

APPEAL	NABC+FOUR
Subject	Tempo - Unauthorized Information (UI)
DIC	Steve Bates
Event	Mixed Board-A-Match
Session	Second Session -Qualifying
Date	July 20, 2006

BD#	27
VUL	None
DLR	South

Margie Gwozdzinsky	
♠	J 2
♥	K Q 9 6 3 2
♦	8 6 2
♣	K J

Jeff Hand		Summer 2006 Chicago, Illinois	Gail Greenberg	
♠	A Q 9 7		♠	K 10 8 6 4 3
♥	A J 10		♥	5
♦	K Q 3		♦	J 10
♣	Q 9 4		♣	8 7 5 3
		Richard Schwartz		
		♠	5	
		♥	8 7 4	
		♦	A 9 7 5 4	
		♣	A 10 6 2	

South	West	North	East
Pass	1♣	2♥	3♠ ¹
Pass	4♦ ²	Pass	4♠
Pass	Pass	Pass	

Final Contract	4♠
Opening Lead	♥4
Table Result	N/S +50
Director Ruling	5♣ by West, N/S +100
Committee Ruling	5♣ by West, N/S +100

(1)	Not alerted, but in response to South's question, West said he thought 3♠ was a splinter.
(2)	After a long pause.

The Facts: After West's explanation of 3♠, both 4♦ and 4♠ were very slow. After the hand was over East (whose hearing is bad) said that she thought her partner had explained 3♠ as strong, not splinter.

The Ruling: The director ruled that the UI demonstrably suggested a line of action (a 4♠ call) over a less successful logical alternative (LA) action, 5♣. Therefore, there was a basis for a score adjustment. 5♣ was deemed likely to go down two tricks. The result was adjusted to 5♣ by West down two, N/S +100. The laws applied were 16A and 12C2.

The Appeal: East said that her 4♠ call was based on 4♦ being a cuebid for spades. Despite her heart control her hand was minimum or sub-minimum for a weak jump response. Hence, she did not cuebid 4♥. Had she cuebid 4♥ her partner would have bid 4♠ –cuebidding for clubs, and they would have played 4♠!

The Decision: The committee determined that there was no clear meaning for a 4♦ call here. Both a cuebid for spades and a natural call with 4-6 in the minors, or the like, were possible. That being the case, the UI that West was cuebidding for clubs not bidding a suit made the 4♠ call more attractive. Without that information a 5♣ bid was a LA. Some people would have considered 5♣ seriously and some would actually have bid it. Accordingly the director's adjustment was left in place. No consideration was given to the number of tricks to be taken in 5♣ (that number would have been seven or eight) since, because of time pressure for impending Spingold appeals, the directing staff confirmed that any number of tricks less than ten would yield the same score.

The Committee: Barry Rigal (Chair), Jeff Aker, Billy Pollack, Lou Reich and Bruce Rogoff.

Commentary:

Gerard I object to the tactics. It looks like the directing staff bullied the Committee into not changing the ruling on the grounds of irrelevance. I estimate an additional minute for the Committee to assign +150, not really much of an inconvenience to impending Spingold appeals. Appeals exist not just to assign a result but also as a record of who's doing what to whom. Directors who rule +100 need to go to remedial counting school. If Wildavsky is scoring, count this as a committee improvement. It's not surprising that no one knows what 4♦ was. I'm looking at West's hand (sic) and I don't know what it was.

Goldsmith Interesting problem.

East has UI. It doesn't matter if she actually heard the explanation---she could have, which is sufficient.

As an aside, I wonder why West bid 4♦. If he were really sure that 3♠ was a splinter, he'd bid 3NT. In this case, East would have been constrained to pass, winning the board! So he wasn't sure; he was catering to multiple meanings, but probably all including spades; it seems as if he'd changed his mind about his interpretation of 3♠ between the explanation and his call. N/S were, therefore, probably given misinformation; West's proper explanation was, "I don't know." (I don't know his correct explanation; we weren't told the real systemic meaning of 3♠.)

It looks as if the MI was irrelevant, but this implies that West would not have bid only 4♠ over 4♥, but would have bid 5♠ or more.

What are East's rebid possibilities without UI? I believe that after our preempt, without a fit partner just passes or corrects to his better suit, but not everyone agrees with me. (Fancy that!) If he has some hand like --- x KQJxx AKJ10xxx, he rebids clubs or passes, so 4♦ should be a cue bid in support of spades. East has additional reason to believe this; if the opponents had a big heart fit and some high card values, South would have bid 4♥. That he didn't suggested that partner was very strong and had some hearts. If he had three plus hearts, 4♦ was support for spades; it's way too dangerous to do anything but pass 3♠ with something like --- AQx KQJx AKxxxx, assuming partner can have as bad a hand as she actually held.

I think 4♥ is definitely not a LA; East has a sub-minimum for her action; to do anything but sign off is a huge overbid. The only question is whether signing off in 5♣ is a LA. I think it's a close call, but probably some would bid 5♣, thinking as the appeals committee did that 4♦ was natural. Therefore, 5♣ is probably a LA, which means it is required.

No appeal without merit warning, of course. I think this is a close enough case that it could go either way. No procedural penalty for misuse of UI--- there is a reasonable thought process to come up with a 4♠ call (hence the long digression two paragraphs ago).

Polisner

This case presents a scenario which I don't believe I have ever seen. That is, if you believe East that she thought West had explained her 3♠ bid as strong (as opposed to a splinter) it would still be UI, but would not suggest bidding anything other than 4♠. My concern is that East's explanation about the situation could well be self serving although my experience as a trial lawyer leads me to conclude that such a "story" would more likely be true as making it up would require a tremendous imagination. Query, can a player be in possession of UI if she did not receive it? I guess my decision would boil down to whether or not I believed East's story and the fact that her 4♠ bid was "very slow" would convince me to go along with the decision.

- Rigal** Once the committee determined that 4♦ might be natural after a weak jump response, it looked clear to adjust to 5♣. [While as a general rule we would not want tournament directors to truncate discussions in appeal – because the failure to do so would yield important negative inferences -- the circumstances here were that we expected Spingold appeals to be coming up very shortly and time was of the essence. As it happened those cases did not materialize at the end of the day.]
- Smith** Seems routine. It doesn't matter in law what East actually heard. West “made available” UI when he answered the question. East's subsequent actions were restricted by the UI. The UI demonstrably suggested the 4♠ bid, and both the director and the committee believed 5♣ was a LA.
- Wildavsky** I agree with the tournament director and appeals committee (AC) decisions. The AC decision is particularly well reasoned.
- Wolff** The reasoning here is good and on point. In some ways it is all guesswork, but in order to assess penalties some logic has to apply. Again convention disruption (CD) has caused the problem, but for some reason this CD doesn't bother me as much.