

APPEAL	NABC+ TWO
Subject	Tempo - Unauthorized Information (UI)
DIC	Roger Putnam
Event	Wagar KO Teams
Session	First Round – Second Session
Date	July 17, 2006

BD#	13
VUL	Both
DLR	North

Amalya Kearse	
♠	T 4
♥	J 8 4 3
♦	A Q 9 4 2
♣	9 6

Sanda Enciu		Summer 2006 Chicago, Illinois	Jenni Hartsman	
♠	A 9 7 2		♠	K 6 5
♥	7 6		♥	K 2
♦	K J T 5 3		♦	8 6
♣	T 2		♣	K Q J 8 5 3

Rozanne Pollack	
♠	Q J 8 3
♥	A Q T 9 5
♦	7
♣	A 7 4

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

Final Contract	4♥ by South
Opening Lead	♣T
Table Result	4♥ by South, N/S +620
Director Ruling	4♥ by South, N/S +620
Committee Ruling	4♥ by South, N/S +620

(1)	After a break in tempo
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The Facts: There was a break in tempo (BIT) before South bid 3♥ – all players agreed to it. Since a 2♣ bid would have shown a stronger hand with heart support, North’s 2♥ bid limited the top side of her values. N/S do not play maximal doubles. If, instead of bidding 3♥, South had bid 3♦, it would have shown diamonds and been a game try. According to the testimony of both North and South, the 3♥ bid was forward going.

The Ruling: The director determined that the BIT did not “demonstrably suggest” a line of action. Since it did not, there was no basis for an adjustment (in accordance with law 16), and the table result was allowed to stand.

The Appeal: E/W contended that both 3♦ and double were available to South as game tries. Therefore, the BIT was the only suggestion that South was making an invitational bid, i.e. the bid itself does not suggest that North reconsider her values for game purposes, but the BIT did.

N/S said that they do not play any conventional calls in this sequence; double would be penalty oriented, and 3♦ would have shown a forward-going hand with diamond values. North said that if South was willing to compete, or invite, she evaluated her hand as having extra values. She felt that bidding the game was called for at IMPs.

Upon questioning by the Committee, N/S revealed that a redouble of 1♥ by North would have shown a stronger high-card hand but probably only three hearts. North said she could not remember the last time she redoubled in such a sequence.

The Decision: In order for a BIT to lead to an adjustment, it must “demonstrably suggest” a line of action. In this case, with a pair playing relatively few conventions, the BIT could have been because South was considering passing, doubling, bidding 3♥, bidding 4♥, or bidding 3♦. In her methods, South took one of the aggressive calls available to her (considering that 3♦ was not appropriate). This is not a case in which South was considering a more aggressive action than she took. The committee found that the BIT did not demonstrably suggest to North that she bid 4♥ any more than South’s 3♥ call itself did. The decision might be different in cases where the N/S pair were playing that 3♦ would be a generic game try which would make South’s 3♥ call merely competitive.

(Dissenting Opinion by Mark Bartusek) N/S claimed that 3♥ was “forward-going” and that 3♦ would have been natural and game-invitational in their partnership of a couple of years. A double of 3♣ was undiscussed and presumably would have been penalties since they do not play maximal game-try doubles. South held precisely what I would expect for a BIT over 3♣, a game-try without diamond length (and North can figure this out after the negative double and the 3♣ rebid). The N/S pair’s statement about 3♥ being “forward-going” was not backed-up by any system notes and must be treated as self-serving by the committee. I find it hard to believe that a pair cannot bid three of a major in competition without inviting game (this would seem to result in a lot of part-score swings against them). The contract should be rolled back to 3♥.

The Committee: Mark Bartusek (chairperson), Jerry Gaer, Robb Gordon, Dr. E. Kales, and Mike Kovacich.

Commentary:

Gerard

An Intelligence Transfer by the Dissent. "I would never be caught without a competitive 3♥ bid, so how could any pair of experts bid otherwise?" Not just the Dissent but lots of others who have already commented on this case. You mean you don't trust N/S? THIS North and THIS South? What system notes would document the actual agreement, other than the absence of maximal doubles? And if they really didn't play maximal doubles, their methods are as they claimed. This wasn't a maximal situation, but if the competition had been in diamonds the fact that double wouldn't have been maximal means that "last train" principles don't apply. So 3♦ here wasn't a nonspecific try but related to diamonds, as was asserted. You may not like the fact that they had chosen to give up a competitive 3♥, you may be salivating at the prospect of winning all those part score swings, you may think these methods surely would have sunk that Supreme Court nomination had it been proffered, but you do not have the right to impose your personal credo on others who are at least as intelligent as you are.

As to the length and suggestion of the hesitation, ist macht nichts differenz. South made a game try, North had an acceptance, end of brouhaha. Get. Over. It.

Goldsmith

I agree with the dissenter. If a pair claims that they play very unusual methods (3♥ invitational here), then they need some strong supporting evidence for an appeals committee to rule based on that claim. No such evidence was given; in fact, a very strong piece of evidence contradicts it: South's hesitation. If 3♥ had, indeed, been invitational, wouldn't South have chosen that action without significant thought? That South had a problem implies that she thought 3♥ was just competitive, as most everyone else plays.

Note that "to treat a statement as self-serving" is not to believe it or to disbelieve it, but to state that there is not enough evidence to determine its truth or falsehood, and that, without that evidence, the law instructs us to rule as if it were not said. Perhaps players would take less offense and understand more clearly if we used the term "did not have enough evidence to use" rather than "treated as self-serving." This would have the nice side-effect of making it clear that to disbelieve a witness is not to accuse him of intentional lying*, but simply to judge that his statement requires more supporting evidence than was given before it can be used.

* Some dictionaries define a "lie" as a mistruth with intent to deceive.

Others are more loose and require only that the statement was untrue, perhaps unbeknownst to the speaker, hence my qualification "intentional."

- Polisner** I would have required evidence of N/S's agreements as they seem to be unworkable as 3♥ could be a wide range of hands from xxx, AKQxxx, xxx, x to KJxx, AQ109x, xx, Ax. In such a situation, the BIT does tend to convey more information than when South had various other bids to either invite or pre-empt. However, it is still a close decision as to whether the BIT demonstrably suggested bidding 4♥.
- Rigal** This was the most controversial of the appeals at Chicago. The issue here was the pause before the 3♥ call. In committee the impression given was a regular BIT, and those who knew the participants understood that this South's BIT meant very little given her normal slow tempo. Afterwards it was suggested that the pause might have been two minutes – and I do not know if this is correct or not. But if it is, then obviously it now becomes clear South would have been weighing up which action to take as opposed to whether to bid. That might have led to a different verdict – I'm not sure.
- Smith** It does seem remarkable that an experienced pair at this level cannot bid 3♥ competitively. The dissenter makes some good points. Given the agreements that N/S apparently have, it would seem that a slow 3♥ bid by them is potentially more meaningful than it would be to other partnerships. Is that enough to say that their slow 3♥ “demonstrably suggests” that North bid 4♥? I don't think so since there are many other possibilities for what South might have been considering, so ultimately I agree with the director and the committee.

Wildavsky I was fortunate enough to be given just the North hand as a problem, with the N/S agreements as stated:
Double would have been for penalties.
3♦ would have been a natural game try.
3♥ is forward going.
It seemed to me that the most likely reason for the hesitation was that partner wanted to compete but was afraid that I'd bid a game. If that were the case then with a maximum single raise I'd be obliged to bid on.
The ruling seems reasonable to me. I could see it going either way, so let's hear from special guest commentator Robb Gordon, who served on the committee:
Suppose you hold the North hand with the auction as given. Partner is a solid citizen -- she doesn't expect to go for 500 opposite your 3-3-4-3 seven count. What is your call?
For me, having bid only 2♥, I would not seriously consider passing. Maybe I am out of the mainstream, but there is still a vulnerable game bonus that exceeds the price of overbidding by a trick, and I have significant undisclosed offense, and partner is likely to have six hearts.

Wolff I agree with Mark Bartusek's dissent and not with the committee's decision. Players are allowed to play what they want, simple or complicated. Whatever they decide is legal, but if they choose an uncomplicated method (with fewer bids available), their tempo may be held to stricter scrutiny. Such is the case here and should be so judged.
SIDEBARS:
1. Probably N/S had no idea or certainly no intent of taking advantage. Hesitations (HD) have a way of SOMETIMES making it easier to judge correctly.
2. When I speak of bias I know I ruffle feathers. The human condition is such that everyone would respect what these two ladies (perhaps Amalya, because of her position, even more) represent. As judges we have to aggressively fight that possible illusion. What I am really saying is that Rozanne and Amalya had no idea that they were taking advantage and whether they were or not is moot, since our rules usually decide against POSSIBLE UI.