

APPEAL	Non-NABC+ Eight
Subject	Unauthorized Information (UI) - Tempo
DIC	Mike Flader
Event	Flight Ax Pairs
Session	First
Date	November 24, 2008

BD#	<b>29</b>
VUL	<b>Both</b>
DLR	<b>North</b>

<b>Carl Berenbaum</b>	
♠	8 3
♥	J T 6 4
♦	K J 9
♣	A K 7 3

<b>Glenn Eisenstein</b>		<b>Fall 2008 Boston, MA</b>	<b>Linda Nitaback</b>	
♠	A K 9 7 6 5 4		♠	Q T
♥	A 7		♥	K 5
♦	7		♦	Q 8 6 4
♣	J T 9		♣	Q 8 5 4 2

<b>Jane Ball</b>	
♠	J 2
♥	Q 9 8 3 2
♦	A T 5 3 2
♣	6

West	North	East	South
	Pass	Pass	1♥
1♠	2♣ <sup>1</sup>	Pass	2♥
3♠	Db1 <sup>2</sup>	Pass	4♦
Pass	4♥	Pass	Pass
Pass			

Final Contract	<b>4♥ by South</b>
Opening Lead	<b>♠A</b>
Table Result	<b>Down 1, N/S -100</b>
Director Ruling	<b>3♠ dbld by W, making 3, E/W -730</b>
Panel Ruling	<b>3♠ dbld by W, making 3, E/W -730</b>

(1)	Alerted and explained by South to East as Reverse Drury
(2)	Break in tempo (BIT).

**The Facts:** The director was called during the auction and after the play. A BIT was agreed..

**The Ruling:** The action taken by South was demonstrably suggested by the unauthorized information. Thus the result was adjusted to 3♠ by W, making 3, N/S -730. Four flight A players were consulted, and all passed when given the auction without the UI. Thus, pass was deemed to be a logical alternative, and, in accordance with Laws 16B, 12C1, and 73C, the score was adjusted to 3♠ doubled by West, making three, E/W plus 730.

**The Appeal:** North was a passed hand and South opened light. When North showed a heart fit, South thought there was no defense.

E/W felt that N/S could have had enough defense to defeat 3♠, but the BIT guaranteed that this wasn't the case. North knew South didn't have a full opener and doubled anyway.

**The Decision:** Based on the players polled, pass was a logical alternative and the BIT demonstrably suggested bidding. Therefore, Laws 73C, 16B, and 12C1 indicate disallowing the 4♦ bid. The director's ruling of 3♠ doubled by West, E/W plus 730 was allowed to stand.

**The Panel:** Nancy Boyd (Reviewer), Candy Kuschner and Gary Zeiger.

**Commentary:**

**Goldsmith** Good job except for the missing appeal without merit warning (AWMW) and procedural penalty (PP) for blatant abuse of UI.

**Polisner** Without the results of the poll only the conclusion, it is difficult to correct. I would have guessed that almost every player with the South hand would have pulled with not just a "light" opening bid, but virtually a psych. However, if some number of those polled would actually pass, then so be it.

**Smith** That is some light opening by South. No wonder she was nervous about leaving the double in. But I'm glad to see that the director conducted a poll, which demonstrated that pass is a logical alternative. I see no merit to this appeal. It seems that the panel relied solely on the director's poll in arriving at its decision. If so, I am surprised. I understood that the panel is expected to do its own research. And again, even though it is obvious in this case, polls should not neglect to get player input on the idea of whether a call chosen was "demonstrably suggested" by the UI. Maybe it was polled in this case, if so it needs to be mentioned.

**Wildavsky** It would be nice to know how long North hesitated. Since the director judged there was a BIT, I presume North waited longer than the ten seconds required after West's skip bid. If N/S agreed to the BIT, then I see no merit to the appeal. I can't imagine how N/S thought they might prevail, given the results of the poll.

**Wolff** Another distorted result (never good) but since it was hesitation disruption (HD) caused, it should probably stand, although, since it was match points, I would prefer E/W receiving average or average plus not plus 730.