

APPEAL	NABC+ THREE
Subject	Unauthorized Information (UI)
DIC	Henry Cukoff
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 18, 2006

BD#	28
VUL	N/S
DLR	West

<b>Larry Cohen</b>	
♠	T 6 4 3
♥	K Q T 6 5
♦	8 2
♣	8 4

<b>Bob Walsh</b>		<b>Summer 2006 Chicago, Illinois</b>	<b>Delores Brenner</b>	
♠	7 5		♠	A K Q J 9 8 2
♥	9 4		♥	A
♦	J 9 7		♦	K 3
♣	A K Q T 9 5		♣	6 3 2
		<b>Craig Gardner</b>		
♠		♠		
♥		♥	J 8 7 3 2	
♦		♦	A Q T 6 5 4	
♣		♣	J 7	

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

Final Contract	<b>6♠, doubled, by East</b>
Opening Lead	<b>♥3</b>
Table Result	<b>6♠ by E, doubled, E/W +1310</b>
Director Ruling	<b>6♥ by N, doubled, down two, N/S -500</b>
Committee Ruling	<b>6♠ by E, doubled, E/W +1310</b>

(1) 4♠ was alerted as less strong than 4♦, since E/W agreed to play Namyats

**The Facts:** E/W had agreed to play Namyats (four of a major is a weaker hand with a long suit and four of the respective minor is a stronger hand) and had put it on their card. East on this hand decided to make a strategic underbid, knowing that Namyats was on the card and that West was a passed hand and probably did not hold the values for slam exploration. The 4♠ bid was alerted and explained according to the partnership's agreement.

**The Ruling:** It was judged that when East became aware that her partner thought she held a weak hand (from the UI of the alert and explanation), this now demonstrably suggested a 6♠ call. It was judged that double was a logical alternative (LA) but pass was not a LA. Therefore, the table result was adjusted to 6♥, doubled, down two, -500 N/S in accordance with laws 16A and 12C2.

**The Appeal:** E/W, the only players to attend the hearing, contended that their bid was properly alerted and explained. The partnership (which played roughly once a month) had a detailed and well-documented system file. Since East was willing to give up on slam possibilities facing a passed hand, she strategically deviated from the agreement. East claimed that there was no infraction. She was merely using her own bidding judgment (by which she indicated that she thought that 6♥ might make). Her partner's lead-directing call was facing her length, and the ♦K was clearly waste paper. Had the club ace been with South (which was where the auction implied it would be) a club lead would be necessary to beat slam.

**The Decision:** The committee questioned East about her exploitation of Namyats, asking such questions as whether her hand would be a Namyats 4♠ bid in first or second seat. She said that it would not be; it would be a 4♦ bid. The committee determined that by East's reasoning, her bid was an intentional deviation from the convention and that she would also have bid 4♠ in third seat with much weaker (defensive) hands. Since a player is allowed to deviate from partnership agreements intentionally (so long as the player's partner is as much in the dark about it as the opponents), the committee concluded that no infraction occurred. Therefore the committee restored the table result 6♠ doubled making seven, E/W +1310.

**The Committee:** Richard Popper (chairperson), Mark Bartusek, Ed Lazarus, Barry Rigal and Peggy Sutherlin.

**Commentary:**

**Goldsmith** Very dangerous ruling. To believe a player who has claimed to psych rather than to assume a misexplanation or inadvertent mistaken bid without supporting evidence is to ignore law 75D. In order to have a chance at this, when I play Namyats, I explain as normal, but add, "But since he's in third seat, he really could have any sort of hand." Given such an explanation, I think I'd feel that I had enough evidence to rule that a player had chosen to step out; without it, I'd rule that he was constrained by UI. I think the laws are very harsh here (though I can't think of a better set), so players need to go out of their way to explain if partner is likely to violate system, as sometimes happens here. That'll at least give an appeals committee (AC) some basis on which to rule in their favor. So I think East has UI and is constrained by it. Was doubling a LA? Yes, I think so. While vulnerable against not opponents who save at the six-level probably are very close to their bids, it looks like we have three aces. At least two of them are cashing. There's no reason to believe that partner has all three top club honors, so to bid 6♠ is a deep position. Therefore doubling is a LA and is required. No appeal without merit warning (AWMW) because the appellant can tell that this is a close enough decision that an AC is likely to rule in their favor. A procedural penalty (PP) for abuse of UI is not appropriate.

- Polisner** A terrible ruling and a well-reasoned AC decision.
- Rigal** The committee failed to understand where the UI was coming from in the original tournament director ruling. The pair had a well produced system file, and East appeared to know it well, and explained her rationale for her actions sensibly. Indeed had South (not West) had the club ace that the auction indicated she should, slam is indeed very close to making.
- Smith** I think the directors got this one right. East's hand looks like Namyats and E/W have no mention of Namyats applying only in first and second seat. Doesn't it look like East might have just forgotten and that she might have been awakened by the Alert? Law 16 says that "After a player makes available to his partner extraneous information that may suggest a call or play . . ." I think that clearly applies here and we do not have to do any mind reading to come to a decision. East is entitled to make a "strategic underbid," but she is in jeopardy if she later does anything that may appear to have been influenced by UI.
- Wildavsky** There's something about the facts of the case that I don't understand. It says that E/W had put NAMYATS on their card. Aren't they required to have two cards?  
If E/W had only one convention card, I'd rule against them, assuming that if the other card had been present it would have been marked differently. If E/W had two cards this would be a tough case. East is allowed to bid as she pleases, but when she has a descriptive conventional call available and chooses a mis-descriptive call instead the appearance is that either E/W are not playing that convention or that East forgot.  
I'm marking this one as "too close to call."
- Wolff** I agree with the majority committee decision of allowing East to bid 6♠. N/S, by bidding 5♥, were theoretically in a terrible position of either giving up 500 in 5♥, doubled (versus 480) or pushing them into a cold slam which is worse. Their salvation with minus 500 might have rested with many E/W pairs scoring up +510 without a diamond lead.