

APPEAL	NABC+ FIVE
Subject	Unauthorized Information (UI) - Tempo
DIC	Olin Hubert
Event	Vanderbilt KO Teams
Session	Round of 64 – Third Quarter
Date	March 16, 2009

BD#	<b>27</b>
VUL	<b>None</b>
DLR	<b>South</b>

Ira Hessel	
♠	9 5 2
♥	Q 3
♦	Q 4
♣	A K Q J 8 3

Kevin Bathurst		Spring 2009 Houston, TX		Vincent Demuy	
♠	A K Q 6 4 3	♠		♥	A J T 9 8 6 2
♥	K 5	♥		♦	A T 8
♦	K J 6 3	♦		♣	9 6 4
♣	5	♣			

Dan Morse	
♠	J T 8 7
♥	7 4
♦	9 7 5 2
♣	T 7 2

West	North	East	South
			Pass
1♣ <sup>1</sup>	2♣ <sup>2</sup>	2♥	Pass
2♠	Pass	3♥	Pass
4♣ <sup>3</sup>	Pass	4♦	Pass
4♠ <sup>4</sup>	Pass	5♦ <sup>5</sup>	Pass
5♥ <sup>6</sup>	Pass	6♥	Pass
Pass	Pass		

Final Contract	<b>6♥ by East</b>
Opening Lead	<b>♣2</b>
Table Result	<b>Made 6, E/W +980</b>
Director Ruling	<b>5♥ E, made 6, E/W +480</b>
Committee Ruling	<b>5♥ E, made 6, E/W +480</b>

(1)	Precision – strong, forcing and artificial.
(2)	Natural.
(3)	Doesn't promise a club control.
(4)	Roman Keycard Blackwood for hearts.
(5)	Two controls, no heart queen.
(6)	Break in Tempo (BIT).

**The Facts:** The director was called after the 6♥ call and again at the end of the quarter. There was an agreed substantial BIT by East just prior to bidding 5♥.

**The Ruling:** Several players were polled and asked whether the East hand might pass 5♥. There were enough positive responses that pass was determined to be a logical alternative. The director judged that the BIT demonstrably suggested bidding 6♥. Therefore, the result was adjusted to 5♥ by East making six, E/W plus 480 for both sides in accordance with Laws 16B1(a) and 12C1(e).

**The Appeal:** E/W appealed the director's decision and all four players attended the hearing.

E/W testified that West's Keycard ask of 4♠ promised a club control. East briefly considered showing his spade void. He also considered bidding 5♥, treating his extra length and heart jack/ten as the equivalent of the queen of hearts. However, East decided that his heart holding might not combine with Kx to give adequate play for a grand slam. On the other hand, his extra playing strength, long strong trumps and good controls in view of his partner's strong bidding made it clear to bid 6♥ if his partner bid 5♥. When West received the 5♦ reply, he considered bidding a spade slam. If partner had a doubleton spade, it would have a good play. He did not consider a possible tempo problem because he assumed that 5♥ would end the auction.

N/S agreed that although East's 6♥ bid was attractive, E/W might be missing two key cards making 6♥ an inferior contract at best. Since East declined to show the heart queen with his key card response, it was not appropriate for him to overrule his partner's slow 5♥ bid.

The committee learned that the 3♥ bid suggested at least a six-card suit and that 4♣ showed heart support.

**The Decision:** There was an agreed BIT that demonstrably suggested East's 6♥ bid. Was pass a logical alternative to the 6♥ bid?

The definition of logical alternative is a bid that a significant number of that player's peers would seriously consider and "some" of those peers who would seriously consider would actually make. What percentage is "some?" In Houston the Laws Commission found: "There was a consensus that in Law 16B1 where the word 'some' is used it should suggest to the tournament director and a committee more than one, and the word 'significant' should suggest to the tournament director and a committee more than a minor proportion (e.g. 2/100) but less than a major proportion (e.g. 40/100)."

At the point of his decision, East possessed values that he had not yet disclosed to his partner – most importantly his seventh heart. Additionally, he held the jack and ten of hearts and the ace (instead of the king that he might have held).

The committee constructed various hands for West and found it difficult to come up with a hand that would make 6♥ worse than a trump finesse or the equivalent. One committee member said that "East bought about as poor a dummy as he could have."

The range of the committee member's estimates of how many of East's peers would bid 6♥ without the UI was between 85 and 95 percent. Ultimately a majority of the committee decided that the percentage of East's peers who would pass 5♥ was high enough to make pass a logical alternative to the demonstrably suggested 6♥ bid.

Therefore, the table result for both sides was adjusted to 5♥ by East making six, E/W plus 480 and N/S minus 480.

The appeal was determined to have merit.

**The Committee:** Doug Doub (Chair), Peter Boyd, Mark Feldman, Gail Greenberg and Ed Lazarus.

## Commentary:

- Goldsmith** Good basic ruling, but too much weaseling. Would West have bid differently with AKQxx Qx KQJx x? That looks like an easy hand to bid: set hearts and use key card - off two keys, stop in five. 6♥ is a terrible contract vs. that hand; after two rounds of clubs, the ♥K has to be onside singleton or doubleton.  
Not only do I think the appeal has no merit, I'd ding E/W 1/4 board for abuse of UI. 6♥, in a vacuum, is a reasonable choice. After partner has tanked over a Blackwood response, it's unthinkable.
- Polisner** A very difficult case in light of the definition of the word "significant." I believe that ACBL should use equity adjustments for such cases as is done in the rest of the world wherein if the committee believes that 85-90% of East's peers would bid 6♥ without any UI, the result should be 85% of 980 plus 15% of 480 with say a 10% downward adjustment for having created the problem. An all or nothing decision is to Draconian.
- Rigal** Well reasoned decision; I'm not sure I agree with it but in a subjective area of this sort one can't expect all decisions to fit with one's own perspective. West should have paused before using keycard of course, to avoid this problem. Correct director decision – of course.
- Smith** This was a very tough case. In my opinion, most hesitation Blackwood rulings are easy: you don't get to bid slam when partner makes a slow signoff. As much as anything, we should allow for and consider that at the table when partner signs off briskly most players don't give much thought at all before passing. It is only when partner signs off slowly do players begin to think of reasons why it is right to bid more. Having said that, there is enough to this case to get it close to being an exception. But not quite enough, so I agree with the committee.
- Wildavsky** I agree with the committee and director rulings. I don't think it was as close as the committee thought it was. I have no trouble finding a West hand where E/W are off two cashing tricks. How about AKQJTxx/KQ/KQ? West should have planned his auction so as to avoid the telling hesitation over 5♦. East knew his partner had failed in this responsibility, and he ought to have known pass was in his best interest. When he bids he'll keep a bad score and lose a good one. He was lucky to end up with plus 480. With a different lie of the cards he could have been minus 50.
- Wolff** Okay ruling which penalizes hesitation disruption (HD), not, IMO, as awful as convention disruption (CD) but close.