

APPEAL	Non NABC+ One
Subject	Unauthorized Information (UI) - Tempo
DIC	Jay Albright
Event	Thursday-Friday Side Series
Session	Friday Afternoon
Date	July 18, 2008

BD#	16
VUL	E/W
DLR	West

14,700 Masterpoints	
♠	T 7 6 5 2
♥	9
♦	K Q J T 7
♣	4 2

1,600 Masterpoints		Summer 2008 Las Vegas, NV	1,500 Masterpoints	
♠	9		♠	J 4
♥	K Q J 4		♥	A T 8 7
♦	A 9		♦	6 3 2
♣	Q J T 6 5 3		♣	A K 8 7

1,100 Masterpoints	
♠	A K Q 8 3
♥	6 5 3 2
♦	8 5 4
♣	9

West	North	East	South
1♣	1♦	1♥	1♠
2♥	4♠	Pass ¹	Pass
5♣	5♠	Pass	Pass
Pass			

Final Contract	5♠ by South
Opening Lead	♥K
Table Result	Down 1, N/S -50
Director Ruling	4♠ S, made 4, N/S +420
Panel Ruling	4♠ S, made 4, N/S +420

(1)	North alleged and East agreed that there was a break in tempo (BIT) before this pass.
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The Facts: The director was first called after the BIT noted in (1) above. The director returned after the hand. There was no disagreement with the tempo of the auction.

The Ruling: The director determined that the 5♣ call was demonstrably suggested by the BIT and that a pass by West was a logical alternative (LA). Therefore, in accordance with Laws 16 and 12C2, the score was adjusted to 4♠ by South making four, N/S plus 420.

The Appeal: West stated that he felt he had a good hand and that further action was merited. North and South did not choose to appear.

The Decision: Seven players with between 1300 and 2900 masterpoints were polled. They were given the West hand and presented with an auction free of any tempo problems. Five of the seven players passed, one bid 5♣ and one bid 5♥. The choice of whether to bid or pass was not relevant to the number of masterpoints held by the player questioned. A player with 2900 points bid 5♣ and one with 1300 points bid 5♥. The five passers had between 1500 and 2600 points.

The panel judged pass to be a LA to the call chosen by West, which was demonstrably suggested by the BIT. Therefore:

1. There was a BIT.
2. West chose from among logical alternatives one that could have been demonstrably suggested by the UI.
3. N/S were damaged; so,
4. In accordance with Laws 16A2 and 12C2, the director's decision was upheld and the table result adjusted to 4♠ by South making four, N/S plus 420.

The appeal was judged to have merit.

The Panel: Bernie Gorkin (Reviewer), Harry Falk and Mike Flader (Scribe).

Players Consulted: Seven players with between 1300 and 2900 masterpoints.

Commentary:

Rigal There is an important point of principle here concerning appeals without merit warnings (AWMWs). A player who has taken an action that was deemed to be based on UI is ruled against. He appeals and is told by the survey that it is not close – there are LAs; his action WAS deemed to be based on UI. In any case of this sort the failure to award an AWMW is bad for the game on so many levels; it encourages the behavior, and it encourages the appeal. Why do the panels not bite the bullet and award the AWMW? (After all nobody is going to like you anyway if you rule against them! – I joke, I joke.)

Smith Predictable ruling and panel decision. As to the panel's poll, I wonder if the players polled were given West's decisions at each step of the way. I expect some would have bid 3♥ at their second turn instead of 2♥. If the sample is large enough, I think those people should be excluded from the poll (or at least afford their opinions lesser weight). Then we would have a true peer poll of those who actually chose the same calls as this player at each turn. I see no merit to this appeal.

Wildavsky This appeal had no merit.

Wolff Two factors worth mentioning:
(a) Any natural bridge player, sitting West, will feel a twinge to bid on (5♥).
(b) East's BIT is considerably helpful to justify that twinge.
West's vulnerable 5♥ continuation then became an ethical cave-in and should be a picture perfect example of what NOT TO DO!
Result: E/W needs to be severely scolded for sinking to the depths of unethical action. Without the panel following through, these two culprits will be dangerous whenever and wherever they play. In my opinion, we need a panel that will understand just how bad it was for East to break tempo and then pass and for West (almost whatever his hand, once he only raised to two hearts) to now do anything but pass.