

APPEAL	NABC+ FOURTEEN
Subject	Misinformation (MI) and Unauthorized Information (UI)
DIC	Steve Bates
Event	Jacoby Open Swiss Teams
Session	First Final
Date	March 22, 2009

BD#	33
VUL	None
DLR	North

Don Caton	
♠	A T 6
♥	A Q T 9
♦	A Q 2
♣	7 4 2

Tom Townsend		Spring 2009 Houston, TX	David Gold	
♠	J 3 2		♠	K Q 9 7 5 4
♥	6 5 4		♥	K J 8 7 2
♦	J 9 5		♦	T 6
♣	A K Q 3		♣	

Jim Barrow	
♠	8
♥	3
♦	K 8 7 4 3
♣	J T 9 8 6 5

West	North	East	South
	1NT ¹	2♣ ²	2NT ³
Pass	3NT	Pass	4♣
Dbl	Pass	Pass	Pass

Final Contract	4♣ doubled by South
Opening Lead	♥5
Table Result	Made 4, N/S + 510
Director Ruling	4♣ dbld S made 4, N/S +510, N/S -1 VP PP
Committee Ruling	3NT N down 2, N/S -100, N/S -1 VP PP

(1)	15-17.
(2)	Majors could be 4-4.
(3)	Without interference transfer to clubs; undiscussed with competition. No Alert.

The Facts: The director was called after three more deals had been played. N/S had no agreement about 2NT with interference. East said that he would have bid 4♣ over 3NT had he known 2NT was a transfer to clubs since he actually was 6-5 and could have been 4-4.

The Ruling: The correct information would have been “no agreement”, not “shows clubs.” Such information would not make a substantial difference as to whether to bid again. Even had 4♣ doubled been the final contract, the likely result would have been N/S plus 500. The table result of 4♣ doubled by South making four, N/S plus 510 was allowed to stand. A one victory point procedural penalty was issued to N/S for not knowing its agreement in a common situation.

The Appeal: E/W appealed the director's decision. East, West and the N/S team captain attended the hearing.

E/W felt that they had received MI regarding the nature of the 2NT call. East stated he would have competed over 3NT with his 6-5 distribution, since his initial call had promised only 4-4. E/W was also concerned about the UI transmitted by the failure to alert 2NT

N/S's team captain said that, although they once played regularly, N/S have not played regularly in many years. Out of competition, they play 1N-2N as a relay to 3♣ for either a club signoff or a strong 4441. He felt that while they had that agreement, they had no agreement in competition. Therefore, there was no misinformation. N/S had no notes. In fact, since they had left the tournament, the committee did not even have a chance to look at their convention card.

The Decision: The committee felt there was both UI and MI. The UI clearly suggested that bidding 4♣ was likely to be successful. Passing was deemed to be a logical alternative by four of the members of the committee. The committee determined that the most favorable result that was likely (for the non-offending side) and the most unfavorable result at all probable (for the offending side), if East bid over 3NT, were the same: 3NT down two.

The committee also felt that the MI influenced East's decision to go quietly over 3NT. If each opponent had a balanced hand, bidding is far less attractive than if South had clubs and North had a club fit. The committee determined that the most favorable result that was likely (for the non-offending side) and the most unfavorable result at all probable (for the offending side), if East bid over 3NT, was the same score in a different contract, N/S minus 100 in 5♣ doubled down one

Taking both UI and MI into consideration, per Law 12C1(e) and Law 16B, the committee adjusted the result to 3NT by North down two, N/S minus 100 for both sides.

The procedural penalty issued by the director was left intact.

The committee determined that the appeal had merit.

The Committee: Danny Sprung (Chair), Chris Moll, Jacob Morgan, Tom Peters and Patty Tucker.

Commentary:

Goldsmith E/W were not misinformed. They were not told what 2NT was, which is appropriate, since N/S have no agreement.

UI, however, is a different story. When South bid 2NT, he thought they had the agreement that he was relaying to clubs (Walsh 3♣) - either long clubs or a 4441 hand. Presumably, 3NT shows AKxxx of clubs and hopes that 3NT will roll opposite queen-sixth and out. South has no reason to believe that won't work, so pass is a logical alternative. If North had been a weak player, one who is unlikely to think of a natural 3NT here, then 3NT would have been impossible and South would have authorized information duplicating UI. But North is good enough to think of that (sorry about the "faint praise!"), so South has to pass 3NT, which gets us to the committee's ruling. The procedural penalty is illegal and inappropriate.

Polisner

I disagree with the committee on virtually every issue. As far as MI is concerned, the director is required to presume MI when the hand does not comport to the explanation (or in this case, a lack of an Alert absent proof to the contrary). Of course, it is impossible to prove a negative so system notes, if they existed, would not likely discuss auctions not covered by a convention. So, if the agreement only applied to non-interference, I would not expect to see anything in their notes. Presumably, the director reviewed the convention card before rendering a ruling and he/she would have related what was revealed by the card - if asked by the committee. There is a good reason for not using 2NT as a transfer in a competitive auction as it then eliminates 2NT as a natural invitation if the pair does not use negative doubles in such auctions.

If there was no agreement, then South was on his own and no Alert is required. If asked by E/W, North should say, "We play 2NT as conventional with no competition, but undiscussed in competition."

However, if there was MI, East stated that he would have competed which results in a contract other than 3NT and more likely 4♥ doubled by West which should be presumed to be down one after a club lead, for plus 100 for E/W.

As far as UI, I suspect that when the issue of logical alternative is presented, that every peer would not sit it out in 3NT and thus 4♣ doubled would result.

Lastly, the issuance of a PP is ridiculous as such penalties should only be issued in egregious cases and a habit or pattern of such problems and not for what must be assumed is an isolated instance. We can't expect our players to be full time bridge players and have discussed every aspect of their system as well as tangential auctions in order to be able to avoid penalties.

Rigal

Don't like the combo of PP and score adjustment. I can buy into the decision (generous to non-offenders as opposed to some average of results). But it seems N/S really got the rough end of the stick here. Still not enough appeal without merit warnings being awarded. Appeal committees need to harden their hearts and not worry about appearing to be the bad guy (we are all guilty!).

Smith It's a bad day when AKQx of trumps opposite a partner bidding at the two-level is not enough to beat the opponents at the four level. I think the committee did a very good job here and corrected a director's ruling that does not seem to have considered the UI aspect of this situation as much as it should. I do like that the director assessed a penalty for N/S not knowing their methods in a common situation (as required by our conditions of contest). I like it even more that the committee retained the penalty even as they ruled against N/S.

Wildavsky I prefer the committee's ruling to the director's.

Wolff A tiny version of convention disruption (CD) - maybe there is not such a thing. I would leave this one at plus 510 N/S since West was unlucky not to be able to set 4♣ on this layout and natural playing luck (NPL) should be considered. However, I would give a 2 victory point penalty to N/S to encourage them to learn the meaning of their bids, particularly when they are basically home brews.