

APPEAL	Non NABC+ Ten
Subject	Retraction of Card Played
DIC	Charles MacCracken
Event	Daylight Swiss Teams
Session	First
Date	July 19, 2006

BD#	15
VUL	N/S
DLR	South

993 Masterpoints	
♠	T 5
♥	
♦	K Q J T 9 8 7
♣	A 8 5 4

1,435 Masterpoints		Summer 2006 Chicago, Illinois	1,044 Masterpoints	
♠	A Q 8 6 4 2		♠	K J 9 7
♥	T		♥	K J 8 4 2
♦	6		♦	5 4
♣	Q J 7 6 2		♣	9 3

370 Masterpoints	
♠	3
♥	A Q 9 7 6 5 3
♦	A 3 2
♣	K T

West	North	East	South
			1♥
1♠	2♦	2♠	3♥
3♠	5♦	Pass	Pass
5♠	Pass	Pass	6♦
Pass	Pass	Pass	

Final Contract	6♦ by N
Opening Lead	♥8
Table Result	6♦ down 1, N/S -100
Director Ruling	♦3 played, retraction denied
Panel Ruling	♦3 played, retraction denied

The Facts: When the director arrived at the table, he was told that declarer had led a non trump from his hand (North). East trumped with the ♦5. On dummy were the Ace and three of diamonds. Declarer said, "Ruff." The he said, "Overruff." It was agreed that the change of designation was made quickly; however the opponents said there was a pause between the two designations.

The Ruling: In accordance with law 45C4(a), it was determined that the statement "Ruff" was not inadvertent. Therefore, the ♦3 was played and its retraction denied. Also see law 46B2.

The Appeal: Declarer had evaluated the hand and knew he had to ruff two clubs to make the hand. The ♦5 was on the table before declarer said “Ruff” and then “Overruff.” Declarer felt that his intentions were clear. This was inadvertent – a misspeak – as opposed to two thought processes. He mentioned that were he a known player, his statement would be more credible.

East felt it was possible that declarer didn’t think clubs broke 5-2 for the defense and could have made a mistake.

The play had been:

Trick 1: ♥8-♥A-♥T-♠5

Trick 2: ♦2-♦6-♦K-♦4

Trick 3: ♣4-♣3-♣K-♣2

Trick 4: ♠T-♠6-♠A-♠9

Trick 5: ♣5-♦5

The Decision: A policy statement dated 12/2003 regarding law 45C4: “Directors should be alert to situations involving inadvertency or declarer thinking ahead. To deem a called card from dummy as inadvertent, the change of call must be the result solely of a slip of the tongue – not a momentary mental lapse.”

The interpretation of the law is very strict. This declarer knew he had to ruff two clubs to make his contract. When the ♦5 was played by East, declarer must be alert and say overruff. Declarer’s intent was to ruff low, then ruff the last club with the ace. It is possible, after seeing the opponent’s ♦5, he had another thought process to say the word, “overruff.” His saying the word “Ruff” could be a lapse. The panel unanimously upheld the director’s decision of disallowing the retraction of the ♦3.

The panel discussed the merit of the appeal. Because of the high standard required of declarer when calling a card from the dummy, the panel could empathize with declarer’s analysis of inadvertency that he wasn’t reacting to the ♦5 played by East. Therefore, the panel decided the appeal had merit.

The Panel: Patty Holmes (Reviewer), Peter Marcus and Gary Zeiger.

Players Consulted: None.

Commentary:

Gerard Let’s count the ways North could have made the hand.

- (1) Queen of hearts at trick one.
- (2) Pitch a club at trick one, concede a spade.
- (3) Pitch a club at trick one, play clubs at tricks 2-4, pitching a spade.
- (4) Play clubs at tricks 2-4, pitching a spade.
- (5) Pitch a spade on the ♦5.
- (6) Notice the thirteenth diamond and overruff.

Other than (1), each of the others is far superior to what he did, resulting in a claim if both clubs go through. Do you really think he was focused on the task at hand? I’ll say there could have been a mistake or a mental lapse. No sympathy from here.

- Goldsmith** Good ruling. The only question is the appeal without merit warning (AWMW). It's a real close call, and I'd judge whether to award it based on how much North was told during the initial ruling. Mitigating the AWMW is that North's partner appears to be inexperienced. Encouraging it is North's accusation of bias towards the directors. Probably I'd rule as the panel did, but tell North, "if you were a 'known player', we'd give you an AWMW," just because it appeals to my sense of irony.
- Polisner** Ruling and Panel were correct, but an AWMW is required.
- Rigal** Tournament directors told me that 'ruff' should be construed as indicating the lowest trump in accordance with law 46B2. I'm, if not wiser, at least better informed. On that basis there was really no merit if the appellant was correctly informed of the facts, though I do have sympathy with him...but not quite enough to avoid issuing him an AWMW.
- Smith** Good ruling by the director and the panel. This declarer seems to have called a card from dummy before realizing that East had played the ♦5, so the statement "ruff" was not inadvertent and was intended as calling for the ♦3. If the law had been described to the appellants before the appeal, then they should have realized they could not win and been given an AWMW.
- Wildavsky** North's statement regarding the way the panel would rule were he a "name" player is irrelevant, insulting, and not borne out by the cases I've read. I see no merit to the appeal.
- Wolff** This case involves a change of subject. My, hasn't inadvertency's application changed. It went from either Steve Bates' or Henry Cukoff's allowing a play to be taken back after the trick has been quitted and the lead and follow to the next trick made with then an "Oh Shit" thrown in to now a believable declarer saying "ruff" then changing immediately to "overruff", in an obvious situation that didn't require anyone to think that maybe declarer didn't really mean to underruff. While I don't have any real intelligent opinion as to what to do in this case since once a declarer makes a play he should usually be required to follow through with it. This case, I would probably allow him to do it since all the elements point to his good intentions (plus the bad guy opponent throwing out the five of diamonds) but I can understand how the opposite can be ruled because of the general simplicity of a played card is a played card. For the first time (that I have noticed) the panel was a stereotype of the director's ruling with the same thought process. To my way of thinking that is not good. The panel should try and look at the case differently, otherwise there will eventually be no reason to appeal should the tournament directors take over all appeals. It doesn't mean that they should decide differently, but there is much to bring up in this case on that particular subject and the panel did not do it.