

APPEAL	NABC+ FOUR
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Blue Ribbon Pairs
Session	First Qualifying
Date	November 21, 2006

BD#	26
VUL	Both
DLR	East

Mark Bennett	
♠	K 9 8 6 3
♥	J T
♦	Q 8 4 3
♣	Q 5

Judy Schulman		Fall 2006 Honolulu, Hawaii	Rich Karpowicz	
♠	J 5 2		♠	7
♥	7		♥	A 8 6
♦	A T 9 7 5		♦	K J 2
♣	K T 8 7		♣	A J 6 4 3 2

Iku Donnelly	
♠	A Q T 4
♥	K Q 9 5 4 3 2
♦	6
♣	9

West	North	East	South
		1♣	1♥
Dbl	Pass	2♣	2♥
3♣	Pass	Pass	3♥
4♣	Pass	5♣	Pass
Pass	Dbl	Pass	Pass
Pass			

Final Contract	5♣ doubled by East
Opening Lead	♥K
Table Result	Making 7, E/W +1150
Director Ruling	5♣ dbld by E, E/W +1150
Committee Ruling	5♣ dbld by E, E/W +1150

The Facts: E/W play that the negative double of 1♥ is for takeout and denies four spades.

The Ruling: The table director, after due consultation with other tournament directors (TDs), decided that this use of a negative double is not Alertable, per ACBL regulations. If it is not Alertable, then the failure to alert it is not an infraction - MI.

The Appeal: N/S appealed on the basis that they believed that this interpretation of the regulations was incorrect.

The Decision: It is not normally within a committee's ambit of authority to interpret the laws and regulations. However, laws 92 and 93 required the committee to consider the appeal. The committee believed that its options were to 1) agree with the director's interpretation, or 2) to resubmit the issue to the tournament directors for reconsideration of their previously stated interpretation. The majority of the committee concluded that the ACBL regulations do not require Alerts for this negative double. The wording of the regulation suggests that an Alert is only required for highly unusual meanings of a double. The committee majority decided that this was not a highly unusual meaning of the negative double of 1♥. Accordingly, the committee did not resubmit the issue to the directors, but merely affirmed the decision that there had been no infraction.

The Committee also felt that this was an appropriate matter to forward to the ACBL for a definitive statement.

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

Commentary:

Goldsmith I also didn't scribe this one. Moreover, I dissented and did so in writing. The NAC has begun a policy of having non-members of the appeals committee (AC) scribe. While this has some major advantages, it has been shown in its poorest light in Cases two and three. The crux of the matter is whether the double is "highly unusual and unexpected." The ACBL alert chart, created by the C&CC, uses that criterion as to whether a double is Alertable. (There is an exception: they judge that support doubles, while neither highly unusual nor unexpected, at least at the 2-level, are Alertable. Go figure.) I live in the area where Walsh doubles (what the double in question is called here) were invented and were played regularly many years ago. By 2006, all but a very small number of pairs have dropped this convention; indeed, it's now almost unheard of here. I figure that its popularity is likely to be lower nearly everywhere else than where Richard Walsh's theories held sway, so that, to me, this must be an extremely rare convention. With the popularity of the law of total tricks so high, players who started playing since Larry Cohen's book was published probably will never have heard of the Walsh double alternative. Since then, nearly everyone has played that 1♠ in a negative double context shows five spades and the double shows four. This is so much the case that the Alert of 1♠ was removed as a waste of breath. (Good.)

Goldsmith (continued)

Since nearly no one plays this convention, and it is clearly unexpected, I think it qualifies as an Alertable double. Ought it to be Alertable, regardless of the specific definition in the regulations? Yes, it ought to be. If advancer has spades, but not long and strong spades, he may well want to bid them if the double denies four spades, but wouldn't consider it if it showed them. The actual hand is a perfect example of such a suit, K98xx. The current alert procedure expects players to protect themselves in situations where a call may reasonably be expected to have alternative meanings. If that were so here, advancer would have to ask about the double every time he might bid spades. 99.99% or more of the time, he'd hear something like, "double shows four spades. Hey, I'm teaching a class in basic conventions. Would you boys like to attend?" Well, maybe not quite so snidely, but most would be confused as to why advancer was asking anything so obvious. Before long, everyone would realize why he was asking. Now everyone at the table knows that he has spades. The opponents get to take advantage of it, but partner must not. Thinking the whole thing through, advancer should realize that asking when he has spades is substantially to his disadvantage. He may either ask every time a negative double of 1♥ comes up or just take the loss when the double denies four spades. Since the first choice is too aggravating for everyone (I, personally, would get tired of the lesson offers, and I probably ask as many questions as anyone), his only realistic choice is the latter. So, the Alert procedure gives an un-Alerted Walsh double an unfair advantage. Therefore, it should be Alertable on the basis of what used to be the first line of the alert procedure: "if the meaning of your action can reasonably be expected to come as a surprise to the opponents, and they could be damaged by not knowing it, Alert." (Yes, I paraphrased rather generously.)

Until recently, some such statement has been present near the top of the Alert regulations. It has been removed. Why? Assuming (dubiously) that the double is not Alertable, what could we do in this case? In practice, E/W had been told by the directing staff that their double wasn't Alertable. They didn't violate any regulations and knew they hadn't. Yet, the failure to alert damaged N/S. Looks to me as if the regulations damaged N/S, which means N/S is out of luck. Law 82C (Director's Error) doesn't cover the case where the regulations appear to be in error, so the AC has no recourse except to feel sorry for N/S.

Goldsmith (continued)

What if the AC decided that the double was Alertable? Law 93B3 says that an AC may not overrule a director on a point of law or regulations. They may suggest that the director change his ruling, but they cannot do more. Here, the directors were confident about the regulations (which seems like an overbid to me), so there was nothing the AC could have done. Interestingly and happily, ruling result stands allowed both pairs to qualify for the next day's play, so this ruling made no one grossly unhappy. E/W felt as I do, that their double should be Alertable, but they were told not to alert it, so they stopped doing so. Fortunately, the Alert procedure says that there is no penalty for (reasonable) over-Alerting, only Under-Alerting, so I told them that regardless of what a director tells them, they are allowed to Alert if they feel doing so is in the interest of fair play. They thought it was and decided to Alert in the future.

Polisner Good ruling and decision and very close to an AWMW.

Rigal I hope this issue will be resolved for future TDs and appeal committees. As it stands I think justice was done, but I can understand players from different regimes (or different parts of the country with different bidding styles) feeling differently.

Smith This case highlights the problems we have with our Alert procedures, particularly as they relate to doubles. The regulations allow far too much subjective judgment in determining what calls are Alertable, and this kind of dispute is too often the result. The committee handled the case well and recognized all the legal points involved in it. I hope the appellants were informed in advance that Law 93 does not give a committee the right to overrule the director on a point of law or regulation (although a committee may recommend to the chief director that he reconsider his interpretation of the law or regulation).

Wildavsky It scarcely matters what I think of this ruling, since it's a matter of regulation. For what it's worth the regulation seems a poor one. If the double might either show or deny spades then advancer will have to ask every time. This risks conveying unauthorized information. A broader point is that stealthy regulation is poor regulation. Whatever the rules are the ACBL must make them easily available to the players. The Alert regulations ought to be simple and unambiguous. To the extent that they are not, decisions in specific cases must be well publicized. At a minimum they should be published in one spot on the ACBL web site. Were this rule documented then N/S would likely not have appealed. As things stand players may believe that the ruling varies based on the director's whim or the players' influence or reputations. This is bad for all concerned.

Wolff BAH. How can it not be right to Alert a negative double of a 1♥ overcall if it denies four spades? That is a critical difference from the normal meaning of negative doubles which are usually looking for 4-4 major suit fits. I'm not claiming to know the details of our Alert procedures, but any committee which does not require that to be Alerted obviously does not know what is important and what is not. Many high-level partnerships play 1♠ double 2♥ as showing some kind of spade raise which is a similar enough situation to make what the committee-in-question's possible action look totally ridiculous. For our system to work we need competence, or at least people who should know something about what should be required. By the way, on this particular hand North probably would have bid 1♠ if he had been alerted properly. On Andy Robson's London Bridge Club Convention Card it clearly says that all bids should be alerted if the opponents might have a need to know. Why don't we learn from high level players who understand what to do?