

APPEAL	NABC+ TEN
Subject	Unauthorized Information (UI) - Tempo
DIC	Steve Bates
Event	Jacoby Open Swiss Teams
Session	First Qualifying
Date	March 21, 2009

BD#	<b>23</b>
VUL	<b>Both</b>
DLR	<b>South</b>

<b>Marty Fleisher</b>	
♠	A Q J 7 6
♥	Q J T 8 5 3
♦	
♣	8 3

<b>Kitty Cooper</b>		<b>Spring 2009 Houston, TX</b>	<b>Steve Cooper</b>	
♠	8 5 4		♠	K T 9 3
♥			♥	K 9 6 2
♦	K J 6 5 3 2		♦	A 4
♣	A K J T		♣	Q 5 2

<b>Mike Kamil</b>	
♠	2
♥	A 7 2
♦	Q T 9 8 7
♣	9 7 6 3

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

Final Contract	<b>5♦ doubled by West</b>
Opening Lead	<b>♠A</b>
Table Result	<b>Down 2, E/W -500</b>
Table Director Ruling	<b>3NT W down 1, E/W -100</b>
Screening Ruling	<b>5♦ dbld W down 2, E/W -500</b>
Committee Ruling	<b>5♦ dbld W down 2, E/W -500</b>

(1)	Alerted – Lebensohl (relay to 3♣)
(2)	Break in Tempo (BIT) 15 seconds.

**The Facts:** The director was called after the play of the hand. At that time, East stated that he would have bid 3NT over 3♣ if North had not bid.

**The Ruling:** The director determined that the BIT demonstrably suggested the 3♥ call and that pass was a logical alternative. Therefore, the result was adjusted to 3NT by West down one, E/W minus 100 for both sides. (Law 16B1).

**The Appeal:** N/S appealed the table director's decision. The screening director polled ten players – nine of whom bid 3♥ over 3♣ as North did, the one who passed freely mentioned the 3♥ option. Therefore, the screening director changed the table director's ruling back to the table result of 5♦ by West down two, N/S minus 200. Then E/W appealed. North and East attended the hearing.

The two players spoke briefly and courteously. East testified that bidding 3NT directly would have given different information about major suit stoppers.

North had nothing to add to the facts already known

**The Decision:** Since both players confirmed the BIT as approximately 15 seconds, the committee affirmed the existence of an unmistakable hesitation.

The committee determined that the BIT demonstrably suggested taking action over passing; however, the committee considered that there was no logical alternative to the 3♥ bid.

Therefore, the committee allowed the table result of 5♦ doubled by West down two, N/S minus 500 to stand for both sides.

The committee decided that the appeal had merit.

**The Committee:** Chris Moll (Chair), Tom Carmichael, Ed Lazarus, Jim Thurtell and Patty Tucker.

**Commentary:**

**Goldsmith** Good ruling. The appeal must have merit, because the screening director changed the ruling. E/W didn't have reasonable time to decide if they ought to appeal at that point, so they ought not to be given an appeal without merit warning (AWMW) for a decision under fire.

**Polisner** Assuming that E/W was aware of the screening director's poll wherein 9 out of 10 peers bid 3♥ without any UI, it would appear that the appeal is without merit and an AWMW should have been given.

**Rigal** Both the director and committee relied on the polled group, which seems right to me. I'm glad person ten indicated it was close to 3♥ or else it would have been a tougher decision as to whether pass was a logical alternative. By the way I might have passed!

**Smith** It was nice of the committee to decide that this case had merit, even though it really didn't. It is hard to award an AWMW to players who originally received a different and more favorable ruling from the director. Directors really need to do more polling in cases like this. Not only does it tend to lead to more accurate rulings, it also leads to fewer appeals.

**Wildavsky** A close call. I have no objection to either the director or the committee ruling.

**Wolff** Obviously South's hesitation disruption (HD) made it easier for North to venture out into 3♥, but I would allow it because of East's intellectual approach, which almost always gets opponents to hesitate.

