

# 1995 Fall 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  
July, 2020

## **1995 NABC Appeals Chairman's Introduction:**

1996 is going to be "The Year of the Team." Hopefully, we are going to be adding a few people to our appeals team and we will be working together to achieve more cooperation and more consistency in our appeals procedures.

Many people commented on how few appeals (sixteen cases) we had in New Orleans and how many (thirty-seven cases) we had in Atlanta. I checked back as far as Orlando in the fall of 1992 where we had just short of 15,000 tables and thirty-three appeals and found that the smallest number of appeals relative to table count was indeed New Orleans although Minneapolis ran a close second with only fifteen appeals but a smaller table count. A record not to be proud of was the forty-one appeals cases in Cincinnati. I can only assume that there must have been a full moon for the entire ten days of the tournament.

Certainly we should be aiming to have fewer appeals. This should be accomplished by trying to teach our players what active ethics is all about and what the Laws of Duplicate Bridge have to do with how Directors rule and how Committees decide. At an NABC, the Screening Directors should play a much larger role in what finally goes to a Committee. Players should only want an adjusted score when a "foul" has been committed, not when they think they may get some adjustment simply because things did not go the way they hoped. An appeal should not be considered another "club" to have in your bag of tricks to gain matchpoints.

In Atlanta, the Vice-Chairmen along with Edgar Kaplan, several Directors and other people closely aligned with appeals, got together for a short meeting. The major topic of discussion was "unauthorized information." Everyone believed it was a constructive meeting and we are planning to meet again in Philadelphia. This is the appropriate way for the key people involved in our appeals procedures to work together as a team to accomplish our goal of making bridge more enjoyable at all levels by improving the conditions at the table through education and fair play.

Joan Gerard  
Chairman, NABC Appeals Committee

## **1995 NABC Appeals Co-Chairs Forward:**

We once again want to thank John Blubaugh for making this casebook possible. Many hours of work have gone into matching write-ups with the proper cases during a very busy NABC as far as Appeals was concerned. He was also responsible for assembling the commentary from the expert community.

These casebooks continue to improve. One of the main reasons is the time devoted by our Chairmen in an effort to give a detailed account of what happened in their Committee. The value of these casebooks is totally dependent on continued improvement in that one area.

We also want to thank the following proofreaders: Linda Weinstein, Karen Lawrence, Frank Jewett III, Dave Fred, and John Bridgewater. One of goals is to get this book out as quickly as possible. The above volunteers assure that our work is very accurate.

Special thanks are due to Mrs. Kate Sides of the ACBL for getting the casebook published and distributed. She is usually on a very tight schedule and always gets the job done on time.

It is always worth noting that we make no effort to edit these decisions. Some of them are actually considered bad. The commentary will usually clarify when the Committees made an "error". However, we always try to use these as well as the good cases as learning tools. We'll never reach "perfection", but we attaining some level of uniformity in how we approach the problems.

Alan LeBendig & Peggy Sutherlin  
NABC Appeals Committee Co-Chairs

## Our Expert Commentators:

**David Berkowitz** was born in Brooklyn, New York. He currently lives in Old Tappan, New Jersey with his wife Lisa, daughter Dana, and son Micheal. He is an options trader on the AMEX. In his spare time David says, "What I live for is beating Larry (Cohen – his regular bridge partner) at golf." David is a Co-Director (with Larry) of the *Bridge World* Master Solver's Club. He is an ACBL Grand Life Master with several National Championships and a WBF World Master. The next time you're at an NABC, look for David's witty, often hysterically funny, repartee as a VuGraph commentator for the ACBL in its late-round coverage of the major National events, if he's not still competing, that is – and maybe even if he is.

**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.

**Ron Gerard** was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (Chairman of the National Appeals Committee) where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth, 1990) and one semi-final while playing only once on a professional team.

**Bobby Goldman** was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his 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.

**Chip Martel** was born in Ithaca, New York. He is Department Chair and Professor of Computer Science at the University of CA at Davis, and currently resides in Davis, CA, with his wife Jan. His other hobbies include reading and bicycling. Chip is a member of the ACBL National Laws Commission, the current Drafting Committee for the new laws, and the ACBL Competition and Conventions Committee. He is proudest of his four World Championships, current ranking of fifth in the world, and seventeen National Championships. He was also the captain and coach of our only world championship Junior team, as well as for the Junior team which won a bronze medal.

**Barry Rigal** was born in London, England. He is single and currently resides in New York where he is a bridge writer and analyst who contributes to many periodicals worldwide. He enjoys theater, music, arts, and travel. Barry is also an outstanding VuGraph commentator, demonstrating an extensive knowledge of the many bidding systems played by pairs all over the world. We are not at all surprised at his ability to confuse the audience with his remarkable grasp of the most convoluted bidding sequences. He is proudest of his fourth place finish in the 1990 Geneva World Mixed Pairs, winning the Common Market Mixed Teams in 1987, and winning the Gold Cup in 1991.

**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.

**Bobby Wolff** was born in San Antonio, and is a graduate of Trinity University. He currently resides in Dallas. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's greatest players and has won ten World Titles and numerous National Championships. He served as the 1987 ACBL president and the 1992-1994 WBF president. He has served as tournament recorder at NABCs, and is the author of the ACBL active ethics program.

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	NABC Life Master Pairs	<b>Case:</b>	1
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**Auction**

West	North	East	South
		Pass	3♥
3NT <sup>1</sup>	Pass	6♣	Pass
Pass	Pass		

**Explanation of Special Calls and Points of Contention**

1: Break in Tempo

**Hand Record**

<b>Board</b>		N	John Solodar		
<b>Dealer</b>	<b>E</b>	♠	J72		
		♥	J93		
<b>Vul</b>	<b>E/W</b>	♦	QJ764		
		♣	Q4		
<b>W</b>	Susan Davis			<b>E</b>	Shaleen Baze
♠	AK643			♠	Q1095
♥	AQ			♥	2
♦	AK10			♦	92
♣	1065			♣	AJ9732
		S	David Weisman		
		♠	8		
		♥	K1087654		
		♦	853		
		♣	K8		

Final Contract	Result of Play	Score	Opening Lead
6♣ by E	Made 6	E/W +1370	

**Facts**

West hesitated before bidding 3NT.

**Director Ruling**

The Director ruled that Pass was a logical alternative. The contract was changed to 3NT by West, made six, E/W +690.

<b>Director's Ruling</b>	<b>3NT by W, Made 6, E/W +690</b>
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**Committee Ruling**

The players agreed that South did not announce a skip bid warning when he bid 3♥. The players also agreed that West hesitated for 20-25 seconds after the 3♥ bid. West stated that she was thinking about "Doubling first and then bidding spades" but decided after some thought to bid 3NT. East said that she "was always going to bid 6♣" and expected her partner to have a double stopper in hearts to pitch her expected diamond loser.

The Committee discussed at some length what the break in tempo conveyed and whether the tempo break suggested the 6♣ bid by East. The Committee did not want to deprive East of "taking a shot" on the board if the hesitation did not clearly suggest bidding. Certain hands typical for this auction were ruled out, for example ♠Ax ♥Axx ♦AKQxxx ♣x, or a balanced 16-18 HCP. The Committee decided that the break in tempo most likely indicated extra values and decided that East's bid could have been suggested by West's decision. The Committee was unanimous that very few of East's peers would have bid 6♣ and that a Pass of 3NT was a logical alternative. The Director's ruling of 3NT by West, made six, E/W +690, was confirmed. The Committee debated keeping East/West's deposit and declaring their appeal to be without merit. The Committee opted to explain the term logical alternative to East/West and returned the deposit.

<b>Committee Decision</b>	<b>3NT by W, Made 6, E/W +690</b>
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## Committee Members

<b>Chair</b>	Bob Glasson
<b>Member</b>	Darwin Afdahl
<b>Member</b>	Martin Caley
<b>Member</b>	Abby Heitner
<b>Member</b>	Nancy Sachs

### Commentary

*The experts were split on this decision.*

**Berkowitz:** I made it about 80% that West's hesitation indicated a better hand. I agreed with the Committee.

**Colker:** This was a good decision. It has been said before but it should be repeated, hesitations in situations like this virtually always show extra values. No one hesitates and then bids 3NT with a balanced 14 or 15 count. They hesitate and then Pass! The highly speculative 6♣ bid with the East hand after West's prolonged hesitation constituted an egregious and blatant use of unauthorized information, and warranted a stiff procedural penalty in addition to the verbal admonition given by the Committee. I don't think that this message was sent clearly enough.

**Rosenberg:** The point was not that the hesitation suggested extra values, but that it would have taken a slow 3NT to have made 6♣ likely to have been a successful action. It was all but certain that the hesitation influenced the 6♣ bid, however anti-percentage and illogical that call may have been. Bobby Goldman would have said that East/West should have kept their score if West had some fourteen count and slam happened to have made. I disagree.

**LeBendig:** Here was a clear case of there being logical alternatives to the 6♣ call. However, I believed that any discussion of logical alternatives were premature in this case. A slow 3NT could have been bid for many reasons. Several of them would have made 6♣ a very poor contract. I believed that if we were going to take away this successful "shot", we should have made it clear that we believed there was some other source of unauthorized information other than the speed of the 3NT bid.

**Goldman:** I agreed with the Committee.

*Weinstein agreed with the Committee but with very little enthusiasm.*

**Weinstein:** I guess I agreed with the Committee, but I thought it was very close whether the moderate hesitation suggested that 6♣ would have been more successful than an in-tempo 3NT. There were enough things that West could have been considering, that in combination with the lack of a skip-bid warning, I could have gone either way on the decision.

*Some of the experts believed that East was just taking a wild shot and happened to guess correctly.*

**Kaplan:** Certainly Pass was a logical alternative to 6♣, far more logical. But, was it suggested by the tempo? Perhaps it was, to this slight extent, that West was unlikely to have held an ordinary balanced 17 count with stoppers. Still, West could have had a 15 count, or dubious stoppers, or a singleton club, or any of a myriad of flawed hands that would have made 6♣ a silly contract. In the absence of a clear suggestion (e.g., suppose West selected her 4♥ card, then put it back in the bid box and placed her 3NT card on the table), I would have allowed the 6♣ bid to stand when I deemed, as I did here, that the bidder was taking a wild gamble (even with the hesitation).

**Martel:** A slow 3NT bid did not particularly suggest a 6♣ bid. There were lots of possible reasons for the pause: a hand too weak to have been sure about bidding, a hand with a stiff club (say 4-3-5-1 where she was considering a Double instead), a hand with long diamonds. Thus, while Pass of 3NT was certainly a logical alternative, the pause did not suggest bidding 6♣. If a player chose to take a shot which was quite likely to fail even given the unauthorized information, she should have been allowed to have kept her top if she was right and their bottom if she was wrong.

**Rigal:** I was very disturbed by this decision. East's action was admittedly highly unusual. I failed to see why a slow 3NT made it more attractive. Given that a slow 3NT could have been based on:

1. A hand too good to have bid 3NT;
2. A hand too bad to have bid 3NT;
3. A hand with a flawed heart guard;
4. A hand with an open side suit;
5. A hand with four spades contemplating a double;

(to name but five categories and no doubt I could have named another five if pressed) and the 6♣ action was only slightly indicated if facing type 1, and not made more attractive facing any of the other types, the Committee's actions seemed incomprehensible. Unless they were aware of a pattern that was not covered in the write-up, East's action seemed so random that one should not have taken it away just because it worked.

**Treadwell:** The only information conveyed by the admitted hesitation was doubt about what to bid. Hypothetical possible alternative actions were Pass, Double, overcall and 3NT.

I could not see where any of these actions would have suggested the 6♣ bid by East. In fact, most of the time, East would have been in a hopeless contract, and, of course, then we would never have heard about it. The only action by West that might have suggested a 6♣ bid would have been an almost instantaneous 3NT bid that showed no doubt whatsoever. Yes, we should all strive to bid in tempo, but it still is not an infraction to think. I believe we sometimes, as in this case, strive too hard to punish hesitators as opposed to punishing those who take advantage of the hesitation.

**Wolff:** I disagreed with the harsh decision made by this Committee. However, my reason was probably different from most. While hesitations have long been part of the game, we, in the expert community, must be constantly aware of our ethical responsibilities. If we do hesitate, and we determine during that hesitation that partner could be privy to unauthorized information if we take certain actions, we must be aware that our choice is between taking one of those actions and have partner lean over backwards to disadvantage our partnership or take a possible second or third best action in order to not have negative ethical strictures. A simple choice really, but one that will lead our expert community to the promised land of mutual respect and improving the game. For now, I would have awarded +690 to East/West and -1370 to North/South.

**Consensus:** *Six experts agreed with the Committee decision. Five believed 6♣ was just a "shot" in the dark and they would have allowed the result to stand.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Life Master Women's Pairs	<b>Case:</b>	2
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Break in Tempo

### Hand Record

Board		N	Jo Ann Sprung		
<b>Dealer</b>		<b>N</b>	♠ 1097653		
<b>Vul</b>		<b>N/S</b>	♥ 932		
			♦ A95		
			♣ 3		
<b>W</b>	Ruth Wilcox			<b>E</b>	Sidney Locke
♠	Q			♠	K82
♥	K8764			♥	Q
♦	74			♦	Q10863
♣	J10986			♣	AKQ7
		<b>S</b>	Joann Glasson		
			♠ AJ4		
			♥ AJ105		
			♦ KJ2		
			♣ 542		

Final Contract	Result of Play	Score	Opening Lead
4♣ by E	Down 2	N/S +100	

### Facts

East hesitated before the Double of 3♠.

### Director Ruling

The Director ruled that Pass by West was a logical alternative. The result was changed to 3♠X by North, making three, N/S +730.

<b>Director's Ruling</b>	<b>3♠X by N, Made 3, N/S +730</b>
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### Committee Ruling

The Committee decided that removing the Double and bidding 4♣ was clear-cut. The hesitation before the Double was not a factor in the decision to bid. The table result of 4♣ by East, down two, N/S +100, was restored.

<b>Committee Decision</b>	<b>4♣ by E, Down 2, N/S +100</b>
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### Committee Members

<b>Chair</b>	Martin Caley
<b>Member</b>	Mary Jane Farrell
<b>Member</b>	Robb Gordon
<b>Member</b>	Doug Heron
<b>Member</b>	Nancy Sachs



## Commentary

*The experts took a dim view of this Committee decision.*

**Kaplan:** Here, in contrast to Case 1, there was a clear suggestion from the tempo that West should have taken out the Double. The only question whether Pass would have been a logical alternative.

To resolve such questions, I would have assumed West was a player of dubious ethics who had received precisely the opposite information (i.e. partner had Doubled promptly and viciously) might he not have Passed? Sure, he might have. If my partner Doubled in ordinary tone and tempo, we would have collected +800.

**Martel:** In my view, Pass of the Double was a logical alternative. The opponents were vulnerable so down one was a top, you had the singleton ♠Q and the ♥K, each of which was a potential defensive trick (in fact west would have scored a heart trick and helped her partner's spade holding). The only reason that 3♠ made was that East had weak spades, and most of her strength in clubs (just what a slow Double suggested). East might have been 4-1-4-4.

As a general rule I thought that a slow penalty Double should only have been allowed to have been removed when the puller had a very extreme hand. West's hand was not.

Finally, let me note that it would have been reasonable to have assigned a split score here judging that although Pass was a logical alternative, +730 was not a "likely" result.

**Berkowitz:** I disagreed with the Committee. West has ♠Q (a huge card), only two diamonds and a well-placed ♥K. My instincts said that Pass was quite reasonable. The Committee was in error.

**Rosenberg:** 4♣ was probably a normal bid, and if the opponents were not vulnerable, I would have considered allowing it. As it was, there was an excellent chance of +200 (opposite a confident Double). If East had as little as ♠KJx and two Aces, five tricks were in view. Also, there was a likelihood of obtaining a diamond ruff or overruff. East had an atypical hand with subminimum defense (in fact, I believe east made a bad bid, without the hesitation). What I would have liked to have seen was players faced with West's decision to reason why they should have pulled when partner Doubled too fast, and think about why they should have Passed when partner Doubled too slow. As it stands now, most players do the opposite. The Committee sent the wrong message here. I would have decided the 3♠X made four, +930.

**Goldman:** This was a questionable decision. It was not clear-cut to pull the Double, but the unclear 3♠ made with a heart lead.

**Wolff:** I disagreed with the Committee. This was almost a direct contradiction of Case One. The decision was not good or bad, it was only inconsistent,

*As usual, there were some experts who agreed with the Committee.*

**Rigal:** This was a good decision. West's hand was as bad defensively as one could imagine, with extra offense. This was a clear-cut action and was unaffected by the hesitation.

**Treadwell:** This was a bit similar to the preceding case. The Double by East was a command to do something sensible and West took the sensible course of pulling the Double. If East had Doubled rapidly or in a loud voice, I would have had a problem if West had left in the Double and this proved to have been the correct action.

**Colker:** Although what was clear-cut for one Committee may not have been so for another, in this case I agreed that most Wests would have pulled the Double to 4♣. However, at matchpoints, I would venture that a few Wests might even have sat it out, hoping for the magic +200 number. This raises the question of what our definition of "logical alternative" should be. According to our current policy, since some Wests would not only have thought seriously about Passing the Double but might actually have done so, the contract should have been returned to 3♠X, made three. In my opinion, however, this policy has gone too far toward forcing low percentage, non-bridge, actions on players in situations where the entire Committee believed that a "normal" bridge action would very likely (almost certainly) have been taken at the table. I therefore endorsed this Committee's decision, in spite of its contradiction of our current policy regarding logical alternative, and I recommend this hand as an important precedent for discussions of what our policy should be in the future.

I must also emphasize that I believed East was entirely responsible for creating this problem by hesitating in an obviously sensitive competitive situation, and should not have escaped accountability for her action. I would have favored some sort of disciplinary penalty for her blatant variation of tempo. I saw no reason why the principle that "players are required to bid in tempo, especially in tempo-sensitive situations," shouldn't have been firmly reinforced simply because the violator's partner held a hand that just happened to have made the action suggested by the hesitation allowable in spite of the irregularity.

**Weinstein:** Again, I guess I agreed with the Committee. Although I believed the pull was automatic, there may have been others who did not believe the same way and a different Committee might well have decided against East/West. Other relevant testimony might have been whether East could have Doubled 1♠ for penalty or whether that would have been a Support Double. (Although Pass of 3♠ was remotely possible, I didn't consider it a logical alternative.)

**Consensus:** *Four experts thought the Committee got the case right. Six believed they could have done better.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	NABC Open BAM Teams	<b>Case:</b>	3
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Break in Tempo

### Hand Record

<b>Board</b>		N	Eddie Wold		
<b>Dealer</b>		N	♠ J4 ♥ A4 ♦ AQ765 ♣ KJ32		
<b>Vul</b>		None			
W	Alan Myerson			E	Ted Gibbs
♠	AQ9752			♠	86
♥	KJ93			♥	8752
♦	1082			♦	4
♣	(void)		♣	Q97654	
		S	Geoff Hampson		
		♠	K103		
		♥	Q106		
		♦	KJ93		
		♣	A108		

Final Contract	Result of Play	Score	Opening Lead
3NT by N	Made 4	N/S +430	

### Facts

North/South believed that West's short hesitation implied a long suit and they wanted to force East to lead from his club suit. They claimed this would have allowed them to make eleven tricks.

### Director Ruling

The Director ruled that the break in tempo could have made unauthorized information available to East. East was forced to lead a club and the score was changed to 3NT by North, making five, N/S +460.

<b>Director's Ruling</b>	<b>3NT by N, Made 5, N/S +460</b>
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### Committee Ruling

The Committee discovered that the break in tempo was agreed upon but only "a bit" more than the ten seconds allowed. There was no skip-bid warning given before the 3NT bid.

The Committee believed that most or nearly all players with the South hand would not have given the skip-bid warning. That did not mean there was no liability for failing to do so. Hence, in the rare situations where West may have wanted some time to consider his options, South's failure to use the "Stop" card could have been the cause of a slight break in tempo.

The Committee decided that North/South assumed a small responsibility for the hesitation. A club lead had to have been made to assure the +460. The Committee believed that East's rationale for choosing not to lead a club was reasonable, The failure to use the "Stop" card did not create such a liability that a club lead was mandated. However, the choice of a spade rather than a heart was a bit troubling. Since both leads produced the same result, no adjustment was deemed necessary. The table result of 3NT by North, making four, N/S +430, was restored.

<b>Committee Decision</b>	<b>3NT by N, Made 4, N/S +430</b>
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## Committee Members

<b>Chair</b>	Michael Huston
<b>Member</b>	Bart Bramley
<b>Member</b>	Martin Caley
<b>Member</b>	Doug Herron
<b>Member</b>	Richard Popper

### Commentary

*Several experts took exception with allowing only +430 for North/South.*

**Rigal:** I was uncomfortable with this decision. Had East had a heart (which looked like the natural alternative to a club), I would have had no problems; a spade lead seemed to have fielded the slow Pass, and I thought I would have left the score at +460. But I realized this was a subjective ruling, based on my own preconceptions of the "right" lead here.

**LeBendig:** As to the score for North/South, I agreed with the Committee. As to East/West, I was not so sure. Even with no skip bid warning, it seemed apparent that East correctly interpreted the fact that his partner had a problem. I was bothered by the fact that with this knowledge he chose a spade lead. I believed that -460 for this pair was the least I would have agreed to as a reminder of what was right.

**Rosenberg:** I have never understood why the bridge community does not realize the importance of a skip-bid warning on this auction. True, very rarely matters, but when it does there is a huge problem. This should not be confused with e.g., 1♠-2♠-4♠, which is more or less irrelevant. I always count to three on this auction, 1NT-3NT, when no skip-warning was used. However, the failure to use the warning was not too relevant unless some attention was normally paid to it. When I use the warning on this auction, it is normally followed by a bullet pass, so West would have needed to testify that he would normally have paused on this auction for me to have considered South's failure as relevant. The choice of a spade rather than a heart was more than "a bit troubling," it was outrageous! This East should have been forced to lead a club and should have been strongly censured. (*Editor: See Michael's closing comments to get a definition of "censure."*) A heart lead would have been tougher. If one good thing came out of this case it was that this West, in the future, will probably consistently take time on this and related auctions. I would have decided +460.

**Colker:** This was a difficult case which I believe the Committee got half-right. There were admittedly good reasons for East to have tried to hit his partner's suit with a short-suit spade lead. West would usually hold at least four spades in this auction, and he had all the high cards and potential entries to enjoy the length tricks in his suit. However, there were also many situations where a club lead could have worked out best. Clubs could have run outright. East/West could have gained a tempo if West held ♣xxx and North/South's clubs were 2-2. Declarer might have ducked an extra club trick, trying to deny West an entry to East's hand. Declarer might have panicked in the play of the hand and cashed out when he could have made extra tricks by playing West to have held all the outstanding cards, or he might have played East to hold a side entry he didn't have and attempted a nonexistent endplay. North/South's failure to use the Stop-card was entirely legal but in this situation, it was enough, in my mind, to have compromised their right to receive redress. I would have let their score stand.

On the other hand, if there was, as suggested, a hesitation by West beyond what was reasonable in a 1NT-3NT auction, I find it troubling that East would have even considered choosing a "gambling" short-suit lead in the presence of a "normal" lead from length. The fact that a line of reasoning was available which made the short-suit lead attractive didn't absolve East of his responsibility to take a "normal" action if there was any justification for it when unauthorized information was present. In this case the club lead was still quite reasonable, even if it might have been judged to have been slightly anti-percentage from an expert perspective. I would therefore have adjusted East/West's score to -460, forcing a club lead. I would not have voted for a procedural penalty against East/West for an appeal lacking merit, since the appeal was necessary to return the North/South score to +430.

**Treadwell:** I tended to agree with the Committee's decision in view of South's failure to give a skip bid warning. However, I was concerned that East correctly interpreted his partner's hesitation when he chose the suit to lead. Was any consideration given to a split score (a dubious practice in a Board-a-Match event) or a procedural penalty to the East/West team?

**Barkowitz:** Stop, skip, or no, East had an obligation to lead normally. I would have insisted on a club lead and the result would have been 460.

*Other experts believed the Committee got it exactly right.*

**Goldman:** This was a good decision by the Committee.

**Weinstein:** I believe that not using the Stop-card limits the “non-offender’s” rights in a close hesitation fact situation. The Committee’s reasoning seemed to have been on track.

**Wolff:** This was an excellent example of proper “in the trenches” Committee reasoning. East/West should have been reminded of their strict responsibility. Perhaps a message could have been printed and handed out on these occasions stating our ethical goals.

**Consensus:** *Nine experts agreed in general.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Stratified Pairs	<b>Case:</b>	4
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### Auction

West	North	East	South
			Pass
2♣	Pass	2♦ <sup>1</sup>	Pass
2NT	Pass	3♣ <sup>2</sup>	Pass
3♦ <sup>3</sup>	Pass	4♦ <sup>4</sup>	Pass
4♥	Pass	4NT	Pass
5♦ <sup>5</sup>	Pass	5NT	Pass
6♣ <sup>6</sup>	Pass	6♥ <sup>7</sup>	Pass
7♥	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Alerted, Waiting
2: Alerted, Puppet Stayman
3: Alerted, Four Card Major
4: Alerted, Both Majors, Slam?
5: Post Alert, 0 or 4 Keycards
6: Post Alert, ♣K
7: Break in Tempo

### Hand Record

Board		N		
<b>Dealer</b>		<b>S</b>		
<b>Vul</b>		<b>None</b>		
		♠ QJ8		
		♥ 1096		
		♦ Q10752		
		♣ 94		
<b>W</b>				<b>E</b>
♠ A4				♠ K1097
♥ AKQ5				♥ J8743
♦ KJ93				♦ A
♣ AK3				♣ J76
		<b>S</b>		
		♠ 6532		
		♥ 2		
		♦ 864		
		♣ Q10852		

Final Contract	Result of Play	Score	Opening Lead
7♥ by W	Made 7	E/W +1510	

### Facts

East hesitated before bidding 6♥.

### Director Ruling

The Director ruled that Pass was a logical alternative for West. The contract was changed, 6♥ by West, making seven, E/W +1010.

<b>Director's Ruling</b>	<b>6♥ by W, Made 7, E/W +1010</b>
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### Committee Ruling

5NT guaranteed all five key cards and asked for kings up the line. West believed he could have bid 7♥ at this point but he wanted to see if East would sign off in 6NT. If East signed off in 6NT, West would have bid 7NT. The Committee decided that a pass of 6♥ was not a logical alternative holding two kings and the undisclosed queen of trump. The table result of 7♥ by West, making seven, E/W +1510, was restored.

<b>Committee Decision</b>	<b>7♥ by W, Made 7, E/W +1510</b>
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### Committee Members

<b>Chair</b>	William Passell
<b>Member</b>	Phil Brady
<b>Member</b>	Jim Linhart

## Commentary

*This decision had some support.*

**Rigal:** I am unhappy to ever allow Hesitation Blackwood auctions, but there does seem to have been a good case here. I would not have allowed the raise without the ♦J, which made a big difference to the chances of discarding spade losers or bringing in the diamond suit. It would have been nice to know who West was, which level of the stratified event he was playing in, and whether he made his case well.

**Treadwell:** This was a good decision. I would have given West a demerit if he had failed to bid 7♥ with all of those prime values.

**Weinstein:** Assuming that 2NT was not unlimited, I agreed completely with the Committee even though I believe hesitating after a Blackwood response, then signing off, is reprehensible.

*More experts disagreed with the Committee.*

**Kaplan:** No! If the 7♥ bid was that automatic, West should have bid 7♥ over 5NT. Partner could still have corrected to 7NT if he wished. Again, suppose that East had bid a hasty 6♥, yawned, put his cards on the table, and looked out of the window, would a not very scrupulous West have Passed? Since I have seen many an unscrupulous West in my misspent life, I can assure you, yes, he would have Passed.

**LeBendig:** This was a sad decision. West was willing to quit at 4♥ after expressed slam interest and we now accepted a spurious explanation of why he didn't carry on to a grand over 5NT. If the red queens mattered, East could have inquired. Only a slow signoff suggested the missing ♠K was not important.

**Wolff:** This was a simple case, but with enormous significance. West's "post" hand reasoning (perhaps he was thinking what he said he was) should have fallen under what I discussed in Case One. He should have been required to accept the ethical strictures a critical hesitation begets and therefore the Committee should have changed the contract back to 6♥.

**Berkowitz:** I hate these "wait and see" auctions. I would have automatically decided against East/West. If West was so good, why didn't he bid 7♦ to see if East had the ♦Q? Hesitators should never have been given the benefit of expert bridge judgment.

**Colker:** While I agreed that many West players holding an unshown side king and the queen of trump would have bid again without much further thought, a weak player might have passed. Given the absence of names from this case, it seemed reasonable to assume that the players involved might have been less than experts (*Editor: The names are not printed for stratified events even if the players involved are experts*). But, even more importantly, a good/expert West player might have asked himself "Why didn't East ask about the queen of trump when he had a chance over 5♦?" The logical answer to this question was that East must have had at least six trumps. Having shown both majors East's auction could have been construed as saying, "I don't care about the trump queen, or secondary values in the minors. I need major suit help, specifically in spades." If East held something like ♠QTxxx ♥JTxxx ♦A ♣x or ♠Qxxx ♥JTxxx ♦x ♣x, only the ♠K would have worked. Even both minor suit kings and one of the queens wouldn't have helped. Also, if east held the ♠KQxx(x) along with 10+ major suit cards, he could have just bid the grand slam himself after West's 6♣ bid, and if he held only ♠Kxxx(x) he could have bid 6♦ over 6♣, keeping West in the picture for the possible grand. In addition, I found West's statement that he could have bid 7♥ directly over 5NT but didn't because he wanted to see if East would sign off in 6NT (presumably so that he could raise to 7NT rather than 7♥) both self-serving and illogical. If East were going to sign off in 6NT over 6♣, he could just as easily have converted 7♥ to 7NT! For these reasons I believed that a Pass of 6♥ was a logical alternative for West, and I would have decided as the Director ruled.

There was one other important point to be made. There was absolutely no excuse for East's hesitating before signing off over West's anticipated 6♣ bid. In Blackwood auctions players are responsible for planning their follow-up bids to partner's expected responses before making their asking bid (4NT or 5NT), specifically to avoid problems like this. It offends me that East was allowed to get away with his performance over 6♥, and I would have pushed for an appeal lacking merit penalty if East was a player of any appreciable experience. In fact, the principle that (experienced) players must honor their ethical obligations is so important to emphasize that I would have voted for some sort of disciplinary penalty against East even had West held the ♠K instead of diamonds (compare with Case Two).

*Gerard thought the Committee was less than hard working.*

**Gerard:** This was a lazy decision. West could have ensured reaching a grand slam by bidding 7♥ over 5NT. If East had the hand to have bid 6NT over 6♣, he would have converted 7♥ to 7NT. West's rationale for bidding 6♣ was self-serving and should have been disregarded. East didn't ask for the ♥Q, so maybe it wasn't relevant. In fact, since East didn't continue with 6♦ over 6C, the ♦K shouldn't have been what East was interested in either. I would have expected to have been looking for the ♠K for all of the tricks. Why couldn't East have held ♠QJ109 ♥JTxxx ♦A ♣Qx? West took an

inconsistent action and then effectively said "I'm bidding seven" after the fact. Committee must unequivocally go on record against this.

**Rosenberg:** The bidding was strange. Was West's 4♥ bid non-forcing? If so, I would have already known that West was not a player capable of valuing a hand. Even if West had a clear-cut 7♥ bid, I'm not sure if it should have been allowed. The argument about 6NT was self-serving, and while it may have validity, it was not as important as East learning to think before the 5NT bid instead of after. As to the bridge merit of this hand, why couldn't East have had a hand that needed the ♦K (not at all unlikely)? The Committee made a poor decision here. I would have explained to East why this (thinking before 6♥ instead of 5NT) was a losing proposition and I would have censured West. I would have decided +1010.

**Consensus:** *Three experts agreed with the Committee. Some experts thought the Committee dropped the ball.*



<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	NABC Open BAM Teams	<b>Case:</b>	5
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, NAMYATS, weaker
2: Break in Tempo

### Hand Record

<b>Board</b>		N	William Ehlers		
<b>Dealer</b>		E	♠ 9742 ♥ Q92 ♦ KQ ♣ 9872		
<b>Vul</b>		Both			
W	Paul Kiefer			E	Jerry Helms
♠	AK1053			♠	QJ86
♥	KJ			♥	(void)
♦	AJ84			♦	109732
♣	J3			♣	AQ104
		S	John Rengstorff		
			♠ (void) ♥ A10876543 ♦ 65 ♣ K65		

Final Contract	Result of Play	Score	Opening Lead
4♠ by W	Made 6	E/W +680	

### Facts

West hesitated before passing 4♥. North/South Alerted that they played NAMYATS. East thought it was normal for a passed hand to reopen with a Double after a preempt. East claimed that it would not have occurred to him to Pass 4♥.

### Director Ruling

The Director ruled that Pass was a logical alternative. The contract was changed to 4♥ by South, down one, E/W +100.

<b>Director's Ruling</b>	<b>4♥ by S, Down 1, E/W +100</b>
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### Committee Ruling

The Committee believed this case was right on the edge of what should be allowed after a break in tempo. Clearly the hesitation (a long one, agreed to by all parties) made Double a 100% action. Was Pass a "logical alternative?" The Committee decided that Pass was just barely a logical alternative (one Committee member dissented). North was unlimited and this made the Double more dangerous. East was a little short in quick tricks (if the ♠QJxx was the ♠KTxx, the Committee might have voted the other way). Did West's cautious Pass over 4♥ indicate a partnership style of caution?

The Committee believed the vast majority of East's peers would have reopened. However most would have seriously considered Pass and a small number of players would have, in fact, Passed. The Committee had a choice of uncomfortable options and there was no predilection toward a split ticket or adjusted score. The Committee believed it was obligated to make he who hesitated pay the price of it. The Committee confirmed the Director ruling of 4♥ by South, down one, E/W +100.

<b>Committee Decision</b>	<b>4♥ by S, Down 1, E/W +100</b>
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## Committee Members

<b>Chair</b>	Bill Pollack
<b>Member</b>	Larry Cohen
<b>Member</b>	Robert Gookin
<b>Member</b>	Robb Gordon
<b>Member</b>	Peggy Sutherlin

### Commentary

*Some of the experts raved about this decision.*

**Wolff:** This was a flagrant case (decided correctly by the Committee) but how could West have passed and hoped for partner to balance? He should have known that after hesitating there was almost no passed hand by partner that would have been allowed to bid. If this was our consistent rule, we would find more West's bidding, instead of taking the no risk action. Any "bad" guy that reads about this Committee action will not be discouraged from continuing to ply his trade.

**Colker:** This was an excellent decision on a very difficult case. I agreed that this was "right on the edge of what should have been allowed after a break in tempo." In such situations I believe the statement made by this Committee ("make he who hesitated pay the price of it") correctly reflected the appropriate guiding principle. To put it another way, "he who hesitates is lost."

**Rigal:** This was a very tough one, and the Committee, I thought, did the right thing (even down to the split decision). Although I thought it was nearly 100% automatic to have reopened here, and I believed East would have, the point about the vulnerability was that passing might well have yielded the smallest minus. The Committee took everything into account and came to the right decision, I believed, although it was very close.

**Treadwell:** This was a tough case but the Committee came up with the right decision. We all might have balanced with the East hand but we certainly would have considered Pass before doing so. Hence, Pass must have been considered a logical alternative.

**Rosenberg:** I was very impressed that the Committee, in spite of its uncertainty, did not end up with a "split" decision. However, I would have allowed the 4♠ bid if I had believed that East was sufficiently expert to have been aware that the bid was automatic. Did this mean it was advantageous to have been an expert in unauthorized information situations? I would have said sometimes yes, but more often it is a disadvantage in terms of one's equity.

*LeBendig agreed with the Committee in general but he would have allowed the table result to stand for North/South.*

**LeBendig:** The Committee did a great job of sorting through a tough case. I believed they arrived at the right adjustment for East/West but given their belief that most would have chosen the Double, I believed North/South should have been left with the table result. This West and the previous East must learn what the consequences were for those clearly out of tempo actions.

*Others saw the situation completely different.*

**Gerard:** The difference between ♠QJXX and ♠KTxx wouldn't have mattered to me, nor, I suspect, to most players with the East cards. If West had converted the Double I would have bet on +200 or +500. And if East/West should have been in the auction, the distinction was meaningless. The Committee correctly appeared not to have been persuaded that East's heart void would have induced a Total Tricks disaster. It may have been true that Pass was a logical alternative, but I would have preferred a statement that the Committee believed it was obligated to make the hesitator's partner "continue to play bridge" (see Case Six). This business about treating hesitations as the moral equivalent of murder is getting out of hand.

**Goldman:** I should not fathom allowing North/South to play 4♥ under these conditions ("vast majority" would have bid). Any sense of equity was being thrown out the window. I thought the Double should have been allowed (put perhaps not under existing standards), but even if it had not been automatic enough to have been allowed, North/South got an unfair and unearned bonanza and the rest of the North/South field was injured.

**Martel:** As the Committee indicated this was a close case. Allowing East/West to have been +100 was reasonable, but there was no way North/South should have received -100 since it was clear that East passing out 4♥ was not a "likely" result. Probably North/South should just have received average-plus though -680 was plausible since that was clearly the most likely result that would have occurred without the infraction.

**Weinstein:** I disagreed with the Committee. I would never have seriously considered Pass a logical alternative and, unless other members of the Committee convinced me otherwise, I believe the Double should have been allowed. This was a decision that, for better or worse, would probably have been different under the old 75% standard.

**Berkowitz:** Although I routinely decide against hesitators, given the quality of the event and the players involved, I would have allowed the Double. My guess was that close to 100% of the expert community would have reopened with Double.

**Consensus:** *Six experts were in favor of the decision and five were opposed.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Blue Ribbon Pairs	<b>Case:</b>	6
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### Auction

West	North	East	South
			Pass
1NT	Pass	4♣	Dbl
4♠	Pass	5♣	Pass
5♠	Pass	6♦ <sup>1</sup>	Pass
6♠	Pass	7♠	Pass
7NT	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Break in Tempo

### Hand Record

Board		N	Eric Rodwell		
<b>Dealer</b>		<b>S</b>		♠ Q1063	
<b>Vul</b>		<b>E/W</b>		♥ 109732	
				♦ J85	
				♣ 7	
<b>W</b>	Sandra Low			<b>E</b>	Marc Low
♠ AK7				♠ 852	
♥ A86				♥ Q	
♦ Q2				♦ AK97643	
♣ KJ543				♣ A6	
		<b>S</b>	Marty Seligman		
				♠ J94	
				♥ KJ54	
				♦ 10	
				♣ Q10982	

Final Contract	Result of Play	Score	Opening Lead
7NT by W	Made 7	E/W +2220	

### Facts

East hesitated before bidding 6♦.

### Director Ruling

The Director ruled that Pass was a logical alternative for West. The result was changed to 6♦ by East, made seven, E/W +1390.

<b>Director's Ruling</b>	<b>6♦ by E, Made 7, EW +1390</b>
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### Committee Ruling

The Committee decided that Pass was a logical alternative for West. The Committee determined that the declarer would have taken thirteen tricks. The Committee confirmed the Director ruling of 6♦ by East, made seven, E/W +1390.

**Dissenting opinion from Committee members Robert Gookin and Gail Greenberg:** Pass was not a logical alternative after 6♦! When partner bid 4♣ and 5♣ opposite a hand that many people would have considered too good to open a 15-17 HCP 1NT and then revealed that the basis for his bidding was a diamond suit, it would have been inconceivable at matchpoints to play this hand any lower than 6NT and a grand slam would have been very likely. The fact that West chose 6♠ and elicited a 7♠ bid was simply bad luck for the North/South pair and should have been allowed.

When partner has hesitated, there was an obligation to bend over backwards to make sure partner did not influence your bidding. There is not an obligation to stop playing bridge.

<b>Committee Decision</b>	<b>6♦ by E, Made 7, EW +1390</b>
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## Committee Members

<b>Chair</b>	Gail Greenberg
<b>Member</b>	Phil Brady
<b>Member</b>	Nell Cahn
<b>Member</b>	Robert Gookin
<b>Member</b>	Jim Linhart

### Commentary

*The experts had strong opinions on both sides of this decision. Wolff led the supporters.*

**Wolff:** My crusade lies with the majority opinion. East must have thought out his entire sequence or should have expected to live with his 6♦ contract. Please consider the justice and simplicity of this easy to implement concept.

**Colker:** West might very well have bid on over an in-tempo 6♦ by East, but doing so was not without risk. For instance, give East ♠xx ♥Jxx ♦AKJxxxx ♣A (the stiff club was likely, given South's Double of 4♣ and West's club holding) and seven had little play unless South held the HKQ in addition to the ♣Q, and a heart wasn't led. Thus, a Pass of 6♦ was a logical alternative to which West's peers should have given serious consideration. As with the previous case (Case Five), "he who hesitates has lost." I would have assigned +1390 to both pairs.

**Sutherlin:** Certainly West wanted to do something over 6♦ since she was playing in a matchpoint event. However, East was captain after the 4♣ bid. Unfortunately, the break in tempo provided West with extra information and let West know that bidding on would be right. East was a bit conservative in not taking a shot at 6NT.

What was 6♠ all about? Was this an option West was offering East? I agreed with the Committee, the contract should have been changed to 6♦.

*Most of the experts agreed with the dissenting opinion.*

**Gerard:** I agreed with the dissent, except about the ♠543 of clubs. After 6♦, West knew that East held ♦AKxxxx and the ♣A, so 7♦ was a favorite, even opposite 2-1-7-3, or 1-2-7-3 with a heart lead. Unlike Case Four, West never had an option earlier in the auction, so she was allowed to look at her hand on this sequence, as opposed to if East had jumped to 6♦ over 4♣. Because East incorrectly bid 7♠, East/West reached an inferior contract that had to make instead of the correct one that almost certainly would have gone down. Shouldn't North/South have just taken their lumps, especially after they saw West's hand? Also, if North/South didn't call the Director until after the hand was over, did they have a case? By the way, how could the Committee have decided +1390 after a King ask?

**Goldman:** I strongly agreed with the minority opinion (due to the 5♣ bid).

**LeBendig:** Unlike Case Four, it was incredible to imagine not continuing after partner's hand was "disclosed". Perhaps the "expert" 6♠ bid was easier to make. I could never have supported any score less than 1470 but basically I believed that the minority in this case were right on target.

**Berkowitz:** I would have allowed East/West to have bid 7NT. Pass of 6♦ was inconceivable to me.

**Kaplan:** Here, in contrast to Case Four, West could not have bid 7NT until he learned that partner had diamonds. I voted with the dissenters. If East had bid a prompt 6♦, uninterested, West would still have bid 7NT.

**Martel:** The Decision that a Pass of 6♦ was a logical alternative was very questionable (particularly after the double of 4♣ virtually guaranteed a favorable club lie and opening lead). Thus, any adjustment was doubtful. Clearly however, it was wrong to give North/South -1390, which was obviously not a likely result (personally I would have let them keep -2220).

**Rigal:** I agreed with the dissenters, even though this was another hesitation Blackwood auction! West expected a club lead and with two extra cards (♦Q and ♣J) could have underwritten 6NT, and thus, had a clear continuation. The event (Blue Ribbon Pairs) was also relevant. West made a good bridge bid, and, in the context of his peers, Pass was not a logical alternative.

**Treadwell:** I thought the majority Committee decision was wrong and I agreed with the well-expressed view of the dissenters. We must not get into the rut of automatically punishing hesitators. We should punish only when partner may have taken advantage of the information conveyed by the hesitation.

**Weinstein:** I agreed with the dissenters. It was hard to conceive how bidding over 6♦ could have been wrong. This was very similar to the last case where though the hesitator should have never, ever been putting their partner in this situation, it still didn't prevent their partner from taking an automatic action.

*Rosenberg needed to hear the testimony to offer an opinion.*

**Rosenberg:** This was similar to Case Four, except West had a fairly clear-cut seven-level bid. But why did West bid 6♠? Was she willing to pass 6NT? Was it possible that the hesitation affected her bid and without it she would have bid 7♦ (which might have gone down)? Was she trying to be ethical? I couldn't decide without hearing what West had to say. West could not have bid at the seven-level previously because partner's intentions were unknown.

**Consensus:** *Three experts thought the Committee decision was correct. Nine disagreed with the Committee. One expert believed he would have had to have been there to make a decision.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Blue Ribbon Pairs	<b>Case:</b>	7
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**Auction**

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

**Explanation of Special Calls and Points of Contention**

1: Break in Tempo
2: Alerted, Forcing

**Hand Record**

<b>Board</b>		N	Win Allegaert		
<b>Dealer</b>	<b>E</b>	♠	Q7		
		♥	107		
<b>Vul</b>	<b>N/S</b>	♦	AJ752		
		♣	K965		
<b>W</b>	Elliott Grubman			<b>E</b>	Ava Grubman
♠	J10			♠	A942
♥	KJ9865			♥	A32
♦	84			♦	109
♣	Q108			♣	J432
		S	Albert Rahmey		
		♠	K8653		
		♥	Q4		
		♦	KQ63		
		♣	A7		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
3♠ by S	Down 1	E/W +100	

**Facts**

North/South claimed East took a long time to make her original Pass.

**Director Ruling**

The Director ruled that Pass was not a logical alternative for East following West's 2♥ call. The result, 3♠ by South, down one, E/W +100, was allowed to stand.

<b>Director's Ruling</b>	<b>3♠ by S, Down 1, E/W +100</b>
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**Committee Ruling**

The Committee unanimously agreed to allow the table result, 3♠ by South, down one, E/W +100, to stand for the following reasons:

1. The pause claimed by North/South before East's original Pass was described by North as, "I don't know, she might have been thinking about something else."
2. The bid by West after the original Pass was virtually automatic based on the vulnerability.
3. North chose the worst of four alternatives bids over 3♥. 4♦ was a winner, Double worked well, and Pass would have garnered a plus score. 3♠ was the only loser.
4. North/South were not entitled to a two-way shot.

The Committee considered the appeal to be substantially without merit but did not keep the \$50 deposit because of a technicality.

<b>Committee Decision</b>	<b>3♠ by S, Down 1, E/W +100</b>
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## Committee Members

<b>Chair</b>	Gail Greenberg
<b>Member</b>	Phil Brady
<b>Member</b>	Nell Cahn
<b>Member</b>	Robert Gookin
<b>Member</b>	Jim Linhart

### Commentary

*All of the experts agreed with the Committee and Wolff was ecstatic.*

**Wolff:** The ambiguity of the original hesitation by East easily overrode any improper information that had been conveyed. The Committee did an excellent and complete job.

**Colker:** I don't know what the technicality was, but I vote for keeping the \$50! By the way, when was the Director called - at the time of the hesitation, or after the hand? (Reason #4 seemed to suggest the latter.)

**LeBendig:** North showed up one hour late and wondered what decision the Committee had made. He was informed that the case had not been heard since he had not shown up. He objected and Peggy and I decided to allow the Committee to determine if the appeal was timely. When he was informed he needed to post a \$50 deposit, he inquired why. I told him very clearly what the reason was. With this knowledge, he followed through with the appeal. I still believed that this was a very clear case of an appeal lacking merit.

**Berkowitz:** In the dictionary, right next to the entry for "frivolous protest," I would expect to see this case as an example.

**Goldman:** This was a nice decision.

**Rigal:** I do not agree that Pass over 2♦ was not a logical alternative. (I may have been prejudiced by the fact that I did so at my table!) But the other factors in this case made the Committee's decision the correct one, in my opinion, down to the fact that this was a frivolous appeal.

**Weinstein:** This was a good decision. This also touched upon a question whether the partner of the alleged offender should only have been penalized if the cause of the hesitation suggested the action taken. In this case, unless East/West were playing very light opening bids, clearly East's hesitation was based upon a general lack of concentration and not actual consideration of opening the bidding. Though there is no current provision for these situations, and I'm sure I'm in a minority, I believe that the cause of the hesitation should be a factor in decisions where the cause didn't suggest the action taken by partner.

**Consensus:** *The experts were unanimous in their approval of the Committee's decision. Most thought the appeal lacked substantial merit and a penalty should have been issued.*



<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Mixed Pairs	<b>Case:</b>	8
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### Auction

West	North	East	South
	Pass	1♥	1♠
3♦ <sup>1</sup>	3♠	5♦	Dbl <sup>2</sup>
Pass	5♠	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: Alerted, Preemptive
2: Break in Tempo

### Hand Record

Board		N		
Dealer		N	♠ QJ10982	
Vul		N/S	♥ J863	
			♦ 9	
			♣ 108	
W			E	
♠ 63			♠ (void)	
♥ (void)			♥ K10952	
♦ KQJ6432			♦ A105	
♣ Q964			♣ KJ732	
		S		
		♠ AK754		
		♥ AQ74		
		♦ 87		
		♣ A5		

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

### Facts

South hesitated before the Double of 5♦.

### Director Ruling

The Director ruled that Pass was not a logical alternative even after the slow Double of 5♦. The table result, 5♠ by South, down one, E/W +100, was allowed to stand.

<b>Director's Ruling</b>	<b>5♠ by S, Down 1, E/W +100</b>
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### Committee Ruling

The Committee believed North's action was totally justified by his cards. The 3♠ bid seemed to have indicated a prepared auction to bid over the opponent's further bidding. South's hesitation would have barred North from bidding if he had bid 4S originally. The table result, 5♠ by South, down one, E/W +100, was allowed to stand.

<b>Committee Decision</b>	<b>5♠ by S, Down 1, E/W +100</b>
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### Committee Members

<b>Chair</b>	Gail Greenberg
<b>Member</b>	Karen Allison
<b>Member</b>	Doug Heron

## Commentary

*The Committee had some support from the experts.*

**Weinstein:** I agreed with the Committee yet under the current logical alternative standard, I thought it was close. Although I believed this was the equitable decision, I was not sure it was the “correct” decision. I would like to see it become the correct decision. There was no indication of the length of the tempo break or whether a STOP card was used. I would like to see this information included in the case write-ups.

**Colker:** This was an excellent decision, but why weren't we told whether East made a skip-warning prior to his 5♦ bid? If not, a penalty for an appeal lacking merit seemed warranted. Also, the Committee needed to be more careful about documenting the length of hesitations.

*Rigal reluctantly agreed with the Committee.*

**Rigal:** I am a little unhappy about some missing information here. Who was North? Was he a player? What were his thought processes when he bid only 3♠ the first time? The Committee appeared to have been reconstructing a good case for his actions, but was it his case? I would have let the result stand, but not entirely happily.

*Several experts saw the decision differently.*

Goldman: I didn't agree with the Committee on this case.

**Berkowitz:** I would have had to see who North was. Anybody who only bid 3♠ was not entitled to later have good judgment. My guess was that I would probably have changed the contract to 5♦X.

**Martel:** A Pass of 5♦X looked like a logical alternative to me. If partner had diamond values (what a quick Double would have shown) a pull could have been a disaster. (A singleton heart lead, losing two quick hearts, a ruff, and then another trick for down 500 in 5♠X would not have been a good score.) There was no reason at all to have expected to make 5♠ nor for your partner to have Doubled a voluntary 5♦ bid without three defensive tricks. In fact, were I given the North hand as a bidding problem, I would have Passed the Double as the percentage action (the one person I posed this to as a bidding problem chose to Pass). If North chose to bid a tactical 3♠, he/she had to live with sitting for partner's slow Double.

**Rosenberg:** I didn't like this. If North were at favorable vulnerability, O.K., but maybe North only planned to bid again if partner had not Doubled. The opponents might have gone down, and -800 was a possibility. This was not a “bad” hesitation, since North would have normally been uninvolved in this auction, especially at this vulnerability. The length of the hesitation and the existence of a skip-bid warning would have been relevant. If you plan to “walk” a hand, it had better be clear-cut that you would bid again later if partner happens to break tempo. I did not think that was the case here. I would have decided +650 for East/West, although I am less than certain.

**Wolff:** This was an example of more often used sophisticated rhetoric about his tactical action by North. Maybe (I voted yes) he was afraid of a -500 number, but when his partner Doubled slowly he decided to take his risk on something he had a chance. Again, eliminate the hesitations and no rhetoric was required.

**Consensus:** *Three experts who commented were in agreement with the Committee. Five disagreed with the decision.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	NABC Swiss Teams	<b>Case:</b>	9
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Break in Tempo

### Hand Record

Board		N	Jim Howie		
<b>Dealer</b>		<b>N</b>		♠ Q875	
<b>Vul</b>		<b>None</b>		♥ Q95	
				♦ J73	
				♣ Q106	
<b>W</b>	Russ Arnold			<b>E</b>	Zeke Jabbour
♠	A			♠	J102
♥	AJ4			♥	10873
♦	K6542			♦	Q108
♣	A983			♣	KJ2
		<b>S</b>	Deborah Thomas		
				♠ K9643	
				♥ K62	
				♦ A9	
				♣ 754	

Final Contract	Result of Play	Score	Opening Lead
4♥ by E	Made 4	E/W +420	♦A

### Facts

East hesitated about 8-9 seconds (by West's estimate) before the 3NT bid.

### Director Ruling

The Director ruled that Pass by West was a logical alternative and the contract was changed to 3NT by East, down one, N/S +50.

<b>Director's Ruling</b>	<b>3NT by E, Down 1, N/S +50</b>
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### Committee Ruling

The Committee discovered that North/South did not ask about the choice of bidding 4♥ until the play in 4♥ was completed. The ♦A and another diamond gave Declarer enough control to take ten tricks.

North/South stated that they were fairly inexperienced and didn't think they could make any remarks until after the play of the hand.

East's explanation of 3♠ was that it either showed a big hand or a hand more interested in a minor suit contract. East thought that 3NT was his most descriptive bid in this context. West believed it was clear in his bridge judgment to bid 4♥.

The Committee accepted this explanation. They decided that the rather subjective nature of the situation could easily have benefited from an informative hesitation. In this light, Pass was determined to have been a logical alternative and the Director's ruling of 3NT by East, down one, N/S +50, was confirmed.

<b>Committee Decision</b>	<b>3NT by E, Down 1, N/S +50</b>
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## Committee Members

<b>Chair</b>	Michael Huston
<b>Member</b>	Phil Brady
<b>Member</b>	Nell Cahn
<b>Member</b>	Bob Glasson
<b>Member</b>	Richard Popper

## Commentary

*The expert panel unanimously endorsed this decision.*

**Wolff:** I agreed with the Committee's decision and to me it showed just how subjective a normally very-ethical player can become during crunch time. A fierce competitor in any sport needs a referee, not himself, calling the game.

**Colker:** If West believed 4♥ was so clear following East's 3NT bid, then why did he bid 3♠ rather than just raise 3♥ directly to 4♥? There seemed to have been two possibilities: either West wanted to suggest slam, or he had doubt about the final strain. Regarding the first, the West hand seemed to lack sufficient high cards to warrant slam investigation, and the possession of only three trumps made such ambition even more questionable. If, then, West was expressing doubt about strain, why didn't he pass 3NT? I found East/West's arguments to be not at all convincing, and consequently I also found this appeal to have been substantially without merit. I found the timing of North/South's questioning of the 4♥ bid to have been largely irrelevant in this case, although I was pleased to see that it was reported for possible consideration.

**Berkowitz:** The Committee was much too kind to East/West. I believed the pull of 3NT was very poor.

**Gerard:** Sorry, but I'm still looking for the merit in this appeal. If East didn't responsive double 2♠, as he should have, West's auction should have been a slam try, not a choice of non-3NT games. Without attributing evil motives, I thought West's sequence just didn't wash. His hand did not sufficiently support any argument that he had planned the auction rather than had changed his mind.

**Goldman:** I agreed with the decision. West could have bid 4♥ over 3♥ if that was what he wanted.

**Rigal:** I agreed with the decision. Pass of 3NT was certainly a logical alternative, and though one could argue that West could have thought the hand would generally have played better in a suit, it was not automatic to correct to 4♥.

**Rosenberg:** Why did West bid 3♠? Unless he was looking for a slam, which seemed unlikely, it was a pointless bid unless he was going to pass 3NT.

**Treadwell:** This was a close call, but the Committee came up with the right decision. When West chose the somewhat ambiguous 3♠ bid, he was pretty much bound by his partner's decision.

**Consensus:** *Eureka! Another case was agreed upon by the entire expert panel.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Blue Ribbon Pairs	<b>Case:</b>	10
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### Auction

West	North	East	South
		Pass	Pass
Pass	1♣ <sup>1</sup>	Pass	1♦ <sup>2</sup>
2♣	3♣ <sup>3</sup>	5♣	Pass <sup>4</sup>
Pass	5♠	Pass	6♠
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: Alerted, Precision, 17+ HCP
2: Alerted, 0 or 1 control
3: Game Forcing
4: Break in Tempo

### Hand Record

<b>Board</b>		N	Tom Fox		
<b>Dealer</b>	<b>E</b>	♠	AK10732		
		♥	AQJ3		
<b>Vul</b>	<b>None</b>	♦	AQ5		
		♣	(void)		
<b>W</b>	Marvin Rosenblatt			<b>E</b>	Linda Horn
♠	9			♠	8
♥	K9862			♥	10754
♦	4			♦	K1086
♣	KQJ742			♣	A865
		<b>S</b>	Walt Schafer		
		♠	QJ654		
		♥	(void)		
		♦	J9732		
		♣	1093		

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

### Facts

South made a very slow pass of 5♣.

### Director Ruling

The Director ruled that a Pass of 5♣ was not a logical alternative for North. The table result, 6♠ by South, making six, N/S +980, was allowed to stand.

<b>Director's Ruling</b>	<b>6♠ by S, Made 6, N/S +980</b>
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### Committee Ruling

The Committee decided that pass was not a logical alternative for North. The table result, 6♠ by South, making six, N/S +980, was allowed to stand.

<b>Committee Decision</b>	<b>6♠ by S, Made 6, N/S +980</b>
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### Committee Members

<b>Chair</b>	Jeff Meckstroth
<b>Member</b>	Nell Cahn
<b>Member</b>	Doug Heron
<b>Member</b>	Marinesa Letizia
<b>Member</b>	Richard Popper

## Commentary

*What is going on here? The experts are unanimous in their approval of the Committee's decision again.*

**Wolff:** Strong club systems play many forcing passes, this was one of them. I agreed with the Committee.

**Martel:** The Committee ruling was perfectly correct, but I thought the focus of the reasoning was slightly wrong. Clearly South's Pass was forcing. A slow forcing Pass rarely conveys any relevant information (how could you know if your partner was almost good enough to bid or almost bad enough to doubt?).

Thus, North is usually free to make any reasonable call in this situation.

**Colker:** I wanted to somehow penalize South for his egregious tempo break after 5♣, according to the same principle I espoused in Cases Two and Four. The fact that North held a hand on which his 5♠ bid was iron-clad in spite of South's tempo should not have permitted South to have escaped being held accountable for his impropriety. This case was made even more interesting by the fact that, looking at the North hand, it was hard to have seen any merit in the East/West appeal. Thus, we had a case where South (in my opinion) deserved some educational or disciplinary action but the Director had already ruled for him, bypassing such an action, and the only hope for that action was for East/West to have filed an appeal of a ruling which was so clearly correct (in my opinion) that such an appeal would likely have been considered frivolous. I can see four possible solutions to this problem. One would be for Directors to assess procedural penalties at the table against any player who, in the Directors' opinion, has committed an ethical infraction but where the bridge ruling at the table did not adequately address that infraction. The second solution would be to require Directors to bring such cases to the attention of Tournament Appeals for ethical review. The third would be to allow players (East/West in the present case) to bring such cases to the attention of Tournament Appeals for ethical review, without themselves appealing the Directors' ruling. The fourth solution, which is currently available but largely underutilized (probably because it often takes too long from a practical standpoint for any possible bridge adjustment to be made before the event is long over), is to bring such cases to the Recorder, who can then decide whether to bring the matter to the attention of Tournament Appeals. The first solution would create appreciable extra work for the Directorial staff, and who might in some cases be unprepared to make judgments of players' ethical conduct, while the fourth solution suffers from the time-lag problem already mentioned. My recommendation would be a combination of the second and third solutions, to allow either the Director or any of the players at the table to bring the matter to the attention of Tournament Appeals personnel, without bringing into question (or appealing) the Directors' ruling, and without the hope of any further score adjustment for the non-offending side.

*The remaining experts agreed but wanted a penalty for bringing an appeal that lacked substantial merit.*

**Gerard:** That was it? No \$50 penalty? No lecture was given to East-West? No instruction was given to the Director to explain the concept of a meritless appeal? How did East-West not get severely chastised for this?

**Berkowitz:** What a joke! If 3♣ was a game force, South's Pass was forcing. North could have bid 6S by himself. The Committee was right to allow the result, East/West should have been reprimanded, and the appeal should have been found frivolous.

**LeBendig:** In forcing Pass situations (and this had to have been one), slow Passes are not very informative except to express uncertainty as to which path to take. For East/West to have proceeded with this appeal after seeing North's hand was ludicrous. This should have been a donation to the Educational Foundation.

**Goldman:** I agreed with the Committee but the appeal was frivolous.

**Rigal:** I agreed with the Committee's decision. When North bid 3♣, he set up a game forcing auction, rightly or wrongly. It was inconceivable that North would have Passed. Indeed, North might have Doubled but surely South Passed 5♣ because he believed his hand was too shapely for immediate action.

This was close to a frivolous appeal. How much more shapely did North have to be for East/West to have been satisfied that he would not have Passed or Doubled?

**Weinstein:** This was an extremely meritless protest. The Pass of 5♣ was clearly forcing since 3♣ was a game force. The break in tempo suggested nothing more than the Pass did. South did not have a clear action. This seemed to have been in the "they hesitated and bid, it worked, so the score should have been adjusted" syndrome.

**Consensus:** *The experts agreed with the Committee decision again.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Senior Pairs	<b>Case:</b>	11
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Break in Tempo
2: Alerted, Single Suited Hand

### Hand Record

Board		N	
<b>Dealer</b>	<b>E</b>	♠ A6	
<b>Vul</b>	<b>Both</b>	♥ Q9752	
		♦ Q82	
		♣ K43	
<b>W</b>			
♠ KJ2			
♥ J8			
♦ K6			
♣ AQJ1096			
		<b>E</b>	
		♠ Q753	
		♥ K43	
		♦ 1054	
		♣ 875	
		<b>S</b>	
		♠ 10984	
		♥ A106	
		♦ AJ973	
		♣ 2	

Final Contract	Result of Play	Score	Opening Lead
2♥ by N	Made 4	N/S +170	

### Facts

There was a momentary break in tempo by North before the Pass of 1NT. After East Passed, North reached for the opponent's convention card before South bid.

### Director Ruling

The Director ruled that Pass was not a logical alternative and the table result, 2♥ by North, made four, N/S +170, was allowed to stand.

<b>Director's Ruling</b>	<b>2♥ by N, Made 4, N/S +170</b>
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### Committee Ruling

The Committee believed that both of North's actions made the reopening Double more attractive even though South stated that East had at most 6 HCP and that he knew North had some values. The Committee decided that pass of 1NT was a logical alternative and the result was changed to 1NT by West, down one, N/S +100.

<b>Committee Decision</b>	<b>1NT by W, Down 1, N/S +100</b>
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### Committee Members

<b>Chair</b>	Mary Hardy
<b>Member</b>	Ed Groner
<b>Member</b>	Steve Lawrence

## Commentary

*There was nearly unanimous approval of this decision and Kaplan wants to know the name of the Director involved.*

**Kaplan:** Who was this foolish Director? We usually reveal the names of players involved, why not that of an occasional Director?

**LeBendig:** The Committee had a fairly easy job. Why did the Director not rule in the same fashion?

**Martel:** The Committee decision was quite reasonable. The Director's ruling was clearly in error. Since South's bid was flawed (treating 4-3-5-1 as one-suited), Pass was a logical alternative. A procedural penalty for North looking at the opponents' convention cards at South's turn to call would also have been appropriate.

However, note that if North/South were playing better methods so South could show spades and diamonds at a low level (using a Woolsey double or DONT), I believe that would have been automatic, so that Pass would not have been a logical alternative.

**Rigal:** I was very surprised by the Director's initial ruling, which seemed to me to have gone against the guidelines of giving any initial doubt to the non-offending side; or am I missing something? At the vulnerability (where 2♦ made comes to less than 1NT down one) Pass had to have been a logical alternative, so the Committee came to the right decision, I thought. It might have been different at equal vulnerability.

Incidentally was the act of looking at the convention card when it was not your turn to bid a factor that the Committee should have been taking into account? Was it an impropriety, or an inappropriate action?

**Berkowitz:** I believed that I would have allowed South to reopen with a two-suited bid. Anyone who reopened showing a one-suiter was not good enough to have been allowed to bid.

**Colker:** I agreed completely with the Committee's decision. North could not have been allowed to get away with antics of this sort. This hand is an excellent argument for requiring the partner of a 1NT (or 2NT?) opener to announce verbally the partnership's opening notrump range.

**Gerard:** I agreed with the Committee decision.

**Goldman:** I agreed with the Committee.

**Rosenberg:** North should have been censured (strongly, if experienced) for reaching for the card. This was the correct decision.

**Wolff:** An expert North should have had no trouble passing 1NT in tempo.

*Weinstein found himself alone in disagreeing with the decision.*

**Weinstein:** I'm not sure what a momentary break in tempo meant. There could have been a momentary pause over 1NT that did not create a break in tempo. Looking at the card after passing may not have been a proper procedure, but did it provide any real information? Unless some other information was presented to the Committee or I believed North was really considering bidding, I probably would have allowed the result to stand.

**Consensus:** *Ten votes for the Committee decision and one lone dissenter.*



<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Flight A Pairs	<b>Case:</b>	12
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Break in Tempo

### Hand Record

Board		N	Tish Gammage		
<b>Dealer</b>		<b>S</b>			
<b>Vul</b>		<b>N/S</b>			
<b>W</b>	Ron Mak			<b>E</b>	Alice Bruist
♠	QJ			♠	9864
♥	Q5			♥	KJ2
♦	KJ9754			♦	A83
♣	K75			♣	Q43
		<b>S</b>	Pat Purdy		
		♠	753		
		♥	109843		
		♦	102		
		♣	AJ9		

Final Contract	Result of Play	Score	Opening Lead
2♥ by S	Made 2	N/S +110	

### Facts

South hesitated before he Doubled 2♦.

### Director Ruling

The Director believed, based on the facts presented, that South took action within the expected time frame in the balancing position. South's Double was an action Double and was not for penalties. Therefore, there was no violation and the table result, 2♥ by South, made two, N/S +110, was allowed to stand.

<b>Director's Ruling</b>	<b>2♥ by S, Made 2, N/S +110</b>
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### Committee Ruling

The Double was made after a clear break in tempo. East/West maintained that North had a very reasonable Pass of the Double without the uncertainty that had been expressed.

South testified that they do not defend at the two-level. He claimed that his Double was strictly takeout. Further questioning suggested that his partner could have Passed with the right hand but that was not his intent when he Doubled. South had approximately 300 matchpoints and North had about 600. This was an established partnership. There was nothing on the convention card that suggested this Double was for takeout. There was no Alert.

The Committee first dealt with North/South. The Committee decided that North might have very well have Passed an in-tempo Double. It was expressed by members of the Committee that players at this level always know which Doubles are penalty and which are takeout by the tempo. The Committee matchpointed North/South against -180 for 2♦X by West, made two. LeBendig dissented on this issue. He believed that players at this level would never have passed 2♦X without a much better trump holding, regardless of what they thought the Double meant.

The Committee then considered East/West. It was believed by the Committee that if such an agreement had indeed existed (the Double was for takeout), and East/West had been Alerted, East was very likely to have completed to 3♦. The Committee applied Law 12C2 and the most favorable result that was likely at that point was +110 for East-West.

Since this was believed to have been the most likely “bridge” result at this table, the field was matchpointed against 3♦ by West, made three, E/W +110.

<b>Committee Decision</b>
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<b>N/S: 2♦X by W, Made 2, N/S -180 E/W: 3♦ by W, Made 3, E/W +110</b>
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### Committee Members

<b>Chair</b>	Alan LeBendig
<b>Member</b>	Becky Rogers
<b>Member</b>	Michael Rosenberg

### Commentary

*This decision was applauded by several of the experts.*

**Wolff:** This was an excellent cleaning up of another hesitation disruption by the Committee. Let us as players take pity on Committees and stop hesitation disruption.

**Berkowitz:** This was another “level of the players” decision. I agreed with the Committee’s evaluation of the players.

**Rigal:** How can this Double have been take-out? South at his third turn did not Pass, raise spades, raise clubs, or rebid hearts, he bid No Trump. At his next turn he did not Pass, raise spades, raise clubs, or rebid hearts, he Doubled. Particularly given that North might have bid 2♥ at the previous turn this Double in common sense terms was about 100% penalty, and no self-serving testimony should have led us to think otherwise. The Committee made a good decision.

**Gerard:** I’m not sure that +110 was the most likely result in 3♦, but any pair that bid the way North/South did would probably have failed to produce +50 at least one time in six, which was all that was necessary to have decided as the Committee did. I would have told South that Committees pay no attention to statements such as “we do not defend at the two-level” or “Double was strictly takeout.”

**Goldman:** I liked this decision. I agreed with the statement “players at this level know which Doubles are takeout and which are penalty by the tempo.”

*Some experts agreed with the decision in general but they would have made a different adjustment.*

**Treadwell:** I tended to agree with the Committee’s rationale but I believed Average Plus to East/West and Average Minus to North/South would have been a more equitable way to have resolved the problem rather than the split score method that was used.

**Rosenberg:** I was on this Committee I wanted to give East/West +180, but I was outvoted. My position was that if North might have Passed without the hesitation, and should have Passed with the break in tempo, why shouldn’t East/West have been given the score they would have obtained against who bid in tempo?

**Weinstein:** I don’t quite understand why East/West were not entitled to +180 (actually, +280 seemed more appropriate) if the Committee believed that North might very well have passed an in-tempo Double. One relevant question was whether South could have had four or more diamonds when responding a four-card heart suit.

*Colker suggested a different remedy that included a procedural penalty.*

**Colker:** I agreed with Alan that North would never have passed 2♦X with only ♦Qx. The Committee was correct in judging that East would likely have competed with 3♦ and bought the contract, so both pairs should have been assigned the result that was (unfortunately) applied only to East/West. A normal procedural penalty might also have been assessed against North/South for having failed to properly Alert their agreement regarding South’s Double. (Perhaps Michael’s aversion to such penalties influenced this aspect of the decision?)

**Consensus:** *The experts were in general agreement with the Committee. Two proposed a different adjustment and Colker suggested a radical new approach to the problem.*

<b>Subject of Appeal:</b> Tempo	<b>Event:</b> NABC Swiss Teams	<b>Case:</b> 13
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Break in Tempo

### Hand Record

Board		N	Kay Afdahl		
Dealer		W	♠ Q952 ♥ K762 ♦ A3 ♣ Q107		
Vul		N/S			
W	Jay Korobon	E	Bob Gwartzman		
♠ J7 ♥ J43 ♦ K982 ♣ KJ32		♠ K6 ♥ A985 ♦ 107 ♣ A9865			
		S	Martin Miller		
		♠ A10843 ♥ Q10 ♦ QJ654 ♣ 4			

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

### Facts

North hesitated before the Pass of 2♣. South asked several questions about the auction after the 3♣ bid.

### Director Ruling

The Director ruled that unauthorized information was available and the contract was changed to 3♠ by South, making four, N/S +170.

<b>Director's Ruling</b>	<b>3♠ by S, Made 4, N/S +170</b>
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### Committee Ruling

When the Committee asked North why she passed over 2♣, North testified "I wasn't good enough to bid 3♣ and I was too good to bid 2♣. So I thought I would pass and see what happened." South admitted that there was a clear break in tempo prior to the pass. North was clear that she did not think the hand would be passed out at 2♣. A direct quote from North, "How often does that happen?"

After the 3♣ bid, South had some questions about the meaning of the auction. West attempted to answer the questions and East objected. East claimed there was potential unauthorized information being made available to North. The Director instructed him twice that the questions had to be answered.

North claimed she now bid 4♠ based on the Law of Total Tricks. She testified, "Since East/West must have had ten trumps, her partner probably had a sixth spade which made the 4♠ bid clear."

This reasoning made no sense whatsoever to the Committee. The auction revealed no such holding with any clarity. Since North could not figure out what to bid over 2♣, it seemed unlikely that she would have suddenly been insightful enough to bid a game without the questioning and obvious interest by South. That questioning might not have occurred if North had not had the obvious problem over 2♣.

It was never suggested that North could not bid but the Committee decided 3♠ was a logical alternative at that point and would surely have ended the auction. The Director's ruling of 3♠ by South, making four, N/S +170 was confirmed.

This was a split decision. One Committee member thought it was clear to bid 4♠ opposite any vulnerable overcall by South.

<b>Committee Decision</b>	<b>3♠ by S, Made 4, N/S +170</b>
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### Committee Members

<b>Chair</b>	Alan LeBendig
<b>Member</b>	Phil Brady
<b>Member</b>	Doug Heron

### Commentary

*The experts universally agreed with the Committee.*

**Treadwell:** Finally, an easy, clear-cut decision. I could not understand how one Committee person could have dissented,

**Wolff:** If North wanted to bid tactically, she should have persuaded South not to bar her from doing so.

**Berkowitz:** The one Committee member who thought it was clear to have bid 4♠ was obviously putting his bridge judgment in North's chair. Since North was willing to defend 2♣, this was obviously a ludicrous position.

**Colker:** I thought the Committee's decision was excellent, and I didn't understand the minority dissenter. In light of North's failure to act over 2♣, and the explanations given the Committee, I didn't see any action over 3♣ by this North could have been viewed as clear. I agreed with East that South's questions over 3♣ followed by his eventual Pass were very disturbing, and I thought they at least warranted an admonition by the Committee. However, I also agreed with the Director that East was out of line in voicing his objections to South's questions as he did at the table. Legal questions must be answered, and at the time they were asked, it was not clear that South was not going to take some action based on the answers he received. East's questioning the propriety of South's questions should only have been done to the Director in private away from the table, or to a Committee had the need arisen.

**Gerard:** Wasn't anyone else bothered by the use of the "Law" to defend questionable actions? Can't we see a statement somewhere that Committees can't deny players the right to use it but they are in no way bound to accept arguments based on misapplying it? This seems to happen with disturbing frequency.

**Goldman:** I agreed with the decision.

**Rigal:** I thought the Committee came to the right decision here. If North did not think she was good enough to have bid 3♣ at one turn, how can she have been good enough to have bid 4♠ at the next? The comment about short clubs was also irrelevant. Granted that one might have inferred short clubs from the opponent's auction (although who trusts them these days?). One could have also simultaneously inferred a weak hand opposite, from the failure to re-open with such short clubs. I am not convinced that this was not a frivolous appeal.

**Weinstein:** I didn't understand the split decision. How could it possibly have been clear for North ("I'm not strong enough to bid 3♣) to then have bid 4♠? There clearly was lots of useful information floating around. North's reasoning for bidding 4♠ was self-serving and contorted,

**Consensus:** *The expert panel gave the Committee another solid endorsement.*

<b>Subject of Appeal:</b> Tempo	<b>Event:</b> NABC Life Master Pairs	<b>Case:</b> 14
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Transfer
2: Alleged Break in Tempo
3: Break in Tempo

### Hand Record

Board		N	Alan LeBendig		
Dealer		S			
Vul		E/W			
W	Vickie Sebastian			E	Russell Shoup
♠	K1065			♠	QJ875
♥	97			♥	8
♦	J4			♦	AQ652
♣	Q10653			♣	A4
		S	Samuel Haveson		
		♠	A2		
		♥	KQ632		
		♦	K103		
		♣	K87		

Final Contract	Result of Play	Score	Opening Lead
4♥ by S	Down 2	E/W +100	

### Facts

The players did not agree to the facts. North/South claimed that West broke tempo before passing 3♥. East/West maintained that any break in tempo was caused by the rapid 3♥ bid and if there was a hesitation, it was very short.

### Director Ruling

The Director ruled that East might have received unauthorized information from West's break in tempo and passing 3♥ was a logical alternative. The contract was changed to 3♥ by South, down one, E/W +50. The Director did not attend the Committee hearing.

<b>Director's Ruling</b>	<b>3♥ by S, Down 1, E/W +50</b>
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### Committee Ruling

The Committee first considered the East hand as an isolated problem without any knowledge of the four players. None of the Committee members considered taking a vulnerable action over 3♥. The Committee concluded that East could not be allowed to act if unauthorized information was available. The Committee then had all of the parties join them and proceeded in normal fashion. The Committee had a difficult time deciding whether an unacceptable conveyance of information had occurred.

**Agreed Testimony:** After the 2♥ bid, West leaned over to the middle of the table with her cards folded in her hand, which was also in the middle of the table. After South's 3♥ bid, West withdrew from the table, unfolded her hand, paused a bit and passed. The Director was called after East's Double. This Double was made after a lengthy hesitation.

**Disputed Testimony:** North claimed West hesitated for 8-10 seconds. South, in absentia, stated to the Director that there was a distinct hesitation but it may well have been less than 8 seconds. East/West claimed that they adhere to a 2-3 second tempo in competitive auctions. They also claimed that the 3♥ bid was made

immediately over 2♥ and West was deprived of time to adjust to an unusual auction. They claimed that West made a very slight pause. North maintained that the 3♥ bid was made after a brief gesture (non-verbal) asking for clarification of the 2♥ bid and not particularly rapid.

Factors that suggested no violation but occurred were the East/West statements of the time involved, the perception that South could have bid 3♥ quite quickly with his hand, and the display by East/West of their knowledge of their obligations with regard to breaks in tempo.

Factors arguing unauthorized information was available were the North/South call for a Director, the statements by North/South, West's inability to explain her thought processes during the crucial period, and the Committee's perception of self-serving exaggerations in other elements of East's statements.

The Committee reached consensus that "it was more likely than not" some form of unauthorized information was received, at least subconsciously, by East that may have influenced his decision to Double. This information could have been in the hesitation but was more likely accomplished by a mannerism that indicated a lack of recognition of the powerful 2♥ bid. East testified that he meant the 2♥ bid as a Michaels' cuebid showing spades and a minor suit.

The Committee confirmed the Director ruling of 3♥ by South, down one, E/W +50. The Committee Chairman had some questions for the expert panel in the next Appeals Casebook:

1. Is it essential for the floor Director to be present in such cases?
2. Is a weak "more likely than not" standard enough to determine a violation?
3. If the Committee had believed that a majority of players would have acted over 3♥ with the East hand, it probably would have allowed the Double in light of the close call on the violation. Would that have been the correct decision?

<b>Committee Decision</b>	<b>3♥ by S, Down 1, E/W +50</b>
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### Committee Members

<b>Chair</b>	Bobby Goldman
<b>Member</b>	Doug Heron
<b>Member</b>	Ed Lazarus
<b>Member</b>	Judy Randel
<b>Member</b>	Jan Shane

### Commentary

*The experts all agreed that the Committee was right on target.*

**Wolff:** This was a well-documented case that bodes well for the learning process. My answers to the Committee's questions are:

1. It was much better but not necessary for the floor Director to have been there.
2. A weak "More likely than not" standard was sufficient.
3. An Emphatic "no" to whether or not a majority of players would have acted over 3♥ was even relevant much less important.

Let's stop the advantaging by sly players.

**Berkowitz:** East had shown his hand with the 2♥ cuebid. Period. End. He could not have been allowed to bid again.

**LeBendig:** As to the questions posed by the Chairman:

1. It would definitely have been helpful for the Director to have been present in a case such as this. However, it is not always practical. Who would have determined that this was a case which would have required the presence of the Director? When we believe it is necessary, the staff can usually summon the Director involved.
2. Definitely.
3. Only if the Committee believed that Pass was a logical alternative based on unauthorized information.

**Colker:** Due to the lack of certainty and ambiguous testimony regarding the violation, I'll have to defer to the Committee's judgment on this matter. Especially since there seemed to have been additional "intangibles" involved in their final decision. However, looking at West's hand, and assuming she knew that East's 2♥ bid showed a good hand with spades and another suit, it was hard to imagine a Pass having been made without some thought.

With regard to the Committee Chair's questions:

1. No, but the Committee could have requested the Director's presence (assuming he/she could have been found) if it was later deemed desirable.

2. The decision is inherently a subjective one which I believed must be made by each Committee, on a case-by-case basis. To try to enforce some arbitrary uniform standard on Committees would, I believe, be both inappropriate and unwise.

3. I think it would be entirely acceptable, perhaps even desirable (it certainly could save time), for a Committee to determine that East's action was clear-cut, and thus obviate the need to determine whether unauthorized information was present.

**Gerard:** The answers to Goldman's questions are:

1. Yes
2. Yes
3. No

Once the Committee determined by whatever standard, that East could have received unauthorized information, it was bound to apply the law. Therefore, it could only have allowed the Double if there was no logical alternative, not if 51% of his peers would have acted.

**Kaplan:** In response to Bobby's questions:

1. Yes, it was essential for the Director to have been present in such cases.
2. Yes, "more likely than not" was standard enough to determine a violation.
3. No, the fact that the Committee believed that a majority of players would have acted over 3♥ would not have made the Double allowable.

**Martel:** The decision looked correct although, of course, it was hard to judge facts at a distance. With regards to the questions posed:

1. It was important for the Director to be present if there was a dispute about facts.
2. The Committee must determine if an infraction took place based on their best judgment of the evidence.
3. How likely East would have been to act without unauthorized information was relevant. The fact that East acted in a situation where most players would have Passed supported the contention that West passed unauthorized information (particularly when the call for the Director came early, before East's hand was known).

**Rigal:** I do not think such decisions are good for the game personally, although I accept the logic behind the Committee's decision that there was a hesitation. I just do not like the idea that a Committee might first have created the hesitation and then have imposed a penalty for that pause.

In this situation it seemed as if the Director would have been of some use had he been present. Where a dispute of this sort was essentially insoluble, I personally would prefer not to have to create an adjustment. As I said, I thought it was the wrong direction for the game to be going. I am not clear on the answer to the third question. I thought that was the direction I would have tended to have leaned towards. I am not sure if it was supported by the laws.

**Rosenberg:** My answers to the Committee Chairman's questions are:

1. Very important.
2. Yes.
3. I don't know.

**Treadwell:** The Committee should have been commended for handling a tough decision situation well and they came up with the right decision. My opinions on the questions raised by the Committee Chairman are:

1. I don't think it was essential for the Director to have been present in such a case. It might have been of minor assistance to the Committee in establishing what the players had said were the facts when he was called to the table. If the players disagreed widely on what the Director was told, then every effort should have been made to have secured his presence, but that did not seem to have been the case here.
2. I think a weak "more likely than not standard" was sufficient.
3. Certainly. If the East hand had had a clear-cut bid over 3♥ (i.e. one on which a large majority of his peers would have acted), then it would certainly have been correct to have allowed the Double.

**Weinstein:** This was a tough case. I had no real disagreement with the Committee's methodology or decision. It did seem obviously essential to have had the Director present, but sometimes circumstances preclude that from happening. I thought a "more likely than not" standard was sufficient if the partner had taken an action that most would not have taken, but was insufficient to have precluded partner from taking majority action as the Committee implied they would have done. Inconclusive fact situations should be resolved with equity in mind as much as possible.

**Consensus:** *The experts all agreed that this was not an easy case and they all agreed with the Committee's decision.*

<b>Subject of Appeal:</b> Tempo	<b>Event:</b> Blue Ribbon Pairs	<b>Case:</b> 15
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Break in Tempo

### Hand Record

<b>Board</b>		N	Jim Krekorian		
<b>Dealer</b>	<b>N</b>	♠	A8		
		♥	J987		
<b>Vul</b>	<b>N/S</b>	♦	64		
		♣	108754		
<b>W</b>	Allen Siebert			<b>E</b>	David Siebert
♠	KJ54			♠	Q10932
♥	6			♥	105
♦	AQ1083			♦	J952
♣	963			♣	AQ
		S	Bob Jones		
		♠	76		
		♥	AKQ432		
		♦	K7		
		♣	KJ2		

Final Contract	Result of Play	Score	Opening Lead
4♠X by E	Made 5	E/W +690	

### Facts

There was a dispute about whether there had been a break in tempo before the 2♠ bid. East hesitated before passing 4♥. East/West claimed that the 2♠ bid showed more values than standard by partnership agreement. This was not Alerted.

### Director Ruling

The Director ruled there was unauthorized information available and passing 4♥ was a logical alternative. The contract was changed to 4♥ by South, down one, E/W +100.

<b>Director's Ruling</b>	<b>4♥ by S, Down 1, E/W +100</b>
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### Committee Ruling

The Committee, after a lengthy debate, found there was a majority of the members who agreed that unauthorized information was available for East/West. The Committee decided that passing 4♥ was a logical alternative, particularly in light of the fact that most of West's peers would have chosen not to act directly over 3♣. The decision was not unanimous. The Director ruling of 4♥ by South, down one, E/W +100, was confirmed. East/West were cautioned that their treatment of 2♠ in this auction was Alertable. The deposit was returned.

<b>Committee Decision</b>	<b>4♥ by S, Down 1, E/W +100</b>
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## Committee Members

<b>Chair</b>	Robb Gordon
<b>Member</b>	Lynn Deas
<b>Member</b>	Ralph Katz
<b>Member</b>	Jim Linhart
<b>Member</b>	John Solodar

### Commentary

*Goldman was the lone supporter of this decision to comment.*

**Goldman:** This was good sleuth work.

*Most of the experts believed that the Committee had seriously erred.*

**Kaplan:** An agreement that 2♠ showed extra values was not “unauthorized information.” No doubt there was a failure to Alert, but that caused no damage. Certainly, the hesitance, if such was the case, of 2♠ did not suggest West’s 4♠ bid. The adjustment by the Committee was foolish.

**Berkowitz:** If West had bid 3♠ immediately (fairly obvious), he would not have been in this position. However, I didn’t see how a slow 2♠ indicated a bid any more or less than a fast 2♠. I would have allowed him to have bid 4♠ and make +690.

**LeBendig:** I agreed that if the stated agreement existed, 2♠ had to be Alerted. That’s all I agreed with. I failed to see how a slow 2♠ bid would have suggested the subsequent 4♠ bid. Why was action necessary over 3♣ to have justified a 4♠ decision? It didn’t state such in the report, but it seemed like there may have been some question of the tempo over 4♥. If that was not the case, perhaps there was some personality problem here which was not discussed. (Perhaps as in Case Seventeen?) Something must be missing from this write-up.

**Colker:** We need to be more careful about documenting the details of these cases. When was the Director called, and how long was the alleged hesitation? The Committee made the point that West’s failure to act over 3♣ suggested his willingness to go quietly - until East’s hesitation over 4♥. I don’t buy that argument. If West wanted to play 3♠ (as the Committee suggested his peers would have) bidding it right away might have stampeded North/South into bidding 4♥. It might have been better to wait for them to have settled into 3H, and then have balanced with 3♠. Also, if West wanted to play 4♠X (which might even have made) the best way to have done this would have been to wait until North-South bid 4♥, and then “saved” in 4♠. In either event, the forcing nature of 3♣ gave West the chance to spring his trap later (until, that is, East got in the way). Thus, West’s Pass of 3♣ didn’t necessarily imply acquiescence.

The next issue was whether East’s hesitation over 4♥ could have suggested a bid rather than a Pass to West. I don’t know whether East’s hesitation suggested that he was thinking about saving or Doubling, but perhaps East/West had a better sense of that than the casual observer. However, I also know that holding ♠A10xxx ♥xx ♦J9xx ♣xx East almost certainly would have saved, and 4♠ was on the (diamond) finesse and finding the trump queen. If the diamond finesse failed (and maybe even if it didn’t), North/South were cold for 4♥. Make one of East’s little clubs the king or queen and only his willingness to save would have changed (with the added defensive potential). Given the vulnerability, West knew that bidding 4♠ was likely to be a winning proposition anytime East didn’t Double 4♥, and East’s hesitation didn’t seem to have affected that one way or the other. Overall, given the question of whether there really was unauthorized information, given the doubt about whether that information would have suggested bidding over Passing, and especially given that bidding 4♠ on the West cards seemed like a pretty clear action once East failed to Double 4♥, I would have allowed West’s 4♠ bid, but I wouldn’t have felt very good about it.

However, consistent with my policy on several previous cases (Four, Five, Six, and Ten) I believed that East’s ill-tempo in a clearly tempo-sensitive auction (what Michael Rosenberg would call a “bad” hesitation) should not have gone unpunished. Experienced players must learn to bid in tempo, especially in sensitive situations like the present one. (Notice, if East had bid 4♠ out of tempo, it would not have caused a problem, but a Double might have caused one if West had a close sit-or-pull decision.) Cases like this consume far too much time and energy, not only from Committee members whose efforts could have been better spent on more deserving cases, but from the opponents and Director staff as well. By penalizing negligent behavior on the part of experienced players we can justify allowing bids like 4♠ to stand.

**Martel:** On the facts as presented it was likely that the Committee was wrong. Even if it was clear that the 2♠ bid was out of tempo how did this suggest that 4♠ was the winning action? A slow 2♠ bid could just as easily have been based on a hand which was too weak offensively to have been happy about bidding 2♠. Unless there was some evidence that there was additional information which showed East had a good 2♠ bid (a slow happy bid perhaps?) no adjustment should have been made. The argument that West’s Pass over 3♣ barred a later 4♠ bid was silly. 3♣ was forcing, so West was welcome to wait and see what happened. Perhaps he was planning to bid 4♠ unless his partner Doubled 4♥.

**Rigal:** This was another very dubious decision. I did not know whether there was some personal element in this ruling too, but I was far from convinced that the knowledge or possible knowledge of extras for the 2♠ bid made any difference, it was the fifth spade that was crucial. As far as I could see West took a very sensible match-point action; the slow 2♠ bid did not point to the 4♠ bid. No damage, no adjustment.

**Rosenberg:** I believed it was possible that personalities entered into the decision. If there was a break in tempo, that would not have indicated West should have bid. If anything, it might have indicated a four-card suit. West bid very reasonably. He naturally Passed over 3♣, preferring to bid 3♠ over 3♥ rather than directly, then saved in 4♠ when a double fit was indicated. Against that, the East/West claim about 2♠ bid was weird. What did they do with a normal 2♠ bid? The Committee seemed to be saying that West somehow “knew” his partner wanted him to bid 4♠. Without any evidence, this was tantamount to an accusation that information was passed surreptitiously. Maybe they should have recommended recording the incident, but the decision was not justified by the facts. I would have decided +690 for East-West.

**Weinstein:** I thought the Committee’s decision was completely wrong in two respects. I didn’t believe that the hesitation before the 2♠ bid suggested that the 4♠ bid was more likely to have been successful, and may have even indicated the opposite. Therefore, the only logical alternative issue was irrelevant. However, I believed that East/West’s admitted private understanding was egregious in not being Alerted and should have been recorded. Are there similar other private understandings that only come to light when needed for self-serving testimony in a Committee?

**Wolff:** Since 2♠ promised more than usual and was not Alerted, East/West should have been +100 defending 4♥ and North/South should have been -690 defending 4♠X. Problem makers should be penalized.

**Consensus:** *Nine experts thought the Committee made a serious error. Goldman supported the decision.*

<b>Subject of Appeal:</b> Misinformation	<b>Event:</b> NABC Open BAM Teams	<b>Case:</b> 16
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### Auction

West	North	East	South
		1♦	1♠
3♦ <sup>1</sup>	4♠	Pass	Pass
Db  <sup>2,3</sup>	Pass	5♦	Db
Pass	5♠	Pass	Pass
Pass			

### Explanation of Special Calls and Points of Contention

1: Alerted, Preemptive
2: Alerted, Takeout
3: Break in Tempo

### Hand Record

Board		N	Ken Cohen		
<b>Dealer</b>		<b>E</b>	♠ QJ9864		
<b>Vul</b>		<b>E/W</b>	♥ 52		
			♦ 864		
			♣ 75		
<b>W</b>	Mike Tierney			<b>E</b>	Jim Looby
♠	3			♠	10
♥	A104			♥	KJ86
♦	KQJ9			♦	A7532
♣	108642		♣	KQ3	
		<b>S</b>	Bob Jones		
			♠ AK752		
			♥ Q973		
			♦ 10		
			♣ AJ9		

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

### Facts

3♦ was Alerted as preemptive and the Double of 4♠ was Alerted as take-out. There was also a break in tempo before the Double. The break was longer than a few seconds. The play was the ♦K overtaken by the ace, a heart to the ♥10, and the ♦Q. East was subsequently squeezed in the round suits.

### Director Ruling

The Director ruled that West was allowed to value his hand as preemptive and Pass was not a logical alternative after the Double of 4♠. The table result, 5♠ by South, down one, E/W +50, was allowed to stand.

<b>Director's Ruling</b>	<b>5♠ by S, Down 1, E/W +50</b>
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### Committee Ruling

North/South testified that they thought West's decision to bid 3♦ and subsequently Double 4♠ indicated that West did not believe 3♦ was preemptive (the Double was a way to recover from the misunderstanding). The Director at the table heard both East and West explain the 3♦ bid as preemptive. West explained that, at matchpoints with a hand like this, he could mix it up a little. West thought the opponents would reveal much about their hands on the next round of bidding and he would be well placed to make a decision. East explained the Alert of the Double of 4♠ as take-out. Both of the East/West convention cards indicated that they don't play penalty Doubles in competitive situations. The only way a Double can be affected is for it to be converted by the non-doubler.

The fact that East believed that his partner had spade shortness when he held a singleton spade indicated, the Committee believed, that the conventional agreement did apply at this level of bidding.

The Committee believed that West's 3♦ bid was bizarre, but may have had tactical merit. So long as he understood his 3♦ bid to have been preemptive when he made it, he was entitled to make that action.

The hesitation before the Double of 4♠ may have suggested doubt about some aspect of the Double. The Committee was not clear about what the hesitation might have suggested. It turned out East took the losing action.

Bidding 5♦ was going to net East/West a minus score, while sitting out the Double put East/West in a position to be plus against 4♠ with more accurate defense.

North/South contended that the 5♦ should have been cancelled and the defense against 5♠ should have been duplicated for a 4♠ contract. The Committee decided that since East had made the losing choice of bidding 5♦, the route to making an adjustment was blocked. The Committee confirmed the table result, 5♠ by South, down one, E/W +50.

The Committee did not seriously consider retaining the deposit because of the strange 3♦ bid and the subsequent hesitation Double. The Appeal was considered to have had substantial merit.

<b>Committee Decision</b>
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<b>5♠ by S, Down 1, E/W +50</b>
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### Committee Members

<b>Chair</b>	Michael Huston
<b>Member</b>	Bart Bramley
<b>Member</b>	Martin Caley
<b>Member</b>	Doug Heron
<b>Member</b>	Richard Popper

### Commentary

*The Committee had the support of several experts.*

**Wolff:** Why would someone have psyched a preemptive raise? I know it could have happened and could have worked, but was he also psyching a tempo break? Spare me! The Committee should have just assessed the penalty and withheld the laughter. All in all this was a reasonable decision.

**Berkowitz:** East/West certainly did strange things. However, I would have allowed them to keep all of their actions this time. If they did it again I would not be as inclined to be so trusting.

**Treadwell:** This hand must have been played on another planet. West made a preemptive bid with a good hand as a tactical measure, and then made an equally weird "takeout" Double to recover. If anyone had a takeout Double of 4♠, it was East who was under the bidder. On the other hand, East could hardly have left the Double in if he believed the 3♦ bid was preemptive. Therefore, the Committee made the correct decision.

Did the East/West convention cards really say that they didn't play penalty Doubles in competitive situations?

**Colker:** Assuming that both of the East/West convention cards identified West's 3♦ bid as preemptive, the Director's ruling and the Committee's final decision seemed entirely appropriate. The issue of East's 5♦ bid being the "losing" action seemed irrelevant to that decision. Had East passed 4♠X, that result should have stood as well.

**Rigal:** A very odd position; I thought the Committee did the right thing. Was there not a space on the convention card for this? What if 1♦-3♦ was a limit raise? Would that have supported North/South's argument? The appeal was certainly not frivolous.

**Weinstein:** This was a tough case. Even though the statement that West knew 3♦ was preemptive and intended tactically was self-serving, it did not mean it was not true. East/West were a very experienced partnership and in the absence of other evidence, I believed the Committee properly accepted West's explanation and came to an equitable decision.

*Rosenberg was very unhappy with the decision and found support from Peggy Sutherlin, Chip Martel, and Alan LeBendig.*

**Rosenberg:** This was a very poor decision and it sent exactly the wrong message. If this Double clearly meant what East/West said it did, why did it take "longer than a few seconds for West to make it? If you can't Double in tempo, you just can't Double. I would have decided +590 for North/South.

**Sutherlin:** East/West was an experienced partnership. East had 6000+ masterpoints. I doubted that West intended 3♦ to have been preemptive. Such a bid was far too dangerous. This hand could have been cold for 6♦. I believed East/West had a misunderstanding and West tried to save the day with the Double of 4♠. I would have changed the contract to 4♠ making four, since North/South did take ten tricks in 5♠.

**Martel:** There were several relevant points regarding this hand. First, 3♦ as preemptive was such a weird evaluation with the West hand that the Committee or the Director should have assumed West intended it as limit (without very strong evidence to the contrary). Second, even if 3♦ was taken as preemptive, it was quite self-serving to Alert a slow Double in this situation as takeout. Unless there was very clear evidence to support it, this Double should have been taken as at least penalty oriented. Thus the Director and Committee, in my view, should certainly have adjusted the East/West result

to -590. There was at least a moderate chance an in-tempo Double would have been left in and the defense could well have allowed it to make. +590 was probably overly generous to North/South, so they might well have been given the better of -50 and Average Plus.

**LeBendig:** This was another tough case. Assuming the evidence was present, I would have accepted that there was an agreement that 3♦ was preemptive. (Was the moon full?) After the slow Double, I had some problems. Players using such "competitive Doubles" must have been able to do so in tempo if their explanations of their agreements were to have been believed. I liked the adjustment for North/South but I had some belief that East/West possibly should have been -590.

**Consensus:** *Six experts supported the Committee's opinion. Four experts wanted East/West to have received -590.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	NABC Life Master Pairs	<b>Case:</b>	17
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**Auction**

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

**Explanation of Special Calls and Points of Contention**

1: Alerted, Flannery, 11-15 HCP, 5♥ and 4♠
2: Break in Tempo

**Hand Record**

Board		N	Gene Saxe			
Dealer		S	♠ K9632 ♥ 53 ♦ 762 ♣ 972			
Vul		E/W				
W	John Mohan			E	Richard Schwartz	
♠ 74 ♥ 109 ♦ A109 ♣ KQ6543		♠ AJ ♥ AKJ8 ♦ 8543 ♣ A108				
		S		Chris Hamman		
		♠ Q1085 ♥ Q7642 ♦ KQJ ♣ J				

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

**Facts**

East asked for an explanation of the 3♠ bid and was told it was probably invitational but it had not been specifically discussed. This partnership was formed a few minutes before game time.

**Director Ruling**

The Director ruled that there had been misinformation given and the score was changed to Average Plus for East/West and Average Minus for North/South.

<b>Director's Ruling</b>	<b>N/S: AVE- E/W: AVE+</b>
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**Committee Ruling**

North testified that North/South told East/West their partnership agreements and understandings. This was the first Flannery auction for North/South. The Committee decided that North held an absolutely classic preemptive 3♠ bid and meant 3♠ exactly that way. North had an obligation to disclose this information before the opening lead was made. The Committee gave no credibility to North's statement that he knew 3♠ was invitational and was merely psyching.

The Committee decided that with proper information East would have bid 3NT and would have been virtually certain to take eleven tricks. The contract was changed to 3NT by East, making five, E/W +660.

**Comment from Committee member Bruce Reeve:** I have considered this case carefully for several days. In retrospect, with regard to the above case, it is very probable that the action taken by the Committee was in error. Some of the action taken by the Committee's bridge judgment may have been clouded by circumstances at the hearing. This comment is not intended to be a minority report. I concurred with the other committee members at the time.

<b>Committee Decision</b>	<b>3NT by E, Made 5, E/W +660</b>
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## Committee Members

<b>Chair</b>	Robert Gookin
<b>Member</b>	Mary Jane Farrell
<b>Member</b>	Bruce Reeve

### Commentary

*The Committee had the support of Wolff and Gerard.*

**Wolff:** Mr. Reeve's majority report (he denied it was a minority report) was too vague to understand with its primary purpose to clear his name rather than to improve the process. Maybe North was psyching, but I won't buy that. If North/South did not accept their responsibility to know their convention, they must have paid the price. Nothing else works!

**Gerard:** Yes, +660 was correct, since the endplay would have been automatic. South's statement that it was probably invitational could have been taken by East to result from the partnership's general approach or previous experience in similar situations, even if limited, so that it could have overridden the fact that it had not been specifically discussed. North clearly had a different impression, people do not deliberately violate their systems in non-tactical situations, and should have acted as the Committee suggested. What did North mean when he said North/South had accurately described their agreement? Was he saying that it had been specifically discussed? Was there some analogous action? East was forced to guess when his hand was consistent with either interpretation. West could just as easily have held nothing as six-plus winners.

Bruce Reeve's comments were troubling. First, he should have made it clear if he was speaking only for himself. Secondly, he implied that the Committee overreacted to intemperate remarks made by someone (North?) and engaged in a punitive decision. If these were his thought processes he should have said so, but it did a disservice to the other members to suggest that they did not consider the case on its merits.

Frankly, I don't see what all the fuss was about. East had a real problem. He asked about the opponents' understandings, even after 3♠ had not been Alerted (mandatory if preemptive). The answer was critical to what he did. He was misinformed, and there was nothing inherently incredible about the invitational treatment. North's self-serving statement was disregarded. Damage resulted directly from the misinformation. How could the decision have been any different?

*Most of the experts thought that the Committee made an egregious error in this case.*

**Berkowitz:** I totally disagreed with this Committee. North/South gave a very fair explanation. They didn't have to show their hands to East/West.

**LeBendig:** There were so many problems in this case! North's hand strongly suggested he should have said something before the opening lead. At the same time, North made a very strong case that he chose this hand for a tactical psyche. If true, that certainly precluded any statement being made after the final pass. I agreed with Barry that I know of no partnership which plays this bid as preemptive and this partnership was new. It was certainly a psyche that could have backfired but I found it conceivable that a player might have risked that. I basically believed that this Committee made an error but I understood how it could have happened. I thought that the "attitude" expressed to the Committee may have contributed to this decision.

**Colker:** I believe the wrong decision was made in this case. Both North and South were in agreement that North's 3♠ bid was invitational, even though it was undiscussed. (This was, I believe, the "book" meaning of the bid, even though many experts now play it as preemptive.) When I spoke to Chris and Gene in the hall outside the appeal room during the Committee's deliberations they described their testimony to me, which included the fact that they played other similar jump raises [e.g., 1♠-2♦ (overcall by an opponent) - 3♠] as invitational, even though such bids are almost universally played as preemptive by experts nowadays. This suggested to me the validity of their contention that North "tactically" intended his 3♠ bid to be interpreted as invitational. Players are allowed to make tactical or psychic bids. As long as there were reasonable evidence of the partnership's agreement as to the meaning of such bids, as there appeared to have been here, it seemed wrong for a Committee to impose their own standards of what those bids should (and therefore do) mean in that partnership, or to have presumed that the players' agreements must fit whatever the bidder's actual hand looked like (preemptive, in this case) without a thorough examination of the pertinent evidence.

I must also commend Bruce Reeve for his statement which accompanied the write-up of this case in the Daily Bulletin in Atlanta (and is reprinted in this casebook).

Having said that, players must be aware that it is doubly dangerous, not to mention ethically dubious, to psyche bids which have not been discussed or whose meanings are not well-documented in their partnership notes or on their convention cards. The Laws require the Director (or, similarly, a Committee) to assume that there has been a misexplanation, rather than a misbid (or an intentional psyche), in the absence of compelling evidence to the contrary. The same principle applies here as in the previous case (Case Sixteen).

**Goldman:** I considered this to have been one of the worst decisions I have ever seen. There was ample evidence to suggest the North/South explanations were correct including their conventional agreement that the auction 1♠-2♦-3♣ was a limit raise.

**Kaplan:** The only infraction committed by North/South was North's failure to Alert after the auction ended (this was not a clear infraction, anyway), which had no effect. The table result should have stood.

**Martel:** Personally, I thought North/South acted exactly as they should have and to have adjusted the score was absurd. South gave a perfect explanation of the North/South agreements and North was under no obligation to say anything. Also to have said that North cannot psyche a 3♣ response was rewriting bridge law. Note that in contrast to Case Sixteen where it was very unlikely West would have chosen to bid a preemptive 3♦, here it was easy to understand why North might have chosen to psyche an invitational 3♣ bid.

**Rigal:** This seemed a really awful decision to me. I took some time to check out whether anybody either played 2♦-3♣ as preemptive or had heard of such a treatment, and no one either knew of or supported such a treatment. If that was the case, and I believe my sample was a fair one, it was ridiculous for the Committee to have created a meaning for a bid and to have imposed it on the "offending side". Whatever the personal aggravation between the appellants and the Committee was, this was a very bad ruling. It was also not clear in the slightest that East would have bid 3NT as opposed to Double (leading to 5♣, not 3NT).

**Rosenberg:** South did not word his answer perfectly, but that should not have been expected. What he probably meant was that it was invitational in standard Flannery. East was a good enough player to know that North could easily have been psyching on this auction, even if he had known it was invitational. This was where it was an advantage to have been a new partnership because an established partnership would have known of each other's history. East was, in effect, using South's answer. If North was inviting, Pass was indicated. If North was preempting, he would call the Director. I would have decided +50 for East/West.

**Treadwell:** This was a tough call and I had some difficulty with the Committee's decision. Playing in a partnership that was formed just before game time, it was quite likely that the meaning of this 3♣ bid was not discussed. "Standard" Flannery would have been assumed. This was the explanation that South gave, quite correctly in my opinion, "probably invitational but not discussed." Perhaps North believed standard Flannery was to treat this bid as preemptive. If so, he owed an explanation to the opponents before the opening lead was made; if not, he owed no explanation.

**Weinstein:** This was a terrible decision. North/South never represented that they had a partnership understanding and they provided East/West with all the information they possessed. Even if before the opening lead, North had told opponents that he had intended the bid as preemptive, it would not have affected the result. On this basis alone, there was not cause for adjustment even if the Committee had believed North had intended the bid as preemptive.

Secondly, for the Committee to have believed that North/South had an understanding and that North had merely forgotten or that the understanding was that the bid was preemptive and was misexplained, they would have had to completely discount the North/South testimony. Although the Committee could have given testimony that could have been self-serving little weight in reaching their decision, it was ridiculous to assume that a player was lying just because his hand didn't match what the Committee expected for a bid. Several other top players, who played the 3♣ bid as an invitational over Flannery, made the same tactical bid. Had the Committee examined the "offender's" convention card, they would have discovered that this pair played other more commonly preemptive bids as invitational. Committees should have had some evidence to have discounted a player's testimony and not have automatically disbelieved them until the negative could have been proved. I believed the Committee exercised poor judgment in their assessment of the testimony with a resultant poor decision from that aspect and a very poor decision in that no infraction actually took place that would have affected the result.

**Consensus:** *Ten experts believed the Committee committed a serious error. Two experts supported the Committee decision.*



<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	Non-Life Master Pairs	<b>Case:</b>	18
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Negative Double

### Hand Record

Board		N	
<b>Dealer</b>	<b>E</b>	♠ J	
		♥ AKQJ86	
<b>Vul</b>	<b>Both</b>	♦ J98	
		♣ 1094	
<b>W</b>			
♠ Q107			
♥ 107			
♦ AQ7			
♣ AQJ72			
		<b>S</b>	
		♠ A8643	
		♥ 953	
		♦ K43	
		♣ 53	
			<b>E</b>
			♠ K952
			♥ 42
			♦ 10652
			♣ K86

Final Contract	Result of Play	Score	Opening Lead
3♣ by W	Made 4	E/W +130	

### Facts

East/West explained the Double of 2♥ as a penalty Double showing cards.

### Director Ruling

The Director ruled that North/South had been given misinformation. The contract was changed to 3♥ by North, making three, N/S +140.

<b>Director's Ruling</b>	<b>3♥ by N, Made 3, N/S +140</b>
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### Committee Ruling

The Committee discovered that East/West were playing a variation of Responsive or Action Doubles. The Committee believed that East described the second Double very poorly to North when he stated "the Double of 2♥ was a penalty Double showing cards." East then reasoned that 3♣ was the correct action. The Committee believed that at this level, North, after being Doubled at the two level, was never going to compete to the three level. East's 3♣ bid and explanation of the second Double were inconsistent. The Committee changed the result for East/West to 3♥ by South, making three, E/W -140, and Average Plus for North/South.

<b>Committee Decision</b>	<b>E/W: 3♥ by N, Made 3, E/W -140 N/S: AVE+</b>
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## Committee Members

<b>Chair</b>	Martin Caley
<b>Member</b>	Mary Jane Farrell
<b>Member</b>	Robb Gordon
<b>Member</b>	Doug Heron
<b>Member</b>	Nancy Sachs

## Commentary

*The experts agreed with the Committee again.*

**Rigal:** A good decision; it was not clear that North was going to bid 3♥; Average Plus seemed fair. Paradoxically, the worse the standard of the event, the more likely I would have been to have awarded North +140.

**Berkowitz:** I was not in love with the explanation. I agreed with the Committee's decision.

**Weinstein:** The explanation of the Double did seem somewhat misleading and I consequently agreed with the Committee. At a higher level of event, I probably would not have given North any protection looking at that strong heart holding.

**Colker:** I agreed completely with this decision. East's explanation of West's Double as "penalty" (implying trumps, or at least the expectation that East would have Passed with any reasonably normal balanced minimum holding for the auction) was inappropriate and inconsistent with his 3♣ bid.

**Goldman:** This decision was O.K.

*The following experts are also agreed but they would have made a slightly different adjustment.*

**Wolff:** This was a good enough decision except that it should have been -140 for East/West and +140 or Average Plus, whichever was worse for North/South.

**Gerard:** North should have known it wasn't a penalty Double or he should have known to ask. Yes, East/West needed to clean up their language but North needed to exit his cave. I would have decided -140 for East/West and -130 for North/South.

**Kaplan:** I don't quarrel with the score awarded to East/West, but I would have left North/South with their -130. Even though North was not a Life Master, he was capable of deducing that West had not Doubled on trump tricks.

**Consensus:** *There was unanimous agreement with the general Committee decision. Three experts would have made a different score adjustment.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	Reisinger BAM Teams	<b>Case:</b>	19
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**Auction**

West	North	East	South
		1♠	Pass
Pass	Dbl	Rdbl	2♥
2♠	Pass	Pass	Dbl <sup>1</sup>
Pass	2NT	Pass	Pass
Pass			

**Explanation of Special Calls and Points of Contention**

1: No Alert

**Hand Record**

<b>Board</b>		N	Bruce Ferguson		
<b>Dealer</b>		E	♠ (void) ♥ QJ2 ♦ KJ8752 ♣ K986		
<b>Vul</b>		None			
W	Bobby Goldman			E	Paul Soloway
♠	109743			♠	AKQ86
♥	1075			♥	K96
♦	1094			♦	6
♣	43			♣	AQ72
		S	Peter Nagy		
		♠	J52		
		♥	A843		
		♦	AQ3		
		♣	J105		

Final Contract	Result of Play	Score	Opening Lead
2NT by N	Down 2	E/W +100	

**Facts**

The Double of 2♠ was not Alerted. At the conclusion of the auction, the Director was summoned and was informed that the Double was competitive and not penalty. The Director called East from the table and asked if he would have taken a different action if he had been Alerted. East said he would have bid 3♠. West was called from the table and asked whether he wanted to withdraw his last Pass and he declined.

**Director Ruling**

The Director ruled that misinformation had been given and East/West were damaged. The contract was changed to 3♠ by East, making three, E/W +140.

<b>Director's Ruling</b>	<b>3♠ by E, Made 3, E/W +140</b>
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**Committee Ruling**

The Committee determined that the North/South agreement was that the Double of 2♠ was competitive. The Committee considered three possible scores; East/West +140, East/West +100, and East/West Average Plus. The Committee never considered a score of better than -100 for North/South.

The consensus was that while North/South had committed an infraction, the damage to East-West was minimal. This was reinforced by West's refusal to reopen the bidding. Presumably he worked out that since his side had ten spades, the opponents had either two eight card fits or a nine card fit. In either case partner's high cards in spades rated to be an asset on defense against 2NT and a liability on defense against a suit contract. The Committee decided to change the result to Average Minus for North/South and Average Plus or E/W +100 for East/West, whichever was better. The Director was instructed to apply the "fouled board" procedure for this board.

<b>Committee Decision</b>	<b>E/W: AVE + or E/W +100 N/S: AVE-</b>
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## Committee Members

<b>Chair</b>	Ralph Cohen
<b>Member</b>	Mark Feldman
<b>Member</b>	Barry Rigal
<b>Member</b>	Tom Smith
<b>Member</b>	John Solodar

## Commentary

*The Committee had some support.*

**Treadwell:** This was an excellent adjudication of a difficult situation. North/South should not have been allowed to profit from their failure to give full disclosure of their methods but East/West should not have been given a free ride to the best possible result.

**Rigal:** As a member of the appeals committee, I naturally believed that we did the right thing. It was clearly completely impossible to predict whether the final contract would have been 3♠, 4♦, 4♠ or 5♦. Since there was no likely favorable outcome for the non-offending side of better than +100, the fouled board ruling seemed appropriate.

**Weinstein:** I believed the Committee came to the correct conclusion though I may not have been objective. I am sure somebody will elaborate on the technical problems that resulted because of the recommendation that the Directors apply the fouled board procedure in a Board-a-Match event.

*The following experts disagreed with the adjustment.*

**Gerard:** East had some clues available, so he could have asked. If the answers would have cleared up a misunderstanding, that would have been unauthorized information. Isn't this a competitive Double in most expert circles, anyway? I wouldn't have been upset with Average Minus for North/South, +100 for East/West.

**Goldman:** I could not comprehend why anything West might have thought or bid had any relevance to the decision. At issue was only what would have happened after a 3♠ bid by East and it seemed like the Committee did not give weight to 3♠X as the final contract.

**LeBendig:** The Director took all the proper steps at the table. Players always know what they would have done after the hand is over. East was clear about his action. If North believed the original Double was penalty, why would he have bid 4♦? I believed the result should have been +140 E/W and -170 N/S.

**Martel:** The Committee's reasoning in giving East/West +100 was reasonable. However, North/South should have been given -170, the most unfavorable result which was "at all probable without the infraction." If East knew what the Double meant he might well have bid 3♠, and if left to play he would have made ten tricks on the likely black suit lead and careful play. This combination was enough to limit East/West to +100 or Average Plus, but -170 was certainly likely enough to have made it the right North/South adjustment.

**Wolff:** North probably suspected South's Double was for penalties (looking at his hand) in spite of their tendency to play Doubles for takeout. This prompted him to bid 2NT (rather than 3♦) which might have catered to either (too risky to stand for it). Meanwhile, East/West was damaged strictly due to North/South's failure to Alert. North/South should have been given Average Minus or -140, whichever was worse. East/West should have been +100 or Average Plus, whichever was better.

*Colker thought the table result should have been allowed and he had some support from Rosenberg and Berkowitz.*

**Colker:** I disagreed with this decision. South's 2♥ bid denied a trap-pass of 1♠. Logically, and together with East's Redouble, this made South's Double of 2♠ a two-way action ranging from penalty-oriented to competitive, but in either case left the final decision up to North. I can't see where East/West were entitled to any information beyond this. Also, if East were to bid 3♠, after South's subsequent pass, North would almost certainly have competed to 4♦, which would have made. I thought that the result at the table should have stood for both pairs, and in light of the Committee's consensus that any "damage to East/West was minimal" I don't understand why this wasn't their decision.

**Rosenberg:** It was good that West was given the opportunity to change his last bid, since that issue was removed from the arena of the Committee. However, as I have previously said, I do not approve the practice of asking East what he would have done. Obviously, he should have always said, "I would have or might have done something else." It was the Committee's job to determine whether East was damaged, and East's job to make his case in Committee. As it was, they

seemed to have totally ignored East's statement on the facts as presented. However, I happen to know that the Committee determined that North would "never" have sold out to 3♠ and that was why East was ignored. This was a big mistake, North might well have sold out, if he believed his partner had spade values, therefore, the issue should have been "would East have bid 3♠?" Since he certainly might have, I would have decided +170 to East/West (ten tricks can reasonably be made on a trump lead). If I had deemed that East would not have bid 3♠, I would have allowed the table result to stand. No third decision was possible.

**Berkowitz:** No! East/West were damaged entirely by West's bizarre bidding (being a partner of Larry "The Law" Cohen lets me say this). I would have allowed the table result. East/West were big boys, they should have paid for their sins.

**Consensus:** *Three experts agreed with the Committee completely, five experts agreed but wanted a different adjustment, and three experts disagreed completely.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	NABC Swiss Teams	<b>Case:</b>	20
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### Auction

West	North	East	South
	Pass	Pass	1♦ <sup>1</sup>
1♥	Pass	Pass	Pass

### Explanation of Special Calls and Points of Contention

1: Pre-Alerted and Alerted, Forcing and Unlimited, Three Suited Hand, may have five card minor

### Hand Record

<b>Board</b>		N	David Rho		
<b>Dealer</b>	<b>N</b>	♠	A87		
		♥	J73		
<b>Vul</b>	<b>Both</b>	♦	1085		
		♣	A1063		
<b>W</b>	Elliott Grubman			<b>E</b>	Ava Grubman
♠	K632			♠	QJ1094
♥	AKQ108			♥	2
♦	KQ6			♦	J942
♣	4			♣	J72
		S	Moses Ma		
		♠	5		
		♥	9654		
		♦	A73		
		♣	KQ985		

Final Contract	Result of Play	Score	Opening Lead
1♥ by W	Made 2	E/W +110	

### Facts

North/South were playing an unusual system that included a forcing 1♣. 1♦ was pre-Alerted and Alerted after the 1♦ bid. No offer to provide a defense was made although the yellow defense sheet was on the table. East/West claimed the defense sheet was under or in the North/South convention card and was not seen or offered. The Pass over 1♥ was not Alerted, but later explained as showing a tolerance for hearts with no other biddable suit.

### Director Ruling

The Director ruled that there had been no misinformation or an inadequate explanation of North/South's agreements and the table result, 1♥ by West, made two, E/W +110, was allowed to stand.

<b>Director's Ruling</b>	<b>1♥ by W, Made 2, E/W +110</b>
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### Committee Ruling

The Committee decided that East had a clear 1♠ bid and was not damaged. If the recommended defense had been available, the same 1♥ overcall would have been made. The Committee allowed the table result, 1♥ by West, made two, E/W +110, to stand.

North/South were warned that playing an unusual system imparts an extra obligation to give complete explanations and to actively offer defenses. North/South were given a one Victory Point procedural penalty for not meeting this obligation.

<b>Committee Decision</b>	<b>1♥ by W, Made 2, E/W +110 N/S: 1 VP procedural penalty</b>
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## Committee Members

<b>Chair</b>	Doug Heron
<b>Member</b>	Darwin Afdahl
<b>Member</b>	Howard Chandross
<b>Member</b>	Robert Gookin
<b>Member</b>	Everett Fukushima

### Commentary

*Most experts applauded the Committee.*

**Treadwell:** This was sound reasoning by the Committee. The rather mild procedural penalty to North/South should have served as a clarion call to players that used unusual methods that they must bend over backwards to give full disclosure of these methods.

**Weinstein:** I agreed with the decision. However, I would have disallowed the system since it created too many problems for the opponents that could have not been resolved in a short match. At the same time, it provided innumerable inferences to North/South not available to the opponents and there was no effort by North/South to provide those inferences to the opponents. When an unusual system was played, the pair was under an extreme ethical obligation to reveal negative inferences created by the system that would not have been obvious to the opponents.

**Colker:** I agreed completely with the Committee's decision.

**Gerard:** I would not have expected from the explanation of the 1♦ bid that South could have had as little as 9 HCP. The warning to North/South should have included that they must disclose the lower limit of the bid as well.

*Berkowitz agreed with the Committee with the usual aversion to the procedural penalty.*

**Berkowitz:** I agreed with everything except the penalty. I have never believed in procedural penalties.

*Rigal and Wolff thought that the Committee missed the boat.*

**Rigal:** I thought East/West were treated harshly. I certainly did not believe it was automatic, as the Committee appeared to have done, to have bid 1♠ on the East cards. I agreed with the procedural penalty; I might have looked to a score adjustment on the grounds that West might have started with a Double if he had been properly informed of his opponents' methods.

**Wolff:** I would have awarded East/West +110 and North/South -620 instead of a warning about an unusual system that imparted an extra obligation to have given complete explanations and to have offered defenses. I would not have given a Victory Point penalty, -620 would have served as a "louder" warning.

**Consensus:** *Five Committee members supported the Committee decision (with the exception of the procedural penalty). Two experts disagreed with the Committee.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	Stratified Senior Pairs	<b>Case:</b>	21
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**Auction**

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

**Explanation of Special Calls and Points of Contention**

1: Alerted, ♣'s & higher suit
2: Alerted

**Hand Record**

Board		N			
Dealer	W	♠	AKJ5		
Vul	None	♥	83		
		♦	A109		
		♣	KJ42		
W				E	
♠	Q962			♠	10
♥	10			♥	AKQ65
♦	8762			♦	KJ5
♣	A976			♣	Q1053
		S			
		♠	8743		
		♥	J9742		
		♦	Q43		
		♣	8		

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

**Facts**

2♥ was Alerted and no questions were asked. North/South had no agreement in this situation.

**Director Ruling**

The Director ruled that East/West were given misinformation and they were damaged. The contract was changed to 3♠ by North, down one, E/W +50.

<b>Director's Ruling</b>	<b>3♠ by N, Down 1, E/W +50</b>
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**Committee Ruling**

East/West were given misinformation by North's Alert of 2♥ and were damaged by North/South's failure to have a partnership agreement. North/South had about 10,000 masterpoints each. The Committee confirmed the Director's ruling of 3♠ by North, down one, E/W +50.

<b>Committee Decision</b>	<b>3♠ by N, Down 1, E/W +50</b>
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**Committee Members**

<b>Chair</b>	Mary Hardy
<b>Member</b>	Steve Lawrence
<b>Member</b>	Jacqueline Tucker



## Commentary

*The Committee had a few supporters.*

**Rigal:** This seemed to have been a reasonable decision. North/South should have known their methods or paid the penalty.

**Weinstein:** Had the 2♥ bid not been Alerted, it seemed unlikely that East would have bid 4♣. Therefore, the Committee's decision seemed correct. Additionally, a case could have been made that South had unauthorized information from the Alert, and in the absence of this information might have considered pulling the Double to 4♣ (although it could have been argued that North's 3♠ call would have awakened South anyway).

**Berkowitz:** I agreed with the Committee. This was a good decision.

*A few experts disagreed with the Committee's decision.*

**Kaplan:** I don't see how East/West were damaged by misinformation. They were damaged by overbidding and underplaying. No doubt, North's Alert was an infraction, but failure to have an agreement was not one.

**Colker:** While I agreed that East/West were possibly misled by North's Alert (the implication being that South held spades?), I failed to see any direct link to any damage suffered by East/West. I found it hard to believe that West wouldn't have still raised to 3♣, and East's 4♣ bid certainly wasn't affected by any of this. The key to East/West's damage seemed to have been North's 3♠ bid. I would have allowed the table result to stand for both pairs, and warned North/South about knowing their agreements in such simple bread-and-butter situations (the opponents' interference over 1NT openings).

**Treadwell:** If a bid was not Alerted and the opponents did not ask for an explanation, there could not have been misinformation. Any assumptions they may have made about the meaning of the Alerted bid was 100% their responsibility unless they had asked for an explanation. The table result should have been allowed to stand.

*Wolff didn't think the case was clear enough to deserve comment.*

**Wolff:** This case was too vague for me to comment.

**Consensus:** *Three agreed with the decision. Three disagreed and one needed more information.*

<b>Subject of Appeal:</b>	Misinformation/Unauthorized Information	<b>Event:</b>	Flight A Pairs	<b>Case:</b>	22
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: No Alert

### Hand Record

<b>Board</b>		N	Michael Slaven		
<b>Dealer</b>		N	♠ J974 ♥ Q52 ♦ J73 ♣ Q106		
<b>Vul</b>		None			
W	Dick Bruno			E	Stanley Katz
♠	10863			♠	Q5
♥	64			♥	KJ983
♦	109652			♦	K
♣	A5			♣	K8742
		S	Leonard Ernst		
		♠	AK2		
		♥	A107		
		♦	AQ84		
		♣	J93		

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

### Facts

West's 2♣ bid was not Alerted but North asked at his turn if it was conventional. East replied "No, it showed clubs." The 2♣ bid was actually Mitchell Stayman and showed four spades. West had Mitchell Stayman listed on his convention card, East did not. West led and, after Dummy was faced, East realized his partner did not have a club suit. East sent West away from the table and explained that he did not think his partner had a club suit.

### Director Ruling

The Director ruled that North/South were not damaged by the failure to Alert 2♣. The table result, 3♦ by South, down one, E/W +50, was allowed to stand.

<b>Director's Ruling</b>	<b>3♦ by S, Down 1, E/W +50</b>
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### Committee Ruling

The Committee decided that North/South were not damaged by the failure to Alert 2♣. The table result, 3♦ by South, down one, E/W +50, was allowed to stand. East/West were given a quarter board matchpoint penalty for failing to have two correctly filled out convention cards. East/West were also given a half board procedural penalty because East sent West away from the table during the play of the hand to explain the misunderstanding. This explanation should never have been made by a defender until play had been completed.

<b>Committee Decision</b>	<b>3♦ by S, Down 1, E/W +50 E/W: ¾ Board procedural penalties</b>
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## Committee Members

<b>Chair</b>	David Treadwell
<b>Member</b>	Nell Cahn
<b>Member</b>	Robert Gookin

### Commentary

*Several experts agreed with the Committee.*

**Treadwell:** The Committee's intent was to give East/West a penalty for East's serious error in sending his partner away from the table during the defense. The penalty was made very mild because it turned out not to have damaged the opponents and the transgression was made with the best of intentions.

**Weinstein:** I agreed with the Committee. North/South achieved their poor score as a result of their aggressive bidding, even if the club competition slightly improved South's hand. I disagreed with the assessment of the half board penalty for East's attempt to be ethical even if misguided. East/West were at risk for giving unauthorized information and that should have been the penalty for the improper timing of revealing the misunderstanding.

**Wolff:** This was a good decision but convention disruption lives on, causing confusion and distortion. Why don't we do more to encourage eliminating it?

**Colker:** This was a good decision, covering both of East/West's infractions.

*LeBendig agreed with one penalty and disagreed with the other.*

**LeBendig:** I agreed with the first procedural penalty. I believed the second one was much too harsh. East was definitely wrong to have taken the action during the defense. However, there was no documentation that this in any way damaged North/South. I believed a firm warning here would have been sufficient.

*Kaplan thought the procedural penalties were too strong.*

**Kaplan:** I had no objection but the procedural penalties seemed excessive for purely technical violations with no suggestion of intent to take advantage.

*The following experts thought the procedural penalties were off base and they disagreed with the adjustment.*

**Berkowitz:** Procedural penalties stink! This aside, I believed North/South were damaged. On the "sound" of the auction, South was entitled to play North for short clubs because the opponents had a fit. I would have "guessed" that North/South would end up Doubling East/West at the three level and I would have given North-South +300.

**Rigal:** Although East's action in sending his partner away from the table was wrong, I have a lot of sympathy for someone who was just trying to help his opponents. I do not think I would have fined East/West over a half board, unless the Committee really believed they should have known better. In this case, no damage was done to the defense because the player who had forgotten was correcting himself rather than the other way around. However, a half board was really "de minimis." The basic decision seemed fine up to a point. It did seem as if North/South damaged themselves with South's 3♦ bid. He did, however, believe that North must have had diamond length (East/West has clubs and spades, North did not have hearts or he would have bid them). On reflection, I thought North/South might have been due Average Plus and East/West Average Minus (with no procedural penalty).

**Rosenberg:** This was a big mystery. First, let's deal with the East/West explanation. It would certainly have been very wrong for West to draw any attention to his partner's failure to Alert of his incorrect explanation, until the play was completed. However, it was proper for East to correct his previous explanation when he realized his mistake on seeing Dummy. West already had the unauthorized information that his partner had forgotten. The further unauthorized information from the correction (perhaps that East had a lot of clubs) was just another cross for East/West to bear.

I am sure you are aware that I am not in favor of procedural penalties in general. The one assessed for "failing to have two correctly filled out convention cards on the table" was ridiculous. I could call the Director every other round in a pair game and invoke that penalty. To assess it here, simply because this went to Committee, was absurd.

The biggest mystery is how the Committee could have decided that North/South were not damaged. South might well have made his bid in the reasonable belief that his partner was short in clubs. I would have allowed South to Pass and I would have forced West to give "preference" to 3♥ which either North or South would have doubled. My analysis of the play (slightly favorable to North/South) led to my decision of +500 to North/South.

**Consensus:** *Four experts agreed with the Committee, two thought the procedural penalties were too harsh, and three wanted a completely different adjustment.*

**Subject of Appeal:** Misinformation/Unauthorized Information   
 **Event:** Blue Ribbon Pairs   
 **Case:** 23


**Auction**

West	North	East	South
		2♦ <sup>1</sup>	Pass
2NT <sup>2</sup>	Pass	3♣ <sup>3</sup>	Pass
3♦ <sup>4</sup>	Pass	3♥ <sup>5</sup>	Pass
4♣ <sup>6</sup>	Pass	5♣	Dbl
5♠	Pass	Pass	Pass

**Explanation of Special Calls and Points of Contention**

1: Alerted, Three Suited Hand, Singleton Diamond
2: Alerted, How Strong?
3: Alerted, Minimum
4: Alerted, Distribution?
5: Alerted, 3415 Distribution
6: No Alert

**Hand Record**

Board		N	Nick Nickell		
<b>Dealer</b>		<b>E</b>			
<b>Vul</b>		<b>E/W</b>			
<b>W</b>	Steve Weinstein			<b>E</b>	Fred Stewart
♠	AQJ532			♠	986
♥	92			♥	AK63
♦	AJ62			♦	5
♣	J	♣	KQ642		
		<b>S</b>	Richard Freeman		
		♠	104		
		♥	J74		
		♦	Q109		
		♣	A10753		

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

**Facts**

4♣ was a relay to 4♦ and was not Alerted. West intended to bid 4♠ over 4♦ to show a spade slam try. A direct bid of 4♠ over 3♠ would not have been a slam try. 5♣ was not in East-West's system. East meant 5♣ as natural. South thought this was their landing spot and Doubled.

**Director Ruling**

The Director ruled that the failure to Alert 4♣ provided misinformation to North/South and influenced South to Double. The Double of 5♣ probably kept East/West out of a slam. The Director changed the contract to 6♠ by West, down one, N/S +100.

<b>Director's Ruling</b>	<b>6♠ by W, Down 1, N/S +100</b>
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**Committee Ruling**

The Committee decided that the Double of 5♣ occurred because of the failure to Alert the 4♣ bid and the Double did help keep East/West out of a slam. The result was changed to Average Plus for North/South and Average Minus for East/West. East/West were given a three matchpoint procedural penalty (on a 51 matchpoint top) for failure to Alert and not knowing their complex system.

<b>Committee Decision</b>	<b>N/S: AVE+ E/W: AVE- &amp; 3 MP penalty</b>
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## Committee Members

<b>Chair</b>	Jeff Meckstroth
<b>Member</b>	Michael Seamon
<b>Member</b>	Thomas Smith
<b>Member</b>	Paul Soloway
<b>Member</b>	John Sutherlin

### Commentary

*The Committee had experts who admired their decision.*

**Treadwell:** This was an excellent decision. It was similar to Case Nineteen. There was no profit for the offenders, but only a limited free ride for the other side.

**Colker:** I agreed with the Committee's decision, but why was the procedural penalty only three matchpoints on a 51 top when a quarter board is the usual assessment? The penalty here was roughly the equivalent of seven-tenths of a matchpoint on a 12 top, a penalty hardly worth assessing. I would have gone with the one-quarter board variety, myself.

**Rigal:** This ruling seemed reasonable. When East/West did not know their system, they had to lose out in any close cases. One might argue here that East's bad trumps would have prevented him from bidding on. I assume that the Committee took that into account in awarding the Average Plus and Average Minus, and I would not have disagreed with what was essentially a subjective call.

**Weinstein:** I kind of agreed with the Committee's decision with respect to East/West. However, I believed that South was likely to Double 5♣ after the proper explanation of 4♣. That combined with the likelihood of East passing partner's 5♠ correction should have precluded North/South from benefiting from the possibility that they might have beat a reasonable slam that wasn't reached.

*Goldman agreed with the Committee but questioned its composition.*

**Goldman:** Why was Meckstroth chairing a Committee involving his usual teammates? If any adjustment to the table result had to have been made, the Committee chose a wise one.

I don't believe a partnership mix-up on the fourth round of bidding warranted an adjusted score. The penalty for such a mix-up should have just been the mix-up itself. Further, in this particular hand, a nearly 50% slam was missed. A finesse did not work; it was the rub of the green.

Perhaps a procedural penalty was in order for a partnership as experienced as East/West (though I would have voted "no"), but no other adjustment.

*A few experts disagreed and Rosenberg questioned the Committee's courage.*

**Kaplan:** I didn't see any clear connection between the infraction (the failure to Alert, not knowing one's system was not an infraction) and the bridge result. So, I would have let the table score stand, while imposing a small penalty on East/West.

**Rosenberg:** Why couldn't the Committee have had the guts to simply decide as the Director ruled, instead of this convoluted formula which another Committee would not duplicate? We'll never have consistency until our decisions are more simple.

*Predictably, Wolff would have dealt harshly with both sides.*

**Wolff:** I would have given North-South -650. East-West should have been given a procedural penalty.

*Berkowitz offered yet another remedy.*

**Berkowitz:** I hated the procedural penalty! I would have made East/West bid 6♠ and I would have left it at that. Not everyone has the best memory in the world and forgetting your own conventions usually leads to enough penalty.

**Consensus:** *Four experts agreed with the Committee and five offered different remedies.*

<b>Subject of Appeal:</b> Unauthorized Information	<b>Event:</b> NABC Women's BAM Teams	<b>Case:</b> 24
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### Auction

West	North	East	South
	1♣	Pass	1♠
Pass	3♥ <sup>1</sup>	Pass	3NT
Pass	4♠	Pass	4NT
Pass	5♠	Pass	6♠
Pass	Pass	Pass	

### Explanation of Special Calls and Points of Contention

1: No Alert

### Hand Record

Board		N	Claire Tornyay		
Dealer		N			
Vul		Both			
	Lynne Schaefer			E	Martha Katz
♠	92			♠	86
♥	Q97532			♥	A108
♦	K1084			♦	95
♣	9			♣	876542
		S	Judy Cody		
		♠	KJ543		
		♥	K64		
		♦	AQJ		
		♣	Q3		

Final Contract	Result of Play	Score	Opening Lead
6♠ by S	Made 6	N/S +1430	

### Facts

3♥ was meant as a “mini-splinter” by North showing shortness in hearts, four spades, and less than game-forcing values. South said “wait a minute” and otherwise expressed doubt about what North’s 3♥ bid meant. South thought North could have been 7-4 or 6-5 and North would have bid after 3NT. North believed that 4♠ was automatic. East/West thought a Pass of 3NT without the unauthorized information was a logical alternative.

### Director Ruling

The Director ruled that North had to assume South knew their agreement and wished to play 3NT. The Director believed some players would have considered a Pass of 3NT at matchpoint scoring and the contract was changed to 3NT by South, making five, N/S +660.

<b>Director’s Ruling</b>	<b>3NT by S, Made 5, N/S +660</b>
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### Committee Ruling

The Committee did not necessarily accept South’s explanation of North’s distribution. All of the Committee members supported the concept of logical alternative in general and all agreed that North had unauthorized information. Nothing in the North/South testimony indicated that 3NT might have been artificial (even with a 4-4 spade fit). The committee agreed the issue was “was Passing 3NT a logical alternative?”

Change the South hand slightly to ♠KJxxx ♥KQJ ♦KQJ ♣xx and 3NT was the top board-a-match contract. The point to those on the Committee who agreed was that if North had used only authorized information (i.e. South had Alerted and had explained the 3♥ bid exactly as it was intended), was that North might well have Passed 3NT if she trusted her partner. Therefore, Pass was a logical alternative and the Committee believed they were compelled by Law to change the contract to 3NT by South, making five, N/S +660.

Two of the Committee’s five members believed a Pass of 3NT was too deep a position to qualify as a logical alternative. The majority (three) did not believe “splitting the pie” was appropriate.

**Dissenting opinion from Committee member Jerry Gaer:** The Committee changed the contract to 3NT by South, making five, N/S +660, by a three to two vote. The decision was based on the theory that unauthorized information was relayed to North during the auction (undisputed) and Pass was a logical alternative.

I heartily disagree with the majority. The 3NT bid, even without the Alert of the 3♥ bid, should have shown a hand with strong hearts and a desire to play 3NT if North thought her hand was suitable. With neither a fifth club nor a diamond card, no sane person would have passed. The bid of 4♠ was absolutely automatic with the given holding.

I believe this Committee decision was badly flawed and, instead of restoring equity as its primary purpose, forced an aberrant result on the entire table. This was a result that probably was not duplicated anywhere in the entire field.

<b>Committee Decision</b>	<b>3NT by S, Made 5, N/S +660</b>
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### Committee Members

<b>Chair</b>	Eric Rodwell
<b>Member</b>	Jerry Clerkin
<b>Member</b>	Ralph Cohen
<b>Member</b>	Mary Jane Farrell
<b>Member</b>	Jerry Gaer

### Commentary

*The Committee's decision was popular with many experts.*

**Wolff:** I sympathized with Jerry Gaer's dissent, but nevertheless I concurred with the majority opinion. However, I would have awarded +660 to North/South and -1430 to East/West, although I realized that this was Board-a-Match and the 1430 would not have applied

**Berkowitz:** I agreed with the majority. If North/South had been playing behind screens, there was a possibility that North would have passed. I would have let the table result stand.

**LeBendig:** This was a well-reasoned decision in Board-A-Match scoring.

**Colker:** I thought the Committee majority's decision was absolutely correct. The objective, in such cases, was not to restore equity, but rather (as the Laws imply) to make sure that the offenders did not gain any possible advantage from the unauthorized information (South's failure to Alert 3♥, and her obvious doubt about the meaning of North's bid). The minority comment, that the Committee "forced an aberrant result on the entire table...that probably was not duplicated anywhere in the entire field," seemed to have missed the point that the assigned score was a direct consequence of North/South's infraction, and it was because this infraction was not duplicated elsewhere that the result was unique (if, in fact, it was, which I doubt).

By the way, if 3NT had gone down while 4♠ was cold, and this had been a matchpoint event, I would have decided the same way for North/South but not reciprocated the result to East/West, whom I would have given an Average Plus.

**Gerard:** At the very least, the dissenter needed to tone down the rhetoric. Four sane people on the Committee understood that North had a normal hand for a mini-splinter and therefore no reason to disturb South's suggestion of 3NT. Even the ♥J might have created an extra stopper out of South's ♥AKT or ♥AQT.

**Rosenberg:** The dissenter failed to understand that it was wrong to have a sure thing instead of a decision, just because partner failed to Alert 3♥ confidently, and bid 3NT.

**Treadwell:** This was another excellent decision. The wording of the majority viewpoint told it all: North might well have passed 3NT if she had trusted her partner.

*The dissenting opinion support from Goldman and Rigal.*

**Goldman:** I would have needed to hear the testimony, but a Pass of 3NT was not a "logical alternative" for me. The ability to construct a hand that made the bid the "winning actions" did not, by itself, make such a bid a logical alternative.

**Rigal:** I agreed with the dissenting opinion, although not as strongly. North's unannounced diamond weakness gave her a clear reason to correct to 4♠. Pass was an option, but not a logical alternative, as South could easily have had the good hearts postulated by the Committee, but would have still needed very specific diamond cards to have made a Pass by North the winning action.



**Consensus:** *Seven experts sided with the Committee's majority opinion. Two agreed with the minority.*

**Subject of Appeal:** Unauthorized Information    **Event:** Flight A Swiss Teams    **Case:** 25


**Auction**

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

**Explanation of Special Calls and Points of Contention**

1: No Alert, New Minor Forcing

**Hand Record**

Board		N	Dave Milton		
Dealer		S			
Vul		E/W			
W	Ava Grubman		E	Elliott Grubman	
♠ Q864			♠ J		
♥ Q93			♥ 752		
♦ KJ3			♦ A8765		
♣ 764			♣ J985		
		S	Jeff Roman		
		♠ A10			
		♥ A104			
		♦ Q104			
		♣ AK1032			

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

**Facts**

South failed to Alert North's 3♦ bid as New Minor Forcing. East claimed he would have led the ♦A if he had been Alerted that 3♦ was artificial.

**Director Ruling**

The Director ruled that East/West might have been damaged by the failure to Alert. East was allowed to lead the ♦A and the result was changed to 5♠ by North, down one, E/W +50.

<b>Director's Ruling</b>	<b>5♠ by N, Down 1, E/W +50</b>
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**Committee Ruling**

The Committee determined that North failed to call the Director at the conclusion of the auction and did not inform the table that his partner had failed to Alert. The Committee decided that if had North given the table this information, there was a reasonable chance East would have led a diamond. The Committee confirmed the Director ruling of 5♠ by North, down one, E/W +50.

<b>Committee Decision</b>	<b>5♠ by N, Down 1, E/W +50</b>
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**Committee Members**

<b>Chair</b>	Ralph Cohen
<b>Member</b>	Jerry Clerkin
<b>Member</b>	Judy Randel

## Commentary

*Many experts agreed with the Committee.*

**Weinstein:** The Committee's decision and Director's ruling seemed automatic. I might have had a touch less sympathy at a higher level where East might have inquired about the nature of the 3♦ bid. I would never have allowed North/South any score better than -50. Since North/South decided to protest, I would have changed their score to -100 because after the ♦A lead, North, at the five-level, may have gone down two tricks trying to make this contract and deserved the worst score reasonably possible.

**Berkowitz:** I assume the Director's ruling (+50) was not changed. I agreed with the Committee.

**Colker:** This was an excellent decision. I would have voted for an additional three IMP procedural penalty for North's failure to have met his legal and ethical obligations at the end of the auction (compare with Case Twenty-Two), not to accrue to East/West.

**Rigal:** I agreed with the decision, particularly the point about North's failure to have given correct information at the end of the auction. Was this an appropriate area to have considered a procedural penalty?

**Rosenberg:** North should have been censured, strongly if he was experienced.

**Sutherland:** North/South had no appeal. They were 100% wrong in not Alerting 3♦ as New Minor Forcing. East/West should certainly have gotten the benefit of the doubt. I thought North/South made a frivolous appeal.

*Goldman agreed on the violation but wanted another adjustment.*

**Goldman:** I agreed on the violation but not on the adjustment. Too much was given to East/West. I would have allowed the ♦A to have been led 50% of the time and I would have given North/South an additional procedural penalty for not Alerting before the opening lead.

*Kaplan and Treadwell disagreed with the Committee and wanted the table result to stand.*

**Kaplan:** It seemed to me that East was far more likely to have led the ♦A (trying to give partner a ruff) if he had believed 3♦ was natural (North would have had four diamonds and South would have had at least three when he had no spade support). I would have let the table result stand.

**Treadwell:** Yes, South failed to Alert the 3♦ bid and thereby committed an infraction. The chance that this infraction damaged the opponents was miniscule. This was a Flight A event and new minor checkback was played by the vast majority of tournament players in this sequence. I don't like to see opponents gain tremendously on a technicality of this sort. The table result should have prevailed with a small procedural penalty to the North/South team of, say, three IMPs. The penalty should not have accrued as a plus for the East/West team.

*LeBendig was in the middle and wanted a procedural penalty.*

**LeBendig:** I disagreed with any adjustment for East/West. Many pairs play some sort of artificial treatments after a 2NT rebid. East could have known that there was the potential 3♦ was not natural. East could have inquired prior to the opening lead without any fear of the opponents benefiting (I hear that argument frequently). I was not sure about the score adjustment for North/South. I was certain that North/South deserved a quarter board procedural penalty because of the failure to disclose. Had North done that, this would have returned to being a bridge problem and we wouldn't have been wasting any Committee time.

*Wolff thought North/South should have been down two.*

**Wolff:** If North/South did play new minor forcing (I've never heard of this being explained that way over 2NT) then there was a failure to Alert, but North/South should have been down two since North would undoubtedly have played for the ♠QJ to fall doubleton.

**Consensus:** Six experts agreed with the Committee and five would have made a different adjustment.


<b>Subject of Appeal:</b> Unauthorized Information	<b>Event:</b> NABC Open BAM Teams	<b>Case:</b> 26
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**Auction**

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

**Explanation of Special Calls and Points of Contention**


**Hand Record**

<b>Board</b>		N	Mark Novisoff		
<b>Dealer</b>	<b>E</b>	♠	QJ9864		
		♥	52		
<b>Vul</b>	<b>E/W</b>	♦	864		
		♣	75		
<b>W</b>	Daniel Colutosti			<b>E</b>	John Malley
♠	3			♠	10
♥	A104			♥	KJ86
♦	KQJ9			♦	A7532
♣	108642			♣	KQ3
		S	Gerald Popkin		
		♠	AK752		
		♥	Q973		
		♦	10		
		♣	AJ9		

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

**Facts**

West claimed that he misunderstood the auction and thought South had made a takeout double instead of bidding 1♠. West meant his 2NT bid as a limit raise or better values in support of diamonds. North/South claimed that West was awakened by his partner's failure to Alert his 2NT bid. West maintained that he saw the 1♠ bid at the same time as he bid 2NT and was well aware that he had made a mistake.

**Director Ruling**

The Director ruled that a Pass of 4♣X was a logical alternative. The contract was changed to 4♣X by South, down one, E/W +100.

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

The Committee decided there was no reason to adjust the table result since there was no unauthorized information. While East's failure to Alert may have caused West to think something was awry, the 1♠ bid card on the table was authorized information to West and that was what made him aware of his own mistake. The table result, 5♦X by East, making five, E/W +750, was restored.

<b>Committee Decision</b>	<b>5♦X by E, Made 5, E/W +750</b>
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## Committee Members

<b>Chair</b>	Ralph Cohen
<b>Member</b>	Jerry Clerkin
<b>Member</b>	Ed Lazarus
<b>Member</b>	Judy Randel
<b>Member</b>	Bruce Reeve

### Commentary

*The experts thought the Committee decision was extremely good.*

**Wolff:** Right on!

**Colker:** The Committee's decision was impeccable. As far as I know there was no such thing as unauthorized information from an Alert which was not given to a bid which was never made, in an auction which had not occurred.

**Berkowitz:** Irrespective of the bidding, if North/South allowed East/West to make +750, the result should have been allowed to stand. In fact, it should have been allowed anyway. This was a good Committee decision.

**Goldman:** I agreed with the Committee.

**Rigal:** I agreed with the decision. This was obviously the sort of case where the submissions of the parties may have had an enormous impact on the eventual decision. There was nothing in the write-up to indicate that the Committee should have disbelieved West.

**Treadwell:** This was good reasoning by the Committee. There was no unauthorized information and so the table result must have been allowed to stand. It appeared that North/South might have been grasping at a technicality to improve their result. They should have beaten 5♦ for the best possible result for their side. Had North/South been the appellants, I would have considered the appeal to have no merit.

**Weinstein:** I agreed with the Committee. Although it was plausible to have made the case that the failure to Alert 2NT aided West, it seemed likely that if West was not paying enough attention to have not seen South's overcall, he wasn't about to have noticed the failure to Alert. I would have been inclined to have believed West's testimony, though self-serving, and allowed the table result to stand.

*Rosenberg and LeBendig were the lone dissenters.*

**Rosenberg:** I did not agree with the Committee. I have seen cases where players maintained misconceptions (such as thinking South Doubled) all the way through the hand. I would have decided as the Director ruled, +100 for East/West.

**LeBendig:** The possibility existed that West was made aware of the actual auction by the failure to alert. Since that possibility existed, I believed the Director ruled correctly and the Committee accepted some self-serving testimony from West. (See Case Fourteen in the Minneapolis 1994 Appeals Committee Decisions.)

**Consensus:** *Seven experts agreed with the Committee decision and two did not agree.*

<b>Subject of Appeal:</b>	Unauthorized Information	<b>Event:</b>	Blue Ribbon Pairs	<b>Case:</b>	27
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**Auction**

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

**Explanation of Special Calls and Points of Contention**

1: Break in Tempo

**Hand Record**

<b>Board</b>		N	Ron Smith		
<b>Dealer</b>		S	♠ J42 ♥ 53 ♦ KQ92 ♣ KQ86		
<b>Vul</b>		E/W			
W	Alan LeBendig			E	Tom Clarke
♠	A5			♠	KQ109763
♥	Q104			♥	7
♦	A8			♦	754
♣	A95432			♣	J10
		S	Linda Smith		
		♠	8		
		♥	AKJ9862		
		♦	J1063		
		♣	7		

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

**Facts**

East broke tempo and said, "Oh, well," in a discouraging tone before placing the 4♠ bidding card on the table. West stated that the hesitation was at least 20-25 seconds and North/South agreed it was at least that long.

**Director Ruling**

The Director ruled that West could have received unauthorized information from East's comment and tempo. The contract was changed to 5♠ by East, down one, N/S +100.

<b>Director's Ruling</b>	<b>5♠ by E, Down 1, N/S +100</b>
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**Committee Ruling**

West appealed the ruling (East did not appear) and testified that, in his opinion, his hand did not warrant a 5♠ bid and that 4♠ could have been defeated. West could understand being adjusted to -100 but he did not believe North/South deserved to be +100 as the most likely favorable result. North/South testified that they believed the prolonged hesitation and the unnecessary comment by East might have influenced West to refrain from bidding and they believed their defense was immaterial if the contract was 5♠.

Law 16A states: *After a player makes available to his partner extraneous information that may suggest a call or play, as by means of a remark, a question, a reply to a question, or by an unmistakable hesitation....., the partner may not choose from among logical alternative actions one that could reasonably have been suggested over another by the extraneous information.*

The Committee decided that a bid of 5♠ was a logical alternative by West and the result for a 4♠ contract was never seriously considered. The Director's ruling of 5♠ by East, down one, N/S +100, upheld. The Committee briefly considered the issue of whether the appeal had substantial merit and they decided to refund the \$50.

<b>Committee Decision</b>	<b>5♠ by E, Down 1, N/S +100</b>
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## Committee Members

<b>Chair</b>	Darwin Afdahl
<b>Member</b>	Martin Caley
<b>Member</b>	Ralph Cohen

### Commentary

*The experts agreed with the Committee Decision but they had little sympathy for East/West and they wanted to impose the penalty for bringing an appeal that was substantially without merit.*

**Berkowitz:** I wouldn't have given Alan his \$50 back (sorry, Alan). His side's actions were outrageous.

**Colker:** I thought the Committee's bridge decision was entirely appropriate, but I thought the issue of whether the appeal had merit was much closer than the write-up suggested. In fact, I would have kept the \$50.

**Gerard:** It took a precise series of plays to get four tricks against any spade contract. South must lead a high heart and switch to a trump; North must win the first club and switch to a high diamond before continuing trumps. But so what? If the contract was supposed to be 5♠, North/South's defense against 4♠ could only have been indicative of how they might have defended against 5♠. If West could understand having been adjusted to -100, how could he have argued that North/South did not deserve +100? This case involved not just unauthorized information but illegal unauthorized information, and, in my opinion, West's Pass was blatant misuse of that information. If East was supposed to bid 4♠ on this vulnerability just because he held an OK weak two-bid, there was too much danger of Crypto and Telltale becoming a reality. Once East put on the show, any West who knew the meaning of "logical alternative" was required to reach the five-level.

East should have been forced to attend the hearing and should have been severely admonished for his remarks. East/West should have been penalized for having violated the Proprieties. What happened here was far worse than sending one's partner away from the table in an attempt to be helpful to the opponents. West should have undergone an attitude adjustment.

**Goldman:** East's action was quite serious. The 4♥ skip-bid created adequate time for East to decide to act "in tempo." I would have added a procedural penalty to East/West. I have sympathy for players who get caught with hard hands in the direct seat, but when it goes: Skip-bid, Pass, Pass, a smooth (approximately five second) action should not have posed a problem.

**Rigal:** I do not think a slow 4♠ carried any particular message about bidding on or passing. The comment however certainly did convey a message. I thought the Committee made the right decision. East's comment seemed most inappropriate in the circumstances, and I wonder whether some comment by the Committee was called for.

**Treadwell:** The logical alternative rule was applied correctly in this case.

**Weinstein:** I had mixed beliefs about this case. I believed that 5♠ was an unlikely bid, but given our current guidelines, it was a possible bid and therefore, the Committee made the proper decision. If the Committee had allowed 4♠ to stand, then a procedural penalty against West might have been appropriate.

*Wolff agreed with the Committee, wanted to retain East/West's deposit, and honored East for failing to appear at the hearing.*

**Wolff:** This was OK except that I would have kept the deposit and I applaud East for not having shown up at the Committee meeting.

*LeBendig believed the Committee and the expert panel missed the point of this appeal.*

**LeBendig:** I believed the same about this case as I did Case Five. I had no problem understanding why a Committee would have forced West to proceed after a gratuitous remark by East. At the time, it seemed that Pass was so routine, I had no problem doing so. I clearly should have recognized that a bid was a logical alternative. I believed that a procedural penalty would have been in order for the gratuitous remark. However, since Pass was an action that many players chose (including at least one of our experts), I believed that North/South were not entitled to +100 when the most likely result was the one that occurred at the table. That was clearly stated as the main reason for this appeal. I strongly believed that a split score was appropriate here.

**Consensus:** *The experts and even the appellant seem to have reached agreement with the Committee. Most Committee members thought the appeal lacked substantial merit and wanted the deposit forfeited.*

<b>Subject of Appeal:</b>	Unauthorized Information	<b>Event:</b>	Blue Ribbon Pairs	<b>Case:</b>	28
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Stop Card used

### Hand Record

<b>Board</b>		N	Barb Klein		
<b>Dealer</b>		N	♠ 6 ♥ AQ10764 ♦ AJ65 ♣ Q6		
<b>Vul</b>		Both			
W	Bjorn Fallenius			E	Mike Moss
♠	K7			♠	QJ98542
♥	J2			♥	3
♦	Q1087			♦	K42
♣	AJ543			♣	92
		S	Jim Klein		
		♠	A103		
		♥	K985		
		♦	93		
		♣	K1087		

Final Contract	Result of Play	Score	Opening Lead
4♥ by N	Made 5	N/S +650	

### Facts

There was no Stop-card used before the 2♠ bid (East said "Stop" but South did not hear it). South put the Stop-card on the table and bid 3♥. Attention was called to this irregularity and South blurted, "Oh, I thought he bid 1♠." East-West believed that unauthorized information was available to North.

### Director Ruling

The Director ruled that unauthorized information was available and Pass was a logical alternative for North. The contract was changed to 3♥ by North, making five, N/S +200.

<b>Director's Ruling</b>	<b>3♥ by N, Made 5, N/S +200</b>
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### Committee Ruling

The Committee discovered that a Director was not summoned until North bid 4♥. The Committee determined that there was no legal requirement to use a Stop-card, though there may be consequences for not using one. A minority of the Committee members believed that East's failure to use a Stop-card could have been a factor which could have influenced the outcome of this decision. The majority believed that there should not have been an impact on the decision from East's failure to use the Stop-card.

The Committee determined (with assistance from Director) that if a Director had been called to the table when South's error was made, the Director should not have offered South the opportunity to change his call to 4♥. South could have done this on his own motion and merely paid the price of that irregularity (barring partner), but the Director should not have offered an irregularity as an option.

The issue was one of determining whether North had a logical alternative to bidding 4♥. One Committee member contended that the definition of logical alternative created a very high standard. That member said the definition was "an alternative which some number of the player's peers would have seriously considered, whether they opted for it or not." This member believed that Pass would have been seriously considered by several players, even in the Blue Ribbon Pairs.



Another Committee member indicated he believed this was a very close case and admitted that East's failure to use the Stop-card may have influenced North's decision to find no logical alternative to 4♥. The other three members were in agreement to allow the 4♥ bid. They believed the 4♥ bid was certainly not a 100% action, but even if it were a 65% action, all or nearly all of this player's peers would have made the bid. The 6-4 pattern, shortness in LHO's known suit length and tenaces over RHO's presumed honors all favored bidding. The majority believed there was no logical alternative to bidding 4♥.

The Committee also gently admonished North/South to summon a Director when irregularities occur and to learn not to blurt out any statement after an irregularity has occurred. The table result of 4♥ by North, making five, N/S +650, was restored.

The Committee Chairman would like to ask the expert panel that will be reviewing these decisions in the Atlanta Casebook for their opinions on whether Active Ethics creates an obligation for players to behave in such a way that would minimize the chance of irregularities by their opponents. If so, should the Committee have paid more attention to East's failure to use the Stop-card?

<b>Committee Decision</b>	<b>4♥ by N, Made 5, N/S +650</b>
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### Committee Members

<b>Chair</b>	Michael Huston
<b>Member</b>	Doug Heron
<b>Member</b>	Judy Randel
<b>Member</b>	Barry Rigal
<b>Member</b>	Michael Rosenberg

### Commentary

*There was almost complete agreement with the Committee on this case.*

**Berkowitz:** I agreed with the Committee (rats, I hated to agree!).

**Weinstein:** I believe the Committee decided correctly. Although East/West should have been encouraged to use the Stop-card for their own protection, as long as they were not required by law to use the Stop-card, there should have been no culpability on their part for non-tempo related irregularities.

**Wolff:** This was excellent reasoning and suggestions all around by this Committee. Active Ethics demands proper tempo whether or not a Stop-card was used. A Stop-card was only a reminder. I thought East/West were looking for something for nothing by bringing this appeal. How could they have asked for North/South to stop below 4♥? That, in itself, was violating Active Ethics.

**Colker:** I thought the Committee made the correct decision. I believed it would have been an aberration for North to have passed 3♥ when as little as ♠xxx ♥K9xx ♦Qx ♣xxxx from South would have produced an excellent play for game. As far as East's failure to use the Stop-card, the Committee itself determined East was under no obligation to do so. As long as this usage was unrelated to his hand or the meanings of his bids, the mere fact of his not using the Stop-card should not have influenced the decision. However, if his failure to use the Stop-card, in some other situation, was believed to have contributed to problems in resolving his opponents' tempo variations, then that failure could have compromised his side's right to receive redress for damage.

**Rigal:** Again, as part of the Committee, I thought we did the right thing. I note in passing there was a point of similarity to Case Fourteen. Normally, where external circumstances mitigate the severity of the offense, were different standards possibly available in the adjudication?

**Treadwell:** West committed a minor infraction when he failed to use the Stop-card and this contributed to the infraction when South used the Stop-card. I tended to agree with the Committee's decision but I would have been troubled if North/South's bidding agreements treated jump raises as preemptive. A Pass by North would then have become a logical alternative.

I thought the Committee should have "gently" admonished East for his failure to use the Stop-card just as they "gently" admonished North/South about summoning the Director.

*Goldman disagreed and offered a suggestion for the Directing Staff.*

**Goldman:** The "Stop-card" issue had no relevance to this hand.

I believed the best way to have handled this and similar hands was for the Director to intercede before the play, announce "an irregularity has occurred and I'm awarding East/West Average and North/South Average Minus." Does anyone object to this now?

**Consensus:** *Six experts agreed with the Committee. Goldman did not agree and offered a completely different approach.*


<b>Subject of Appeal:</b>	Unauthorized Information	<b>Event:</b>	Reisinger BAM Teams	<b>Case:</b>	29
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**Auction**

West	North	East	South
4♠	Pass	Pass	Pass

**Explanation of Special Calls and Points of Contention**


**Hand Record**

<b>Board</b>		N	Marc Umeno			
<b>Dealer</b>		W		♠	J9	
<b>Vul</b>		Both		♥	K1064	
				♦	KQ1052	
				♣	42	
W	Godfrey Chang				E	Dennis Sorensen
♠	KQ1087643				♠	A2
♥	J				♥	AQ7532
♦	3				♦	64
♣	QJ5				♣	1098
		S	Hank Youngerman			
				♠	5	
				♥	98	
				♦	AJ987	
				♣	AK763	

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

**Facts**

North led the ♦K which was overtaken by South's ♦A. South played the ♣K, West followed with the ♣Q, and North, while playing the ♣2, said "We play upside-down count and attitude signals." South, after some thought, played the ♣A, continued a club, and North ruffed. East/West believed that South may have had unauthorized information from North's announcement and may have been alerted to his doubleton holding.

**Director Ruling**

The Director ruled that there may have been unauthorized information but South would have continued clubs and defeated the contract. The table result, 4♠ by West, down one, N/S +100, was allowed to stand. North/South was issued a quarter board procedural penalty for announcing their carding agreement at an inappropriate time.

<b>Director's Ruling</b>	<b>4♠ by W, Down 1, N/S +100</b>
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**Committee Ruling**

The Committee discovered that this was the first board of a three board set. All of the parties agreed on the timing of North's statement. North/South believed they would always have made the right play even if North had made no announcement. They emphasized that they were only trying to do the right thing in announcing their carding agreement. East/West believed that North's statement may have brought attention to his doubleton club. East/West believed there was unauthorized information available and playing a second diamond was a logical alternative to continuing clubs.

The Committee believed that the wrong side was forced to appeal this ruling because the Directing Staff failed to rule for the non-offending side when there was a clear possibility that they had been damaged. The Committee decided that there was unintentional unauthorized information available that some players would have considered. The result was changed to 4♠ by West, making four, E/W +620. The Committee believed this was enough punishment for making the gratuitous comment and the quarter board procedural penalty was removed.

<b>Committee Decision</b>	<b>4♠ by W, Made 4, E/W +620</b>
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## Committee Members

<b>Chair</b>	Robb Gordon
<b>Member</b>	John Blubaugh
<b>Member</b>	George Dawkins

## Commentary

*The experts agreed with the Committee decision.*

**Colker:** This was a difficult case, made even more difficult by the Directors' decision to rule for the offenders. I believed the Committee made a good bridge decision, although I would not have removed the procedural penalty. Such penalties are important to help ensure that similar infractions don't recur, both by serving as a memory stimulant and by preventing players from benefiting by creating no-lose (win or break-even) situations from improper actions. I thought it was dangerous to let the size of the bridge adjustment on a hand influence whether an appropriate disciplinary penalty was imposed, since each deals with a conceptually different component of the situation. It sent a confusing message when we said, "Since your infraction cost you a game swing instead of an overtrick, we won't penalize your infraction, we'll just correct the bridge result." In other words, "The more you stand to gain or lose by your infraction, the less risk you take by committing it."

**Gerard:** Without the comment, South would have had to work out whether North would have encouraged or discouraged clubs with J-8-4-2 or would have given a count signal. He couldn't have gone right more often than with the announcement, so the Committee's decision was clear. I'm not convinced that even a trick one announcement wouldn't have been troublesome. I've always been bothered when the opponents say "upside down carding, Smith Echo" seconds before the following suit to Trick Two in a 3NT contract.

**Kaplan:** Again, who was the foolish Director?

**LeBendig:** The score adjustment made by the Committee seemed quite accurate. The comment may have been innocent, but which of us would have made it at that point of the hand? I believed the procedural penalty was right on target and I was glad to see the Director issue one. I don't see how the correct score adjustment negated the purpose served by the procedural penalty.

**Rigal:** I hate these sorts of positions, where one has to pass some sort of judgment on North/South when a decision is made. I thought the Committee did the right thing here. It should certainly make the point clear to North/South that they must be more careful in the future about these things.

**Treadwell:** The infraction by North, although committed for the loftiest of reasons, was made at precisely the moment that it might have helped the defense. If North had four clubs, he might played the deuce and then a club continuation might have caused the defense's second diamond trick to disappear. South might have worked out the correct play in any event, but the comment certainly made it easier. The Committee, not the Director, got this one right.

I also agreed with their decision not to issue a procedural penalty, on the basis that -620 was punishment enough.

**Wolff:** I agreed with the Committee.

*Goldman agreed in general but would have made a different adjustment.*

**Goldman:** East/West should not have been awarded more than Average Plus.

*Berkowitz and Weinstein were the voices of dissent.*

**Berkowitz:** There should have been no procedural penalty. West made the wrong club play. Logically, North could only have been encouraging with xx. He would have discouraged with ♣Jxxx. The result should have been allowed to stand.

**Weinstein:** I guess I agreed with the Director's ruling, but I didn't have a strong belief. The timing was clearly inappropriate and the procedural penalty was on track. It was not clear that unauthorized information was given. Not knowing the count on the hand or South's best continuation, North would have also played the ♣2 from Jxxx. Had North Alerted that they played upside down attitude only, or if this was an inexperienced partnership, I would have been more inclined to agree with the Committee. In any case, this hand might have been recorded in case this was a pattern rather than an innocent badly timed remark.

**Consensus:** *Nine experts agreed with the Committee in general (there were some differences of opinion about removing the procedural penalty) and two experts disagreed.*

<b>Subject of Appeal:</b>	Unauthorized Information	<b>Event:</b>	Reisinger BAM Teams	<b>Case:</b>	30
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Stop Card used

### Hand Record

<b>Board</b>		N	Peter Boyd		
<b>Dealer</b>	<b>E</b>	♠	Q87		
		♥	Q432		
<b>Vul</b>	<b>N/S</b>	♦	AJ108		
		♣	96		
<b>W</b>	Warren Chang			<b>E</b>	Lawrence Asher
♠	K953			♠	AJ642
♥	J7			♥	986
♦	K9765			♦	Q4
♣	A4			♣	Q108
		<b>S</b>	Steve Robinson		
		♠	10		
		♥	AK105		
		♦	32		
		♣	KJ7532		

Final Contract	Result of Play	Score	Opening Lead
3♠X by E	Made 3	E/W +530	

### Facts

The Director was summoned when 3♦ was bid with a Stop-card.

### Director Ruling

The Director ruled that there was unauthorized information and North/South were damaged. Pass was deemed to be a logical alternative for East and the contract was changed to 3♦ by West, down two, N/S +100.

<b>Director's Ruling</b>	<b>3♦ by W, Down 2, N/S +100</b>
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### Committee Ruling

North/South did not appear before the Committee. East/West explained to the Committee that they played fit-showing jumps. The Committee found that the Stop-card suggested that West held spades. However, it was also the majority of the Committees opinion that the failure to bid 1♦ also meant that the 3♦ bid showed spades. The majority found that Pass was not a logical alternative to 3♣ and the table result, 3♠X by East, made three, E/W +530, was restored.

<b>Committee Decision</b>	<b>3♠X by E, Made 3, E/W +530</b>
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### Committee Members

<b>Chair</b>	Michael Huston
<b>Member</b>	Phil Brady
<b>Member</b>	Nell Cahn
<b>Member</b>	George Dawkins
<b>Member</b>	Richard Popper

## Commentary

*The Committee had some solid support from the experts.*

**Berkowitz:** Absolutely! Anyone who passed 1♣ had spades when they bid 3♦.

**Wolff:** I agreed with the Committee but I was close to being in favor of deciding against East/West.

**Rigal:** I agreed with the decision. East/West were undeniably lucky to have been able to recover from this position, but if their system could have been shown to cover this sequence, then so be it. Clearly this sequence did show a spade-fit, and East would have undeniably bid 3♠ at board-a-match.

*LeBendig agreed in general but wanted a procedural penalty.*

**LeBendig:** I very much disliked the fact that East bid 3♠. I saw no evidence or solid bridge reason that West was likely to have possessed primary spade support. However, it was difficult to believe that South would have passed 3♦ (unless he was a screenmate of West and was aware of what was about to happen). If West had bid 3♠ over 3♥, it seemed likely that North would have Doubled again. Perhaps the adjustment was correct with some small procedural penalty against East/West for the 3♠ bid.

*Goldman wanted a different adjustment and a procedural penalty. There was support from Martel on the adjustment.*

**Goldman:** South would also have bid 3♥ after 3♦-Pass-Pass. I would have issued a procedural penalty to East/West. This was another good hand for a Director to have interceded with Average Plus/Average Minus.

**Martel:** While the 3♦ bid was probably based on some spades, without the jump the degree of spade support was much less clear. Perhaps West had a weakish six-card diamond suit and a doubleton spade. Certainly without the unauthorized information some Easts would have seriously considered a Pass of 3♦ with their poor spade suit and weak overcall. Thus, East/West should not have kept their +530. Probably Average Plus/Average Minus was the best ruling since it was not at all clear what would have happened if East passed 3♦. South would probably have bid 3♥ and West 3♠, but then what?

*Kaplan thought Pass was a logical alternative and found support from Weinstein.*

**Kaplan:** This was a terrible decision. A majority of players would have chosen the Pass that “was not a logical alternative.”

**Weinstein:** There was an inference that West had spade tolerance, but unless East/West had an explicit understanding (which they then failed to Alert), for the Committee to have believed that a Pass of 3♦ was not a logical alternative was totally beyond comprehension. In my opinion, Pass of 3♦ was the normal action. If East/West played fit showing jumps, they probably also played Snapdragon style Doubles where West could have Doubled to show diamond values with some spades.

*Rosenberg offers yet another solution.*

**Rosenberg:** I totally disagreed with the Committee. Whether or not East would have figured this out without the skip-bid warning was irrelevant. It was too likely that the Stop-card woke East up and the need for subtle inference was gone. Maybe partner passed 1♣ for some other reason, e.g. he couldn't decide between 1♦ or 2♦, or he had solid diamonds and he hoped to be on lead against 3NT. Whatever we did, we should not have allowed East to have a sure thing in this situation. My analysis of the play in 3♦ would have led me to decide +150 for North-South.

*Sutherlin agreed with the Director.*

**Sutherlin:** The Committee went too far when they assumed 3♦ would have shown spades because of the failure to overcall over 1♣. Letting East/West get the benefit of the doubt when they had exchanged information via the Stop-card was improper. The Director's ruling was correct.

**Colker:** This was a tricky case. While I agreed with the majority of the Committee to the extent that West's failure to bid 1♦ could have been construed as implying spade support, I have seen many players refrain from bidding a long suit in a weak hand because they were afraid of propelling the opponents into a making high-level contract that they wouldn't otherwise have bid. I call the Committee's attention to Case Twelve in this casebook where West, at favorable vulnerability and holding ♦KJ9754 and a twelve count neither opened 1♦ in second seat nor overcalled 2♦ after his LHO opened 1♣ and his RHO responded 1♥. However, he did bid 2♦ later when his LHO's 1NT rebid was passed back around to him. I wonder what second-suit fit it would have been argued this would have shown if his partner had hesitated over the opponent's 1NT rebid? In spite of the fact that, in the present case, I might (tentatively) have made the same fit-showing inference myself, if playing with a familiar partner, I would not have decided for East/West without their

presenting convincing evidence of their understandings or partnership tendencies toward such inferences. It must be kept in mind that West's use of his Stop-card made it easier (likely) for East to have made the spade inference. If this were a hesitation-type of situation where a break in tempo made a, say, 65% call into a 100% lock, we would have had no reservations about not allowing that call in the presence of the unauthorized information from the hesitation. I saw no difference in principle, between that situation and the present one.

**Consensus:** *There wasn't much agreement from the experts. Six experts agreed with the Committee but two of them wanted different adjustments. Five experts disagreed with the Committee for a variety of reasons.*

<b>Subject of Appeal:</b>	Unauthorized Information	<b>Event:</b>	Bracketed KO Teams	<b>Case:</b>	31
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**Auction**

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

**Explanation of Special Calls and Points of Contention**

1: Alerted, Ogust
2: Alerted, Bad Hand, Bad Suit

**Hand Record**

Board		N			
<b>Dealer</b>		<b>E</b>			
<b>Vul</b>		<b>Both</b>			
		♠ 108			
		♥ K43			
		♦ KJ95			
		♣ Q1052			
<b>W</b>				<b>E</b>	
♠	AK			♠	QJ76542
♥	AJ987			♥	10
♦	Q74			♦	83
♣	J86			♣	K93
		<b>S</b>			
		♠ 93			
		♥ Q652			
		♦ A1062			
		♣ A74			

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

**Facts**

Just before he made the 3♠ bid, West made the comment, "I am sorry to hear that." North/South believed this comment showed a highly invitational hand and wanted to hear about any values East might have had.

**Director Ruling**

The Director ruled that there was no unauthorized information conveyed by West's comment. The table result, 4♠ by East, made four, E/W +620, was allowed to stand.

<b>Director's Ruling</b>	<b>4♠ by E, Made 4, E/W +620</b>
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**Committee Ruling**

The Committee discovered that East/West were playing Ogust. 3♣ showed a bad suit and a bad hand. The Committee decided that unauthorized information was available from West's comment. It was clear that he wanted to bid more. The Committee believed Pass was a logical alternative. All of the players had about 300 to 500 masterpoints. The Committee examined the defense of 4♠ and found that it had not been egregious. The contract was changed to 3♠ by East, made four, E/W +170.

<b>Committee Decision</b>	<b>3♠ by E, Made 4, E/W +170</b>
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## Committee Members

<b>Chair</b>	Alan LeBendig
<b>Member</b>	Ralph Buchalter
<b>Member</b>	Nell Cahn
<b>Member</b>	Jim Linhart
<b>Member</b>	Bruce Reeve

### Commentary

*Kaplan is still trying to find out who the Director was.*

Kaplan: Was this the same Director as in Cases Twenty-Nine and Eleven?

*Kaplan and Wolff agreed? Hmmm!*

**Wolff:** I agreed with the Committee.

*Goldman was suspicious of the defense but otherwise agreed with the Committee.*

**Goldman:** I would have liked to have seen the defense, but I agreed with the Committee otherwise.

*Colker, Gerard, and Weinstein believed the defense must have been egregious.*

**Colker:** Although I've tried, I haven't found a defense which allowed 4♠ to make which was not (to some extent) "egregious," even for players with 300 to 500 masterpoints. I would have changed the contract to 3♠ made four (+170) for East/West, but allowed the result at the table to stand for North/South. Since this was a KO teams event the two scores would each have been IMPed against the teammates' result at the other table, and the resulting IMPs averaged to get the final result for the board.

**Gerard:** I can't imagine any defense that allowed ten tricks that wasn't egregious. Even with heart leads to the first two tricks, it was not too tough for North to put up the king and subsequently for South to kill the third heart trick. With any other lead, North/South would have had to be incompetent to have gone -620. The result should have been East/West +170, North-South -620.

**Weinstein:** I'm not sure that the comment provided any additional information over the bidding, but the comment was so out of line I would have agreed with the Committee that it provided unauthorized information, and although it was reasonable, the 4♠ bid clearly had logical alternatives. In the meantime, I would never have adjusted the score because I could not construct a defense (I know the Committee made a determination on this, but I couldn't help myself) that would have allowed this contract to make. Even if the defense was not egregious, the contract making should not have automatically created an adjustment.

*Rigal and Berkowitz did not believe any unauthorized information had been passed.*

**Rigal:** I am not sure I agreed that any unauthorized information had been passed. West showed an invitation when he bid 2NT. Although his comment was wrong, he had a minimal excuse because he thought the auction was over. Meanwhile East clearly had enough for game forcing an invitation (and note West did not have a highly invitational hand).

I would have left 4♠ made four as the contract and I would have penalized East/West for the comment.

**Berkowitz:** Ridiculous! West's bidding indicated he wanted to bid more, not his actions. I would have allowed +620 to stand.

**Consensus:** *Three experts agreed with the Committee. Three thought the Committee was wrong and the defense was egregious. Two experts did not believe any unauthorized information was available.*

<b>Subject of Appeal:</b>	Unauthorized Information	<b>Event:</b>	Flight A Swiss Teams	<b>Case:</b>	32
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Single Suited Hand

### Hand Record

Board		N	Muriel Altus
<b>Dealer</b>		<b>E</b>	♠ A10863
<b>Vul</b>		<b>Both</b>	♥ J102
			♦ 43
			♣ QJ5
W	Wafik Abdou		
♠	72		
♥	AQ9875		
♦	98		
♣	K93		
		E	Haig Tchamitch
		♠	Q94
		♥	K6
		♦	Q765
		♣	10864
		S	Phil Altus
		♠	KJ5
		♥	43
		♦	AKJ102
		♣	A72

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

### Facts

North/South were unsure what their agreements were over a Brozel Double that showed a single-suited hand. North had meant her 2NT as Lebensohl and she had intended to bid 3♠ invitational over the expected 3♣ bid from South. When South failed to Alert and bid 3NT, North knew they had had a misunderstanding. North passed 3NT but when East Doubled for a heart lead, she knew something was wrong and she ran to 4♠. East/West believed North benefited from the Alert procedure and North/South should have been forced to play 3NT.

### Director Ruling

The Director ruled that unauthorized information was available from the failure to Alert and East/West might have been damaged. Pass of 3NTX was considered a logical alternative and the contract was changed to 3NTX by South, down two, E/W +500.

<b>Director's Ruling</b>	<b>3NTX by S, Down 2, N/S +500</b>
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### Committee Ruling

The Committee, discovered that North/South were an experienced partnership with over 2000 masterpoints and twenty years of experience playing together. East/West believed that it would have been less likely that North was taking advantage of unauthorized information if she had bid 4♠ over 3NT immediately. The majority of the Committee disagreed with this premise. North passed 3NT even though she knew her partnership had had a misunderstanding. If East had passed 3NT, West would probably have gone down two. However, North was looking at the ♥JT2 and had heard her RHO bid hearts showing a long suit and she had heard her LHO Double for a heart lead. She decided that something had gone wrong in the auction from this information, not from her partner's failure to Alert 2NT. The majority of the Committee agreed that North would have worked this out behind a screen (she would have known something was wrong when 3NT came back under the screen from South) and a Pass of 3NTX was not a logical alternative. The table result, 4♠ by North,

made four, N/S +620, was restored. North/South were admonished by the Committee that they were experienced and should have had agreements about this situation. The Committee issued a three IMP or one Victory Point procedural penalty, whichever provided the worst result for North/South.

**Dissenting opinion from Committee Chairman Bruce Reeve:** Testimony in this case indicated that North and South were not on the same wave length about their partnership methods against Brozel. North/South were not an inexperienced partnership nor were the players. They had over 2000 masterpoints each.

North may have reasoned that when 2NT was not Alerted that the wheels had come off. It is to North's credit that she did not bid 4♠ over 3NT. However, when the Double occurred, North might have reasoned, with help from the failure to Alert, that partner might have been expecting more than ♥JT2 as a stopper. If South had Alerted and bid 3NT, this problem would not have been in front of the Committee.

<b>Committee Decision</b>	<b>4♠ by N, Made 4, N/S +620</b>
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### Committee Members

<b>Chair</b>	Bruce Reeve
<b>Member</b>	John Blubaugh
<b>Member</b>	Jim Linhart

### Commentary

*The experts were about as split on this case as the Committee was. Wolff headed the supporters.*

**Wolff:** I agreed with the majority decision and the punishment.

**Gerard:** This was good reasoning by the majority. East got what he deserved for doubling the only contract he wanted the opponents to be in. If South had Alerted, there would have been no misunderstanding so how could he have bid 3NT?

**Goldman:** I agreed with the Committee. South's bid of 3NT provided the same information as the "failure to Alert 2NT." No information beyond what was in the auction was transmitted.

**Rigal:** I thought the Committee did the right thing. The failure to Alert did not convey any additional information to North. The 3NT bid did that. At the end, North guessed or gambled to remove 3NT based on the bidding sequence in front of her, and she should not have been penalized just for that. The procedural penalty did seem appropriate though.

*Martel agreed with the Committee but he didn't like the procedural penalty.*

**Martel:** The Committee decision that a pass of 3NTX was not a logical alternative was unreasonable. However, the Committee's procedural penalty was not. There was nothing in the Laws which suggested that a pair must have agreements about every auction (in particular defenses to the opponents' conventions). Perhaps the Committee was trying to get the effect of a split ruling since East/West were surely not entitled to +500, but North/South might have been entitled to less than +620.

*Colker believed that 3NT could have been some kind of Lebensohl super acceptance and found support from Kaplan, Rosenberg, and Berkowitz.*

**Colker:** The key to this case seemed to have been whether North's delayed 2NT bid was supposed to be Lebensohl. Clearly South didn't think so, as his failure to Alert the call disclosed. I agreed with the dissenting opinion. I believed strongly that had South Alerted 2NT, explained it as Lebensohl, and then confidently bid 3NT, North would not have run from 3NTX. South could have shown up with as little as ♥Ax, with West having overcalled on queen-sixth and East having doubled for the lead with ♥Kx, and North/South would have had two stoppers. And South's bid should have shown better than ♥Ax! I thought North's 4♠ bid could have been influenced by the unauthorized information from the Alert procedure, and I would therefore have assigned the same scores to the two pairs as the Director did, +500 for East/West and -500 for North/South.

**Kaplan:** I agreed with the dissent. If South had Alerted 2NT and explained it as "Lebensohl," North would have passed 3NTX.

**LeBendig:** It was certainly possible that North might have passed had South Alerted 2NT. Based on that one fact, I believed the dissenting opinion was correct here. As to the procedural penalty, the Active Ethics Manual states that we are required to know what our methods are in normal situations. I believed this qualified as such.

**Berkowitz:** You don't need any more comments from me about procedural penalties. There are already too many lawyers in the bridge world. I thought I would have made North sit for 3NTX and given her -500. However, I'm not convinced of this.

**Rosenberg:** I agreed with the dissenter and I disagreed with the procedural penalty.

*Weinstein took an interesting position. He believed the Committee did not interpret the Laws correctly, but he thought that his version of the correct decision would have been equitable.*

**Weinstein:** This was an interesting situation. I firmly believed North would have become aware of the misunderstanding from the 3NT call isolated from the Alert. However, if the bid had been Alerted, North might have assumed that South had some kind of super maximum with hearts well stopped. This was an assumption that would have been severely challenged after the Double. Again, this was a situation that I would have expected North to have worked out the vast majority of the time, well over 75%, yet, there was the possibility that East had his Double, and South held the super-max with a stopper where Pass would have become a logical alternative. Given our present framework, I believed the contract should have been 3NTX. Again, the equitable decision did not necessarily correspond to the correct decision. This was an example where the current laws should have created an incredibly inequitable decision. I also disagreed with the procedural penalty for the misunderstanding.

**Consensus:** *The Committee's split decision was verified by the experts. Five sided with the majority opinion and five were with the minority. Weinstein seems to have been against the Committee decision in fact but supported it in principle. There were the usual disagreements about the procedural penalty.*


<b>Subject of Appeal:</b> Revoke	<b>Event:</b> Blue Ribbon Pairs	<b>Case:</b> 33
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**Auction**

West	North	East	South

**Explanation of Special Calls and Points of Contention**


**Hand Record**

<b>Board</b>		N	Ken Bloom		
<b>Dealer</b>	<b>S</b>	♠	1086		
		♥	AQ8		
<b>Vul</b>	<b>E/W</b>	♦	Q9		
		♣	AQ943		
<b>W</b>	Mike Albert			<b>E</b>	Marilyn Hemenway
♠	AK52			♠	J93
♥	64			♥	J9752
♦	K64			♦	J532
♣	J875			♣	10
		S	Bill Irvine		
		♠	Q74		
		♥	K103		
		♦	A1087		
		♣	K62		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
3NT by N	Made 3	N/S +400	

**Facts**

East/West were defending 3NT and East revoked on the first round of clubs. Declarer thought clubs weren't running and reverted to diamonds as his source of tricks. The diamonds were subsequently established and nine tricks were taken.

**Director Ruling**

The Director ruled that North/South were damaged and the score was changed to +430 or Average Plus. The ruling was appealed by North/South.

<b>Director's Ruling</b>	<b>3NT by N, Made 4, N/S +430 or AVE+</b>
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**Committee Ruling**

The Committee determined that if East had not revoked, Declarer would have run the club suit and West would have had to unblock the spade suit to avoid being thrown in and forced to lead away from the ♦K. If West made this good play the result would always have been +430 for North/South. However, if West missed this play the result would have been +460 if Declarer guessed diamonds well. The Committee asked for the real matchpoints for +430 and +460 and adjusted the score to Average Plus accordingly.

<b>Committee Decision</b>	<b>N/S: AVE+ E/W: AVE-</b>
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## Committee Members

<b>Chair</b>	Lynn Deas
<b>Member</b>	Darwin Afdahl
<b>Member</b>	Ralph Cohen
<b>Member</b>	Everett Fukushima
<b>Member</b>	Tom Smith

### Commentary

*Several experts agreed with the Committee.*

**Colker:** The Committee's decision seemed eminently reasonable to me.

**Goldman:** This was a good decision by the Committee.

**Wolff:** This was another well-thought out decision and conclusion.

**Berkowitz:** I agreed with the Committee.

*Rigal needed more information but agreed with the Committee.*

**Rigal:** The opening lead was relevant here. However, assuming a low spade was led (if not, the comments don't make sense). I thought East/West should have been awarded -460. If they couldn't follow suit, why should they have been able to unblock an AK? North-South should have been assigned either +430 or the average proposed by the Committee. Either decision was OK by me.

*Some experts thought the Committee was confused and wanted +460 to be assigned as the result.*

**Kaplan:** The verdict in this case was confused. If +460 was a likely result, it should have been assigned (see Law 12).

**Martel:** Again, East/West should clearly have been assigned -460 as a possible worst result. Average Plus or +430 for North/South was reasonable since Declarer must judge well to get eleven tricks.

**Rosenberg:** The Committee should have simply decided +460 for North/South. The results at other tables should not have been relevant.

**Consensus:** *The experts agreed with the Committee decision but three of the experts wanted a change in the adjustment*

<b>Subject of Appeal:</b> Inadvertent Call	<b>Event:</b> Stratified Senior Pairs	<b>Case:</b> 34
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### Auction

West	North	East	South
	Pass	Pass	Pass
2NT	Pass	3♣	3♠
4♥	Pass	6NT	7♦
Pass	Pass	???' <sup>1</sup>	
Pass	Pass		

### Explanation of Special Calls and Points of Contention

1: Changed Call

### Hand Record

Board		N		
<b>Dealer</b>		<b>N</b>	♠ 3	
<b>Vul</b>		<b>None</b>	♥ Q10963	
			♦ 32	
			♣ 87532	
<b>W</b>				<b>E</b>
♠	K9			♠ Q642
♥	KJ85			♥ A72
♦	K5			♦ A87
♣	AKQJ4			♣ 1096
		<b>S</b>		
			♠ AJ10875	
			♥ 4	
			♦ QJ10964	
			♣ (void)	

Final Contract	Result of Play	Score	Opening Lead
7♦ by S	Down 7	E/W +350	

### Facts

East claimed that when 7♦ came around to her, she thought she used a Double card instead of Pass. She immediately changed it to Double.

### Director Ruling

The Director ruled that East had Doubled the contract and the result was changed to 7♦X by South, down seven, E/W +1700.

<b>Director's Ruling</b>	<b>7♦X by S, Down 7, E/W +1700</b>
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### Committee Ruling

North/South testified that West said, "Oh, you passed partner, then I Double," after East played the Pass card. The Director said that when he questioned North/South they claimed East made this statement. East/West denied making the statement.

All three Committee members believed that East did not realize West had Passed instead of Doubling until she placed the Pass card on the table and partner alerted her to the Pass. So, East's initial use of the Pass card was not inadvertent. West never explained, when questioned, why he made a forcing pass after 7♦. West had about 1100 masterpoints and East had about 2000 masterpoints. The table result of 7♦ by South, down seven, E/W +350, was restored.

<b>Committee Decision</b>	<b>7♦ by S, Down 7, E/W +350</b>
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## Committee Members

<b>Chair</b>	Peggy Sutherlin
<b>Member</b>	Jim Bishop
<b>Member</b>	Barbara Brier

### Commentary

*The experts were in universal agreement again.*

**Berkowitz:** This sounded like a law problem. I agreed with the decision.

**Colker:** I agreed with the Committee's decision to change the contract to 7♦ undoubled. If, however, the Committee truly believed that East's Pass was made intentionally, and then she tried to cover up her intentions after hearing her partner's comment, then some additional action (a verbal reprimand, a disciplinary penalty, or worse) should have been taken for such a breach of ethics. Even if East was believed to have simply been confused, some mild education seemed to have been in order.

**Goldman:** I agreed with the Committee's decision.

**Rigal:** I agreed with the Committee. This seemed to have been a frivolous appeal to me.

**Sutherlin:** This was the best decision of the day!

**Wolff:** This was a mechanical error, but one that must have been upheld.

**Consensus:** *The experts all agreed with the Committee.*




<b>Subject of Appeal:</b> Contested Claim	<b>Event:</b> Senior Pairs	<b>Case:</b> 35
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### Auction

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

### Explanation of Special Calls and Points of Contention


### Hand Record

Board		N	
<b>Dealer</b>	<b>N</b>	♠ 10	
<b>Vul</b>	<b>Both</b>	♦ J5	
<b>W</b>			
♠ 9			
♥ 98			
♦			
		<b>S</b>	
		♠ 8	
		♥	
		♦ Q	
		♣ 6	
			<b>E</b>
			♠ J
			♦
			♣ 32

Final Contract	Result of Play	Score	Opening Lead
2♥ by W			

### Facts

West claimed with a trump still outstanding. The Director forced all of the players to expose their hands and play was stopped. After seeing the ♠8, Declarer then stated that she knew her spade was high.

### Director Ruling

The Director ruled that West knew the spade was high because she had seen the ♠AKQJT9. The defenders were unable to get a trick because of the location of ♥T. Therefore, the result was 2♥ by West, making 3, E/W +140.

<b>Director's Ruling</b>	<b>2♥ by W, Made 3, E/W +140</b>
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### Committee Ruling

The Committee decided that West knew the spade was high and the claim was allowed. The table result, 2♥ by West, making 3, E/W +140, was ruled to stand.

<b>Committee Decision</b>	<b>2♥ by W, Made 3, E/W +140</b>
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### Committee Members

<b>Chair</b>	Steve Lawrence
<b>Member</b>	Jacqueline Tucker
<b>Member</b>	Chuck whidden

## Commentary

*Everyone needed more information to make a judgment on this case.*

**Colker:** I don't see how we could have commented on this hand without more information than was provided in the write-up. Since both the Director and Committee believed that West knew that the spade was high, it seemed we can only defer to their judgment, unless someone else on the panel has ESP.

**Rigal:** I wish we had more information here. On the surface, unless West put up a convincing case with both a trump and a spade out I would have decided in favor of North/South unless West could have reconstructed the play for me and proved that she knew the missing trump was precisely the 10, and the missing spade was below the 9.

**Wolff:** This was too vague to comment.

*Berkowitz had no trouble making a judgment.*

**Berkowitz:** This was the most frivolous appeal of the lot. What was up with North/South? Cases like this leave a bad taste in everybody's mouth and must be stopped.

**Consensus:** *The experts needed more information to pass judgment on the Committee.*


<b>Subject of Appeal:</b> Exposed Card	<b>Event:</b> Flight A Pairs	<b>Case:</b> 36
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**Auction**

West	North	East	South

**Explanation of Special Calls and Points of Contention**


**Hand Record**

<b>Board</b>		N	Pat Purdy		
<b>Dealer</b>	<b>E</b>	♠	Q1032		
		♥	Q53		
<b>Vul</b>	<b>None</b>	♦	K6		
		♣	QJ104		
<b>W</b>	Tara Gozaki			<b>E</b>	Tom Carmichael
♠	K973			♠	AJ5
♥	106			♥	AKJ53
♦	A107532			♦	QJ9
♣	A			♣	73
		<b>S</b>	Tish Gammage		
		♠	84		
		♥	872		
		♦	84		
		♣	K98652		

Final Contract	Result of Play	Score	Opening Lead
3NT by E			

**Facts**

North led a card, changed her mind and attempted to make another lead. East claimed he had seen the ♠Q.

**Director Ruling**

The Director ruled there was a lead out of turn. East barred a club lead and South led the ♠8.

<b>Director's Ruling</b>	<b>3NT by E, Made 6, E/W +490</b>
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**Committee Ruling**

The Committee discovered that the Director had made her ruling based on North trying to demonstrate what she had done by using her hand motion. East maintained that he had seen the ♠Q. When the Committee tried to recreate what had happened at the table, North was given an actual card and was asked to demonstrate what she thought had happened. The same question was then asked of South and East. After each had testified, it was clear that the card had never been in a position that South might have seen it. The Committee decided that there was no lead out of turn and South was permitted to lead a club.

Next came the question of the adjustment. The contract could have been made depending on which red suit finesse was taken. The Committee did not believe this Declarer would have cashed two hearts prior to taking the diamond finesse. Since this problem could have been avoided, the Committee decided neither side should have suffered a bad result. North/South was awarded +100 (the result for 3NT down two) because the Committee believed there was more gain from the diamond finesse. This was the score used to compare to the field because it was expected to have been the most likely bridge result. However, East/West were deprived of the chance to have made the contract. Since it could have been accomplished, East/West were awarded a score of 3NT made four, +430. The Committee believed that if they had guessed the heart right, the discards may have disclosed the likely spade position. This adjustment for East/West was partially credited to their total honesty on the actual position of the card that was nearly led by North. The Committee found this refreshing.

(Editor: Bobby Wolff made the following comments on this case. "I heard an update of the facts concerning this case. Because of the Tournament Director error (the wrong ruling on a potential lead out-of-turn), the whole table was disadvantaged. In situations like this I think it is acceptable to award more than a whole board at the table as long as the field is not affected. In other words, the field should have no more than a board to be match-pointed against but the wronged players in the appeal should be granted procedural matchpoints to compensate.")

<b>Committee Decision</b>	<b>N/S: 3NT by E, Down 2, N/S +100 E/W: 3NT by E, Made 4, E/W +430</b>
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### Committee Members

<b>Chair</b>	Alan LeBendig
<b>Member</b>	Becky Rogers
<b>Member</b>	Michael Rosenberg

### Commentary

*Rigal thought this was a fine decision.*

**Rigal:** At last, a happy ending. It may be worth noting that it was left to the two youngest players (probably in the whole tournament) to do something the appeals Committee could approve. In the absence of any real method of working out what would have happened, the Committee's decision seemed as good as any.

*Berkowitz agreed with reservations.*

**Berkowitz:** I would have thought it more refreshing if East/West hadn't complained about having seen the lead. As long as South didn't see it, who cared? The decision was O.K.

*Colker didn't really say what the correct decision should have been.*

**Colker:** This was a Solomon-like decision, except that both mothers, in this case, were given the whole baby!

*Gerard didn't like the decision at all.*

**Gerard:** This was the feel-good decision of all time. Unfortunately, it exhibited faulty reasoning. East had a classic matchpoint problem declaring 3NT, clearly an unusual contract. He couldn't do anything about the 6♦ bidders, since they would almost certainly make it. Therefore, his relevant comparison was against the 4♥ contracts. If the heart finesse was on 4♥ would score at least +650, so it was necessary to take the diamond finesse because even four spade tricks might not have been enough to beat the heart declarers. With the heart on but the diamond off, -100 wouldn't have been that much worse than +430.

I don't want to appear heartless, but I had a hard time accepting sympathy as the basis for a ruling. It was not a wonderful state of affairs when we had to reward a pair for not lying to a Committee,

*Goldman and Kaplan agreed on the correct decision (this doesn't happen often).*

**Goldman:** This Director needed to call the game better! The scores were unfair to the field. I would have given both sides Average Plus.

**Kaplan:** The standard decision in cases of Director Error is Average Plus for both sides. This is what I would have assigned, even though I had a strong opinion about the likely bridge result after a club lead. The Declarer comes to his hand with the ♠A to lead the ♦Q. When this is not covered, he goes up with the Ace and leads and passes the ♥10, +400.

*Weinstein and Wolff hated the decision.*

**Weinstein:** I could not begin to tell you how much I detested this decision. First, I believed that proper sportsmanship, where East may have seen the card, but South was not in a position to have seen it, should never have resulted in a Director call or an attempt to bar the club lead. East's honesty may have been refreshing, but the lack of sportsmanship, if he believed South couldn't have seen the card, was not refreshing. To have given the table a result with a better aggregate result than was normal possible was beyond comprehension. Honesty should have been expected and was certainly appreciated, but to have allowed it to have created a good result for both sides was beyond the pale. If the Committee couldn't have determined a reasonable result, they should just have given both pairs Average.

**Wolff:** This was an awful decision. What about protecting the field for those that don't offend? Why were they disenfranchised? I would have given East/West -100 and North/South +100!

**Consensus:** *Two experts agreed with the Committee and five disagreed with various remedies offered.*

## Closing Comments

**John Blubaugh, Editor:** After five years, this may be the last casebook I will write for the ACBL. For reasons which I believe have nothing to do with my performance as the Appeals Administrator, I have not been reappointed. I enjoyed creating and refining this project and serving the bridge community immensely. I think the casebooks have made a significant contribution and the work can be carried on by someone else. Thanks are due to all of the experts for their comments and suggestions and to the ACBL Board of Directors for allowing this casebook to be born. Special thanks to Alan LeBendig and Peggy Sutherlin who have always enthusiastically endorsed the project. And thank you to the members of the ACBL who have become interested and are demanding changes and stability in the appeals procedures.

The appeals process has served bridge well. Have bad decisions been made? Of course! Will bad decisions be made in the future? Of course they will. However, the appeals process keeps the game in the hands of the players, not a hired directing staff or a few elite individuals. We can learn from our past mistakes. We are taking the responsibility for our decisions (by having our names published). We are getting more consistent with each NABC. Read our material, tell us where you think we went wrong, help us get the Laws Commission to make the Laws easier to understand, and we will continue to improve the process and make bridge a better game for everyone.

**Berkowitz:** I thought this set of cases was a regression in the quality of the decisions.

**Colker:** The National Appeals Committee needs to continue exploring the issue of the policy towards the meaning of "logical alternative."

We need to think more about procedural penalties. As I recommended in several of the above cases, I think procedural penalties should be assessed in certain situations even when no bridge penalty has been issued (see my discussion of Case Ten). What do others think of this idea? And when it comes to issuing procedural penalties, should these be assessed by deducting points in the currency in which the event is being scored (matchpoints, IMPs, or VPs) or in disciplinary actions against the individual? In the latter case these could take the form, but not be limited to, one of the following:

1. Ban the player from one or more sessions of play
2. Ban the player from the same event the next time it is held
3. Deduct seeding points (where applicable)
4. Deduct masterpoints(?)
5. Impose monetary penalties(??)
6. Assess "points," much like a driver accumulates "points" for various types of traffic violations. Once a player accumulates a certain number of points, one of the above types of penalties (1, 2, 3, 4 and 5) would be imposed.

**Gerard:** I guess the New South (Atlanta) is more than twice as contentious as the Old South (New Orleans).

I noticed two examples of incomplete documentation (Case Seventeen -- Reeve's addendum and Case Thirty-One -- the line of defense) and one case of misplaced sympathy (Case Thirty-Six). I also thought that the twin grand slams (Case Four and Case Six) were both mishandled, which was unfortunate since there were valuable lessons to be learned from situations that were apparently similar but were actually completely different. Procedurally, things are still in flux but I guess there will never be complete consistency in the penalty phase. However, the failure to take stronger action in Case Ten and Twenty-Seven bothered me.

So, is the glass half empty or half full? Clearly, the latter. Documentation is almost always outstanding. Susceptibility to self-serving statements is usually non-existent. Understanding and application of the concepts of logical alternative, Law 12C2 and planned auctions seem to be improved. Focusing the analysis of the expert panel on particular issues (Cases Fourteen and Twenty-Eight) was also a good idea. There's a lot of good work going on here.

This progress doesn't mean that there aren't problems, however. The last two Nationals seem to have given birth to a new argument in Misinformation cases; "I deliberately violated my system". In my opinion, that is rarely the case. In fact, except in those instances when it can be proven (Case Sixteen), I thought it was an abuse of the Appeals process and should have been subject to the same type of procedural or disciplinary adjustment as blatant misuse of unauthorized information.

It seemed clear that the carding announcement requirement needed to be reviewed. Tricks one and two seem equally inappropriate to me, since they are subject to the same theoretical abuse. I realize that the start of play presents problems also, but someone needs to invent a better mousetrap.

Finally, I would like to see a consensus, or at least a discussion, about the obligations of a player in receipt of unauthorized information. Directors used to tell the partner of the hesitator "act as you normally would in accordance with your hand, not with the hesitation." I don't think that's good enough, at least at the Flight A level and above. Players should be encouraged to act as Committees will decide, not just according to their own personal code.

**Goldman:** Restore equity! Restore equity! Restore equity (with the benefit of any doubt in equity going to the non-offending side)! It seems to me that we are getting further and further away from this concept.

It is unacceptable that most adjustments from bad results for "non-offenders" should be to "Average Plus" in pair games, unless it was at least "more likely than not" that they were going to get more in the absence of any irregularity. Using this principle in team games would lead to averaging the result on a basis of the non-offenders scoring their better result 60% of the time and the probable (actual) one 40% of the time.

**LeBendig:** I believe quite strongly that the entire process shows continued improvements. The Committees are exhibiting more uniformity in the manner in which they are approaching the problems. We will never be in total agreement as to what the decision should have been.

The write-ups from the Committee Chairmen are more complete than they have ever been. This allowed the experts to do a much better job of analyzing the Committee decision. It is clear we can continue to improve in this area. If we reach one goal of dealing with less appeals, the Chairmen will have more time to develop their write-ups. Atlanta presented a very heavy caseload.

I feel the discussion by the experts is dealing more with shades of grey and less black and white discussions. I feel this implies we are getting closer together on the substantial issues.

I agree with Rich Colker that one of the biggest issues we need to resolve is the area of procedural penalties. I believe that, when administered in a uniform fashion, they will cease to be a necessity. Once the players know we are serious about forcing adherence to certain Laws and Regulations, they will make sure they are not the ones to be given a ticket. Of Rich's six suggestions, I prefer #6. With our current computer usage, this should not be difficult to put in place.

**Martel:** Committees are now doing a much better job of cracking down on unauthorized information cases. However, there are a few types of cases where the Committees seem to be off base. First consider Law 12 which is the basis for adjustments (the relevant portion is bolded):

*Law 12 C:*

*1. Artificial Score*

*When, owing to an irregularity, no result can be obtained, the Director awards an artificial adjusted score according to responsibility for the irregularity: 40% of the available matchpoints ("average minus") to a contestant directly at fault; 50% ("average") to a contestant only partially at fault; at least 60% ("average plus") to a contestant in no way at fault (see Law 86 for team play or Law 88 for pairs play). The scores awarded to the two sides need not balance.*

*2. Assigned Score*

*When the Director awards an assigned adjusted score in place of a result actually obtained after an irregularity, the score is, **for a non-offending side, the most favorable result that was likely had the irregularity not occurred, or of an offending side the most unfavorable result that was at all probable. The scores awarded to the two sides need not balance,** and may be assigned either in matchpoints or by altering the total-point score prior to matchpointing.*

This makes it clear that while it is quite appropriate to give the offending side a poor score even if this result was unlikely to occur without the infraction, the non-offending side should not be given a free gift of an unlikely top (see Cases Two, Five, Six, Sixteen, Nineteen, and Thirty-Three).

A second issue relates to Law 16, which discusses unauthorized information. The passage I want to stress is:

*Law 16 A. Extraneous Information from Partner*

*After a player makes available to his partner extraneous information that may suggest a call or play, as by means of a remark, a question, a reply to a question, or by unmistakable hesitation, unwanted speed, special emphasis, tone, gesture, movement, mannerism or the like, the partner may not choose from among logical alternative **actions one that could reasonably have been suggested over another by the extraneous information.***

If the unauthorized information does not suggest the action taken in a fairly direct way, there should normally be no adjustment (see Cases One, Ten, Fifteen).

Finally, Committees should not be encouraged to make up infractions which do not exist in law. There is no requirement in the laws for players to remember their agreements or to have agreements about every auction. When Committees impose penalties for these "non-infractions" they ensure that Committee decisions will be inconsistent and appear capricious.

**Rigal:** I have several thoughts:

1. In my opinion, the publishing of the names is a good idea.
2. Do the Committees really have access to past ACBL history on the players? I have seen no evidence of this.
3. There are disturbing inconsistencies on Committees with regard to logical alternative, adjustments for the non-offending side when the offenders reach a terrible contract that makes, offenders reach a terrible contract that makes, offenders forgetting their system but falling on their feet (as in Case Thirty). Are procedural penalties appropriate?

The Committees need some guidelines for consistency. I would be happy to help.

**Rosenberg:** I found myself in disagreement with the Committee's decisions frequently. I thought there were especially poor decisions on Cases Three, Four, Sixteen, Twenty-Two, and Thirty. I also disagreed with the decisions on Cases

Two, Five, Eight, Seventeen, Fifteen, Nineteen, Twenty-Three, Twenty-Six, and Thirty-Two. One positive note for me was there seemed to have been a move away from averaging the score.

Most of my disagreements come in cases where the Committee decided in favor of the side committing the infraction. I think there had been an unfortunate trend toward this, partly due to people, such as Bobby Goldman, who believe that the complaining side is a suspect. Maybe we will one day arrive at that stage, but we are not yet close to it. For now, we should focus on infractions that may have caused damage. We should be ensuring that players do not get away with serious infractions, and not assessing procedural penalties for not filling out convention cards.

There was considerable complaint in the New Orleans Casebook concerning my frequent recommendations of a "censure" without my defining what this entailed. (*Editor: Michael, this was not a complaint, it was a request for elucidation.*) The truth is I have not given much thought to the precise punishments involved. My concern has been more focused on getting committees to make the correct decisions. However, now that you've brought it up, I will (temporarily) make the following definitions:

1. A censure is a reprimand (which must include an explanation) and a recording of the incident for the use of future Committees
2. A Strong, Severe, or Public Censure (all equivalent), is all of the above, plus publicizing the incident (e.g. in the Daily Bulletin if at an NABC), and also a warning to the recipient that further violation will lead to a suspension. Three violations (of the strong type) should lead to automatic suspension, and two violations would lead to probation or suspension, depending on the enormity of the situation. The length of the suspension should be six months (perhaps), or possibly suspension from some number of similar future events. After a number of years (perhaps ten), a Censure would be removed from the files.

(*Editor: Thanks for the clarification. Wow! A procedural penalty does seem light compared to this concept.*)

**Sutherlin:** I commented on very few cases because I thought the Committees did an excellent job.

**Treadwell:** The performance of our Appeals Committees continues to improve. This has been helped to a considerable extent by the rather wide distribution of the decision casebooks. The inclusion of names for NABC and Flight A events is good and should be continued.

A couple of cases in Atlanta were caused by the improper use of the Stop-card. An article in The Bulletin about the proper use of the Stop-card, including comments about what may happen after improper use, even though inadvertent, might be helpful in eliminating this as a problem.

I believe Committee personnel are getting pretty well-focused on the proper application of the logical alternative regulation in the case of unauthorized information since this was adopted about three years ago.

One thing that bothered me was the action of pairs (particularly experienced ones), who tried to get a poor result changed based on a minor infraction by the opponents which did not damage them. There were several cases in this category in this batch. Procedural penalties probably should not have been given except in the most blatant attempts of this sort, but a Committee could admonish the parties who do this.

**Weinstein:** In several cases that appear in this book, the correct decision according to the current law and the equitable decision are incongruous in my opinion. A few years ago the law for resolving unauthorized information cases was changed to bar actions that could have been reasonably suggested over other actions by that unauthorized information. I have tried to make decisions and to make my comments in the casebooks with that law as a guideline. Previous to the law change the 75% to 80% standard usually provided equity. As I understand it, an Appeals Committee Decision from the Pasadena Nationals (of which I was a victim) along with other decisions provided impetus for the more stringent law.

However, the pendulum seems to have swung too far in the opposite direction. Seemingly automatic actions are barred since there can almost always be a logical alternative that some players would consider. Additionally, Directors and Committees seem to apply the logical alternative standard whether or not the questionable bid was suggested over another bid. The upshot of this was Decisions where Directors and Committees might (and did) rule, that whatever the hesitator's partner bids, if it works out, the score will be adjusted. The positive effect of clamping down on players taking advantage of hesitations or other unauthorized information is now outweighed by the lack of equity in many other decisions and the creation of a climate of fear in many players making bridge a less enjoyable pastime. The law must provide strict enough standards to make hesitating or the use of unauthorized information counterproductive for those without the necessary integrity to enforce a standard of ethics upon themselves, yet not preclude reasonably obvious actions from being allowed.

In the New Orleans Casebook, Rick Colker argued for allowing Committees to be able to follow their collective conscience in making decisions. Several years ago, Alan LeBendig challenged the Committees in the pre-tournament meeting to decide as closely as possible to what the Committees considered equity. I believe that equity should be our prime consideration and that the laws must be modified to allow Committees (without Edgar Kaplan's ability to massage the laws) to reach that goal of providing equity. How clearly a hesitation suggested an action (including the appropriateness of the hesitation in context of the bidding) should also be a factor in determining how obvious a bid must be to allow the bid to be made.

Above all, bridge is still a game, played for enjoyment by the vast majority of duplicate players. We must be very careful not to cross the line where we drive away players in order to achieve the goal of unauthorized information never, ever being possibly contributory to a better result. If that line has not been crossed, we may be stepping on it.