

**1995 Summer NABC**  
**Appeals Casebook**



## **2020 Editor's Note:**

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

ACBL Headquarters  
June, 2020

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

Perhaps it was the exciting city, perhaps it was the great playing conditions, perhaps it was the friendly and courteous attitude on the part of all the District 10 players that resulted in only sixteen Appeals Cases in New Orleans. We think this may be an all-time record.

Your Co-Chairmen and your NABC Appeals Committee people would like to believe that they had a great deal to do with the obvious decline in cases. This is a situation where the better we are, the less work we will have to do. We think that players know that Committees are deciding more consistently and more importantly, Committees are coming down hard on players who are trying to gain an advantage from the appeals process. Adding the names of the members of each Committee helped to encourage members to make certain they held was one they would be able to defend. The Board of Directors action requiring the names of all NABC+ AND Flight A event players involved in a Committee to be printed in the *Daily Bulletin* has perhaps made these players more thoughtful and cautious about what actions they decide to bring to an appeal.

We are planning a meeting of all Vice-Chairmen and Co-Chairmen in Atlanta. We will attempt to discuss one or two popular categories that pertain to appeals. We are striving to produce even more consistent decisions. This is our goal.

Joan Gerard  
Chairman, NABC Appeals Committee

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

It is a real pleasure to continue producing an NABC casebook that improves with each successive issue. The Committee Chairmen were more conscientious about the quality of their write-ups. When a committee member had a dissent, they made the effort to let us know why.

All of these things allowed the expert panel to thoroughly analyze what occurred and offer their opinions about the process. Once again, experts were diametrically opposed about what was good and what was bad. This will never change. What happened was different Committees were more consistent in how they approached problems. That is what we are striving to accomplish.

The biggest reason for continued improvements in this casebook is John Blubaugh. He was involved at the NABC and made sure Chairmen submitted intelligible write-ups while things were still fresh in their minds. After the NABC ends, these write-ups had to be quickly assembled, printed and mailed to the experts. Their responses had to be collected in time to put everything together so the final version was ready prior to the next NABC. John has assembled a volunteer group of proofreaders (Frank Jewett III, Linda Weinstein and Karen Lawrence) who were very much responsible for the final version. Karen Sides in Memphis did her part to get the casebook assembled and printed prior to the next NABC. So much thanks is owed to all of you.

Alan LeBendig & Peggy Sutherlin  
NABC Appeals Committee Co-Chairs

## Our Expert Commentators:

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

**Matthew Granovetter** is from Jersey City, NJ and graduated from Hunter College. A three time National Champion, he co-edits *Bridge Today* with his wife, Pamela, and has published several popular bridge books. He has won the Cavendish Pairs once and the Cavendish Teams twice. He says he started to learn to play bridge "at nine months while crawling under the kitchen table at my grandmother's house." Matthew, Pamela and their three children live in Netanya, Israel, where he is also the Bridge Editor for the *Jerusalem Post*.

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

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

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

**Mike Passell** was born in Yonkers, New York. He currently resides in Dallas, Texas, with his wife Nancy and his 13 year old daughter, Jennifer. Mike is a Professional Bridge Player who also enjoys movies, all sports and playing golf. Mike ranks #2 in all-time masterpoint holders. Among his many outstanding bridge accomplishments, he is proudest of his Bermuda Bowl win in 1979 and his victories in all four of the major NABC team events.

**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>	Stratified Pairs	<b>Case:</b>	1
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**Auction**

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

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

1: Break in Tempo

**Hand Record**

<b>Board</b>		N	Ellen Peltz		
<b>Dealer</b>	<b>E</b>	♠	QJ6		
		♥	AJ9		
<b>Vul</b>	<b>Both</b>	♦	KQJ76		
		♣	K6		
<b>W</b>	Ammon Gabay			<b>E</b>	Birgit Arons
♠	A985			♠	32
♥	Q1072			♥	K6
♦	982			♦	A105
♣	A7			♣	J105432
		S	Rob Crawford		
		♠	K1074		
		♥	8543		
		♦	43		
		♣	Q98		

Final Contract	Result of Play	Score	Opening Lead
3♣X by W	Down 2	N/S +500	

**Facts**

South hesitated before passing 2♣.

**Director Ruling**

The Director ruled that Pass was a logical alternative. The contract was changed to 2♣ by West, down one, N/S +100.

<b>Director's Ruling</b>	<b>2♣ by W, Down 1, N/S +100</b>
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**Committee Ruling**

South testified that any player would have had a problem with his hand and no bid could have been made in tempo. The Committee rejected this self-serving statement. However, the Committee unanimously agreed that a Pass of 2♣ was not a logical alternative in matchpoint scoring. The Committee also believed that East/West were damaged by their own methods (1♣ was not Alerted as possibly shorter than three cards). The table result, 3♣X by West, down two, N/S +500, was restored.

<b>Committee Decision</b>	<b>3♣X by W, Down 2, N/S +500</b>
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**Committee Members**

<b>Chair</b>	Bill Passell
<b>Member</b>	John Blubaugh
<b>Member</b>	Ed Lazarus

## Commentary

*Most of the experts agreed with the Committee decision.*

**Colker:** This was a good Committee decision in every aspect. South's statement was not only self-serving but irrelevant to the issue at hand (whether the break in tempo could have suggested North's action). I agreed, especially at matchpoints, that a Pass by North over 2♣ was not a logical alternative. As little as ♠Txx ♥Txxx ♦T9x ♣xxx in the South hand would have given 2♦ a good play. Every hesitation does not automatically warrant taking away the offending side's normal result. Usually, the hesitator must be responsible for making the final decision for the partnership. And, thus, players should err in favor of acting. But in cases where the hesitator's partner had a clear action, as here, that action should have been allowed, and no penalty should have been assessed. Sometimes teams recover their own fumble.

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

**Granovetter:** This was a good decision. There should have been a penalty to East/West for wasting everyone's time (*Editor: East/West did not bring this case*). Or maybe the penalty should have been given to the Director who changed the table result.

Was East thinking: "I'll bid three clubs and if it doesn't work I'll call the Director"? If I were sitting North/South, I would not have wanted to spend an hour at a Committee defending a clear-cut bid, but because there is a noble "witch hunt" to stop people from taking advantage of hesitations, everyone has the idea that he can call the director to get an adjusted score whenever his opponent hesitates.

It's possible to play bridge without hesitating sometimes, and we should be using the simple 75% rule (more specific than the subjective "logical alternative") (*Editor: The 75% rule is no longer the Law of the land*) for the partner of the one who hesitated. There should be a Committee of two judges for every session at a Nationals, stationed in the playing area vicinity and when the director is called, he hears the case and reviews it with the Committee.

For example, in this case, the Committee should have looked at the North hand and decided whether he had his 75% action, and if he had his bid, no further discussion was necessary. This case should have been a 30-second hearing.

**LeBendig:** This was a good decision for several reasons.

1. The Directors made the right ruling. There was no agreed break in tempo which clearly suggested values and North took another bid. In any close case, the ruling should always be in favor of the non-offending side (Law 84E).
2. The Committee ignored South's self-serving statement in judging the case.
3. The Committee then voted that a pass of 2♣ was not a logical alternative for North.

Even with our current tougher standards, I don't believe "some number" of any peer group would have seriously considered Pass at matchpoints. . If we can't allow this bid, we might as well say a hesitation barred you from bidding if it suggested one action might have been more successful than another. I don't think any of us actually want that. Has East/West filed this appeal, I would hope that it would have been found to have been without merit.

**Meckstroth:** I appreciate the Committee's inclusion of South's testimony and I certainly agreed with rejecting it for lots of reasons. South was lucky his partner had an obvious bid. Nice job.

**Passell:** North's 2♦ bid was automatic. West's 1♣ bid was bizarre. This was a frivolous appeal. (*Editor: How can an appeal be frivolous when North/South won the case? I think Mike must have thought the case was brought by East/West.*)

*Two experts were not quite sure.*

**Rosenberg:** This decision was O.K., with a few caveats. First, it should become standard practice for Committees to ascertain and report the length of the hesitation. It would often have made a difference to me, when deciding, to know how long the player thought. Second, South's hesitation was "bad" (see my closing statement), and, on this auction, should have barred North, unless he had an exceptional hand. At IMPs, I would not have allowed North's 2♦, but at matchpoints it was probably automatic for North to bid.

**Weinstein:** Although I would have bid 2♦, I'm not convinced that Pass wasn't a logical alternative for some players. Both pairs could easily have been in seven-card fits, vulnerable, where beating the contract was superior to making two of the minor suit. South made the comment "That no player would have been able to Pass in tempo." The Committee found this comment self-serving. Whether it was self-serving or not, the comment was totally irrelevant to the appeal.

*Then there was the ultra-hard liner.*

**Wolff:** East/West should have been -500 and North should have been +100. This was clear because of the Committees responsibility to protect the field. North's bid after South's hesitation deserves a reprimand not a reward.

**Consensus:** Seven experts agreed with the Committee decision and two thought that Pass was a logical alternative. The panelists all agreed that 2♦ was the correct expert bid. This case was an excellent example of the Director having made

the correct ruling at the table (against the offending side) only to be overturned by a Committee decision (bridge decision experts).

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

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Five Card Suit
2: Alerted, Splinter
3: Break in Tempo

### Hand Record

Board		N	Anne Simon		
<b>Dealer</b>		W	♠ J ♥ 1064 ♦ KJ9763 ♣ 983		
<b>Vul</b>		Both			
W	Lois Lightner			E	Pat Norman
♠	AKQ2			♠	97654
♥	AQJ853			♥	K9
♦	8			♦	A42
♣	K6			♣	J72
		S	Howard Piltch		
		♠	1083		
		♥	72		
		♦	Q105		
		♣	AQ1054		

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

### Facts

East hesitated before bidding 4♠.

### Director Ruling

The Director ruled that a Pass by West over 4♠ was a logical alternative. The result was changed to 4♠ by East, making seven, E/W +710.

<b>Director's Ruling</b>	<b>4♠ by E, Made 7, E/W +710</b>
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### Committee Ruling

The Committee decided that Pass by West was a logical alternative. The Director ruling of 4♠ by East, making seven, E/W +710, 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 described the Committee's options.

<b>Committee Decision</b>	<b>4♠ by E, Made 7, E/W +710</b>
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### Committee Members

<b>Chair</b>	Eric Rodwell
<b>Member</b>	Phil Brady
<b>Member</b>	Ralph Cohen
<b>Member</b>	Abby Heitner
<b>Member</b>	Bruce Reeve

## Commentary

*Most of the experts thought the Committee made the right decision.*

**Wolff:** This was the proper decision by the Committee.

**Goldman:** If the Double of 4♦ was made in tempo, I agree with the Committee. East had plenty of time to think. If the Double was immediate, then East was entitled to a little time to reflect because a skip bid can cause problems for everyone. I would need more information about the length of the hesitation to make a judgment in this case.

*Many thought the decision was appropriate but considered the appeal to have been meritless and thought the deposit should have been retained.*

**Colker:** This was an excellent decision. If West's hand was good enough to ask for aces after East's sign off in 4♠, it was good enough to have done so directly over 1♠. The fact that she didn't do it earlier means that her freedom to "change her mind" later is compromised by her partner's hesitation. Players must learn not to take actions which clearly (as here) could have been suggested by their partner's irregularity. Given the level of the event (the NABC Life Master Pairs), I think I would have voted to keep the deposit. (This is always easier to say in print, much after the fact, than when face-to-face with the players.)

**Gerard:** On the substance of the decision, a lecture to East-West along with the following lines were in order: "The Committee viewed this type of auction as a form of Hesitation Blackwood, and you will automatically be barred from bidding 4NT after a signoff when you could have initiated Blackwood a round earlier. The only exception was if your methods include Exclusion Blackwood and it was clear from your hand that such was your intention (♠AKQx ♥AKxxxx ♦ - ♣Kx)." In the Life Master Pairs, it was not too much to expect West to know that she did not get to change her mind after embarking on a cooperative auction.

On the procedural aspect, I am mystified by the decision not to keep the deposit. This was the first of a number of cases in which the penalty phase was seemingly randomly applied. Perhaps the concept is too much of a strain on the system. If so, it should be done away with altogether. However, if the idea has value (and I believe it does), it should be strictly enforced. Even on the basis of logical alternative, I saw no merit to the appeal.

**LeBendig:** I remember hearing the end of these deliberations. The Committee believed that East/West didn't understand what was involved here. As a result, I think they were a little soft. A penalty for having brought this appeal would have increased their knowledge level quickly. In cases like this, perhaps the deposit should have been retained and they should have given the latest copy of the Appeals Casebook to help them learn their responsibilities.

**Passell:** This was an unbelievably frivolous appeal. Why wasn't the deposit retained?

*Rosenberg suggested a lecture or one of his unspecified "censures" for the offenders.*

**Rosenberg:** Again, the length of the hesitation was not recorded. However, this was almost irrelevant here. As long as East took any more time than that player's normal tempo, West's action flagrantly took advantage of this "bad" hesitation. The harder, and more frequent, problem on this type of auction, is when East signs off too quickly (out of tempo). Now it is difficult to force West to bid, even if anyone thinks of calling the Director. East will always say "I'm sorry but I didn't think it would matter. I thought the auction was over." West will always say "of course I was going to Pass, partner might have nothing." But this hand was evidence that some Wests might bid on if helped (entrapped?) by partner. The actual West should have been severely censured (*Editor: Michael, I have been listening to you say this for years. What does severely censured mean?*), assuming that player should have known better. If not, the situation should have been explained in detail to West. Although the decision was O.K., it looks as if the Committee did not do a thorough job here.

*There always seemed to be one expert who could not make a decision.*

**Granovetter:** Some people play that East's free bid of 4♠ after the Double showed more than the Pass of the Double.. Did anyone ask East about his partnership agreement? For example, had I bid 4♠ over the Double, Pass being my weakest option, my partner would have had every reason to bid again. I wonder what the Committee would have done if East/West had claimed this understanding as their defense.

**Consensus:** *Seven experts agreed with the Committee Decision. One was not sure because there was no statement in the write-up about the existence (or lack) of an East/West partnership agreement. Those that agreed stated strongly that there should have been a penalty for bringing an appeal without merit.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Charity Knockout Teams	<b>Case:</b>	3
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Both Minor Suits
2: Break in Tempo

### Hand Record

Board		N	Kyle Larsen		
<b>Dealer</b>		<b>E</b>	♠ AJ106 ♥ KQ97 ♦ A109 ♣ 43		
<b>Vul</b>		<b>N/S</b>			
<b>W</b>	Geoff Hampson			<b>E</b>	Michael Seamon
♠	Q9743			♠	2
♥	105			♥	J
♦	8764			♦	KJ532
♣	85		♣	KJ10976	
		<b>S</b>	Eddie Kantar		
		♠	K85		
		♥	A86432		
		♦	Q		
		♣	AQ2		

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

### Facts

South hesitated before bidding 4♥.

### Director Ruling

The Director ruled that pass was not a logical alternative for North, and the table result of 6♥ by South, making six, N/S +1430, was allowed to stand.

<b>Director's Ruling</b>	<b>6♥ by S, Made 6, N/S +1430</b>
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### Committee Ruling

North testified about the bridge logic of the bid over 4♥. The Committee found North's statements believable but they decided they could not be considered. The Committee decided that North's action would have been taken by over 75% of his peers. However, this was not enough to allow another bid after a marked break in tempo. The contract was changed to 4♥ by South, making six, N/S +680.

<b>Committee Decision</b>	<b>4♥ by S, Made 6, N/S +680</b>
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### Committee Members

<b>Chair</b>	Eric Rodwell
<b>Member</b>	Bobby Goldman
<b>Member</b>	Paul Soloway

## Commentary

*The experts were divided on this decision but the Committee had some solid support.*

**Meckstroth:** I completely agreed with the Committee. The break in tempo made bidding again an almost certain winning action.

**Passell:** This was a very good decision. Hopefully, North was admonished for his continuation.

**Goldman:** The Committee believed that it was 75% to 85% likely that North intended to bid over 4♥ and that about 75% of experts (who had bid 4♥) would have bid 4♠. According to the principles currently in effect, this was not strong enough to allow the slam.

The Committee discussed the concept of “did the unorthodox opening of 2♠ (showing both minor suits) create any complexities for opponents that the standard for bidding over hesitations was less than normal?” The Committee was sympathetic to this concept to some degree, but didn’t debate the issue because they concluded that 2♠ showing both minor suits didn’t create any complexities.

I was uncomfortable at the time with the extremes of this decision. In retrospect, I do not believe an adjustment of 13 IMPs was a fair equity resolution of the matter. I think an approximate 50%-50% split (bid it 50%) would have been the appropriate resolution. Equity has to be the paramount goal of a Committee.

**Rosenberg:** This was an outstandingly good decision. Even though it was “correct” for North to bid on, he must not have been allowed to do so. South’s hesitation was very “bad,” since his hand type was pointedly described, not by his bids but by his tempo. An expert player with a problem such as South had, must learn that if he was going to sign off, he must have done it in tempo, even if it meant making a bad bid. Once he thought, he must not sign off, or accept that he had probably made the final decision for the partnership.

**Wolff:** The Committee made the appropriate decision.

**Colker:** This was a good Committee Decision. This case represented a fairly straightforward class of Committee decisions which aren’t well understood by the general bridge public. Thus, it was not unexpected that it ruffled the feathers of several players. North’s 4♠ bid was normal, well-reasoned, expert move toward slam which, in the opinion of the highly expert Committee, was likely to have been taken by a majority of North’s peers. Still, it was not, in the Committee’s opinion (nor in mine) an action which was clear enough to allow in the wake of South’s hesitation. Paradoxically, if another South player had held something like ♠xxx ♥A10xxx ♦Qx ♣KQ and had signed off (too) quickly in 4♥, and North has passed (avoiding the danger of 5♥ on a diamond lead), a Committee should impose a 4♠ bid on North and force North/South to go down in 5♥! Compare this decision with that in Case Two. The principle is the same: Players must not take any action which clearly could have been suggested by their partner’s irregularity, unless that action would have been clear without it. In the present case, the action just happened to be the “normal” one, which most of the player’s peers would have taken. Still, it wasn’t clear enough in light of the unauthorized information from South’s hesitation. The objective in such situations is not simply to restore equity! It is to ensure that the offending side cannot possibly benefit from their irregularity and coincidentally, to protect the non-offenders by restoring equity for them, resolving any doubt what would have happened in their favor.

*There were two experts that were absolutely opposed to the decision.*

**Gerard:** If the decision was correct, the score should have been +710 since South would not have taken the club safety play in four. However, who, having bid 4♦, would have failed to bid 4♠? It was not North’s statement but his bids that were relevant. Here, (unlike Case Two) North’s action after the signoff was entirely consistent with a planned sequence. How else could North have gotten South to focus on his clubs for the five-or-six decision? As for not having five-level safety, are we all looking at the same North hand? If South had bid a very fast 4♥ over 4♦, wouldn’t you have required North to have bid 4♠? Wasn’t 4♠ at least as clear as North’s 2♦ bid in Case One? Was I out of the country when it was decided that South didn’t need a reason to bid 3♥?

**Granovetter:** I had many objections to this ruling:

1. North’s bidding was technically perfect. If South had bid a reasonably fast 4♥ and North had passed and slam was not makeable would East/West have protested the Pass? Those who wish to bid scientifically will have to change their style and bid Blackwood on every hand, otherwise a slight hitch from partner will bar them from their prepared auction. We may as well throw out tactical bidding while we’re at it, because, again, a partnership hesitation will result in a Committee throwing an illogical “logical” alternative at them.

2. An unusual bid, such as the 2♠ call to show minors, made it difficult for the opponents to bid in perfect tempo, because they were on very unfamiliar ground.

3. I doubt if Eddie Kantar will ever win another appeals case. Many experts hold an unfair grudge against him for winning a highly-publicized case a few years ago. (*Editor: Matthew has been in Israel for a few years and it is very difficult to keep pace with the rapid changes the NABC Appeals Committee has made. I doubt that even Kantar would agree with this statement. We just don’t operate that way.*)

4. I don't see how it could have been fair to have a bridge partnership on a Committee (Goldman and Soloway here), since, in general, they are likely to have similar viewpoints.

This decision should have been based on North's proper bridge call. If he had a clear action, then the Committee had a clear duty to allow it.

**Consensus:** *Six experts agreed with the Committee that the hesitation prevented North from continuing a prepared auction. They agreed that 4♠ was the correct bid without the hesitation. Two experts thought that a plan for the auction was clearly made before the hesitation and that the hesitation was, therefore, irrelevant. It was also pointed out that any three person Committee that included a long time partnership might not offer the desired diversity of opinion. Notice that the non-offending side was forced to bring the case to the Committee. If the Director had ruled for the non-offending side there might not have been a Committee.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Flight A Swiss Teams	<b>Case:</b>	4
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: 12-14 HCP
2: Break in Tempo

### Hand Record

Board		N	Mark Molson
Dealer		E	♠ 864 ♥ AK ♦ A52 ♣ AK753
Vul		Both	
W	Janet Colchamiro		
♠	10532		
♥	5432		
♦	Q		
♣	J1094	E	Mel Colchamiro
		♠	AKQ7
		♥	Q108
		♦	K874
		♣	82
		S	Boris Baran
		♠	J9
		♥	J976
		♦	J10963
		♣	Q6

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

### Facts

East/West claimed that North hesitated approximately five seconds before he bid 2NT. They believed that a player of North's caliber should not have had to break tempo in this situation. East/West also believed that South's 3♦ bid could have been based on unauthorized information from the break in tempo. They maintained that a faster 2NT bid might have been raised to 3NT by South since 2NT showed 18-20 HCP. With less, 15-17 HCP, North might not have competed at all, especially in NT. With more HCP, he would have Doubled again.

### Director Ruling

The Director ruled that Pass was not a logical alternative for South. The table result, 3♦ by South, making four, N/S +130, was allowed to stand.

<b>Director's Ruling</b>	<b>3♦ by S, Made 4, N/S +130</b>
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### Committee Ruling

North/South testified that the hesitation was minor and the 2NT bid was not easy or automatic, even for experts. South also testified that North could still have bid 3NT over 3♦ if a five-card diamond suit was needed for 3NT. North's problem, even if the pause conveyed one, could have been any number of things. This included making a close decision between Double (showing a better hand) and 2NT, or between 2NT and 3NT. In general, the players seemed to have been bidding normally and there was no need for this Committee to have made a decision on this matter. The friction at the table before this hand could very well have been the impetus for bringing this appeal.

The Committee allowed the table result, 3♦ by South, making four, N/S +130, to stand for both pairs. The Committee assessed a one Victory Point penalty against East/West for bringing an appeal to the Committee to possibly punish their opponents for personal problems that occurred at the table. These problems should have been handled by the Director or a Conduct and Ethics Committee.

<b>Committee Decision</b>	<b>3♦ by S, Made 4, N/S +130</b>
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## Committee Members

<b>Chair</b>	Richard Colker
<b>Member</b>	Phil Brady
<b>Member</b>	Bruce Reeve
<b>Member</b>	David Roundtree
<b>Member</b>	David Treadwell

### Commentary

*Several experts agreed with the Committee.*

**Weinstein:** This was an excellent decision and write-up, East/West clearly had no bridge merit to the appeal. The case also helped illustrate the many situations where a bid was not out of tempo in the context of the situation and did not suggest one action was more likely to succeed over another action. The Director's ruling should have indicated that 2NT was not a suggested logical alternative since clearly 2NT was a logical alternative.

**Wolff:** This was the proper decision and the reasoning was outstanding. It's important to be consistent and accurate, but it is equally important to get our message across. Everything was excellent here.

**Goldman:** I strongly agreed with the Committee. This was not a routine situation and non-routine situations, particularly those develop because of an opponent's action auction, should not require smooth bids. Further, in this case, there was lots of uncertainty about what it all meant.

**LeBendig:** The Committee did a great job sorting through issues in this case. Several experts will no doubt rush to decide that Pass was a logical alternative. I agree it was. However, it didn't sound to me that anything happened to suggest that 3♦ was going to be the winning call. Think about the possibilities of what a slow 2NT could have been. There were several. The documentation was clear that the break was brief. We couldn't just look at the actual North hand and determine that South must have realized that 3♦ was going to be the winning call from the break in tempo. This was totally different from Case Three. The Committee also did well to explain that any animosities at the table should have been dealt with either by the Director or a Conduct and Ethics Committee. There was nothing wrong with having made the Committee aware of the situation but it was not an issue they should have considered.

**Colker:** This was a very clear decision for the Committee, and most of the time was spent deciding on the possible merits of the appeal. Players who used weak or obstructive methods (such as weak or mini notrumps) were trying to create problems (i.e. unfamiliar bidding situations and decisions) for their opponents. When such a problem occurred the opponents were likely to need some time to contemplate both their partnership agreements and possible actions, since they were holding unusual hands for the auction. Calling the Director in such a situation, especially given a rather minimal break in tempo (about 3-5 seconds), seemed to us to be out of keeping with the spirit of the game. The Committee also considered that there had been a good deal of friction at the table leading up to this hand, made clear by East's primary complaint (even superseding the bridge issue) of rude behavior on the part of his opponents. It seemed possible that the bridge appeal stemmed, at least in part, from these ill-feelings, and might not have been filed had the emotions of the situation not been what they were. It was thus decided, giving East-West the benefit of the doubt, to assess a 1 VP penalty against them for bringing a bridge appeal which could have been inappropriately motivated by emotional considerations. Personal problems should be handled either at the table by the Director, or in more serious situations, by a Conduct & Ethics Committee. The Committee found the bridge issue in this case did not have merit.

*Rosenberg agreed with some reluctance.*

**Rosenberg:** This was an important case. The hesitation was short (good documentation), but it created a situation where it would probably have been advantageous for South to have made a flexible call, rather than Pass or 3NT. 3♦ catered to an overbid by partner, holding extras, or maybe even holding hearts. That did not mean it was not justified. Consider what South might have done with a weaker hand. Over an in-tempo 2NT, he would have bid 3♦ expecting partner to Pass. After the hesitation, he might have passed, fearing a 3NT continuation. Players do not need to have these thoughts consciously in order to apply them at the table. I guess I would have allowed 3♦ here since the hesitation was short and it was likely that time would have been taken on this auction. Had there been a long break in tempo, this case would not have bid 3♦ after a long hesitation.

*Other experts were outraged at the decision.*

**Granovetter:** This one was shocking. How could a pass of 2NT not have been a logical alternative? I for one would never have dreamed of bidding 3♦. The bid was obviously based on the doubt that North conveyed by his slow 2NT. (Nobody would have bid 3NT with that horrible South hand, as maintained by East/West.)

How did the Committee determine that this time North's hesitation was OK but Eddie Kantar's, in the previous case, wasn't? Here you had a North/South partnership of many, many years' experience, where a fraction of a second might convey everything. In Kantar's case, you had a non-partnership, yet Larsen was barred from making a normal bid. Where was the consistency? You need rules for inconsistency.

The final contract should have been 2NT made two, +120 instead of +130. East/West were right to protest and should not have been chastised, a deplorable but unfortunately acceptable procedure for today's Committees.

**Passell:** This was easily the worst Committee decision of the year!! South's bid was clearly biased by North's break in tempo. 3♠ and 3NT would have made much more sense than 3♦. The Committee must have had an ax to grind with East to assess a penalty when a score adjustment was clearly called for.

*Sutherlin needed more information to make a decision.*

**Sutherlin:** I would have had to serve on the Committee to have made a decision. The comment "These problems should have been handled by the Director's or a Conduct and Ethics Committee" indicated there was more to this case than was in the written decision.

**Consensus:** *Five experts agreed, one reluctantly agreed, two experts violently disagreed, and one thought the non-bridge issue made it too difficult to judge. If "logical alternative" and "suggested logical alternative" were clearly defined by the Laws Commission, a great service would be done for Committee members everywhere.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Flight A Pairs	<b>Case:</b>	5
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**Auction**

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

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

1: Break in Tempo

**Hand Record**

<b>Board</b>		N	Rick Goldstein		
<b>Dealer</b>		N	♠ Q7654 ♥ K72 ♦ 8 ♣ 10983		
<b>Vul</b>		N/S			
W	Richard Miller			E	Alice Tobin
♠	A832			♠	K
♥	J8			♥	A95
♦	1063			♦	AQ75
♣	J652			♣	AKQ74
		S	Laura Brill		
		♠	J109		
		♥	Q10643		
		♦	KJ942		
		♣	(void)		

Final Contract	Result of Play	Score	Opening Lead
3♥X by N	Down 2	E/W +500	

**Facts**

East hesitated before she made her Double of 3♥.

**Director Ruling**

The Director ruled that a bid over 3♥X was a logical alternative for West. The result was changed to Average Plus for North/South and Average Minus for East/West

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

East/West testified that they played the Double in this auction as "card-showing" not penalty. The Double was not for takedown. East said she spent the time wondering whether South really had the red suits and not the minors. She neither asked the meaning of 2NT nor examined a convention card.

The Committee decided that West could have been influenced by East's break in tempo. The Committee believed 3NT would have been the likely contract if West had bid 3♣. The contract was changed to 3NT by East, making three, E/W +400. East was encouraged to ask about the opponents' methods when she was uncertain. She was instructed to use her time more effectively and make her decision in a more even tempo. The Committee explained that if she did not make this tempo change her partner's right any questionable decisions would be compromised and any good result was likely to be taken away by a Director or a Committee.

<b>Committee Decision</b>	<b>3NT by E, Made 3, E/W +400</b>
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## Committee Members

<b>Chair</b>	Richard Colker
<b>Member</b>	Bill Passell
<b>Member</b>	Peggy Sutherlin

### Commentary

*Some experts thought the decision restored equity.*

**Wolff:** This was another outstanding Committee decision and well documented reasoning.

**Goldman:** This seemed like reasonable equity.

**Passell:** This was a good, fair decision. It was not clear that East/West would have bid 3NT.

**Colker:** This case was a difficult one. East, a less experienced player than West, was confused by South's unusual 2NT, with such good clubs and, to a lesser extent, good diamonds. She testified that she thought a long time about whether South really had the red suits (as 2NT announced), or the minors, and finally decided to Double. It was not clear what her hesitation might have suggested to West. However, the extreme length of the hesitation, and the fact that a partnership of even moderate experience (as East/West were) usually had far more information available from tempo variations than was obvious to the casual observer, created a situation that the Committee felt warranted adjustment. The most reasonable thing seemed to be to restore equity on the board: the result which was likely to have occurred had there been no irregularity. We decided that 3NT, made three, was the more-or-less normal contract for East/West. I should stress that we had no sense that East/West's actions were in any way improper. We simply protected the non-offenders and the East/West field in the presence of an unusual, and extreme, tempo variation that could have influenced West. Finally, we explained to East the importance of making her future calls in tempo, and that failing to do so could compromise her partner's right to make his decisions as he sees fit.

**Rosenberg:** Again, the length of the hesitation was not recorded. West was probably gambling for +200, but the gamble was more attractive after the hesitation, since partner was more likely to have red suit honors and length than a classic takeout double. The Committee should have ignored the East/West testimony about how they played this Double, unless they had substantial proof (uncommon auction) such as specific written notes. I agree with the Committee, as long as the hesitation was at least five seconds.

*Two experts did not agree at all with the Committee.*

**Granovetter:** I would also have hesitated before doubling, since I had no idea what to do with these crazy vulnerable opponents that bid to the three-level in the face of my 22 HCP. I think that if East had doubled a bit too quickly and West had passed, North/South might have called the Director and argued that the quick Double influenced West to Pass.

That East was instructed to use her time more effectively and make her decisions in a more even tempo was total lunacy. There isn't one player in a million who could have handled this situation in even tempo.

Me thinks everyone protests too much. Final analysis: the Committee should have been fined three matchpoints.

**LeBendig:** Someone must have reversed the polarity while I was sleeping. We have spent several years establishing that slow doubles tend to express uncertainty and generally will be left in providing passing was a logical alternative. Fast "happy" doubles must be pulled. All of a sudden a player made a slow Double with several possible reasons for the break in tempo and we decided this should have been pulled. I believe we are headed for "you can't make the right decision if partner hesitated." If that is so, let's rewrite Law 16A to reflect reasoning.

*A member of the Committee was not sure the decision was correct.*

**Sutherlin:** This was a difficult case for the Committee. We eventually reached a compromise. My own belief was that it didn't seem correct to decide that West should pull a slow Double. If West had bid 3♠, then 90% of East players would have bid 3NT. So we allowed East to correct to 3NT.

I believed East/West should have defended 3♥X for +500, the table result. I did not think we could force a player to pull a slow double sometimes and stop others, giving the most favorable result to the nonoffenders.

*Finally, one expert was confused.*

**Gerard:** Sorry, but I didn't get it. On the East/West methods, West had only two choices over Double, Pass or 4♣. 3♠ did not relate to West's hand. Therefore, there should have been no chance that the contract would have been 3NT. Pass seemed clear to me at any form of scoring - an ace, enough trumps, a combined minimum of 60% of the high cards, and no distributional surprises. However, if you convinced yourself that 4♣ was a logical alternative (at matchpoints, yet), you

should still have passed since bidding 4♣ was the action indicated by the slow Double. The only basis for the Committee decision was that East tried to control the auction by her tempo, in effect barring partner through a prearranged agreement. This constituted illegal information and should have been referred to a Conduct and Ethics Committee. But that was just too big a statement to make on the available evidence. East's explanation for the hesitation didn't wash, but maybe she was leery of admitting that she was trying to remember her agreement. If East had 100 honors in trumps for her slow Double, it's a different case.

On another level, I would have held North/South accountable for abuse of process, even though the Director ruled in their favor. If they engaged in the same type of reasoning the Committee apparently did, they made a public acquisition of illegal conduct not supported by the facts. If, as was more likely, they disagreed with West's bridge judgment, as a matter of Law, the ruling should have allowed the result to stand. Then North/South's appeal would have been entirely without merit. We need to keep track of those who engage in constant abuse of process.

**Consensus:** *Five experts agreed, two were not sure, and two totally disagreed with the decision. The panelists all agreed that this was a very difficult case. One expert suggested there would always have been a hesitation when "these crazy, vulnerable opponents bid to the three level in the face of my 22 HCP." The two experts that disagreed with the decision believed that this case was a step backward and a departure from established guidelines about pulling slow Doubles.*

<b>Subject of Appeal:</b>	Tempo	<b>Event:</b>	Flight B Open Pairs	<b>Case:</b>	6
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Preemptive
2: Break in Tempo

### Hand Record

Board		N			
Dealer		E			
Vul		E/W			
W			E		
♠ 4			♠ AJ7		
♥ Q765			♥ KJ942		
♦ 86			♦ AQ53		
♣ 976543			♣ 2		
		S			
		♠ K102			
		♥ A8			
		♦ KJ742			
		♣ Q108			

Final Contract	Result of Play	Score	Opening Lead
3♠ by N	Made 3	N/S +140	

### Facts

East/West claimed that North hesitated for at least thirty seconds before the pass of 3♥. South concurred that there had been a break in tempo.

### Director Ruling

The Director ruled that Pass was a logical alternative for South. The result 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

South testified that she had always intended to balance with a Double so she made the bid in spite of North's break in tempo. She stated that she believed that any experienced player would have taken the same action.

The Committee determined that South had been playing duplicate bridge for twenty or thirty years and that she had about 1400 masterpoints. The Committee also discovered that North failed to appear at the hearing because he did not concur with South's appeal (the specific objection was unknown).

The Committee believed that few players at any level would have balanced with the South hand. Because South's bid could have been suggested by North's hesitation, the contract was changed to 3♥ by East. The result of a 3♥ contract would have depended on the opening lead and the declarer's skill. The Committee decided to award East/West the better of +140 or Average Plus and North/South were given -140 or Average Minus whichever was worse.

The appeal was determined to be substantially without merit and North/South were assessed a 3 matchpoint procedural penalty. South's balancing action was considered clear use of unauthorized information. North/South were assessed a second 3 matchpoint procedural penalty for this serious ethical infraction. South was informed that experienced players, such as herself, and players who have achieved Life Master status, are expected to know and

conform to the well-publicized ethical standards of the game. Taking a highly questionable action that was clearly suggested by partner's break in tempo failed to meet this responsibility.

<b>Committee Decision</b>
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<b>N/S: -140 or AVE-, 6 mp penalty E/W: +140 or AVE+</b>
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### Committee Members

<b>Chair</b>	Richard Colker
<b>Member</b>	Phil Brady
<b>Member</b>	Ed Lazarus
<b>Member</b>	Abby Heitner
<b>Member</b>	Marlene Passell

### Commentary

*This decision had unanimous support.*

**Sutherland:** This was a good Committee decision. Matchpoint penalties should be handed out more often when players clearly violate standards adhered to by ethical players. Looking at the North hand, I certainly believe North hesitated a long time before passing. It was lucky for South we are not publishing the names of Flight B players.

**Wolff:** The punishment rings true in another superb decision.

**Goldman:** This was a good decision in an easy case.

**Granovetter:** This was a good decision. A special award should be given to North for not showing up. Again, this kind of clear case should somehow be decided on the playing area and not waste everyone's time.

**LeBendig:** This was exactly the type of bid (the Double) the Directors have agreed to assess a procedural penalty for in a Flight A event. Unfortunately, this was Flight B so it was not dealt with by the Directors.

**Colker:** I agreed completely with the Committee's decision. However, left to my own devices. I would have done things a bit differently. I would have assessed a single half-board procedural penalty against North/South for the combination of the appeal lacking merit and the blatant (I promised my fellow Committee members that I wouldn't use this word either in delivering our decision, or in writing it up for the Daily Bulletin, but it captures my personal feelings quite accurately, and I didn't promise not to use it here) use of the unauthorized information. Given the level (Flight B) of the event I thought that a single penalty would have been adequate, but it should have been a big one for emphasis.

*Then there were the inevitable objections to the procedural penalties.*

**Gerard:** I remain unconvinced that Committees have authority to assess penalties for "blatant" ethical infractions, since they are related to neither score adjustment nor procedural violations. The proper forum for matters of conduct is the Recorder or a Conduct and Ethics Committee. Possible suspension is more of a deterrent than the loss of 3 matchpoints. I agree that this was an appropriate case for the penalty if it applied. As to the hand, +170 seems to have been the right result. East could have made eleven tricks on a diamond lead or eight tricks on ace and a heart, but the "normal" result was one overtrick.

**Rosenberg:** The important point about this case for me was the three matchpoint penalty for the serious ethical infraction. The truth was South was fined not for bidding but for appealing (twice). Had there been no appeal, no fines would have been assessed. Isn't something wrong here? We seem to be sending the message that it's not so bad to flagrantly take advantage as long as you don't appeal. On the contrary, the player who doubled 3♥ obviously had no idea about the ethical responsibility involved or there would have been no appeal. That player needed to be educated not fined.

It would have been good if, in a case such as this (flagrant violation of ethical responsibility), the Director had written a report even if the ruling had not been appealed. Then the players involved could have been spoken to, or publicly censured (*Editor: Here we go again Michael. What is the difference between a public censure and a severe censure?*), by appointed members of the NABC Appeals Committee. If a player who should have known better commits an action such as South did on this deal, that player should be threatened with suspension for a repeat violation.

Incidentally, why were the names in this case not recorded? Seeing one's name in print would act as a deterrent for those thinking about making such bids. *(Editor: The names are only published in NABC+ or Flight A events)*

**Consensus:** *The panel unanimously agreed with the decision, but did not (eight to two) agree that the procedural penalty was appropriate. It was pointed out that this type of case could be referred to the Recorder or a Conduct and Ethics Committee.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	NABC Life Master Pairs	<b>Case:</b>	7
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**Auction**

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

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

1: Alerted, Weak Takeout for Clubs & Spades

**Hand Record**

<b>Board</b>		N	Helen Fournier		
<b>Dealer</b>		S	♠ AK104 ♥ 9754 ♦ 9 ♣ QJ84		
<b>Vul</b>		E/W			
W	Andrew Bernstein			E	Steve Natelson
♠	Q92			♠	J7
♥	1032			♥	KJ86
♦	753			♦	K82
♣	9653			♣	AK102
		S	Mark Parent		
		♠	8653		
		♥	AQ		
		♦	AQJ1064		
		♣	7		

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

**Facts**

West Alerted the 1NT overcall as a weak takeout, usually 5-5 in the unbid suits. This “Sandwich Notrump” convention was not on their convention card. The No Trump bidder obviously thought his bid was natural and strong. East announced the misinformation before the opening lead.

**Director Ruling**

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

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

South claimed he would have passed (rather than bid 2♦) had he not been given misinformation. They believed that North would have doubled and 1NT would have gone down four for +1100. The Committee decided misinformation had been given and the contract was changed to 1NT doubled down three, +800 for North/South. This result gave the declarer the best of it, because it allowed for a small heart shift to set up a heart trick.

The real problem that faced the Committee was to determine if Pass was a plausible action even if most players would have bid 2♦. Should the Committee heavily favor the non-offending side? The Committee decided that Pass was a logical alternative and +800 for North/South was the unanimous decision.

The Committee voted 3-2 to assess a one matchpoint procedural penalty against East/West because the misinformation was explained before the opening lead. The Law requires that the defending side make this explanation at the end of play. This misinformation should have been given after the play of the hand.

**Dissenting opinion from Committee Chairperson Bill Passell:** East announced that misinformation had been given before the opening lead in an attempt to be as ethical as possible. Damage did not occur because of this announcement. I

do not believe that this situation should be penalized automatically. A reprimand for East would have been sufficient in this case.

<b>Committee Decision</b>	<b>1NTX by E, Down 3, N/S +800</b>
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### Committee Members

<b>Chair</b>	Bill Passell
<b>Member</b>	Robert Glasson
<b>Member</b>	Jim Linhart
<b>Member</b>	Richard Popper
<b>Member</b>	Norma Sands

### Commentary

*Most of the experts agreed with the decision but they also agreed with Bill Passell's dissent.*

**Goldman:** I agreed with Bill Passell regarding the procedural penalty. East was trying to be ethical and I would not have considered even a reprimand. An explanation of obligations would have been quite adequate.

**Granovetter:** I agree with the Committee. The truth was that West could have bet his life his partner had a strong No Trump, yet he chose to Alert it as something else. What is the obligation of a player who knows partnership's understanding but also was 99% confident that his partner forgot? I think Active Ethics means telling the truth, even if it isn't the partnership's understanding. By the way, most South players would Double 1NT if it was assumed to have been natural. Here East/West was assessed a one matchpoint procedural penalty for explaining misinformation before the opening lead. In Case Nine, coming up, the Committee suggested such an explanation, which was not given at all, should have been given before the opening lead. Which was it? (*Editor: In this case the misinformation was committed by the defender's side, in Case Nine by the declarer's side. A big difference according to the Laws.*) There should be a rule for players to follow, it should not matter of ethics.

**LeBendig:** 1NTX could never have occurred behind screens. Regardless of whether South Doubled, West would have been bidding (possibly 2♣). West still thought it was Sandwich. After that call, nothing was clear about the outcome. North would probably have Doubled and East would have passed. Would South also have passed? His choice of calls in the actual auction left me uncertain. If South passed, it looked like 1100 was not difficult. As supportive as I am of procedural penalties, I agree with Bill that this was an inappropriate place for one. Had it proved beneficial to West, I would have been very harsh in the adjustment. As it was, an explanation of this Law would have done the job.

**Passell:** This was a good decision. The penalty for someone attempting to be ethical was ridiculous.

**Colker:** I think the Committee's decision was excellent on most accounts, except that I agree with Bill Passell that a verbal reprimand for East would probably have been adequate. Committees should avoid awarding unnecessarily beneficial ("windfall") results to the non-offenders in the "field" (i.e. matchpoints, Swiss teams) events. Thus, I think that +800 for North/South was a good decision. (The same result would have been achieved after a middle diamond lead if North/South ducked a spade when in with the first heart, and East then cashed-out, abandoning his attempt to set up additional heart tricks).

*Others pointed out that +1100 was a likely result.*

**Wolff:** The correct adjustment would have been -1100 for East/West and Average Plus for North/South. I agreed with the dissenting opinion about no hard and fast rule. Doubt should always be resolved against the offenders. There was no doubt about East's good intentions here. The rule should be "No harm, No foul".

**Gerard:** Please keep this decision out of the new Appeals Handbook. (*Editor: There will be no case examples in the Appeals Handbook. The Handbook Committee believed that the expert's comments in these cases was a sufficient reference source.*) East/West committed misinformation. North/South may have been damaged. The almost certain result would have been 2♣X down 1100, but in any event it had a high enough likelihood of occurring that it should have been the result for both sides. Assessed procedural penalties should require more than just a simple majority.

**Weinstein:** I believe that South's pass of a vulnerable 1NT overcall was reasonable and very possible. Since the Committee also accepted this it would appear that -1100 should have been the assigned score (at least for the offenders). I also agree with the dissenting opinion on the matchpoint penalty. I do not believe attempting ethical behavior should have been penalized by procedural penalties. East was at risk for providing unauthorized information and could never have gained by his actions, even if they were irrelevant in this case.

*There are also a couple votes for even different adjustments.*

**Rosenberg:** I'm not sure I believe South would ever have passed 1NT. This player didn't know enough bridge to raise 2NT to 3NT. However, that was beside the main point here, which the Committee missed completely. Had South passed, West would have "taken out" to 2♣, which North would have Doubled (unless East/West were playing this as Stayman in which case East would have been required to Alert and North could have passed and waited for better things). More facts would be required to decide. North/South might have wound up in 3♥, 3NT, or 4♠. East/West might have been forced to play 2♠X! I agree with the dissenting opinion, if the facts were as he stated.

**Sutherlin:** East/West were clearly wrong. I do agree with Bill Passell that a penalty should not have been automatic. I cannot accept North/South's statement that North would have doubled. South should have doubled 1NT, but I could accept 2♦. The Director's ruling of Average Plus/Average Minus seems correct.

**Consensus:** *All of the experts agreed with the Committee decision in principle, but five would have made a different adjustment. The panel was unanimous in their agreement that a penalty should not have been given for attempted ethical behavior that did not provide unauthorized information.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	Flight A Swiss Teams	<b>Case:</b>	8
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Game forcing, ♥'s
2: Alerted, Extra Values, asks for first round controls
3: Alerted, no controls
4: Alerted, no ♠ control, asks second controls; ♥ honor
5: Alerted, ♣ control

### Hand Record

<b>Board</b>		N	Stephen Shepard		
<b>Dealer</b>		E	♠ 6 ♥ AKJ9642 ♦ J1072 ♣ Q		
<b>Vul</b>		Both			
W	Rich Gabriel			E	Tom Oppenheimer
♠	108432			♠	QJ9
♥	73			♥	(void)
♦	KQ6			♦	9854
♣	J97			♣	A105432
		S	Barbara Shepard		
		♠	AK75		
		♥	Q1085		
		♦	A3		
		♣	K86		

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

### Facts

North/South's bidding agreements were as shown above. All of the bids were Alerted and explained at the end of the auction. South deviated from system when she bid 4NT in order to find out about the club control she was concerned about because the opening lead would have been through the ♣K. East/West claimed "misinformation" influenced East's lead of the ♠Q instead of the ♣A.

### Director Ruling

The Director ruled that the misinformation did not cause the damage to East-West. The table result, 6♥ by North, making six, N/S +1430, was allowed to stand.

<b>Director's Ruling</b>	<b>6♥ by N, Made 6, N/S +1430</b>
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### Committee Ruling

North/South testified that 4♠ would have shown a spade control, but left room for North to show extra length by bidding 4NT. However, any information about the club control could have been lost. North said this was South's first deviation from system in this sort of auction, ever!

The Committee decided that since North had denied a first round control in any outside suit, the lead of the ♣A was clear. Even though South denied a first round spade control, she bid 6♥! She was off the ♣A and must have had the spade control she denied. If not, 6♥ could still have been beaten after the ♣A lead and a spade shift or a possible club ruff by West. East had the correct information needed to defend correctly. North/South were not obligated to divulge their hands, only their agreements.

The Committee confirmed the table result, 6♥ by North, making six, N/S +1430. East/West were penalized one Victory Point for bringing an appeal that was substantially without merit.

<b>Committee Decision</b>	<b>6♥ by N, Made 6, N/S +1430</b>
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## Committee Members

<b>Chair</b>	Richard Colker
<b>Member</b>	Phil Brady
<b>Member</b>	Marlene Passell
<b>Member</b>	David Roundtree
<b>Member</b>	David Treadwell

## Commentary

*A case with near unanimous agreement.*

**Colker:** I agreed with the Committee's decision, and reasoning. North/South were playing old time ultra-natural methods wherein cuebids showed specific controls, and the failure to cuebid (by partnership agreement) denied the bypassed control (very rigid methods). North/South did not play Blackwood (their card was marked "4NT is never Blackwood"), so 4NT simply asked North for further information, given that he had already denied any outside first-round controls. North testified that South had never, in the more than ten years of their partnership, deviated from these methods. In this case, however, she "invented" the 4NT bid (bypassing 4♠) because she was afraid that if she showed her spade control North could show the heart queen (if he had extra length, as it turned out her did) by bidding 4NT himself, and then she would be unable to find out about the second round club control in time (below 5♠). North/South properly explained their agreements at the end of the auction, before the opening lead.

Players are responsible for protecting themselves (within reason), and this was a Flight A event. East had all of the information he needed, or was entitled to, in deciding on his lead, and the ♣A had the extra chance that his partner could get a second round ruff. Instead, he decided to play South to have knowingly bid a slam off two aces, and North to have lied about having first round club control (a void). He then asked a Committee to protect him when the Ace he was looking at (and which was easily the a priori odds-on favorite lead) turned out to have been the killing lead after all! Although the East/West pair struck me as being sincere (if a bit naive), and not looking for a double shot, I think their appeal was meritless. It was pointed out to North/South to bear this hand in mind when explaining their agreements in the future. East/West were reminded that players are allowed to deviate from their announced methods, as long as their partner is no more aware of it than the opponents (which was likely the case here).

**Gerard:** Since there was no misinformation, it was not necessary to analyze the opening lead. As an aside, the Committee should have issued a general pronouncement about the obligation to continue to treat every hand as a bridge hand, which would have led to the clear-cut lead of the ♣A here. However, it should have been emphasized (maybe it was) that the primary basis for the decision was the absence of misinformation.

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

**Granovetter:** I agreed with the Committee. The problem here, however, was too many Alerts. There should be no Alerts after the 3NT level. This common practice in many areas outside of the US. (*Editor: I had the opportunity to observe many of these players from outside the US at the World Championships in Albuquerque. It was clear to me that with all of our problems here, we are light years ahead of the rest of the world when it comes to ethics. Perhaps the rest of the world should be learning from us in this regard.*)

**Passell:** This was a good, strong Committee decision.

**Wolff:** Was South asked whether she "intentionally violated her partnership agreement?" If she did, there should have been no penalty. I have no problem with the Committee's findings and decision.

*Rosenberg makes his usual objection to procedural penalty.*

**Rosenberg:** This was probably the correct decision, except for the procedural penalty. However, and this is a recurring situation, North/South were not entitled to describe the holdings of the "captain" (the player making asking bids), without explaining that he or she was not required to have what was "promised."

*Sutherlin held out for an adjustment.*

**Sutherlin:** The explanation that East received (technically correct) clearly influenced his choice of leads. The ♠Q would have been selected by many even though the ♣A made sense. North/South played a very complex system. I found the North player's statement that "South had never violated the system" self-serving. I would have changed the score to North/South down one and, of course, no penalty for East/West.

**Consensus:** Seven (all but one) of the experts agreed with the Committee decision. There was the usual disagreement about procedural penalties.

<b>Subject of Appeal:</b>	Unauthorized Information	<b>Event:</b>	Board-A-Match Teams	<b>Case:</b>	9
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**Auction**

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

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

1: 10-12 HCP
2: Alerted, single suited hand

**Hand Record**

<b>Board</b>		N			
<b>Dealer</b>	<b>W</b>	♠	Q653		
		♥	KQJ8		
<b>Vul</b>	<b>None</b>	♦	J43		
		♣	86		
<b>W</b>				<b>E</b>	
♠	J84			♠	K97
♥	10654			♥	A7
♦	AK2			♦	Q987
♣	A42			♣	J1097
		S			
		♠	A102		
		♥	932		
		♦	1065		
		♣	KQ65		

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

**Facts**

West's double was Alerted and explained as Brozel (any single suit). North/South claimed that West could have received unauthorized information from the Alert procedure and 2♣ should have been the final contract. North/South also believed they should have been informed that a misunderstanding had occurred before the opening lead was made.

**Director Ruling**

The Director ruled that West had purposely distorted her hand in an attempt to get in a penalty double, East gave the correct explanation of their agreement and no infraction had occurred. The table result, 2♥ by West, making two, E/W +110, was allowed to stand.

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

West testified (and stated at the table) that she had hoped her partner would pass her Double. When he Alerted and then bid 2♣, she bid her suit. She stated she had known her Double showed a one-suited hand but admitted they had only started playing Bronzel a year ago and they had almost no experience playing against 10-12 HCP 1NT opening bids in their area. Their card was marked Penalty Doubles against weak NT but West stated that was only by an unpassed hand (this would have shown close to an opening hand or more). She was a passed hand so she believed it should have been Bronzel.

The Committee decided that the burden of proof was on East/West to show that Brozel was truly their agreement in the Passout seat and that East's Alert had not tipped West off. The Committee found that the burden of proof was not met for the following reasons:

1. West's hand was clearly not one-suited
2. The convention card classified the Double of a weak NT as penalty

3. The pair was not experienced playing against a weak NT and may not have had an agreement about the meaning of this passed hand Double

4. There were no system notes supporting West's assertions

The Committee decided that West had received unauthorized information from East's Alert and explanation that the Double was Brozel. A Pass of 2♣ was definitely a logical alternative so the contract was changed to 2♣ by East, making two, E/W +90.

North-South had misdefended 2♥ but West's hand was not what was expected and West had not warned them of this before the opening lead had been made. There may not have been a requirement for West to give such a warning (if she truly believed that she was violating an agreement when she had Doubled without a one-suited hand). Perhaps Active Ethics would have suggested she should have given a warning. The Committee believed that North-South should have not have had to defend 2♥ but 2♣.

A peripheral issue was North's bid of 1NT with only 9 HCP instead of 10-12 HCP. North and South were warned that if either of them opened 1NT with less than 10 HCP again, they would no longer be allowed to use any conventions over their opening 10-12 HCP 1NT. This is an ACBL regulation.

*There is an article at page 13 of the August 1995 issue of The Bulletin by Jeff Meckstroth that explains why a player should not open a 10-12 HCP 1NT with less than 10 HCP.*

<b>Committee Decision</b>
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<b>2♣ by E, Made 2, E/W +90</b>
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### Committee Members

<b>Chair</b>	William Passell
<b>Member</b>	Jan Cohen
<b>Member</b>	Bob Glasson
<b>Member</b>	Jim Linhart
<b>Member</b>	John Wittes

### Commentary

*To be fair, most of the experts did not know that North/South attempted to bring this case without asking for a score adjustment. There was still considerable agreement with the Committee.*

**LeBendig:** This case was very similar to Case Thirteen. West was not experienced and was reacting to her partner's explanation. I can't believe, given her hand and testimony, she ever intended her Double as Brozel. She then convinced the Director that she always meant Brozel and the Director bought the story. I'm glad the Committee didn't. Any North/South pair that allowed 2♥ to score deserved their result. North/South filed this appeal with no request for an adjustment to their score. They believed West had been less than truthful and wanted it addressed. My gut feeling is that after the Alert and explanation, West want to believe that was their agreement and bid accordingly, believing it could be justified. She now knows differently.

**Rosenberg:** This was an example of outstanding Committee work. Note that screens would have solved the problem of whether or not to believe West.

*Other experts agreed with the basic decision but would have let North/South have their -110.*

**Gerard:** Any West who doubled 1NT was not clear about her agreement. Therefore, she should have informed North/South that she was not sure Brozel applied in this situation. If North/South did not grossly misdefend on the information available to them they should have been awarded +50 (and East-West -50), the likely result with full disclosure. If they did grossly misdefend opposite a one-suiter, North/South get -110 but East/West +90, possibly a lost board for both sides. This was a perfect case for the application of the continuing obligation directive, since North/South had the chance for a better score defending 2♥ than 2♣.

**Granovetter:** Again, the unfamiliarity of the opening bid, this time the 10-12 notrump, caused a problem for the opponents and they were punished for having a misunderstanding. The Director was right in allowing the score to stand. In fact, North/South had a lot of nerve bringing this to Committee; I would be quite embarrassed to protest against my opponents landing in a four-two fit missing the K-Q-J-9-8-x-x of trumps, instead of a superior 4-3 fit. This pair first chose to use the 10-12 1NT, then chose to open with 9 HCP, and then spilt tears when the opponents were allowed to make a ridiculous contract after they misdefended. Good grief.

East/West should have been penalized if the Committee determined they made use of unauthorized information, but how in the world can we justify a reward for North/South under any circumstances?

*Wolff wanted the result to stand and a penalty assessed.*

**Wolff:** The score should have been North/South -110 and East/West +110 because of the lousy defense. However, East/West should have been assessed a one-half board penalty for the mix up of their agreements. The pressure that puts on the opponents, both in the bidding and in the defense, makes bridge a much lesser game.

*Goldman would have made no adjustment and would have treated North/South very harshly.*

**Goldman:** I would have given no adjustment. A 10-12 HCP 1NT caused a mix-up by the opponents. They land in their worst contract (more or less). The 1NT bidder had an unethical/illegal 9 HCP. They misdefended, wanted an adjustment, and the Committee gave it to them. Welcome to bridge in "wonderland." (*Editor: Ouch! I was the South player and brought this case to Committee. I tried to have the case heard without asking for an adjustment and I was refused by the Directing Staff. I strongly believed the Director at the table had been sold a bill of goods by East/West and they did not deserve their good result, but we richly deserved our poor result. I then asked for the Committee and requested that the contract be changed to 2♣ instead of 2♥, this being the smallest adjustment I could think of. The Committee evidently agreed with my assessment of East/West and made the adjustment. The Committee correctly ordered my partner not to open any more 9 HCP weak NTs. I agreed and offered to give the Committee a medal for accomplishing something in a few minutes that I have been working on for five years.*)

*Colker proposed several remedies.*

**Colker:** I did not understand this decision.

If East/West's agreement was that the Double was Brozel (as was Alerted), but West simply hoped that her partner would sit for the penalty, then when East ran from 1NTX, why was West not free to scramble as best she could? (Does a runout from a penalty Double of 1NT to 2♣ really show clubs?) West's heart suit was not much longer (and certainly not better) than her other suits, so bidding it could have ended up more of a disaster than passing 2♣. Her partner correctly Alerted and disclosed the partnership's agreements. If this was what happened, the 2♥ contract and the result achieved at the table should have been allowed to stand. West was not obliged to disclose her hand, as long as the opponents were properly told East/West's agreements.

If West (incorrectly) believed that her Double was penalty (showing a maximum passed hand), then she cannot be awakened by East's Alert. If the Committee believed this is what happened, the contract should have been reverted to 2♣ (as was done). But the Committee seems to have determined that the Double was penalty!?

If East/West's agreement was that the Double was penalty (as per the Committee's reason #2), then East's Alert constituted misinformation, and a procedural penalty should probably have been assessed against East-West for failing to correct the misinformation prior to the opening lead. However, the 2♥ contract should have been allowed to stand, since West did nothing wrong by simply scrambling from 1NTX (as argued in point 1, above). The score should also have been adjusted, allowing for a defense based on the corrected misinformation from East's Alert.

If it was determined that East/West had no agreement about the Double (as suggested by the Committee's reason #3), then a disposition similar to that in point 3, above, would have been appropriate; unless it was also determined that West's actions could have been influenced by the unauthorized information from East's (improper) Alert. West should have informed the opponents that there was no agreement about the Double before the opening lead. The Committee's determination of the final contract would then have depended on information not presented in the case write up.

In the final analysis, the Committee's decision didn't seem to fall in any of the above categories. Even the facts found seemed to be confusing, or self-contradictory. Consider, first, the Committee's reasons #2 and #3 in the write up. Did East/West have an agreement about the Double or didn't they? (And what was it if they had one?) What were East/West's agreements when 1NT was weak and/or the bidder was a passed hand? Did East mis-Alert, or didn't he? Did West fail to correct any misinformation by East (if there was any)? Should the contract have been allowed to stand, and if so, should the defense have been adjusted to allow for a correction of misinformation? Consider next the Committee's reason #4 in the write up. What were West's assertions? Did she claim that Double was penalty (the first sentence in the Committee Decision section of the write-up) or Brozel (the third sentence)? How were East/West's convention cards marked in the section on defenses to opponents' No Trump Openings? Were any boxes checked? Were none checked? What else was marked in this section?

Perhaps the write-up could have been clearer, and included other relevant information. Certainly the decision should have been more identifiable with a single perspective on what happened. The Committee may very well have made a good decision in this case. (After all, they were there for the testimony, and we weren't). It's just too difficult to evaluate what happened from the write-up.

**Consensus:** *The experts agreed with the Committee decision in general. Certainly, North/South should have been forced to live with their -110 (they tried to, but were denied a Committee if they did not ask for an adjustment). There should be some process established for players to request a Committee review of a situation when they believe that the Director has made a serious error but do not believe they are entitled to any score adjustment.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	Stratflighted B/C/D Pairs	<b>Case:</b>	10
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: No Alert, Preemptive
2: Auction Reopened

### Hand Record

Board		N			
<b>Dealer</b>	<b>E</b>	♠ 96			
<b>Vul</b>	<b>Both</b>	♥ J975			
		♦ 10752			
		♣ 1064			
<b>W</b>				<b>E</b>	
♠	Q852			♠	KJ74
♥	104			♥	Q8
♦	AKQ864			♦	J9
♣	A			♣	QJ752
		<b>S</b>			
		♠	A103		
		♥	AK632		
		♦	3		
		♣	K983		

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

### Facts

South failed to Alert that the 3♥ bid was preemptive. The auction ended at 3♥ and North announced the failure to Alert before the opening lead. East and West were taken aside individually by the Director and asked if they would have taken any action with the correct information. East indicated he would have considered action if the 3♥ bid had been Alerted but he was not specific. West was given the opportunity to bid and she elected to bid 4♦. East/West discovered after the hand had been played that they could have made 4♠.

### Director Ruling

The Director ruled that the best result likely for East/West was 4♠ making four. The contract was changed to 4♠ making four, E/W +620.

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

The Committee examined East/West's convention card and discovered that they did not play Responsive Doubles. The convention card indicated they did make sound overcalls. West was asked by the Committee what she would have done if her partner had Doubled. She was adamant that she would not have sat for the Double and would have bid 4♦. The Director told the Committee that East had indicated he would have bid if 3♥ had been Alerted, but that he was not specific about what that bid might have been.

The Committee considered the result for each side. Law 12C2 reads as follows:

*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, for 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.*

*The Laws Commission has discussed that "likely" is one chance in three and "probable" is one chance in six.*

The Committee first considered the most unfavorable result that was at all probable for North/South, the offending side. The Committee decided that East might have bid 3♠ at least one time in six. The result for North/South was therefore assigned as 4♠ by East, making four, N/S -620.

The Committee now considered the result for East/West at length. The Committee believed that West was inexperienced (about 250 masterpoints) but still should have reopened with 3♠ or Doubled. If East rebid 4♣, West could have corrected to 4♦. The Committee also decided that East (600 masterpoints) should have deduced that something was wrong with the auction. South opened the bidding, West overcalled (they stated that they played very sound overcalls), and North bid 3♥. East had 10 HCP and he might have examined South's convention card or asked a question about 3♥. The Committee believed that 3♠ was the only bid East could have made to get the partnership to 4♠. The Committee did not believe this met the "one chance in three" guideline. The Committee awarded East/West the table result, 4♦ by West, making four, E/W +130 or Average Plus, whichever was greater.

The Committee commended North for meeting his ethical responsibility to inform the opponents about the failure to Alert before the opening lead was made.

<b>Committee Decision</b>	<b>N/S: 4♠ by E, Made 4, N/S -620 E/W: 4♦ by W, Made 4, E/W +130 or AVE+</b>
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### Committee Members

<b>Chair</b>	Alan LeBendig
<b>Member</b>	John Blubaugh
<b>Member</b>	Ed Lazarus

### Commentary

*Three experts generally agreed with the committee.*

**Wolff:** The score should have been changed to East/West +130 and North/South -620. East/West were zeroing in on +130 so that's what they deserve. North/South's -620 was clear for failure to Alert. I might have changed my mind in favor of easing up because this was a Flight B or lower game.

**LeBendig:** North/South were Flight B players and they deserved a commendation for fulfilling their legal responsibilities. We find countless Flight A players that are not aware of this requirement. Had North not pointed out the problem after the final pass, I'm sure there would have been an adjustment to 620 both ways. Because of a proper investigation by the Director, we determined that East/West were not likely to have gotten to 4♠. However, in a close decision, we did feel it fulfilled the "probable" reading of the Law.

*Several experts disagreed with giving North/South -620.*

**Weinstein:** I disagree with the Committee's assessment that 4♠ would have been reached one out of six times. I liked the Committee's thought process and I have no real disagreement with the decision.

**Colker:** I think that the result should have been allowed to stand for both pairs, not just East/West. While it is true that South failed to properly Alert North's preemptive 3♥, even a Flight B/C/D East should have worked out what was happening. If South had opening values (say, 12 HCP), West made a sound overcall (say, another 11-12 HCP), and East held 10 HCP, North could not hold more than about 6-7 HCP. Plus, the preemptive use of that bid is so common these days that I would have needed to believe that East was a virtual novice, completely unaware of this usage, to adjust his score. In addition, I don't believe a player at East's level would ever have bid 3♠, especially when he failed to mention that action to either the Director at the table, or to the Committee during the hearing. While East might have found a Double, West was "adamant that she would not have sat for the Double and would have bid 4♦." I believe that the actual result at the table was the only one this East/West pair could have achieved. I might have assessed a 3 matchpoint procedural penalty against North/South (not to accrue to East/West) for creating the problem through their negligence (failure to Alert 3♥), but I would have allowed them to keep the result which occurred at the table.

**Gerard:** I'm not sure I agree with -620 for North/South, but that was the Committee's call and it wasn't unreasonable. However, handing out an Active Ethics award to North for doing what the Laws require him to do sends the wrong message. Players at all levels must be told that they are expected to live up to their ethical responsibilities, not that they

will be canonized for doing so. Otherwise, Committees will undermine their authority to require such action in cases like seven and nine.

**Rosenberg:** I really don't approve of this practice of pulling players away from the table and asking them what they would have done. Sooner or later, the bridge population will figure out to always answer "yes, I would or might have bid or Doubled or done something other than what I actually did." These matters should be considered by the Director or the Committee if necessary.

Since Responsive Doubles were not being played, East was stuck. In my opinion, East would have bid 3♠ shortly after Hell froze over, but I guess that was a judgment call. East/West's bad result came subsequent to the infraction, but came as a consequence of the combination of not playing Responsive Doubles, and West not knowing enough to Double 3♥.

*Granovetter expressed his usual outrage.*

**Granovetter:** This decision was outrageous. Has the world gone mad? West made a bad bid of 4♦. Everyone knew it. The result had nothing to do with a failure to Alert, because West was given a second chance to bid with the correct information. If West had a 4♦ bid, she certainly had a 3♠ bid and that's that.

I would have assessed a one-matchpoint penalty to North/South for failing to Alert and shown East/West to the door. How dare North/South have been given -620. This was not justice in any sense of the word. (But is the current Appeals Process about administering justice?)

**Consensus:** *Several experts disagreed with the Committee, mostly about the worst result that was likely for the offending side. Surely the arguments for both sides have merit. The Committee made the best decision they could based on our current guidelines.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	Stratified Open Pairs	<b>Case:</b>	11
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### Auction

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

### Explanation of Special Calls and Points of Contention


### Hand Record

<b>Board</b>		N		
<b>Dealer</b>	<b>N</b>	♠	K743	
		♥	KJ8	
<b>Vul</b>	<b>Both</b>	♦	AQ8	
		♣	J94	
<b>W</b>				<b>E</b>
♠	J10986	♠	A52	
♥	7	♥	Q1043	
♦	10532	♦	64	
♣	Q83	♣	A1075	
		S		
		♠	Q	
		♥	A9652	
		♦	KJ97	
		♣	K62	

Final Contract	Result of Play	Score	Opening Lead
3NT by S	Made 4	N/S +630	♠J

### Facts

East/West claimed they should have been given a “Special Alert” during the auction or before the opening lead was made. After the hand was played, East-West discovered that 1NT specifically showed no more than one card in the opening bidder’s suit. The ♠J was led and ducked by East and allowed Declarer to score his singleton ♠Q. East/West believed this would have been impossible if the Special Alert had been made.

### Director Ruling

The Director ruled that there had been no misinformation given and the table result, 3NT by South, making four, N/S +630, was allowed to stand.

<b>Director’s Ruling</b>	<b>3NT by S, Made 4, N/S +630</b>
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### Committee Ruling

East/West testified that they were a little late getting to the table (about four minutes into the round). They were given a yellow sheet (only one copy) that included North/South’s unusual treatments and agreements. East/West scanned the sheet quickly and examined the convention card. They requested that they be Alerted during the auction to any unusual treatments.

The Committee decided that when an Alert would have strongly suggested a particular meaning, a Special Alert was necessary for anything else. Using 1NT to show a maximum of one card in the opening bidder’s suit was such a case.

The Committee asked East/West how they would have defended the hand with the correct information. East/West said they would have won the ♠A and continued a spade to North’s ♠K. The Committee determined that this would have allowed the contract to be made (other defenses would have set the contract two tricks). The Committee changed the result to 3NT by South, making three, N/S +600, a possible result if East/West had received a Special Alert.

<b>Committee Decision</b>	<b>3NT by S, Made 3, N/S +600</b>
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## Committee Members

<b>Chair</b>	Jim Linhart
<b>Member</b>	George Dawkins
<b>Member</b>	Bruce Reeve

### Commentary

*Four experts agreed completely with the Committee Decision.*

**LeBendig:** I agreed with the adjustment. East was adamant that a spade would have been returned. Winning the third spade seemed routine and nine tricks seemed normal. I do not believe the Committee should have imposed a defense that East/West did not suggest after they had plenty of time to think of one. (*Editor: Does this mean they were punished for not being good appeals "lawyers"?*)

**Rosenberg:** How could the Director have ruled "no misinformation?" Even if this was not a Special Alert, at the conclusion of the auction, South had an obligation to inform the opponents of the unusual agreement. This was a good decision, except that North/South should have been censured (*Editor: As opposed to severely censured or publicly censured?*)

**Sutherlin:** What sort of system was North/South playing? The Special Alert discussion was correct. East/West were certainly damaged. +600 for North/South was the correct Committee decision.

**Colker:** I agreed with the Committee's decision. The suggested defense still allowed the contract to make, although it did hold Declarer to only nine tricks.

*Several experts believed the adjustment should have been different no matter how East-West said they would have defended.*

**Gerard:** Why should it have mattered how East/West said they would have defended? It was the Committee's job to determine whether the matching results of -200 and +200 were, respectively, at all probable (surely yes) or likely (probably yes). Since the Committee wouldn't have paid any attention if East/West came up with a double dummy, razzle dazzle defense, why should it have paid any more attention to an admission against interest? Maybe East/West had only focused on getting back the overtrick, not beating the hand. Did the Committee ask East which spade he would have returned at trick two? Didn't this open up the possibility of that old devil "lawyering", which so many in positions of authority have railed against? I thought Committees were supposed to do the heavy lifting and not put pressure on the players to make their decision for them.

**Goldman:** It seems that 3NT should have gone down several tricks with normal defense after the play of the ♠A at trick one. I didn't understand this bidding either. It looks like North/South should have been -200 plus a procedural penalty.

**Granovetter:** Why did North fail to Alert 1NT? How would South make 3NT after a spade to the Ace and a spade return? The whole ruling was preposterous. The ♥Q was offside, not onside. If the "other lines" were down two tricks, this one should have been down at least two tricks as well. This was bizarre; did South win the second spade, throwing a club? If so, East/West had four spades, a heart and a club. Did South duck a couple of spades, throwing clubs, and then play for hearts 3-2 with the Queen onside? If so, he was down three. How did the Committee come up with nine tricks? I suppose +600 is a "possible" result, since anything's possible, but why assign this result to the non-offenders?

I would have awarded East/West +300 and assessed a one matchpoint penalty to North/South for failing to Alert.

**Meckstroth:** The number of tricks that could have been taken is very unclear to me. Perhaps it would have been better to award East/West Average Plus? The bidding here was very unusual. There was no reference to this.

**Passell:** It was a dubious decision to allow 3NT to make. I believe Average Plus and Average Minus were indicated.

**Weinstein:** The Committee arrived at the correct interpretation of misinformation. Then they seemed to have made an inexplicably poor determination of probable and possible outcomes after two rounds of spades were played. There was a broad spectrum of possible outcomes and North/South +600 appeared to have been the most favorable result possible. That was a good adjudication if East/West had been the offending pair. I believe that -300 for North/South would have been the correct decision for both pairs. There were two possible ways this could have occurred. South might reasonably have bared the ♠K after ducking the second spade in the hope that hearts came home. If the ♠K had not been bared, South might have pitched a club and a heart on the two forced discards and it would have been possible, though unlikely, for South to have misguessed the clubs.

*Wolff advocates his usual harsh treatment.*

**Wolff:** When a pair plays a Special Alert convention (1NT showed 0 or 1 in partner's suit), Active Ethics demands that their opponents are made aware of this. Any attempt to cover-up should receive an automatic penalty. I would have given a one matchpoint penalty as a reminder here.

**Consensus:** *Four experts agreed with the Committee's decision in general. Six members of the expert panel had some disagreement about the score adjustment. The Committee questioned the defenders carefully and the decision reflected the number of tricks that was most likely to have been taken by the non-offending side if they had received the proper information. Surely it would not have been proper to have allowed the non-offending side to take more defensive tricks than they would have taken with the correct information.*

<b>Subject of Appeal:</b>	Misinformation	<b>Event:</b>	Morning KO Teams, Brkt II	<b>Case:</b>	12
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Forcing
2: No Alert

### Hand Record

Board		N	
<b>Dealer</b>	<b>N</b>	♠ J97	
<b>Vul</b>	<b>None</b>	♥ Q	
		♦ AK9	
		♣ AQ10973	
<b>W</b>			
♠	KQ43		
♥	3		
♦	Q10742		
♣	K64		
		<b>E</b>	
		♠	6
		♥	AJ1087654
		♦	653
		♣	5
		<b>S</b>	
		♠	A10852
		♥	K92
		♦	J8
		♣	J82

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

### Facts

North/South preAlerted their 1♣ opening was forcing, but not necessarily strong. East-West played “transfer preempts” against artificial 1♣ opening bids. East testified that the partnership played transfer preempts, and West testified that she did not think they played them at the four level. South claimed that if he had known 4♦ was a transfer to hearts, he would have passed and would have bid 4♠ in the balancing seat. The Director was not called until after the match was completed and it was discovered in the comparison that East had an eight-card heart suit. The other team had left the playing area so the Committee heard the case without the facts being determined by the Director.

### Committee Ruling

The Committee, after hearing the testimony from East/West, decided that East/West had not met the burden of proving that they did not have an agreement that 4♦ was a transfer preempt. The Committee was unanimous in their opinion that East/West misbid. When in doubt, Committees should rule “misinformation” unless there was compelling evidence to support “misbid”. Players are expected to know their agreements, particularly complex conventions such as transfer preempts.

The Committee considered whether the 4♦ bid caused South to go wrong. There was much discussion of South’s 4♠ call and the Committee ultimately agreed that South’s 4♠ bid was not unreasonable in view of the experience of the player.

The Committee determined that there had been misinformation caused by West’s failure to know their agreements and failure to Alert the 4♦ bid.

The Committee tried to reconstruct an auction that would have occurred if the players had been playing behind screens. If South had been Alerted by East that the 4♦ bid was a transfer preempt, he probably would have passed as he indicated in his testimony. West would not have been aware that her partner really had hearts and would have bid 5♦ and North would probably have Doubled. East would have been free to bid 5♥ if he had been playing behind screens and would not have received any unauthorized information from his partner’s failure to Alert. South would have doubled and with normal defense, East would have gone down four, +800 for North-South.

The Committee changed the contract to 5♥X by East, down four, N/S +800. The Committee was concerned that East had not notified his opponents at the end of the hand that there had been a failure to Alert his 4♦ bid. It was

determined that there was much confusion because the match had finished very late and East/West left the table immediately to compare scores. East was told that he had an obligation to inform the opponents of the failure to Alert his 4♦ bid and that a misunderstanding had occurred.

<b>Committee Decision</b>	<b>5♥X by E, Down 4, N/S +800</b>
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### Committee Members

<b>Chair</b>	Bob Glasson
<b>Member</b>	Abby Heitner
<b>Member</b>	Richard Popper
<b>Member</b>	John Blubaugh
<b>Member</b>	Ralph Buchalter

### Commentary

*The Committee had the support of several experts.*

**Passell:** This was a good solution to a tough case. This was excellent Committee work.

**Sutherlin:** This was a well written case. The decision against East/West was certainly correct. Players are expected to know their agreements.

**LeBendig:** I sat in on these deliberations. At that time I was convinced the Committee made an error since I believed the 4♠ bid was egregious enough to force North/South to keep their results. As to the misinformation, it clearly existed even if East/West did not have a clear agreement about the transfer preempt. East was sure there was such an agreement. That constituted misinformation. I am sure South would not have bid 4♠ with an Alert and appropriate explanation. After this case was discussed with some other members, I realized that we may not find an action egregious if that player made a bid that was a clear attempt to play bridge. That criteria existed for this player. In other words, I was wrong that night and I now firmly believe this Committee made a good decision.

*Colker and Granovetter believed North/South deserved their bad result.*

**Colker:** I agree with the Committee that East had not simply misbid, and that there was misinformation from West's failure to both know his partnership agreements and Alert East's 4♦ bid. I disagreed, however, with their contention that South's 4♠ bid was "not unreasonable" given the player's level (they were in Bracket II of a big knockout -- not a Flight B or C event). As South testified that he would have passed had he known that 4♦ showed hearts, this suggested that he should have known that Pass was also the correct call over a "natural" 4♥. His 4♠ bid could only lose. If 4♠ was making, South would likely never get to play it, since North would have too good a hand to pass (as evidenced by North's 6♠ bid in the actual auction). If North could not reopen over 4♥, then defending was probably North/South's best bet for a plus score. (Remember, although North's 1♣ opening was forcing, it was not necessarily strong). I believe the aberrant 4♠ bid, which occurred subsequent to East-West's infraction, broke the chain of causality between the infraction and the damage suffered by North-South, and was the proximal source of that damage. I would therefore have allowed the result at the table to stand for North-South. I do agree with the Committee that the East/West result should have been adjusted to 5♥ doubled, down three (-800 to East-West). There was a reasonable chance that this would have been the result had they properly Alerted the 4♦ bid, and they should not be permitted to benefit from their infraction. I also agreed with the Committee's concern about East's failure to inform his opponents at the end of the hand about his partner's failure to Alert his 4♦ bid. I found this far more disturbing than the Committee apparently did, and would have assessed a disciplinary penalty for this serious infraction. I found the lateness of the match's conclusion no excuse, and insufficient mitigation, to dispense with the penalty.

**Granovetter:** Here we have another problem with an unfamiliar opening bid this time a two-way 1♣. I say give East/West a break in these circumstances. The 1♣ bid was preAlerted, but was it Alerted again after the bid was made? Apparently not from what it says here. The point is that South did not have a 4♠ bid and North did not have a 4♠ bid and North did not have a 6♠ bid, so why should they have been given anything? It was ridiculous to change bad bids because the opponents got confused (and the source of their confusion was the 1♣ opening!). This was similar to Case Nine, where a pair chose to play unfamiliar conventions that caused confusion to their opponents as intended, and then they came crying to a committee when their bad bridge got a well-deserved bad result. The irony is that they are consistently succeeding in these committees. This was a prime example of too much tampering with the table result. Does Active Ethics say that when you make bad bids you get to take them back if your opponents had a misunderstanding? I don't think so.

*Meckstroth disagreed with the Committee's approach to the problem but he did not offer any suggestions on what the decision should have been.*

**Meckstroth:** My personal belief is that the Committee should never have tried to determine what would have happened if there had been a hypothetical screen. There was no screen and what would have happened if there was one was not relevant.

*Some of the experts suggested that 5♦X, down six, N/S +1400, should have been the final contract.*

**Gerard:** No, the result should have been 5♦X, down six for each side. East would have been able to bid 5♥ behind screens but what he would have bid was Pass, having already shown a heart preempt and with no reason to assume that West was not on the same wavelength. This seems trivial, so I'm surprised the Committee missed it. Hopefully, we wouldn't have to endure on Active Ethics citation for an East who passed 5♦X if the "screen" auction took place without an Alert.

**Weinstein:** There were very complicated issues involved here. I didn't believe that what would have happened behind screens should have been the basis for a Committee decision. It should only have been used to help guide the Committee on what issues they should have been examining. If the Committee wished to base their decision on what would have occurred with screens in place, they should have been aware that East and South are never on the same side of the screen, unless the idea was that theoretical screens could have gone in either direction. Had the screen been set up the correct way from a theoretical standpoint, the result that occurred at the table would likely not have been any different. Clearly this was not an equitable outcome.

If the proper explanation of the 4♦ bid had been given, 4♠ made four would seem to have been a likely, normal result. South's contention that he would have made a delayed 4♠ bid seemed reasonable even if self-serving. Since the Committee seemed intent on speculating disasters, they could have tried the following scenario. Had North and South both been aware of the correct explanation of 4♦ and were aware that West did not know the correct explanation, the Committee might have hypothesized an auction of 4♦, Pass, 5♦, Double, Pass (East must Pass due to unauthorized information by the failure to Alert the 4♦ bid). Pass, Pass for -1400 on a diamond lead.

North could have reasonably Doubled 5♦ anyway, rather than the somewhat silly 6♣ bid. I don't believe the Committee should have tried to determine what disasters might have taken place unless unethical conduct occurred. They should have tried to restore equity that the misinformation prevented. I am unsure that North was entitled to go back and Double 5♦ if he would have been more likely to have done so with the knowledge that East held hearts (not the case in this hand). In other words, to what extent should East/West have been at risk for their misunderstanding while providing perfect information to their opponents? Are there standards or guidelines of this situation?

*Wolff agreed with the decision but wanted his penalty.*

**Wolff:** This was a reasonable decision. I would have awarded 1 IMP penalty against East/West to suggest that they learn their conventions.

**Consensus:** *Four experts believed the Committee made the correct decision. Two experts believed the 4♠ bid was bad enough to earn North/South's bad result. Two experts thought the offenders should have had the result from 5♦X. One expert objected to the practice of determining what would have happened behind a hypothetical screen. This was a good decision for a difficult case.*

<b>Subject of Appeal:</b> Unauthorized Information	<b>Event:</b> NABC IMP Pairs	<b>Case:</b> 13
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, 1) Long Minor suit, or 2) Both Majors, or 3) a strong hand
2: Disputed Alert

### Hand Record

Board		N	Rick Bobrow		
<b>Dealer</b>		<b>N</b>			
<b>Vul</b>		<b>None</b>			
<b>W</b>	Edith Korda			<b>E</b>	Peter Korda
♠	KQ974			♠	5
♥	AJ10			♥	97643
♦	J74			♦	AK32
♣	J5			♣	1086
		<b>S</b>	Jim Musumeci		
		♠	J6		
		♥	Q5		
		♦	Q10965		
		♣	K743		

Final Contract	Result of Play	Score	Opening Lead
2♥X by W	Made 2	E/W +470	

### Facts

West's double was Alerted and explained as a hand with a long minor suit, the major suits, or a strong hand. East/West stated that 2♣ was Alerted. North/South did not remember having heard or seen an Alert of 2♣. North/South claimed that they misdefended the hand because they expected West to have a strong hand or major suits. When the Dummy came down, North/South knew West did not have a strong hand, therefore they defended the hand on the assumption that West had both major suits.

### Director Ruling

The Director ruled that North-South had been damaged by misinformation. The score was changed to Average Plus for North/South and Average Minus for East/West.

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

East testified that he gave the correct explanation of the partnership agreement about West's Double. This was an experienced partnership that had played together for over forty years. They played this convention for about three years. West claimed that she treated her hand as strong (she described strong as an opening bid) and hoped it would work out. She stated that she had planned to rebid hearts over clubs (showing a major two-suited hand) and would have passed a 2♣ rebid by East. East stated that West had never made this bid with a hand this weak. West was asked by a Committee member what she would have bid to show a hand with hearts and 11-12 HCP. West was adamant that she would not have Doubled, she would have bid 2♥.

The Committee was split on the issue of West's purposely violating her partnership agreement. Two of the Committee members believed that West could have been unsure about the partnership agreement in this situation and could have been made aware of the specific agreement by East's Alert of the Double. The Committee was unanimous that West's hand did not fit the description "strong." The majority ruled that misinformation had been given and

unauthorized information was available to West. The Committee decided four to one that the final contract would have been 2♥ (one Committee member believed the final contract should have been 2♣X).

The next consideration was the score adjustment. Law 12C2 reads as follows:

*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, for 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.*

*The Laws Commission has discussed that “likely” is one chance in three and “probable” is one chance in six.*

The Committee first considered the most favorable result that was likely for North/South, the non-offending side. The Committee considered many lines of play and decided that the most likely result was 2♥X by West, down two, N/S +300 or Average Plus, whichever was better for North/South.

The Committee then determined the most unfavorable result that was at all probable for the offending side, East/West. The Committee discussed this at length and there was some sentiment for changing the result to 2♥X by West, down three, E/W -500 for East-West. The Committee decided this did not meet the one in six guideline and assigned 2♥X by West, down two, E/W -300 or Average Minus, whichever was worse for East/West.

<b>Committee Decision</b>	<b>N/S: 2♥X by W, Down 2, N/S +300 or AVE+ E/W: 2♥X by W, Down 2, E/W -300 or AVE-</b>
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### Committee Members

<b>Chair</b>	Alan LeBendig
<b>Member</b>	John Blubaugh
<b>Member</b>	Jim Linhart
<b>Member</b>	Zyraunt Marcinski
<b>Member</b>	Bill Passell

### Commentary

*The Committee received some solid support.*

**Weinstein:** The Committee seemed to have done a good job of wading through some very complicated issues and some very close decisions. I believed that the line of defense (and reasoning) that allowed 2♥ to make was relevant before deciding on damage.

**Wolff:** This was a very long winded write-up but with excellent reasoning.

**LeBendig:** West had approximately 400 masterpoints. We did not believe she was as capable of “scrambling” as an expert might have been. One of the key pieces of evidence was her statement that if she had five hearts and 11 to 12 HCP, she would have bid 2♥. And yet she was telling us she treated this holding as a strong one-suited hand in hearts which was one of their possibilities. She maintained she would have passed 2♣. We firmly believe she intended this as balancing and was “forced” into further action after the explanation. There was some discussion that the contract should have been adjusted to 2♣. In retrospect, that might have been more equitable.

*Other experts were not as convinced.*

**Colker:** This case was very reminiscent of Case Nine. Again, the Committee seems to have made a decision which was neither fish nor fowl. If East/West’s agreement was that the Double showed a minor one-suiter, both majors, or a “strong” hand, and West decided to treat her hand as “strong,” then North/South were given the correct information as to the bid’s meaning (not necessarily West’s hand, but that is immaterial) and the result at the table should have stood. This, of course, is provided that West’s treatment of her flat 12-count as “strong” was not the partnership’s agreement, in which case North/South were misinformed as to the real possibilities of West’s holdings. In this case a score adjustment would be in order, taking into account the correct information. If, on the other hand, the Committee felt that West could have been unsure of her partnership agreement in the Pass-out seat and could have been given unauthorized information by East’s Alert, then West should not have been permitted to run from 2♣X, and that should have been the final contract.

The Committee apparently voted 4 to 1 for this second interpretation, yet they allowed the contract to be 2♥X (and adjusted the score for misinformation on top of that). This is anomalous. Either West knew her agreements and deviated from them (in which case the result achieved at the table in 2♥X should have stood, as argued above), or West could

have been informed of her agreements by the unauthorized information from East's Alert (in which case the contract should have been rolled back to 2♣X, and an appropriate result assigned).

Having discussed this hand at length with several of the Committee members, I remain uncertain as to West's actual intent. I tended to lean toward the belief that West knew her agreements, but tried to survive a bid that was unlikely to be survivable (and was confused about the meaning of "strong" on top of that). I think the 2♥ contract should have stood, but that West was responsible for knowing that her definition of "strong" was not standard and correcting East's explanation by volunteering that she defined strong as "at least an opening bid." The result in 2♥X should have been adjusted to what would have been likely had the defense known about her idea of the meaning of "strong." In effect, this was what the Committee did, but it seems to have been done rather serendipitously.

**Gerard:** Wrong. If the Committee believed that West had unauthorized information, the final contract should have been 2♣X. Unlike Case Nine, the misdefense to 2♥ was less relevant when North/South didn't have a shot at their best contract - at most, they lose the same two tricks against 2♣X, but down three seems pretty clear. If the Committee believed that West had intentionally violated her agreement, there was no misinformation and North/South were on their own. There was no basis for changing the result in 2♥X. In the latter case, East/West now have an implicit agreement that "strong" means as little as a weak No Trump and must incorporate that in their explanation the next time this wonderful convention comes up. They shouldn't be using shortcuts, anyway, when more accurate descriptions are available.

**Granovetter:** I needed more information on this one. How was the hand defended? It seemed difficult to imagine West making 2♥ even if the defenders thought she had the majors. I will say it again, bad bridge should not be rewarded; if North/South defended poorly, they should not have received a score adjustment.

**Rosenberg:** This was a complicated case. What did the two Committee members who thought West might have forgotten the agreement believe West was showing? Surely not a strong hand, so it must have been some convention. It was not recorded what East/West were playing prior to the agreement, nor what West might have thought it was. It looked to me, on the facts presented, that West purposefully violated the agreement. Certainly if West were an expert, say Zia, and he explained that he decided to show the majors in preference to defending 1NT, even if it meant playing in a 3-3 or 4-2 fit, I would have believed him. This was definitely an "Ozzie" case. You would have had to have been there to make the right decision. The Committee appears to have worked hard and perhaps they were right. I would be upset if West knew what she was doing only to discover that she "couldn't win."

**Consensus:** *This case had a long write-up because the Committee wanted to make sure that everyone understood their reasoning. Four experts agreed that West, consciously or unconsciously, took advantage of the Alert procedure.*

<b>Subject of Appeal:</b> Unauthorized Information	<b>Event:</b> NABC Life Master Pairs	<b>Case:</b> 14
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**Auction**

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

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

1: Alerted, Lebensohl relay

**Hand Record**

<b>Board</b>		N	Alan Susskind		
<b>Dealer</b>	<b>N</b>	♠	QJ942		
		♥	A		
<b>Vul</b>	<b>None</b>	♦	K9		
		♣	96543		
<b>W</b>				<b>E</b>	
♠	1076			♠	AK3
♥	J65			♥	Q1097
♦	A83			♦	J64
♣	QJ82			♣	AK7
		S	Lou Reich		
		♠	85		
		♥	K8432		
		♦	Q10752		
		♣	10		

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

**Facts**

West bid 3NT after East Alerted his 2NT bid as Lebensohl. West did not believe they played Lebensohl in this situation.

**Director Ruling**

The Director ruled that there was unauthorized information available to West as a result of the Alert procedure. The contract was changed to 3♣ by East, down two, N/S +100.

<b>Director's Ruling</b>	<b>3♣ by E, Down 2, N/S +100</b>
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**Committee Ruling**

West testified that he had bid 3NT after East's 3♣ bid because he knew from the Alert of 2NT that East didn't have clubs. When West asked how he would have interpreted East's 3♣ bid had 2NT not been Alerted as Lebensohl, he repeatedly stated that he would have bid 3NT because East didn't really have clubs. Finally, when West was pressed for an interpretation of East's 3♣ bid if it had been made behind screens with no knowledge 2NT was Alerted, he admitted that it would have been unknown, but probably clubs.

The only justification for allowing West's 3NT bid had to be based on his presumed fit with East's clubs and the ♦A stopper (East's 3♣ bid was probably made out of fear of diamonds). West admitted that he had no belief that East held clubs for this 3♣ bid. The Committee confirmed the Director's ruling of to 3♣ by East, down two, N/S +100.

The Committee also assessed a one-quarter board procedural penalty against East/West that did not accrue to North/South for the blatant use of unauthorized information from the Alert procedure. A stiffer penalty was considered. West was apparently naive about his ethical obligations in such situations. West was warned that a recurrence of this kind of behavior would be dealt with more harshly.

<b>Committee Decision</b>	<b>3♣ by E, Down 2, N/S +100</b>
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## Committee Members

<b>Chair</b>	Richard Colker
<b>Member</b>	Mary Hardy
<b>Member</b>	Michael Huston
<b>Member</b>	Marlene Passell
<b>Member</b>	Judy Randel

## Commentary

*Colker and others liked his Committee's decision.*

**Colker:** I think this was an excellent decision, which took considerable time and effort to work out. I commend my colleagues for their perseverance and open-mindedness in working through this problem. The key to the Committee's final decision lay in West's not being able to understand his duty to bid as though East's 3♣ bid were natural (or whatever it would have been had there been no Alert of 2NT) and the auction had occurred behind screens. He admitted using the unauthorized information that East didn't really have clubs, and even though his hand might justify a 3NT bid based on the club fit (under the assumption that East really did have clubs), he didn't bid it for that reason and the bid therefore couldn't be allowed.

**Goldman:** This was a strange situation. It seemed like the 3♣ bid strongly suggested a Lebensohl interpretation (without the Alert). I certainly would have bid 3NT over an unAlerted 3♣ bid in this circumstance and I would hope for the best. This West was trying to take advantage.

**LeBendig:** This was a problem we have dealt with before. Had the 1NT bidder been asked about the 2NT bid and responded that it was invitational to 3NT, would there really have been a bid over 3♣? I know behind screens some of us might have worked it out. But it was also possible partner had long clubs and a minimum hand and chose the minor partial with heart weakness in light of no Stayman. That hand does exist. The fact was West fully admitted he bid 3NT because of the Alert and explanation. We could only allow that if Pass was not a logical alternative. I believe it was. I'm not delighted about North/South getting a bonus, but if East/West had continued to have their "accident" they would have received a bonus. So why should they have been deprived of one? In the Vanderbilt, I went down in a cold slam because I forgot to draw a trump which I knew was outstanding (I was a trick ahead). Nobody would have suggested that my opponents were not entitled to that bonus even in a pairs event. I don't see that this situation was any different.

**Sutherlin:** This was an important case. The Committee verified that unauthorized information was used by East/West to reach a favorable spot and they assessed the appropriate procedural penalty. We need to publicize this and send them to a Conduct and Ethics Committee next time.

**Weinstein:** Under the guidelines that have been adopted, it seems clear that the Director should have imposed the procedural penalty for unethical conduct at the table. The Committee decision was automatic and the consideration of further action was dealt with appropriately.

**Wolff:** This was an excellent and consistent Committee decision.

*Rosenberg agreed with the decision but protested the procedural penalty.*

**Rosenberg:** This was a frustrating type of situation for West. If West were an expert playing in a partnership that had Lebensohl agreements, it was obvious what had happened. Indeed, behind screens West would have been allowed to bid 3NT. But here, you were fixed, forced to play 3♣. That was just the way it had to be because you were not 100% sure instead of 99%. West's naivete apparently indicated we need feel no sympathy in this particular situation. However, I disagree completely with the procedural penalty. A reprimand, explanation, and recording of the incident would have been more appropriate. *(Editor: Hey! Maybe this was a definition of a censure!)*

*Gerard agreed but thought the decision was not consistent with Case Six.*

**Gerard:** Some of these Committee members served on the Committee in Case Six, which took away another quarter board for a meritless appeal. Other than the cause of the unauthorized information, the two cases were identical. Was it too much to hope for some consistency here? I don't understand why Life Masters should be allowed to proclaim ignorance about their ethical obligations.

*Granovetter apparently believed anything was fair and would have allowed 3NT.*

**Granovetter:** Behind screens, I would guess that 99 of 100 expert Wests would have bid 3NT over 3♣, whether because they guessed from partner's 3♣ bid that he was playing Lebensohl here, or whether they thought partner had overcalled 1NT with a long club suit, and a spade stopper. I don't see how North/South were damaged by their opponents reaching a 25 HCP 3NT contract. Once again, North chose to make life difficult by opening a 10-point one bid, and then cried foul when the opponents reached a normal game and his partner (influenced by the 1♠ opening) made the wrong opening lead. A diamond lead (fourth best) would have beaten 3NT by two tricks. I suppose I am old-fashioned, because hand after hand I am looking for every day, normal justice whereas the Committees seemed to be rewarding those looking for bureaucratic penalties and something-for-nothing gifts. I guess without the Director-callers, we'd all be out of jobs, so, hey, let's keep encouraging them.

**Consensus:** *Eight experts agreed with the decision. One expert thought the light opening contributed to the confusion. There was the usual disagreement about the procedural penalty.*

<b>Subject of Appeal:</b> Unauthorized Information	<b>Event:</b> NABC Life Master Pairs	<b>Case:</b> 15
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Three Card Drury
2: Alerted, Negative Response

### Hand Record

Board		N	Tom Hodapp		
<b>Dealer</b>		<b>N</b>			
<b>Vul</b>		<b>Both</b>			
<b>W</b>	Peter Boyd			<b>E</b>	Steve Robinson
♠	1093			♠	872
♥	J1092			♥	KQ83
♦	864			♦	K75
♣	AK9			♣	Q85
		<b>S</b>	Norm Coombs		
		♠	KQ654		
		♥	A74		
		♦	QJ		
		♣	1064		

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

### Facts

2♦ was Alerted as three-card support for spades. South made a negative response with his 12 HCP.

### Director Ruling

The Director ruled there was unauthorized information available. The contract was changed to 3♠ by South, down one, E/W +100.

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

North/South testified that the Director did not get a complete review of the facts. They believed the ruling was somewhat arbitrary and capricious. It went against all good bridge logic that North should have been forced to bid 3♠ (or anything else) because it violated the Law of Total Tricks and was fundamentally insane.

The Committee decided North might have forgotten his system and might have been awakened to the true agreement by South's Alert of 2♦. If 2♦ had not been Alerted, North might have thought his partner had six spades. The Committee decided that bidding over 2♠ was a logical alternative and a majority of players would have chosen to bid in the absence of the unauthorized information from the Alert. The Director's ruling of 3♠ by South, down one, E/W +100, was confirmed. The appeal was found to be substantially without merit and the \$50 deposit was forfeited.

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

<b>Chair</b>	Jan Cohen
<b>Member</b>	Jim Linhart
<b>Member</b>	Jon Wittes

### Commentary

*The experts had strong beliefs about this case.*

**Gerard:** Put me down as firmly in agreement, even if others might object. Under the Law, the Committee had no choice but to adjust the score, rejecting the North/South rhetoric. Retention of the deposit sent the right message to the bridge community: unauthorized information changed the rules of the game and put you at risk if you disregarded the opinions of your peers and then forced a Committee to tell you that you were wrong. Experienced players are supposed to know that the "I'm bidding game" mentality is not the basis on which Committees decide, even if it's their personal moral code when in receipt of unauthorized information. There should have been no concern about appellants adjusting their arguments to reflect the Laws Commission's definitions of a logical alternative, since Committees should always reject self-serving statements in favor of their own analysis (see Case Six).

**Colker:** This was an excellent Committee decision in every respect, right down to the forfeit of the deposit. Playing weak two-bids the "natural" auction: Pass-1♠, 2♦-2♠, shows a good opening bid (perhaps including six spades, depending on the partnership's agreements), since South might have opened 2♠ with minimum or subminimum high card values. Clearly, given this interpretation North might (should?) have raised 2♠ to 3♠, and the Alert just as clearly could have influenced North's decision to Pass. Players of North/South's experience should have known better than to bring this ruling to Committee.

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

**LeBendig:** This was tough. Even those players who maintain they would have always Passed 2♠ must surely acknowledge that 3♠ was definitely a logical alternative. If you acknowledge that fact, then why would you have filed an appeal? The Committee obviously believed North/South were experienced players and they should have been aware of the current guidelines. I agreed with the Committee.

**Weinstein:** The only thing fundamentally insane was the appeal and bringing the Law of Total Tricks into this (see what you have created Mr. Cohen). However, had North contended at the table that he intended 2♦ as three-card Drury, this would have been a different case.

**Wolff:** This was an excellent decision with the proper touch to get the player's attention.

*Rosenberg agreed with the decision but took his customary shot at the \$50 deposit.*

**Rosenberg:** I agree with the Committee except for that odious retention of the \$50.

*Some experts disagreed for a variety of reasons.*

**Granovetter:** It was never established if North forgot his system or if he treated his two honors in spades as a tripleton. This was the crux of the issue here. In addition, I would like to know what North/South's style was after a passed-hand two-over-one. Suppose 2♦ had not been Alerted; would it have been South's style to jump with a hand strong enough to make a game opposite 10 HCP?

The appeal was certainly not without merit. I think the Committee should give back the \$50 as soon as possible.

**Meckstroth:** I think the Committee made an error when they found this appeal to be without merit. I also think the decision was questionable. I know I would have always passed 2♠ in a matchpoint game and I think it was unduly punitive to have forced North to bid 3♠. I would have allowed 2♠ to stand and I would have assessed a small procedural penalty against North/South for forgetting their agreements.

**Passell:** This was a pretty harsh decision.

**Consensus:** *Seven panelists totally agreed with the decision and two experts disagreed. Perhaps if the Committee write-up had contained a statement as to whether North had or had not claimed at any time that he treated his ♠AJ as three-card support, the consensus would have been different.*

<b>Subject of Appeal:</b> Illegal Deception	<b>Event:</b> NABC Life Master Pairs	<b>Case:</b> 16
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### Auction

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

### Explanation of Special Calls and Points of Contention

1: Alerted, Club Stopper
2: Break in Tempo, Comment

### Hand Record

Board		N	Mike Levinson		
Dealer		W	♠ 6 ♥ Q1082 ♦ 865 ♣ 109764		
Vul		None			
W	Steve Weinstein			E	Fred Stewart
♠	A954			♠	KQ32
♥	64			♥	J53
♦	K102			♦	AJ973
♣	A852			♣	3
		S	Steve Paskin		
		♠	J1087		
		♥	AK97		
		♦	Q4		
		♣	KQJ		

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

### Facts

Before the pass of 4♣, South took a long time and announced, "There is no 4½♣ bid available, so I pass."

### Director Ruling

The Director ruled that East/West had been damaged by South's gratuitous comment. The contract was changed to 4♣X by North, down two, E/W +300.

<b>Director's Ruling</b>	<b>4♣X by N, Down 2, E/W +300</b>
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### Committee Ruling

West testified that he thought he should have Doubled 4♣ because East's 3♠ showed some values opposite his 10-12 1NT (the Redouble showed no values, it was Stayman), if South wanted to bid more, maybe there was something strange about the hand like an unexpected distribution. West was influenced by the comment and he passed. West called the Director to report the incident during the following round.

The Committee decided that South committed a serious ethical infraction. A gratuitous comment was made in a live auction that misled West. The Committee confirmed the Director's ruling of 4♣X by North, down two, E/W +300. The Committee also penalized North/South one-tenth of a board for the ethical violation. The Committee also considered adding a penalty for bringing an appeal that was substantially without merit. The Committee decided this case was just short of meeting the criterion needed to assess this penalty. North/South were told that it was very close, but the \$50 deposit was returned. East/West were instructed to call the Director at the time an infraction is first suspected.

<b>Committee Decision</b>	<b>4♣X by N, Down 2, E/W +300</b>
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## Committee Members

<b>Chair</b>	Richard Colker
<b>Member</b>	Mike Aliotta
<b>Member</b>	Nell Cahn
<b>Member</b>	Robb Gordon
<b>Member</b>	Jeff Meckstroth

### Commentary

*This was a controversial case.*

**Wolff:** The Committee made an excellent decision.

**Colker:** A few additional words of explanation are in order. The atmosphere at the table was friendly. The players knew one another, and the situation was being treated (perhaps inappropriately) quite casually. South's comment was offered good-naturedly and whimsical, given this context. Still, players must realize that such comments, even under conditions described, are perilous at best (as the present case attests). West was (perhaps) unduly influenced by South's comment, and refrained, against his better judgment, from Doubling. In my opinion the Director correctly instated a Double and adjusted the score accordingly. Also, in my opinion, North/South correctly appealed this decision. Such situations should be decided by Committee if any of the players have any questions about the appropriateness of the ruling at the table.

I think the Committee was generous in allowing West's Double, and might easily not have done so (given his four trumps, excellent defensive structure, and the values shown by East's 3♠ bid). In other words, West's Double might have been judged clear enough that it should have been made in spite of South's comment (given West's experience and expertise). Still, a majority of the Committee members felt that the only reason South escaped undoubled was because of his comment, and that he shouldn't be permitted to profit from it. I, personally, would have instated the Double for North/South but not for East/West, but I fully acknowledge that this was a very close decision.

**Meckstroth:** I sat on this Committee. We were completely convinced West was going to Double if not for the inappropriate comment. Perhaps he should have figured out to Double anyway, but the Committee believed full protection was warranted in this case.

**Passell:** This was another very good, strong decision

*LeBendig liked the penalty but was concerned about the score adjustment.*

**LeBendig:** I liked the penalty. I'm not sure about the adjustment. It seemed wrong to have given East/West +300. If they believed it was a serious problem, why wasn't the Director summoned when the dummy came down? I am comfortable with the North/South adjustment to -300. Anyone who made that remark must have been aware that it could have benefited him, even in a friendly game. Law 73 made these interpretations fairly clear.

*Now, for the "other" side.*

**Gerard:** Why did East/West get to think about it for a full round? If they had called the Director when the infraction took place, as they should have, West would have been told before acting over 4♣ that he took inferences from the opponent's hesitations and statements at his own risk and he should continue to exercise his bridge judgment but he would be protected against damage that South knew or could have known would result. Had West still Passed when it was clear to Double, his only recourse would have been under Law 73 for South's actual or constructive deception. That seemed a close question to me. South may have thought that he was holding a 4½♣ but he probably should have known East/West might have suspected 4♦ or 4♥, since he hadn't shown clubs. However, West didn't protect himself at the point of the infraction, so he was on his own passing 4♣.

**Granovetter:** Here was one of the worst rulings of them all. When two top-level experts failed to bid according to their cards and let a remark affect them, they should not have been allowed to run to the Director for redress. When is this business of calling for the cops after you failed in your bridge decision going to stop?

This was a fine example of the cure being worse than the disease. The disease in this case was some ill-judged table talk. The cure was the Appeals Process that gave a great result to a pair that deserved a bottom. I would have let the table result stand and advised South to refrain from further gratuitous table-talk. The penalty was definitely worse than the crime.

**Rosenberg:** I cannot decide this case without one vital piece of information. What did South's Double of 2♣ mean? If it showed a good hand, not just clubs, it should have been Alerted. I definitely did not agree that the comment was a "serious ethical infraction," unless it was deemed to have been made with the purpose of misleading the opponent. I don't agree with all this "if you could have known" stuff. Rules like that were made to avoid confronting the truth.

**Consensus:** *Four experts agreed with the decision. Three experts thought that because of the skill level of the players involved, the actual table result should have stood. It was also pointed out that this could have been considered to have been a “double shot” situation. One expert thought that a penalty was appropriate but a score adjustment was not.*

## Closing Comments

**John Blubaugh, Editor:** Editing the NABC Appeal Casebooks proved to be a challenging and rewarding task. I attempted to write-up each case relating the facts and not my own views (yes, I do have some). Many people are responsible for the growth and development of this project. I have used many (most) of the suggestions I have received. Hopefully, this will become a forum for expression of views and change. The Law Commission and the ACBL Board of Directors can wade through these often contradictory opinions, decide which ones represent the future of bridge, and implement changes to the Law and procedures. Directors have the opportunity to probe the minds of the experts and make better rulings at the table. Finally, Committee members world-wide can see how good Committees reason and reach decisions. They also get to see how experts view the Committee's decisions and can form their own opinions on what is correct based on the decisions and the expert's reaction to them. The beauty of this process is that Committee members do not get orders on how to think, only information to assist the thought process.

**Colker:** I think the recently implemented publication of appeal cases in NABC Daily Bulletins is wonderful. I received numerous comments to that effect in New Orleans from players at all levels, but especially from the non-expert ranks. Furthermore, I think the publication of the names of the players involved in each case (for Flight A and NABC Plus events only) is an even greater step forward for the accuracy of the appeals process, and the education of the bridge public. Committee members can now judge cases and assess penalties much more accurately, knowing something of the past history (at NABCs) of the players involved. In addition, players will think twice about bringing cases to Committee in the vague hope of winning in Committee what they couldn't win at the table. Marginal (and sub marginal) cases will be tried in the court of public opinion as well as in Committee, with the former being ever so much more influential than the latter.

I put this practice of publishing the players' names into effect for the first time (to my knowledge) at the ITT Team Trials in Las Vegas this past summer, and in two weeks of high pressure play only five appeals were filed. In addition, after receiving feedback from their peers in those cases which were obviously "marginal" (even though no "appeal without merit" penalties were issued), those involved told me (almost to a player) that they wished they hadn't brought the appeal in the first place, and would think twice before bringing a similar one in the future. The same thing seems to have happened in New Orleans. Only sixteen cases! What a miracle for a Summer NABC with over 12,000 tables in play!

In terms of the functioning of the NABC Appeals Committee, the decisions this time seemed to be of a higher and more even quality than in the past. However, some additional improvements are definitely in order. For one thing, the NABC Vice Chairs (who actually Chair most of the Committees) need to be formally and systematically informed regarding current policies and changes in the appeals process. For example, in Cases Ten and Thirteen in the current casebook the Committees refer to "discussion" by the Laws Commission that the term "likely" in Law 12C2 suggests a likelihood of "one chance in three" while the term "probable" suggests a likelihood of "one chance in six." Who, except the members of that Commission and Alan LeBendig, who attended the meeting (I also attended, but I arrived after that discussion had taken place) knew about that discussion? (It isn't mere coincidence that Alan chaired both of the Appeals Committees which used that guideline). None of the rest of the Vice Chairs had any idea where that policy came from. We read about it in the Daily Bulletin along with the rest of the bridge community. Personally, I felt embarrassed when I couldn't respond authoritatively to several people who approached me the day the first case citing that policy appeared and asked me about it.

And what, exactly, does the "discussion" of these members by the Laws Commission mean? Do they have the status of Law? Are they suggestions for Appeals Committees to work with? Are they the personal opinions of (some of) the Laws Commission's members?

In addition, who says (and on what authority) that this numerical approach (one in three, one in six) is the right way to decide which bids should and should not be allowed in the presence of unauthorized information? This approach is reminiscent of the not-too-recently deceased, and non-lamented, 75% rule (*Editor: Well, it is certainly lamented by Matthew Granovetter*). I personally feel that we are better off charging Committees with judging whether such bids should or should not be allowed according to their collective conscience. If a bid seems to be one which the player in question's peers would have made in the absence of the infraction, then it should be allowed - period. No numbers. No second guessing. Every Committee won't make the same decision, and more than five top experts will make the same bid in any given situation. (Just look at the Bridge World's Master Solvers' Club if you don't believe me.)

Looking for unanimity in such decisions seems an exercise in futility, especially when you realize that even numerically based decisions (one in three, one in six, 75%) come from the same subjective source that non-numerical judgments come from - the gut! Who says, and how do they know, that one in three players would have done that, and just which players are included in the group of peers we are trying to achieve a sense of? It just can't be any worse to simply charge the Committee with deciding whether allowing the bid in question is an auction they can live with, in the presence of the unauthorized information. As long as, they make a thoughtful and educated decision based on a consideration of the appropriate issues, their decision should be respected.

Do expert bridge players consistently make better bridge decisions than non-experts? Certainly. Can a novice's decision turn out more successful than an expert's on any given deal? Absolutely. Well, the same applies to Committees. Put our best, most experienced people on our Committees and let them do their thing, unhampered by arbitrary numerical constraints. Recognize that they'll make occasional errors, but publish, analyze, and discuss the cases so that we learn from them, and don't repeat our mistakes. Eventually, replace those who are judged not up to the task, and do so with firmness and resolve. Develop a core of "experts" who will do the best job possible, even though it won't be perfect. I think we are deluding ourselves to do it any other way.

It seems every few NABCs some new policy affecting Appeals Committee rulings is adopted, and the decision seems to be made (almost) secretly in some Star Chamber-like proceeding. These policies need to be discussed and formalized more broadly, bringing the Vice Chairs, if not the entire NABC Appeals Committee, into the process (at least for the purpose of discussion). In addition, interpretations and applications of Law or policy, as they apply to sacrifice (perhaps difficult or questionable) cases, need to be discussed regularly by upper echelon (Co- and Vice Chairs) members of the NABC Appeals Committee.

These casebooks often leave the reader uncertain as to what the appropriate ruling should have been, especially in cases where the discussants' opinions seemed "all over the place." The casebook badly needs a moderator, similar to the Director in the Bridge World's Master Solvers' Club, who can focus and interpret opinions of the discussants (*Editor: This was such a good idea, we decided to start it with this casebook. Besides, everyone was tired of seeing Rich's comments first on every case*). This moderator should also provide some closure on the decision for each case, or at least isolate and clarify the issues which need to be resolved in order for the process to move forward. While this information can sometimes be gleaned from the unmoderated discussion as it now exists, too often it takes a combination lawyer-judge-committee expert to untangle the mess. As long as we are trying to reach a fairly broad audience with these publications, we need to help the reader achieve a sense of what is happening and why, without the need for a personal interpreter.

Well, if I haven't completely alienated all of my Committee friends by now, I'll be back for the Atlanta casebook. Hmm, maybe I should consider taking up Mah-Jongg?

**Gerard:** These decisions, few as they were, seem to represent a step backward from previous progress. I had serious reservations about half the cases, two on pure bridge judgment (cases three and five) and the rest on whether the right principles were applied. In addition, there was the dangerous precedent represented by Case Five, which had Ethical Oversight undertones that I think were unwarranted. On the plus side is the lesson of Case Fifteen and continuing better documentation. However, we need to devote the same attention to procedural matters that went into improving the decision themselves. Matchpoint penalties and the \$50 deposit have drawn serious criticism, so it's important that there be some consistency and not a feeling of monkeys typing Shakespeare.

**Goldman:** If the non-offending side employs a device which created "unfamiliar territory" (*Editor: Should we now refer to this as UT?*), slight to medium hesitations should not yield a "was there a reasonable alternative" scenario. The players should be held only to a "would a majority of peers have taken this action."

**Granovetter:** Appeals Committees are nothing new. When I first started playing bridge, more than 30 years ago, it was common practice for players to appeal the Director's ruling. There was a fine system used in New York City called the 75% rule. If the Committee decided that a bid would be made by 75% of the player's peers, it would be allowed. If not, it would be disallowed and the score changed. The objective of the Appeals Committee was to administer justice.

In the first half of the 1990s, this has changed. The reason is the campaign known as Active Ethics. The noble idea behind this campaign is to get players to bend over backwards after their partner's hesitation, or Alert, or verbal explanation, which may unfairly influence their next bidding decision. Because of the wide publicity of the Active Ethics campaign, and the strong influence of the advocates of this campaign on the players who sit as judges on the Appeals Committees, the judgments are now emotionally biased against the side that made the hesitation or Alert. The "75% rule of thumb" has been discarded in favor of a "logical alternative," which in effect increased the 75% rule to about 99%.

The trouble with the Appeals System is this bias. There is no justice in the bridge appeals courts, because there is a "guilty until proven innocent" attitude against those who "take advantage" of a hesitation, or Alert. If you address this issue to the leaders of the campaign, they will tell you that the end justifies the means. They are out to rid the bridge world of poor ethics even at the cost of unjust rulings. I have been assured that after this particular aspect is taken care of, the committees will turn their attention to the resulting fallout. This is not a healthy situation, nor is it leading to better ethics, because now we see another kind of poor ethical behavior becoming popular: On the slightest excuse, players are looking for "something for nothing" and self-righteously protest when they get a bad result. Man-made ethics are moral principles, rules of conduct, which unfortunately are subject to fads and whims.

To illustrate, go back to the 1950s, when it was accepted ethics to read the hesitations of your partner at the rubber bridge table. Now the fashion is to severely punish those who take subconsciously influenced bridge positions; this is done to send a message to the public, at the expense of creating a new sort of bridge monster.

What is the solution to all this? Here are my suggestions.

First, dump the Alert system. It causes half the problems and everyone is now sick of the word Alert. Make every established partnership publish its complete methods and update them one month prior to championship events. Do not allow Alerts at the table, at least not above the 3NT level or after both opponents have passed. If a pair prefers to be Alerted, however, it has this right, but then the pair cannot protest if the opponents use the Alert to their advantage.

Second, after hesitations use the 75% rule. It was always a fair rule and always worked well. It was only dumped to satisfy the "hang 'em" cravings of the Active Ethics campaign.

Third, don't insult the players' intelligence by calling the Appeals Committees a court of justice, at least not until they are allowed to decide each case on the basis of justice rather than on the basis of which way the political wind is blowing this year.

Finally, all Committee members should be instructed to be polite to the people who make an Appeal; they should not embarrass them. Without courtesy and good manners, there is unlikely to be an unbiased judgment. Also, when players are embarrassed as they are now with the publishing of their names they are less likely to make an appeal,

whether because they do not want to be embarrassed or because they are kind souls and therefore do not wish to embarrass others. This issue related also to the simple call for a Director. For example, when a card is played out of turn, no one hesitates to call the Director. Because the rules are clear and technical by calling the Director you are not accusing your opponents of doing anything unethical. Before Active Ethics, when you called the Director on a bid that may have been influenced by a hesitation, you also were not accusing the opponents of doing anything improper, you were merely saying that the opponent might have been subconsciously influenced. Now, however, your call for the Director is a clear accusation of poor ethics by your opponents. Not only that but the system is set up in such a way that your opponents will be shamed in front of the entire bridge community. Thus, many of us will refrain from calling the Director when we should because we do not want to initiate this embarrassing procedure.

In short, Committee members should not accuse players of poor ethics. Poor ethics should be deemed as clear, conscious offenses, such as looking into someone's hand or agreeing to the wrong trick count when your opponent fills out the score slip incorrectly. Hesitations and misinformation situations are not by definition poor ethics. There is too much gray area involved here. These offenses are usually not conscious ones. After a hesitation, it is psychologically impossible for a player not to be influenced that the bid he wants to make is the same bid he would make without the hesitation. I would go so far as to say there is not one player among us who has never made a bid influenced to some degree on partner's mannerisms. Not one. (*Editor: Matthew, I am becoming very concerned about these games you played in New York. It seems that it was a case of anything goes. That is not the way things are done now and I don't believe we will ever return to those "good old days" when some form of poker was being played, not bridge.*)

**LeBendig:** It was difficult to determine what caused the decrease in appeals during a large tournament. The first two nights were fairly heavy. The write-ups started appearing in the Daily Bulletin and business slacked off. I believe that publishing the names had a lot to do with this decrease in appeals. No one wants the world to see that they are filing weak cases. I disagree with Granovetter about any embarrassment involved. If you have a valid appeal, it is not embarrassing to file that case. If you are looking for something for nothing, you should be embarrassed. It must have also helped to see that Committees are being more uniform in the determination of appeals lacking merit. That publicity alone was bound to cut down on appeals. I view this decrease in cases as a very positive step. Two of the last three Spingold matches ended with single digit differences and there were no appeals out of either match.

The write-ups by the Committee Chairmen have improved enormously. This obviously makes it much easier for the experts to judge the decision.

One thing that bothers me is that we seem to be rushing to a determination of logical alternatives before establishing that the unauthorized information suggested one action might be more successful than another.

When determining logical alternatives, I believe the Committees are doing a good job. Obvious bids are being permitted for the most part. Granovetter makes several references to the 75% guideline which has not been in practice for five years. I'm sure he will catch up with how the Laws Commission has suggested we determine what actions qualify. I don't believe we will ever go back to that determination.

Colker suggests that some of our policies seem to be determined "(almost) secretly in some Star Chamber-like proceeding." I don't believe this is the case. Sometimes there are different ways of viewing things which we may discuss at a given NABC. Just because it doesn't make it into that casebook doesn't mean we didn't affect the change. I will try to do a better job of publishing these changes for our membership.

My involvement in Cases Ten and Thirteen was totally coincidental. It was a year ago that the Laws Commission suggested that, when dealing with score adjustment (Law 12C2), we might use a guideline of one in three for determining a likely result for the offending side. As I recall, this was mainly to make us more aware that it was always the intent that the results could be different and the offending side should be more likely to get the worst of it. This was never dictated but only set forth as a guideline. In my write-ups, I only wanted others to know what determinations we had used in arriving at our final decision.

Overall, I feel quite content that we are being much more consistent in our approach to these problems. We will never get to a point where everyone agrees on the judgments involved in each Committee. However, we can be treating the different types of cases in uniform fashion. Such consistency will continue to heighten the validity of the process.

**Meckstroth:** Congratulations to everyone in this process! This was by far the best collection of decisions I have ever seen from an NABC. There were no ridiculous decisions. I only thought one decision was incorrect. The number of appeals was down and that was a very positive sign. I'm very happy with the inclusion of the names of the appellants in Flight A or higher events. I'm confident this will be a very positive step, not only to reduce the number of appeals, but also to help spot the repeat offenders. Let's all keep up the good work.

**Passell:** This was the best Committee work I have ever seen overall. Case Four was the disgraceful exception.

**Rosenberg:** On the whole, I thought the Committees did well. It must become a matter of course to establish the length of all breaks in tempo. I would also like to see breaks in tempo defined as "bad" or "not bad." Here is how I would define a "bad" break in tempo:

1. The player breaking tempo has not promised any values prior to the hesitation and now passes.
2. The player breaking tempo defines his or her hand by the tempo-break, i.e. minimum or maximum, suit length, slam interest, lack of slam interest, doubt when placing the final contract (frequently 3NT), lack of doubt when placing the final contract (also frequently 3N), etc.

3. Generally breaks in tempo by a regular partnership are more likely to be “bad,” because partner is more likely to be aware of personal predilections (e.g. thinking before raising 1NT to 2NT).

There are others that should be included in this list. The main thing is to have a list that Committee members can use for reference. Understanding this should help create more uniformity in decisions.

**Weinstein:** The write-ups continue to improve. I don't know if this is a function of experience, fewer Committees, or better chairpeople. The only decision I strongly disagreed with was Case Eleven. Similarly, the only Director's rulings that were exceptionally poor were Cases Three and Eleven. I thought a couple of others could have been better but it is difficult to make a ruling at the time without all the factual and other information that comes out in a Committee. The Director's rulings must have numbered in the thousands and only sixteen appear before a Committee. This was terrific. Are people becoming more educated regarding their responsibilities? Are they intimidated by the publishing of the names, both from the standpoint of protesting and committing offenses? Are the Director's rulings becoming more consistent and better explained? Are people just more laid back in New Orleans?

I would still like to see the names of people involved in the Committee published for all events, not just NABC and Flight A events. I would also like to see a notation indicating the protesting pair. I also feel it is important that interpretations from the Laws Commission and general guidelines from the appeals Chairpeople regarding the suggested remedies in various situations be disseminated better than is currently done, both nationally and locally. I would like to see a “Committee Guidebook.” (*Editor: The Appeals Committee Handbook is completed and should be published before the Atlanta NABC.*)

**Wolff:** We have come a long way towards respectability. Let's not get derailed. Remember:

1. Penalize offenders
2. Be on the side of the angels
3. Protect the field in a round robin field or matchpoints
4. Be tough
5. Be non-political
6. Be consistent

*The following comments from Bobby Goldman were first published in the 1995 Spring Phoenix NABC Appeals Casebook. Michael Rosenberg disagreed with Bobby's view, and his remarks and Bobby's rebuttal follow.*

**Goldman:** The quality of the case reports continues to improve and I no longer view this as a problem.

The #1 ongoing problem is that the rule makers have left too many loopholes in their rules. This goes for the Laws Commission, The Alert regulators, the Active Ethics promulgators, and others with power over how the game should be played. The spirit of the game and the Laws of the game have to converge, if not coincide. Committee members should not be forced to guess at or judge many of the recurring issues that come before them. Authoritative Laws and regulations have to spell out exactly how recurring violations are to be dealt with in clear language if we ever hope to see uniformity of Committee decisions.

One such area that needs addressing is statements about one's own hand within the Alert procedure. We need clear guidelines for what is required when partner has not fully done his job and what is improper. I would propose: "Information that is given to the opponents should be provided by the partner of the bidder (so as not to be influenced by the actual holding). When the partner has neglected to provide full or completely accurate information as per the partnership's agreements, then the bidder has an obligation to correct such information, but only to the degree that such corrections conform to his hand."

What is occurring in the area of hesitations is distressing me more and more. The notion that a pair who calls a director asking for a score adjustment is an "innocent" needs to be thrown into the same heap as the notion that the O.J. Simpson trial is about finding out the truth. By law, a hesitator is not an offender. His partner, who may have taken advantage of the hesitation, is a suspect. He is suspected of trying to use the hesitation to get something he isn't entitled to. But those who call the director asking for an adjustment are also suspects. They should be suspected of trying to get something to which they are not entitled. My main point here is both sides need to be entered into the judgment process in a more equal manner. The common trend today is a bid after a hesitation, a call of a director, a cursory examination of the issues, and a ruling in favor of the "non-offending" side. This results in jeopardy in a hearing for one side and a "free shot" for the other side. Sometimes it is really free because the hesitating side is not motivated to take the time to appeal.

The next element of "hesitation rulings" that bothers me is the excess awards given to the "non-offending side." Sometimes they are "fixed," and their result should be scored the same as all other fixes. For a "non-offending side" to receive a score adjustment, all of the following should be demonstrated:

1. The questioned bid did not meet the guidelines of acceptability
2. The opponents did not gain an equity advantage by the purported infraction, bidding and making a poor slam a fix, not an ethical injury
3. The hesitator's problem must conform to the claimed advantage that was taken. Thus, if a bidder's actual problem is thinking of passing 2♣ or raising to 3♣ and the partner is accused of going to 4♣ with insufficient values thinking the hesitation implied a 3½♣ bid, there is no valid claim of being taken advantage of.

The description above just addresses adjustments for the "non-offending" side. More stringent restrictions may be appropriate for the offenders, and of course Committees should be firm in applying procedural penalties for blatantly taking advantage of illicitly obtained information.

Another element of "hesitations" policy that I would like to see implemented is a much lower standard of reasonableness when the hesitation occurs after a "make life difficult" convention like MULTI or a 10-12 HCP 1NT. In these cases, a standard of 51% to perhaps 75% of peers would be more appropriate, while the standard of users of such conventions should be set very high.

**Rosenberg:** I would like to address Bobby Goldman's closing statement in the Phoenix Appeals Casebook.

Goldman believes the opponents must gain an equity advantage from the purported infraction. If they hesitate their way into a 2% slam and it makes, he says, you are not entitled to any redress. I have never been quite sure about this concept. I have given it a great deal of thought and I disagree. One advantage of not doing it Bobby's way is that Committees will not need to determine whether a contract is "good" or how "good it needs to be. But the main point that kept coming back to me was this; you should not be doing worse than you would have done against the ethical opponents. It should not matter that the opponents also used judgment. If they did something unethical, why should their opponents lose out? It is true that if your opponents take a 2% action, it will work 2% of the time. If they take 0% action it will work 0% of the time. I believe being unethical should be a 0% action, as much as we can make it so.

There seems to be a lot of confusion about "double shots." Many people believe they should not exist. I believe they do happen. The clearest example is Hesitation Blackwood. If a slam goes down, the score stands. If it makes, the score gets adjusted to five making six. I do not believe it is my responsibility to call the Director to warn an opponent that he is about to make a call that will likely be reversed if successful. I prefer not to call the Director until and unless I am convinced that my opponent has taken advantage of unauthorized information. This means I frequently need to wait until I see the player's hand.

The other point made by Bobby Goldman that I wish to address, is that the non-offending side is not entitled to redress unless "The hesitator's problem conforms to the claimed advantage that was taken." I believe he was referring particularly to Case Five from Phoenix. I actually served on that Committee. Leaving aside his bridge judgment of the situation, which I do not accept, I find myself in disagreement on this point: If I believe someone made a call as a

consequence of their partner's break in tempo, I would not allow the bid to stand if successful and I would change the score for both sides regardless of whether the break in tempo suggested a particular action or not. In other words, after a break in tempo which does not point to a particular action, I still would not allow a player to take an illogical action based on the previous auction. It is likely that the break in tempo caused partner to reevaluate their hand.

*The issue seemed so important that I send Goldman's and Rosenberg's comments to the other experts and solicited their opinions. Here are those comments.*

**Blubaugh:** I could agree either side of this issue quite easily. I wish the world was as Rosenberg would wish and players would only ask for relief when they were truly damaged. Unfortunately that is not the case. I had the advantage of reading all of the comments. I find great wisdom in Bobby Wolff's comment: "Let's level the playing field, accept our obligation of participating in top-level bridge, be role models for the next generation of players and enjoy a game as it was meant to be played." If we all paid more attention to this "role model" concept, the game would improve dramatically.

**Colker:** First, Bobby is right on target when he says "Committee members should not be forced to guess at or judge many of the recurring issues that come before them. Authoritative Laws and regulations have to spell out exactly how recurring violations are to be dealt with in clear language..." This is precisely what I argued for in my closing statement on the Progress of NABC Appeals. Philosophies, policies, and interpretations need to be discussed on a regular, ongoing basis and the results of such proceedings disseminated to the rank and file NABC Appeals Committee members for formal implementation. The discussion appearing in these Casebooks would provide an important forum for this process to draw upon.

Some issues, however, ultimately come down to philosophical differences. For example, the issue Bobby and Michael are talking about regarding the appropriate way to deal with adjustments for the non-offending side (typically in hesitation situations) boils down to whether or not you believe that the non-offenders have to accept highly improbable results as fixes (the so called "rub of the green"), even if the contract was reached through "Improper" means. If a pair reaches a very low probability slam via a "hesitation Blackwood" auction which just happens to make, everyone agrees that the offenders do not get to keep their good result. But Bobby feels the non-offenders should keep their result since it was due to an unfortunate lie of the cards and since they would have been happy to keep it, and would probably not even have called the Director, had the slam gone down -- the principle being: if they're willing to benefit from the infraction when it works to their advantage, they should have to live with it when they're "fixed", while Michael feels that the result should be adjusted for the non-offenders to be no worse than they "would have done against ethical opponents."

I have been (passively) on Bobby's side on this issue for some time now, but I feel that Michael's arguments have a good deal of merit. (Especially the problem created by having to determine whether a contract is "good", or how "good" it needs to be, before the non-offenders are entitled to redress.) I agree with Michael's point that "It should not matter that the opponents also used bad judgment. If they did something unethical, why should their opponents lose out?" The principle that (likely) ethical violations should not affect the result on any deal has a good ring to it. It is a simple position which holds moral high ground.

I certainly don't buy Bobby's argument that if "The opponents did not gain an equity advantage by the purported infraction, bidding and making a poor slam is a fix, not an ethical injury." It is an ethical injury. Still, it could be effectively argued that the opponents' right to redress is counteracted by the fact that they would likely have kept their result if it had turned out favorable for them (i.e. the slam went down). All things considered, presently I'm more sympathetic to Michael's position on this issue.

Bobby's reminder about Committees protecting the field by insuring that complainers still receive their fair share of fixes, and seeing to it that complainers not do better than they would have against non-hesitating opponents, misses the point in two ways. First, protecting the field is accomplished (in part) by not awarding extremely fortuitous and unlikely, results to players just because they were at the table when an opponent committed an infraction. It is not done by insuring that a mixture of results still occurs in adjudicated situations, including the "expected" proportion of fixes. Second, when it is determined that a possible impropriety has occurred it is the primary responsibility of a Committee to see to it that the offenders not profit, and that their "innocent" opponents are protected. It is not to insure that the opponents are still subject to the same random perturbations of fate as the rest of the field.

I suggest a policy for Appeals Committees for cases where an infraction requiring a score adjustment has occurred. Non-offending opponents in such cases should receive protection to the point of restoring equity on the board when that can be determined or the percentage of their game (average plus) when equity cannot be determined.

A possible problem with Michael's position might arise when players discover that potential ethical violations result in automatic score adjustments for non-offenders. This could appreciably increase claims for score adjustments in highly questionable situations. However, stiff and certain penalties for "appeals lacking merit" would probably deal with this problem quite effectively. This is consistent with Bobby's proposal to view the pair calling the Director and asking for a score adjustment not as "innocents," but as "suspects" (of trying to get something to which they are not entitled). This is a good proposal, but it is nothing new. Many of us have been treating both sides with equal degrees of skepticism for as long as I can remember.

I also disagree with Bobby's suggestion that in order for a claim for a score adjustment to be upheld "The hesitator's problem must conform to the claimed advantage that was taken." I see this really as a variation on the previous issue of non-offenders keeping their fixes. Bobby is saying, in essence, that if the opponents act improperly in a hesitation situation there is no claim for redress if the hesitator's partner "misreads" the hesitator's problem (e.g., Bobby's example of thinking a hesitation implied a 3½♠ raise when the player was actually thinking of passing 2♠), or uses poor judgment in

the process (in Bobby's example, bidding the game with insufficient values even if partner had the 3½♠ raise expected). In other words, even though the situation arose due to the (likely) improper conduct of an opponent, if the contract reached was a poor one and the result unlikely, that is just "rub of the green"; a fix. Michael is right on target here by saying that if someone made a call as a consequence of their partner's break in tempo, it should not be allowed to stand if successful. After a break in tempo a player should not be allowed to take an illogical action based on the previous auction, and the opponents should not have to accept an adverse result every time an unlikely turn of events is manifest.

I also agree with Michael about the "double shot" issue. As I have said before, double shots are sometimes afforded non-offenders by the Laws, or because of the actions of the offenders. The types of double shots which are unacceptable, and which should never be allowed, are those which players create for themselves, even when they follow and are motivated by the opponents' infraction. Here is an example of an acceptable double shot. In a competitive auction a player mis-explains his partner's bid, and an opponent consequently bids a questionable game which is made more attractive by this misinformation. Near the end of the hand the same player who gave the misinformation now remembers his partnership agreements, and corrects his own misinformation. The opponent has been given a double shot. If the contract has made, and the player believes that he might have bid the game anyhow, he can ignore the new information and accept the result. If, however, the contract has been defeated he can call the Director and justify why he believes he might not have bid the game had he been given the correct information during the auction.

The previous example would become an unacceptable double shot (motivated by the opponents' infraction) if the opponent knew fully-well the correct meaning of the bid which was mis-explained, and further bid the game knowing that if it went down he could justify to the Director (and a Committee) that he would never have bid it but for the misinformation. If the Committee discovers that the player clearly knew the meaning of the mis-explained bid, and determines that he could have known at the time that bidding the game would be a no-lose proposition, it should take harsh action against him.

**Goldman:** The major reason I disagree with Michael Rosenberg's view on score adjustments for the non-offending side relates to his expression "you should not be doing worse than you would have done against ethical opponents."

Standard Appeals Committees do not issue statements that an offending side has cheated or even that they were unethical. When a Committee gets that distressed at a transgression, it should be forwarding the matter to a Conduct and Ethics Committee. In a minority of cases, a procedural penalty will be added when a Committee thinks something too blatant has occurred (but not so severe to warrant a Conduct and Ethics Committee action). In the rest of the hesitation cases, the Committee states that an out of tempo action has occurred, that a winning action was taken that may have been suggested by the out of tempo action, and that something short of an overwhelming majority of peers would have taken the same or equivalent action. I would venture to say in the non-blatant convictions, more often than not the Committee believed the offender probably would have taken the disputed action in the absence of unauthorized information. It is incumbent on Committees to protect the "field" and make sure complainers still receive their fair share of fixes and that they do not do better (or average) than they would have done against non-hesitating opponents.

**Granovetter:** Rosenberg, who has only good motives and wants justice at the table, has overlooked the consequences of postponing a call for the director until the hand is over. Follow this example, which he writes about: Rosenberg states that when his opponent hesitates after a Blackwood response, he does not like to call the director. His opponent now bids a slam. He waits till the deal is over and can examine the hand to see if the player, in his opinion, has taken advantage of the hesitation. But, if his opponents go down in the slam, does he also examine the hand or does he sign the score slip and happily accept his +50?

We know the answer. He accepts his +50. What is wrong with this? Let us suppose that his opponent did take unfair advantage of the hesitation when he bid the slam (which went down one).

1. The rest of the field in his direction has lost an unfair matchpoint
2. Rosenberg has gained an unfair top

Talk about ethics! The absurdity of it all is that Rosenberg has laid out a scenario where it is to your advantage if your opponents are unethical! By not calling the Director at the time of the hesitation, you ensure yourself an average or a top. But if you call the Director at the time of the hesitation, and have the Director warn them, you are forced to accept only the one score that would occur if Active Ethics are applied. You don't get a double shot. (Editor: I hate to keep picking on Matthew, but I disagree with this concept. If you call when the hesitation is made, you may be intimidating the hesitator's partner. I think the Director should be called after the auction is completed and then called back if unauthorized information has been used).

Second, and just as important, there are many, many players who are not able to judge if the opponents have taken advantage of a hesitation, players much less capable than Rosenberg. Since figuring out if your opponents have done something unethical should really not be part of the bridge game, it is incumbent upon everyone to call the Director at the time of the hesitation. Let the professional Director or/and Committee decide the ethical issue. Why should you have to sit there and analyze the bidding in the postmortem in the few seconds between one round and the next to decide what many Committees take a full hour to decide? In the interest of Active Ethics and fairness, the rule of hesitation must be as follows: After a hesitation in the bidding (or any out of tempo call), it is recommended that you call the Director. This is the same as a bid out of turn or an exposed card. (You are not accusing your opponents of doing anything unethical. In fact, they haven't! It is when you call the Director after the subsequent bid that you are accusing them of poor ethics.) The Director must be called immediately, if you want protection. Failure to do so will mean no protection, no Director later, no right to an Appeal and a severe fine if you later accuse your opponents of unethical bidding.

What happens after the Director is called? The Director comes to the table and the play continues to the very end. If there is a subsequent call that might have been based on the hesitation, the Director sends the board to Committee. (Even if the non-offending side got a good result.) The deal is now in the hands of the umpires. The Committee members decide on one and only one score for both sides: the score that they think would have been arrived at without the hesitation.

One last word: With regard to this, we should use Bobby Goldman's excellent idea that leniency be applied toward pairs playing against unfamiliar systems.

**Kaplan:** The Laws Commission has discussed at length one of Goldman's problems: The player who corrects partner's error, thereby giving a false impression about his own hand ("He should have told you I could have four good spades," when the player actually holds two small spades). Such a player cannot be penalized since, in announcing his actual agreement, he is doing what the Law requires. However, the Commission points out, the player's partner has already committed an infraction, so a penalty may be imposed when natural justice so dictates.

In the other matter of dispute, I strongly agree with Rosenberg, and so, in my opinion, would the Laws Commission.

**LeBendig:** Goldman and Rosenberg both make some good points. I obviously don't totally agree with either of them.

1. If there has been an ethical violation which has gotten a pair to a terrible contract which happened to make, it makes no sense to me that the non-offending side should have to accept this as a fix. If they made some egregious error in the defense of the hand that is a different matter. If they had nothing to do with the making of the contract other than to hold the wrong cards. I can't imagine leaving them with this result. Michael states his position here very well.

2. Bobby states: "...for the non-offending side to receive a score adjustment...the hesitator's problem must conform to the claimed advantage that was taken." Michael states: "If I believe someone made a call as a consequence of their partner's break in tempo, I would not allow the bid to stand if successful and I would change the score for both sides regardless of whether the break in tempo suggested a particular action or not." Michael suggests he not only believes that the Laws are incorrect here, but he would decide against the Laws. If the unauthorized information doesn't suggest one action over another, we have no basis for determining logical alternatives. If someone guessed right, so be it. In the example Bobby uses, if a reasonable person cannot determine if it was a "weak" hesitation or a "strong" hesitation, any action taken by the partner stands. In such hesitations, my belief is that they usually show extras. Players seem to have no problem making weak bids. If we believe this to be consistent, let's agree and decide accordingly. If we don't agree, I can't believe we should change a result because a player guessed right after a hesitation which could have had one of several meanings.

3. I love Bobby's proposal for correcting misinformation "...only to the degree that such corrections conform to (your) hand." It would be nice if the Laws were to reflect such a sensible concept. Currently, after an auction of 1♣-1♥-1♠-3NT, the responding hand can say, "my partner failed to Alert that I may have bypassed a longer diamond suit." All the while he is looking at three small diamonds. We are told the Laws require him to do so. Edgar Kaplan does allow that we could achieve some equity by issuing a penalty because of the partner's violation of not Alerting. It would be better if we could deal with this issue by telling someone they can't do that.

These discussions are good for bridge.

**Treadwell:** Goldman's goal: "Authoritative Laws and regulations have to spell out exactly how recurring violations are to be dealt with in clear language...." is great in theory and we certainly should be striving to achieve it. Part of the problem, however, is the complexity of the issues and the multitude of cases of seeming similarity but with differences that could affect a decision. To cover even this 95% completely would require a lengthy treatise couched in legalistic terms which would be difficult in some cases to interpret. It would be a backward step if Directors or Committees had to employ a lawyer to advise them what this legalese meant. So, let's try to improve the Laws and regulations in small steps but keeping in mind that clarity is at least as important as completeness.

I think Bobby's proposal regarding information and the Alert procedure is excellent. It called to mind an incident where my RHO as dealer bid 2♥ which was passed out. Before I led, RHO said there was a failure to Alert. It seems, said RHO, that they use 2♥ as Flannery. I merely said thank you and led. As the hand developed, it became evident that RHO had an ordinary weak two-bid in hearts with only two spades. I called the Director then and explained the situation and said I was not seeking a score adjustment since neither our bidding nor defense was adversely affected. The Director consulted with the head Director, Brian Moran, and returned with the message that RHO had done just what she was supposed to do. This bothered me. A statement such as Bobby's would prevent such an incident from occurring provided we can educate tournament players to what it means.

I cannot follow Bobby's concerns about "hesitation decisions." If we rule that a player may have taken advantage of partner's hesitation, then we do not allow the call and the contract is changed or an arbitrary score is assigned. I do not see how the opponents can ever be "fixed" after a hesitation violation. It is different when it is a matter of misinformation: now the opponent's bidding or defense may (and I stress, may) have been adversely affected as a result. If a Director should rule or a Committee decide that the misinformation was irrelevant to the table result, then the opponents may well have been "fixed" if the mis-informers get to a particularly lucky contract.

Michael Rosenberg's proposal that "bad" and "not bad" breaks in tempo be defined is good, but it is impossible to cover all of the various situations. In some auctions, particularly competitive auctions at a high level, the hesitator may merely be trying to figure out what is going on. Once he has decided what his partner's last call meant in the context of the entire auction, then his choice of bids is fairly clear. There is always a chance, however, that he has misinterpreted the

auction. Now, if the partnership can demonstrate that it has no firm understanding for this situation and were simply groping to a final lucky contract, the opponents have no basis for redress unless they can show advantage was taken of unauthorized information conveyed by the hesitator.

I completely agree with Bobby's statement about viewing hesitation cases, in general, as bridge cases opposed to ethics violations. If a Committee determination there has been a true violation of our ethical precepts, then a Conduct and Ethics Committee should hear this. We do have an intermediate step, the procedural penalty, which I am glad to find we are using more often, to cover blatant violations.

**Wolff:** Bobby Goldman's and Michael Rosenberg's comments are worthy of discussion. They represent where we are now and some of the problems that need to be resolved for us to continue in an uninterrupted path to success. I do not intend to comment on all of their concerns, only the ones I think have a solution.

Both Bobby and Michael present valid points. Bobby feels we are incorrectly practicing a form of hesitation genocide, "If it hesitates, kill it," and a much too generous posture toward a so-called innocent or nonoffending side. Michael demands that the non-offending side be protected at all costs and states it: "You should not be doing worse than you would have done against ethical opponents." He, of course, is very tough on hesitators.

Bobby believes that since hesitations have long been part of bridge and, by law, are not offenses, why should they be discriminated against? He also feels that many times so-called "innocents" have greedy motives in wanting adjustment (I would like to call it double-shots). Michael, in his relatively young and perhaps naive thought, believes that the (as he) would only try to get what they are entitled to, and under that fantasy, all would even out and bridge and justice would be served.

Michael is close to representing the way we have practiced appeals for several years. Bobby represents change, but wants to protect the right to hesitate. Since both views have some validity and, more importantly, represent mainstream expert thinking, we have a problem. We could choose to side one way or the other, but whichever way we choose might trample the views of some large number of expert players.

What we need to do is eliminate the problem rather than correct it. Bobby Goldman makes reference to the O.J. Simpson murder case. The only way to solve that dilemma is to rule out murders, since even though the circumstantial evidence is overwhelming (in my view), no one wants to convict an innocent person, particularly based on subjectivity. Bridge presents a different picture, since with the exception of clever illicit signaling, there are always eye and ear witnesses (the expert opponents).

The top players all want to conform and be respected by their peers, but if there is a legal leeway with hesitating and then possible influenced judgments by partner, there is little or no pressure to comply. The notion that bridge is a difficult game that requires hesitations in "live" situations is a rationalization that merely covers-up to hide the solution. Remember, I am only advocating this solution for the high-level game. There are two requirements for playing at an expert level; experience and quick-wits. A top player is willfully deceiving himself if he concludes he doesn't think fast enough. The key is not to reward slow-thinking with partner making better decisions. Take away that plum and the evil plum tree dies with it.

The way it now stands, there is no legitimate solution. In order to affect one, we must be heavy-handed now (like the seat-belt law), get our best players to conform and watch our game move up a whole level. Both hesitations and convention disruption can be cured by placing responsibility exactly where it belongs, on the players.

You have all heard my boring rhetoric on convention disruption and a myriad of similar topics. It is all designed to solve the problem of keeping bridge adjudication from becoming subjective, which leads to bias, making the process impossible to tolerate. Let's level the playing field, accept our obligation of participating in top-level bridge, be role models for the next generation of players and enjoy the game as it was meant to be played.