

APPEAL	Non-NABC+ Six
Subject	Misinformation (MI)
DIC	Dan Plato
Event	Stratified open Pairs
Session	Second
Date	March 18, 2009

BD#	11
VUL	None
DLR	South

4,330 Masterpoints	
♠	Q T 6 3
♥	9 7 3
♦	A 9 6 3 2
♣	8

4,882 Masterpoints		Spring 2009 Houston, TX	1,917 Masterpoints	
♠	9 4		♠	A K 2
♥	K J 4		♥	A Q T 6 2
♦	Q 7 5		♦	T 4
♣	9 7 5 4 2		♣	Q J 6

274 Masterpoints	
♠	J 8 7 5
♥	8 5
♦	K J 8
♣	A K T 3

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

Final Contract	2♠ by South
Opening Lead	♥4
Table Result	Made 2, N/S + 110
Director Ruling	3♥ E down 1, E/W - 50
Panel Ruling	3♥ E down 1, N/S + 50 for N/S 2♠ S made 2, E/W - 110 for E/W

(1)	10-13.
(2)	Alerted and explained as "No more than invitational values, I treat as Stayman." E/W heard "Invitational values, I treat as Stayman."

The Facts: The director was called as dummy was tabled and returned after play of the hand was completed. The room was noisy and North said as above (with South hearing it as North says he said it) and E/W not hearing the "no more than."

The Ruling: The director judged that if East had heard the no more than invitational, he would have reopened with a double. Therefore, the score was adjusted for both sides to 3♥ by East down one, E/W minus 100.

The Appeal: N/S misunderstood the explanation. In a noisy playing area, South gave what she described as her “canned” statement about 2♣, which is “No more than invitational values, I treat as Stayman.” E/W did not hear the “No more than” portion of the explanation so the statement became “Invitational values, I treat as Stayman.” All four players attended the screening and the pairs made the following points: N/S felt they had fulfilled the obligation to Alert and explain their agreement and that the North’s pass over 2♠ revealed that there was something else happening in the auction. East believed that competing to 3♥ was too dangerous based on the presumption of the placement of outstanding HCP. East believed that even with invitational values, the placement of high cards might have caused North to pass 2♠.

The Decision: Law 40B4 reads:

“A side that is damaged as a consequence of its opponents’ failure to provide disclosure of the meaning of a call or play as these Laws require is entitled to rectification through the award of an adjusted score.”

League regulations do not require an alert of 2C, Stayman, but once it was alerted, South must be sure her explanation is clearly enunciated.

Three players with approximately the same masterpoint holding as West were consulted. All would have bid 3♥ as over 2♠. West’s failure to trust partner’s overcall led to his side’s poor score.

The panel also believed that South was culpable for failing to ensure that E/W clearly heard the explanation, which probably influenced West’s bidding.

The panel decided to give a two-way result: 3♥ by East down one, N/S plus 50 for N/S and 2♠ making two, E/W minus 110 for E/W.

The panel decided to issue an appeal without merit warning (AWMW) to N/S because, at the time of the appeal, the reviewer explained to all four players that the results of the appeal would have no impact on placement or masterpoints of either side but the appeal was not withdrawn.

The Panel: Nancy Boyd (Reviewer), Charles MacCracken and Jean Molnar.

Commentary:

Polisner How can South ever insure that E/W hear the explanation other than requiring them to repeat what he/she had explained? Should we assume that N/S were playing Carter Stayman, which is what the explanation would imply? In such a case, 2♣ would not require any alert and the auction would have proceeded exactly the way it would. Was N/S playing Garbage Stayman? I think that there was sufficient information available to E/W to have allowed the table result to stand as East should have known that if North had invitational values that he would either raise 2♠ to 3♠ or bid 2NT.

I object to the issuance of an AWMW based upon the impact of the results of the appeal on placement or masterpoints. Players are entitled under the Laws to pursue an appeal if they believe the ruling is incorrect regardless of the placement issue.

- Rigal** I'm not sure about the AWMW given the panel's adjusted result for E/W with which I agree, given West's failure to play bridge. I'd be very interested for official guidance here on the AWMW!
- Smith** I think adjusting the N/S score downward is correct according to Law 12. I'm not as sure about denying relief to E/W, especially given the wording of the new Law 12B1: "The objective of a score adjustment is to redress damage to a non-offending side and to take away any advantage gained by an offending side through its infraction. Damage exists when, because of an infraction, an innocent side obtains a table result less favorable than would have been the expectation had the infraction not occurred-but see C1(b) below."
Law 12C1(b) states: "If, subsequent to the irregularity, the non-offending side has contributed to its own damage by a serious error (unrelated to the infraction) or by a wild or gambling action, it does not receive relief in the adjustment for such part of the damage as is self-inflicted. The offending side should be awarded the score that it would have been allotted as the consequence of its infraction only."
Although poor, I don't think the failure to raise to 3♥ is bad enough to trigger 12C1(b). I suppose we could say that damage existed not because of the infraction but instead because of the judgment of West in not raising to 3♥. That at least fits into the law better in this case than applying 12C1(b). It was easier in the old laws to justify not protecting a pair from damage due to their own unusual misjudgment after misinformation since damage was not specifically defined, and Law 40C simply said: "If the Director decides that a side has been damaged through its opponents' failure to explain the full meaning of a call or play, he may award an adjusted score." Under that law, it was easier to simply say that damage was a result not of misinformation but instead of poor judgment by a player after the misinformation was given. I worry that a too strict interpretation of the new Law 12 will lead us to give undeserved score adjustments to pairs in cases where the damage was much more a result of their quirky judgment than a direct result of the misinformation.
- Wildavsky** I like the rulings. I disagree with the rationale for the AWMW. A pair has a right to an appeal if they believe that justice was not done, regardless of the effect on their score.
- Wolff** E/W has no one to blame but themselves. West should have raised his partner's overcall, but even if not East should continue with either 2NT or even double. (I prefer 2NT) at his second turn. I do like the two way nature of the verdict since protect the field (PTF) was practiced, but here I do not think N/S should be subjected to a score adjustment.