

APPEAL	NABC+ ELEVEN
Subject	Inappropriate Question
DIC	Charlie MacCracken
Event	Machlin Women's Swiss Teams
Session	Second Qualifying
Date	March 21, 2009

BD#	12
VUL	N/S
DLR	West

Marinesa Letizia	
♠	K Q 7
♥	9 7
♦	K T 8 6 4 3
♣	8 3

Jill Myers		Spring 2009 Houston, TX	Jill Levin	
♠	A J 8 6		♠	5 4 3
♥	Q J 5 4		♥	A K 8 6
♦	J 9 7 2		♦	5
♣	J		♣	K Q 6 4 2

Mildred Breed	
♠	T 9 2
♥	T 3 2
♦	A Q
♣	A T 9 7 5

West	North	East	South
Pass	Pass	1♣	Pass
1♥	Pass	3♥	Pass
4♥	Pass	Pass	Pass

Final Contract	4♥ by West
Opening Lead	♠K
Table Result	Made 4, E/W +420
Director Ruling	4♥ W made 4, E/W +420, E/W-1VP PP
Committee Ruling	4♥ W down 1, E/W - 50, No PP

The Facts: The director was called at the end of the hand. North led the spade king, dummy played the three and South the deuce. At this point West asked if N/S played upside down. She was told that N/S played suit preference at trick one if possible. West had declared the previous board in a suit contract and had asked for and received a full explanation at that time. North continued spades when West ducked.

The Ruling: N/S requested an adjustment under Law 73F. After polling a number of players, three switched to a club or a trump at trick two. The player polled who continued spades said the question was not material. Therefore, the table result of 4♥ by West making four, E/W plus 420 was allowed to stand. E/W was assessed a procedural penalty (PP) of one victory point for a badly worded question.

The Appeal: N/S appealed the director's decision. All four players attended the hearing. N/S stated that without the question posed by West, it was likely that North would have switched to a diamond at trick two.

West stated that she always asks for carding when she is declaring even if she has asked on a previous hand. East stated that she thought this was the case and confirmed that West habitually asked when she was the declarer – even when she had declared previously against the same pair.

All four players stated that the question, “Do you play upside down?” was asked after or as South followed to the first trick with the two. N/S were positive of this; West thought so and East wasn't sure if it was as the two was played or just after.

The Decision: The committee found that Law 73F was applicable. It states that: “.....if the Director determines that an innocent player has drawn a false inference from a remark, manner, tempo or the like of an opponent who has no demonstrable bridge reason for the action...”

The committee felt this applied because of the form and timing of the question – i.e. asking “Do you play upside down?” rather than “What's your carding?” and waiting to ask until RHO had played to the opening lead rather than asking when the opening lead was made.

Law 73F continues, “and who could have known at the time of the action, that the action could work to his benefit...” the director should award an adjusted score. The committee felt that West could have known that the question could work to her benefit. Therefore, the committee adjusted the result to 4♥ by West down one, E/W minus 50 to both sides since a shift to any other suit at trick two would defeat the contract.

The committee stressed that its decision in no way reflects on the ethics or conduct of West.

The committee removed the procedural penalty.

The appeal was judged to have merit.

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

Commentary:

Goldsmith Yuck. In reality, I'm sure West's comment was entirely inadvertent, and I'm glad that the committee stressed that they felt that way. But Law 73F is pretty clear that such a remark can lead to a score adjustment if North could reasonably have drawn an inference from it that causes her to go wrong. West's presumption that the ♠2 is encouraging implies that South has the SJ, so Law 73F applies. Good job by the committee in an awful situation.

I'm glad I wasn't there. The procedural penalty was legal (via Law 90A "violates correct procedure"), but inappropriate. Good job removing it.

- Polisner** As one of the highest ranking women players in the world, it would be obvious to West that she would either duck or win the opening lead depending on what card South played and thus should have clarified the carding (if it was really in doubt) before playing from dummy. However, I don't agree that the asking of the question (even when it was asked) should have influenced North's choice of a lead to trick two. If the ♠2 indicated a switch to clubs, North should have not taken a "Bath" (*Editor: Bath Coup*) by playing a second spade. I would have allowed the table result to stand.
- Rigal** I'm sympathetic to West since I never remember the answers to these questions and always ask. But it was an unfortunate question and poorly timed. The decision by the committee seems right. And, if the director relied on the sample, then maybe he was right too.
- Smith** I like the directors' ruling better than the committee's, except that I think the penalty should have been larger. Of course nobody is impugning West's ethics and I'm sure she never considered the potential damage her question might cause, but for heaven's sake how could she ask a question in that manner? Maybe a penalty will convince her how to ask questions properly in the future. But maybe the committee ruling will do that anyway.
- As the committee notes, Law 73F states in part that "if the Director determines that an innocent player has drawn a false inference from a remark . . . of an opponent who has no demonstrable bridge reason for the action, and who could have known, at the time of the action, that the action could work to his benefit, the Director shall award and adjusted score." I believe the reference to "innocent" is important. It means that an opponent has to keep playing bridge to a reasonable standard after such an infraction in order to get the benefit of a score adjustment. Otherwise, in the face of any potentially deceptive remark one could simply do what is indicated by the remark and if it turns out to be unsuccessful call the director and get a score adjustment later. A free shot like that can't be right.
- Now I'm not saying that is what North was doing here. It looks to me that she just lost focus after hearing the remark and made a play that is only right if her partner had just made a mistake. So to me she lost her status as an "innocent" player. Surely "suit preference at trick one if possible" doesn't apply here. If it does, then I think the N/S method is the result of their bad score. But if this is a simple attitude situation and if N/S play standard attitude, there can be no mistaking the intent of the deuce. South can't possibly be stuck playing the deuce if she had either the ace or the jack (or both). So unless I am missing something I think N/S earned their bad result and should not be protected. It wouldn't bother me too much if the E/W score were adjusted to down one, but I think the correct approach is to assign the same score to both sides and then give the offending side a substantial procedural penalty for asking an improper question.

Wildavsky A tricky case. I prefer the committee's ruling to the director's. If West committed an infraction, then N/S are due redress.

Wolff Justly penalized.