

APPEAL	Non-NABC+ Five
Subject	Unauthorized Information (UI) - Tempo
DIC	Mike Flader
Event	Stratified Open Pairs
Session	Second
Date	March 15, 2009

BD#	2
VUL	N/S
DLR	East

740 Masterpoints	
♠	A
♥	A K
♦	Q 8 6 5
♣	K Q 8 6 5 2

8,979 Masterpoints		Spring 2009 Houston, TX	2,095 Masterpoints	
♠	Q 7		♠	J 8 2
♥	9 8 7 6 5 4 3		♥	J T 2
♦	T 2		♦	A J 7 4
♣	A 4		♣	J T 9

2,320 Masterpoints	
♠	K T 9 6 5 4 3
♥	Q
♦	K 9 3
♣	7 3

West	North	East	South
		Pass	2♠
Pass	3NT ⁽¹⁾	Pass	4♠
Pass	Pass	Pass	

Final Contract	4♠ by South
Opening Lead	
Table Result	Made 4, N/S + 620
Director Ruling	3NT N down 3, N/S - 300
Panel Ruling	3NT N down 3, N/S - 300

(1) Break in Tempo (BIT).

The Facts: The director was called during the auction and again after the play of the hand. The director determined that there was an unmistakable hesitation by North prior to bidding 3NT.

The Ruling: The director judged that the BIT demonstrably suggested the 4♠ call over pass, which was considered to be a logical alternative. Therefore, using laws 12 and 16, the result was adjusted to 3NT by North down three, N/S minus 300 for both sides.

The Appeal: This appeal was unusual in timing and duration. The director was called during the auction. After consulting with other directing staff and getting opinions about the existence of a logical alternative to the action taken by South, a ruling was delivered. At almost the end of the appeal process, after the playing room had emptied, the North/South pair returned to the playing area and filed an appeal. The director attempted to reach the reviewer on duty, but was only able to leave a message. No signature was acquired for the appeal form. The non-appealing side was not available for consultation. The reviewer received the information at approximately midnight and was able to convene a panel, even though a screening had not been held. The panel reviewed the facts, as presented, and agreed that unless the screening disclosed information already available they were prepared to make a decision on the appeal.

The Decision: The panel upheld the director's ruling, citing Law 16 – Authorized and Unauthorized information. Because the ruling was upheld and the non-appealing side was never aware of the appeal, they were not contacted. When contacted, the appellants had questions about the process and how the adjustment was established. As is frequently the case, the appellants had difficulty with the concept of “logical alternative” and restrictions that might be placed on the partner of the player who had made UI available. The appellants were unable to see that the break in tempo created UI and, therefore, did not understand why an adjustment was necessary.

The Panel: Nancy Boyd (Reviewer) – the remainder of the panel to be added later.

Commentary:

Polisner I am not comfortable with the process. Why couldn't the decision have been deferred until the morning if there was a need for further information to make sure that the best ruling was made? However, I think that the ruling and decision are reasonable.

Rigal Although I have a little sympathy for South, who had an extra spade for the auction; South took that into account when opening 2♠ in the first place.
Given that, South's hand was unremarkable. So, the question is whether the slow 3NT bid demonstrably suggested bidding 4♠ would be more successful than passing. I think it did; had North had a singleton small spade and six solid clubs the 3NT call would not have been slow.
I agree the director ruling and panel decision; in the circumstances it is acceptable to give no appeal without merit warning (AWMW). Without those circumstances, it would have been clear to award one.

Smith I don't think we should be hearing appeals when none of the principals is present. Either the N/S pair should have been told that their appeal could not be heard in the usual way without disturbing the orderly progress of the tournament (Law 93A), or better yet the appeal should have been delayed if possible until the following day after an attempt had been made to find the opponents and do it right. A bidding poll should have been taken by the panel if it was not, but I can't believe that most if not all would have passed 3NT with the South hand and that the slow 3NT bid expressed doubt about that being the best contract. A poll on the play to 3NT might also have proved useful. It's not so clear to me what the likely result of 3NT would be. That should have been polled as well. All in all, it seems that the unusual circumstances of this case caused the panel to be needlessly rushed and the process and perhaps the result may have suffered as a consequence.

Wildavsky No merit, and no reason to hold a hearing at all without a signed appeal form. I appreciate that the directing staff were trying to do their best, but I don't think anyone's interest is served when we cannot follow our standard procedures.

Wolff Regardless what I think of the merit of this decision, one caveat is clear. This case, because of its relative simplicity, MUST be officially noted and used as a PRECEDENT for future committees. Nothing else other than a slow 3NT bid by South to a weak two in a major was present. Yes, South might have been considering bidding a long suit (even hearts) or possibly considering making a slam try in some denomination instead of merely keeping a 4♠ bid in the mix, but because of the "slow 3NT" a correction to 4♠ was disallowed. One thing is for sure is that the responder didn't have a void or small singleton in spades, a long almost solid seven card suit (probably a minor) and stoppers in the other two suits making a slow 3NT an unlikely event. This committee ruled that was UI and not allowed. The one question which should be discussed is whether a "very fast" 3NT should be open to question and hence "overrule". Whether the decision is good, bad, or medium is not nearly as important as what the decision was. Other committees MUST be required to consider this panel's decision otherwise our process is WORTHLESS. For what it is worth I am not sure what I would rule. There is some logic on both sides, but whatever I am in favor of is not important, only that this panel, and the names making the decision need to be mentioned, should be in neon to all future panels, tournament directors and appeals committees. Otherwise our process is nothing more than put and take. To not make it a precedent is to totally disrespect the real people who were on this committee.