

1994 Summer NABC

Appeals Casebook



2020 Editor's Note:

The 1993-1995 NABC Appeals Committee Decisions casebooks, compiled by John Blubaugh, have not been published electronically previously. The documents in question only existed in hard copy form. The ACBL would like to thank Denise Raggo for transcribing the text of the originals into an electronic format, without which this document would not be possible.

ACBL Headquarters
June, 2020

1994 NABC Appeals Chairman's Introduction:

This casebook will reflect an improvement over past efforts in several areas. The most notable of these is that we have received much better write-ups from our Chairpeople and in several cases there are dissenting opinions from other Committee members and the reasons for their dissent.

We have been receiving many requests to clarify how the Directors ruled in these cases. To illustrate how the entire process works together, we have included the Director's rulings whenever possible. It is important to understand that in order for the system to work properly, that is the way things must happen. It doesn't mean that one or the other made a bad ruling. The Laws actually require the directors to rule against an offending pair if there is some chance that their actions may have damaged the opponents. This forces the side that caused the problem to file the appeal. After the Committee hears the evidence, it may change the ruling without suggesting the Directors did anything wrong.

As always, I want to thank the Committee members who put in a great many extra hours after the second session when most players were either partying or in bed. That's devotion! I also appreciate the experts who have taken the time to study these decisions and offer their opinions on what they felt were good decisions and where they believed we went wrong. This not only helps the Committee member learn but also allows others reading this casebook to get a good feel for which decisions were good and how others might have been improved. One of our main goals is to achieve as much uniformity as possible in how we approach these problems. Perfection is not possible as the commentary clarifies. How could we achieve perfection if the expert community is divided on whether a decision is right or wrong?

Finally, those of us who find this book so valuable owe a debt of gratitude to John Blubaugh. It is solely because of his efforts that this casebook has continued to improve. He is also largely responsible for the improvement in documentation from the Committee Chairpeople. John spent many extra hours during the NABC getting the Committee Chairpeople to provide documentation on the reasoning of their Committees. This is still an area we can improve and we'll make every effort to do so.

Alan Le Bendig
Co-Chairman, NABC Appeals Committee

1994 NABC Appeals Casebook Editor's Forward:

This casebook reflects some of the tensions that existed between the directing Staff and the NABC Appeals committee in San Diego. Some of these tensions have been festering for years. A Committee has been appointed by ACBL President Virgil Anderson to review and recommend changes in the appeals process. Currently, joint organizational meetings are planned for the NABC Appeals Committee and the Directing Staff. Hopefully, this meeting will help reduce tensions and get the staff and the NABC Appeals Committee working together in the best interest of bridge.

A big thank you goes to Senior Director Brian Moran for providing all of the Director's rulings and details from the NABC.

John Blubaugh
Editor, Tournament Appeals Decisions

Our Expert Commentators:

Henry Bethe was born in Los Alamos, New Mexico. He is a graduate of Columbia and currently resides in Ithaca, New York, where he is in the process of completing his law degree. He has a son Paul, who is 16. His other interests include stamp collecting, baseball statistics and other mathematical recreation. He won the New York triathlon in 1979 and 1980. He is a Vice-Chairman of the National Appeals Committee. He is proudest of winning the Life Master Mens Pairs in 1969.

Richard Colker of Wheaton, MD, is a psychology professor and psychology research investigator. He has served as Recorder for ACBL District 6, Appeals chair for the Washington Bridge League, vice chair for the National Appeals Committee, and as a member of the National Ethical Oversight Committee. He has been a columnist for Washington BL Bulletin since 1988, and is a Member of IBPA.

Bobby Goldman was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his twelve year old son, Quinn. He is a Bridge Professional and Financial Analyst. His hobbies include tennis, volleyball, basketball and softball. While Bobby was a member of the original ACES from 1968 to 1974, he was a pioneer in writing computer programs that generate bridge practice hands and evaluate bidding probabilities. Bobby has won four World Championships and more than thirty National Championships.

Edgar Kaplan was born in New York, where he currently resides. He has been the editor and publisher of The Bridge World since 1967. He is a member of the ACBL Hall of Fame, is one of the world's great players and writers, and is regarded as the world's greatest authority on the laws of duplicate and rubber bridge. Edgar is in constant demand as a commentator for WBF Championships and NABC Pendergraph presentations for his expert analysis and delightful wit. Among his numerous National Championships he is proudest of his 1983 Miami Reisinger victory when Ozzie Jacoby, 80, was on his team.

Alan LeBendig was born in Cleveland. He currently resides in Los Angeles with his longtime companion Suzanne Trull and his son, Mark. He is the co-owner of the Barrington Bridge Club. His hobbies include playing Blackjack and surfing the Internet. Alan has been CoChairman of the National Appeals Committee since 1988. He is proudest of his second place finish in the 1993 Washington Life Master's Pairs and winning the 1993 Seattle North American Swiss Teams.

Jeff Meckstroth was born in Springfield, Ohio. He currently resides in Tampa, Florida with his wife Shirlee and his two sons, Matt and Rob. He is a Bridge Professional who enjoys golf and movies in his spare time. Every year his name can be found near the top of the Barry Crane Top 500 list. Jeff is a Grand Life Master in both the WBF and ACBL. He has won four world titles (his first at age 25 in 1981) and numerous National Championships.

Michael Rosenberg was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 Albuquerque World Bridge Championships. He was the ACBL player of the year in 1994. His hobbies include tennis and music. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is also a leading spokesman for ethical bridge play and for policies that encourage higher standards.

Peggy Sutherlin was born in Dallas. She currently resides in San Francisco with John, her husband of twenty-nine years. She has been a flight attendant for the past 35 years with American Airlines. Her main hobby is genealogy. Peggy has been Co-Chairman of the National Appeals Committee since 1990, and is a member of the ACBL Laws Commission. She is a WBF World Master, finishing second in the World Mixed Pairs in 1982, fourth in the 1987 Venice Cup, and has won several National Championships. She has served as a contributing editor to The Official Encyclopedia of Bridge.

Dave Treadwell was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where his responsibilities included the introduction of Teflon to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

Howard Weinstein was born in Minneapolis. He is a graduate of the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee and has been a National Appeals Committee member since 1987. He has won three National Championships, and is proudest of his 1993 Kansas City Vanderbilt win.

Subject of Appeal:	Tempo	Event:	Stratified Pairs	Case:	1
---------------------------	-------	---------------	------------------	--------------	---


Auction

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

Explanation of Special Calls and Points of Contention

1: Alleged Break in Tempo

Hand Record

Board		N	
Dealer	E	♠ K	
		♥ AQJ54	
Vul	None	♦ 985	
		♣ Q862	
W			
		♠ 10983	E
		♥ K6	♠ Q542
		♦ AJ43	♥ 7
		♣ 1097	♦ Q62
			♣ AK543
		S	
		♠ AJ76	
		♥ 109832	
		♦ K107	
		♣ J	

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

Facts

North/South maintained there was no break in tempo by North, just a pause to think about West's 3♠ bid. Before passing 3♠, East asked what 3♥ meant and was told it was preemptive. North/South did not have an agreement that the jump to 3♥ was preemptive.

Director Ruling

The Director (Putnam) ruled that Pass was a logical alternative for South in light of the alleged tempo break and the incorrect information given to East/West by North. The result was changed to 3♠ by East, down three, N/S +150. North/South appealed because they did not believe East/West were injured, and the 3♥ bid by South showed ten or less high card points and long hearts. North believed the same as East/West.

Director's Ruling	3♠ by E, Down 3, N/S +150
--------------------------	----------------------------------

Committee Ruling

The Committee felt that a tempo break had occurred. The Director's ruling of 3♠ by East, down three, N/S +150, was allowed to stand.

Committee Members

Chair	Bart Bramley
--------------	--------------

Commentary

Bethe: I agree that there was almost certainly a tempo break by North and, more importantly, that the tempo break, given South's spade holding, suggested that North was considering action. On the other hand, South's offensive prospects have

been improved by the opponents' actions: by the known stiff spade facing the Ace. In this position I would not allow a Double, since South's defensive prospects are improved by the huddle, but I think the opponents, and not partner, have told South that 4♥ is probably a good choice.

Colker: I'm a staunch opponent of the idea of Committee of one. However, in this case Bart was right on target. Pass by South was clearly a logical alternative.

Kaplan: Why a one-man Committee? A terrible idea (even Bart)! I'd rule the same, but on the basis of unauthorized information given South by North's misexplanation.

LeBendig: The ruling seems fairly routine although the basis for it feels more like the use of unauthorized information as opposed to the alleged break in tempo. This is a good example of how a Committee of One can function at this level of bridge and with cases of this nature.

Meckstroth: I agree with the ruling if there was any sign of a hesitation. People need to learn to bid in tempo and I feel the hesitators should be ruled against in most cases.

Rosenberg: Good ruling. The combination of the break in tempo and the description by North makes a bid by South verboten.

Treadwell: With the facts given, there can be no quarrel with the Committee decision. Apparently, North did not Alert South's bid; which is Alertable if preemptive, and placed the burden on the opponents to ask (really not too great a burden). Also, there is no indication that South gave a skip bid warning. These infractions, minor though they may be, weaken any claim for justifying South's second bid.

Weinstein: This decision could also have been justified by the unauthorized information given by the "preemptive" explanation, even if there was a factual dispute regarding the break in tempo.

Subject of Appeal:	Tempo	Event:	Flight A Pairs	Case:	2
---------------------------	-------	---------------	----------------	--------------	---

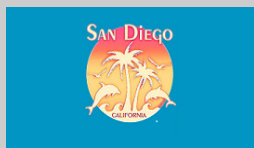
Auction

West	North	East	South
		1♥	Dbl
4♥	Dbl ¹	Pass	4♠
Pass	Pass	Pass	

Explanation of Special Calls and Points of Contention

1: Break in Tempo

Hand Record

Board		N		
Dealer		E		
Vul		Both		
		♠ Q765		
		♥ Q6		
		♦ A863		
		♣ Q96		
W				E
♠ 2				♠ J983
♥ 10752				♥ AKJ843
♦ 1075				♦ J2
♣ A10873				♣ 5
		S		
		♠ AK104		
		♥ 9		
		♦ KQ94		
		♣ KJ42		

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

Facts

North broke tempo before doubling 4♥.

Director Ruling

The Director (Hardy) determined that North/South played Responsive Doubles to high levels and ruled that the result, 4♠ by South, making four, N/S +620, stood.

Director's Ruling	4♠ by S, Made 4, N/S +620
--------------------------	----------------------------------

Committee Ruling

South, a very experienced player, had sixteen high card points. South tried to view partner's Double of 4♥ as a Responsive Double. Their convention card indicated they played Responsive Doubles only through 4♦. The length of the hesitation before doubling allowed the South hand to bid 4♠ on a four-card spade suit. The Committee would not allow it. The contract was moved back to 4♥X. In fact, the Committee actually felt later that they had possibly overlooked the fact that a very experienced player took advantage of unauthorized information, the very slow Double, and indeed, perhaps should have been assessed an additional penalty. The Committee adjusted the score to 4♥X by East, making four, E/W +790.

Committee Members

Chair	Bill Passell
Member	Jan Cohen
Member	Judy Randall
Member	Peggy Sutherlin
Member	Alan LeBendig

Commentary

Colker: I think the Committee was correct in both of its assessments: that South's 4♠ bid should not have been allowed, and that a very experienced South should have been assessed an additional (stiff!) procedural penalty.

Kaplan: I agree.

LeBendig: I do feel we should have given a procedural penalty for South's violation of Law 73C. In the future, I'm sure their card will be more reflective of such an agreement (if it exists). Even if there had been some discussion of this nature, North must learn to make these decisions in a more even tempo. The break in tempo was very long.

Meckstroth: An excellent ruling. An additional penalty seems right to me.

Rosenberg: Good ruling. No additional penalty should be assessed. Next time these players will learn that 4♦ is not high enough for Responsive Doubles.

Treadwell: As in the previous case, there is no indication West gave a skip bid warning. If there was none, North is entitled to think a bit. If there was a real tank by North, the Committee did the right thing.

Weinstein: Seems right. If the Double was supposed to be Responsive (or oriented to card showing) as most top pairs would play the Double, it will make North/South do a more careful job in filling out their convention card.

Subject of Appeal:	Tempo	Event:	Bracketed KO Teams	Case:	3
---------------------------	-------	---------------	--------------------	--------------	---

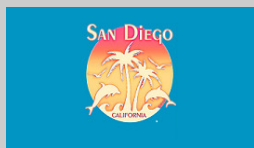
Auction

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

Explanation of Special Calls and Points of Contention

1: Break in Tempo

Hand Record

Board		N	
Dealer		N	
Vul		E/W	
		♠ AJ76	
		♥ 743	
		♦ Q87	
		♣ KJ7	
W			
♠	Q2		
♥	J10		
♦	A106543		
♣	863		
		E	
		♠	1098
		♥	8652
		♦	J9
		♣	9542
		S	
		♠	K543
		♥	AKQ9
		♦	K2
		♣	AQ10

Final Contract	Result of Play	Score	Opening Lead
6♠ by N	Made 6	N/S +980	

Facts

South broke tempo before bidding 4♠.

Director Ruling

The Director (Poplawsky in consultation with Ashton) determined this was a hesitation Gerber auction and changed the result to 4♠ by N, making six, N/S +480.

Director's Ruling	4♠ by N, Made 6, N/S +480
--------------------------	----------------------------------

Committee Ruling

North bid 1NT with eleven high card points, the responder bid Stayman and got a 2♠ response. The responder now bid 4♣ (Gerber), got a 4♥ response, and bid 4♠ (in theory, a signoff). North claimed that he thought this was a continuation of Gerber. The Committee, obviously, did not agree (unanimously) and the contract was turned back to 4♠.

When South bid 4♠, it was done very slowly suggesting to North that there was further hope for slam in the hand. The Committee felt strongly that this was a hesitation Gerber sequence and North/South was also assessed a one IMP procedural penalty.

Committee Members

Chair	Bill Passell
Member	Peggy Sutherland
Member	William Laubenheimer
Member	Abby Heitner
Member	Mary Hardy

Commentary

Bethe: Clearly correct, and I assume a low bracket since in a high bracket, three IMPs rather than one would seem to be appropriate.

Colker: What was the range of North's 1NT (e.g., 10-12HCP, 11-14HCP)? We need to be more conscientious in providing this type of information (where relevant). Assuming an appropriate notrump range, I agree with everything the Committee did up to the one IMP procedural penalty. I feel that a stiffer assessment was in order, say, three IMPs.

Goldman: I don't agree. When a pair is purported to have "unethically" reached a bad contract (6♠ here) there should be no adjustment for the non-offending side. They were not injured by being taken advantage of, but by the unlucky lie of the cards.

More debatable is what to do about North/South, the bidders of the bad contract. I'm inclined to allow the result to stand and issue a procedural penalty proportional to the pairs' unethical conduct. I would need to hear testimony to decide on that issue. There must be satisfactory proof to issue such a penalty, not a reasonable alternative of 25%.

Kaplan: All true, but do East/West deserve the full adjustment? After all, their opponents reached a two-to-one-against slam; they were just hoping that it made. We should develop a policy for positions like this, which are very common.

LeBendig: This was a good decision and a well-placed penalty to make a necessary point. It would improve the entire procedure if the Directors on the floor would impose these penalties even if 6♠ had failed. In cases this clear, there should be no question as to whether an infraction has occurred. I see no reason why East/West were not entitled to a full adjustment since their bad result came from a clear infraction of the law. It's hard to believe we might consider this "bad luck" and leave them with any adjustment that might include -980.

Meckstroth: I agree. I would assess a three IMP penalty for this action. I think the 5♣ bid is disgusting.

Rosenberg: North's 5♣ bid was outrageous, and he should be heavily censored if the Committee believes he should have known better. If not, it is the Committee's duty to explain the facts of life to this child. There should be no procedural penalty, and here's why. If 6♠ had gone down, the Director would not have been called (back), no Committee would have been formed and penalty assigned. But, you say, what if they had stopped in 5♠? Again there would be no Committee and no penalty. It is unfair to impose penalties on infractions only when a Committee is assembled.

Sutherlin: I sat on this case. We discussed at great length what score should be awarded to East/West. Consideration was given to awarding East/West -980. Even now, I'm not certain what score East/West should receive.

Weinstein: What happened to the "appeal substantially without merit penalty" and the recording of the offending pair? Time for monetary deposits before calling a Committee with the money forfeited to charity or the ACBL if the Committee feels the appeal lacks merit.

Subject of Appeal:	Tempo	Event:	Flight A Pairs	Case:	4
---------------------------	-------	---------------	----------------	--------------	---

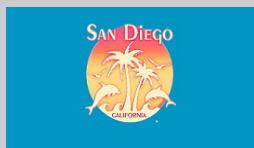
Auction

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

Explanation of Special Calls and Points of Contention

1: Break in Tempo

Hand Record

Board		N		
Dealer	N	♠ AKQ6		
		♥ 1062		
Vul	Both	♦ 7		
		♣ QJ842		
W				E
♠ J2				♠ 95
♥ AQ9543				♥ J3
♦ J63				♦ AKQ1042
♣ AK				♣ 976
		S		
		♠ 108743		
		♥ K7		
		♦ 985		
		♣ 1053		

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

Facts

West broke tempo before bidding 3♥.

Director Ruling

The Director (Hardy in consultation with Mollemet) ruled that there had been a break in tempo and Pass was a logical alternative for East. The contract was changed to 3♥ by West, making four, E/W +170. East/West appealed the ruling because the break in tempo was very slight and West was showing more than solid hearts with the 3♥ bid. East felt her doubleton heart holding, possible ruffing value in spades, and good diamond suit merited bidding a game.

Director's Ruling	3♥ by W, Made 4, E/W +170
--------------------------	----------------------------------

Committee Ruling

The Committee discovered that East/West were playing intermediate jump overcalls and forcing responses to overcalls and weak jump shift responses to overcalls. The Committee unanimously ruled to let the table result, 4♥ by West, making four, E/W +620, to stand. The Committee felt that in competitive auctions all players are allowed more leeway in varying tempo and this variation in tempo was certainly not extreme. West's hesitation did not clearly indicate what East's winning action would be. While the Committee felt they would not bid 4♥ themselves (unanimously), they also felt East was entitled to make her own decision.

Committee Members

Chair	Richard Colker
Member	Jon Brissman
Member	Mary Jane Farell
Member	John Blubaugh
Member	Bobby Goldman

Commentary

Bethe: Again, I agree, not necessarily as to the leeway provided in competitive auctions but clearly as to the message of a slow bid.

Colker: I couldn't have said it better myself.

Kaplan: This is far from clear, but I tend to agree.

LeBendig: On the surface, this is the only correct decision. Even given a break in tempo, we must establish some clarity as to the meaning of the hesitation before we make an effort to deal with logical alternatives. I believe Committees and Directors are much too quick to skip that second step. On a different level, it seems to me that the slow bids always show more rather than less. Therefore, even when we agree that there was no clear message because of the tempo of the bid, it really does always seem to be right to bid again. I would like others to take the same type of unofficial survey that I have and see if my feelings on the meaning of slow bids has any validity.

Meckstroth: I am not sure I agree with this one. Might not the slow 3♥ bid indicate uncertainty that 3♥ is enough opposite a suitable dummy? Whereas a quick 3♥ bid might be clearly competitive? As usual, I would rule against the pair with bad tempo "Judging correctly." I feel if you want your partner to be able to judge in close decisions, you must bid in tempo!

Rosenberg: I agree with the ruling, with the caveat that the Committee should have insured, so far as possible, that there was no extraneous illegal information that might have caused East to believe that West had extra values(e.g., a break in tempo before West's 1♥ call).

Treadwell: A good decision. Any information conveyed by West's break in tempo does not help East make the final decision to bid 4♥. The decision might well have been wrong, but it is East's decision to make.

Weinstein: I agree. The huddle (assuming a break in tempo was determined) would normally suggest Pass, not raising. A stronger argument could be made for East to bid again had he passed after the huddle.

Subject of Appeal:	Tempo	Event:	Flight A Pairs	Case:	5
---------------------------	-------	---------------	----------------	--------------	---

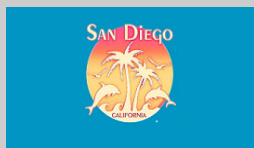
Auction

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

Explanation of Special Calls and Points of Contention

1: Break in Tempo

Hand Record

Board		N	
Dealer	E	♠ 93	
Vul	E/W	♥ AJ82	
		♦ AQ2	
		♣ Q984	
W			
		♠ AKJ6	E
		♥ 97	♠ Q10874
		♦ 1054	♥ KQ54
		♣ J1073	♦ 63
			♣ A6
		S	
		♠ 52	
		♥ 1063	
		♦ KJ987	
		♣ K52	

Final Contract	Result of Play	Score	Opening Lead
4♦X by S	Down 2	E/W +300	

Facts

West broke tempo before passing 4♦.

Director Ruling

The Director (Mollemet in consultation with Alexander) ruled to remove the Double of 4♦, E/W +100. The Director felt that there was a noticeable tempo break and that East chose from among logical alternatives the call suggested by the break in tempo that was the most likely to be successful.

Director's Ruling	4♦ by S, Down 2, E/W +100
--------------------------	----------------------------------

Committee Ruling

The Committee felt that, even though it firmly believed that East would always Double as he strongly maintained (the man had about 2500 masterpoints), the hesitation by West made it crystal clear that some action was required and Double was the only logical action. The Committee did feel that Pass was a logical alternative - one strong reason being that East/West were playing four card majors and partner could easily have had a fifth spade. With the opponents not vulnerable, a Double is not as attractive as if they had been vulnerable. Based on this, the Committee confirmed the Director's ruling of to 4♦ by South, down two, E/W + 100.

Committee Members

Chair	Alan LeBendig
Member	Judy Randall
Member	Jan Cohen

Commentary

Bethe: Since I cannot conceive why East thought he could beat 4♦, I cannot conceive that a Double would be clear-cut even to 2500 masterpoints. I would have gone further than the Committee, awarding perhaps a quarter board penalty because I feel that the Double is egregiously taking advantage of unauthorized information.

Colker: An excellent ruling.

Golfman: I agree with the ruling. I don't accept East's statement that "he would always Double" at all. I personally wouldn't want to Double even after the huddle as I did open the bidding.

Kaplan: I agree.

Meckstroth: I agree, a good ruling.

Rosenberg: Good ruling. West was "wrong" to think on this auction.

Weinstein: I agree with the Committee's ruling but not with their comment that after West's huddle that some action was "crystal clear." Double was clearly suggested by the huddle but the only crystal clear action, huddle or not, is a Pass. If there was no factual dispute about the huddle, this is another appeal without merit.


Subject of Appeal:	Tempo	Event:	NABC Life Master Pairs	Case:	6
---------------------------	-------	---------------	------------------------	--------------	---

Auction

West	North	East	South
	2♥	Pass	4♥
Pass	Pass	Pass	

Explanation of Special Calls and Points of Contention

Hand Record

Board		N		
Dealer	N	♠ 43		
		♥ K8652		
Vul	None	♦ J		
		♣ K9654		
W				E
♠ Q985				♠ KJ1062
♥ A3				♥ J97
♦ 7543				♦ Q9
♣ AJ7				♣ Q102
		S		
		♠ A7		
		♥ Q104		
		♦ AK10862		
		♣ 83		

Final Contract	Result of Play	Score	Opening Lead
4♥ by N	Down 1	E/W +50	

Facts

At trick one, a spade was led to ♠A. The ♦A was played, followed by the ♦K, Declarer pitching a spade. The ♦10 was played, Declarer pitching a club, and East ruffed with the ♥7. A club was led to the ♣A, and a diamond was returned and ruffed by Declarer with the ♥K. East fumbled and tried to play more than one card. Declarer now played a heart to dummy's ♥Q losing to West's ♥A and going down one trick.

Director Ruling

The Director (Putnam) ruled that there was improper deception by the tempo of East's play to trick six. The East/West score was changed to -420. No adjustment was given to North/South because the damage was caused by an inferior play not directly resulting from the deception.

Director's Ruling	N/S: 4♥ by N, Down 1, N/S -50 E/W: 4♥ by N, Made 4, E/W -420
--------------------------	---

Committee Ruling

The Committee changed the result to 4♥ by North, making four, E/W -420. The Committee felt that North/South were taking a double shot at trying to get a good result. If North's play had succeeded, the case wouldn't have been appealed. If North's play did not produce a bad result, the case would be appealed and a score adjustment would be sought. The Committee allowed the result of 4♥ by North, down one, N/S -50, to stand.

Dissenting Opinion: Marlene Passell and Michael Aliotta dissented. Marlene Passell prepared the following dissent:

We feel the East player's play was egregious and could have been done with the intent to cause declarer to take a line of play which was inconsistent with her intended play.

After East's break in tempo, Declarer wondered why he didn't overruff. She knew she could not pick up AJ9x, therefore she had to decide what problem East had. Did he misplay by not over-ruffing or was he an idiot?

We feel North was the innocent party led down the garden path. If hearts were now two-two, her play to the Queen makes sense since East should have the ♥A. This hand will be sent to the National Recorder.

Committee Members

Chair	Mike Aliotta
Member	Martin Caley
Member	Marlene Passell
Member	Bob Glasson
Member	Norma Sands

Commentary

Bethe: I approve in principle but tend to agree with the dissent. Declarer's play was not egregious, and she deserves protection from the deception of East's play suggesting that there was the possibility of overrunning.

Colker: I agree with the dissenters. East's fumbling was an egregious infraction, and East/West therefore deserved the result (-420) the Committee assigned them (along with an additional procedural penalty, in my opinion). North's subsequent line of play was reasonable (and rational) given East's fumbling. Only a clearly irrational, negligent, or otherwise indefensible line of play should break the chain of casualty with East's fumbling, and forfeit North's right to redress. Regarding the Committee's comment about North/South taking a double shot, non-offenders are allowed double shots in situations such as this as long as the line of play in question is reasonable, and even if it's not the best one available. Such double shots are afforded by the opponents' improper actions, and are entirely in keeping with the spirit, and the Laws, of the game. Only double shots which are self-initiated (i.e. are not a byproduct of an opponent's offense) are considered violations of acceptable legal and/or ethical conduct.

Goldman: I would need to hear the discussion with North and East to decide the North/South score, but I feel the Committee was on the right track.

Kaplan: It was East who gave North/South a "double shot." So, they are entitled, so long as Declarer did nothing unreasonable, and she didn't. The Committee majority doesn't seem to understand the laws.

LeBendig: I have to agree with the minority. It seems that Declarer was forced to solve a problem that she should never have had to face. East could have known that the fumble would work to his advantage. This is different than a protracted thought during the defense where we have occasionally applied Law 73F2.

Meckstroth: It is not clear to me exactly what East did.

Rosenberg: I am confused about the dissenting opinion. Why could Declarer not pick up AJ9x? North's play was illogical, and she deserved -50 if she is in any way competent (unless I am mistaken). If East is penalized, it can only be because the player intentionally huddled to deceive. Therefore the hand should certainly be sent to the National Recorder.

Sutherland: I totally agree with the minority opinion. North's play was not good, but not hopeless. I think East/West should have been assigned a three match point penalty for East's actions.

Treadwell: Here we are in the Life Master Pairs and a player fumbles before playing to trick six for no apparent reason -- except, possibly to deceive declarer. East might at least have said, "no problem." I agree with the dissenters. Declarer took a reasonable line of play in light of East's egregious play and opened the door for North/South's so-called double shot which was not a double shot at all!

Weinstein: I agree with the majority Committee decision. East clearly had nothing to think about with the hand held and I would be interested to know what he claimed to be thinking about to the Committee. The East/West score should certainly be adjusted under Law 73. However, from Declarer's viewpoint, East could have been considering whether to discard a club or a spade. I believe the standard for adjusting the non-offending side's score under Law 73 should be whether most peers would clearly draw the false inference from the break in tempo and would make the same play under the circumstances. I don't think this standard was met in this case.

Subject of Appeal:	Tempo	Event:	NABC Life Master Pairs	Case:	7
---------------------------	-------	---------------	------------------------	--------------	---

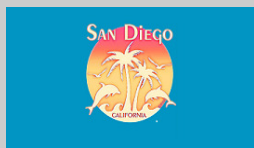
Auction

West	North	East	South
			Pass
1♥	Dbl	3♥ ¹	3♠
6♥	Pass ²	Pass	6♠
Dbl	Pass	Pass	Pass

Explanation of Special Calls and Points of Contention

1: Alerted, Preemptive
2: Break in Tempo

Hand Record

Board		N		
Dealer		S		
Vul		E/W		
		♠ AK9		
		♥ Q7		
		♦ AKQ872		
		♣ J8		
W				E
♠ 6				♠ J743
♥ AKJ1096				♥ 85432
♦ (void)				♦ 953
♣ AK10965			♣ 3	
		S		
		♠ Q10852		
		♥ (void)		
		♦ J1064		
		♣ Q742		

Final Contract	Result of Play	Score	Opening Lead
6♠X by S	Down 1	E/W +100	

Facts

North passed 6♥ after long thought.

Director Ruling

The Director (Katz) ruled that South had unauthorized information as a result of North's break in tempo. Pass was a logical alternative so the result was changed to 6♥ by West, making six, E/W +1430. North/South appealed the decision.

Director's Ruling	6♥ by W, Made 6, E/W +1430
--------------------------	-----------------------------------

Committee Ruling

Committee member Richard Colker provided the following information. The Committee considered several factors:

1. West's leap to a slam at unfavorable vulnerability was not only a skip bid, but a highly unusual one as well. Thus, North was entitled to some additional thinking time to work out what was going on.

2. North's huddle did not necessarily suggest actions (saving) over others (Pass or Double), but if it did suggest one action, it probably suggested that North was considering Double (but feared exposing the trump position, perhaps). Then, South acted opposite to what the huddle might have suggested.

3. However, if North has passed in tempo (as she almost certainly would have with a normal Takeout Double or with something like Qxxx of Hearts) South, holding defense in both minor suits would likely have passed 6♥ and defended. Therefore, the huddle suggested bidding (i.e. the opposite of what a smooth pass by North would have suggested).

4. Also, Pass by South with defense in both minors was clearly a logical alternative. Thus, South was not permitted to save.

5. Finally, the Committee felt that South's action did not represent an improper or blatant ethical infraction. The Committee ruled by a four to one vote to allow the Director's ruling to stand, 6♥ by West, making six, E/W +1430.

Dissenting Opinion: Committee member Richard Popper presented the following dissent.

The auction was so unusual (especially at this vulnerability) that it is to be expected that North would have a problem holding almost any hand. Further, on this auction, it is not clear that a hesitation conveyed information suggesting what the winning action could be since North could have been thinking about bidding or Doubling, or just reevaluating his hand in light of a very surprising auction.

I strongly agree with the general Committee approaches of rarely allowing calls that could have been suggested by a hesitation. In this instance, however, if we do not allow South's bid, we are saying that East/West have won the board just by creating a situation where North will have an unexpected problem, since I assume the Committee would have reversed a Pass (or Double) by South if that was the winning action on this deal.

Committee Members

Chair	Mike Aliotta
Member	Jin Brissman
Member	Richard Popper
Member	Richard Colker
Member	Jeff Meckstroth

Commentary

Bethe: The write-ups of this case are exemplary. Colker showed the Committee's reasoning clearly and concisely. Popper provided a cogent dissent. I wonder what would have happened if West's bid had been more tactical in nature: 6♥ going down and 6♠ a phantom sacrifice, and South had passed. Would we then have to rule that North's hesitation clearly suggested the possibility that defending might be more profitable and therefore South had to save? I believe that when there is a highly unusual and unexpected action in a competitive auction, most huddles followed by Pass do not suggest more than what is in any case said by Pass, to wit the player doesn't know what to do. We need to spend more time considering whether there is information content in the huddle that is not logically contained in the action itself.

Colker: This was a very difficult decision. Although I voted at the time to disallow South's 6♠ bid, I was seriously conflicted about my decision even as I was making it. I now believe that we probably made the wrong decision. I gave this hand to dozens of expert players and Committee people in the days following the case, and the sentiment ran something like 65% to 35% for allowing the 6♠ bid. A few of the people surveyed felt very strongly for allowing 6♠, almost no one who thought that 6♠ should be disallowed felt strongly for their decision, and many of the respondents felt that either decision was reasonable (and that they wouldn't lose sleep over either decision). I agree with most of the points in Richard Popper's dissenting opinion (although my sense is that the Committee would not have reversed a Pass by South), since much of it embodies ideas which I, myself, voiced during the Committee's deliberations, and I would likely vote with him if given a second chance. However, the points I made in my summary of the majority's decision are still valid, and how one votes (especially around 1:30am, and after the prolonged and heated debate) may easily depend on the last idea one was considering when the vote was called.

Goldman: I don't agree. I don't think the huddle (if only moderate) conveys any compelling information to South who knows there is a good save and whose issues are what are the chances of beating me and what is West doing. Basically I am in accord with Popper's dissent. If I saw North's hand, I still would have to guess at the winning action and I don't believe the Committee should force a wrong guess.

Kaplan: If I can't tell what North was thinking about even when looking at the hand, how could the hesitation suggest South that a sacrifice would be profitable? In the absence of such a suggestion, the table result must stand. Items (1), (3), and (4) above are irrelevant.

LeBendig: Once again, I think the logical alternative guideline was applied prior to determining if there was a message with the hesitation. I would think that the slow Pass was more indicative that North was thinking of Double. At matchpoints, how could North ever be thinking of bidding 6♠? Based on this, as well as the unique nature of the auction, I feel I would tend to allow 6♠.

Meckstroth: If you want partner to be "in the game" as far as judging close decisions, you need to keep an even tempo. Excellent documentation!! Let's see more that are explained this fully!

Rosenberg: A very important case. I disagree with the dissenting opinion on the following point. The Committee would not have reversed a Pass had that been the winning decision. In fact, I doubt if a Committee would even have been called. A different question is whether a Committee would force South to save over a fast Pass by North if that were the losing action.

I disagree with the Committee about South's defensive potential. Indeed, I think the heart void constitutes negative defensive potential. East certainly rates to be short in West's second suit, and South's minor suit holdings will

probably not have much effect if West is seriously bidding to make. I feel sorry for North, who faced an unusual problem. I believe he should have saved himself, and therefore it might seem wrong to allow South to save. But remember, North/South could have lost another five tricks, and saving would still have been the winning action. That is how right it was for South to save. I believe any good player would save after partner fails to Double. Also, it is not clear whether the huddle induced South to save.

It is safer for the integrity of our game to rule against South, but I am not convinced this ruling was correct. I sympathize with the Committee -- a very difficult case.

Treadwell: In many ways, this case is like Case Four. It would have been surprising indeed if North had passed in tempo after West's unusual bid, even if there had been a skip bid warning. Therefore, the break in tempo conveys no useful information beyond confirming that the Takeout Double was not a psyche. South should not be deprived of the opportunity to use his judgment in this difficult bridge situation, right or wrong.

Weinstein: I don't disagree with the ruling, but I'm not entirely comfortable with it either. Although the Committee determined that North was more likely thinking about saving as opposed to Double, this is still very ambiguous. If the South hand had a 90% action opposed to a 75% action (in my estimation), I would be even more comfortable. Perhaps there should always be some formula combining the likelihood that a call was suggested by a break in tempo with the percentage of players who would make the "suggested" call and allowing the call if it meets certain criteria.

Subject of Appeal:	Tempo	Event:	NABC Spingold Teams	Case:	8
---------------------------	-------	---------------	---------------------	--------------	---

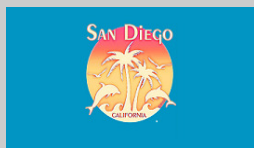
Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Start of Strong auction
2: Alerted, Maximum hand, Longer ♣'s than ♠'s
3: Alerted, ♥'s, Strong
4: Break in Tempo

Hand Record

Board		N			
Dealer	E	♠			
Vul	E/W	♥			
		♦			
		♣			
W				E	
♠	K3			♠	QJ875
♥	AJ97652			♥	K
♦	AKQ9			♦	2
♣	(void)			♣	AKQJ95
		S			
		♠			
		♥			
		♦			
		♣			

Final Contract	Result of Play	Score	Opening Lead
6♥ by W	Made 7	E/W +1460	

Facts

West broke tempo before bidding 4♥.

Director Ruling

The Director ruled that unauthorized information was available to East from West's break in tempo. The contract was changed to 4♥ by West, making seven, E/W +710. East/West appealed because 4♥ was forcing in their system.

Director's Ruling	4♥ by W, Made 7, E/W +710
--------------------------	----------------------------------

Committee Ruling

East/West presented a long, well-orchestrated presentation of why 4♥ was forcing in their system. However, the Committee queried how they would handle AQxxxxx of hearts and out after partner's 1♠ opening bid. East/West's answers to this question were vague at best. In fact, one Committee member suggested in deliberation that it appeared East/West showed the AQxxxxx of hearts and out by bidding a rapid 4♥ while the hand in question was shown by bidding a slow 4♥.

The Committee determined that Pass was a logical alternative for East and the 5♥ bid was disallowed after the hesitation. The Committee felt that the hesitation suggested bidding would be more successful than Pass because West was considering bidding more. The Director's ruling of 4♥ by West, making seven, E/W +710, was allowed to stand.

Committee Members

Chair	Ralph Cohen
Member	Michael Rosenberg
Member	Larry Cohen
Member	Nell Cahn
Member	George Steiner

Commentary

Bethe: I am sure the Committee asked about the meanings of responses of 2♦, 2♥, and 3♥ in East/West's system, and how East/West would handle weaker but still game forcing and invitational one-suiters. I think the framing of the challenge, "How would you handle AQxxxxx and out" is impolitic at best and designed to get a vague answer. I suspect that the Committee was right, that West could have had a hand on which 5♥ was in danger, and that the tempo suggested bidding was likely to be more productive. I also suggest East's hand had been substantially improved by the auction, the ♥K was not an enormous card in a hand with a side source of tricks. I am really not sure the Committee was right here, or whether they were swayed by a feeling that a pair playing a complex and, to the Committee unfamiliar, system has a still higher responsibility as to tempo.

Colker: A good ruling. East/West's testimony was clearly self-serving, since a convenient 4♦ bid was available to West over 3♠ to create a force. I cannot conceive how 4♥ could be forcing.

Goldman: A pair should be required to have written evidence to make a claim that 4♥ is forcing. A good ruling. It seems that there are implications that this pair may have illicit understandings.

Kaplan: I agree.

Meckstroth: Excellent ruling!

Rosenberg: I was on this Committee and I have not changed my opinion.

Treadwell: Good decision. Pairs using complex methods are under a special obligation to avoid possibly informative hesitations.

Weinstein: It sounds like the Committee did a terrific job delving into other possible holdings that West might have had for this bidding sequence. Once a possible weaker hand was found that might have been bid in this manner the Committee properly disallowed the 5♥ call. Well done.

Subject of Appeal:	Tempo	Event:	Flight A Pairs	Case:	9
---------------------------	-------	---------------	----------------	--------------	---


Auction

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

Explanation of Special Calls and Points of Contention

1: Break in Tempo

Hand Record

Board		N	
Dealer	W	♠ 1076	
		♥ KJ743	
Vul	None	♦ J983	
		♣ J	
W			
♠ 84			
♥ AQ			
♦ 64			
♣ A1098752			
		S	
		♠ KQ93	
		♥ 852	
		♦ AK1052	
		♣ 4	

Final Contract	Result of Play	Score	Opening Lead
4♣ by W	Down 1	N/S +50	

Facts

All of the players agreed that there was a significant hesitation by East before the Double.

Director Ruling

The Director (Barton-Paine in consultation with Mollemet) ruled that West had unauthorized information from the tempo of East's Double and Pass was a logical alternative. The contract was changed to 3♦X by South, making three, N/S +570. East/West appealed the ruling.

Director's Ruling	3♦X by S, Made 3, N/S +570
--------------------------	-----------------------------------

Committee Ruling

The Committee felt that Pass was a logical alternative by West after the break in tempo. The result was changed to 3♦X by South, making three, N/S +570. The Committee Chairperson did not document the Committee's reasoning.

Committee Members

Chair	Bill Passell
Member	Jan Cohen
Member	Jim Linhart

Commentary

Bethe: What, by agreement, was Double? Logically, it cannot be trumps, the opponents have announced at least eight trumps so East is limited to three at most. East doesn't have six spades, East is likely also not to be 5-4 in the majors as

that would probably was for a 3♥ rebid. So a balanced hand is likely with about two-and-one-half card club support. If East/West have no agreement about Double, I support the Committee's action. If East/West play that it is competitive, e.g. saying we have enough cards to continue in the auction, do something intelligent, then 4♣ looks intelligent and not precluded by tempo.

Colker: This and the previous case are balms for those of us who have occasional misgivings about taking good results away from (supposedly) "innocent" players whose only crime was that they were not good or experienced enough to know what to bid with an awkward hand in a difficult bidding situation. The remedy lies in the realization that the easy solution for such players (and others who have even less excuse for their regular use of unauthorized information) is for them to learn to make their bids in tempo or Committees will take away their undeserved good results, and not lose a moment's sleep over their decisions.

Kaplan: I agree unless there is evidence that Double is for takeout, as it would be for many.

LeBendig: Since the Double was not Alerted, I guess we can't allow the pull. Even though most Flight A pairs play this as takeout oriented, they must have some evidence of that agreement. I assume we would never have forced a Pass by West if that was not the case.

Meckstroth: I disagree. It is possibly the correct ruling if this pair is very weak but it is totally standard for this Double to be card showing (responder's second bid). Perfectly normal expert bidding. Again, this shows the importance of bidding in tempo because you'll probably lose in a Committee if you don't!!!

Rosenberg: Good ruling. If East/West are not experienced enough to Double in tempo in an auction such as this, then allowing West to bid is equivalent to giving them a two-way Double. A bigger problem would occur if West Alerted after the slow Double. To see why, imagine if a pair only Alerts after a slow Double.

Weinstein: Good ruling. Since the Double wasn't Alerted as card showing and written evidence that this was the partnership agreement wasn't provided this seems like a straightforward case of a pull of an out of tempo Double with a logical alternative available,

Subject of Appeal:	Tempo	Event:	NABC Mixed BAM Teams	Case:	10
---------------------------	-------	---------------	----------------------	--------------	----

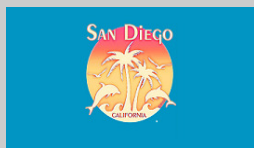
Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, 4 th Suit Forcing
2: Break in Tempo

Hand Record

Board		N		
Dealer	E	♠	KQJ65	
		♥	K	
Vul	E/W	♦	A86	
		♣	J754	
W				
	♠			A10743
	♥			A1054
	♦			2
	♣			1063
		S		
		♠	2	
		♥	J7	
		♦	J10543	
		♣	AKQ98	
		E		
		♠	98	
		♥	Q98632	
		♦	KQ97	
		♣	2	

Final Contract	Result of Play	Score	Opening Lead
5♣ by S	Down 1	E/W +50	

Facts

South broke tempo before bidding 4♠.

Director Ruling

The Director (Cooper in consultation with Moran) ruled that there was no infraction and the table result, 5♣ by South, down one, E/W +50, was allowed. East/West appealed because they believed the 5♣ bid was based upon South's long hesitation.

Director's Ruling	5♣ by S, Down 1, E/W +50
--------------------------	---------------------------------

Committee Ruling

North testified that he bid 3♠ to give South the opportunity to bid 3NT and that he always intended to bid 5♣ to keep slam possibilities alive (in light of South's "free" 3♣ bid showing extra values).

The Committee felt that at Board-A-Match scoring, some number of North's peers would have given serious consideration to passing 4♠. Therefore, 4♠ by North was made the final contract. Most lines of play seem to lead to seven tricks, for down three. This result, 4♠ by North, down three, E/W +150, was assigned to both pairs.

Committee Members

Chair	Richard Colker
Member	Marlene Passell
Member	Norma Sands
Member	John Blubaugh
Member	Jon Brissman

Commentary

Bethe: I have no comment but I find North's explanation problematic since 5♣ now sounds like 3♣ was an advanced cuebid.

Colker: I still agree with our ruling.

Kaplan: I agree. The Director's ruling illustrates exactly why we don't want Directors to try to exercise much bridge judgment.

Meckstroth: A good ruling. 4♣ definitely should be the contract. I feel the 5♣ bid is disgusting and the North players should be reprimanded.

Rosenberg: A very good ruling.

Sutherlin: A good decision. The initial Director's decision was very poor. 5♣ should be a cuebid. It's clear to me that North bid 5♣ based on the tempo of South's bid, so a three match point penalty should have been assessed to North/South.

Weinstein: A good ruling. At matchpoints, rightly or wrongly, a pass of 4♣ might be considered. North's stated intentions when he bid 3♣ are not relevant, only his problem over the 4♣ raise.

Subject of Appeal:	Tempo	Event:	Flight A Swiss Teams	Case:	11
---------------------------	-------	---------------	----------------------	--------------	----


Auction

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

Explanation of Special Calls and Points of Contention

1: Break in Tempo
2: Break in Tempo

Hand Record

Board		N			
Dealer		S			
Vul		None			
			♠ Q643 ♥ 86 ♦ A9 ♣ K9853		
W				E	
				♠ 75 ♥ KQJ753 ♦ QJ764 ♣ (void)	
S					
				♠ KJ ♥ A4 ♦ K1053 ♣ AJ764	

Final Contract	Result of Play	Score	Opening Lead
4♣ by N	Made 4	N/S +130	

Facts

It was alleged by East/West that North broke tempo before the double. This was disputed by North/South. North was also alleged to have broken tempo before passing 3♣.

Director Ruling

The Director (Popalawsky in consultation with Johnston) ruled that South had unauthorized information from the tempo of North's Double. Passing 2♥X was deemed a logical alternative to bidding. The result was changed to 2♥X by East, making three, E/W +570. North/South appealed, denying the hesitation and suggesting that 3♣ was a clear action.

Director's Ruling	2♥X by E, Made 3, E/W +570
--------------------------	-----------------------------------

Committee Ruling

East testified that North hesitated 6-8 seconds before Doubling 2♥. North/South claimed little or no break in tempo. The Committee felt that the North hand together with the nature of the auction probably indicated some hesitation, perhaps somewhere between the two claims. However, some hesitation in this type of situation is reasonable and appropriate. Also, such a hesitation did not seem to carry information to South and South's hand suggested pulling, especially when no agreement existed about the meaning of the Double. The table result of 4♣ by North, making four, N/S +130, was restored.

Committee Members

Chair	Richard Colker
Member	David Treadwell
Member	Michael Huston

Commentary

Bethe: In the absence of agreement, North/South must be presumed to play Penalty Doubles, e.g. North has four hearts. South must Pass unless there is truly no informational content to the hesitation. That may be the case.

Colker: I totally agree with this ruling. Contrast this case with the preceding one. There, in a constructive auction, one player hesitated before raising his partner (on a singleton deuce), and the partner (at Board-A-Match) pulled the major suit game to five of a minor suit. On the other hand, here, in a highly competitive auction, one player hesitates a few seconds before making a competitive Double (sitting under the opposing bidder) and his partner reasonably pulls with a doubleton trump, nine cards in the minor suits, and less than expected defense. This hand points out the need for new procedures regarding tempo in competitive auctions which have already been proposed by the ACBL Competition Committee. Players should be required to pause in competitive auctions such as this one, not punished for doing so!

Goldman: I disagree. If an information giving break in tempo occurred, and it appears it did, South must be made to Pass 2♥. South had his opportunity to make the “clear” 3♣ bid the round before

Kaplan: I strongly disagree. If North had used Stayman with four hearts, he would have produced a Double that most Souths would Pass without thinking twice about it. If “no agreement existed about...,” then Double was for penalties. This is the sort of ruling that gives Committees their former terrible reputation.

LeBendig: If there was no agreement as to the meaning of the Double, how can we allow the tempo to clarify when it is penalty and when it isn't? I believe the Directors were correct here since there seems to have been a break in tempo.

Meckstroth: A terrible ruling!! How can you let people play bridge like this? If the Double was fast, South would Pass. North would have four hearts like he's supposed to. This one was easy and you missed it. We cannot allow bridge to be played this way.

Rosenberg: On the facts presented, this is an appalling ruling. If no agreement existed about the Double, South had an obligation to consider that North had what was now known to be impossible (because of the huddle), i.e. a sharp Double. It is standard that a 1NT opener has already described his hand, and any Double by partner is penalty without agreement. South's bidding was analogous to a player preempting, and then bidding again after partner huddles. The Director's ruling was correct. South should be censured and the case recorded if the Committee feels the player should have known better.

Weinstein: This appeal goes directly to the problem of what constitutes a break in tempo. I disagree with the Committee's analysis that if a hesitation did occur it didn't carry information for South. If a break in tempo had been established it clearly suggested to South that removing the Double might be the winning action and I would disallow the 3♣ bid. However, based on the testimony I agree with the Committee that the Double was made in an appropriate tempo and without corroborative evidence that the alleged offending pair made other clear Penalty Doubles in a faster tempo, I would also rule that a break in tempo had not occurred.

Goldman proposed in the Daily Bulletin in Albuquerque that all bids must be made in two to six second tempo until a partnership is clearly not involved in the auction, with ten second huddles mandatory after a skip bid when the partnership is still involved. Also all Doubles and signoffs in game or slam tries are considered “tempo sensitive” and must be made in deliberate tempo. If all pairs followed these suggestions (hopefully at some time in the near future this will become more than a suggestion), appeals (such as this one), where the Committee is put in a difficult position of having to determine the length of the huddle and whether this constitutes a break of tempo for that player, would not be necessary. I think Goldman's proposal makes sense and is doable. However he suggests that failure to adhere to the guidelines would not be punishable in itself unless done deliberately. Currently almost all Committees are a result of slow tempo. Too fast tempo, though often providing as much unauthorized information, goes unpunished (though a bid by an opponent taking advantage of his partner's failure to heed a skip bid was reversed in Albuquerque). I believe that to get players to adhere to this proposal will take more of a stick with automatic penalties for repeatedly ignoring the ethical obligations to bid (and play?) in a minimum proper tempo regardless whether their partner may have benefited from unauthorized information. Too many players blatantly ignore or display a lack of interest after skip bid warnings or in similar situations for me to believe that without some coercion we'll get adherence to the proposal from those who need to be adhering to the standards proposed. The standards proposed are not any different than the tempo that should already be practiced by actively ethical partnerships. The ACBL should take the lead in this regard educating and enforcing what should be standard active ethics. In Albuquerque it was demonstrated to me how awful the ethics are in many parts of the world, whether as a result of ignorance, intentional desire to transmit information, or most often just a lack of caring. Though the ACBL seems much better than most of the world there is no reason the expectations shouldn't be higher than they are currently and Goldman's proposal is a good step forward.

Subject of Appeal:	Tempo	Event:	NABC Spingold Teams	Case:	12
---------------------------	-------	---------------	---------------------	--------------	----

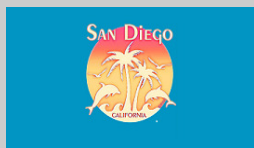
Auction

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

Explanation of Special Calls and Points of Contention

1: Break in Tempo

Hand Record

Board		N		
Dealer		E		
Vul		Both		
		♠ J2		
		♥ 1087		
		♦ J543		
		♣ 10654		
W				E
♠ A873				♠ Q94
♥ J				♥ AKQ532
♦ K98				♦ A6
♣ KJ832				♣ A7
		S		
		♠ K1065		
		♥ 964		
		♦ Q1072		
		♣ Q9		

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

Facts

East broke tempo before bidding 6NT.

Director Ruling

The Director (Hubert conferring with Cukoff) ruled that there was unauthorized information available to West by the tempo of the 6NT bid. The result was adjusted to 6NT by East, making six, E/W +1440. East/West appealed the ruling.

Director's Ruling	6NT by E, Made 6, E/W +1440
--------------------------	------------------------------------

Committee Ruling

It was the Committee's feeling that the most likely message conveyed by the break in tempo before the 6NT bid was that there was some uncertainty about what the final contract should have been at the six level. In theory, East had already shown solid hearts and there was no suggestion, the Committee felt, that 7♥ was going to be more successful. West surmised that the ♥J was a key card and based on that the Committee decided to allow the 7♥ bid since there did not seem to be a message conveyed by the speed of the 6NT bid. The table result of 7♥ by East, making seven, E/W +2210, was restored.

Committee Members

Chair	Alan LeBendig
Member	Ralph Cohen
Member	David Treadwell
Member	Robert Lipsitz
Member	Curtis Cheek

Commentary

Bethe: East had, at least in most expert methods, promised all the key cards and the ♥Q. West's bid was made on the auction, not on any information in the bid.

Colker: I agree with LeBendig. East clearly could have been deciding between 6♥ and 6NT, and 7♥ could have had no play! The break in tempo was not really informative.

Goldman: 7♥ was not a superior contract to 6NT. In any case, no score adjustment should be in order when "purported" taking advantage does not produce equity advantage. In such cases, luck and lie of the cards has produced a swing and an appeal should be limited to procedural penalties if the Committee feels unethical activity occurred.

Kaplan: I agree. There was no suggestion, so no score adjustment.

LeBendig: I feel this is a good example of where the Directors made the correct ruling as did the Committee.

Meckstroth: Bad ruling. 6♠ would be a grand slam try, not 6NT. When the Blackwood bidder bids 6NT, he's simply saying No Trump is the safest slam. West had shown all of his cards, both kings and an ace. East's hesitation showed concern about heart solidarity and a thirteenth trick. West knew he had the values now, ♥J and fifth club and ♣J to make seven a decent bet. This hesitation was equivalent of Key Card Jackwood. If East had bid 6♠ over 6♣, the auction would still be looking for seven. If West had a 7♥ bid it was over 5NT, not after a long hesitation.

Rosenberg: I agree with the ruling, with some reservations. Had East bid 6♥ instead of 6NT, I would not allow West to bid 7♥, since he failed to bid it over 5NT. However, after East's 6NT, which presumably shows an extra value (not that East really hadn't), West is entitled to bid 7♥.

Weinstein: I don't like this ruling. West could easily have been thinking about making a try for seven. Even if East was only 30% to be thinking about making a try for seven, this could sway West's decision. East should know what his next bid is going to be before bidding 5NT and he effectively barred West unless West held very good clubs. Whether the huddle was based upon indecision of which strain to play at the six level or consideration of seven is no worse than over an in tempo signoff and may well be better. The 7♥ call should not have been allowed. If 7♥ was clear by West, he should have bid it over 5NT.

Subject of Appeal:	Misinformation	Event:	NABC Life Master Pairs	Case:	13
---------------------------	----------------	---------------	------------------------	--------------	----


Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Preemptive raise in diamonds

Hand Record

Board		N			
Dealer		E			
Vul		None			
W				E	
♠	A1054			♠	832
♥	53			♥	K97
♦	A862			♦	KQ1097
♣	A82			♣	K7
		S			
		♠	Q7		
		♥	108642		
		♦	5		
		♣	J9654		

Final Contract	Result of Play	Score	Opening Lead
3♥X by S	Down 2	E/W +300	

Facts

East's 2NT bid was Alerted and explained as a preemptive diamond raise. When the hand was over, East informed North/South that he had intended 2NT as a limit raise of diamonds.

Director Ruling

The Director (Tench in consultation with Cukoff) ruled that there was no infraction and the table result, 3♥X by South, down two, E/W +300, was allowed. North/South appealed the ruling.

Director's Ruling	3♥X by S, Down 2, E/W +300
--------------------------	-----------------------------------

Committee Ruling

South argued in Committee that East's final Double might have been influenced by the unauthorized information from West's mistaken explanation of 2NT and that East really didn't have a Double (he had already bid the values with 2NT) and that West had indicated his willingness to sell out to 3♥ undoubled. South further argued that had West given him the correct information that East's 2NT bid was invitational, he (South) might not have bid 3♥ (although, he admitted, he still might have done so due to his good distributional values).

The Committee felt that South's 3♥ balancing bid was action virtually all of South's peers would take. Therefore, the 3♥ bid was allowed to stand.

The Committee also felt that East was under an obligation to continue bidding and playing as though West had interpreted the 2NT bid as he had intended it. East's Double of 3♥ was a normal action with his cards and Pass was not a logical alternative in the Committee's opinion. Therefore, the bridge result achieved at the table, 3♥X by South, down two, E/W +300, was allowed.

The Committee felt there had been a disruption caused by West's misexplanation (and distortion) of his partnership's understanding. East/West were assessed a one-quarter board penalty for not knowing their agreements. The National

Recorder and the NABC Appeals Committee Co-Chairmen were asked by the Committee to consider this and past history for possible disciplinary action if future Committee appearances or recorder slips involving this pair should occur.

Committee Members

Chair	Richard Colker
Member	Mary Jane Farrell
Member	John Brissman
Member	John Blubaugh
Member	Bobby Goldman

Commentary

Bethe: The Committee did an outstanding job here, both considering the bridge situation and in assessing the disciplinary penalty.

Colker: I wholeheartedly agree. An excellent ruling!

Kaplan: I agree that +300 should stand. However, the penalty for not knowing agreements is in contravention of the Laws, of a specific interpretation issued by the Laws Commission. On appeal, the Laws Commission would invalidate the penalty. The Committee seems to have had a grudge against East/West, perhaps for good reason, but this does not justify contempt for the Laws.

LeBendig: A good decision with good documentation of the reasoning the Committee went through. The Laws do not allow us to issue procedural penalties when players forget their agreements. However, the ACBL has a regulation requiring players to know what their agreements are. I believe the Committee properly felt that there was not a clear agreement here as opposed to a "forget". If that was the case, the penalty is totally appropriate. Once again, as in Case Three, it would improve the entire process if such penalties were imposed on the floor. Until that time arrives, I see nothing wrong with Committees dispensing such penalties.

Meckstroth: A very close decision, well documented. It seems like the ruling is okay. It is definitely a must to assess a procedural penalty if the result is allowed to stand.

Rosenberg: I would allow East's Double, provided he convinced me of his competence; that he didn't Double partly because of partner's misexplanation. However, I strongly disagree with the assessment of a procedural penalty. The Committee ruled "no damage" to North/South. Thus, if Nort/-South themselves had seen it that way at the table, there would have been no Committee, and then no penalty would even have been considered. These random penalties, which are dependent on a Committee being called, must be removed from the process.

Treadwell: A good Committee decision. Even with the bidding mix-up by East/West on the meaning of the 2NT call and the information conveyed by the Alert, East must bid the cards as he sees them and he certainly has a penalty Double. It also is appropriate to give East/West a procedural penalty for the mix-up in this simple decision.

Weinstein: I'm not sure that Pass isn't a logical alternative here. I can't believe that there aren't some players out there who would not seriously consider passing. I would be inclined to give East/West +100. Since the Committee allowed the score to stand, I certainly agree with the procedural penalty.

Subject of Appeal:	Misinformation	Event:	NABC Life Master Pairs	Case:	14
---------------------------	----------------	---------------	------------------------	--------------	----


Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Transfer to Clubs
2: Alerted, Stayman

Hand Record

Board		N			
Dealer		E			
Vul		None			
W				E	
♠	Q54			♠	J1086
♥	KQ105			♥	A43
♦	K3			♦	AQ98
♣	9763	♣	A2		
		S			
		♠	AK932		
		♥	976		
		♦	J5		
		♣	KQ8		

Final Contract	Result of Play	Score	Opening Lead
4♥ by E	Down 1	N/S +50	

Facts

2♠ was Alerted and explained as a transfer to clubs.

Director Ruling

The Director (Nachtwey in consultation with Mollemet) ruled that there had been no infraction and the result, 4♥ by East, down one, N/S +50, was allowed to stand. East/West appealed because they felt that a pair playing that the NABC Life Master Pairs Finals should know what they play over a strong No Trump and they felt they had almost no chance to get to the right place with the information given and they also felt the offender's partner might well have acted over 3♣ if he had really believed his partner had clubs.

Director's Ruling	4♥ by E, Down 1, N/S +50
--------------------------	---------------------------------

Committee Ruling

The Committee discovered that North/South were an occasional partnership who played three or four times a year. The testimony by North/South indicated that South simply bid too fast and forgot that he was playing transfer overcalls of 1NT (this event marked the first time he had played this system). He had, in fact, used them correctly on one or two occasions earlier in the event. Thus, this was a momentary mental slip: he had bid reflexively and pulled the 2♠ card out of the bidding box. All of the players testified that South had concealed his mistake well at the table. None of them suspected the error from his actions or mannerisms.

Players are allowed to forget a convention (as opposed to not understanding their convention or not having sufficiently discussed how or when to use it). Therefore, no penalty was assessed North/South. East-West was not entitled to any redress (and they did not ask for any). Since East/West's motivation for bringing the appeal was to have a Committee consider possible disciplinary actions against North/South for the convention disruption, the Committee did not consider the appeal to be without merit.

Committee Members

Chair	Richard Colker
Member	Martin Caley
Member	Jon Brissman
Member	Ralph Buchalter
Member	Jeff Meckstroth

Commentary

Bethe: Well, yes, but is this a case for Wolff's convention abuse disciplinary penalty? On the other hand, if West Passed and Doubled 3♣, wouldn't he have scored +800?

Kaplan: I agree, but players are also entitled (in Law) to fail to understand, or fail to discuss, their methods. Any penalty must be outside the Laws, disciplinary in nature rather than procedural (i.e., they may not use the convention; they must play a standard card, they may not play in the next event; or the like).

LeBendig: A notable difference between this case and Case Thirteen.

Meckstroth: I feel we did look on the appeal unfavorably. I think we made a mistake in not ruling this one as frivolous. As I recall, East/West did have some hope of an adjustment. Can the Directors assign penalties if warranted? If not, they should be given the license to keep this kind of case out of Committee.

Rosenberg: Good ruling.

Treadwell: Usually when a pair forgets a convention, particularly a transfer bid or something equally esoteric, they wind up with a disaster. Occasionally, they will get a good score and this they are entitled to keep provided it is crystal clear that the opponents were given correct information by the Alerter, and that the Alerter bid in accordance with this. Thus, in this case, the Committee correctly let the North/South score stand with no procedural penalty involved.

Weinstein: Apparently the Committee wanted to impose a procedural penalty, but were legally unable to do so because of the bizarre rule that you can only impose a procedural penalty if the offenders are unsure of their methods, but can't do so if they ostensibly know their methods but forget them momentarily. The Committee did what they could without accusing the offenders of unethical behavior, such as the failure to raise clubs by North.

Subject of Appeal:	Misinformation	Event:	NABC Women's KO Teams	Case:	15
---------------------------	----------------	---------------	-----------------------	--------------	----

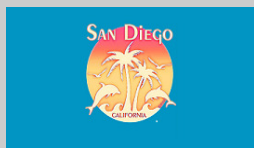
Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Forcing one round
2: Alerted

Hand Record

Board		N	
Dealer	W	♠ K65	
		♥ J10653	
Vul	N/S	♦ K7642	
		♣ (void)	
W			
		♠ AJ1083	E
		♥ A97	♠ 94
		♦ J109	♥ 82
		♣ 43	♦ 853
			♣ KQJ875
		S	
		♠ Q72	
		♥ KQ4	
		♦ AQ	
		♣ A10962	

Final Contract	Result of Play	Score	Opening Lead
2♣ by W	Down 3	N/S +150	

Facts

The Director informed East/West that their 2♣ bid required a "Special Alert" and should be marked with a "special" on their card. The Director also informed East/West that a pre-Alert of light initial actions should be made and should also be marked on their convention card.

Director Ruling

The Director (Compton in consultation with Ashton) allowed the score, 2♣ by West, down three, N/S +150, to stand, although 2♣ should have been Special Alerted. North/South appealed because a Special Alert was not made,

Director's Ruling	2♣ by W, Down 3, N/S +150
--------------------------	----------------------------------

Committee Ruling

South testified that she would not have acted any differently had she known West could have as few as two clubs for the 2♣ bid. So the possible failure to "Special Alert" 2C was not deemed relevant. Bobby Goldman, who helped draft the new Alert procedures was summoned by the Committee and he testified that he felt that the Alert of 2♣ as possibly being a doubleton was not intended to be "Special."

West's opening was not deemed "light" by the measure of being at least a king below "normal" high card point expectations. South could have Doubled 1NT and avoided the whole problem.

The Director led North/South to believe that East/West had done two things wrong against them, a light opening bid and no Special Alert of 2♣. The Committee felt that the appeal was not without merit because of the Director's actions. However, had the Director not contributed to North/South's feeling of having been wronged, the appeal would have been viewed as frivolous.

Committee Members

Chair	Richard Colker
Member	Mike Aliotta
Member	Bill Passell
Member	Ed Lazarus
Member	Nell Cahn

Commentary

Bethe: Good, but is a takeout double of a forcing 1NT response appropriate on the South hand? I don't think so. You have no desire to hear diamond competition from North, and the clubs aren't good enough to bid three nor the spade stopper good enough to bid 2NT over 2♦. South was victimized by the opponents' methods, not by their failure to clarify the auction.

Colker: I agree with the ruling. Even with the Director's "leading" actions, South's appeal seriously bordered on the frivolous (and might be a bit over the border).

Kaplan: I agree.

Meckstroth: An interesting case. I disagree with Goldman about 2♣ not being a Special Alert. This is exactly the type of bid that should require a Special Alert, one where the opponents are likely to assume something different. Other examples of Special Alerts: 2♦ forcing Stayman; semi-forcing 1NT response (opponents are likely to assume it is forcing if not Alerted); and a Negative Double of a 1♥ overcall that denies four spades. Currently I don't believe there is any penalty for failing to Special Alert. I feel the ruling was okay under the current rules.

Rosenberg: Good Ruling.

Treadwell: This comes close to being a frivolous appeal by North/South since, by their own admission they were not damaged by the minor slips in the Alert procedure by East/West. They were damaged by their overly timid bidding style. I am curious, however, as to why West did not bid 3♣ over 2♣ as a preemptive measure, if nothing else.

Weinstein: I think the Committee was right on target here.

Subject of Appeal:	Misinformation	Event:	0-299er Pairs	Case:	16
---------------------------	----------------	---------------	---------------	--------------	----

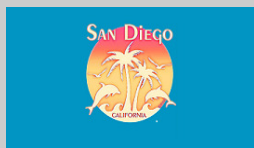
Auction

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

Explanation of Special Calls and Points of Contention

1: No Alert, Asking ♣ Control
2: No Alert, Denied ♣ Control

Hand Record

Board		N		
Dealer	N	♠ 4		
Vul	Both	♥ Q962		
		♦ Q954		
		♣ A1095		
W				E
♠ A52				♠ KQ8763
♥ J85				♥ K10
♦ A3				♦ 10
♣ KQ874				♣ J632
		S		
		♠ J109		
		♥ A743		
		♦ KJ8762		
		♣ (void)		

Final Contract	Result of Play	Score	Opening Lead
4♠ by W	Made 5	E/W +650	

Facts

3♣ asked for controls in clubs and was not Alerted. 3♦ indicated no club controls in East/West's system and was also not Alerted. The defenders were given the information before the opening lead. They were told that 3♦ denied controls. South, believing it denied controls in all suits, chose the ♥A to lead, hoping for an encouraging heart from his partner for the entry for the club ruff. The defense subsequently erred and permitted eleven tricks to be taken.

Director Ruling

The Director (Mitchell in consultation with MacCracken) ruled to allow the result, 4♠ by West, made five, E/W +650, to stand. The Directors felt there was misinformation and unauthorized information from the failure to Alert the 3♣ bid. No adjustment was given because there was no logical alternative to the 4♠ bid and there was no damage to North-South since they were given the proper explanation before the opening lead. This was appealed by North/South because they claimed the unauthorized information (no Alert) may have caused East/West to bid a game on his hand when they otherwise might not have. North/South also claimed the insufficient explanation of the auction may have influenced the opening lead.

Director's Ruling	4♠ by W, Made 5, E/W +650
--------------------------	----------------------------------

Committee Ruling

West contended that he was looking for the magic hand for slam and would always get to game. The Committee felt that the failure to Alert did not materially affect the auction and that the unauthorized information did not suggest a line of action.

North/South claimed that the insufficient explanation of the auction may have influenced the opening lead. The Committee agreed that the ♥A was a better lead if it is known that East has no side controls than if he might. The Committee decided to allow the alternative lead of ♦7. The Committee could not determine what the ultimate result would

have been with this lead. It seemed to be fifty-fifty guess. So, the Committee awarded 50% of the matchpoints for 4♠ making four, +620 and 50% of the matchpoints for 4♠ going down one, -100.

The Committee carefully considered the matter of a procedural penalty to East/West for altogether failing to Alert and for giving an inadequate explanation. The Committee instructed East/West that these errors would be liberally punished in high-level competition, but the sincere lack of understanding by East/West was sufficient to convince the Committee that instruction without a big stick was more important than a matchpoint procedural penalty.

Committee Members

Chair	Michael Huston
Member	Ed Lazarus
Member	Ralph Buchalter

Commentary

Bethe: While I understand the Committee's change of the lead, I do not understand allowing the contract to go down. Assume that there is a diamond lead and East draws three rounds of trumps, then correctly plays the ♣J. Whether North wins or not, East will have time to establish the ♥J for a discard and make +620. And I absolutely agree with no procedural penalty at that level.

Colker: The Committee's ruling would have been fine except for the fact that, subsequent to all of the problems over Alerts and opening leads, North/South appear to have erred in the defense and allowed eleven tricks to be made (i.e. they took only one club trick). North/South were not entitled to redress from this error. Therefore, I would have ruled to assign each side the average of the matchpoints for 4♠ making five. Unless, of course, the error in the defense which sacrificed the second club trick could be demonstrated to have been related to the earlier problems, a scenario I seriously doubt.

Goldman: How does 4♠ ever go down in 0-299er pairs? This requires the duck of the first club and a misguess. If the actual result was making five, then 20%-50% for five, 50%-80% for four is a reasonable adjustment if the proper information was not given before the opening lead. Was it??

North/South had legitimate potential damage of Doubling an artificial 3♦ and saving in 5♦. Big league bridge lawyers would have claimed it and probably would have prevailed.

Kaplan: A foolish ruling. South made a gambling lead and must live with it. North/South misdefended at the table, and may not correct their defense in the Committee room.

LeBendig: It is unclear from the write-up exactly what North/South were told. However, I think the result should have stood under either situation. I also agree with no procedural penalty given the level of play. At a Flight A level, I believe it would have been totally appropriate. Once again, it would make it more evenhanded if such penalties were also assessed on the floor.

Meckstroth: The right idea but, in my opinion, the wrong adjustment. The ♥A lead is very attractive under any circumstances. If the explanation regarding controls was clearly deficient, that carries weight for North/South but doesn't affect the ♥A lead very much at all. How did East-West make +650? North/South has an obligation to play on regardless and the adjustment is too favorable for them. Half -650, half -620 is much better (4♠ is always cold). West can develop a slow heart trick for a pitch. A procedural penalty against East/West seems warranted here. An alternative is to allow +650 with procedural penalty since ♥A lead is so attractive.

Rosenberg: I disagree with this ruling. On the facts as presented, South had no reason to believe East had no control in hearts or diamonds. Therefore, the result should stand.

However, if South had been misinformed, and that led to possible damage, the score should have been adjusted. No procedural penalty should have been awarded.

Weinstein: A bad ruling. What happened to the defender's other club trick? Although I disagree with the Committee as to misinformation, the score should have been split to making five half the time and making four half the time for the non-offenders and either a split score (making four or five) or making four for the offending side.

Subject of Appeal:	Misinformation	Event:	Stratified Seniors Pairs	Case:	17
---------------------------	----------------	---------------	--------------------------	--------------	----


Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Transfer to Spades

Hand Record

Board		N			
Dealer		N	♠ KQ ♥ A10864 ♦ AK10963 ♣ (void)		
Vul		None			
W				E	
♠	AJ1093			♠	87542
♥	Q9			♥	J53
♦	7			♦	42
♣	109872			♣	QJ6
		S			
		♠	6		
		♥	K72		
		♦	QJ85		
		♣	AK543		

Final Contract	Result of Play	Score	Opening Lead
6♥ by N	Made 6	N/S +980	♣Q

Facts

There was no Alert of the 2NT bid which could have any distribution. 3♥ was Alerted as a transfer to spades. There was no correction of the misexplanation of the 3♥ bid before the opening lead was made.

Director Ruling

The Director (MacCracken in consultation with Rogers) ruled that misinformation had been given by the failure to Alert 2NT and the misalert of 3♥. The result was changed to Average Plus for East/West, Average Minus for North/South.

Director's Ruling	N/S: AVE- E/W: AVE+
--------------------------	----------------------------

Committee Ruling

The Committee ruled Average Plus for East/West, Average Minus for North/South because of the misalert. The Committee Chairperson did not document the Committee's reasoning.

Committee Members

Chair	George Dawkins
Member	Wayne Hascall
Member	Steve Lawrence

Commentary

Colker: This ruling is okay as far as it goes. However, the failure to inform East/West of the misalert of 3♥ was a serious enough infraction that the assessment of a procedural penalty of a few matchpoints against North/South seems appropriate.

Kaplan: North's auction speaks for itself; how were East/West damaged? East would have led the ♠Q regardless. I would let the score stand but penalize North-South.

LeBendig: I feel the simplest solution here is to give a procedural penalty to North/South for failing to correct the misinformation prior to the opening lead. I hope at the very least this was explained to them. In the meantime, the auction was self-explanatory as to what North held. It feels wrong to change the table result. If I did agree with an adjustment, I would never concede the South lead. The adjustment arrived at would have been the proper one.

Meckstroth: A good ruling as far as protecting East/West. Perhaps they should get 6♥ down one, +50, since a spade is a normal lead versus a slam. I feel North/South should get a disciplinary penalty for a lack of disclosure before the opening lead. This was very serious. If people are ignorant of obligations, it is critical that we educate everyone. Hopefully the Committee sternly cautioned North/South but without documentation we'll never know.

Rosenberg: I don't like this type of ruling. The Committee should analyze what would have happened without the infractions, giving all benefit of any doubt to the non-offending pair. I would simply rule 6♥ down one, since East might have hit on a spade lead, if correctly informed.

Weinstein: Unless the offenders made a good case in Committee that I can't see, I believe an appeal without substantial merit penalty could have been assessed.

Subject of Appeal:	Misinformation	Event:	Stratified Seniors Pairs	Case:	18
---------------------------	----------------	---------------	--------------------------	--------------	----

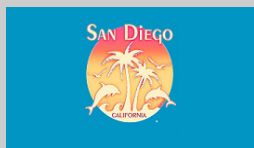
Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Single Suited Hand
2: Alerted, Transfer to Spades

Hand Record

Board		N			
Dealer	E	♠	K1075		
		♥	J87		
Vul	Both	♦	K953		
		♣	Q5		
W				E	
♠	(void)			♠	AJ6
♥	Q6542			♥	AK109
♦	10864			♦	A7
♣	K1043			♣	J982
		S			
		♠	Q98432		
		♥	3		
		♦	QJ2		
		♣	A76		

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

Facts

The 2♥ bid was Alerted as a Jacoby Transfer to spades.

Director Ruling

The Director (Wood) ruled that there was misinformation and unauthorized information from the Alert of 2♥ but there was no damage done because passing 2♠ was not a logical alternative for West. The result, 4♥ by West, made four, E/W +620, was allowed.

Director's Ruling	4♥ by W, Made 4, E/W +620
--------------------------	----------------------------------

Committee Ruling

The Committee felt that there was misinformation given but there was no damage. The table result, 4♥ by West, made four, E/W +620, was allowed to stand. The Committee Chairman did not document the Committee's reasoning.

Committee Members

Chair	George Dawkins
Member	Wayne Hascall
Member	Steve Lawrence

Commentary

Bethe: I wholeheartedly agree.

Colker: A classic case of unauthorized information, but no concomitant damage. A good ruling.

Kaplan: I agree.

LeBendig: I agree with West not passing 2♠. It seems the logical meaning is cuebid.... If so, would 3♣ be appropriate? This might have gotten messy had West not "turned down" the invitation with his 3♣ bid. I'm not sure I would want a different decision, but I would want to discuss it.

Meckstroth: I propose to all NABC Appeals Committee members that if there is no documentation of these cases then the members should be subject to removal from the NABC Appeals Committee. This is critical business for the game of bridge and God (and everyone else) knows about the problems with the process. We are on the right track by publicly examining these cases and voicing our opinions. Let's keep it going and improve the consistency of the rulings and the quality of the Committees. At the beginning of every hearing a "scribe" should be designated. This should be someone who is responsible for the write-up. The more complete the better. Colker's write-up of Case Seven is a splendid example and hats off to Popper for his written opinion as well.

Anyway...this is a bad ruling. Why? West took advantage of unauthorized information. He heard the Alert as a transfer. If there was no Alert and 2♠ was bid, he would not rebid hearts but try a minor suit. Granted he doesn't have to pass 2♠ with a void but if he bids three of a minor suit, his partner may still think he has spades and a minor suit. A minimum of Average Minus to East/West plus a disciplinary penalty.

Rosenberg: No! It is true that passing 2♠ was not a logical alternative for West, but neither was rebidding his moth-eaten suit, if East "knew" West had hearts. Only 2NT and 3♣ are logical, after which East would bid 4♠! Had West bid 2NT, East-West could probably escape in 5♥ now since both players would be entitled to "figure out" what had happened. Had West bid 3♣, they would probably reach slam, perhaps doubled, +100 to North/South is probably enough punishment on this hand.

Weinstein: I think the Committee didn't consider the possible damage long enough. If 2♠ was clearly a game try in hearts, there is a case that 3♥ was clear, but West might consider a game try. If there is ambiguity whether 2♠ is natural, then West should not be bidding 3♥, but rather 2NT, 3♣, or 3♦. East might now jump to 4♠. If the Committee considered 2♠ to be a natural or ambiguous, then they should rule against the offenders, giving Average Plus to the non-offenders and Average Minus to the offenders.

Subject of Appeal:	Misinformation	Event:	NABC IMP Pairs	Case:	19
---------------------------	----------------	---------------	----------------	--------------	----


Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Natural, Invitational

Hand Record

Board		N	
Dealer	W	♠ K653	
Vul	None	♥ J82	
		♦ AQJ103	
		♣ 8	
W			
♠	109		E
♥	AK53		♠ QJ82
♦	9754		♥ 7
♣	AK9		♦ 62
			♣ QJ10632
		S	
		♠ A74	
		♥ Q10964	
		♦ K8	
		♣ 754	

Final Contract	Result of Play	Score	Opening Lead
4♣ by E	Down 1	N/S +50	

Facts

3♣ was Alerted and the explanation was natural and invitational. After the auction, East explained 3♣ as four spades and six clubs weak. This was the East/West agreement.

Director Ruling

The Director (Bates in consultation with Cukoff) ruled that there was no infraction and the result, 4♣ by East, down one, N/S +50, was allowed to stand. North/South appealed the ruling.

Director's Ruling	4♣ by E, Down 1, N/S +50
--------------------------	---------------------------------

Committee Ruling

North/South testified that they believed East's pull of 3NTX suggested diamond shortness since it was clear that North's Double was based on diamond length (North had not previously entered the auction). Since West knows that East is short in diamonds, it was unreasonable for West to pass 4♣. Most players would be closer to bidding 4♥ looking for a slam than passing. West Alerted 3♣ as showing one kind of hand and acted as if he had another.

The Committee found that East/West had an uninterrupted sequence where 3♣ was Alerted and explained as natural and invitational. East had a weak four-six hand and the bid was not invitational. East was allowed to remove 3NTX to 4♣ and exercise his bridge judgment. East had the knowledge that his partner's 1NT rebid had limited his hand and the combined assets could not produce nine tricks in No Trump. There was some sentiment on the Committee that the West hand should have moved over East's 4♣ bid, still thinking that East had an invitational hand. If East had no values in diamonds, West's hand was golden and might well have considered cuebidding 4♥ and bidding a club slam. However, the Committee decided it could not impose action on the West hand in an uncontested auction. West could have woken up and remembered his agreement that he was playing weak four-sixes and simply failed to Alert at that point. He could have exercised bad bridge judgment and believed that on a high card point basis game was not possible. Perhaps he was simply relieved not to be playing a Doubled contract any longer. If West simply realized they were playing weak four-sixes

and failed to Alert, then the North/South pair would be entitled to nothing because they were not bidding on (this was an uncontested auction from the go). The Committee felt that North/South would have scored +150 for beating 3NT three tricks without the double and ruled that the table result, 4♣ by East, down one, N/S +50, should be allowed. The Committee did feel that the East/West pair had an obligation to the field to disclose and accurately portray their partnership agreements and when that was not done in this case. The Committee assessed a one IMP procedural penalty against East/West that did not accrue to the North/South pair. The protest was not deemed frivolous.

Committee Members

Chair	Jon Brissman
Member	Jan Cohen
Member	Harvey Brody
Member	Bill Passell
Member	Jon Wittes

Commentary

Bethe: Even if 3♣ in invitational, 5♣ is unlikely to be cold and may be down off the top. If East is substantially distributional, while the ♠AK are surely valuable, there is no particular reason for the heart value to be particularly useful. The Committee did well although a case could be made for forcing West to bid again.

Colker: How could the director rule that “there was no infraction,” since there was clearly a misexplanation of the meaning of East’s 3♣ bid during the auction? Of course, this does not mean that there was necessarily any damage, or any redress due North/South. I think that the Committee’s ruling was reasonable: a small procedural penalty against East/West for not accurately disclosing their partnership agreements, but allowing West to bid as he desired since there was no unauthorized information present from East.

Kaplan: I agree with the ruling, but what is all that chatter about West’s Pass of 4♣? West has no unauthorized information, so he can bid whatever he pleases, even if the Committee disapproved of his action.

LeBendig: With no evidence presented of West being in possession of unauthorized information, how could we ever discuss forcing West to bid 4♣? The Committee made a good ruling since passing 3NTX was not a logical alternative. The procedural penalty is totally appropriate since East did not clear up this misinformation prior to the opening lead.

Meckstroth: Excellent documentation. Thank you. Who wrote this? I’d like to know because this person should be a regular “scribe” for Committees. (*Editor’s comment: The write-up was submitted by Chairperson Jon Brissman. The Committee Chairperson always submits the write-up unless otherwise noted.*) I completely agree with allowing the 4♣ bid. It is not clear if West should Pass but a nice job of careful examination of this by the Committee. I’m very comfortable with their decision here. I like the one IMP penalty. This seems just right, a small reminder to know their methods. Nice job by these five people.

Rosenberg: The committee should not have “decided it could not impose action on the West hand in an uncontested auction.” The main question is this: did East do anything, I mean anything to indicate that his partner had given the wrong explanation? Usually he does, and now East/West are fixed. West should be forced to raise to 5♣, and South should be allowed to Double for +300. Only if listening to all four players convinced me East had done nothing untoward, would I allow the result to stand.

The Committee was also wrong to feel North, by Doubling 3NT, had done anything to jeopardize his rights. And again, no procedural penalty should have been assigned to East/West, especially since East discharged his procedural obligation at the conclusion of the auction.

Treadwell: A good decision and fairly clear-cut. The only thing East/West did wrong was the misexplanation of the 3♣ bid, and this did not damage North/South. Only a one IMP procedural penalty was imposed to East/West. I would be inclined to give more if the East/West pair were experienced.

Weinstein: I agree with the ruling, but why in the world was the Committee considering whether the West hand should have moved over 4♣? Unless there was an allegation that East gave away unauthorized information, West could bid 7NT and Redouble and it shouldn’t have been relevant to the Committee’s decision.

Subject of Appeal:	Misinformation	Event:	NABC Red Ribbon Pairs	Case:	20
---------------------------	----------------	---------------	-----------------------	--------------	----

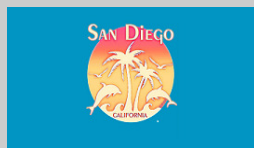
Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Heart support
2: "Oh well, I guess he has ♣'s"

Hand Record

Board		N		
Dealer	N	♠	KJ1075	
		♥	J973	
Vul	Both	♦	K86	
		♣	9	
W				E
♠	A	♠	98	
♥	86542	♥	Q	
♦	QJ3	♦	A974	
♣	KJ65	♣	Q108432	
		S		
		♠	Q6432	
		♥	AK10	
		♦	1052	
		♣	A7	

Final Contract	Result of Play	Score	Opening Lead
5♣X by E	Made 5	E/W +750	

Facts

South misdefended by ducking a club and getting end played. North/South felt they were misled by the explanation of the 3♣ bid.

Director Ruling

The Director (Alexander in consultation with Putnam) determined that North/South had been given misinformation and unauthorized information had been provided to East from the explanation of the 3♣ bid. However, there was no damage and the table result, 5♣X by East, made five, E/W +750, was allowed. North/South appealed because they felt that East/West had landed on their feet and were not sure they were entitled to do so.

Director's Ruling	5♣X by E, Made 5, E/W +750
--------------------------	-----------------------------------

Committee Ruling

The Committee felt that despite the somewhat confused explanation by West of the 3♣ bid, the 5♣ call was eminently reasonable. Therefore the table result, 5♣X by East, made five, E/W +750, was allowed. East/West was cautioned to be more careful in explaining their agreements.

Committee Members

Chair	David Treadwell
Member	Jo Morse
Member	Alan LeBendig

Commentary

Bethe: Why wasn't this frivolous?

Colker: This whole auction seems somewhat fantastic, and the description of the case does little to answer several important questions, the most critical of which concerns the meaning of North's passed-hand 2♣ bid on a singleton. Was it a psychic? Drury? A Bergen-type raise? If 2♣ was some sort of spade raise (as South's 3♦ bid suggests, since what else could 3♦ be but a game try in spades), then it should have been Alerted. Given no further information, this interpretation seems unavoidable. In light of this, the problem with the interpretation of East's 3♣ bid seems to have been due to North/South's failure to Alert 2♣, and the rulings of both the director and the Committee seem incorrect. The table result should have been allowed to stand, but only because East/West found their 5♣ save in spite of North/South's failure to Alert 2♣. It is North/South who should therefore have been given a procedural penalty (or a warning) for their negligence. I really can't find much to condemn East/West for. Even West's explanation of 3♣ as showing hearts seems plausible (the higher cuebid showing the higher of the two suits).

Kaplan: No!! Suppose West had explained 3♣ as a good hand with long clubs then had bid 3♥. Do you believe that West would now have bid 4♣? 4NT is possible; Pass is possible; Double is likely.

Meckstroth: A poor ruling in my opinion. Without unauthorized information, East would think his partner had the strong hand with hearts his 5♣ bid was based on. He had yet to show clubs! Opposite a strong heart hand, a Double of 4♣ seems normal with a stiff heart, perhaps a Pass if it is forcing, perhaps a 4NT takeout, but never 5♣. That is blatantly taking advantage by rebidding to avoid misunderstanding, similar to Case Nineteen. We should all know that East is required to bid as if no Alert was made. He is not entitled to hear his partner's mistaken explanation of his bid. What about North's 2♣ bid? Was this Alerted? I assume it was since it is not mentioned at all. (*Editor's comment: All bids that were indicated as Alerts on the appeals sheet are included. Committee Chairpeople should take care to make sure all Alerts are indicated in the reports*). If it was, then this is a terrible ruling. East should be punished for blatant use of unauthorized information.

Rosenberg: Good ruling.

Weinstein: I'm not quite sure what's happening here? Was 2♣ Drury and 3♦ a game try? Was it not Alerted contributing to the opponent's confusion? Assuming 2♣ was Drury and Alerted properly, I don't agree with the Committee. Although the 5♣ call was eminently reasonable it was not the only logical alternative and may have been suggested by the unauthorized information. I believe 4♣ making should have been the result.

Subject of Appeal:	Misinformation	Event:	NABC Mixed Teams	Case:	21
---------------------------	----------------	---------------	------------------	--------------	----


Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Card Showing

Hand Record

Board		N		
Dealer	W	♠ AK762		
		♥ J9		
Vul	None	♦ 62		
		♣ J876		
W				E
♠ J9843				♠ (void)
♥ Q65				♥ A10742
♦ Q3				♦ AK94
♣ AK9				♣ 5432
		S		
		♠ Q105		
		♥ K83		
		♦ J10875		
		♣ Q10		

Final Contract	Result of Play	Score	Opening Lead
3♠X by N	Down 3	E/W +500	

Facts

East Alerted West's double of 3♠ and explained it as card showing. Declarer expected a better trump break and went down one more trick than necessary.

Director Ruling

The Director (Johnson in consultation with Cukoff) ruled that there had been misinformation given and it caused damage in the play of the hand. The result was changed to 3♠X by North, down two, E/W +300. There was some confusion on what the Director's ruling was (apparently different information was given at each table) and the case came to Committee (neither pair actually appealed) to determine the facts.

Director's Ruling	3♠X by N, Down 2, E/W +300
--------------------------	-----------------------------------

Committee Ruling

The Committee determined that the explanation of the Double of 3♠ was misleading and Declarer was led to expect a more balanced trump position and failed to play the hand optimally, going down three (-500) instead of two (-300). The Committee felt the use of the term "card showing" by East was misleading. The Committee also felt that, although the Alert of the Double (discussed by East/West as intended as a Penalty Double although not, by definition, showing trumps) was unnecessary, its use was not in and of itself wrong. The explanation was the major problem. The Director's ruling of 3♠X by North, down two, E/W +300 was confirmed.

Committee Members

Chair	Richard Colker
Member	John Blubaugh
Member	Norma Sands
Member	Bill Passell
Member	Jan Cohen

Commentary

Bethe: Good ruling. Where an explanation, whether required or not, creates confusion, there should be reasonable redress.

Colker: I agree with the ruling now, as I did then.

Kaplan: OK.

Meckstroth: Right on target here, good ruling.

Rosenberg: I would need more detail about how play went to evaluate the case.

Weinstein: An appeal whether neither side actually appealed? I like it. I also like the ruling.

Subject of Appeal: Unauthorized Information	Event: NABC Red Ribbon Pairs	Case: 22
--	-------------------------------------	-----------------

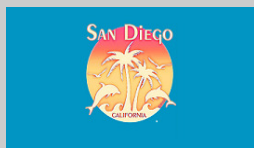
Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Explained as a Precision Style 2♣
2: Question about possible 4 card Major

Hand Record

Board		N		
Dealer	E	♠ A8432		
		♥ QJ9		
Vul	E/W	♦ AK		
		♣ J72		
W				E
♠ J1095				♠ Q7
♥ K74				♥ A10832
♦ 9				♦ J10876
♣ AKQ106				♣ 9
		S		
		♠ K6		
		♥ 65		
		♦ Q5432		
		♣ 8543		

Final Contract	Result of Play	Score	Opening Lead
2♥ by E	Down 1	N/S +50	♠K

Facts

Before passing, North inquired if West could still hold a four-card major suit. East was known to hold five or more hearts. East/West believed the lead of the ♠K was clearly suggested by this conversation.

Director Ruling

The Director (Compton in consultation with Putnam and Natchway) ruled that there had been no infraction and there would be no adjustment.

Director's Ruling	2♥ by E, Down 1, N/S +50
--------------------------	---------------------------------

Committee Ruling

The Committee felt that North's question was improper in form (mentioning the major suit specifically rather than asking for general information about West's 2♣ opening bid) if nothing else. However, East/West's play was largely responsible for their poor result since 2♥ should make, perhaps with overtricks, even on the spade lead. East/West received the score they achieved at the table, -50. North/South were given the worst score of -140 or Average Minus.

Committee Members

Chair	Richard Colker
Member	Michael Huston
Member	David Treadwell

Commentary

Bethe: I do not understand this. If South could not lead the ♠K, and no logical sequence of plays allows 2♥ to go down after any other lead, why should East/West not get redress? The fact that East misplayed the hand after a spade lead is, to my mind, not particularly relevant. East faced a play problem that should not have occurred. If South could lead the ♠K, why shouldn't North/South keep their score.

Colker: I agree with the Committee's ruling. However, one thing which strikes me as peculiar about this case is the Director's ruling. Wasn't North's question in the pass out seat, naming an unbid side suit, clearly improper, at least in form? And didn't his partner subsequently find the unusual lead of this side suit from Kx? Then why did the Director rule "no infraction"? The presence of unauthorized information at North's question certainly constituted an impropriety, and the unusual and aggressive nature of the opening lead suggests an infraction. While the (arguably) more normal lead of a diamond by South might produce the same result, the fact of the infraction seems almost undeniable.

Goldman: The explanation of 2♣ could have been better. I would let the result stand at the Red Ribbon level, but no serious problem.

Kaplan: I don't see any infraction, so I'd let the score stand for both pairs.

LeBendig: The Committee did not seem to feel there was an infraction. If this is correct, why was the North/South score adjusted?

Meckstroth: I agree completely for awarding North/South -140. I feel a disciplinary penalty in addition would be warranted for this. I'm very uncertain what is proper for East/West. Clearly they should have done better in the play but, should they be in danger because of this type of inappropriate action? If South leads the clearly normal diamond, won't North win and play the ♠A and another spade? That seems clear-cut to me. If so, then East/West can't help but make +140. I'm inclined to be more protective of the innocent party in these types of cases. I suggest giving East/West Average or perhaps Average Plus here since they shouldn't had had to deal with this defense.

Rosenberg: It does not seem that North was trying to direct a spade lead; indeed, a diamond would probably be preferred. North would probably have balanced had the answer been in the negative. It might not have been easy to elicit this information with general questions. South's lead is a matter of style. I agree with the Director.

Weinstein: I like the decision and reasoning by the Committee. This may seem to be too severe a penalty, but there was clearly unauthorized information and if it's possible this information influenced the lead, the offenders must receive the worst of it.

Subject of Appeal:	Misinformation	Event:	Speedball Pairs	Case:	23
---------------------------	----------------	---------------	-----------------	--------------	----

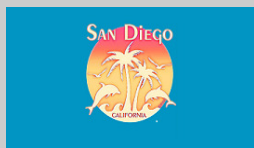
Auction

West	North	East	South
1♣	1♦	3♣	3♠
3NT	5♦	Pass	Pass
Pass			

Explanation of Special Calls and Points of Contention

1: Break in Tempo

Hand Record

Board		N	
Dealer	W	♠ 3	
Vul	N/S	♥ AQ63	
		♦ AQ96543	
		♣ 3	
W			
♠	K62		E
♥	K84		♠ J95
♦	K108		♥ 102
♣	AKQ6		♦ 72
			♣ J109752
		S	
		♠ AQ10874	
		♥ J975	
		♦ J	
		♣ 84	

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

Facts

East's 3♣ bid was explained as a limit raise. North/South felt they were injured by a misexplanation.

Director Ruling

The Director (unnamed) ruled that there was no infraction and no score adjustment because the East/West agreement was as West had presented, 3♣ was supposed to be a limit raise.

Director's Ruling	5♦ by N, Down 2, E/W +200
--------------------------	----------------------------------

Committee Ruling

The Committee found that the East-West agreement was that 3♣ was a limit raise and no adjustment was called for.

Committee Members

Chair	Jim Kirkham
Member	Martin Caley
Member	George Steiner

Commentary

Bethe: Why wasn't this frivolous?

Kaplan: I agree.

LeBendig: I only question if there is a chance there was no clear agreement on the part of East as to the meaning of 3♣. It's so easy to say "I forgot" instead of the possible truth of "I was not aware that was our agreement." I find on a personal level the latter is frequently the case. Of course, I remember I forgot once partner explains our agreement. However, at the time I made the bid, I thought another agreement existed. This indicates to me that I didn't feel we had an agreement. The mere fact that it is on our card or in our notes does not mean we had a clear agreement.

Meckstroth: I don't like this ruling. Apparently East forgot their agreement. Okay, but what about West's failure to Double? It appears he (or she) worked out that partner forgot. I agree with giving North/South nothing but East/West must receive an additional penalty here. A quarter board seems proper.

Rosenberg: West's failure to Double is very strange. However, no other ruling seems possible.

Weinstein: I feel there are two important questions here. First, if an appeal results from a speedball pairs should the Committee also operate under speedball conditions? Secondly, can the Committee agree with the protesting pair and force West to Double the final contract? I would be very tempted to rule (quickly, of course) that in lieu of a frivolous protest penalty that North/South are -500 on this hand.

Subject of Appeal:	Misinformation	Event:	NABC Spingold Teams	Case:	24
---------------------------	----------------	---------------	---------------------	--------------	----


Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, One Suited Hand
2: Alerted by E, Transfer to ♥, No Alert by West

Hand Record

Board		N			
Dealer		N	♠ J1093 ♥ AQJ98 ♦ 98 ♣ 62		
Vul		None			
W				E	
♠ (void) ♥ K103 ♦ Q10765 ♣ 109753				♠ AQ4 ♥ 752 ♦ 32 ♣ AKQJ8	
		S			
		♠ K87652 ♥ 64 ♦ AKJ4 ♣ 4			

Final Contract	Result of Play	Score	Opening Lead
5♣X by W	Down 1	N/S +100	♥A

Facts

2♦ was alerted on the North and East side of the screen as a Jacoby Transfer to hearts. North asked for a score adjustment based on the misinformation given during the auction.

Director Ruling

The Director (Cukoff) ruled that the result would be 5♣X by West, down two, N/S +300, for misinformation from diverging explanations. East/West appealed claiming there was a mistaken bid not a misexplanation.

Director's Ruling	5♣X by W, Down 2, N/S +300
--------------------------	-----------------------------------

Committee Ruling

East/West produced system notes (typeset) clearly showing that their agreement was that 2♦ was a Jacoby Transfer bid. Thus, what occurred was a misbid rather than a misexplanation. The Director, who did not see the system notes, made the correct ruling based on the assumption of a misexplanation.

After the 2♥ bid, West told South, his screenmate, that there may have been a misunderstanding. The Committee felt that, based on the information North had, the lead of the ♥A was strongly indicated.

The Committee unanimously restored the original table result, 5♣X by West, down one, N/S +100. The Committee voted to impose a procedural penalty against East/West to restore equity for a conventional mix-up resulting directly in damage to the innocent side. The Committee voted three to two to impose a five IMP procedural penalty, Weinstein and Ross dissenting (they were in favor of a three IMP penalty).

The Laws are clear that when the offenders can prove that they misbid, rather than misexplained, no adjustment is given. Thus, restoring the original result was mandated by the laws.

The Laws and other Committee guidelines are less clear about the imposition of procedural penalties. The Committee discussed this issue at length. The majority felt that the principle of "restoration of equity" was of primary importance. (A National Co-Chairman of the NABC Appeals Committee provided, at the request of the Committee, a

directive from the ACBL Board of Directors that the Committee's primary responsibility was to restore equity.) They felt that the "rub of the green" concept was invalid because the East/West mix-up directly caused North/South to lose a trick. They also felt that the fluke of the screen alignment should not damage the innocent side.

Some members felt North/South were disadvantaged because only South was told of a "possible misunderstanding." Others argued that since West was under no (legal) obligation to say anything, he should not be penalized for helping only one opponent. The rebuttal was that this was contrary to the concept of "active ethics."

The minority (who will comment separately) agreed that a procedural penalty was in order, but wanted to impose the "standard" three IMP penalty for a damaging conventional mix-up. They felt a larger penalty would subvert the Laws as written.

Additional comments from the Committee Chairman, Bart Bramley: I have always disliked the legal distinction between a misbid and a misexplanation. The result in either case is a "partnership bidding error," regardless of which partner is "right." The effect on the innocent side is identical; they usually don't care who is "right."

I understand that the Law is necessary to protect certain occurrences at the table, including intentional misbids (psyches) and mechanical errors (e.g, pulling the wrong bid from the bidding box). I don't understand why conventional mixups should fall under the umbrella of protection afforded by this part of the law.

Damage is often severe when, as in this case, one partner thinks "natural" and the other "artificial." (A disproportionate number of these mix-ups seem to happen after an opening bid of 1NT.) Frequently, a normal bridge result becomes impossible to obtain. This is not how we were intended to play. I feel that the offending side deserves the worst of it when such accidents occur.

The screen alignment was relevant in this case. More often, the screen protects the players, but here it damaged them. Just as we sometimes ask: "What would have happened with screens?", here we could ask: "What would have happened without screens?" The answer is obvious. North would have been told about the misunderstanding before he led. (Of course, East/West might have a hard time justifying their auction after unauthorized information from the Alert. But that's a different problem).

Perhaps we can devise a simple mechanical solution to allow a player to interrogate each opponent independently behind screens. This would be useful in long constructive sequences involving relays or fancy versions of Blackwood. The fact that the opponents (or your partner) know that you are asking questions would not generally help any of them, but the answers could definitely help you. You could interrogate in this way anytime you suspected a mix-up.

Dissenting opinion by Hugh Ross: West forgot a convention (which is legal). His partner bid impeccably subsequent to the misbid. West Alerted South that there was a possible misunderstanding before South bid 2♠ (unnecessarily in my opinion). West did not say anything to North prior to the opening lead, since the Law specifically states that he does not have to. I do not believe any offense was committed by West. The Committee attempted to find out if a misbid is an offense but got no help on this point from anyone.

Misbids have the identical effect as uncontrolled psyches. Why should a deliberate misbid carry no penalty, whereas an inadvertent one should be penalized? The game itself provides penalties in the long run for psyching or misbidding; why should the police be adding additional penalties?

Although the Committee believed an offense was committed, they made no effort to determine its effect on the subsequent action. A good case can be made that the misbid allowed South an easier entry to the auction than he would have had if West had bid correctly. No attempt was made to find out what West would have bid if he had remembered his conventions. In this sense, North/South, were not necessarily damaged to the extent of five IMPs.

Sensing the mood of the majority of the Committee, and not knowing for sure whether an offense had been committed or not, I voted for a three IMP penalty as the best I could expect to get. I believe no penalty was justified. Miscarriages of justice like this ruling will continue to occur until Committees get proper guidelines on how to deal with common situations like this.

Minority response by Howard Weinstein: As opposed to Hugh Ross' minority report, I agree in principle with Committee's decision. As much as I dislike the legal differentiation between a misbid and a misexplanation (Bert and I are in almost complete agreement on this point), assessing a procedural penalty to match the likely IMP difference caused by the misbid is too heavy handed a method to produce equity.

Though the Committee decision had no bearing on the match result, there has been considerable "feedback" on the Committee decision. Several questions on policy have been posed by the Committee received differing responses from various affiliates after the Committee was held. The fact that we had these questions on policy and differing responses needs to be discussed.

As long as the Laws apparently cannot be written to provide equity when an unintentional misbid is made (i.e. forgetting or not knowing what conventions/treatments you're playing), should we try to provide equity through other means such as procedural penalties? This should be a stated goal or non-goal given to all Committees. The Committee should not have to try to determine policy, only to produce the equitable ruling under the current policy. In order to provide consistent rulings there must be a published reference of guidelines covering both objectives and ranges of remedies in situations where the laws do not explicitly express such remedies. The Laws Commission, Co-Chairmen of NABC Appeals, and the top Directors must agree on whether equity is our ultimate objective and when the Laws fail to provide equity, specify the Committee's range of legal options.

Another question that might be addressed is whether active ethics does now (or should) provide that a player correct a conventional mix-up or differing explanation to the opponents after the auction is complete, regardless of who screwed up.

One other area also relating to this Committee is the apparent legal distinction between being able to assess a procedural penalty against a partnership for not knowing their agreements, and not being able to assess a procedural penalty if a player just forgets a convention. This legal distinction seems specious at best.

The Committee spent the majority of this time trying to determine "policy" from knowledgeable sources and a smaller part of its time on the actual bridge situation. The answers given in Committee to our questions on current policy were apparently very nebulous. The Committee shouldn't be in this position.

Committee Members

Chair	Bart Bramley
Member	Bob Lipsitz
Member	Howard Weinstein
Member	Hugh Ross
Member	George Steiner

Commentary

Bethe: This raises important questions. Either East/West did nothing illegal, in which case North/South are not entitled to redress (e.g. see Case Fourteen), or we want to restore equity where there has been a misbid, in which case, number Fourteen is wrong. Should there be a reliance basis for appeals? Should losing actions based on the information between the information and actual hand was intentional or not? Or should intentional psyches be allowed but accidental psyches, e.g. misinformation because the bidder forgot the methods, punishable?

I tend to favor this approach. Where a player can make the Committee believe that the convention was known at the time the bid was made, and that the violation of partnership agreements was deliberate, the opponents take their lumps. But where there is significant likelihood that the player forgot agreed methods, and the opponents are damaged thereby, restoral of equity.

Colker: This Committee is to be highly commended for their work on this case, especially their thorough and perceptive discussions of important related issues. I regret, now, recusing myself from serving on this Committee. The discussion highlights a number of issues which I have been actively campaigning about in recent years. I disagree with Bart (and Howard) about the misbid/misexplanation issue. I think there is a clear and important distinction between the two problems, although they can clearly have equal effects on the opponents. If a player is allowed to psyche a bid (provided that this partner treats the bid as legitimate unless and until information from authorized sources suggests otherwise), then how can a player be penalized for "forgetting" his partnership's agreements and "misbidding" (as long as this is not part of a disruptive pattern of negligence or disregard for the game). There is simply no way of competently determining what was in a player's mind at the time of a certain bid was made. On the other hand, there are several ways of competently determining whether a player has incorrectly explained his partner's bid. These include the players' convention cards and/or their partnership notes, results from previously played boards, and Committee members' or other players' knowledge of the partnership methods of the players involved. These same sources can be used to deal with instances of players not knowing their partnership's agreements versus their forgetting a convention (see Case Thirteen), contrary to Howard's contention that this distinction is a "legal" one which is specious at best. All of the other comments seem right on target. I do agree with the minority opinion (Hugh and Howard) that a three IMP procedural penalty would have been entirely/more than adequate.

Goldman: This is a wonderful Committee report and I hope it leads to the required conclusions. However, it is my understanding that the procedural penalty was in violation of Edgar Kaplan's interpretation of the Laws and that Directors had disallowed such procedural penalties earlier in the week and that the Laws Commission would have voided the penalty upon appeal.

Also, the Director was provided the system notes at least two hours before the appeal was held. So I believe his ruling should have been changed forcing the other side to risk the appeal.

Kaplan: See my earlier discussion. The procedural penalty was illegal, specifically forbidden by a specific interpretation of the Laws by the National Laws Commission. Had the penalty decided the match, we would have the spectacle of a meeting of the National Laws of Convention reversing the result of the match.

LeBendig: Under our current Laws, we are told that if West "forgot", the procedural penalty was improper. It is becoming more frequent that Committees are being faced with problems of this nature. The players are becoming more upset by the fact that we are helpless to make adjustments when they are damaged. Because of the increasing complexities of overlapping agreements, I truly believe it is time we do away with the distinction between misbid and lack of an agreement. I am not suggesting that we change the game or try to eliminate intentional misbids. When those occur it is fairly easy to see what happened. However, the problems of this nature in this Casebook have nothing to do with psyches.

They are either “forgets” or a case of no clear agreement existing which we can deal with. Let’s find a way to lump these together and correct the problems when there is no punishment from the result. I believe the players agree that the time has come to take this step.

Meckstroth: Applause for all those who contributed to the write-up. There are lots of cogent thoughts and questions. Regarding a misbid or misinformation, there is a difference. I suggest in these cases the burden of proof be on the offenders to produce system notes or have it clearly marked on their convention card to prove an agreement. If this is not available, it should be mandatory to treat it as a misinformation case. If it is determined to be misinformation, then a wide range of protection for non-offenders is justified. If there was a misbid, I suggest an automatic three IMP or quarter board penalty be assessed to the offending side. This should be a standard penalty, always the same for this infraction

Why five IMPs? To restore equity? I don’t think so. It simply restored the result to the equivalent of the director’s ruling. A standardized penalty (three IMPs or a quarter board) seems important and appropriate to me. Similar penalties seem proper for smaller types of infractions.

Regarding the screens, I feel the players need to make sure both opponents of the declaring side are fully informed before the opening lead. If either player has any doubt as to what has happened, he should speak up to make sure both opponents have all of the information. An example: Partner tells my screenmate how you explained your 3♠ bid, I wasn’t sure. That will eliminate many problems.

Regarding hypothetical screen, in my opinion, this is not a valid argument in any appeal. If there was no screen, it is completely invalid to propose a “hypothetical” screen and therefore a completely different environment. If the case involves misinformation, or failure to Alert, etc., where a player gains information, the proper and only way to examine what he should do is as if he was behind his own screen and heard nothing (e.g. if South misexplains North’s bidding, North must continue as if all is well). There are certain unusual things that may happen later that might allow North to “wake-up” and recognize that something is wrong but this happens in a small minority of these cases.

From the cases I’ve seen here, most players as well as Committee members don’t understand these obligations a player has when this type of irregularity occurs. Does anyone agree with this?

Rosenberg: This is an important case. First, there should be a rule that if a pair wishes to have its system notes considered in Committee, a copy of these notes should be lodged with the organizing body in advance. Otherwise, there would be a theoretical problem of a pair having more than one set of notes.

Assuming this to be a firm agreement, the Committee was correct in restoring the original result, since there was no infraction. However, it was wrong to impose a procedural penalty, since the “rub of the green” concept is valid here. This type of misunderstanding would often lead to a disaster for East/West, e.g. East might have had a hand to bid 5♥ over 4♠. That is sufficient punishment for this type of situation. There should be no “standard” procedural penalty for a conventional mix-up.

West’s action of informing South of a possible misunderstanding is evidence that there was no firm agreement. I am confused about the argument that “West was under no (legal) obligation to say anything.” West had a legal obligation to inform South that 2♦ was a Jacoby Transfer bid, if he remembered or partially remembered that this was, or might be, his agreement. If this had been a firm agreement, West would have informed South, “2♦ was Jacoby” as soon as the 2♥ bid came through the screen. Had he done this then, together with the evidence of the system notes, I would have believed he misbid. Since he did not, I would rule misexplanation by East, and +300 to North/South.

I understand where Bart Bramley is coming from, and I strongly disagree with him. There is more than a “legal distinction” between a misbid and misexplanation. It is necessary for your opponents to inform you correctly as to their agreements. It is not necessary for them to remember their system perfectly, or for that matter to do anything perfectly (thank God). The difference between a misbid and a misexplanation is simple: one is a “bidding error,” and the other an “explaining error.” I doubt if Mr. Bramley wishes to put a moratorium on his opponent’s “bidding errors.” Having said all this, it is critical that the Committee assume misexplanation whenever possible. It failed in this task on the hand in question.

Having the rule be that any pair who misbids or misexplains is subject to procedural penalty would result in more and more calls for the Director and Committees. All that should matter is: was there an infraction? Was the non-offending side damaged as a consequence? A misbid is not an infraction, nor should it be.

Treadwell: It is atrocious to assess a procedural penalty for forgetting what one is playing if partner gives a proper Alert and explanation. Of course, the player who forgot may be placed in a precarious position if partner’s explanation wakes him up. But, assuming he does not take advantage of the Alert procedure, the misbid itself, more often than not punishes the errant one with a very poor result. When, as occasionally happens, the misbid results in a poor score for the other side, that is strictly rub of the green. This business of restoring “equity” should apply only when a pair commits an offense. Making a bad bid, and forgetting a convention is a bad bid, is not in and of itself an offense. Do we restore so-called equity if a pair bids a 2% slam that makes? Hugh Ross hit the nail on the head with his comments. (See my comments on Case Fourteen).

Weinstein: I think I’ve already used more than my share of space on this appeal.

Subject of Appeal: Unauthorized Information	Event: NABC IMP Pairs	Case: 25
--	------------------------------	-----------------


Auction

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

Explanation of Special Calls and Points of Contention

1: Attempted Change of Call

Hand Record

Board		N		
Dealer	E	♠ A10974		
		♥ J876		
Vul	None	♦ Q		
		♣ J54		
W				E
♠ K653				♠ QJ8
♥ A542				♥ K103
♦ A4				♦ 10865
♣ A63				♣ 1087
		S		
		♠ 2		
		♥ Q9		
		♦ KJ9732		
		♣ KQ92		

Final Contract	Result of Play	Score	Opening Lead
3♣ by W	Down 3	N/S +150	

Facts

South pulled the 2♦ card from the bidding box and then attempted to change his bid.

Director Ruling

The Director (Moran in consultation with Mollemet) ruled that there was unauthorized information as a result of South's attempt to change his bid. The result was changed to Average Plus for East/West and Average Minus for North/South.

Director's Ruling	N/S: AVE- E/W: AVE+
--------------------------	----------------------------

Committee Ruling

Editor's note; I was surprised to see that this decision was not detailed by Committee chairperson, Richard Colker. I sent Richard a letter asking for more information about the decision and I received the following reply.

Dear John,

Hi. Nice to hear from you. The case you inquired about did not "get by me. This was an especially frustrating case, as far as involvement of the Directors was concerned. No comments regarding the Committee's finding of facts, or decision, appeared on the sheet because the Directors (Moran and Mollemet) removed it from the Committee room before the Committee was done deliberating (over my protests that we hadn't finished with it yet). They promised its return, and then subsequently avoided making it available to me for inclusion of the Committee's comments. I pursued the issue over several days, repeatedly requesting that I be given the sheet to write the Committee's comments, but all I ever received was an assurance that "Okay, I'll take care of it."

Why, you may well ask, did this happen? I'll tell you why. Because this case, in my opinion, represents a distressing occurrence of Director error on the part of two usually first-rate directors. Yet, even as recently as the East Brunswick regional in mid-August, one of them was defending the Director's actions in this case.

The case occurred in the NABC IMP Pairs, and involved North/South players only identified on the appeal sheet as "Grandpa and Grandpa" (who also did not appear for the hearing.) The auction was as follows:

2♦ - Alerted as Flannery

DbI - Alerted as card showing (strong notrump)

Pass - Forced by the Director

2NT - Alerted as Lebensohl

3♣ - Alerted as a Lebensohl Relay

The above auction requires some explanation. After East's pass, South pulled the 2♦ card out of the bidding box, held it horizontally (so that everyone at the table could see it) as if about to place it on the table, and then sat motionless for a moment. He then picked up his own convention card, looked at the opening 2-bid section, and muttered something like "Oh..., Flannery." Finally, shrugging his shoulders, he placed the 2♦ bid on the table in front of him.

Not surprisingly the Director (Moran) was called to the table. After hearing the above, and after consultation with Mollemet, he ruled that South's 2♦ bid was a "purposeful change of call" (Law 25B, with subsection 2b1 applicable). Apparently the Directors felt that this situation was best treated as if South had attempted to change his call of 2♦ to 2♦!?? This, in my opinion, is a questionable interpretation of what is meant by a "change of call." Moran has since indicated to me that there is "some precedent" for treating this situation in this way, but has avoided explaining just what this precedent is, and what rationale justifies its application to the present situation.

Warning: Reading Law 25B and trying to apply it to what happened in this case can be hazardous to your health. Do not try this at home without a Director (?) present.

The offshoot of this was that the Director ruled that North must Pass at his next turn to call. My reading of Law 25B indicates that this is the penalty which would have been appropriate if South had attempted to substitute a different call for his initial 2♦ bid, and his LHO had refused to accept the substitution, as would have been his option. South would then have had the option of allowing his original call to stand (since 2♦ was a legal bid), or to substitute any other legal call. South's letting his 2♦ bid stand at the table could then be taken as evidence that he opted to allow his original call to stand, the penalty for which was that his partner must then Pass at his next turn to call. Had South substituted any other call, his partner would have been barred for the remainder of the auction.

One problem with this application of Law 25B is that the opponents were never really given the option of accepting a substituted call for the original (i.e. the "purposeful" change of call) -- since a change of call had never really been made. Another problem is that the unauthorized information was so extreme that a strong case could be made that a valid result was no longer attainable at the table. In such situations, the Director should throw the board out, and assign an adjusted score to both sides (e.g., Average Plus to East/West, Average Minus to North/South).

Given the directors' treatment of the situation, Law 23A also became applicable. It says, in effect, that if South could have known at the time he committed his irregularity that his partner's enforced Pass would be likely to damage the non-offending side (East/West), the director should award an adjusted score if he later determines that the non-offending side was, in fact, damaged. Regarding this, Moran said that he carefully instructed North that he was obligated to conduct (if he got another chance after the enforced pass) the rest of the hand as if South had opened a Flannery 2♦ (the partnership's stated agreement).

The remainder of the auction indicated that East/West acted (as they were entitled to) as if South had opened a weak 2♦ bid. However, North's action subsequent to his enforced Pass indicated that he had also used the unauthorized information (to which he was not entitled) to bid as though South had opened a weak 2♦ bid. East/West finally rested in 3♣, down three, N/S +150. The Committee was not given any details of the play.

Moran and Mollemet ruled the result changed to Average Plus for East/West and Average Minus for North/South, another questionable decision. Law 23A required the Director to adjust the score whenever an enforced call results in damage to the opponents. Moran argued that it was not North's enforced Pass which damaged East/West, but rather his subsequent Pass! But this subsequent Pass was certainly based on unauthorized information, and Law 73F1 states that the Director is to award an adjusted score if it is determined that a player has acted on unauthorized information. Law 12C2 further instructs the Director in such cases to assign the "most favorable result that was likely" to the non-offenders, and the "most unfavorable result that was at all probable" to the offenders. Average Plus/Average Minus hardly complies with this directive.

East/West appealed the Director's ruling.

The Committee's first observation was that the Directors had handled the situation at the table poorly. Second, given the Director's instructions to North to bid his hand after his enforced Pass as if South had opened Flannery, the Committee determined that, had North believed South to hold a Flannery hand, he would have bid a game in a major suit and would then likely have been Doubled. The Committee therefore adjusted the North/South contract to four of a major suit doubled. Although the defense is uncertain, a likely result in four of a major suit would be down two or three tricks. North/South was therefore assigned the most undesirable result (down three for -500). In order to protect the East/West field, the Committee decided not to award East/West the "windfall" result of +500, but rather to assign them a score of Average Plus (+3 IMPs).

Finally, the Committee considered an ethics action against the North/South pair. However, since there was some question as to their bridge competence, the Committee authorized the Chairman (me) to enlist the help of a Director in locating and meeting with the North/South pair to educate them about their infractions and responsibilities in this incident. We felt that the failure of the North/South pair to appear at the hearing was troublesome. However, due to the Directors'

failure to rule against them at the table, they were not “legally” obligated to attend. There was also some question as to whether North/South were adequately informed that an appeal had been filed.

I followed up this matter with Brian Moran at least once a day over the next three to four days. On each occasion, I was assured by him that he was either looking into it, or would attend to it presently, and that he would contact me as soon as the offenders were found and a meeting arranged. Nothing was ever done, and no meeting ever occurred.

Committee Members

Chair	Richard Colker
Member	Sabine Zenkel
Member	Richard Popper

Commentary

Bethe: It seems to me that Colker’s letter should not be published without affording Moran an opportunity to respond. *(Editor’s comment: The ACBL staff was provided a copy of Colker’s letter and were informed that it would be published in this case book. There was ample opportunity for any of them to respond.)*

I assume from the table action that it was clear to the table that South was, of course, guilty of several infractions including looking at his convention card during the auction. Clearly South could (and perhaps should) have called the Director before bidding. It seems to me that the Director’s ruling should have been to allow 2♦ to stand but to warn North that he must treat the call as their conventional understanding called for. An alternative would be to rule that after South’s impropriety no sensible result could be obtained.

My own ruling on the Committee would have been to leave Average Plus/Average Minus and impose a further three IMP penalty on North/South for the impropriety that prevented a result being achieved at the table.

Colker: I feel that any further comment from me would be interpreted as an attempted filibuster!!

Kaplan: The Director seems to have ruled (incorrectly) under Law 25. Then, once North was compelled to Pass, he was entitled (under the current Laws -- this will be changed in the new code) to make use of information from South’s “withdrawn 2♦ bid,” thus, North/South’s ethics were impeccable. Had the ruling been given under Law 16, correctly, then North could not use the information (but would not be barred from bidding).

What a mess! I’d give both sides Average Plus, the Director an Average Minus.

LeBendig: Hopefully this breakdown in cooperation and communication can be dealt with more effectively in the future. I admire the work of the Committee and the additional work which Richard put in this case trying to tie up the loose ends. I am disturbed by the fact that all the records of the Committee decision seemed to have been “lost”. As to the decision itself, I only question why East/West did not deserve their +500. Nowhere, in Law 12C2, are there any allowances made for the field when assigning an adjusted score.

Meckstroth: I find Richard Colker’s comments about Directors Moran and Mollemet’s actions to be very disturbing. I suggest they be reprimanded and perhaps reassigned if any other problems occur. This is extremely important and we need the involvement of every good person we can get in order to improve the process. Grandpa and Grandpa? You must be kidding! Names and player numbers are mandatory! To all Directors: We will not accept this type of disregard involving appeals. We will be forced to take action.

As far as the ruling, frequently the bidding cards stick and in the case of an accidental bid, I feel strongly these bids should be corrected without penalty. This was clearly not the case here. South looked at his card and tried to correct the mistake. My opinion is in a case like this, the hand should not be played. I can’t see any way to equitably achieve a normal bridge result anymore. If you tried, the only way would be to force North to treat 2♦ as Flannery. This is a possible solution but it virtually assures North/South of a zero so why not just rule a zero if appropriate. I would rule East/West Average Plus and North/South Average Minus plus a severe disciplinary penalty for North/South.

Rosenberg: Messy case, due to lack of communication. Given the facts presented by Mr. Colker, my only disagreement was to the Committee’s decision not to give East/West the “windfall” score of +500. Does Mr. Colker believe they were only entitled to this score against opponents who are ethical?

Sutherland: I do not believe the Law required North to Pass (I should have discussed this case with Edgar before commenting). I think this is one of those unusual situations when both sides should be awarded Average Plus based on the Directors’ instructions. This and Case Eleven are very bad director’s rulings. There has been much talk that directors should make the final decision. After these two rulings, I doubt even proponents of this concept will persist with that position.

Weinstein: It looks like the Committee did a great job of unraveling a rather complicated situation. My head hurts just reading about this Committee, let alone serving on it. I hope the Directors involved will also be allowed to comment on this.

Subject of Appeal: Unauthorized Information	Event: NABC Mixed Teams	Case: 26
--	--------------------------------	-----------------

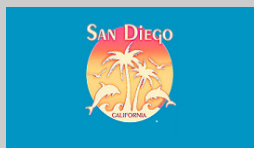
Auction

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

Explanation of Special Calls and Points of Contention

1: Alerted, Support Double
2: Alerted, SOS

Hand Record

Board		N			
Dealer		S			
Vul		E/W			
W			E		
♠ AQ7			♠ 10642		
♥ K862			♥ 4		
♦ Q1075			♦ AK864		
♣ Q4			♣ AJ9		
		S			
		♠ KJ98			
		♥ A1095			
		♦ 2			
		♣ 8732			

Final Contract	Result of Play	Score	Opening Lead
3NT by W	Made 3	E/W +600	

Facts

South's 1NT call was natural (and psyched). East/West felt they were given misinformation about the bid and were subsequently damaged in the play of the hand.

Director Ruling

The Director (Katz in consultation with Cukoff) ruled that South had received unauthorized information from the explanation of his 1NT bid. The result was changed to 1NTX by South, down five, E/W+800. North/South appealed.

Director's Ruling	1NTX by S, Down 5, E/W +800
--------------------------	------------------------------------

Committee Ruling

The Committee discovered that North/South were playing a "natural" 1NT by a passed hand in forcing auctions. It was recommended that this bid should be a "Special" Alert. South psyched the bid and Redoubled to run when West Doubled. North duly pulled the Redouble to 2♥. The Committee felt that no unauthorized information had been exchanged that had any bearing on the hand. The Committee believed that East/West were damaged by their choice of lines of play, and restored the table result, 3NT by West, making three, E/W +600.

Committee Members

Chair	Richard Colker
Member	Ralph Cohen
Member	Alan LeBendig
Member	Bill Pollack
Member	David Treadwell

Commentary

Bethe: An excellent ruling.

Colker: I agree with the ruling. I think the unusual nature of South's passed hand "natural" 1NT bid induced both the opponents and Director to assume that South had forgotten his methods and had been "awakened" by North's explanation of his bid in response to an opponent's question later in the auction. The Committee determined that North/South's methods were exactly as explained, and that nothing unauthorized had occurred. The result at the table was therefore allowed to stand. We recommend that North/South "Special" Alert their passed hand 1NT bids in the future due to their highly unusual meaning, even though such bids are normally self-Alerting (but would likely be interpreted as some sort of takeout, and not natural).

Goldman: I haven't been convinced by North/South's explanations. I would need to see and hear evidence.

Kaplan: I agree.

LeBendig: This is another great example of the Directors making the only ruling they could based on what appeared to have occurred. However, once the Committee did a thorough job of investigating what had happened it was obvious that the table result must stand. North/South was a very established partnership and play in a part of the country where this treatment of "1NT in the middle" is actually used by others. We were unanimous in our belief that it was a silly treatment, but we could not stop them from playing it or South choosing to psyche the bid.

Meckstroth: A natural 1NT by a passed hand in forcing auctions?? What auction would be forcing by a passed hand? A natural 1NT should be a Special Alert? Perhaps this means a No Trump overcall? It must. This type of bid is a common tactic of some players. They have a "license" to bid 1NT with whatever they feel like with little or no risk involved. This type of auction needs to be determined and available to Committee to examine past tendencies and properly evaluate what is happening here. I suggest we start a master record for every player to facilitate stopping the frequent psychers. I'd like to know who the 1NT bidder was. Can we include the names of appellants from now on? This case is an excellent example of why we should start doing so. *(Editor's comment: We have considered this many times. The Committee members and the directing staff now take responsibility for their actions. Perhaps the time has come for appellants to take this responsibility too. Please write your feelings about this subject and send them to the ACBL.)*

Rosenberg: Weird case. I guess the ruling is OK.

Weinstein: This ruling doesn't sit well with me. I don't believe for a second that North/South were playing natural No Trump overcalls by a passed hand between two live bidders. Unless I saw written evidence that this was their agreement, it would be very difficult for me to believe that 1NT wasn't intended as takeout and South had access to unauthorized information from North's explanation. Without being at the Committee to make an assessment of North/South's veracity it is difficult to judge, but my instincts here are to agree with the Director's ruling, not the Committee decision.

Subject of Appeal:	Psychic Action	Event:	Flight A Pairs	Case:	27
---------------------------	----------------	---------------	----------------	--------------	----


Auction

West	North	East	South
	1♥	1♠	Db1 ¹
2♠	3♣	Pass	Pass
Pass	Pass		

Explanation of Special Calls and Points of Contention

1: Alerted, Negative Double

Hand Record

Board		N	
Dealer	N	♠ K2	
Vul	None	♥ AQ1085	
		♦ AK	
		♣ 10842	
W			
		♠ A1054	E
		♥ K932	♠ J98
		♦ QJ94	♥ J764
		♣ Q	♦ 32
			♣ KJ63
		S	
		♠ Q763	
		♥ (void)	
		♦ 108765	
		♣ A975	

Final Contract	Result of Play	Score	Opening Lead
3♣ by N	Made 3	N/S +110	

Facts

At the end of the hand, North called the Director to report East's three-card overcall and West's pass of 3♣.

Director Ruling

The Director (Flader in consultation with Patrias) ruled that East had psyched his overcall and West's pass of 3♣ indicated that he had fielded the psyche. The Director changed the contract to 3♣X by East, down three, N/S +500. East/West appealed because they did not agree with the Director's evaluation of West's hand in a competitive auction in light of the fact that partner could have overcalled a four-card suit and might have no more than six high card points.

Director's Ruling	3♣X by E, Down 3, N/S +500
--------------------------	-----------------------------------

Committee Ruling

East testified that he had a club mixed with his spades. East/West also testified that they routinely made light four-card overcalls. West devalued his ♥K and ♣Q and decided not to compete to three level opposite East's possible weakness. The Committee by a four to one majority felt there was no strong evidence of a psyche or the "fielding" of such. The table result, 3♣ by North, making three, N/S +110, was restored. East/West were instructed to pre-Alert their overcall tendencies and mark them clearly on their convention cards.

Additional comments for the majority decision from John Blubaugh: One of the weaknesses of doing a report on Committee decisions is the inability to explain that you thought a pair was telling the truth or that a pair was being untruthful. When we first heard the Director's statement of the facts in this case, we were all outraged and were completely prepared to ignore East's testimony that he "mis-sorted his cards." However, after a few well aimed questions at East/West, it became apparent the Committee was dealing with a most unusual Flight A Pair. Upon further questioning, the Committee found that this pair (matched at the partnership desk) had tried to enter Flight B but was prevented from doing so by the directing staff. This was because the West player claimed to have 40,000 British masterpoints. We found

that the East player had about 1,000 master points (Flight B for this event was up to 1,500 master points). We also discovered that 40,000 British rating points translated into 400 ACBL master points. The ACBL recognizes British points on a three to two ratio so West actually had about 270 converted master points and was really eligible for Flight C competition.

Testimony provided by all of the players involved indicated that East was convinced that North was deriding his partner's ethics and had demanded an apology at the table. This board happened early in the game and no ruling was made by the staff at this time. For the remainder of the game, East pursued the entire staff between rounds and demanded to know when they were going to make North apologize to the partner. On the next to last round (after being harrassed all evening by East) the Director said he was not going to make North apologize and was changing the result at their table to 3♠X by East, down three, N/S +500 (North-South, to their credit, never asked for any redress on this board).

Other questions directed to East/West made it clear that the Committee was dealing with a very inexperienced pair who did not even understand what this Committee was really about.

The directing staff apparently wanted to invoke the Rule of Coincidence on:

1. A partnership desk pair who had never played together before (and were unlikely to do so again) who had no previous record of psyches (in fact they maintained they had made none);
2. A pair who wanted to play Flight B but the staff mistakenly forced into a Flight A game;
3. A pair with limited experience and ability;
4. A player who had pursued them throughout the room trying to force them to make an opponent apologize to his partner(a frustrated directing staff, perhaps?)

I could have been persuaded to give some kind of penalty to East/West (provided the staff could have been forced to refund their entry fees) but awarding +500 to North/South seemed rather ludicrous.

The directing staff, in my opinion, ruled correctly with the information available to them. Given the circumstances described above and our mandate to consider the ability and experience level of the players involved, the Committee also made the correct ruling.

Dissenting Opinion from Committee Member William Laubenheimer: One of the big problems in dealing with cases such as these is that it is very easy for the offending side to rationalize their actions after the fact. In this case, I found West's explanation of the 2♠ bid unconvincing even considering his partnership's overcalling style. In such situations, I find myself leaning towards the damaged side because of the ease which the offending side can construct a plausible scenario for their actions.

It is my opinion that East/West can expect to achieve a favorable result far more often than not, based on West's hand by bidding on than by selling out to 3♣, and that West's action was therefore based on some factor not related to the auction.

My opinion is that since non-bridge factors influenced the result obtained at the table, it would be incorrect to allow the result to stand, and I could not support the motion to do that.

Committee Members

Chair	Richard Colker
Member	John Blubaugh
Member	William Laubenheimer
Member	Ed Lazarus
Member	Richard Popper

Commentary

Bethe: It is clearly inappropriate to hold West to an expert standard under the circumstances. Thus to force West to bid 3♠ would be inept to say the least.

With respect to the dissent, yes, West's inaction was based on something non-bridge, namely West's lack of bridge expertise. This is evidenced already by West's first action. To suggest that a player who thought that over 1♥ - 1♠ - DBL, 2♠ was an adequate action, should then re-evaluate and bid 3♠ seems a little much. To find that would include finding that East/West had an illicit understanding about the nature of their overcalls, and in that case West would never have bid at all.

Colker: The Committee determined that East had 1000 masterpoints and West had between 200 and 300 masterpoints. Why they were playing in the A-stratum of this event is both fascinating and distressing. They had met at a partnership desk a day or two earlier, and had been struggling to keep their collective heads above average in Flight B events. In fact, a 161 (156 was average) had been their best effort to date. Unfortunately, on this fateful day, the Director selling entries (whose name is mercifully unknown) learned that West, a British player, had over 40,000 British masterpoints (BMPs)

Now BMPs are roughly the equivalent of our old ACBL rating points (translating 1/100 of an ACBL masterpoint apiece). Some quick math might lead you to believe that West's 40,000 BMPs were therefore about 400 ACBL masterpoints, but you'd be wrong. The reason, I am told, is the BMPs are somewhat easier to come by than even our own ubiquitous ACBL masterpoints. BMPs are attainable simply by playing in duplicate games, even if the player does not

place in the rankings. The ACBL translates BMPs at a rate of 3 BMPs for 2 ACBL masterpoints, giving West the equivalent of about 267 ACBL masterpoints.

To make matters even worse, West apparently let slip to the Director selling the entries his "official" British Bridge League (the British equivalent of our ACBL) title, as the proud holder of over 40,000 BMPs. He repeated the title for the Committee and while I don't remember it exactly, it sounded something like "Lord High Exalted Protector of the Realm, Provincial Regional Master of All That He Surveys, Knight Errant and Defender of the Faith." Well, you can imagine the effect this had on the Director selling the entries. Stratum B? Not hardly! Off to Stratum A for them!

So, after spending the afternoon session getting their heads battered in Flight A, the evening session arrived. Their basic strategy all day have been to throw as much sand as possible in their opponents' eyes by overcalling aggressively (6 HCP was enough) on any four-card suit (jack-fourth was just fine!). By the time the hand in question occurred, they were already well on their way to an evening score in the 130s.

East, an ACBL member, was an emotional fellow who was already becoming numb from the pair's string of bad results. With the cards swimming before his eyes, and one of his clubs mixed in with his spades, he overcalled North's 1♥ opening with 1♠.

West, our Brit, had what I am told is a typical British player's outlook on bidding. He was rather conservative, tending to look for reasons why his high cards weren't worth as much as they were. On the present hand, this was easy., North had opened 1♥, so the ♥K must be worthless, and the ♦QJ were of dubious value, and with a jump raise of partner's overcall being limit (Acol-style), he screwed up his courage and raised 1♠ to two. Given the bad four-card suits his partnership overcalled on, he must have thought it a miracle that he had not been Doubled for a telephone number when North bid 3♣. He couldn't pass fast enough when 3♣ got back to him.

At the end of the play, when North/South became aware that East had overcalled on a three-card suit, and that West had only made a single raise with four trumps and a hand which any American player would surely have competed to the three-level with, North/South called the director. They didn't call to protest the result, nor did they ask for any score adjustment. Rather, they simply called to report (record?) this occurrence.

The Director (and East, the emotional American) listened to North/South's description of the odd seeming bidding. In East's eyes, North/South were accusing his partner (the Brit) of unethical behavior in not competing further in spades. East demanded that the director make North/South apologize to his partner (who remained silent, and confused, throughout). The Director told East that his request was out of line, and left the table without further comment.

For the remainder of the session, East repeatedly pursued the Director around the room demanding that he make North/South apologize to his partner, and the Director (understandably) became more and more agitated by East's harassment. Around the twelfth round, the Director showed up at East/West's table to inform them that their score on the board was being adjusted to 3♣X by East, down three, N/S +500. The reason given was the Rule of Coincidence. Apparently the Director, on his own (?!) initiative, decided that West had fielded his partner's psyche 1♠ bid, thus suggesting that the pair might have had a hidden agreement. (This was done, remember, without any request for a score adjustment by North/South; in fact, without any indication of a pending action of any sort by the director when he left the table at the time of the original call.) East, of course, appealed the director's ruling.

In my opinion, the Committee made the only ruling possible in this case -- regarding the players, at least. Now, with regard to the Directors...!

Kaplan: I agree with the Committee.

LeBendig: Another difficult case! The Directors did the only sensible thing given the two hands. It must have been difficult for the Committee to listen to East/West when they were probably ready to string them up. However, since they heard the evidence and asked many questions, I must give them the benefit of the doubt as to their final conclusions. The dissenting opinion suggests that "non-bridge factors influenced the result obtained at the table." No other place in this write-up is there any reference to such factors. I hope that in publishing this decision it is not assumed that such actions will be accepted without some serious questions. In most cases this would have received a severe penalty.

Meckstroth: Excellent documentation of the Committee's reasoning. Thank you, Rick Colker and John Blubaugh.

I disagree with the ruling. We may sympathize with all the problems this pair had, but they have no relevance to what occurred. As far as North owing any apology, I can't know. Nothing inappropriate is documented. I agree with the Director's ruling. 3♣X by East, down three, N/S +500, seems right. How would a Committee rule if a well known pair had bid this way? Hopefully the punishment would be swift and very harsh. I agree that inexperience is a big factor in how severely a pair should be sentenced, but any number of sad stories or inequities about their day should not sway the ruling their way. Overcalling a three-card suit and partner making an unusually conservative Pass is too much. Who would ever sell out to 3♣? This is definitely a felony in the rule of coincidence category. Thumbs down on this one! We can't allow this kind of bridge to be played by anyone.

Rosenberg: Weird but important case. In order to rule on this case, an evaluation of this particular East/West pair is essential. Therefore, I feel I cannot effectively comment on the ruling, except to say that, in my opinion, the "Law of coincidence," does not exist, nor should it.

Imagine that East (with a different hand) had paused slightly over 3♣, and West now bid 3♣. East/West called the Director but are told West has a clear-cut bid. A Committee would uphold this. My point is that perhaps East Passed very quickly over 3♣, and West suspected something was up. This is the type of evidence that should be sought. However, if

no such evidence can be found, you must either accuse the East/West pair of having an undisclosed agreement, or allow them to do what they did. Of course, in the latter event, the case should be documented for future reference.

Weinstein: I'm afraid I have to agree with Laubenheimer. Even with the circumstances involved, this hand would be too much for me to take. The circumstances might keep me from recommending a Conduct and Ethics Committee, but I would never allow the bridge result to stand. These might not be Flight A players, but I wouldn't tolerate this result in Flight C either. Even with a new partnership, even with mis-sorted cards, I am convinced that a private understanding existed. Whether the understanding was explicitly discussed or just learned from the few hands that the pair played together is just a matter of degree. I would let North/South keep their +110, give East/West -500, and send the hand to the recorder.

Closing Comments

Bethe: The standard of the write-ups was generally very high and the writers should be commended. I believe also that the general standard of rulings was very good.

Colker: Surprisingly, the NABC Appeals Committee is in reasonably good shape -- although things could be better. There are still too many people who sit on the Committees who don't belong there. Appointments to the Committee should not be political. They should consist of only individuals who have spent sufficient time serving on lower Committees to have "learned the ropes," and even more importantly be restricted to those who have a good understanding of the Laws and how they apply in Committee deliberations, as well as a sound and proficient grasp of the Committee process. We may have to get by with fewer members than we would like, for a short period of time, but eventually we would develop an adequate nucleus of qualified participants. A training program, not unlike the one available for Directors, would be highly beneficial, and a more than nominal compensation schedule for participation would also be desirable.

Every case from an NABC+ event should be required to have a National Vice-Chairperson or Co-Chairperson serving as chair of the Committee, and care should be exercised to include other experienced Committee members on all such cases. An NABC+ Committee made up of all expert players, but few if any expert Committee people, is not adequate.

The Committee process is in need of work in several areas. The most important of these is that a manual of Appeals Committee procedures must be developed. This should consist of "example cases which fall into various infrastructural categories, together with indications as to how Committee members should think and rule on such matters. It should also contain discussions of the "intent of the Laws" as they relate to situations which come up regularly in Committee cases, and rationale as to how to apply those Laws to various forms of violations. The "example cases" and "intent of the Laws" sections should be cross-referenced and indexed for ease of use.

Committees also need a competent Director present during the entire deliberation process. Committees can become frustrated when they cannot get reliable or definitive input from official sources (e.g., the head Director, or the Director in charge of appeals) about what Laws are applicable to a particular problem, or what the Laws say about some issue, or what the Leagues' procedures are in a certain situation. I have also heard rumors that Directors have, on occasion, tried to manipulate Committees. These are perhaps due more to the failing of the Committee (e.g., a weak or naive chairperson) than any malevolent or misdirected actions of the Directors. I have seen Directors use apparently "heavy-handed" tactics on Committees at the NABC level, but this has invariably been in an effort to try to stop them from making horrible rulings. On the other hand, I have seen Directors at the Regional level try to intimidate Committees into upholding their at-the-table rulings (usually because of ego), even though those rulings were incorrect. Directors involved in the Committee process should remember that they are there in an advisory capacity, and not to manipulate the Committee process or intimidate the members. I would even welcome making a Director an obligatory member of every Committee (as long as it is not the Director who made the ruling at the table).

The recent use of tape recorders by Committee Chairpeople to document rulings (especially for these casebooks) is a great idea, but the presence of only a single recorder in San Diego made it impossible for me to ever gain access to it in time for me to avail myself of the use. The League should purchase several of these small hand-held machines for Committee use at NABCs. One should always be present in the Committee room during each hearing.

An easily remedied but important (to those involved) issue concerns the comfort of Committee members during the hearing. I was involved in hearing two or three cases on many nights at San Diego, often until 1:30 or 2:00 am. On several occasions either no soft drinks were present, or the few which were available were not drinkable by some Committee members (for example, because of sugar content), even at the start of the first case. What's more, even if adequate drinks were available at the start of the evening, invariably the problem arose by the start of the second case, and by the third case there were never any drinks present. The League should have better consideration of the people who cannot go to the hospitality suite (because they are busy serving on Committees), and at least be conscientious about keeping soft drinks in adequate supply in the Committee rooms. Leftover drinks can always be used the following evening (except for the final Sunday), so there need be no unnecessary waste. The hotel usually reclaims whatever is unused, in any event. On more than one occasion I gave serious consideration to not serving on a second or third case (even though I was sorely needed) because I was becoming too tired and could not even get a drink to allay my condition.

Goldman: What should be done to improve the outcomes of bridge controversies:

1. Directors. Send your senior Directors to the tables to make rulings and to gather the important facts. Consult with others as necessary, but get the rulings right and when they are appealed to Committees forward the reasoning to the Committee.
2. Politicians. Stop proposing unqualified people for service on NABC Appeals Committees.
3. Experts. Vow to serve on at least two Committees per NABC. Take the time to get knowledgeable about the issues.
4. Lawyers and Administrators. Make the effort to establish a Precedent Book so that uniform conclusions start to become the norm.
5. Appeals Co-Chairpeople. Increase efforts to eliminate biased relationships from affecting the process of Committee selection. Make it easy for parties to an appeal to strike members from Committees when bias is feared. If both sides to an appeal are actively willing to have highly qualified players who are participating in the event sit on the case then let them.

6. Laws Commission. Make efforts to resolve the tensions between Law and Equity so that Directors who are extremely Law conscious and expert Committee members who are more equity conscious are not so often in conflict.

7. John Blubaugh. Keep up with your labor of love.

Kaplan: Despite one frightful ruling and two or three foolish ones, the general quality of the decisions is a distinct improvement over a few years ago. However, something must be done about flagrantly illegal procedural penalties imposed for "convention abuse". See my comments on cases thirteen, fourteen, and twenty-four.

LeBendig: There were some very difficult cases here and I applaud the job that these Committees have done. I'm certain we will never get to the point where we feel we have achieved perfection in this area. Thanks to the increased participation of the expert bridge community, I feel we show signs of improvement with each NABC.

Procedural penalties are one area where we must try to achieve some level of uniformity. There are two specific penalties which we would be able to hand out with very little discussion:

1. Law 75D2 requires either Declarer or Dummy to disclose any misinformation immediately following the final pass. This law also prohibits the defending side from making any statements about misinformation until play has ended at which point the defenders are required to clarify what really happened. If the declaring side fails to disclose any material misinformation, that is a clear violation of the Laws and should receive a procedural penalty. Laws 90 and 92 give Committees the right to issue penalties.

2. When we feel someone has blatantly violated Law 73C (i.e. Case Three) we should also be issuing procedural penalties.

These penalties won't have to be issued more than once or twice to any one player until they will become much more aware of their obligations under the Laws. I do feel these penalties should only be dispensed in NABC+ events at the beginning. It would help enormously if Directors would also hand out such penalties.

As to forgotten bids, we are unable to issue penalties if that is truly the case. However, we are able to penalize players who do not have a clear agreement in an area they should have discussed. My comments on Case Twenty-four go into this in more detail.

Meckstroth: There were many excellent rulings in some difficult cases. Yeah! There were also many debatable rulings in some very interesting cases. To these I offered my opinion to how I would rule. Hopefully we all will come to some consensus as to what is best in these cases and develop a uniform and consistent result. To these cases I say okay, let's try and fine tune them.

Sadly, there were five cases that I found rulings to be completely off target. These were cases Eleven, Twelve, Eighteen, Twenty, and Twenty-seven. I feel strongly about all five, they were embarrassing.

Perhaps the problem is the failure to see what is really relevant. Perhaps it is a lack of understanding of a Committee's duty. I'm not sure why but these rulings represent serious injustices and we as Committee members need to try and find a way to prevent these travesties from occurring. Perhaps we need to have the NABC Appeals Committee be an elected position allowing us to vote in people who make the best Committee members. All I know is we still have a very long way to go.

Rosenberg: There has been a substantial improvement in documenting cases. Keep it up! My main criticism about the appeals process is the awarding of procedural penalties. Instead of this, Committees should concentrate on whether there has been damage. If not, no adjustment; if so, adjust the score to the most favorable possible result for the non-offenders. This would be more consistent than what is currently occurring.

Sutherland: During the past several years the quality of the Committees has improved greatly. I am most grateful to those who serve when I come to them at the last minute; when I need members to serve on the finals of the Spingold and Vanderbilt cases.

I beg the Board of Directors to not make political appointments to the Appeals Committee. We should not be training at the NABCs to go back and serve at the sectional and regional level. Many cases are decided by a 3 to 2 margin. Only qualified members should be serving on any cases.

We also need to resolve the problems of procedural penalties. There seems to be a split even among members of the Laws Commission as to the authority the Appeals Committees have.

Treadwell: It is most gratifying to see many of our top players participating on Appeals Committees. Bobby Goldman, in particular, had been most assiduous and articulate in this participation, but many others also have contributed time and effort to making our appeals process better. Personally, I don't think it was ever as bad as some critics would have you think.

The swing from the 75% clear action principle to the logical alternative principle has created a few problems for some Committee members but I believe this is gradually being absorbed. I would caution, however, that just because a player hesitates, his partner is not barred from taking logical bridge action, particularly when the hesitation occurs after an unusual action by the opposing side or in many competitive situations where the information conveyed by the break in tempo is vague at best.

As I commented in Case Twenty-four, I am disturbed by the principle of restoration of so-called equity when a pair simply made a bad bid indeed. Are we moving toward redress every time we are fixed by a bad bid or play by an inept opponent? As Hugh Ross said, "The game itself provides penalties in the long run for psyching or misbidding; why should the police be adding additional penalties?"

Weinstein: I think the Committees did an excellent job overall. The write-ups were, in general, of excellent quality. Especially deserving of commendation (though I didn't always agree with the rulings) were the Committees chaired by Richard Colker. One general concern is having a stated policy regarding those situations where convention disruption directly contributes to the opponents screwing up and when Committees should or should not assign penalties. Also, some general guidelines on when a non-offending side's score should or shouldn't be adjusted would contribute to more consistent rulings. Now let's hope that we can implement Goldman's proposal on bidding tempo, at first in the NABC+ events and eventually throughout the ACBL.