

APPEAL	NABC+ TWELVE
Subject	Misinformation (MI) – Failure to Alert
DIC	Gary Zeiger
Event	NABC Swiss Teams
Session	First Qualifying
Date	July 26, 2008

BD#	<b>26</b>
VUL	<b>Both</b>
DLR	<b>East</b>

<b>David Siebert</b>	
♠	T 7
♥	J 9 5 2
♦	K 4 2
♣	A 8 5 3

<b>Dan Morse</b>		<b>Summer 2008 Las Vegas, NV</b>	<b>John Solodar</b>	
♠	A 5 4		♠	K Q 6
♥	A 8 6 4		♥	3
♦	A Q 6		♦	J T 9 8 7 3
♣	K 9 6		♣	J T 2

<b>Larry Sealy</b>	
♠	J 9 8 3 2
♥	K Q T 7
♦	5
♣	Q 7 4

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

Final Contract	<b>3NT by West</b>
Opening Lead	<b>♣3</b>
Table Result	<b>Made 5, E/W +660</b>
Director Ruling	<b>3NT W, down 1, E/W -100</b>
Committee Ruling	<b>3NT W making 5, E/W +660</b>

(1)	15-17 points.
(2)	Alerted - transfer to diamonds.
(3)	Alerted – good diamonds..
(4)	Not Alerted.

**The Facts:** The director was called after the comparison. 3♥ was neither Alerted nor, after questioning, explained properly. The only response was that E/W had no agreement of what the 3♥ bid showed.

**The Ruling:** The director judged misexplanation with no evidence to the contrary and damage to N/S. Therefore, in accordance with Laws 75, 40C and 12C2 the table result was changed to 3NT by West down one, E/W minus 100.

**The Appeal:** Only West did not attend the hearing. East and West (from different parts of the country) were playing together for the first time and had completed a convention card that day. They agreed that a 2NT response to 1NT would show diamonds and that opener's 3♦ bid would be forward going. They did not discuss the sequence any further. East judged that the chance that West would interpret a 3♥ bid as shortness was good enough to make it worth bidding. East noted that had West and South's heart holdings been reversed, a club lead would have defeated 3NT, while a heart lead would likely allow it to make.

South said he would have doubled 3♥ had it been Alerted as showing shortness. Additionally, since East had indeed intended his 3♥ bid conventionally showing shortness, he should have explained it at the end of the auction. North claimed that he nearly led a heart as it was, and he certainly would have done so with a correct explanation of the 3♥ bid.

The committee learned that at the end of the auction, North asked about the 3♥ bid. West said that they had no agreement. With some of his partners he played that it showed hearts and with others not.

**The Decision:** Players are required to Alert their conventional calls and accurately explain their partnership agreements. They are not obliged to describe their hands to their opponents. E/W fully disclosed all of their partnership agreements and history. Thus, there is no basis for adjusting the table result. Since E/W had no agreement about 3♥, "We have no agreement" was not only a proper response it was the only proper response. The committee restored the table result of 3NT by West, making five, E/W plus 660.

**The Committee:** Doug Doub (Chair), Abby Heitner, Jacob Morgan, Blair Seidler and Aaron Silverstein.

### **Commentary:**

**Goldsmith** This can't work. South can't ask about 3♥ without effectively barring a heart lead, and obviously can't double if it's natural and forcing. That means the non-offending side was damaged by the Alert procedure. I don't accept that. I'd rule differently.

I think East's choice to bid 3♥ without an agreement means that East thinks that his partner will judge that 3♥ shows shortness. He's making that judgment not on general bridge experience, but on knowledge of his partner. He is welcome to use that information, but it needs to be available to the opponents, so East must announce before the opening lead that there was a failure to Alert.

Furthermore, Law 75D encourages that ruling. It is almost impossible to prove a negative, so we are instructed to rule that East thought there was an agreement. Therefore, from his perspective, he needs to tell the opponents that there was a failure to Alert.

Would West have bid 3NT if 3♥ were doubled? He'd probably redouble; if partner has length, it's bonanza time; if shortness, he'll pull. Given all West's aces, they'd likely end up in 3NT - down one.

- Polisner** Excellent work by the committee. The director's ruling is somewhat incomprehensible. How could E/W prove that they had no agreement about 3♥ as such negatives are usually impossible to prove?
- Rigal** I hate this decision. As East I cannot imagine failing to correct my partner's best guess as to what I'd shown. When I made the call I did it based on my understanding of what our agreements might be. I can't imagine wanting to win at bridge badly enough to do this. I'd assume my opponents were entitled to my thought-processes. I don't care what the laws do or don't say. To me this is not the way the game should be played.
- Smith** While not necessarily disagreeing with the committee's decision, I do disagree with the statement that there was no legal basis for a score adjustment. Our conditions of contest contain the following provision: "A partnership is responsible for knowing when their methods apply in probable (to be expected) auctions. A pair may be entitled to redress if their opponents did not originally have a clear understanding of when and how to use a convention that was employed." One could certainly argue that this E/W pair did not meet that obligation by neglecting to discuss follow up actions after 2NT. And we should be very reluctant to accept a pair's statement that no agreement exists in this kind of situation if failure to form an agreement might disadvantage the other side. Obviously E/W were being truthful. But that is not necessarily the point. The only reason I can accept this committee's decision is that West did explicitly state to N/S what the two possibilities were prior to the opening lead.
- Wildavsky** The director ruling puzzles me. The appeals committee corrected an injustice.
- Wolff** Again, plus 660 was proper, but E/W should have a small procedural penalty for abusing "Convention Disruption." An opening leader should not have to be subject to "red herrings" without definition which could lead to a "psyche's paradise."