

APPEAL	Non-NABC+ Nineteen
Subject	Unauthorized Information (UI) - Tempo
DIC	Ken Van Cleve
Event	Stratified Open Pairs
Session	Second
Date	July 25, 2008

BD#	<b>6</b>
VUL	<b>E/W</b>
DLR	<b>East</b>

<b>4,246 Masterpoints</b>	
♠	4
♥	A Q T 8 5 4
♦	9 8 4 3
♣	T 7

<b>4,814 Masterpoints</b>		<b>Summer 2008 Las Vegas, NV</b>	<b>3,807 Masterpoints</b>	
♠	K 8 6		♠	A Q 5
♥	K J		♥	9 7 2
♦	K T 7		♦	A 6 5
♣	A 8 6 3 2		♣	K Q J 5

<b>6,261 Masterpoints</b>	
♠	J T 9 7 3 2
♥	6 3
♦	Q J 2
♣	9 4

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

Final Contract	<b>3NT by East</b>
Opening Lead	<b>♥6</b>
Table Result	<b>Down 2, E/W -200</b>
Director Ruling	<b>3NT E, making 5, E/W +660</b>
Panel Ruling	<b>3NT E, making 4, E/W +630</b>

(1)	14+ to 17.
(2)	An alleged 20 second break in tempo.

**The Facts:** The director was called at trick three when South showed out of hearts and returned after the play. The BIT was disputed by N/S.

**The Ruling:** After consultation with a National Tournament Director, the director judged that a BIT had occurred. Since the BIT demonstrably suggested a short suit lead and a spade lead was a logical alternative (LA) the result was changed to 3NT by East making five, E/W plus 660.

**The Appeal:** North, South and East attended the review.

E/W believed that North thought about 20 seconds before passing 3NT. East thought nothing of it until trick three when he realized that South had led from a doubleton. East felt the BIT suggested a long suit in the North hand and perhaps induced South to lead a short suit rather than her own spade suit. East was not accusing anyone of being unethical – he thinks people subconsciously pick up on things like this.

North denied hesitating before her pass, although she did say she “thought about her heart suit” before passing. She didn’t understand why East didn’t call immediately if he thought there was a BIT. South said she has a vision problem and kept her head down. She didn’t notice anything unusual by her partner. She decided leading her spade suit would be pedestrian and wouldn’t do any good. She was torn between a heart and the ♦Q and finally selected a heart.

**The Decision:** The panel deliberated at length on the dispute about the length of North’s hesitation. While it may not have been much more than ten seconds, which is the length of time she is supposed to wait after a skip bid, in actual practice nobody hesitates at all after the auction 1NT – 3NT. Any BIT at all, therefore, constitutes UI for partner. The only reason North had to break tempo would be because she held a long suit she was considering bidding.

The panel felt the BIT demonstrably suggested the lead of a short suit rather than South’s long suit. The table director took a player poll in which an overwhelming majority of those polled led the ♠J.

When the panel reviewed the play, it determined that only ten tricks would be taken with a spade lead. Therefore the result was adjusted to 3NT by East making four, E/W plus 630.

**The Panel:** Jean Molnar (Reviewer), Mike Flader and Gary Zeiger.

### **Commentary:**

**Rigal** To my mind the adjustment of tricks should not affect the AWMW and also a procedural penalty for South. This is not the way we want the game to be played. We have to show players that lapses in ethics of this sort – and then re-awakening them by bringing frivolous appeals -- are subject to severe sanctions.

**Smith** I like 660 better since South said she was considering a diamond lead instead of a heart. Because of that, it doesn't matter what the peers were considering. The appellant herself has told us that a diamond lead is a logical alternative. The law is clear that a short suit lead cannot be selected after a hesitation in this kind of auction. Since I agree with the director's ruling, I would have no problem assigning an AWMW. You could also talk me into giving an experienced South a procedural penalty for flagrantly taking advantage of the UI.

**Wildavsky** The discussion of accusations of unethical behavior does not belong here. It's not even an issue of whether South was unconsciously influenced by the UI. As Michael Rosenberg has pointed out, the laws require South to be influenced by the UI! She must go out of her way to avoid an action that could have been demonstrably suggested by the UI, and she can do so only if she's aware of the UI and figures out what, if anything, it suggests. When South fails in her responsibility to do so, we adjust the score, but there is not even a hint that the reason for doing so is some ethical failing. As for the ruling, South explained that her second choice was the diamond queen, so the director's ruling of E/W plus 660 looks right to me. This appeal had no merit.

**Wolff** Obvious and certainly a correct ruling, although it bothers me that the director ruled plus 660 instead of plus 630.