

APPEAL	NABC+ TWO
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Silodor Open Pairs
Session	First Qualifying
Date	March 13, 2009

BD#	8
VUL	None
DLR	West

Jill Wooldridge	
♠	A 2
♥	A K J
♦	T 4
♣	K T 9 8 5 2

David Bakhshi		Spring 2009 Houston, TX	Tommy Garvey	
♠	8 7 6 5 4		♠	Q T
♥	9 7 5 2		♥	8 4 3
♦	6		♦	A Q 9 7 5 3 2
♣	Q 7 6		♣	3

Irma Schulman	
♠	K J 9 3
♥	Q T 6
♦	K J 8
♣	A J 4

West	North	East	South
Pass	1NT	3♦	3NT ¹
Pass	4♣	Pass	4♦
Pass	5♣	Pass	6NT
Pass	Pass	Pass	

Final Contract	6NT by North
Opening Lead	♦A
Table Result	Made 6, N/S +990
Director Ruling	3NT by N, made 7, N/S +520
Committee Ruling	3NT by N, made 6, N/S +490

(1) E/W alleged a break in tempo (BIT) – disputed by N/S.

The Facts: The director was called after the play. East alleged a 30 second BIT and West alleged a BIT of 20-30 seconds at South's first turn to call. N/S thought the BIT was between 7 and 10 seconds. North stated that the reason she pulled 3NT was due to the lack of a diamond stopper.

The Ruling: The director judged that:

- There was an unmistakable BIT and UI was available from that BIT.
- The UI demonstrably suggested that North bid rather than pass.
- Pass was a logical alternative – in fact, normally after one opens 1NT and partner responds 3NT without first mentioning another suit, there is no logical alternative call other than pass.

Therefore, in accordance with Laws 12 and 16, the director adjusted the table result to 3NT by North, making seven, N/S plus 520.

The Appeal: Both pairs appealed and all four players attended the hearing. The stop card was not used. N/S felt the time taken was ten seconds. North was worried South did not have a diamond stopper. A double by South would have been negative. South said she considered double and thought of 4NT right after she bid 3NT. Time was close to 30 seconds according to E/W. They considered that pass was a logical alternative. East said that he might lead the ace of diamonds against 3NT.

Because perceptions of time can differ the committee asked each player in turn to demonstrate the length of the hesitation by waiting as long as the hesitation at the table had taken and then saying "3NT." North took 9 seconds, South 12.5, East 17, and West 25 seconds.

The Decision: The committee found that:

There was an unmistakable hesitation, partially because South took well over 10 seconds in the demonstration.

The BIT demonstrably suggested doubt about 3NT as a contract.

Pass is a logical alternative.

The committee judged that leading the ♦A was unlikely, and some felt a self-serving statement by E/W. However the committee judged that on a normal heart lead declarer would likely play on diamonds for her twelfth trick. Therefore, in accordance with Laws 12 and 16, the committee adjusted the result to 3NT by North, making six, N/S plus 490 for both sides.

N/S's appeal was determined to have merit because of the doubt as to the facts. Had the committee found that no UI was available to North then she would have been free to make any call over 3NT.

The Committee: Aaron Silverstein (Chair), Ed Lazarus, John Lusky, Chris Moll and Jim Thurtell.

Commentary:

Goldsmith Good job in everything but the time test. Testing people out of context about the length of a time interval is useless. People don't vary their estimates in situations like this just because their clocks run faster or slower than other people's. They slow down when they have something to think about and speed up when they are bored. It is impossible to simulate the real situation, so without videotape or some other recording, estimating how long hesitations took is pure judgment. I think it's a close call about the number of tricks to award. N/S clearly get 12; it's at least at all probable that declarer will end up with 12. Is it likely that she will? I think a significant majority will lead a small diamond. Is it 2/3? Hard to say. I call it a toss-up between reciprocal 490s and 490/520. N/S get an appeal without merit warning (AWMW) and a 1/4 board procedural penalty (PP) for blatant misuse of UI. This isn't remotely close.

- Polisner** As I have said many times, the use of the stop card is not relevant. The player next to act should hesitate approximately 10 seconds before calling. In order to find UI, there has to be an unmistakable BIT. Based on the wide disparity of time between the two sides perceptions and the failure of E/W to call the cops until after the play rather than what would be normal after North made a very unusual bid of 4♣ if there had really been a BIT, I would have a difficult time finding that there was an unmistakable BIT. Additionally, even if there was such a BIT, what did it suggest? Perhaps it showed the player was thinking of a way to show a major or making a negative double (if the pair played that) or making a penalty double, none of those possibilities suggest bidding 4♣ with the North hand. I would have kept the table result.
- Rigal** I'm not sure I see a reason not to give an appeal without merit warning (AWMW) here. I'm unconvinced a dispute about the facts is grounds for avoiding an AWMW when the decision of the committee agrees with the director.
- Smith** The N/S appeal had no merit that I can see. How can passing 3NT not be an alternative? It also seems clear that there was an unmistakable hesitation simply based on the N/S testimony (even if the hand South held and the E/W testimony were not enough to draw that conclusion). The committee did well to adjust the score to N/S plus 490.
- Wildavsky** The tournament director got the main part of the case right, but missed a trick in the adjustment. The committee improved the ruling. The write-up should note that after the 3♦ skip-bid a hesitation of about 10 seconds is required, whether or not the Stop Card is used. See http://tameware.com/adam/bridge/laws/stop_card.html for my thoughts on the ACBL's current policy regarding the stop card.
- Wolff** After the hesitation disruption (HD), North should not be allowed to take out 3NT, therefore plus 490 N/S. E/W should possibly get minus 490, but natural playing luck (NPL) could probably demand minus 990 for them since North had to finesse the club and if he hadn't, I'm sure E/W would love to take plus 50. Again fairness to the field – protect the field (PTF) - should always be of paramount concern.