

APPEAL	Non-NABC+ Three
Subject	Unauthorized Information (UI) - Tempo
DIC	Matt Koltnow
Event	Compact Knockout – Bracket Four
Session	Fourth and Final Match
Date	March 14, 2009

BD#	13
VUL	Both
DLR	North

3,000 Masterpoints	
♠	Q 7 5
♥	K J 7 4
♦	K 6
♣	K J T 7

1,950 Masterpoints		Spring 2009 Houston, TX	3, 200 Masterpoints	
♠	A 3		♠	J T 6 2
♥	A 5		♥	Q T 6 2
♦	Q T 9 8 3 2		♦	4
♣	Q 6 2		♣	9 5 4 3

4,300 Masterpoints	
♠	K 9 8 4
♥	9 8 3
♦	A J 7 5
♣	A 8

West	North	East	South
	1NT ¹	Pass	2♣
Pass ²	2♥	Pass	3NT
Pass	Pass	Pass	

Final Contract	3NT by North
Opening Lead	♦4
Table Result	Down 3, N/S - 300
Director Ruling	3NT N down 1, N/S - 100
Panel Ruling	3NT N down 3, N/S - 300

(1)	12-14 HCP..
(2)	Break in Tempo (BIT) – agreed.

The Facts: The Director was called at the end of the play of the hand. There was an agreed BIT by West before the pass over 2♣.

The Ruling: The BIT is UI and suggests a short suit lead. Law 16 prohibits using that information, so the staff looked at the hand after a more normal club lead. It appeared that 3NT would go down one, so the score was changed to 3NT by North down one N/S minus 100 under Laws 73F and 12C1.

The Appeal: N/S appealed and all players attended the review.

Three players agreed that the BIT was in the 12 second range, but East now said her partner always plays slowly and she did not think the BIT was unusual for his pace of play. East said she could not lead a spade or a heart. She said she would have to lead the ♣5 under their agreement and she was afraid that her partner would have trouble reading it. As a result she had to lead a diamond.

When asked why he thought the director's ruling was wrong, North said he thought he could always take nine tricks.

The original play had gone: ♦4 to the J, Q and K: ♠Q to the A, ♦T to the ace and a heart to the J and Q. This gave the defense a spade, two hearts and four diamonds.

The hand was replayed with a club lead. Declarer won the queen with the king, returned a club to the ace, a spade to the queen and then a spade to the 8 and ace. [note: North's original play of the ♠Q at trick two indicated he was intending to play East for at least the ♠J or ♠10, so this was not completely double dummy.] West got out with a club to the jack and declarer led a spade to the ten and king and then a heart. While West was considering what he should play E said 'Of course he will go up with the ace.' [note: East was strongly admonished for speaking out of turn, but if West ducks, it appears North will go down.] After some consideration, West agreed that he would play the ♥A and get out a heart. That was declarer's ninth trick, so he grabbed it and played the ♦K and ducked a diamond into West when East showed out (he then had a perfect count on the E/W hands), for ten tricks.

The Decision: The panel decided there had been an unmistakable break in tempo.

There were three questions the panel had to answer. First, was there an irregularity? That is did West's BIT demonstrably suggest a diamond lead would be more successful than a club? Was there damage as a direct result of the UI? Was declarer's play of the ♦J at trick one so bad that it broke the chain between the irregularity and the result?

East has about 3,200 masterpoints. Six players with similar experience were asked what they would lead on a 'clean' auction. All would have led a club. Then they were told about the slow pass over 2♣. Five said the BIT suggested a club lead. The sixth said it showed 1) clubs, 2) diamonds or 3) high cards, but no suit. None thought the BIT demonstrably suggested that a diamond lead would be more successful than a club.

Based on the peer group opinions the panel decided that there was no violation of Law 16 and reinstated the table result of 3NT by North, down three, N/S minus 300. There was no need to answer the other two questions.

The appeal was determined to have merit.

The Panel: Charles MacCracken (Reviewer) and Jay Albright.

Commentary:

- Polisner** Based upon the methodology required by the Laws, the decision is spot on. If the UI did not suggest a diamond lead, then the diamond lead is fine.
- Rigal** I agree with the inference about the slow pass not suggesting a diamond lead. Too often we make these links (but to be fair again, maybe this is suitable for a recorder form?). Correct decision all round.
- Smith** I am a big believer in the polling system, so I must defer to the panel decision and agree with its decision based on the information available. But I must confess surprise. From my hand and the auction, I can tell that partner was not likely considering bidding a major. I also don't think he would have much of a problem passing with a balanced strong hand. So it's either clubs or diamonds, and my relative length tells me it is likely diamonds but not quite good enough to bid. For some reason it seems to me that if he had clubs he would either double or not, but not take such a long time deciding which to do. Perhaps I am swayed somewhat by the fact that this East led a diamond when a club seemed so normal to the polled players. Maybe he was more attuned to what the huddle meant than were the consulted players.
- Wildavsky** A tricky case. I can't fault either the director's or the panel's decision.
- Wolff** The outside players who were consulted on what they thought was the likely reason for partner's huddle, five out of six said they thought he had clubs. VERY NAIVE! When was the last time any of us held four clubs, had LHO use Stayman, waited while partner huddled and then passed and had the opponents not find an eight card major suit fit and wound up declaring 3NT? Partner had diamonds and everyone should have known it. It could be known as the no-risk overcall, since the opponents had no chance to double. It is naïveté like this which makes our process sub-standard.
Sure a club should be led and E/W should incur a rather substantial penalty since, although the jack of diamonds should not have been played at trick one, N/S possibly deserved their down one. E/W should probably receive their score for setting 3NT, but also a full board penalty or 12 IMP's for blatant use of UI. We could certainly use more experienced judgment on the panels. I am really disappointed in Charlie MacCracken for falling for this ruse, but he is a wonderful guy and a bleeding heart, but those are not good qualities for that position.