

<b>APPEAL</b>	<b>NABC+ THREE</b>
Subject	Unauthorized Information (UI) and Misinformation (MI)
DIC	Henry Cukoff
Event	Blue Ribbon Pairs
Session	First Qualifying
Date	November 21, 2006

BD#	<b>8</b>
VUL	<b>None</b>
DLR	<b>West</b>

<b>Dick Bruno</b>	
♠	Q 8 4 3
♥	2
♦	K Q 8 4
♣	A K 8 5

<b>Barie Wall</b>		<b>Fall 2006 Honolulu, Hawaii</b>	<b>Ray Miller</b>	
♠	A J 7 2		♠	K 9 5
♥	K Q T 5 4		♥	J 9 7 3
♦	6 2		♦	A J 3
♣	J 7		♣	Q T 9

<b>Peggy Kaplan</b>	
♠	T 6
♥	A 8 6
♦	T 9 7 5
♣	8 4 3 2

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

Final Contract	<b>3♥ by East</b>
Opening Lead	<b>♣A</b>
Table Result	<b>3♥ making 3, E/W +140</b>
Director Ruling	<b>4♥ by E, down 1, E/W -50</b>
Committee Ruling	<b>4♥ by E, down 1, E/W -50</b>

(1) Explained as a relay to 3♣.

**The Facts:** The opening bid by West was limited to 10-15 HCP. East claimed that the partnership opened all 11-counts and some 10-counts with five hearts. E/W play 2NT as limit or better in hearts. West confused two auctions and provided a mistaken explanation of 2NT without having been asked. The partnership agreement of the 3♣ bid is that it is a long-suit game try.

**The Ruling:** The director found that there was UI arising from the incorrect explanation of the agreement. After consulting several players, the director decided that bidding 4♥ was a less successful logical alternative (LA) for East, rather than bidding 3♥ which was demonstrably suggested by the UI. In accordance with laws 16A and 12C2, an adjustment was made to 4♥ by East down one, E/W minus 50.

**The Appeal:** East said that West opened all eleven HCP hands. 3♣ suggested 12-13 HCP, since with more West would have accepted the limit raise. South suggested that East's club fillers made his hand worth a raise to 4♥.

**The Decision:** The committee determined that West's misexplanation constituted UI under Law 16. Because E/W were playing Precision with light openings (even in the context of Precision) the committee felt that given that:

- (1) East had minimum high cards for the 2NT call, and
- (2) There was no LA to 4♥ over a 3♣ game try, but
- (3) If 3♣ meant nothing at all, then 3♥ became more attractive facing a severely limited opening;

the UI demonstrably suggested bidding only 3♥. The point was that since East possessed information suggesting that West might not have a game invitation, 3♥, as opposed to 4♥, was made more attractive given the form of scoring. So the questions to be answered at this point were whether there was a logical alternative to bidding 3♥ and whether there were any other calls, such as 3♦ or 3NT, to consider as LAs. The panel considered a minimum hand like Ax, KQTxx, xx, Kxxx where the game depended on a club finesse. The panel also noted that changing one of the kings to an ace or adding the ♣J would make 4♥ an excellent game. Therefore, the committee deemed 4♥ a LA to 3♥.

The committee decided that 3♦ (a counter game try which would have led to West passing and E/W going down three or four) was not a LA for East; and that 3NT should not be considered a LA since it would have led to a better result than E/W achieved at the table. Therefore, the committee adjusted the result to 4♥, down one, minus 50 E/W, plus 50 N/S.

**The Committee:** Jeff Goldsmith (Chair), Darwin Afdahl, Joann Sprung, Peggy Sutherlin and Jim Thurtell.

### **Commentary:**

**Gerard** We've discussed this ad nauseam in a different forum. West will pass whatever East bids, since even after 3♥ he will not understand the auction. Therefore, 3♥ was not demonstrably suggested by the UI. West could have held Axx, KQxxx, Kxxxx, void and they would have been playing a slam in a partial. I believe the chairman has since changed his mind, based on the clear language of Law 16 that East's action can not be consistent with the UI. Too many people want to force East to bid 4♥ because it would be consistent with the authorized information (AI), which is not how the law reads.

**Goldsmith**

I didn't scribe this, and I don't like the presentation of the decision.

Rich Colker brought to my attention that the decision was possibly wrong, too, but first, I'd like to describe the actual decision.

There were two pieces of UI for East. The first was that his partner didn't know that 2NT showed heart support and a decent hand. This UI clearly indicated a heart bid over a non-heart bid. The appeals committee (AC) thought only two non-heart bids were possible LAs, 3♦ and 3NT. 3NT would have been more successful than the actual choice, so it's irrelevant. The AC judged that 3♦ was just not going to happen with this pair. When asked if he had considered 3♦, East seemed baffled that there might even be such an option. The AC judged this to be real, which makes 3♦ not a LA for this pair. Since that UI didn't suggest 3♥ over 4♥ or vice versa, East was not constrained by it.

The second piece of UI was that East knew that 3♣ is not a natural game try, just a meaningless noise. The AC thought that knowing that 3♣ wasn't a game try suggested 3♥ over 4♥, because without the UI, 4♥ was a much stronger choice than 3♥. On this basis, the AC ruled as it did. This turns out to be wrong, or at least too simplistic.

As an aside, the stuff about Precision and opener's having 12-13 HCP is nonsense and wasn't part of the AC's deliberation. For all East knows, opener can be making a slam try, perhaps with Q/AKQxxx/x/Axxxx or ---AKxxxx/x/Axxxx. Responder's hand is unlimited, so shapely hands need to cater to slam.

Rich Colker pointed out that the logic used by the AC is not supported by law 16 or law 73, and thus East ought to have been unconstrained. The reasoning is not intuitive and is complicated, so please bear with me. Law 16 says that a player may not choose among LAs one suggested over another by UI. The UI in this case tells East that 3♣ was a meaningless noise. From his perspective, that means that bidding 3♥ or 4♥ is a total guess. Therefore, the UI does not suggest either 3♥ or 4♥ over one another, and law 16 does not apply. Just because AI tells us that 3♣ is a game try doesn't mean we have to use the AI; the "suggested over" part of law 16 takes place entirely within the UI context. Yeah, that seems strange, but that's what it says. The one part of law 16 that occurs in the AI context is the determination of LAs. Here, 3♥ and 4♥ are LAs in the AI context, and since in the UI context, neither is suggested over the other, East is free to do as he pleases. It does not matter whether a LA is suggested over another by AI. Players are not constrained to follow AI. What about law 73? East is required "carefully [to] avoid taking any advantage" of UI. His UI says that his decision is a guess, roughly 50/50. How can he take advantage of that? If he follows the AI and accepts a club game try, he'll get essentially the same expectation as if he bids only 3♥. No advantage is available, so law 73 allows no adjustment. Mostly.

**Goldsmith (continued)**

What about "carefully?" East has avoided taking advantage (he had no opportunity to do so) but did he do it carefully? I think the answer is "no," but it's close. I think East's choosing 3♥ is just barely taking advantage, because if partner is minimum 3♥ is probably right, and if partner is maximum, partner can bid game. Perhaps the heart support will wake partner up to her mistake. Or maybe she'll think, "Lebensohl followed by our suit must be invitational," which is what he had. So, I think East was not carefully avoiding taking advantage. But, it's real close, a judgment call that I'd prefer not to have to make in the future.

So what's the upshot of all this? I think the AC is free to choose either to let East bid as he sees fit, as he didn't violate law 16 or the large part of law 73. It is also reasonable that they ruled as they did, judging that East did not carefully avoid taking advantage of the UI, and that 4♥ or 3NT does that better. I lean towards the latter decision, but accept either.

**Polisner**

Good ruling and decision except that I would have awarded an AWMW.

**Rigal**

This case has generated a large amount of discussion amongst the cognoscenti as to whether the UI from the explanation demonstrably suggested bidding 3♥ as opposed to 4♥. I have not changed my mind but I'll let others debate this. The key to me is the light Precision opening-style in place for E/W. But, maybe you needed to be in the committee to hear East convict himself out of his own mouth to feel that way.

**Smith**

Good job by the committee, although I found some of the prose a bit hard to follow. I think E/W deserved an AWMW.

**Wildavsky**

West caused this entire problem by volunteering an explanation when none was requested. He ought to have been assessed a procedural penalty. No one can doubt that UI was present or that several less successful LAs were available. The crux of the case is whether the UI demonstrably suggested the action chosen. I agree with the TD and the AC that it did. I discussed the case with several heavy hitters who take the opposite position. They believe that knowing that partner thought you wanted him to bid 3♣, and then hearing him bid 3♣, suggests precisely nothing. The AC argument that East knows that West did not intend to show a game try in clubs is on target. East was obligated to bend over backwards to avoid taking advantage of that knowledge, per laws 73 and 16. Law 73C: When a player has available to him unauthorized information from his partner, as from a remark, question, explanation, gesture, mannerism, special emphasis, inflection, haste or hesitation, he must carefully avoid taking any advantage that might accrue to his side. Law 16A: ... partner may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information.

**Wildavsky (continued)**

I take law 16A to mean that the action must be more likely to succeed given the UI than it would have been with just the AI. Indeed no other interpretation makes sense to me.

Let's try to quantify this. Opposite an 11-15 opening bid, game must be about 50%. If West holds a club game try, then game should be somewhere between 50% and 75%. 3♥ is more likely to be right with the UI than with the AI, so the UI demonstrably suggested 3♥ over 4♥.

One check on our judgment in cases like this is to consider whether we might adjust the score had the player taken the opposite action. Here we could not. Suppose East bid 4♥ and found it cold with West holding a 15 count. The arguments above would still hold – the AI made the game more attractive than the UI did, so the UI could scarcely suggest 4♥ over 3♥.

Some might complain that the percentage figures are arbitrary. You should feel free to come up with your own. One might even be able to come up with figures that seem to show that the UI suggested 3♥ over 4♥. Rather than fight over bridge judgment I'll show another way to look at the case. With just the AI, 4♥ is a reasonable call – I think it's the right one. 3♥ may be reasonable too, albeit a tad conservative. Perhaps then a compromise is available. How about a "last train" 3♦? That should tell partner "I'm torn as to whether to accept – I'd like you to decide." The UI suggests that partner will pass your next call. Thus it demonstrably suggested both 3♥ and 4♥ over 3♦. Had East bid 3♦ and then respected partner's decision we could not adjust his score no matter what partner held.

We ought to enforce the rules in a way that East finds it to his advantage to follow the laws and bid 3♦. If he can be confident that we'll adjust the score to give him the worst of it then he might as well bid 3♦ – perhaps partner will wake from his reverie and bid on.

The AC write-up claims that 3♦ was not a logical alternative, but gives no reason. From private correspondence, I gather that they thought that this particular East would never bid 3♦, but that's not the proper standard to apply. The question is whether any of East's peers would seriously consider 3♦ – surely a few would. East has qualified for and entered the Blue Ribbon Pairs. We ought to hold him to the standard of the event.

I would adjust E/W to minus 200, the most unfavorable result that was at all probable had East followed through on his legal obligations and N/S to plus 200, the most favorable result that was likely. In addition I would assess a 1/4 board procedural penalty. This was a complex case – the appeal had merit even though E/W ought to have come out of the committee room with a substantially lower score than they had going in.

**Wolff**

I agree with the decision. A clear case of Convention Disruption (CD) by E/W, which resulted in conveying UI and quite correctly, not allowed.