

APPEAL	NABC+ EIGHT
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	First Qualifying
Date	March 19, 2009

BD#	<b>17</b>
VUL	<b>None</b>
DLR	<b>North</b>

<b>Dennis Heller</b>	
♠	J 2
♥	A K J T 3
♦	A Q 5
♣	Q J 4

<b>McKenzie Myers</b>		<b>Spring 2009 Houston, TX</b>	<b>Robert Todd</b>	
♠	K Q		♠	9 6 5 3
♥	7		♥	Q 9 6 5
♦	K J T 9 8 3		♦	6 2
♣	K T 9 7		♣	A 8 2

<b>Harold Antonson</b>	
♠	A T 8 7 4
♥	8 4 2
♦	7 4
♣	6 5 3

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

Final Contract	<b>4♥ by North</b>
Opening Lead	<b>♠3</b>
Table Result	<b>Down 2, N/S -100</b>
Director Ruling	<b>4♥ N, down 2, N/S -100</b>
Committee Ruling	<b>4♥ N, down 2, N/S -100</b>

(1)	Strong, artificial.
(2)	Weak, artificial.
(3)	Not Alerted – agreement is diamonds or black suits.

**The Facts:** The director was called at the conclusion of the play of the hand. 2♠ was, by agreement, either diamonds or the black suits. North said that he would not have bid 3♥ if he had been given the correct explanation.

**The Ruling:** Five players were polled and asked whether they would bid 3♥ over 2♠ given both explanations. One player said the correct information made 3♥ less attractive; two said the difference in explanation didn't matter and two players said the correct explanation made it more attractive to bid 3♥. Based upon the polling responses, the director concluded that the MI had no affect on the table result, and the table result of 4♥ by North, down two, N/S minus 100 was allowed to stand.

**The Appeal:** N/S appealed the director's decision. All four players attended the hearing. North said he would have passed if he had the correct information. He upgraded his hand because of his doubleton in West's presumed suit.

East explained that he didn't bid 3♠ because he didn't want to push the opponents into 4♥. He could count only three defensive tricks opposite a typical West hand including, say, six spades to the AK.

**The Decision:**

The committee's judgment matched that of those polled. The correct information would not have made pass more attractive. Thus E/W gained no advantage from their irregularity, per Law 21B3. Accordingly the committee allowed the table result of 4♥ by North, down two, N/S minus 100 to stand.

The committee considered a procedural penalty (PP) against E/W who ought to know their methods on a straightforward first round auction. The committee consulted with the director who explained that such penalties are usually assessed only for repeated violations. Thus, the committee did not assess a PP.

The appeal was judged to have merit.

**The Committee:** Adam Wildavsky (Chair), Tom Brady, Migry Zur Campanile (Scribe), Ellen Kent and Chris Willenken.

**Commentary:**

**Goldsmith** Good job until the PP consideration, which is just simply wrong. Thankfully, the director cleared that up. I buy the merit of the appeal. It's a fine bridge judgment call. I don't agree with N/S's contention, but there's enough to it that they deserve to get a committee to evaluate it.

**Polisner** Well done by the committee and but for one of the peers who was polled strangely agreeing with the concocted reason about not bidding 3♥ with the correct explanation, I would have voted for an appeal without merit warning (AWMW) and probably would have anyway.

**Rigal** Agree with decision but would have given E/W a PP here. Anyone who forgets their methods over the opponents' strong bids is not trying hard enough for a national event and needs to be made aware of that. (And I am prepared to eat my Homburg Hat if Bobby Wolff does not agree – this is safe since I do not possess a Homburg Hat).

**Smith** If the appellants were told the result of the director poll before they appealed, they should have been issued an AWMW. Frankly, I think they deserved one anyway.

**Wildavsky** I chaired this committee. The next day a fellow committee member realized that we had an excellent reason to assess a PP against E/W. Their method was not listed on their convention card. This may not warrant a PP in and of itself, but it is a clear violation of correct procedure and deserves a penalty when it leads to the kind of problem it did here.

**Wolff** What ridiculous malarkey it is to say a warning before next time issuing a penalty. Home brew convention disruption (CD) such as this should be immediately penalized and 3 IMPs looks appropriate for E/W.