

APPEAL	Non NABC+ FOUR
Subject	Unauthorized Information (UI)
DIC	Millard Nachtwey
Event	Bruce LM Pairs
Session	First Final
Date	July 16, 2006

BD#	26
VUL	Both
DLR	East

3545 Masterpoints	
♠	A J
♥	A J 4
♦	Q J T 8
♣	K 8 6 2

1303 Masterpoints		<b>Summer 2006 Chicago, Illinois</b>	2210 Masterpoints		
♠	K Q 9 7 4		♠	8 6	
♥	T 7		♥	K Q 6 5 3 2	
♦	6 5 4 3 2		♦	A	
♣	5		♣	9 7 4 3	
		3000 Masterpoints			
		♠	T 5 3 2		
		♥	9 8		
		♦	K 9 7		
		♣	A Q J T		

West	North	East	South
		2♥	Pass
Pass	2NT <sup>1</sup>	Pass	3♥ <sup>2</sup>
Pass	3♠	Pass	3NT
Pass	Pass	Pass	

Final Contract	3NT by North
Opening Lead	♥K
Table Result	N/S +630
Director Ruling	4♠ by N, down 2, E/W +200
Panel Ruling	4♠ by N, down 2, E/W +200

(1)	No Explanation.
(2)	North Announced "Transfer."

**The Facts:** The director was called at the end of the hand. The N/S agreement was that systems are not on after a notrump overcall. North said she could not have four spades because she always would start with a double (rather than a notrump overcall) holding the other major. South said that North did not necessarily show a heart stopper with her 2NT bid. His 3♥ bid (rather than bidding 3NT) was checking to make sure she had one.

**The Ruling:** The convention card did not have enough information to satisfy law 75D2 and there were no system notes available. 3♥ could have been Stayman, in which case the transfer Announcement suggests that the 3♠ bid may not show four spades. The UI demonstrably suggested that 3NT is more likely to succeed than the logical alternative (if there was no Announcement) of 4♠. In accordance with laws 16, 73F1 and 12C2 the table result was adjusted to 4♠ by North, down two, E/W +200.

**The Appeal:** N/S appealed the ruling. All four players attended the hearing. West said he asked for an explanation of 2NT after his partner led face down.\* He was told it showed a strong notrump opening bid but did not necessarily show a full heart stopper (QTx is not considered a full stopper). N/S said that they told him that North's hand could not contain four of the other major because that hand would always start with a double, but neither East nor West heard that part of the explanation. N/S said they had system notes in their room that supported their explanations. Shortly thereafter E/W said they were not staying for any more of the hearing. South, who seemed annoyed with North, left a minute or so later.

*\*[N/S strongly disputed this. They said the explanation was not requested until the play was completed. East could not remember when his partner asked.]*

North explained the system. Notrump overcalls and takeout doubles have at least 15 HCP (she said she would have passed 2♥ if her hand did not have the ♦Q). In addition, had she held four of the other major she would have to start with a double. She does not need to have a full stopper to bid 2NT, so a cuebid primarily asks about the quality of the stopper. She is supposed to bid her minor without a full stopper; 3NT with a stopper and 3♠ with two stoppers, but she "fudged." Later she said she bid the hand accurately, but it was accidental. They play 0+ HCP overcalls. Her partner could have bid 2♠ over 2♥ with as little as 8 points vulnerable.

The reviewer told North to bring him all the system notes before the 7:30 PM game time. He was given a hand written spiral bound notebook (8 1/2 by 11) with four and a half of the 98 pages filled. The printing was large, legible and covered 1NT (strong and weak), 2NT and 3NT openings and responses thereto. It covered direct and balancing 1NT overcalls. It covered direct 2NT overcalls of one bids (19-21) and direct 2NT overcalls of weak twos (which was close to the balancing system described by North) But, it had nothing about balancing 2NT over weak twos or about any other part of their system. When asked about the notes for the rest of the system, North said there were two other notebooks – but one was in the car and she couldn't find the other.

The panel had met between sessions and had decided that, as long as the system notes verified North's statements, the table result would be restored. It reconvened to review the system notes. The panel noted that not only was bidding in the balancing position over weak twos not covered but there was nothing about South's possible actions in direct seat or their takeout double structure.

**The Decision:** N/S was unable to produce the promised, relevant, system notes, so there was no reason to change the table director's ruling. N/S should have known at the time of the appeal that their notes were inadequate; therefore, an Appeal Without Merit Warning (AWMW) was issued.

**The Panel:** Charles MacCracken (Reviewer), Candy Kuschner, Terry Lavender, Peter Marcus and Gary Zeiger.

**Players Consulted:** None

## Commentary:

Gerard        In sequence:

- South didn't alert 3♠, which he should have if the methods were as described.
- South didn't correct the announcement at the end of the auction, which he was required to do even if the methods were not as described (i.e., 3♥ = Stayman).
- The timing of West's request for an explanation was irrelevant.
- Raise your hand if you think North would have passed with AJ10x, x, J108x, AKxx or doubled with Jxxx, AJ10x, A, KQxx, or bid 2NT with AJx, xxx, QJ10x, AKx.
- How did North "fudge" when 3♥ was a transfer, and how was AJx two stoppers when Q10x wasn't one?
- If the weak two were in spades, how many stoppers would 3NT show after a 3♠ checkback?
- Who plays direct 2NT overcalls of one-bids to show 19-21?
- What does "close to the balancing system described by North" mean? Would it have supported the explanation if 2NT had been in direct seat?
- Have you ever seen system notes arranged in this manner?

There is only one conclusion: N/S may have had the agreement they claimed, but they concocted their "notes" between sessions to fit North's explanations, producing a skewed ordering of categories that defies common sense. This was more than a matter of an AWMW; it should have been referred for a disciplinary hearing. Furthermore, there is some doubt about even the existence of the methods. They didn't know their alerting responsibilities. They forced themselves to take unnatural actions with prototype holdings for other actions. They posited a system that was illogical, changing the meanings of bids depending on the randomness of suit rank. As against that, it was such a weird agreement that it would have been a monumental coincidence to come up with it on the spot. That being said, the panel put itself in jeopardy when it pre-decided to honor the system notes. If they had been more comprehensive, the lack of any balancing 2NT description should not have mattered. Methods over a direct 2NT overcall are sufficient for that purpose, since the basic nature of the call does not change by more than a jack in balancing seat. This is different from a balancing 1NT, which does require a discrete explanation. The panel had enough ammo at its disposal that it didn't need to rely on a distinction without a difference.

- Goldsmith** If the notes about direct 2NT overcalls of weak two bids corroborated N/S's claims, I'd believe their claims. If not, I wouldn't. Those auctions are close enough that one can infer that the same methods are used if they are more worthwhile after balancing actions than direct. But so what? Let's say that North Alerted 3♥ and explained, "he's checking back to make sure I have a heart stopper," and bid 3♠. There's no way South would bid 3NT; he'd bid 4♣ (thinking North was showing three good spades and no heart stopper). North, thinking that 3♥ was a transfer, thinks that 4♣ is natural and forcing. He's good enough to cue bid 4♥, which will let South know that something has gone wrong, but what can he do about it? He's not going to bid spades on four small, so he'll retreat to 5♣. That'll go down two, so it doesn't matter whether or not we believe N/S, reciprocal 200s are in order. An AWMW is appropriate. South clearly took advantage of UI, regardless of his methods. A player with 3,000 masterpoints should know better than to bid 3NT here, so a 1/4 board procedural penalty (PP) is warranted.
- Polisner** Easy case with or without system notes. I would have bid 3NT behind screens in light of my spade suit quality and leave the decision to partner however, pass is a logical alternative.
- Rigal** Well decided and an appropriate AWMW –compare and contrast case 13. Players should not be allowed to get away with the ‘notes’ argument – or at least they must live or die by it.
- Smith** This N/S pair did not come close to overcoming the burden placed on them by the footnote to Law 75 to show that 3NT was the correct system bid by South after 3♠ by partner. When you play an unusual system, you had better get it right or be able to prove what your methods are later. So the adjustment from 3NT was clearly correct in my opinion (4♣ is a logical alternative to 3NT, and the presumed UI suggests the 3NT bid). I would have liked to see more analysis of the likely outcomes of a 4♣ contract, though. Since N/S must have known that they could not produce system notes to confirm their unusual agreements, the AWMW was obvious.
- Wildavsky** Excellent work all round. Even if N/S were truthful regarding their agreements they ought to have known that they could not prevail without proof.
- Wolff** I certainly agree with the panel's decision and am especially happy that the panel did not buy into N/S's assertion that North would always start with double (instead of 2NT) if he held four spades. I also give N/S credit for concocting that story, which is probably the only way for them to suggest that they didn't make use of UI. The precedent that should come out of this appeal is that a panel should never underestimate appellants and their cleverness to try and win.