I doubt the Panel did enough work to judge other less likely results. It's a lot of work. Let's judge that we want to include results that will happen at least 10% of the time. Then we need to poll 20 contestants to have a pretty good shot of finding all of those results. Even with 20 results, the errors for the estimated percentages are very high. I think L12C1c should be only used for play problems where it is obvious that there is a guess involved.

Kooijman: I do not understand why the TD did not execute the poll that led to the Panel decision. That would have avoided this appeal and upheld TD reputation.

Marques: It was unfortunate that the TD initially informed the table that the convention was allowed without any further restrictions. The whole problem would never have happened with the correct initial ruling.

From the write-up, it looks as though there were time constraints for giving the initial ruling - it was the 13th of 15 boards.

Regarding the final ruling, and besides all the arguments from the E/W pair, N/S would never have been in this position had E/W followed the proper Alert procedure. The decision by the table TD is reasonable, but the Panel significantly improved it.

Meiracker: N/S are supposed to protect themselves; they are both experienced top players. But E/W were not following the proper Alert procedure, there was no pre-alert and no written defense. To give N/S 6♥ making is a little bit too much in my opinion.

Wildavsky: I concur with the TD and Panel's (slightly different) rulings. E/W are responsible for discovering and then following the ACBL's requirements for informing their opponents about their methods.

The Panel's procedure was reasonable, but it would have been better to "poll" more than three pairs. It seems unlikely to me that N/S would reach 6♦ 100% of the time. What were the auctions? Did all three pairs have the same one? Enquiring minds want to know! ACBL regulations require that polls be conducted in writing, though they say nothing about publishing them along with an appeal writeup. Since I find the appeal without merit I prefer the TD's ruling.

E/W ended up profiting from this appeal when the Panel slightly modified the TD's weightings. We were told when weighted rulings were introduced with Law 12C1c that such appeals would not succeed. I'm with Jeff - 12C1c is harmful. Given what I know of the various laws committees, though, I expect it is with us for the foreseeable future.

Woolsey: E/W didn't follow the proper alert procedure. N/S were definitely damaged since they had a mixup about the meaning of the Double, which would not have happened had they been properly pre-Alerted and supplied the necessary defenses.

I like the way the Panel handled the polling of this situation. It led to an unbiased and fair result. Good job.

Subject of Appeal:	Misinformation	Case:	N5
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Event	NABC+ Fast Pairs	Event DIC	Matt Koltnow
Date	03/30/2019	Session	First Qualifying


Auction

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

Explanation of Special Calls and Points of Contention

1: Four card limit raise, not Alerted

Hand Record

Board	3	N	Laurie Vogel		
Dealer	S	♠	K10742		
		♥	93		
Vul	E/W	♦	Q1086		
		♣	108		
W	Sherman Gao			E	Bo Liu
♠	A3			♠	Q9
♥	KJ84			♥	AQ107652
♦	AJ9			♦	72
♣	5432			♣	K6
		S	Barry Rigal		
		♠	J865		
		♥	(void)		
		♦	K543		
		♣	AQJ97		

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

Facts Determined at the Table

As South made the final Pass, West told North/South that there had been a failure to Alert, and the Director was summoned.

Additional Factors Determined Away from the Table

The Director polled four players with the West hand after the 3♠ bid by South, not mentioning the failure to Alert. Every player bid 4♥. However, when the auction continued 4♠-Pass-Pass, all four players chose to Double.

The Director then polled players as to what they would call holding the East hand after a Double by West. The three players polled all passed.

The contract of 4♠X was played 14 times in the event. It made 13 of those times and went down one once.

Director Ruling

Using Laws 16B and Law 12C, the Director adjusted the result to 4♠X by North, making four, N/S +590.

Director's Ruling	4♠X by N, Made 4, N/S +590
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The Review

East/West appealed the ruling on four grounds.

- (1) The West player felt that he had insufficient defense to defend, and “knew that 4♠ was making”, so it was clear to bid 5♥.
- (2) Double by West is not a logical alternative. The pollees obviously did not have good judgment.
- (3) The Unauthorized Information (the failure to Alert the 2NT bid) did not suggest 5♥ over Double
- (4) Even if West were to Double, East would obviously bid 5♥.

The Reviewer questioned the Director about her poll. Of the four pollees in her first poll, two were significantly stronger than the West player and two were closer to peers. Nevertheless, since all four took the same actions, and did not give any thought at all to bidding 5♥, it was felt that the Director’s poll was valid. Similarly, no fault with the second poll (of the East hand) was found.

The Reviewer did ask two expert players whether the failure to Alert 2NT made bidding 5♥ more attractive. Both said that, since partner had apparently not recognized the four-card raise, but bid 3♥ anyway, that there was an implication of greater heart length in the East hand. Thus, 5♥ was clearly suggested by the failure to Alert.

Panel Findings

The Panel considered each of the appellant’s arguments in turn.

- (1) “The West player had insufficient defense to defend.” The Director’s poll showed that several players found the West hand suitable for defending.
- (2) “Double [after 4♠-Pass-Pass] is not a logical alternative.” Again, the Director’s poll demonstrated otherwise. The appellants were not told the names of the pollees. However they were informed of their level. The Panel felt that the pollees were certainly of a level that their judgment could be trusted.
- (3) “The failure to Alert 2NT did not suggest 5♥ over Double.” The Reviewer’s poll demonstrated otherwise.
- (4) “Even if West were to Double, East would bid 5♥”. The Director’s 2nd poll showed that three players with the hand all chose to pass the Double, without serious consideration of pulling it.

The Panel questioned the Reviewer about whether and how each of these points were explained to the appellants. The Reviewer allowed that the appellants were difficult to talk to - they interrupted often, and were quite upset. However, he did discuss with the appellants as best he could the four points the appellants raised, and how they seemed to be addressed by the player polls taken. He warned the appellants that if they could not find fault with the evidence presented by the Director, they risked having their appeal being found without merit.

The Panel considered each argument in turn and upheld the Director on all four points. In addition, they judged that the appeal had no merit, as the appellants brought nothing new to the appeal that had not already been addressed in the original ruling or covered by the Reviewer’s additional poll. An Appeal Without Merit Warning was issued.

Panel Decision	4♠X by N, Made 4, N/S +590
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Panel Members

Reviewer	David Metcalf
Member	Ken Van Cleve
Member	Kevin Perkins

Commentary

Goldsmith: Good job.

One of my criteria for giving PPs in UI cases is if the action taken suggested by UI was not a LA without UI, then consider giving a PP. The rationale is that if nearly no one would take the action without UI, then such a choice is blatant abuse of UI. Was bidding 5♥ a LA? I think it wasn't, so I'd give E/W a 1/4 board PP. I'd also warn E/W that they were about to get a ZT penalty during the hearing, so apparently the Reviewer is more tolerant than I am.

Kooijman: The easiest case in this sample and well handled. It emphasizes my wish that score penalties could be given for frivolous appeals.

Marques: Good job by the Reviewer under challenging circumstances. E/W do not seem to understand the reviewing and appealing process fully, but even so, and considering that these were thoroughly explained to them, a well-deserved AWMW

Meiracker: I was the Director in this case. West was very upset by my ruling.

Wildavsky: I agree wholeheartedly with the AWMW. I would have gone further and assessed a procedural penalty against E/W, per Jeff’s suggestion, for East’s unusual 5♥ call that was demonstrably suggested by the UI he’d received.

I take issue with this, though: *"He (the Reviewer) warned the appellants that if they could not find fault with the evidence presented by the Director, they risked having their appeal being found without merit."*

Appeals are a right under Law 92, and the appellants may find fault with the TD's reasoning or application of the Laws, not just with his evidence.

Woolsey: Perfect by the Director and the Panel, including the AWMW.

Subject of Appeal:	Misinformation	Case:	N6
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Event	Jacoby Swiss Teams	Event DIC	Ken Van Cleve
Date	03/31/2019	Session	First Final


Auction

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

Explanation of Special Calls and Points of Contention

1: One Major, N heard Both Majors
2: Not Alerted, Transfer to ♦ by Agreement, N interpreted as Natural and Forcing

Hand Record

Board	13	N	Billy Miller	
Dealer	N	♠ QJ5 ♥ AK986 ♦ KJ4 ♣ J3		
Vul	Both			
W	Tor Elvind Grude		E	Christian Bakke
♠	1085		♠	AK9432
♥	J53		♥	Q4
♦	62		♦	53
♣	KQ965		♣	A104
		S	Vinita Gupta	
		♠	7	
		♥	1072	
		♦	AQ10987	
		♣	872	

Final Contract	Result of Play	Score	Opening Lead
3NT by N	Made 3	N/S +600	♠4

Facts Determined at the Table

East/West called the Director after the play of the hand was over. North/South had the agreement that 3♣ shows a forcing hand with clubs over a 2♦ overcall showing both majors. The same bid shows diamonds over a 2♦ overcall showing one major, which would be Alertable. North had heard West's explanation of the 2♦ bid as showing both majors, not one, so he had not Alerted the 3♣ bid.

Additional Factors Determined Away from the Table

The Director polled five players with the West hand, all players doubled the 3♣ bid when it showed diamonds. Additionally, the Director polled five different players with the North hand and all players bid 3NT in the auction 1NT-2♦-3♣-X.

Director Ruling

West was entitled to the correct systemic explanation of the 3♣ bid. If West had the correct information, based on the poll results, North would be expected to still bid 3NT. After the defense takes 5 club tricks and their two side tricks, N/S would take the remainder of the tricks. The result was adjusted to 3NT by North, down 3, E/W +300.

Director's Ruling	3NT by N, Down 3, E/W +300
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The Review

N/S requested a review of the ruling. North felt that he did everything that was required of him as he misheard the explanation of 2♦. He felt that West should have called the Director when Dummy came down to tell the Director he would have doubled 3♣ then, not after the hand. Additionally, he felt that had he known 3♣ showed diamonds, he would not have bid 3NT with only Jx of clubs.

Panel Findings

E/W are entitled to an accurate description of the N/S agreements (Law 20F1). South was required to summon the Director and explain there was a failure to Alert at the conclusion of the auction prior to the opening lead (Law 20F3), which she failed to do. With the poll deemed to have been valid, based on its results, the Director ruling of 3NT by North, down 3, E/W +300 was upheld. (Laws 40B3, 16C1)

Panel Decision	3NT by N, Down 3, E/W +300
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Panel Members

Reviewer	Jenni Carmichael
Member	Matt Koltnow
Member	David Metcalf

Commentary

Goldsmith: North claims to have misheard the explanation. Is E/W at all culpable for their failure to be clear? I'd guess not, because South understood it, but I would have asked South what 3♣ showed over both majors early in the process; if she said, "diamonds," I'd not be at all convinced that E/W explained carefully, since the only evidence we have that South heard correctly was their methods. Evidence that South did not hear clearly is that she didn't correct the explanation before the lead. Did anyone ask her why she didn't?

I don't buy the poll. It seems unthinkable to bid 3NT with North's hand if 3♣ got Doubled. Why would he do anything but Pass? If partner really has clubs and a game forcing hand, isn't 3♣X making? And if it isn't, won't East or South act? Furthermore, all North had to do was ask East, "please explain the Double of 3♣?" He'd hear, "lead directing," or, "clubs," and it won't take but a second to wonder, "what was 2♦ again?" No one would Double a forcing 3♣ if that is the only suit he can beat (evidence: the actual West did not, probably without pause for thought), so North should know something is up. All in all, the weirdness of the auction at that point is very likely to wake up North.

My guess is that this is a L12C1d case. There are so many possible results after 3♣X that it's hard to come up with percentages. I don't believe any result exceeds a 30% likelihood.

Kooijman: I take it that the TD found out that West gave the correct explanation about the 2♦ bid. Then this appears to be another 'no merit' case. The merit could have been found if the adjusted score had been 3NT down seven, via two spade leads from West.

Marques: I don't see any merit in this appeal. Especially the argument from North, that he would not have bid 3NT had he known that 3♣ showed diamonds, was not expected from an experienced player. Good thorough job by the TD.

Meiracker: North misheard the explanation of the 2♦ bid and thought that 3♣ was natural. E/W are entitled to have the right explanation of the system. The TD did a good job with the poll and the ruling.

Wildavsky: The Panel's decision is thorough and well-reasoned. Had the TD noted in his ruling that South was required to speak up before the opening lead, then I'd find the appeal without merit.

Woolsey: While we don't know how the explanation was given, the fact that South knew and understood the explanation is evidence that it was correctly given, and the fault was with North for not hearing the explanation. Therefore, North failed to alert the conventional 3♣ bid. E/W were definitely damaged since as the poll shows West has a clear Double of an artificial 3♣. Thus, it is proper to adjust the result, based on the assumption that West would have Doubled 3♣.

What I do not understand is the adjudication to 3NT being the final contract. Would North really have bid 3NT with no semblance of a club stopper after 3♣ gets Doubled? Many pairs have agreements about what their bids show as far as stoppers go when an opponent makes a lead-directing Double. Even without any agreement, there is no way North would bid 3NT. Not only does he not have a club stopper, but there is no guarantee that his partner isn't merely competing (which she was). I know the poll said that 5 players who were polled all bid 3NT, but I don't believe it. Quite likely there was something wrong with the way the poll was presented. I believe North would have Passed, and of course South

would have bid 3♦ ending the auction. I judge that 3♦ making is the most likely result, and would adjust the score to N/S +110.

It could be argued that while E/W are entitled to a correct explanation of the 3♣ call, North doesn't get to wake up. But he does. The Double of 3♣ is a wakeup call. Who would ever make a Penalty Double of a natural forcing 3♣ call on this auction when the opponents are headed higher? North would realize something is wrong. Even if he doesn't ask again about the 2♦ call, he will certainly Pass to see what is going on. When his partner scampers out to 3♦, he will have an excellent idea. Even if he doesn't question his own interpretation of the 2♦ call, he will think his partner has forgotten their agreements. He will definitely shut up.


Subject of Appeal:	Break in Tempo, Unauthorized Information	Case:	N7
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Event	Jacoby Swiss Teams	Event DIC	Ken Van Cleve
Date	03/31/2019	Session	First Final

Auction

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

Hand Record

Board	5	N	Espen Erichsen		
Dealer	N	♠	J972		
		♥	Q952		
Vul	N/S	♦	KQ105		
		♣	6		
W	Frederic Wrang			E	Antonio Palma
♠	63			♠	AK85
♥	K64			♥	A873
♦	AJ			♦	62
♣	AJ10953			♣	K42
		S	Tony Leibowitz		
		♠	Q104		
		♥	J10		
		♦	98743		
		♣	Q87		

Explanation of Special Calls and Points of Contention

1: Game Forcing, 6+ clubs
2: Small doubleton diamond
3: Agreed Break in Tempo
4: Diamond Control
5: RKC for Diamonds
6: 2 Keycards, Denies ♣Q

Final Contract	Result of Play	Score	Opening Lead
6♣ by W	Made 6	E/W +920	♦3

Facts Determined at the Table

Everyone at the table agreed that the 3NT bid was out of tempo.

Additional Factors Determined Away from the Table

A poll of seven players was conducted to find out what the slow 3NT suggested. All of the players felt that it suggested bidding over 3NT would be more favorable than passing. Additionally, 4 of the 7 players polled passed 3NT with the East hand, which made Pass a logical alternative. The Director polled the play of the hand in 3NT. He spoke with 9 players and 3 of them found the ♣Q, the other 6 played to drop the ♣Q.

Director Ruling

Based upon the poll, the Director ruled that Pass was a logical alternative, and the unauthorized information from the break in tempo suggested bidding was more likely to be successful. East's bid of 4♣ was therefore canceled. Accordingly, per Law 12C1c and based upon the second poll results, the Director weighted the adjusted score to 25% 3NT by West, making 5, E/W +460, and 75% 3NT by West, down 1, N/S +50.

Director's Ruling	25% 3NT by W, Made 5, E/W +460 75% 3NT by W, Down 1, N/S +50
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The Review

E/W requested a review of the ruling. East felt the Director did not fully understand the methods that they were playing. East felt the Director should include the fact that 2♠ showed 6+ clubs and tended to not want to play in No Trump. East also felt the adjustment was incorrect and that it's a 50/50 proposition to play for the drop or finesse.

The Reviewer polled five players and described the methods as East suggested. Four of the five players passed 3NT.

Panel Findings

The poll conducted by the Reviewer agreed with the poll conducted by the Director. Additionally, the Panel did not feel that the weighted adjustment was in error given the poll the Director took on how to play 3NT. The ruling for 25% 3NT by West, making 5, E/W +460, and 75% 3NT by West, down 1, N/S +50, was upheld.

Experts consulted: Bruce Ferguson, Drew Casen, Mike Passell, Brian Glubok, Chris Compton

Panel Decision	25% 3NT by W, Made 5, E/W +460 75% 3NT by W, Down 1, N/S +50
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Panel Members

Reviewer	Jenni Carmichael
Member	Matt Koltnow
Member	David Metcalf

Commentary

Goldsmith: Good job.

I wonder if the poll might have had an effect on the players' lines. If you are asked how to play 3NT, obviously the only problem is finding the ♣Q. I bet some of the polled players smelled a rat. I'd want the reason why they played as they did. I sure can't think of a good reason to hook the club.

Kooijman: If the TD did not explain the meaning of 2♠ when polling that was a mistake, which by definition makes the appeal 'legal'. Otherwise another 'no merit' warning should have been given.

Marques: The main argument for the appeal is a valid one – the TD should have given extra information about the pair's methods to the pollees. Good job by the Panel.

Meiracker: Nothing to add, perfect ruling by the TD. AWMW? Nothing new came up.

Wildavsky: If the E/W agreement was that 2♠ showed a hand that "tended to not want to play in No Trump," they needed to so inform their opponents when explaining the call at the table. The write-up gives no sign that they did.

I agree with the TD and Panel rulings.

Woolsey: East has described his hand perfectly, and West has placed the contract. East has no reason to bid further, as the poll shows. The contract clearly should be adjusted to 3NT. As to the adjudication, this is the type of situation which calls for a weighted average. The methodology used to get that weighted average looks fine to me.

Subject of Appeal:	Break in Tempo, Unauthorized Information	Case:	N8
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Event	NABC+ Fast Pairs	Event DIC	Matt Koltnow
Date	03/31/2019	Session	Second Final


Auction

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

Explanation of Special Calls and Points of Contention

1: Disputed Break in Tempo

Hand Record

Board	3	N	Kyle Rockoff		
Dealer	S	♠	K103		
		♥	8		
Vul	E/W	♦	AQ87653		
		♣	A9		
W	Ed Schulte			E	Tom Kniest
♠	AJ			♠	Q7642
♥	AJ107643			♥	Q95
♦	J			♦	K42
♣	K108			♣	74
		S	Sarik Goyal		
		♠	985		
		♥	K2		
		♦	109		
		♣	QJ6532		

Final Contract	Result of Play	Score	Opening Lead
5♦X by N	Down 2	E/W +300	♥Q

Facts Determined at the Table

The Director was called at the end of the auction. E/W said there was a break in tempo when South doubled. N/S disagreed. E/W said, "It was slow for the fast pairs." South shrugged. The Director was not called back at the end of the hand. E/W requested a ruling at the completion of the event. The Director asked West how long he felt the break in tempo was, and he said he didn't know, but there was one. The Director suggested 6 seconds and West agreed.

Additional Factors Determined Away from the Table

Five players were polled as to what they would do with the North hand following a Double of 4♥ by South. Three bid 5♦, two passed. All those polled judged that a break in tempo suggested that bidding would lead to a more favorable result than passing. Players were also asked about the tempo of the auction and the players felt that 6 seconds would be a normal tempo for the auction.

Director Ruling

The Director ruled, that while there was potential for Unauthorized Information that might have damaged E/W, the player poll showed that the length of time that passed before South's Double was not considered excessive for the state of the auction. As there was no inordinate break in tempo, there were no grounds for an adjustment. The table result of 5♦X by North, down 2, E/W +300, was confirmed.

Director's Ruling	5♦X by N, Down 2, E/W +300
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The Review

E/W requested a review of the ruling. West felt that there was a significant break in tempo. The Reviewer asked West to demonstrate how long he felt the break was, and his demonstration was about 4 seconds. West felt that perhaps he couldn't remember properly, but that there was a break before the Double.

The Reviewer polled 4 players and asked them how long someone could take in an auction at this level before it was considered a break in tempo. The consensus was beyond 7-10 seconds would be a break, but 10 seconds or less, in this auction, would be normal tempo given the highly unusual auction.

Panel Findings

Both polls confirmed that, in an unusual, competitive auction, a pause of up to 10 seconds prior to making a call would be considered in tempo. Therefore, no infraction had occurred, and the table result of 5♦X by North, down 2, E/W +300, was confirmed.

Experts consulted: Joel Wooldridge, Daniel Korbel, Adam Grossack, Dror Padon

Panel Decision	5♦X by N, Down 2, E/W +300
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Panel Members

Reviewer	Jenni Carmichael
Member	Kevin Perkins
Member	Ken Horwedel

Commentary

Goldsmith: This one is not obvious, but I think the rulings were good ones. South needed to determine if he was in a force. Even well-practiced partnerships might not be on solid ground here, and he needs to know, because the meanings of Double and Pass are different in a forcing auction vs. a non-forcing one. Evidently, he judged they were in a force and that Double was discouraging. It understandably took him a few seconds to decide this.

Kooijman: In case these decisions could be taken as jurisprudence I want to make clear that I consider a pause for 10 seconds without playing with screens as long, even in a complicated auction, unless the pair is slow and takes such pause more often. On the other hand: complaining about a hesitation and then estimating it to be 4 seconds is rather peculiar. Good decision.

Marques: Again, an appeal where I don't see any merit. I also don't see from the write-up a need for the second poll. The Director's poll did the job, and the appeal is basically, "but there was a BIT."

Meiracker: This example shows why the TD should endeavor to stay close to the table until play finishes, so that he can ask E/W whether they were damaged. I know that not everybody agrees with me!

It is also important to find out immediately at the table how long the hesitation was. The ruling is fine, the poll tells us that 4 or 6 seconds would be normal tempo for this auction.

Wildavsky: The writeup does not tell us, but 3♥ must have meant, "Please bid 3NT with a heart stopper."

The hands speak volumes. South, having already shown a stopper, had no defense against 4♥, so he could not have been confident in his Double. North had more defense and less offense than his 3♥ bid hand implied so that Pass would be quite normal with his hand. Further, he could have bid 5♦ himself rather than passing the decision around to his partner. E/W called the TD without knowing either the North or the South hand. I conclude that South almost surely gave some clue as to his doubt, whether through tempo or mannerism.

I dislike the TD and Panel rulings. I would have adjusted the score for both pairs to 4♥X by West, scoring ten tricks.

Woolsey: It would be nice if we had some more information. What is the meaning of the 3♥ call? How strong is it expected to be? Does it put the partnership in a force? The Director and/or Panel should be determining the answers to these questions.

I do not believe the number of seconds taken for a call is necessarily indicative about whether or not there has been UI. This is particularly true in the case of a Penalty Double. The way the Double is made reveals far more information than the number of seconds taken.

Unless there is a camera, we don't know exactly what happened at the table to cause E/W to call the Director. However, we can look at the N/S hands, see the actions N/S took on these hands, and judge if it is likely there was the UI that E/W claimed.

South has a very marginal Double at best. South would probably have preferred to just Pass, since he has zero defensive tricks. Likely he Doubled because he thought he was in a force. But he had to be uncomfortable about it, and that may have registered at the table.

Look at North's action. He certainly isn't bidding 5♦ with the expectation of making. He is taking a save. So why didn't he do so over 4♥? Because he was concerned that the save would be a phantom. Now that partner Doubled, it would seem more likely on the auction alone that 4♥ is going down. So why is he saving now? Because he knew the Double was tentative.

For these reasons, I disagree with the conclusion that there was no UI.

Subject of Appeal:	Break in Tempo, Unauthorized Information	Case:	R1
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Event	0-10,000 Swiss Teams	Event DIC	Melody Euler
Date	03/22/2019	Session	First Qualifying


Auction

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

Explanation of Special Calls and Points of Contention

1: Agreed Break in Tempo

Hand Record

Board	28	N	3,800 MPS		
Dealer	W	♠	J106542		
		♥	9754		
		♦	7		
Vul	N/S	♣	A8		
W	1,700 MPS			E	750 MPS
♠	K93			♠	87
♥	632			♥	J10
♦	AQ			♦	KJ10986
♣	QJ752			♣	1063
		S	2,800 MPS		
		♠	AQ		
		♥	AKQ8		
		♦	5432		
		♣	K92		

Final Contract	Result of Play	Score	Opening Lead
4♥ by S	Made 5	N/S +450	

Facts Determined at the Table

All four players agreed that there had been a break in tempo of about 10-15 seconds before the 3♥ bid by South.

Additional Factors Determined Away from the Table

In a poll of 4 players with the North cards, three of the four chose to bid 4♥ in the absence of a break in tempo.

Director Ruling

Based upon the player poll, the break in tempo did not demonstrably suggest bidding 4♥ instead of passing. Partner could have been considering Passing, Doubling, or bidding 4♥. Therefore, the table result was ruled to stand.

Director's Ruling	4♥ by S, Made 5, N/S +450
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The Review

E/W appealed the ruling and were the only players to meet with the Reviewer. They felt that North could not ethically make another bid after the hesitation. 2♥ is ostensibly a limited bid, so when partner signs off with 3♥ after a long hesitation, they did not think another bid can be made with only 6 HCP.

They believed that North theoretically needed to show a mixed 4-card raise in the first place. When North bid 2♥, they did not see how 4♥ could be made without additional competition.

The Reviewer polled three players (with 3000, 3500, and 8000 points), giving them the North hand. The pollees were asked what they would bid after 3♥. One simply bid 4♥, one bid 4♥ but considered passing, and the third said he

would probably Pass. Next the pollees were asked, "If your partner took 15-20 seconds before bidding 3♥, what would that suggest to you about his hand? How would that help you choose a call?" All three responded similarly, that the break in tempo did not help, nor suggest any specific hand type. One stated, "Partner could have a variety of problems, and I don't know which one he has."

Panel Findings

The Reviewer's poll (as well as that of the Director) indicated that Pass was a logical alternative to North's choice of bidding 4♥, since it was seriously considered by at least some of North's peers, and some selected it as their call.

However, Law 16B1a states, "A player may not choose a call that is *demonstrably* suggested over another by unauthorized information if the other call is a logical alternative." The word "demonstrably" implies that the suggestion should be clear and unmistakable. When three peers of the North player could not see that the hesitation by South suggested a 4♥ call, then one must conclude that a 4♥ bid is not demonstrably suggested. Therefore, North was free to make such a call without violating Law 16.

The Panel therefore upheld the Director's ruling allowing the 4♥ bid, and kept the table result of 4♥ by South, making five, N/S +450.

Finally, the Panel considered whether the appeal had merit. While the appellants' argument did not seem to cover any territory not embraced by the original ruling, it was felt that the issue of "demonstrably suggested" had not been sufficiently tested by the Director, nor explained to the appellants. It was felt that, under the circumstances, the appeal had some merit.

Panel Decision	4♥ by S, Made 5, N/S +450
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Committee Members

Reviewer	David Metcalf
Member	Peter Wilke
Member	Jennifer Breihan

Commentary

Goldsmith: In theory, South could be thinking of Passing or Doubling, but when he takes 20 seconds, he's usually thinking of bidding 4♥. No one takes 20 seconds and Passes, and players know not to take 20 seconds and Double. Therefore, I think there was UI that probably indicated that South wanted to do more. Presumably, N/S were not playing Maximal Doubles here or South would not have had a problem.

Kooijman: The write up of this case is rather confusing. A poll tells us that 3 out of 4 bid 4♥ and the conclusion is that based on this poll 4♥ is not demonstrably suggested. This is nonsense. The question is whether the hesitation does suggest the 4♥ bid and the write up suggests that this question was not asked. Without its answer it is impossible to draw a serious conclusion. The Panel repaired these shortcomings and the fact that the outcome did not change was lucky for the TD but not in any way her merit.

I'd like to make another remark. If four players are polled and one of them makes a call which is different from the one under suspicion the TD needs to continue his research. A second deviator concludes the poll, a fourth supporter could be enough to accept the call made.

Marques: The Director's ruling is good. The appeal is understandable, considering the shortcut taken in the initial poll. There was an established BIT, but when the polled players all clearly state that the BIT does not suggest any action, the conclusion is clear. Of course, the Director should have made a more complete poll (and inferring from the write-up, should have better explained the results of his poll).

Meiracker: The players in the group under 2000 MPs most of the time think that a hesitation by South automatically forbids North from bidding 4♥. The poll proves that the hesitation by South has no meaning. He could be thinking about Passing, Doubling, or bidding.

Good decision by TD and Panel.

Wildavsky: As presented, the TD's ruling is truly awful. As Ton notes, the TD does not seem to have addressed the question as to whether the UI demonstrably suggested 4♥ over Pass. Documenting the ruling on the UI form at https://tameware.com/adam/bridge/laws/ui_form.html would help TDs follow correct procedure and would also help explain the ruling to the players and, if it comes to that, the Reviewer and Panel.

To rule intelligently we'd need to know what a Double of 3♦ by South would show. Many pairs would play it as a game try. We can infer from the fact that South did not Double that this pair plays it for penalties, but the TD and Panel needed to determine that explicitly.

That said, the Panel properly followed the procedure required by Law 16, but I don't find the poll results convincing. As Jeff notes, a player considering Doubling usually does Double, and a player competing usually does so in tempo because with a marginal hand he does not want to advertise the fact and make it easier for the opponents to Double him. Thus, a hesitation here implies extras. I don't know how a Panel could rule differently, though, since they are required to inform their bridge judgement only by consultation with players.

Woolsey: According to the writeup, from the polling (where 3 of 4 players bid 4♥ in the absence of a BIT), the Director concluded that the BIT didn't suggest bidding 4♥.

I don't see what this conclusion has to do with the poll results. If the Director had concluded that Pass isn't a LA, I could understand that. But the poll had nothing to do with what the BIT did or did not suggest.

What would an in tempo 3♥ have likely shown? Typically, a 6-card heart suit and/or a relatively high offense to defense orientation. Opposite that type of hand, the North hand will fit very well.

What does the BIT indicate? Presumably doubt about competing to 3♥, which might mean a more junky hand. Opposite that, 4♥ might not be so good.

Consequently, I believe that, while there is UI, the 4♥ call is if anything contra-indicated by the UI. For this reason, I do believe it is correct to allow the table result to stand.

Subject of Appeal:	Misinformation	Case:	R2
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Event	Monday Daylight Open Pairs	Event DIC	Charles MacCracken
Date	03/25/2019	Session	First Session


Auction

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

Explanation of Special Calls and Points of Contention

1: 12-14 HCP
2: ♦ or Unknown Major/Minor Two Suited Hand
3: Alerted as Lebensohl
4: Competitive; "Bid your suit, Partner"

Hand Record

Board	16	N	Catherine Gay
Dealer	W	♠ AJ54	
		♥ QJ109	
Vul	E/W	♦ A103	
		♣ J3	
W	James Griffin		
♠	KQ1072		
♥	3		
♦	9654		
♣	Q95	E	Mark Peterson
		♠	3
		♥	K6542
		♦	K72
		♣	K1084
		S	William Northrop
		♠	986
		♥	A87
		♦	QJ8
		♣	A762

Final Contract	Result of Play	Score	Opening Lead
2NTX by N	Made 2	N/S +490	♥4

Facts Determined at the Table

The Director was called by West after North had Alerted the 2NT bid and explained the bid as Lebensohl. Away from the table, he expressed his skepticism to the Director that the bid was actually Lebensohl based upon the auction. The Director confirmed that the N/S Convention Cards both listed Lebensohl and that they were marked as Systems on over both Double and 2♣. West returned to the table and doubled. After the auction completed, South confirmed that, while Lebensohl was their agreement over most overcalls, they had not discussed whether it would apply over this particular type of overcall where the actual suit(s) shown by the overcall were indeterminate.

Additional Factors Determined Away from the Table

The Director polled six players (average masterpoints of approximately 6,000) with the West hand as to their action following the 2NT bid by South. All six passed, regardless to whether the bid was Alerted as Lebensohl or not.

Director Ruling

After consultation with the event Director in Charge, the Director ruled that, while there was misinformation, based upon the player poll, the action that resulted in damage to E/W was self-inflicted and not connected to the infraction itself. As a highly experienced player (West is a Grand Life Master) who had already expressed his doubt to as to what 2NT meant, the decision to Double would appear to be contraindicated on its own merits. Therefore, the table result of 2NTX by North, making two, N/S +490, was confirmed. E/W were informed of their right to appeal the decision.

Director's Ruling	2NTX by N, Made 2, N/S +490
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The Review

E/W appealed the ruling. West stated that with the correct information that 2NT showed an invitational hand, he would not have chosen to Double, which in their system showed a willingness to compete over the expected 3♣ continuation by North following a Lebensohl bid. He had only committed to Double after the confirmation of the Lebensohl agreement from the N/S convention cards.

Panel Findings

The Panel discussed with the Director exactly how the player poll had been conducted and found there were two problems that brought the validity of the results into question. First, the players polled were only in the 6,000 masterpoint range while West, whose decision was the focal point of the ruling, was a Grand Life Master with over 10,000 masterpoints. Second, the players polled were given the correct explanation of 2NT as invitational first then asked if they would do something differently if informed that the agreement was Lebensohl instead. While this might have approximated West's state of mind regarding his doubt of the Lebensohl agreement, it predisposed the pollees towards the invitational nature of the bid.

The Reviewer conducted a new poll with four players who were West's peers, asking for their decision following a Lebensohl 2NT bid. Three of the four players took some action over the 2NT bid, with one selecting to Double. All four would Pass with the correct explanation of invitational values. Based upon this poll, the Panel decided to assign a result based upon West passing over 2NT.

Given that North believed 2NT was Lebensohl, assigning a 3♣ bid after a Pass by West seemed clear. Six players with approximately 4000 masterpoints were polled with the South hand as to what they would do following 3♣. Two players bid 3NT, three passed, and one bid 4♣. Since 3NT would have been suggested by the Unauthorized Information the South would have had from North's Alert, those results were discounted when determining the assigned result. After analyzing the hand, the Panel assigned an adjusted result of 3♣ by North, down two, E/W +100.

Panel Decision	3♣ by N, Down 2, E/W +100
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Panel Members

Reviewer	Alexander Bealles
Member	Gary Zeiger
Member	Kevin Perkins

Commentary

Goldsmith: What was the agreement? Typically, players play system on over artificial 2♠ overcalls, but if so, then what was 2NT? The Panel seems to have assumed it was natural and invitational, because that matches South's hand, but that could easily be totally wrong, and it's a pretty rare agreement these days. Without that information, it's impossible to make a ruling. Rant on: in MI cases, the absolute first thing the TD must do is to determine the actual agreement. End Rant.

What would the ruling be if South said, "yes, it was Lebensohl. I was bidding 3NT with a diamond stopper. To invite in No Trump, I have to start with Double."

The Panel let West take his Double back, which seems generous to me; Lebensohl can have some strong hands, and it looks like South has one of those. Then they ruled on the UI from the alert and explanation using the old Law 12C instead of today's. Doesn't there have to be a weighted set of scores? Furthermore, historically, Directors and Committees have allowed a 2NT bidder to continue on over a highly-unexpected 3♣ on the basis that the AI of a nearly-impossible bid duplicates the UI from the alert. But I think the correct ruling is probably result stands.

Kooijman: How is it possible to draw the conclusion that the Double was not connected to the given (wrong) explanation? This is a further serious TD-mistake. Assume a bidding contest and six players make the same, only one a different choice. Is this sole one ridiculous? Some advice: ask why, and unless it sounds completely ridiculous, accept the answer. The poll should be used to confirm that the choice was not ridiculous, not to find out whether there was a better call available. The system on/off question is a common one and players are aware of it. My assumption is that South understands what is going on as soon as his partner bids 3♣ (how often does that happen in a natural 1NT-2NT sequence?) which overrides the UI position. So, the outcome of the poll is rather disappointing for me. Or were the pollees more Roman than the Pope?

Marques: The Director should not have questioned the pollees about their choice of action, but rather about West's choice to Double at the table. Calling damage self-inflicted is a rather high bar and just because a number of players don't take a certain action given an infraction, it does not mean that the action is unrelated to the infraction.

A good job by the Reviewer and the Panel, correcting this.

Meiracker: The second poll tells us that West's own peers would pass when 2NT is invitational. South's bid of 2NT was meant as invitational opposite a 12-14 NT. So the bid proves that they don't play Lebensohl after 2♣ meaning diamonds or a Major-minor two suited hand.

I agree with the Panel - 3♣ by North, down two. South has UI because of the Aalert of 2NT.

Wildavsky: The Panel did better than the TD. Their reasoning was sound. I don't like their weighting of the possible results absent the irregularity, though. Would N/S play 3♣ down two 100% of the time? Down three is a live possibility, and per the Panel's own poll, discarding the illegal 3NT, 25% of the time South would bid 4♣.

The write-up indicates a possible misunderstanding about the phrase "System On." I am confident that it means "We use the same methods as we do when the auction starts 1N (P)", so Lebensohl would not be relevant.

Woolsey: If a new partner handed me a convention card we would play without further discussion, and the card had both Lebensohl and System On over 2♣ checked, which would I think applied? I wouldn't be sure, but I would probably think System On. Therefore, I agree that there was MI.

I don't understand the point of a poll here. Obviously, West wouldn't have Doubled if he knew the 2NT call was natural; we don't need a poll to know that. As to whether one likes West's Double on the assumption that the 2NT call is Lebensohl, one could debate, but it certainly isn't a ridiculous call and whether polled players would make the call has nothing to do with anything. I think the Director didn't really understand the situation and was blindly polling as Directors often do when they don't understand the bridge issues. It would be better if before polling the Director would talk to an expert and find out what is really going on.

Since West would have passed had he been given the correct information, an adjustment is clearly in order. I like the adjudication. North would have bid 3♣. South would have the UI that North thought 2NT was Lebensohl, which would suggest not passing, so if Pass is a LA then South would be required to Pass. However, other Directors and Committees have ruled (wrongly IMO) that Pass is not a LA on this sort of auction.