

APPEAL	NABC+ THREE
Subject	Misinformation (MI)
DIC	Henry Cukoff
Event	Von Zedtwitz Life Master Pairs
Session	First Qualifying
Date	July 18, 2008

BD#	20
VUL	Both
DLR	West

Jan Assini	
♠	K Q 6
♥	K Q 9
♦	9 4 2
♣	Q 7 5 2

Martin Fleischer		<b>Summer 2008 Las Vegas, NV</b>	Chip Martel	
♠	J 9 8 7 3		♠	T 5 4 2
♥	4		♥	A 6 2
♦	K J 6 5 3		♦	A 7
♣	9 6		♣	A K J 8

Brian Ellis	
♠	A
♥	J T 8 7 5 3
♦	Q T 8
♣	T 4 3

West	North	East	South
	1♣	1NT	2♣ <sup>1</sup>
Dbf <sup>2</sup>	Pass	Pass	2♥
2♠	Pass	Pass	Pass

Final Contract	<b>2♠ by West</b>
Opening Lead	<b>♥K</b>
Table Result	<b>Made 4, E/W +170</b>
Director Ruling	<b>2♠W, Made 4, E/W +170 4♠W, Made 4, N/S -620</b>
Committee Ruling	<b>2♠W, Made 4, E/W +170 4♠W, Made 4, N/S -620</b>

(1)	Not alerted (see facts below).
(2)	Takeout.

**The Facts:** 2♣ was intended as “any one-suiter” (Cappelletti); the N/S card is marked as such. 2♠ did not promise a five-card suit; double of 2♥ would have been penalty, E/W were not in a forcing auction.

**The Ruling:** E/W were misinformed as to the actual N/S agreement. There was no logical alternative to 2♥, so Law 16A did not apply. With correct information, it was judged that reaching 4♠ was not likely, but it was at all probable. Using the standards of 12C2, the table result of 2♠ by West making four, E/W plus 170 stood for E/W; the N/S result was adjusted to 4♠ by West making four N/S minus 620.

**The Appeal:** Both sides appealed the director's ruling. North, South and West appeared at the hearing. The committee discovered that the original director ruling was that the table result of plus 170 would stand for both sides. Subsequently the director informed both sides that the score for the offending pair was being changed to minus 620.

N/S claimed that E/W would rarely get to game and indicated that minus 620 yielded approximately 6 of 38 matchpoints.

West claimed that if E/W had been given the proper information East would have expected longer clubs in the West hand and upgraded his hand sufficiently to offer a courtesy 3♠ raise.

**The Decision:** In the auction that took place at the table, the committee deemed the misinformation inconsequential to the final E/W table result. South's removal of 2♣ doubled was sufficiently irregular to arouse suspicion. However, with the proper information the committee believed (and West stated) that West would have bid 2♠ directly over the 2♣ bid. The key question was whether the knowledge of a 5-card spade suit and competitive values would be sufficient for East to raise to 3♠. The 1NT overall was described as showing 15+ to 18.

Per Law 12C2, 4♠ was deemed the "most unfavorable result that was at all probable" for the offending side. For the non-offending side the committee was hotly divided over whether 4♠ met the standards imposed by Law 12C2 ("the most favorable result that was likely"). Unlike double, a 2♠ bid by West would not have promised values. It could be made with a weaker hand, and from East's point of view 2♠ could well be the last chance at a plus score. The committee majority subsequently decided that 4♠ did not meet the standard. Thus, E/W were assigned plus 170 while N/S were assigned minus 620.

Finally, the subject of an appeal without merit warning (AWMW) was discussed. The director changing the original ruling was deemed sufficient cause for N/S to appeal. The merits of a 3♠ raise by East were deemed sufficient cause for E/W to appeal. Thus, no AWMW was imposed.

**The Committee:** Mark Bartusek (Chair), Chris Moll, Jacob Morgan, Lou Reich, and Jim Thurtell.

### **Commentary:**

**Goldsmith** Nice ruling. 12 game bidders out of 38 (probably it was fewer than this, but if they got 6 MPs, then 12 is a reasonable inference as to the number of game bidders) sounds like "at all probable," and just barely "not likely." If E/W had been "playing system on" over the artificial 2♣, however, I would have rated getting to game as likely; East can super accept the transfer and West will go. (That's what happened at my table.) That E/W would end up playing spades from the weak side is just enough reason to let their chance of getting to game drop below likely.

- Polisner** I disagree that N/S should have been assigned minus 620 as 4♠, in my opinion, was not at all probable. To me, probable means at least 50% to occur and this hand doesn't come close to that standard.
- Rigal** The correct ruling for the offenders, and it is close enough for the non-offenders that one could quite reasonably go either way. Not clear to me that the N/S appeal had merit. Was a contract of 2♣ doubled considered?
- Smith** A good day for directors when:
- a two-way bad ruling is given
  - both sides appeal
  - the committee upholds the ruling.
- This was a good and thorough job by both the directors and the committee.
- Wildavsky** It seems likely enough to me that East would have raised an immediate 2♠ to three. It would be unlucky to take only eight tricks, and ten are odds-on opposite as little as Jxxxxx/xx/xxxx/x. Given the opportunity West would continue to game most of the time. I'd have adjusted the score for both sides to E/W plus 620.
- Wolff** A reasonable ruling in that it kept the candy store closed and penalized the offenders what amounted to over 1/2 a board for "convention disruption."