

APPEAL	NABC+ NINE
Subject	Unauthorized Information (UI) - Tempo
DIC	Henry Cukoff
Event	Lebhar IMP Pairs
Session	First Qualifying
Date	March 19, 2009

BD#	26
VUL	Both
DLR	East

Gary MacGregor	
♠	A J 7 4 2
♥	T 5
♦	
♣	Q 9 7 5 3 2

Bill Arlinghaus		Spring 2009 Houston, TX	Dave Swarthout	
♠	K Q 9 8 6 3		♠	
♥	4		♥	K Q 9 8 7 6 2
♦	K Q 9 8		♦	J 7 6 5 3
♣	K 4		♣	8

Frank Lowenthal	
♠	T 5
♥	A J 3
♦	A T 4 2
♣	A J T 6

West	North	East	South
		4♥	Dbl
Pass	4♠	Pass	Pass ¹
Dbl	5♣	Pass	Pass
Dbl	Pass	Pass	Pass

Final Contract	5♣ doubled by N
Opening Lead	♥K
Table Result	Down 1, N/S -200
Director Ruling	4♠ dbld, N, down 3, N/S -800
Committee Ruling	4♠ dbld, N, down 3, N/S -800

(1) Break in tempo (BIT)

The Facts: The director was called at the conclusion of the deal. E/W thought South's BIT at his second turn to call was 8-10 seconds. N/S thought it was brief.

The Ruling: The director judged that the BIT demonstrably suggested bidding and that pass was a logical alternative. Therefore, the director adjusted the score to 4♠ doubled by West, down three, N/S minus 800 for both sides.

The Appeal: N/S appealed the director's decision. East was the only player who did not attend the hearing.

The double of 4♥ was described as takeout. Partnership agreement is double is takeout through 4♥. South felt his hand was too good to pass.

South knew that 4NT over 4♠ would have been Keycard Blackwood. N/S contended that West should have known that N/S would remove the double. South said he intended to redouble for rescue, not bid 4NT. North thought the double based on spades was a poor call.

West said he thought 4♥ was making; therefore he needed to double to protect his side's equity.

The committee discovered that 5♣ went down when declarer tried to ruff a spade before playing a round of trumps.

The Decision: The sequence of reasoning reserved for the committee was to examine the slow pass of 4♠. Did it convey information? The answer was, yes. South was either too good or too bad to pass. After the double, North possessed UI that South was unsuitable for 4♠. While a minority of the committee agreed with North's decision to remove to 5♣ there was unanimity that passing as North was a logical alternative.

Since the committee judged that North had violated Law 73C, it needed to adjust the score. The question was what South would likely have done had 4♠ doubled been passed back to him. Law 12C1(e) requires the committee to give the offenders the most unfavorable score that was at all probable had the irregularity not occurred. The non-offenders get the most favorable score that was likely.

The committee had been presented with the South hand as a blind preview. Two out of five members would have sat for 4♠ doubled. Using the ACBL Laws Commission's criteria that an action should be deemed likely if at least 1/3 of a player's peers would take it, the committee determined that the contract should be 4♠ doubled for both sides. The play in 4♠ doubled would see declarer score four trump tricks and three aces. Therefore, the committee ruled as the director had, assigning a score of 4♠ doubled by North, down three, N/S minus 800 for both sides. The appeal was determined to have merit.

The Committee: Barry Rigal (Chair), Shannon Cappelletti, Tom Carmichael, Jim Thurtell and Bob White.

Commentary:

Goldsmith Great ruling. The reason why the appeal had merit is that South might reasonably have bid over 4♠ doubled..

Polisner If an committee can't issue an appeal without merit warning (AWMW) in this case, we might as well eliminate the AWMW procedure. How can we educate players who take up our valuable time with frivolous appeals?

- Rigal** Still seems right to me; removing the double as South, had the auction returned to him in 4♠ doubled looks odd to me (not as odd as the first double, though). But the number of committee members who would have done so meant the final decision was close for the non-offenders as to whether they got to defend 4♠ or 5♣. And no appeal without merit warning (AWMW) of course.
- Smith** This looks pretty straightforward to me. I would have liked to have seen a poll taken by the directors. Maybe it would have dissuaded the appellants from proceeding. The committee did a thoughtful and thorough job. I believe the Laws Commission has been most reluctant to attach numerical values to the words “likely” and “probable”, although the percentage quoted by the committee has become de facto standard in many quarters. As with many cases in this set, I see no merit to the appeal.
- Wildavsky** Good work all around – a well thought out ruling.
- Wolff** Okay, since in my view, it was okay for North (with that particular hand) to bail out. West could have passed 4♠ out and so chanced that they wouldn't. It is hard to blame South for hesitation disruption (HD) since, as far as he was concerned, he was in the pass out seat.