

APPEAL	NABC+ ONE
Subject	Unauthorized Information (UI) -Tempo
DIC	Mike Flader
Event	Life Master Women's Pairs
Session	Second Final
Date	November 18, 2006

BD#	2
VUL	N/S
DLR	East

Esta VanZandt	
♠	8 7 6 5 4 2
♥	A Q J
♦	J
♣	7 3 2

Migry Zur-Campanile		Fall 2006 Honolulu, Hawaii	Miriam Varinne	
♠	T 3		♠	K Q J
♥	9 6 5 3		♥	8 4 2
♦	K T 7 3 2		♦	A 9 8 4
♣	K 5		♣	Q 9 4

Pat Levy	
♠	A 9
♥	K T 7
♦	Q 6 5
♣	A J T 8 6

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

Final Contract	4♣ by South
Opening Lead	♦3
Table Result	4♣ making 4, N/S +130
Director Ruling	3♦ by East down 1, E/W -50
Committee Ruling	4♣ making 4, N/S +130

(1) Break in tempo (BIT)

The Facts: N/S admitted that there was a noticeable hesitation (BIT) before South passed. E/W were not present at the hearing and the director provided no estimate of the duration of the hesitation. N/S said that the hesitation was not extensive but was noticeable.

The Ruling: The director ruled that South's hesitation made the 4♣ bid more attractive and was demonstrably suggested by the BIT and that passing 3♦ was a less successful logical alternative (LA). Accordingly, in accordance with laws 16 and 12 C2, the director adjusted the table result to 3♦ by East, down one, E/W minus 50.

The Appeal: N/S, the only players to appear before the Committee, said that in their methods a change of suit by advancer shows a hand with either a good suit or a suit with support for the overcaller. North said that when she bid 2♠, she was committed to bidding again in a normal non-game forcing sequence.

South added that if the auction had been passed back to her, she would have bid 3♣, which could not be beaten.

The Decision: The committee, working from the premise that there had been a BIT, started their reasoning with consideration of whether the BIT suggested a line of action to North. Suggestions that South might have been considering bidding 2NT seemed remote. It was clear that if South had a minimum 2♣ overcall without some spade support or tolerance, South would probably not have broken tempo at all. Therefore, it appears that the hesitation suggested further action – since South probably had extra shape or a little extra in HCP.

The committee then considered whether there was a LA to North's bidding 4♣. Clearly, bidding 3♠ was a logical alternative, but since that bid would have achieved a superior result (+140), that alternative was discounted. The committee was split on whether pass was a logical alternative. However, this issue was rendered moot because it was determined that even if North had passed, the committee decided that South would clearly have bid 3♠. Thus the N/S pair would have arrived at an unbeatable and higher scoring contract. Therefore, if a pass had been forced on North, South's further action would have resulted in a superior result for the offenders. Accordingly, the committee restored the table result.

The Committee: Barry Rigal (chair), Darwin Afdahl, Ed Lazarus, Lou Reich, Jim Thurtell.

Commentary:

Goldsmith The appealing side's argument is self-serving, but, of course, irrelevant. South would bid 3♠? Wouldn't she normally double back in? Then North bids 3♠ and we get the same result. But South might pass; she has a minimum overcall without spade support, and she has soft cards in trumps. Pass is clearly a LA.

In 3♦, why should declarer get to guess trumps? Because she gets the most favorable result likely, and guessing trumps is likely, which is 3♦ down one.

Polisner Good work by a hard-working committee without the assistance of any player poll, which I thought was rather standard procedure in these types of cases. Also, wouldn't it have been normal to have verified North's statement about a change of suit by advancer? South certainly had almost a minimum bid for a vulnerable vs. non-vulnerable two-level overall and since the appeals committee was "split" as to whether pass was a LA for North, almost by definition, it was.

Rigal Although this ruling seems to favor the offenders, sometimes with the best will in the world the appeals committee can't find a series of bids or plays that won't leave the offenders better off than they would have been without the infraction. In such cases there are those who would still find a way to punish the offenders (procedural penalty, etc.) but this was not such a case.

Smith I am quite surprised at the committee's conclusions, but they seem to have covered all relevant legal points. 3♠ by South doesn't look automatic to me.

Wildavsky The appeals committee (AC) ruling is confused. If the committee agreed that the BIT demonstrably suggested 4♣ and that pass was a logical alternative then they needed to move on to law 12C2. In law 12C2 the concept of LA is not mentioned. When adjusting a score we look only at the results that were likely and at all probable. If we end up adjusting to the result achieved at the table then so be it. Apart from anything else, had the AC followed the correct procedure, they'd have had a chance to produce separate scores for each side.

- What do I think the correct ruling is? Let's take it by the numbers:
- Was UI present? Certainly – there was no dispute as to the facts of the case.
- What were the logical alternatives to the action chosen at the table, and were there any that would have been less successful? Pass looks logical enough to me. The AC was split on the matter – I've written in previous casebooks that an action ought to be considered logical if even one AC member considers it so.
- Did the UI demonstrably suggest 4♣ over pass? Surely it did – the AC agreed.

Now we reach law 12C2. Had North passed what were the likely (roughly one chance in three) and at all probable (roughly once chance in six) results? Surely there's at least one chance in six that South would have passed. I'd say there's at least one chance in three. It would not surprise me if a poll found that pass was a favorite. Bidding would be a big loser opposite many typical 2S bids.

I prefer the TD's ruling to the AC's.

Wolff I had brought this type of case before the ACBL Laws Commission where a hesitation was made by a player who (as far as she was concerned) was in the pass out position making it such that there is no chance she was committing what I call hesitation disruption (HD) which would impart UI to a partner who was certain to be advantaged by it. Here, if her LHO now passed that would end the auction. In spite of knowing that South was considering bidding on West competed further therefore, at least to me, forfeiting her rights, or at least lessening her advantage to be able to cry out "HD". The ACBL Laws Commission made no comment and certainly did not pursue it.