

|         |                                       |
|---------|---------------------------------------|
| APPEAL  | Non NABC+ SEVEN                       |
| Subject | Tempo – Unauthorized Information (UI) |
| DIC     | Bob Leonard                           |
| Event   | Stratified Open Pairs                 |
| Session | First                                 |
| Date    | July 17, 2006                         |

|     |              |
|-----|--------------|
| BD# | <b>13</b>    |
| VUL | <b>Both</b>  |
| DLR | <b>North</b> |

|                         |         |
|-------------------------|---------|
| <b>346 Masterpoints</b> |         |
| ♠                       | 9 8 3   |
| ♥                       | K 9 8 4 |
| ♦                       | A Q     |
| ♣                       | A Q J 8 |

|                           |             |  |                           |           |
|---------------------------|-------------|--|---------------------------|-----------|
| <b>6,200 Masterpoints</b> |             | <b>Summer 2006<br/>Chicago, Illinois</b> | <b>5,230 Masterpoints</b> |           |
| ♠                         | A 7 6 5 4 2 |  | ♠                         | K Q J T   |
| ♥                         | T           |  | ♥                         | Q 7       |
| ♦                         | J 9 7       |  | ♦                         | K 8 5 4 3 |
| ♣                         | 6 5 3       |  | ♣                         | 9 4       |
|                           |             | <b>1,670 Masterpoints</b>                |                           |           |
|                           |             | ♠  |                           |           |
|                           |             | ♥  | A J 6 5 3 2               |           |
|                           |             | ♦  | T 6 2                     |           |
|                           |             | ♣  | K T 7 2                   |           |

|      |                   |      |       |
|------|-------------------|------|-------|
| West | North             | East | South |
|      | 1♣                | 1♠   | 2♥    |
| 4♠   | Pass <sup>1</sup> | Pass | 5♣    |
| Pass | 5♥                | Pass | Pass  |
| Pass |                   |      |       |

|                 |                                   |
|-----------------|-----------------------------------|
| Final Contract  | <b>5♥ by South</b>                |
| Opening Lead    | <b>♦7</b>                         |
| Table Result    | <b>5♥ by S making 6, N/S +680</b> |
| Director Ruling | <b>4♠ by W, down 1, N/S +100</b>  |
| Panel Ruling    | <b>5♥ by S making 6, N/S +680</b> |

|                           |
|---------------------------|
| (1) Break in tempo (BIT). |
|---------------------------|

**The Facts:** The director was called during the auction and again after the hand had been played. North was alleged to have broken tempo after the 4♠ call. The stop card was used by West. While there was a disagreement as to the length of the BIT, it was determined that there was a longer than ten second pause by West, which was determined to be a BIT.

**The Ruling:** The BIT was judged to demonstrably suggest that South take action and pass was determined to be a less successful logical alternative (LA). Therefore, in accordance with laws 16A and 12C2 the table result was adjusted to 4♠ by West down one, N/S +100.

**The Appeal:** North said that West had used their stop card before bidding 4♠. Immediately after West picked up the stop card, a player came up and asked if it was okay to kibitz. The request came from an associate of E/W. North said her partner did not like kibitzers and South also asked not to have a kibitzer. When the kibitzer left, North passed without pause for thought. As such, North did not feel there had been a BIT and South agreed.

West said that he used the stop card as he always did. He put the stop card out and then his bid (4♠). He left the stop card on the table for about seven seconds and then he picked it up. West stated that after he picked up the stop card, North began to study her hand – even fingering the cards as if counting points or suit length. Then the kibitzer arrived and North said nothing. She continued to study her hand. South objected to having a kibitzer; so, the kibitzer left. After having considered her hand throughout the “kibitzer incident” thus creating a BIT, North then passed.

**The Decision:** The kibitzer request came in the middle of a “live” auction from an associate of E/W, not an independent party. The panel felt that the entire time it took to address the kibitzer issue and send the kibitzer away was not to be counted as part of a BIT. Even if North did not address the kibitzer directly, as alleged by West, this was still a distraction making thinking difficult. As any BIT before the kibitzer arrived was very brief and, after the kibitzer left, North made her pass without further thought, the panel felt that no BIT occurred. As such, law 16A2 did not apply and no adjustment was indicated by law. The table result of 5♥ by South making six, N/S +680 was restored.

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

**Players Consulted:** None.

**Commentary:**

**Gerard** I would add that if N/S were playing weak notrumps, as it appeared, there was no LA to bidding 5♣. Perhaps the ruling could have considered that.

**Goldsmith** This is a tough call, since it's all about disputed facts. I'd rule with the table director in such a case, since his information is freshest, barring new information. Besides, from North's hand, it sure looks to me as if there was a BIT.  
I'd like to know why North didn't open 1NT. If N/S were playing weak notrumps, then I don't think South can reasonably pass 4♠. Partner either has a strong NT or an unbalanced hand with clubs. If he has a strong NT and can't double 4♠, 5♥ rates to make or be a good save; if he has an unbalanced hand, we surely want to play 5♣. If N/S are playing strong one notrump openings, then this inference is not available. It's also easier to believe that North might pass 4♠ in tempo if that suggests a strong NT.

- Polisner** I agree with the Panel that under these circumstances, there was not the unmistakable hesitation required by law 16 to even consider awarding an adjusted score. This hand is very educational in that many players and possibly even some directors do not understand the use or non-use of the STOP card. Firstly, there is an obligation by the player to the left of the skip bidder to hesitate approximately ten seconds whether or not the STOP card is used. Secondly, the length of the time that the STOP card is on the table is meaningless. The skip bidder does not control the tempo of his left hand opponent (LHO) by how long he leaves it on the table. I would also have wanted to know if N/S were playing other than standard in that she did not open 1NT which could impact what South might infer even if there was a BIT. More likely, with only 346 masterpoints, North was probably a beginner.
- Rigal** Good decision. I'd have liked to see the panel issue an obiter dictum that even had there been a BIT there was no LA to 5♣; that is the way I feel about it.
- Smith** Despite my opinion in the previous case where I said I believe it is valid to consider the bidder's hand when trying to determine if a disputed hesitation occurred, I have no problem with what the panel decided here in unusual circumstances. Yes, it looks like North has a problem, but here there was a skip bid made in a situation where we would often expect North to have a problem. Was the time taken in excess of the time allotted by the skip bid warning? Not clear, and even less so when the intrusion of the kibitzer is considered. Law 16 refers to an "unmistakable hesitation," and I'm not convinced it occurred in this case beyond the time North was allowed by regulation after a skip bid. Although the panel's conclusion makes any examination of South's choice of actions moot, I would be interested to see the results of a peer poll of her action over 4♠ – Pass–Pass. I bet most would bid 5♣ in the absence of UI, although perhaps not enough to exclude pass as a LA. Did the table director poll that point?

**Wildavsky** The Panel might equally well have argued that pass was not a logical alternative. In any case, I agree with the Panel ruling.

**Wolf** Here South has such a clear-cut bid that even though N/S were playing a minority system, which didn't include strong notrump, too often leading to telltale BITs which convey readable UI, it still must be allowed to be made. I realize that this latest caveat can sometimes be confusing, but the South hand should expect 4♠ to make E/W so it is one hundred to nothing to bid since there are many hands that also make game N/S (this one made a small slam and was on a finesse for a grand). The "kibitzer" thing was a "red herring", but if the BIT was more flagrant, 5♣ should still be allowed, but a probable PP against NS be given instead of improperly cancelling a 100% action.