

APPEAL	Non-NABC+ Twelve
Subject	Inadvertent Call
DIC	Kevin Perkins
Event	Stratified Side Swiss Teams
Session	Monday Evening
Date	July 22, 2008

BD#	11
VUL	None
DLR	South

614 Masterpoints	
♠	K T 8 5 3
♥	K 9 4 2
♦	9 3
♣	K 8

1,374 Masterpoints		Summer 2008 Las Vegas, NV	1,869 Masterpoints	
♠	A Q 7		♠	4 2
♥	Q 8 3		♥	T 6 5
♦	T		♦	8 7 6 5 2
♣	A J T 7 6 2		♣	9 5 3

600 Masterpoints	
♠	J 9 6
♥	A J 7
♦	A K Q J 2
♣	Q 4

West	North	East	South
			1NT ¹
2♣ ²	Db1 ³	Pass	2♦
Pass	2NT ⁴	Pass	3NT
Pass	Pass	Pass	

Final Contract	3NT by South
Opening Lead	♣J
Table Result	Down 2, N/S -100
Director Ruling	3NT S down 2 for N/S, N/S -100 Average+ (3 IMPs) for E/W
Panel Ruling	N/S +420; E/W+11IMPs

(1)	15-17 HCP.
(2)	First put 2♠ on table, then said "I didn't mean that" and changed to 2♣ = ♣ & higher suit..
(3)	Stayman.
(4)	Assumed West's suits were clubs and spades.

The Facts: After change of call by West, the director first treated West's 2♠ as a mechanical error and allowed him to change to 2♣ with no penalty. Later it was found that West forgot he was playing DONT; he meant his 2♠ bid as a transfer to clubs.

The Ruling: The director ruled "director error" (Law 82C) and cancelled the board. They awarded Average+ (3 IMPs) to E/W and decided N/S should keep the table result.

The Appeal: Since this was the last match and the appellants had to get back to their hotel, the appeal was presented to the panel by the DIC of the event. E/W play DONT over NT. West initially forgot and thought he was transferring to clubs. When the director told him he could change, he then bid 2♣ to show clubs and a higher suit. His teammates reached 4♠ (+420) at the other table. N/S at his table were down two in 3NT. E/W got 11 IMPs on the board, which they felt they should be allowed to keep because West was told he could change his bid with no penalty. North told the director he bid 2NT rather than showing his Spade suit because he assumed from West's initial 2♠ bid that his second suit was spades. Without the information, he thought his side would get to 4♠.

The Decision: The panel did not agree with the directors' decision to cancel the board. Directors should try to assign an actual score if at all possible. If West had been told he could change his call for -3 or worse, he probably would have done so because he didn't want his partner to think he had spades. North would then have been much less likely to assume West had spades and would have introduced his own spade suit, allowing his side to reach their 4♠ contract. The board would have been a push for N/S, so the panel gave them that result.

E/W had been told they would not be penalized because the director erred in his ruling. They were allowed to keep their +520 (as a team score) and the 11 IMPs they won on the board.

The Panel: Jean Molnar (Reviewer), Nancy Boyd and Charlie MacCracken.

Commentary:

Rigal I'm not sure I understand the application of the 'TD error' ruling but I'm not worried about technicalities of this sort; in a KO match it would have been far more interesting!

Smith The director's ruling seems overly harsh to N/S, and the panel ruling looks a bit too generous to E/W (although I sympathize with it). The law says that when the director makes an error, both sides should be considered as non-offenders (Law 82C). Here the director's error was allowing West to change his call without penalty as an inadvertent action rather than as a change of mind (Law 25). Under the old Law 25, West could have changed his call but not without negative consequences (too complicated to describe now, especially since it is not in the revised Laws). So I agree with the panel that he would have likely chosen a correction that would have made it much easier for N/S to realize they might have a spade fit and to bid 4♠. That is what should be assigned to N/S as “the most favorable result that was likely had the irregularity not occurred” (Law 12). I think the “most favorable result that was likely” for E/W is the same thing, so I would assign the result of 4♠ to both sides. It looks pretty easy to me that N/S would arrive at a contract of 4♠ without the director error being made. Even if one does not agree with that, then the best E/W would do on a normal Law 25B ruling is minus 3 IMPs (non-balancing in Swiss play), which is worse for them than the result of 4♠ making. But I do understand the tendency of directors (and panels) to be a bit generous to players who were deprived of a proper result due to a director's error.

Wildavsky The facts of the case are not clear to me, and were they clear, I expect I'd find the whole thing depressing. No comment.

Wolff Difficult to judge. Probably E/W should keep their 11 IMPs won but pay a PP, of say 3 IMPs, for their mechanical confusion to their opponents. Those who cause confusion (convention disruption, hesitation disruption, or systemic uncertainty) should usually pay something for their wrongdoing.