



American Contract Bridge League

Presents

All That ("Appealing") Jazz



Appeals at the 2003 Fall NABC

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Abbreviations used in this casebook:

AI	Authorized Information
AWMW	Appeal Without Merit Warning
BIT	Break in Tempo
CoC	Conditions of Contest
CC	Convention Card
LA	Logical Alternative
MP	Masterpoints
MI	Misinformation
PP	Procedural Penalty
UI	Unauthorized Information

FOREWORD

We continue our presentation of appeals from NABC tournaments. As always, our goal is to inform, provide constructive criticism and stimulate change (hopefully for the better) in a way that is instructive and entertaining.

At NABCs, appeals from non-NABC+ events (including side games, regional events and restricted NABC events) are heard by Director Panels while appeals from unrestricted NABC+ events are heard by the National Appeals Committee (NAC). Both types of cases are reviewed here.

Each panelist is sent all cases and invited to comment on as many or as few of them as he wishes. Some panelists may choose not to comment on every case.

Table rulings are normally made after consultation among Directors, which typically includes the DIC of the event (who is responsible for the final ruling). This is true even if on occasion we refer to a ruling as the table Director's. In addition, in 2003 we are witnessing an increase in Directors consulting with expert players (or peers of the players involved in the ruling situation) on bridge-judgment issues before making a final ruling. While this has not yet become policy (as it is in the WBF) we enthusiastically applaud the Directing staff's efforts in this direction.

At management's request, only the DIC's name is included in each write-up. Additionally, we should bear in mind that in these pages we see only a subset of all table rulings that are made at an NABC tournament—specifically those that some players disagreed with. To that extent their representativeness of all rulings is open to question.

In 2003, under the guidance of Joan Gerard as Director of Appeals and Barry Rigal as Chairman of NAC, an attempt has been made to increase the presence of top players on Appeal Committees. To this end a number of top players who are not members of NAC have been asked to serve on Appeals Committees for one or two nights at each NABC. We hope this will increase the level of bridge expertise (or at least the perception of that level) that goes into each appeal decision. While the cases here represent only the beginning stages of this effort, we hope this leads to better appeals decisions—or at least better acceptance of those decisions in the bridge community.

Ambiguity Department. Write-ups often refer to “an x-second BIT.” Our policy is to treat all tempo references as the *total time* taken for the call (unless otherwise specified) and *not* how much longer than “normal” the call took (which poses the additional problem of what is normal for the situation). Chairmen and scribes should adjust their reports accordingly.

Mild Disclaimer Department. While we make every effort to insure that write-ups are complete and accurate, we cannot offer any guarantees. Since even minor changes in the reported facts of a case can have a large affect on our evaluations, the opinions expressed should be considered valid only for cases that match the facts reported. Otherwise, discussions of cases reported here should be regarded merely as theoretical exercises.

Suggestions for improvements are welcome. They may be sent via e-mail to: rcolker@worldnet.att.net or via U.S. mail to the editor, c/o ACBL, 2990 Airways Boulevard, Memphis TN 38116-3847.

Finally, my thanks go to everyone whose efforts contribute to these casebooks: the scribes, reviewers and chairmen who labor to chronicle the details of each case; the panelists for their hard work and devotion to a truly arduous task for which they receive only praise (and occasional abuse); and, of course, Linda Trent, without whose efforts these casebooks would surely be much the worse for it. My sincere thanks to you all. I hope my efforts have in no way diminished your good work.

Rich Colker
May, 2004

THE EXPERT PANEL

Bart Bramley, 56, was born in Poughkeepsie, NY. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Dallas with his longtime companion Judy Wadas where he is a technical analyst for a risk-management company. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, a Deadhead and enjoys word games. He was 1997 Player of the Year. His NABC wins include the 1989 Reno Vanderbilt and the 1997 Reisinger. In 1998 he was second in the World Par Contest and third in the Rosenblum Teams. He also played in the 1991 Bermuda Bowl and captained the 1996 U.S. Olympiad team. Bart is currently the chairman of the ACBL Conventions and Competition Committee.

Larry Cohen, 44, was born in New York City and is a graduate of SUNY at Albany. He currently resides with his wife, Maria, in Boca Raton, Florida. He is a former computer programmer and options trader but presently makes his living from writing/publishing bridge books/articles/software and playing bridge professionally. Larry has played bridge in special invitational tournaments in a dozen different countries. His biggest passion/hobby is golf and watching sports, especially his beloved Yankees. He has won seventeen National Championships and was second in the 1998 World Open Pairs and third in the 2000 World Teams Olympiad. He also won the 2002 ACBL Player of the Year award.

Ralph Cohen, 77, was born in Montreal, PQ. He currently resides in Memphis, TN. He has held several positions with the ACBL from 1971 until 1991 including Executive Director from 1984 to 1986. He has been a member of ACBL Laws Commission since 1984 and is currently a Co-Chairman. He is a Vice-Chairman of the WBF Laws Committee. He wrote the *Ruling the Game* column for two years along with other contributions for *The ACBL Bridge Bulletin*. He represented Canada in the World Team Olympiad in 1964 and has won four National Championships. He has been attending NABCs since 1947.

Ron Gerard, 60, was born in New York. He is a graduate of Harvard and Michigan Law School (JD). He currently resides in White Plains, NY with his wife Joan (District 3 Director), where he is an attorney. Ron is a college basketball fan and enjoys classical music and tennis. He is proudest of winning both the Spingold and Blue Ribbon Pairs in 1981. Each year from 1990 to 1995 he made it to at least the round of eight in the Vanderbilt; he played in three finals (winning in Fort Worth in 1990) and one semi-final without playing once on a professional team.

Jeff Goldsmith, 42, was born near Schenectady, NY. He has lived in Pasadena, CA, for the last 20 years. He graduated from Rensselaer Polytechnic Institute and Caltech. He is a software engineer, focusing on computer graphics and animation and internet programming, all with a heavy mathematical perspective. He created computer animation for JPL for several years, including the movies about Voyager's encountering Uranus. He ice dances and plays many other games, particularly German board games. His web site (<http://www.gg.caltech.edu/~jeff>) contains lots of bridge and other material.

Chip Martel, 51, was born in Ithaca, NY. He is a Professor of Computer Science at the University of California at Davis, where he currently resides with wife Jan. His other hobbies include reading and bicycling. Chip is Co-Chairman of the ACBL Laws Commission, a member of the WBF Laws Committee and WBF Drafting Committee for the new 2005 laws and serves on the ACBL Competition and Conventions Committee. He has won multiple World Championships (most recently the 2000 Bermuda Bowl), at least seventeen NABC Championships (we've about lost count), and is currently ninth in world rankings. He captained and coached our only world champion Junior team, as well as the bronze medal Junior

team.

Jeffrey Polisner, 64, was born in Buffalo, NY and currently resides in Northern CA where he has been a practicing attorney since 1967. He is a graduate of Ohio State University (BS) and obtained his JD from Case Western Reserve. He is currently the WBF Counsel and former ACBL League Counsel. He is a member of the ACBL and WBF Laws Commissions and former Co-Chairman of the ACBL National Appeals Committee.

Barry Rigal, 46, was born in London, England. He currently resides in New York City with his wife, Sue Picus. A bridge writer and analyst, he contributes to many periodicals worldwide and is the author of the book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of bidding systems played by pairs all over the world. He coached the USA I team to the Venice Cup in 1997. He is proudest of his fourth-place finish in the 1990 Geneva World Mixed Pairs and winning the Common Market Mixed Teams in 1987 and the Gold Cup in 1991. In 2003 he was appointed chairman of the ACBL National Appeals Committee.

Adam Wildavsky, 43, is the proprietor of Tameware LLC, a computer consulting company in New York City specializing in Extreme Programming. He has been interested in the laws ever since he became the Director of the MIT Bridge Club, more than a few years ago. Adam is a member of the NABC Appeals Committee, a regular contributor to the Bridge Laws Mailing List and appeals editor for the Greater New York Bridge Association. He's won three National Championships, most recently the 2002 Reisinger Board-a-Match teams, and a Bronze medal for his third-place finish in the 2003 Bermuda Bowl in Monte Carlo. His study of the laws is informed by his study of Objectivism, the philosophy of Ayn Rand.

Bobby Wolff, 71, was born in San Antonio and is a graduate of Trinity U. He currently resides in Dallas, TX. His father, mother, brother and wives all played bridge. Bobby is a member of the ACBL Hall of Fame as well as a Grand Life Master in both the WBF and the ACBL. He is one of the world's great players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He served as ACBL president in 1987 and WBF president from 1992-1994. He has served as tournament recorder at NABCs and is the author of the ACBL active ethics program. Among his pet projects are eliminating both Convention Disruption (CD) and Hesitation Disruption (HD).

CASE ONE

Subject (Tempo): The View From 35,000 Masterpoints

Event: Education Fund Charity Game, 20 Nov 03, Only Session

Bd: 24	♠ J1097		
Dir: West	♥ AK3		
Vul: None	♦ Q7		
	♣ Q1063		
♠ 4		♠ AQ2	
♥ Q6542		♥ J1087	
♦ A1095432		♦ J6	
♣ ---		♣ K752	
	♠ K8653		
	♥ 9		
	♦ K8		
	♣ AJ984		
WEST	NORTH	EAST	SOUTH
Pass	1♣	Pass	1♠
1NT	2♠	Pass(1)	4♠
5♦	Pass	5♥	Pass
Pass	Dbf	All Pass	
(1) BIT (30 seconds)			

The Facts: 5♥ doubled went down one, +100 for N/S. The opening lead was a small spade. The Director was called during the auction and again at the end of the round. The players agreed that there had been a lengthy BIT by East over 2♠. The Director ruled that passing 4♠ was an LA for West and changed the contract to 4♣ made four, +420 for N/S (Law 16A).

The Appeal: E/W appealed the Director's ruling. West said he believed that his 5♦ bid was a 100% action for a player at his level. E/W both agreed that there had been a BIT and were willing to accept the 30-second estimate proposed by N/S. West had over 35,000 MP, East 3,000, North 1260 and South 820.

The Panel Decision: Seven expert players were consulted about West's action over 4♠. One passed but said he did so because he believed he had made the wrong bid at his previous

turn and was now ill-equipped to make an intelligent decision. One expert refused to offer an opinion because he so strongly disagreed with the previous bidding. The other five all said they would bid: two bid 4NT, two bid 5♦, and one doubled. All five who bid said they would not seriously consider passing. Based on the experts' input the Panel decided that pass was not an LA to the action taken at the table (Law 16). The table result of 5♥ doubled down one, +100 for N/S, was restored.

DIC of Event: Carey Snider

Panel: Ken VanCleve (Reviewer), Patty Holmes, Gary Zeiger

Players consulted: Bart Bramley, Bill Cole, Chip Martel, Mark Molson, Steve Robinson, John Solodar, Eddie Wold

N Two of our panelists were among the players consulted on this case. The first believes the Panel Decision mis-characterizes his position...

Martel: "As a player consulted, the description given isn't quite right. I said I would bid (5♦) and that bidding was normal, but not as strong as the 'wouldn't seriously consider passing' comment. This perhaps shows that it is tricky to extract the essence of the experts consulted."

Unfortunately, opportunities abound for misinterpreting people's positions in these write-ups. So Chip considers bidding (5♦) a very attractive action, though not so clear that it eliminates passing from serious consideration. Three other panelists agree that pass is a serious consideration with the West hand—or at least that it's so close that one should err on the side of disallowing the 5♦ bid.

R Cohen: "The write-up seems to indicate that West was a pro playing with a

client. (Why else was 35,000 MPs playing with 3000 MPs?) Exchange the ♥J for the ♣J in the East and South hands and the auction would be the same up to the 4♣ bid—but without the hesitation. But would West have bid 5♦ or would pass be an LA? I agree with the Director's ruling; pros with 35,000 MPs should be more circumspect in these situations and set better examples."

Ralph makes a valid point: pros should be extra careful not to take any action that could have been advantaged by their partner's tempo. On the other hand, many 3000-MP players (playing with a pro in a one-session black-point event) would take a bit of extra time to work out that West was a passed hand and that 1NT was for takeout (and probably showed less distribution than a jump to 2NT would have).

Gerard: "I do not agree. A 100 percent action would have been to bid 2♦ or 3♦, then the appropriate number of notrump. To the argument that that might induce a misvaluation by East, the answer is that West could clearly pull even a slow penalty double because his bidding plan would be clear from his hand. Who knows what the intention of someone who didn't do that was? A player who wasn't going to solo the five level would also bid 1NT, so how do we know that West wasn't one of those? East had a fair mitt of MP on his own, so it wasn't as if 1NT then 5♦ was the only sequence that he would understand. The Panel missed the inference from the experts' comments. Two out of seven said that 1NT was the wrong bid and that they couldn't know what to do having made that call. That's almost 30 percent who should have been deemed to have seriously considered pass an LA. The rest fell victim to the Intelligence Transfer ('Maybe I don't like 1NT but now I would bid 5♦.') or to MP deference. Or maybe it was just too early in the tournament to be thinking clearly. The correct ruling was reciprocal 450s (Director please note)."

Ron is right: The fact that two of the consultants wouldn't offer an opinion due to a problem they had with West's 1NT bid cannot simply be ignored. West's 1NT bid makes his plan for the subsequent auction unclear: Might he not have bid 1NT to get his whole hand "off his chest" in one bid rather than planning to act twice? Might he have miscounted his diamonds, thinking he had only six of them? Might West have believed that only by bidding 1NT would he confirm holding at least five cards in each of his suits and that other sequences (such as 2♦ followed by 4NT later) would show only four cards in the second suit (e.g., six-four or such). Ron is also right that if the contract is reverted to 4♣, the correct result is reciprocal 450s, not the 420s assigned in the table ruling.

The next panelist is even more emphatic about the Intelligence Transfer issue that is present when consultants disagree with the earlier actions taken by the player whose subsequent actions they're being asked to "evaluate."

Wildavsky: "The Director must not only rule that the losing action (pass in this case) was an LA, he must also demonstrate that the UI suggested that the action chosen would be more successful. That said, I think we'd all agree that that's exactly what it suggested. As for the Panel's decision, here's what the ACBL 'Tech' files, the official guidance that is available to every Director (but for some reason is not posted on the ACBL web site), say: 'A logical alternative is a call that would be seriously considered by at least a substantial minority of equivalent players, acting on the basis of all the information legitimately available.' The player's peers include only those who would have bid 1NT, so the first poll question ought to be whether the player is comfortable with the auction so far. Given that, it's not clear to me that the poll results are useful. All told, I'd say this one is too close to call, but I like the Director's ruling better than the Panel's decision. After the hesitation West 'knows' that it's right to save, rather than suspecting it."

I would question Adam's assertion that to be considered a peer a player must agree with the actions taken up to the critical point. I think the intention is that a

peer only needs to be someone who possesses, or can appreciate, or can assume the mind set of a player having the same approximate skill and experience level as the player in question. He need not necessarily be someone who would have bid the hand the same way (or who accepts as reasonable the actions taken). If Adam's requirements were in force I'd expect that in many cases it would be difficult if not impossible to find an adequate number of players who would have bid the hand the same way let alone possess the same skill/experience level as the player in question.

The most comprehensive and compelling argument for disagreeing with the Panel and disallowing West's 5♦ bid comes from...

Goldsmith: "I don't agree with the Panel. Most of the issues are clear: there was UI, it suggested 5♦ over passing, and the non-offending side was damaged by West's choice. So the only question is whether or not passing is an LA. I claim that for this West it is, because he bid only 1NT at his first opportunity. If he had bid 2NT I would have bought the poll results. If he had bid 4NT or 5♦, reasonable choices, there would be no issue. His choice of 1NT suggested either that he wasn't planning to bid a whole lot on the hand or that he wanted to hear what everyone at the table had to say before committing himself. In either case, that implies that he was at least considering not bidding to the five-level. Therefore, I judge that passing was an LA for him and I'd revert the contract to 4♠. All in all, while I have no problem with the wait-and-hear approach, a player who takes that tack and then gets UI gets the worst of it in a close case. No AWMW, of course; the Panel's decision is certainly reasonable. The Director's ruling is also sensible."

✍ Except, of course, for assigning 420s instead of 450s.

One panelist agrees that E/W should not be allowed to take a questionable action that was suggested by UI, but refuses to redress the damage N/S sustained.

Wolff: "E/W -420 and N/S either Average-Plus or -100, whichever is better. Even though West may have bid without the help, he nevertheless should not be allowed to slither his way to a sure thing. Terrible decision and one we need to correct. N/S should be treated to a neutral result, not one they didn't earn. Remember, if E/W would have gone down a lot or N/S would not have been able to make anything they would have profited by NPL."

✍ This treatment of N/S seems both illegal and illogical. If West is not allowed to bid 5♦ then N/S will play 4♠, which is not some improbable contract producing a "windfall" result for them but rather a "normal" contract that they actually bid at the table—and would have played had West not (illegally) bid 5♦. Law 12C2 says that non-offenders (N/S here) are entitled to "the most favorable result that was likely had the irregularity not occurred." The only time the laws support assigning the non-offenders a result like the one Wolffe suggests is if an irregularity, for which they are in no way at fault, prevents a table result from being obtained (Law 12C1). So unless one believes that passing 4♠ with the West cards, though unlikely, is at all probable, assigning N/S the result in 4♠ is the only logical and legal course.

The remaining panelists all agree with the Panel's decision, although some of them, like some of the consultants, don't like West's previous bidding and some of them, like some in the previous group, consider this a close decision. We begin with the other consultant on our panel.

Bramley: "East's huddle over a two-level bid could not have been based on a possible penalty double. He must have been thinking about bidding, so the huddle demonstrably suggests bidding to West. (Yes, East's actual pass after huddling suggests that he also has defense, but he cannot hold *only* defensive values.) Therefore, the case hinges on whether pass was an LA for West. I don't remember which expert I was, but I trust that I was a 5♦ bidder. With at least two extra red cards, bidding is automatic. I agree with the decision."

L. Cohen: "I don't like West's early bidding either, but I still feel 'equipped' to comment on the case. With five-five or six-five, West clearly could not be allowed to bid again after the huddle. But with twelve cards in two suits, it is in the ballpark. I'd guess that 80-85 percent of 35,000 masterpoint holders would act, so I'd allow it. Nice to see the poll roughly confirm that. Still, I wouldn't have been shocked to see a poll of seven different experts produce a four-to-three vote, and a decision to disallow West's action—and I could live with that as well."

Rigal: "Sound Director ruling. We may disagree with West's judgment (I do not feel strongly about it myself) but if we are going to use the Panel system we should abide by it. Here there is a single vote for passing 5♦; is that enough of a mandate to say that pass is a serious alternative? Given the caveat expressed by the passer, and the strong feelings of the dissenters, I believe the Panel was right to make the decision it did. Had even one of the five voters said that pass was an LA, I would probably switch my vote."

Polisner: "This was a matchpoint event which makes passing 4♠ not an LA: all partner needs for a play to make 5♦ is ♦Kxx and a high heart (i.e., switch the round suits in East's hand). It is not clear whether the seven players were consulted before or after the Director's ruling. If before, the wrong ruling was made; if after, it seems correct to put the burden of appealing such a case on the 'offenders.'"

✍ The results of any consulting done by a Panel in hearing an appeal goes in the Decision section. Any consulting done by the Director in making a ruling would go in the Facts section. So the consulting here was done by the Panel after the ruling was made.

I would like to have asked E/W what agreements they had about the constraints various sequences (i.e., bidding 1NT first and then bidding again versus bidding 2♦ first and then bidding again) placed on West's possible lengths, especially of his second suit. Since West apparently made no argument that he had to bid 1NT first to show at least five cards in his second suit, we must assume that he had the option of bidding 2♦ (or higher, as both Ron and Jeff Goldsmith suggest) first and chose not to. It is therefore fair to assume that he was willing to show his hand in one bid and, even though his hand suggests a second action, abide by that decision (or take a wait-and-see approach). Also, while East's BIT is consistent with his considering the meaning of the 1NT bid, it is more suggestive of his thinking about bidding with a fit for one or both of West's suits. Although I consider it close, I'd disallow the 5♦ bid and adjust the score to 4♠ made five, +450 for N/S.

CASE TWO

Subject (Tempo): The “Rule” Of Two Doubletons

Event: Life Master Women’s Pairs, 21 Nov 03, First Qualifying Session

Bd: 32	Doreen Primeau		
Dir: West	♠ A10854		
Vul: E/W	♥ 10		
	♦ 109864		
	♣ KJ		
Carol Sanders	Libby Fernandez		
♠ 976	♠ J2		
♥ J84	♥ Q96		
♦ 72	♦ AJ53		
♣ A10843	♣ Q962		
	Madeleine Berthiaume		
	♠ KQ3		
	♥ AK7532		
	♦ KQ		
	♣ 75		
WEST	NORTH	EAST	SOUTH
Pass	Pass	Pass	1♥
Pass	1♠	Pass	3♥
Pass	3NT(1)	Pass	4♠
All Pass			
(1) Agreed BIT			

The Facts: 4♠ made five, +450 for N/S. The opening lead was the ♣2. The Director was called after the 4♠ bid. It was agreed that North broke tempo before bidding 3NT (E/W said 2 minutes). South said that with two doubletons she was never passing 3NT. The Director ruled that pass was an LA to 4♠ (Law 16) and that 4♠ was made more attractive by the BIT. The contract was changed to 3NT down one, +50 for E/W (Law 12C2).

The Appeal: N/S appealed the Director’s ruling. West did not attend the hearing. South explained that she would never stay in notrump with two doubletons. She said she did not consider bidding 3♠ over 1♠ and that her partnership played in lots of four-three fits. North said she knew her partner had 17+ points and over 3♥ she was trying to decide whether to bid 3♠, 4♦ or 3NT; she finally decided on 3NT. North had about 2150 MP, South 3000, East 7200 and West 17,700.

The Committee Decision: The Committee decided that passing 3NT was an LA for South. They believed that everyone would pass a promptly bid 3NT and that the slow 3NT bid suggested that bidding on was likely to be more successful than passing. Although South said she would never pass 3NT, that option was removed once her partner broke tempo. The contract was changed to 3NT down one, +50 for E/W. The Committee also determined that pass was so clearly an LA and since N/S had raised no new arguments beyond those already discussed with the Director and Screening Director, the appeal lacked substantial merit. N/S were each assessed an AWMW.

DIC of Event: Ron Johnston

Committee: Steve Weinstein (chair), Ellen Melson, Chris Moll, Tom Peters, Bob Schwartz (Linda Trent, scribe)

☞ Many panelists find N/S’s arguments not only self-serving but totally lacking in credibility. Witness...

Bramley: “The argument that ‘Our partnership plays in lots of four-three fits’ is not a credible one and, of course, having already shown at least a six-card suit, the argument that ‘she would never stay in notrump with two doubletons’ is equally unacceptable. This is one of the finest examples of ‘Without Merit’ that we have ever seen.”

L. Cohen: “Apparently, this N/S pair can never have the auction: 1♥-1♠; 3♥-3NT;

P. Maybe they should Alert 3NT as forcing. Since South said ‘with two doubletons she was never passing,’ then when would she? With a singleton? A hand with a six-plus-card suit has to have two doubletons (or worse, a singleton). If that ridiculous ‘two-doubletons’ nonsense wasn’t enough, she had the audacity to say they played many four-three fits. Talk about self-serving. I’d throw the book at them and I wish I could do more than the AWMW. I don’t think the 4♠ bid was egregious enough (flagrant) to warrant a PP, but what annoys me is the tone and lawyering of N/S’s arguments. Two tiny gripes about the write-up: (a) In the Appeal section we are told about North’s thinking over 3♥. Who cares? It’s irrelevant (it would only matter if the BIT was disrupted and we needed clues as to whether or not there had been one). (b) In the Committee Decision it says: ‘Although South said she would never pass 3NT...’ Give me a break. We know what N/S’s agenda was, who cares what South said?”

☞ It’s good to have Larry back again from his hiatus (we missed him in the last casebook). Breathe in, breathe out. There, now, isn’t it nice to release and vent? Good for your health.

Gerard: “‘We play in lots of four-three fits’ is totally self-serving, though not quite up there with ‘I frequently bid out of tempo.’”

Rigal: “Everything about the Director’s ruling and Committee’s decision, including the AWMW, is perfect. We cannot ask for more, even if it is a slam-dunk case.”

R Cohen: “No arguments with the ruling and decision in this case. Players have to understand that as they climb the ladder of bridge competition they must cease some of the bad habits they innocently may have acquired in their early days of bridge activities.”

☞ The next panelist diplomatically looks past the problems with N/S’s arguments to focus on just what the BIT suggests.

Martel: “While pass is certainly the normal action over 3NT, the slow 3NT bid does not point very directly to 4♠ (it’s more likely to be a hand considering passing 3♥ or raising to 4♥). Still, since it is abnormal not to pass 3NT, I have no real disagreement with the ruling.”

☞ Chip may be right about the likely reason for the BIT, but whatever its source it surely suggests doubt about 3NT as a final contract. Perhaps North holds a partial heart fit, extra spade length, prefers a minor-suit contract (holding, for example, something like ♠Axxx ♥x ♦AJxxx ♣xx) or even has borderline extra values (or controls) for a slam try. But what each of these has in common is that North will not be unhappy to hear South bid again when one would be hard pressed to find another experienced player who would do anything other than pass 3NT. 4♠ may not cater to every possible reason for the BIT, but then no action does. (4♥ overstates South’s desire to play in hearts—as indeed it could be argued her 3♥ bid did—and many would have found another rebid such as 2NT, 3♠ or even 2♥.)


Wolff: “Agree.”

Polisner: “Routine.”

☞ Really? Then how about...

Goldsmith: “Good job by the Committee. 4♠ of course is an illegal choice. It’s possible that 3NT can go down a lot: diamond lead, three rounds of hearts as East unblocks, then a club through and a misguess. That’s down four. Is that likely? A diamond is a reasonable lead given that the majors look to be running from East’s

perspective. Maybe leading the $\diamond A$ is better. Is this scenario likely? Maybe, maybe not. Is it at all probable? Sure. Cashing out for down one is accepting a bad score. I'd give E/W +50 and N/S -200. A real Committee would probably not be willing to accept such a ruling."

 I think Jeff indulged in a bit of over-thinking here. The defense on which he proposes to assign N/S -200 seems "a few matchpoints shy of Average-Minus."
On balance, for my money the best appraisal of the situation comes from...

Wildavsky: "An easy case. I can hardly imagine why N/S appealed."

 Indeed.

CASE THREE

Subject (Tempo): If It Walks Like A Duck, Quacks Like A Duck...

Event: Open Pairs, 21 Nov 03, Second Session

Bd: 19	♠ 9		
Dlr: South	♥ AK8		
Vul: E/W	♦ KQJ10863		
	♣ 108		
♠ A10654		♠ K832	
♥ J5		♥ 76	
♦ 95		♦ A2	
♣ AQJ6		♣ K9754	
	♠ QJ7		
	♥ Q109432		
	♦ 74		
	♣ 32		
WEST	NORTH	EAST	SOUTH
1♠	2♦	3♦	1♥
3♠	4NT	Pass	5♦(1)
All Pass			
(1) Alleged BIT (5♦=0/3 key cards)			

The Facts: 5♦ went down one, +50 for E/W. The opening lead was the ♠K. No Director was called at the time this board was played (on the fourth round), but East approached a Director after the session saying that South had hesitated prior to bidding 5♦ and that North's pass of 5♦ was very unusual. The Director found the N/S pair, who denied a hesitation. The Director ruled that there was insufficient evidence of an unmistakable hesitation (Law 16A) and allowed the table result to stand, recommending that East file a Player Memo, which he did.

The Appeal: E/W appealed the Director's ruling. West did not attend the hearing. East told the Reviewer that South took 8-12 seconds to bid 5♦; N/S both said they didn't notice anything and when pressed for a time estimate both suggested 3-4 seconds. When asked why she opened 1♥ South said she thought she had pulled

the 2♥ card from the Bid Box and only noticed what she had done after her bid was on the table and West had already bid 1♠. (At first she thought the 1♠ bid was insufficient.) She said she didn't know that she could call the Director and have her inadvertent bid changed at that point so she just let it stand. (Later in the session she consulted a Director who told her it could have been changed at that point.) Nobody noticed any reaction by South when she realized her error. N/S were a new partnership. North was asked why he didn't correct 5♦ to 5♥ when he knew his partner had 0 or 3 key cards. He said that the bidding by his vulnerable opponents convinced him that his partner had to have 0 key cards and there was no advantage to correcting to 5♥ if both contracts were going down. When asked if he considered at the time what his partner might have held for her opening bid he said he did and offered ♠K, ♥Q, ♣KQJ and a singleton diamond. East said he thought South's hand indicated that she must have taken some time before bidding 5♦ and that she was probably considering passing 4NT. In addition, after speaking with some good players after the game he could find no one who would pass 5♦ with the North hand. He thought it very unusual that a player of North's caliber would risk the disaster of missing slam and hurting partnership morale by not trusting his partner and bidding a normal 5♥. He also mentioned that perhaps E/W were psyching and that the combination of South's "psych" and North's unusual pass of 5♦ should result in the Rule of Coincidence being applied. The Reviewer informed him that an adjustment could be made only if it was found that UI existed; unusual or coincident actions in the absence of UI were normally handled by a Player Memo. The Reviewer asked if West was available to comment on what happened at the table. The interview was stopped while East tried to find her but he could not. North had about 5800 MP, South 1800, East 4500 and West 1860.

The Panel Decision: The Panel focused on the issue of whether there had been an

unmistakable hesitation. The fact that E/W had not thought enough of the hesitation to call the Director at the time and that there was no clear evidence that South took more than 3-4 seconds to bid 5♦ led to the conclusion that there was no UI. The Panel did not believe that 3-4 seconds constituted a BIT, nor was it clear that E/W would have obtained a better result even if North had bid 5♥, although that was deemed irrelevant when it was judged that no BIT had occurred. The table result of 5♦ down one, +50 for E/W, was allowed to stand and E/W were issued an AWMW.

DIC of Event: Terry Lavender

Panel: Matt Smith (Reviewer), Su Doe, Mike Flader, Charlie MacCracken

Players consulted: none

✍ Echoing the sentiments of most of the other panelists (myself included) is...

R Cohen: “This case was a waste of everyone’s time. If a Director was not called at the time of the alleged hesitation, or while the players were all still at the table, there is absolutely no way to convince a Panel or a Committee that a BIT occurred, and therefore no way to show damage and obtain an adjustment.”

Gerard: “What a bloviation. I didn’t understand E/W’s argument until I saw the magic words, Rule of Coincidence. I mean, North was risking the disaster of a missed slam by not signing off in 5♥. And as for partnership morale, I can guarantee you that it was a direct function of the result on the board, as is normally the case in these types of partnerships. I guess E/W wanted a shot at a contract they couldn’t misdefend for down two or could produce this defense for down three: ♠A, ♣AQ, spade. Right. After West apparently tried to cash the ♠A at trick three, that was about to happen.”

Polisner: “When there is no unmistakable BIT, the case is over.”

Wolff: “Well done.”

✍ The next four panelists collectively reflect my own thoughts on this case.

Rigal: “Very well handled by the Director. The circumstances of the case are odd (no correction to 5♥ to avoid missing the grand slam) but given no clear BIT and no revealing tempo by South, E/W should have followed the Director’s advice. One other factor: A hesitation in showing aces does not normally mean ‘none,’ it means some other number; most people can add up to zero. One other common feature of slow responses is remembering what form of Keycard you play, which carries no implications at all. So the BIT certainly does not demonstrably suggest that passing is the winning option—quite the reverse. How did this get through screening?”

Martel: “While not addressed since it was determined that there was no BIT, even if there had been a clear BIT, there should be no adjustment here. The likely reason for the BIT is not a psych thinking of passing, but figuring out what 4NT is (Keycard or takeout, and if RKC, in which suit) and remembering what the responses are. Since neither of these point to passing 5♦, the BIT doesn’t matter.”

Bramley: “I agree. East had already taken the only appropriate course of action, which was to record the hand. Filing an appeal as well was a complete waste of time. The auction is peculiar, but N/S’s defense of their actions makes perfect sense. A well-deserved AWMW. Here I would have found no BIT even if South took considerably longer than 3-4 seconds, because the 4NT bid is unexpected and South might need time to figure it out.”

L. Cohen: “Why down one and not two? Maybe a silly spade continuation at trick

two? Anyway, what N/S did smells fishy, but I don’t see any reason to nail them for it. I wish South had used a Stop Card before attempting to open 2♥—that would have avoided the problem. Anyway, to the relevant point: I’d presume that any pair playing RKC would not be sure whether hearts or diamonds were trump (or neither) in response to 4NT. Therefore, it would be normal for South to take some time, maybe about the actual time taken. So, I think there was no BIT and the Panel (through a different route) also concluded no BIT. End of case.”

✍ Even if South took 8-12 seconds to bid over 4NT it figured to be because she was surprised by the 4NT bid or confused about which red suit North intended as trumps. To me 8-12 seconds is normal tempo in this situation and doesn’t suggest anything in particular. But even had there been an unmistakable BIT, why would it suggest that South, playing only her seventh board with a first-time partner, had psyched?! (Apparently she hadn’t; she just inadvertently pulled the wrong card from her bid box and didn’t know she could correct it.) North used the fact that his opponents bid vulnerable to the three level to guess that 5♦ was a key card response and that South had zero and not three key cards. He then passed 5♦ when correcting to 5♥ was unlikely to cost anything and might easily have saved the day if South had shown up with three key cards. And even if North had corrected to 5♥, is it clear that E/W would have done any better than they did defending 5♦?

Our last two panelists, while recognizing that a BIT did not suggest anything in particular (and certainly not passing 5♦), still think the AWMW was undeserved.

Goldsmith: “I bet there was a hesitation. South had a real problem. I bet she was thinking of passing 4NT to avoid getting to some really ludicrous contract. If there was a hesitation, however, what would it indicate to North? I have no idea. North wouldn’t have any idea, either. So how could it affect his decision? Since the UI doesn’t convey any useful information, North’s choice is unconstrained. I don’t think I’d award an AWMW. From their perspective, something fishy happened and they were damaged. They didn’t follow proper procedure, but they probably just didn’t know any better. I’d explain the process to them and not ding them. Few ACBL players have much experience dealing with psychs (although this wasn’t one; a psych must be intentional) and the ACBL’s rules on psychs are a bit byzantine, so players’ confusion seems understandable.”

Wildavsky: “North’s argument regarding passing 5♦ is incomplete. If his guess that his side was off three key cards was correct then passing could do no harm, but likewise bidding 5♥ was unlikely to do harm, and it had an upside: it might avoid the zero they’d get for playing a cold 7NT in 5♦. It seems likely to me that North noticed his partner’s distress one way or another. Further, if South really intended to open 2♥ I presume that she’d have used the Stop Card, so I find her statements suspect. That’s not to say that there’s a basis for adjusting the score, but the AWMW seems undeserved.”

✍ In my experience many players do not use the Stop Card consistently—if at all. (Also remember that South had “only” 1800 MP, which could affect this tendency.) So even if North really did notice distress on South’s part, as Adam suggests (why, since the write-up gives no hint of such a reaction?), South’s reaction would normally reflect confusion about the meaning of the 4NT bid or which suit—diamonds or hearts or neither—was trumps (and that 5♦ might not reflect the number of key cards South held). I would think that suspicion that South had psyched her 1♥ opening is the last thing that would occur to North.

I would do precisely as the Panel did: allow the table result to stand and issue E/W an AWMW for this total waste of the Panel’s time after they were told twice, by two separate Directors (at the table and in screening), that the score could not legally be changed and that a Player Memo was the appropriate way to continue if they insisted on pursuing the matter.

CASE FOUR

Subject (Tempo): He Who Hesitates Is Lost

Event: Life Master Pairs, 22 Nov 03, Second Final Session

Bd: 24	Robert Cappelli		
Dlr: West	♠ AJ53		
Vul: None	♥ 102		
	♦ 10976		
	♣ A84		
Vandana Vidwans	Rajeev Gupta		
♠ K764	♠ Q8		
♥ 9876	♥ A43		
♦ Q2	♦ J53		
♣ 1076	♣ KQ532		
	Michael Alioto		
	♠ 1092		
	♥ KQJ5		
	♦ AK84		
	♣ J9		
WEST	NORTH	EAST	SOUTH
Pass	Pass	1NT(1)	Dbl(2)
2♥(3)	Pass(4)	Pass	Dbl
All Pass			
(1) 12-14 HCP			
(2) 13+ HCP			
(3) Weakish with spades and hearts			
(4) BIT			

West 1000.

The Committee Decision: Although N/S did not think North paused for as long as E/W did, they did admit to a slight BIT. Further, North's hand contained significant undisclosed values which suggested that it would not have been easy for him to pass smoothly. Thus, the Committee decided that there had been a BIT. It was plausible that North held a long minor for his hesitation but lacked the strength to bid at the three level. However, it was far more likely that North held a hand similar to his actual one: balanced, with respectable values but no convenient way to express them. Opposite that type of hand the chance that a double would be successful was much higher than opposite a hand of lesser strength. Thus, the UI demonstrably suggested that doubling 2♥ was more likely to be the winning action for South than passing. Was passing 2♥ an LA to doubling? North's typical share of the combined HCP held by North and West was about 6-7 HCP, which might produce a couple of tricks on average. Many successful matchpoint players would choose to double with the South hand. On the other hand, North could have as little as 2-3 HCP. West might hold the ♥A or a singleton diamond and 2♥ doubled would make. If 2♥ is down only one trick, the matchpoint difference between +50 and +100 could be fairly small. Further, South's double of 1NT may have pushed E/W into an inferior contract, giving N/S a plus position on the board. South would have led a high heart against 1NT, quite possibly costing a trick. There are certainly

The Facts: 2♥ doubled went down two, +300 for N/S. The opening lead was the ♦10. The Director was called at the end of the auction. South said that North took 5 seconds to pass 2♥; E/W said he took longer. The Director ruled that passing 2♥ was an LA for South. The contract was changed to 2♥ down two, +100 for N/S.

The Appeal: N/S appealed the Director's ruling. N/S believed that North took about 5-7 seconds before passing 2♥. N/S said that they were aggressive doublers and had doubled nine of the fifteen contracts they had defended this session. South thought that with a good chance of five tricks in his own hand and his partner marked with some strength based on the bidding, double was a standout action at matchpoints. He was surprised that the opponents called the Director after seeing his hand. E/W judged that North paused for 10-12 seconds before passing 2♥. They did not think South's double was sufficiently clear to be allowed after North's value-suggesting BIT. North had about 2600 MP, South 2400, East 700 and

enough arguments for passing 2♥ to make pass an LA to double. Therefore, the Committee disallowed the double and changed the contract to 2♥ down two, +100 for N/S. In discussing the merits of N/S's appeal, one Committee member considered the double to be nearly automatic while several others thought it either attractive or the percentage action. Thus, the appeal was judged to have merit.

DIC of Event: Chris Patrias

Committee: Michael Huston (chair), Bart Bramley, Doug Doub, Danny Sprung, Howard Weinstein

✍ First, the one panelist who sat on this Committee has a bit to add to the reasons the Committee gave for their decision.

Bramley: "A hard case for us. Another argument for passing 2♥ is that if North held a singleton heart he might judge wrongly to pull a double. Note that even with North's superb defensive hand the contract was only down two. That suggests that pass was definitely an LA for South, who was at the bottom end of his initial double and whose partner was a passed hand."

✍ The remaining panelists mostly support the Committee's decision...

R Cohen: "I agree with both the Committee and Director."

Wolff: "Okay."

✍ ...though many find what they believe are flaws in either the Committee's investigative efforts or in the write-up (though they are generally not thought serious enough to reject the Committee's final decision).

L. Cohen: "The 'nine of the fifteen' doubled contracts does sound self-serving and was probably an exaggeration, but I suppose it could be verified. I do wonder why nobody addressed the issue of methods. Most people play that after a double of a weak notrump, a force is created (through 2♠, at least). So in the final of the LM Pairs, I'd wonder if N/S could even allow their opponents to play in 2♥ undoubled. Other than that, well written and well-reasoned. Good decision."

✍ We would hope the Committee investigated the forcing/non-forcing nature of the N/S auction, but if they did they certainly should have reported their findings. As it turns out, several of the perceived flaws were not flaws at all.

Gerard: "Unless I'm mistaken, South has a lot more than 2400 masterpoints. [Sorry, but not according to ACBL records. I suspect Ron has South here confused with another player with a similar name.—Ed.] That changes the nature of the N/S partnership. No further comment, it would be a rank injustice anyway."

Martel: "Looks well reasoned. Only complaint is that I doubt 2♥ showed a weak hand. Likely it was the only way to show the majors with less than invitational values (so West could easily have 8-9 points)."

✍ Perhaps that's why 2♥ was described as "weakish" rather than just "weak." Regarding the issue of merit, there is some difference of opinion as to whether an AWMW was warranted.

Polisner: "I am surprised the Committee was so inclined to believe that doubling was so attractive. Wouldn't it be for takeout on this auction? I think most pairs would play it for takeout and am surprised that North passed at the table rather than bidding 3♣ or 4♣. I think an AWMW should have been issued."

✍ *Au contraire*, counselor. When an opponent's notrump opening is doubled for penalties, subsequent doubles are typically penalty (or show transferrable values in a relatively balanced hand, willing to defend if partner passes). Had South's initial double been takeout, subsequent doubles might also be takeout, as Jeff suggests.

Rigal: "Based on the length of the deliberation here I think the non-award of an AWMW is right. Given the MP stated for N/S, presumably it was not a client/pro relationship. N/S's methods are so flawed here that North virtually has to hesitate in order to show this hand. That being so, the Committee's decision was clearly the right one: the example hands constructed at the time emphasize that the double is not guilt-edged (though guilt-edged is another matter)."

✍ The presence of a client/pro relationship is not always based solely on the pro's MP holding. There are many "Flight B" pros and even those in "Flight A" are not always hired strictly for their bridge expertise (many are hired for their pleasant, calm, and complimentary demeanor at the table rather than their playing skills).

The Committee's performance was not the only target of criticism, as our next panelist demonstrates.

Wildavsky: "The Director's ruling is incomplete; let's do these things by the book. Whether an LA is available is not relevant unless the Director concludes that UI was present and that it suggested one action over another. South's argument that his partner was marked with some strength was disingenuous. It was North's hesitation which marked him with values. The Committee did a fine job, but I'd have found no merit in the appeal."

✍ I hope no one else seriously believes the existence of pass as an LA to double was used to justify the score adjustment here. I'm fairly confident that the Director also determined that there was a BIT, that the UI from it demonstrably suggested the double, and that the failure to include it in the write-up was just an oversight (as I've said before, we aren't dealing with professional writers here). And just to be fair to N/S, it is AI to them that E/W were unlikely to hold sufficient high cards for game (25-26 HCP) when they stopped in 2♥ (unless E/W were having an accident and West intended 2♥ as forcing, which seems unlikely). Thus, North was marked with "some" values (but perhaps as few as 3 HCP) even absent any UI. (This also relates to Larry's suggestion that most people—perhaps even N/S here—would treat North's pass of 2♥ as forcing. But if South can double 1NT with impunity with as little as a balanced 13-count, it seems rather dangerous to play North's pass of West's two-level runout as forcing when N/S's combined assets might consist of only about 16 HCP in two balanced hands, with no proven fit.)

Finally, one panelist allows the double of 2♥, judging that "South's passing 2♥ is ridiculous." (Note: His own preferred method—consistent with what Larry said earlier—is that a double of 1NT creates a force through two of a suit.)

Goldsmith: "Again, all that's at issue is whether passing 2♥ was an LA. For me, it's not. I play North's pass as forcing. I think most experienced regular partnerships have an agreement about how far they are forced after 1NT is doubled. It's too bad that N/S didn't have an agreement to that effect, though I have to admit that I don't write it on my CC, though one of my partners does so he can remember how far we are forced (through 2♠). Upon reflection, it's time to start writing that down so that we won't get stuck in a position like this. It won't do just to Alert the pass; that'll allow a pair to play slow passes as forcing and fast ones as not. (Is a forcing pass here Alertable?) My personal judgment is that South's passing 2♥ is ridiculous. South rates to have five tricks in his hand, and if partner were broke he'd be playing 1NT redoubled. Is it ridiculous to this South? I think so. If it were IMPs, there'd be some reason not to double. But at matchpoints, I can't see any, and in contrast to the Committee's opinion, I think there rates to be a significant difference between

+50 and +100. But they are going down two or three anyway, so that's really irrelevant. Result stands.

"It's time to figure out a way to get players to stop telling Committees nonsense like 'We double very aggressively.' It doesn't do any good: such comments are rejected as self-serving. It only muddies the water. In close cases, I think Committees tend to rule against players who tell them baloney like that, too. That's only human nature."

✍ My sense is that trying to get players not to make self-serving statements (even nonsensical ones) to Directors or Committees is like trying to get them not to take an action they find attractive after they receive UI from their partner that suggests that action. Players will convince themselves that any action they want to take is clear-cut and they'll take it anyhow, regardless of any UI that's present. Similarly, players will make any argument to a Director or Committee, no matter how silly, if it appears to justify their actions. People do not act logically in these situations and they cannot appreciate the frame of mind they were in before the UI occurred. *That's human nature.*

So where am I on this case? First, I agree with the Committee that it's likely there was a BIT. Second, for the reasons I stated earlier, I would not accept N/S's claim that the actual auction was forcing without concrete documentation. Add to that Bart's point—that North might wrongly judge to pull a double with heart shortness—and the fact that N/S's argument—that North was marked with strength based on the auction—does not hold up when North can hold as little as 3 HCP and I would not allow the double after the BIT. (By the way, a double of 2♥ by North is best used to show constructive values, not a heart stack.) Thus, I would cancel the double and change the contract to 2♥ down two. As for the merits, I think it's close. I'm not opposed to issuing an AWMW to stress to South his obligation not to take any questionable action once UI from his partner makes his action more attractive. But since several Committee members thought that South's double was "automatic," I doubt that an AWMW was possible.

CASE FIVE

Subject (Tempo): The Peers Speak

Event: AM Compact KO, 22 Nov 03, Second Session

<p>Bd: 14 ♠ --- Dir: East ♥ KQ1084 Vul: None ♦ 9432 ♣ J752</p> <p>♠ QJ10732 ♠ A9865 ♥ 9 ♥ A32 ♦ KQ85 ♦ J76 ♣ 106 ♣ 94</p> <p style="text-align: center;">♠ K4 ♥ J765 ♦ A10 ♣ AKQ83</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WEST</th> <th style="text-align: left;">NORTH</th> <th style="text-align: left;">EAST</th> <th style="text-align: left;">SOUTH</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td style="text-align: center;">Pass</td> <td style="text-align: center;">1♣</td> </tr> <tr> <td style="text-align: center;">1♠</td> <td style="text-align: center;">Dbl</td> <td style="text-align: center;">2♣(1)</td> <td style="text-align: center;">3♥</td> </tr> <tr> <td style="text-align: center;">Pass</td> <td style="text-align: center;">4♥</td> <td style="text-align: center;">Pass(2)</td> <td style="text-align: center;">Pass</td> </tr> <tr> <td style="text-align: center;">4♠</td> <td style="text-align: center;">All Pass</td> <td></td> <td></td> </tr> </tbody> </table> <p>(1) Four-card limit raise (2) BIT ("agreed")</p>	WEST	NORTH	EAST	SOUTH			Pass	1♣	1♠	Dbl	2♣(1)	3♥	Pass	4♥	Pass(2)	Pass	4♠	All Pass		
WEST	NORTH	EAST	SOUTH																		
		Pass	1♣																		
1♠	Dbl	2♣(1)	3♥																		
Pass	4♥	Pass(2)	Pass																		
4♠	All Pass																				

The Facts: 4♠ went down one, +50 for N/S. The opening lead was the ♥K. The Director was called after the 4♠ bid and told that East hesitated before passing 4♥. (N/S thought she took 15-20 seconds; East thought 6-7 seconds.) West said he did not bid 3♠ on the previous round because he did not want to push N/S into game. The Director ruled that there had been an unmistakable BIT that suggested the 4♠ bid. The contract was changed to 4♥ made five, +450 for N/S.

The Appeal: E/W appealed the Director's ruling. West said he did not want to drive the opponents into game by bidding 3♠ over 3♥, but once they bid game he thought that bidding 4♠ was the right action. (He thought his side had no defense against 4♥.) N/S said they did not push on to 5♥ because they thought the Director would roll the contract back to 4♥. N/S both thought West made an "illegal" bid which would not be allowed to stand. East had

about 2150 MP, West 320, North 1290 and South 700.

The Panel Decision: The Panel polled a dozen players who were considered West's peers (about 350 MP). All but one said they would bid 4♠ over 4♥; most bid it over 3♥ but said they would bid it over 4♥ if they had passed 3♥. The Reviewer explained to N/S that a hesitation does not necessarily bar the hesitator's partner and that the opponents should continue to bid their hands as though no irregularity had occurred. Three experts were also consulted about West's 4♠ bid. One said he would not allow West to bid since he had passed over 3♥. Two others said they would allow the 4♠ bid. Because of the overwhelming evidence from the peers that the 4♠ bid was indicated, the Panel decided that pass was not an LA and that Law 16 had not been violated. The table result of 4♠ down one, +50 for N/S, was allowed to stand.

DIC of Event: Jeff Alexander

Panel: Candy Kuschner (Reviewer), Ken Van Cleve, Matt Smith

Players consulted: Bill Cole, Mark Itabashi, Linda Lewis, twelve players with about 350 MP

✍ As one might hope (and as the title suggests)...

R Cohen: "Well, the Panel followed the result of the consultants. This seems to be SOP now (see CASE ONE)."

✍ Given this approach, was some other decision possible?

Polisner: "Such an overwhelming opinion from the players consulted is important, but not dispositive. I think a better procedure for polling peers is in two parts: (1) What would your action be? and (2) Would you seriously consider the alternative action? If many of the peers would seriously have considered passing, I would have voted for the Director's ruling."

✍ A better procedure—and one with the advantage of actually being legal—is to ask a number of players what call they would make and see if a substantial number of them actually choose the LA. (If this sounds familiar it should, it's the approach that's currently used.) Most players don't know what "seriously consider" means. (Even the Laws Commission couldn't agree on what it meant until fairly recently.) The current definition of LA (Anaheim, Summer 2000) requires that "seriously considered" must imply that some number of one's peers would actually make the call considered." Thus, it is not sufficient for some consultants to simply say that they "seriously considered" an action if none of them would actually have taken it.

Perhaps a more useful approach would be to ask each player not only what call he would make but, after receiving his answer, to then ask him if he thinks it's close and there are other actions that he might also take. For example, a consultant might say, if pressed, that while he chose to bid 4♠ he considered passing, or that a pass could easily be right, or that it was close and on another day he might have passed. Given such an approach it should be possible to conclude that pass was an LA even if all the "primary" votes were for bidding 4♠.

Another suggestion for a possible tweak in our methodology comes from White Plains.

Gerard: "Seeking enlightenment as to how bids such as 3♠ 'drive' the opponents to 4♥. Is it a rule, like the Law? Oh well, I guess the peers all think that way so we're stuck with this decision given our current system. By the way, I don't for a minute believe that any of the peers would bid 4♠ over 3♥, so maybe the evidence has to be adjusted."

✍ That's a good point. If West bid 3♠ over 3♥ would we then allow him to bid 4♠ over 4♥ in spite of the BIT? I'm not convinced.

Yet another suggestion for a possible methodological reform comes from our man in Pasadena.

Goldsmith: "Four-card limit raise?" How do they show three-card limit raises? [I'd guess by bidding 2♥, assuming the negative double promises hearts, thus making a second cue-bid available.—Ed.] If there were some confusion about the answer to that, E/W would have some trouble getting their 4♠ back. But otherwise, 4♠ seems obvious. White at IMPs, what's the downside, lose four? Then again, it seemed obvious on the previous round. In fact, 4♠ is a pretty good contract. The reviewer did a good job. It's worthwhile to explain to N/S that just because a possible irregularity has occurred, it's insufficient for them to assume that there was one. They still have to play bridge. I don't see either of them bidding 5♥, regardless, but it's good to tell them that the hand isn't necessarily over if there is a problem."

✍ One panelist suggests (illegally?) that some punishment is in order.

Wolff: "N/S earned their +50 by using poor judgment. If E/W are allowed to keep their -50 they should be penalized 1/2 to 3/4 of a board for what should be called hesitation disruption (HD). It is time everyone wakes up and understands how to improve our game."

✍ It seems that we've been here before. Thinking is not itself an infraction, though taking a questionable action when UI from partner favors that action is. But if peer input indicates that the action is clear cut, then there was no infraction and

nothing that's legally punishable. To punish someone for merely thinking is draconian.

Resigning himself to the results of the peer poll is...

L. Cohen: "The Panel Decision seems to start in the middle. First, they need to establish that there was a BIT. East said 6-7 seconds; they need to say why they are presuming the BIT. Next, did East's slow pass suggest one action over another? I'm not positive. Why couldn't East be thinking of a penalty double with: ♠Axxx ♣KQ10 ♦xxx ♣Qxx (in which case West's 4♣ would be very wrong)? Anyway, if we agree with the BIT and agree (not clearly) that the slow pass indicated West's 4♣, then we can pick up where The Panel Decision begins. I'd bid 4♣ with West's hand, but wouldn't think it clearly meets the criteria. But, as the title says, the peers have spoken, so I'd go with their vote."

✍ The following panelists have diametrically opposing views of the table ruling...

Bramley: "A better table ruling would have made an appeal by N/S meritless. This is a great example of a double shot, since N/S admitted that they stopped bidding their cards in expectation of a favorable ruling. Sorry, no can do."

Rigal: "Again, I'm very happy to see the Directors not imposing their judgment in cases like this, but ruling for the non-offenders and making the offenders bring their case to court. This one is actually close enough that I could have understood it if the Director said that passing 4♥ was not an LA. But the fact that a small minority of the consulted players did pass makes the initial Director ruling right. The Panel, I think, were swayed by their own feelings to let the 4♣ bid stand because they thought it so obvious. As in CASE ONE, I am not convinced that the expert poll points to that but I think justice was done. However; I admit I am looking at it from the point of view of a player with more than 320 MP; we have to consider the appropriate level of player to come to the right decision."

✍ ...and there's still a nit to be picked in the details of the write-up; and more on the Panel's methodology.

Wildavsky: "The Director's ruling is again incomplete; it neglects to mention that he considered pass an LA to 4♣. (The Director is supposed to use the definition of LA contained in the Tech files; see my comment in CASE ONE.) I don't like the Panel's methodology here for several reasons. 'All but one said they would bid 4♣ over 4♥; most bid it over 3♥ but said they would bid it over 4♥ if they had passed 3♥.' (a) The actions of a player who would bid 4♣ over 3♥ are not relevant. What we want to know is, of those who passed over 3♥, how many bid 4♣ over 4♥? (b) One player would pass 4♥? Apparently he did not say that he'd seriously consider passing but that he *would* pass. That seems clear enough. Under our current standards I believe that makes pass an LA. (c) Why were three experts consulted as to whether the bid should be allowed? They are experts on bridge play, not on the laws. As I understand the intent of the Panel process it is for the players to render bridge judgments and for the Panel to apply the laws given those judgments as they apply to the facts of the case. The poll of West's peers ought to have been the only poll that was relevant. (d) The Panel's write-up uses this phrase: 'Because of the overwhelming evidence from the peers that the 4♣ bid was indicated...' Why is the evidence overwhelming? To allow the bid the Panel must find that pass would have been illogical. One of the peers said he would have passed. Is the Panel saying that this player's action, because it was chosen by a minority, was illogical? All told, I find that the Director did a better job than the Panel."

✍ To save time (and space) readers are invited to reread my response to Adam's comment on CASE ONE. In addition, finding one player in twelve who would take a certain action (or even admit that he seriously considered it) does not an LA

make. (Ten percent will vote for Nixon—no matter what.) As for the expert consultation, I agree that it was inappropriate in this case to consult experts about the actions of a player with only 320 MP. (Of course if the Directors needed input on the play/defense to assign an adjusted score—which was clearly not the case here—such consultation might have been appropriate.) I doubt that the experts were asked about the laws or whether 4♣ should be allowed. More likely they were asked about West's action over 4♥, just as the peers had been. But when a Director asks an expert for a bridge opinion (obviously for the purpose of making a ruling) and the expert guesses what happened at the table, he may respond with a "legal" opinion (e.g., "I wouldn't allow West to bid over 4♥ since he passed 3♥.") even though he wasn't asked for one.

Whether the evidence is "overwhelming" or not is clearly a judgment call. Are eleven votes in twelve for bidding 4♣ "overwhelming" evidence that 4♣ should be allowed? Thirteen in fifteen? Seventeen in eighteen? (You get the idea.) The Panel judged that eleven out of twelve was overwhelming (I happen to agree; one can always find an odd-ball vote in any poll, especially as the sample size gets larger). And passing 4♥ does not need to be found to be "illogical" in order to allow the 4♣ bid; passing needs to be ruled out as an LA (that is, it needs to be shown that one cannot find a significant number of West's peers who would actually pass 4♥). If two or three out of twelve peers would pass 4♥, then pass is an LA and 4♣ must be disallowed, even if the Director thinks passing is illogical. (The peer poll would then show that, for the level of player involved, passing is a possible action.) We've seen many instances in the past of players who gave passionate but irrational excuses to try to justify their illogical actions. Players take illogical actions all the time. Just because we find that an action is illogical doesn't mean that the player (or his peers) would not take that action at the table. If some of the player's peers would have taken it, then unless the player makes a compelling case to the Director at the table that the LA action was impossible (perhaps citing systemic constraints), we should be prepared to entertain the possibility that the player might have taken it, especially given that UI was present to help him avoid it.

Putting aside my own views of the relative merits of bidding 4♣ over 4♥ versus passing (I would have acted over 3♥ but, as Barry already pointed out, our opinions are irrelevant here), the peers make it clear that pass was not an LA. Thus, while I do not like the Panel's decision, I must support it since I would have made exactly the same decision given the results of the peer poll. (I also support the Directors' ruling since they probably did not have access to an extensive player poll at the time they made it.)

CASE SIX

Subject (Tempo): No LA to Reopening

Event: NABC Open BAM Teams, 23 Nov 03, First Qualifying Session

Bd: 18	Peter Bertheau		
Dlr: East	♠ 97		
Vul: N/S	♥ Q10984		
	♦ KQ		
	♣ K652		
Joe Quinn		Ira Hessel	
♠ AJ3		♠ 62	
♥ A7		♥ K62	
♦ J10432		♦ A765	
♣ 1093		♣ AJ74	
	Jessica Piafsky		
	♠ KQ10854		
	♥ J53		
	♦ 98		
	♣ Q8		
WEST	NORTH	EAST	SOUTH
		1♦	2♠
Pass(1)	Pass	Dbl	All Pass
(1) BIT			

The Facts: 2♠ doubled went down one, +200 for E/W. The opening lead was not recorded. The Director was called at the end of the auction. All four players agreed that West broke tempo before passing 2♠ (no Stop Card was used). The Appeal Form indicated that all four players agreed that West took 15 seconds to pass 2♠ but this changed when the case was screened (see below). The Director ruled that although there had been a BIT, there was no LA to reopening with a double with the East hand (Law 16). The table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling. East did not attend the hearing. When Screening Director presented the facts he told the Committee that in screening West said he thought he hesitated over 2♠ for about 10 seconds, or perhaps a bit less, while N/S thought the hesitation was longer than 10 seconds, but not egregiously longer.

When N/S were asked if they had anything to add they said no, they believed the reason for the appeal was clear from the facts. North was an expert internationalist from Sweden who played only occasionally in North America. North had about 710 ACBL MP, South 1010, West 7030 and East 6470.

The Committee Decision: The Committee decided that there had been an unmistakable BIT which made bidding with the East hand more attractive than passing. However, the Committee also believed that few if any players in East's peer group would pass 2♠. Thus, the double and the table result were allowed to stand. One member of the Committee believed strongly that pass was an LA, so no AWMW was assessed.

Dissenting Opinion (Adam Wildavsky): I disagree with the Director's ruling and Committee's decision. The Committee agreed that East had UI that made double more attractive than it would have been otherwise. That means we can allow East to double only if there is no LA. Many players would pass out 2♠ with the East hand; a pass would in no way be illogical. The Committee agreed that one or two players out of ten would pass, but did not concede that that made pass an LA. In 1992 the ACBL Laws Commission clarified the meaning of the term "LA" as "an action that some number of your peers would seriously consider in a vacuum." This was further clarified in 2000 with "It is generally accepted, however, that 'seriously considered' must imply that some number of one's peers would actually make the call considered." Knowing that at least one or two players in ten would pass is not necessary to make pass an LA, but it is certainly sufficient. What matters is whether an advantage might have accrued from the UI. If 10 or 20 percent of players would pass then the call is logical according to the definition above. Edgar Kaplan

addressed this question nicely in 1995. His example is available on The Bridge World's web site:

http://bridgeworld.com/default.asp?d=article_sampler&f=samed.html.

One pair of sentences apply equally well to the case at hand: "Would it have been obviously foolish to pass, an egregious error, absurd? No, it wouldn't—pass would be right quite often." Another way to consider the case is to look at the behavior the law is intended to achieve: to encourage players to bid in tempo. We all know that 10 seconds is an eternity in a low-level auction. No player in an NABC event should need 15 seconds to decide what action to take with the West hand. Anyone who takes that much time must do so with the full realization that his side will be given no benefit of the doubt concerning any close decision by his partner. Rulings such as this one allow an advantage to accrue to a player who breaks tempo with the West hand. If this continues our game will be the poorer for it.

A methodological change would help here. I suggest that a Director should rule that an action has no LA only when he has taken a poll of the player's peers and found no one who would choose a less successful call. One advantage of this approach would be to make the results of the poll available to the Committee should the decision be appealed. I took an informal poll after the Committee rendered its decision. The first four people I asked, all better players than I, said they'd pass. The next three said they'd double but that they thought it was close. Poll results will not always be dispositive. A player can always try to explain to the Director or Committee why he believes he had no LA. For instance, some pairs note on their CC that "At the two level we always reopen with a doubleton in the opponents' suit." I would allow a member of such a pair to reopen here. The note must be on the card, though, apart from anything else the opponents have a right to know.

DIC of Event: Steve Bates

Committee: Henry Bethe (chair), Darwin Afdahl, Lowell Andrews, David Berkowitz, Adam Wildavsky

✍ Just in case you thought the dissenter already said all there was to say, he has one further point to share with us.

Wildavsky: "I dissented on this case and nothing I've learned since causes me to change my mind. One thing disturbed me about the Committee's deliberations more than anything else. No other Committee member was willing to concede that saying that pass is not an LA is equivalent to calling pass illogical."

✍ Perhaps that's because the two are *not* equivalent. Although I already addressed this problem in the previous case, here's another way to think about it. Suppose the East hand was so bad that almost no one would seriously consider reopening and forcing his side to defend 2♠ doubled or play in a possible four-three fit at the three level. For example, give East ♠Jx ♥QJx ♦Kxxx ♣KQxx (or something similar if you think this is too good). Now West could certainly hold a hand that's close to a penalty double of 2♠ (e.g., ♠K108x ♥Axx ♦xx ♣Axxx), or one that's just short of the values (or shape) needed for a negative double, but with which 3♣ or 3♦ would play quite well (e.g., ♠xxx ♥Kxx ♦xx ♣A10xxx). So no one will claim that a double of 2♠ with that East hand is "illogical" but at the same time no one (or only a few members of the lunatic fringe) would actually reopen. So saying that a call is not an LA is not equivalent to saying it's "illogical," only that it's a very unpopular action.

As for Adam's claim that if even one player would seriously consider passing, pass must be an LA, that ignores something important: the Law of Large Numbers. (The LoLN predicts that large samples will tend to better reflect the makeup of the population from which they come.) Ignoring the role of sample size misses a key factor in determining the outcome of polls. For example, suppose passers make up a very small segment of the player's peer group, say 3 percent just for illustrative purposes. (Other percentages will produce similar results.) Poll three peers and the

chance that none of them will be a passer is over 91 percent. But poll twelve peers (as in CASE FIVE) and the chance that none of them will be a passer is only about 69 percent. In other words, the chance of turning up at least one passer in the poll has risen to over 30 percent—almost one-in-three—even though passers make up only 3 percent of the peers. So if a single passer makes pass an LA, as Adam claims, then we can virtually guarantee that pass will be an LA by taking a large poll and we can minimize the chance that it will be an LA by keeping the poll size small.

Note: This principle makes it possible to increase the chances that any poll will turn out the way we wish by controlling the sample size. For example, suppose we estimate that only 10 percent of a player's peers would make a certain bid that we wish to impose on the player. (Don't try this yourself, kids.) If it only takes one peer in the poll making the bid for it to be an LA, then by polling only three peers we stand only a 27 percent chance of being able to impose it as an LA. But if we increase the sample size to five we increase our chances of imposing the bid to about 41 percent. And by increasing it further, to twelve, we increase our chances of imposing the bid to over 72 percent—that's better than a two-in-three chance that our poll will allow us to impose a bid that only 10 percent of the peers would make.

I was in Adam's poll and said that I'd reopen, but I thought it was close and that some players would pass (making pass an LA). Similar reactions come from...

Bramley: "No. I wouldn't pass, but I know many people who would. Wasn't one of them *on the Committee*? So why couldn't the Committee see that pass was an LA? At a minimum the Committee should have given a split decision against both sides, -200 to N/S and +100 to E/W. But really they should have ruled reciprocally, cancelling the double and assigning the result for 2♠ down one to both sides. The dissenter was correct."

L. Cohen: "I must be out of touch—with at least four Committee members, anyway. With 1=4=4=4 I could see that 'all' Easts would reopen. But with a minimum *and* a doubleton spade *and* only three cards in the unbid major? Personally, I would double (I think, although not 100 percent, it's a losing action to sell out here) but it's close. I know that *no* Easts in the classes I teach would think of acting. True, this was a different level of East player but still, why is double so automatic? For sure this appeal had merit, so much so that I would have decided the other way. Good job, Adam. Disappointing to see my partner in crime deciding the other way. As Zia would say, I'll have to 'ring him up and give him a firing.' AWMW? Give me a break!"

Rigal: "To my mind the Committee, and the Director especially, were way off base. With a 12-count and a doubleton spade the number of hands where action is wrong is surely large enough that pass must be an LA. I'm surprised that such an eminent Committee bought the Brooklyn Bridge here. The dissent goes further than I would in trying to find new ways to define LAs, but it's general import is clearly correct to my mind. By the way, I could have lived with a non-reciprocal decision here, but my preference would be to let the non-offenders get the benefit of the doubt."

Wolff: "Ridiculous. If West makes a quick pass and East passes what are N/S's rights? Obviously none, so why should E/W get all the best of it?"

☞ Some panelists question whether there really was a BIT...

R Cohen: "Why was there a BIT? After the Skip Bid wasn't West required to pause before making a call? Isn't that what he did? Did the Committee consider this factor in determining an 'unmistakable hesitation'? The write-up is not conclusive in this regard. The final decision was correct, but perhaps for the wrong reason."

☞ Perhaps the write-up isn't clear because by the time of the hearing, conflicting

statements were being made about West's tempo. But one thing we know is that at the table, where the most reliable information is usually obtained, an impartial Director heard everyone agree that West took 15 seconds (not 10) to pass 2♠.

Goldsmith: "It's curious that a Committee would decide that 10 seconds constitutes a clear BIT. I believe that it can be, but the rules say that regardless of the use of a Stop Card, West must wait 10 seconds. In practice, very few do, so the legally mandated hesitation can be a BIT. Was West deciding what to do or just waiting? He could have bid 2NT or 3♦. 3♦ seems like an underbid. Obviously, however, he was thinking of 2NT if anything, since he passed the double despite five-card support for partner. All in all, I still can't tell if there was a real BIT. Is reopening automatic? At BAM, I doubt more than one in a hundred would pass (the one being Marshall Miles)."

☞ Hmm, why are some panelists so willing to accept as gospel the revisionist statements of the offenders over those of the opponents, the Director, and even their own admissions at the table? And why does BAM scoring make reopening so attractive (as opposed to, say, matchpoints)?

Think you've heard everything there is to hear about this case? Well, fasten your seatbelt 'cause you ain't heard nothin' yet.

Gerard: "Everyone go stand in the corner. First the majority for not giving us its reasoning and forcing us to rely on the dissent for the details. Then the dissent for the obligatory Kaplan quote and the ever-so-annoying didactic manner. Then both sides plus the Director for misanalyzing LAs and demonstrably suggested.

"I have no idea what percentage action a reopening double is. I would double without much thought but admit that others might view it differently. However, to answer one expatriate Appeals Administrator, this is not a *miserable* 12-count. [I've never characterized the East hand at all, and certainly not as a 'miserable' 12-count. And while I may be a lame duck AA, expatriate, never!—*Ed.*] Perfect it's not, but it's nearly all primed with plenty of trick-taking ability and support. And if you pass and it's wrong you will normally get a bad board, probably almost as bad as if you bid and it's wrong. The Committee gave us its best guess that double is an 80-90 percent action. Let's call it 85, which means that pass in their view is a 15 percent action. Others say pass is closer to a 40 percent (said expatriate AA) [I said no such thing.—*Ed.*] or nearly 100 percent (said annoying didactician) action. These are just a bunch of different opinions. Forcing Directors to take a poll before issuing their rulings would lead to additional administrative responsibility they didn't bargain for and a revival of the cry to get rid of Committees. I mean, if the Directors have to take a poll just in case the Committee might find that there is no LA (or that there is, for that matter), why can't a Panel apply the results as well as a Committee? And the dissenter's poll is suspect anyway, since (gasp!) it agrees with his position.

"So the Committee said that only 15 percent would pass and that that doesn't make it an LA. The dissent said that as many as 15 percent would pass and that that does make it an LA. Too bad neither one of them understands the law. If the 15 percent represents the same number that would seriously consider passing, then I think the Committee is right. After all, in the old days this wouldn't have met the one-in-six standard and it's not ridiculous to use that as an informal guideline. But more likely the fact that 15 percent would pass means that some greater number would seriously consider it, which should be enough to tilt pass into the LA category. The law envisions a two-step process: would 'some number' seriously consider it and would 'some number' (of that number) actually do it. The actual doers have to be less than the serious considerers, it's subject to mathematical proof. So I would say that the Committee's 15 percent guess indicates that enough of the peers would seriously consider pass to constitute some number, and that the 15 percent itself is some number of that number.

"But everyone is treating West's slow pass as demonstrably suggesting East's double. The aforementioned AA says 'you *know* what he has, making double a 100

CASE SEVEN

Subject (Tempo): Double Double Huddle Trouble
Event: NABC Open BAM Teams, 24 Nov 03, Second Final Session

percent action.’ [There *must* be some other expatriate AA out there.—Ed.] In my experience, good players *know* to pass quickly with a clear penalty double. Just think of all the times you had the overcaller married; did you ever have to sit there and stew about passing? No, to hesitate in that situation means you don’t know what to do. That West eventually passed out East’s double didn’t mean that he always thought he had a penalty double; at some point he decided to pass but only after considering other options. There are at least four of those other options and all of them would have produced a better result than pass if East couldn’t reopen. So in addition to deciding what to do, West had to decide whether it was likely that East would pass it out. That doesn’t demonstrably suggest anything to East. If West is considering whether to bid an immediate 2NT or 3♦ or 3♥ and decided he wasn’t worth it, it is not more attractive to bid with the East hand than to pass. I suppose it would be okay if West were considering 3♣, but opposite anything other than that or converting the double East probably doesn’t want to get involved. All sides think that East *knew* that West would sit it out, while in my view that would have been the continuation I would have least expected as East.

“The bottom line is that pass was an LA but double was not demonstrably suggested, so the result stands. Maybe next time we can explain ourselves as the majority or avoid dragging our fingernails across the blackboard as the dissent. And it would help if someone had a firmer grasp of the principles involved, since you really should know the law whether you’re legislating or pontificating.”

✍ Most of Ron’s analysis of the LA issue (excluding the statements he mistakenly attributes to me) is right on target, but his arguments about what the BIT suggests (in his next-to-last paragraph) require comment. Regardless of how many options West had to consider before he finally passed 2♠ (penalizing 2♠ and whether East would reopen if he passed; raising diamonds competitively, or more strongly; bidding 2NT or 3♣), the fact that he had to think for noticeably longer than 10 seconds had to mean that he either had values or something else that East would find useful (spades; moderate diamond support; clubs but not hearts, else he would negative double), all of which make reopening more attractive/safer. So why does none of this demonstrably suggest anything to East? If West decided he wasn’t worth an immediate 2NT, 3♦ or 3♥, doesn’t that suggest that E/W likely have a good save over 2♠, which N/S will probably make? True, West could have a sloppy hand such as ♠Jxx ♥Axxx ♦Qxx ♣Qxx opposite which there are simply too many losers (not to mention no good suit in which to play), but West could also hold one of the hands I gave earlier, after Adam’s comment. Heck, as little as ♠xxx ♥xxx ♦KQxx ♣109x makes 3♦ a good save—especially if no one can double. And finally, we tend to overlook that when a player huddles, suggesting a desire to enter the auction, his partner tends to envision all the good things that can happen if he bids again (after all, East has good, prime values even though he’s minimum—see, I don’t think it’s a miserable 12-count), much to the exclusion of the bad things. It’s only human nature to be optimistic.

So my bottom line is that I agree with the dissenter (though not with his didactic about LAs) and would force East to pass 2♠, adjusting the score to reciprocal 100s. But just to demonstrate the diversity of opinion on this case...

Martel: “Pass seems like an LA to me, but given the unclear facts about the hesitation the decision is okay.”

Polisner: “Assuming that E/W use negative doubles (not stated) the auction is routine and an AWMW should have been issued.”

✍ Hmm, how many players do you know with 6500-7000 MP who don’t use negative doubles?

Bd: 12	Bill Schreiber		
Dlr: West	♠ KQJ632		
Vul: N/S	♥ Q4 ♦ 64 ♣ 632		
Dave Treadwell	Darwin Afdahl		
♠ 10	♠ ---		
♥ K852	♥ A976		
♦ 109875	♦ AKQJ3		
♣ 854	♣ KJ107		
	Bob Schwartz		
	♠ A98754		
	♥ J103		
	♦ 2		
	♣ AQ9		
WEST	NORTH	EAST	SOUTH
Pass	2♠	Dbl	4♠
Pass	Pass	Dbl(1)	Pass
5♥	Pass	Pass	5♠
Dbl	All Pass		
(1) BIT			

The Facts: 5♠ doubled went down one, +200 for E/W. The opening lead was the ♦A. The Director was called after the play ended. All four players agreed that East hesitated before he doubled 4♠; East thought he took 7-9 seconds, the other three players all thought he took 10-12 seconds. The Director ruled that there had been an unmistakable BIT that demonstrably suggested bidding 5♥ and that pass was an LA (Law 16). The contract was changed to 4♠ doubled made four, +790 for N/S.

The Appeal: E/W appealed the Director’s ruling. South did not attend the hearing. East said that over 4♠ he was thinking about whether to double or bid 4NT. He thought about it for 7-9 seconds and then doubled. West said he did not consider pass to be an LA with his hand. North said that after the bidding but before the play, everyone agreed there had been a BIT. He added that the Director, in delivering the ruling, said he had

polled several players and their opinion was that pass was an LA for West. The Committee learned that the defense had gone: ♦A (West playing a high diamond calling for a heart switch), then ♥A and a heart. They also learned that in assigning a score for 4♠ doubled the Directors considered a possible club switch by East at trick two and rejected it. East had about 9140 MP, West 23,700, North 4070 and South 3780.

The Committee Decision: The Committee decided that East had taken about 10-12 seconds to double 4♠ and that a pause of about 5 seconds would have been proper tempo. Therefore, a BIT had occurred. Next they considered what action the BIT suggested and decided it did not demonstrably suggest any one action over another (which made it unnecessary to verify the results of Director’s poll or to consider whether East might have shifted to a club at trick two defending 4♠ doubled, thus setting the contract one trick). The Committee restored the table result of 5♠ doubled down one, +200 for E/W.

DIC of Event: Steve Bates

Committee: Steve Weinstein (chair), Larry Cohen, Ed Lazarus (scribe), Chris Moll, Eddie Wold

✍ Once again one of our panelists sat on the Committee, and he gets to go first.

L. Cohen: “I still agree (and I like the perfect and concise way that Ed wrote it up). I just hope Gerard doesn’t mention the LOTT. If he does, I’ll have to e-mail him all

the adjustments needed on this deal.”

✍ Oh no, not that! But in a brilliant act of clairvoyance (or is it precognition?) Ron manages to avoid the threatened lesson in LOTT adjustments.

Gerard: “Is pass really an LA to 5♥? It’s not like the auction went 4♠-Dbl-P. LAs come before demonstrably suggested.”

✍ Or after, whichever order is found to be easier or more convenient.

The other panelists agree with the Committee’s decision, even if they’re not in total agreement with the reasoning behind it...

Wildavsky: “(a) Was the Stop Card used before 4♠? Did West hesitate for 10 seconds? If so, then East had already had substantial time in which to contemplate his decision. Still, this is not relevant to the present case because both the Director and the Committee concluded that UI was available. (b) The proper poll question is not whether pass is an LA, but what the player himself would do at the table. It is the job of the Director or Committee to determine whether an action is an LA, it is not a matter to be decided by a majority of players. I learned this from Ron Gerard, though he is not a fan of polls. While I have the greatest respect for Ron’s legal acumen, given the ACBL’s current standard for LAs it seems to me that a properly constructed poll can be of great value to the Director or Committee. (c) If the Director asserts that UI demonstrably suggests an alternative action he must (yes) demonstrate why. (d) Let me try to demonstrate that the UI suggests bidding. I can think of three reasons for the hesitation: (i) The hand is too weak to double again. (ii) The hand has too much shape; the player was considering bidding 4NT instead. (iii) The hand has such strong trumps that the player was afraid his partner would pull a double. Of these, the third (strong trumps) seems unlikely: with strong spades partner would often overcall in notrump at his first turn. [Unless he’s too strong for a direct 2NT—*Ed.*] The first two reasons make pulling more attractive than sitting, since 4♠ will likely make. I would then turn to whether pass is an LA. I tend to think it is not, but I wouldn’t mind seeing a poll of West’s peers. All told, I think the Committee may have made the right adjustment for the wrong reason.”

Bramley: “I agree with the decision, but I disagree that 10 seconds is a BIT on this auction. Reopening over 4♠ is a serious action that requires some consideration. Anything less than 5 seconds would be *too fast*, so 10 seconds cannot be a BIT. However, the Committee is correct that a BIT in that position would offer no demonstrable suggestion. This was another weak Director’s ruling. When will we absorb the concept that a hand that is a takeout double of a suit can’t later become a penalty double of the same suit?”

✍ I agree with both of Bart’s points. While taking 10 seconds to make the second double might be approaching BIT territory, it still seems within normal bounds for considering whether to reopen over 4♠ (a serious action indeed). And of course since East’s double of 2♠ was takeout, his double of 4♠ is simply more of the same, albeit obviously willing to hear West pass. To return to some of Adam’s points, it’s true that if East’s hesitancy is because of marginal values (assuming we are willing to call this a BIT) it suggests pulling. But if East is too shapely to risk defending (i.e., a spade void or a significant concentration of values, both of which he has) he might still have enough high cards (he has an 18-count) to justify a double. So both of these do not equally suggest pulling. In addition, East could have a hand that was too good to overcall 2NT directly and now he would prefer to defend (especially at this vulnerability) but is afraid West will pull a double. East could also be close to the slam range, perhaps he has something like ♠x ♥AQJx ♦AKQx ♣AKJx. He would certainly not have been worried about West passing his double of 2♠ but he might be wary that West would pass a double of 4♠. Notice also that 4♠ doubled is likely to go for anywhere from 500 to 1100, and net E/W

more than their game or even the value of a slam, if one makes (the ♣Q must be onside). So passing 4♠ doubled has quite a bit going for it, even with a BIT, and it’s difficult to make a good case that the (questionable) BIT “demonstrably” suggests pulling.

The following panelists echo many of these points.

Martel: “Good job by the Committee. The BIT certainly does not suggest 5♥. Partner could have lots of reasons for a slow double, including having a defensive hand where he is afraid partner will pull. My only concern is that if the choice is between passing and bidding 5♥, perhaps pass is so clear that 5♥ shouldn’t be allowed (if one bids 5♦ or, better, 4NT, it’s normal to bid) since it suggests that West did know what his partner had.”

Polisner: “Since double in this situation is normally takeout or cooperative, West had no LA. Additionally, since East may have been thinking about whether to bid 4NT or double (as he claims and I believe him), certainly the BIT was not a doubt about making a penalty double. Thus, West was free to do as he chose.”

✍ One thing the panelists are not in agreement about is whether it should have been clear to rule the other way at the table.

Goldsmith: “The Committee got it right for exactly the right reason. I’m pretty surprised that the Director in a national event didn’t consider that aspect of the problem. This was an easy one. Most of the time a slow double here shows more interest in defense than offense, so if anything, passing is indicated by the UI. West should be congratulated for his honesty... too bad he didn’t make that point at the hearing.”

R Cohen: “I can buy both the Director’s ruling and Committee’s decision as being correct on this deal. It was close enough for the Director to rule as he did and to force E/W to take this to a Committee, who rectified his decision.”

Rigal: “Excellent decision by the Committee to correct the (pardonable but) wrong Director’s ruling. We’ve seen enough slow take-out doubles of high-level contracts to know that a slow double tends to say ‘I want you to pass though my double is take-out’ and not ‘I really want you to take out my take-out double.’ Whatever our obviously high opinions of West’s game might be, he knows enough to remove a take-out double—especially with a hand like this. I’m surprised the Director was called, let alone that E/W had to appeal it.”

✍ The Committee may have been a bit too harsh in judging that 10-12 seconds in this auction was a BIT, but even if we accept their judgment, adjusting the score fails on the issue of “demonstrably suggests” and may also fail on the LA issue. So the table result stands, okay?

Wolff: “Okay.”

CASE EIGHT

Subject (Tempo): But He *Was* Thinking!

Event: Stratified BAM Teams, 24 Nov 03, Evening (Only) Session

Bd: 33	♠ 106		
Dir: North	♥ KQ93		
Vul: None	♦ J64		
	♣ K975		
♠ 95		♠ KQJ84	
♥ 74		♥ 862	
♦ AKQ872		♦ 95	
♣ Q62		♣ J83	
	♠ A732		
	♥ AJ105		
	♦ 103		
	♣ A104		
WEST	NORTH	EAST	SOUTH
Pass	Pass	2♠	Pass(1)
3♠	Dbl	Pass	2NT
(1) BIT claimed by East			

The Facts: 3♠ went down two, +100 for N/S. The opening lead was the ♦10. The Director was called after North's double. East claimed that South broke tempo before passing 2♠. The Director ruled that there should be a 10-second pause after a Skip Bid (the Stop Card was used) so there had been no irregularity. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. Only East attended the hearing. East said that there was a BIT over 2♠. East was asked to demonstrate what happened. She took out her Stop Card and left it on the table briefly after bidding 2♠. She said that South then thought before passing. When this was timed East had South passing after only about 7.5-8 seconds. She then repeated her demonstration and left her Stop Card out longer, which


increased the time to about 11 seconds. When she was told that that was still within the allowable limits she said "but South was thinking," then said she had left her Stop Card out for 7-8 seconds, which raised the total time to 13-14 seconds. North had about 11,000 MP, South 170, East 2100 and West 180.

The Panel Decision: The Panel found that East had demonstrated no BIT. The table result was allowed to stand and E/W were issued an AWMW since East was unable to produce any evidence of an irregularity.


DIC of Event: Matt Koltnow

Panel: Charlie MacCracken (Reviewer), Patty Holmes, Candy Kuschner

Players consulted: none reported


 The panelists are pretty much in agreement with the Panel's decision.

L. Cohen: "South's hand indicates a BIT, and my feel tells me that there was one. But I agree that it wasn't 'proved.' West should have attended. Maybe he could have added enough information to prove the case."

 How much *disproof* is needed beyond the complainant demonstrating *twice* that South's pause was well within the 10 seconds required by the Skip Bid?

Goldsmith: "Was South thinking? Doesn't look like it. It just goes to show that people do not have any sort of sense of how long 10 seconds is. I did an experiment once in which I had 30 people judge how long a 10-second wait was. They were not given access to watches or clocks and were asked not to count, just to judge and tell me when 10 seconds was up. The average time judged to be 10 seconds was 4 seconds. The median was a little lower. So I never believe anyone when they say


how long something took at the table."

 I'm reminded of a Groucho Marx quote: "There's one way to find out if a man is honest—ask him. If he says 'yes' you know he is crooked."

The informal demonstration Jeff describes has been confirmed many times by psychologists who study time perception. In fact, according to those studies, since Jeff's subjects weren't doing anything but waiting during the to-be-judged period they were actually more likely to be accurate than a person who was deep in thought during the interval. That is, a person who is busy thinking about something will perceive time to pass more rapidly than someone who is simply waiting, passively. (This should be somewhat intuitive since most people have the sense that "time sure drags" when they're idle while "time flies" when they're having fun.)

While Jeff doubts that people can judge time accurately, Adam expresses the opposite opinion...

Wildavsky: "I love the Panel's fact-finding methodology. Max Hardy used to ask players to demonstrate the length of a pause at the table. It can be enormously revealing, as it was here."


 Sorry, Adam, but the scientific evidence is all on the other side. That's not to say there aren't considerable individual differences in this ability or even that there aren't differences from one type of situation to the next. The one thing we can say with confidence is that, for whatever reasons, we all agree with the Panel's decision.

R Cohen: "Everyone was on base except East and West. East had no appeal and West turned a plus into a minus."


Polisner: "Excellent process and decision."

Rigal: "As in CASE TWO, we cannot ask for more. Nice and efficient write-up, by the way."

Wolff: "Okay."

 Our final panelist expresses an opinion that comes closest to my own about this and similar cases.

Bramley: "Another demonstration of how most players routinely expect to read their opponents' tempo. They are aggrieved if their opponents don't give them a reliable read. It wouldn't occur to *them* to feign a problem over a Skip Bid, so they cannot credit their opponents with doing so. Perhaps I am being too harsh. The valid concept of not using deceptive tempo is also firmly ingrained, and that is a good thing. But until players learn to *appear to think* in tempo-sensitive situations they will never understand how essential a habit it is in all situations."

 Bart has hit the nail squarely on the head. The problem is not that South took longer to pass 2♠ than he was entitled to (or than was required), but rather that it was clear to everyone that he was *really thinking*. I personally find East's attitude naive and quite objectionable. South did precisely what he's supposed to—appear to be thinking, not just idling—while East expected him to make his mental activity obvious to everyone at the table. However, I must disagree with Bart on one point: that East was concerned with reading her opponent's tempo. I think her concern was that *North* had UI—knowledge that South was really thinking. If one examines this type of situation carefully the one thing that becomes clear is that when one is really thinking it is usually impossible to conceal that fact from the other players. Thus, the only way to play the game ethically is to make sure that even when you don't have anything to think about, you still give the appearance of thinking.

CASE NINE

Subject (Tempo): Trust What I Say, Not What I Do

Event: Side Game, 25 Nov 03, Evening Session

Bd: 30	♠ AKQJ1096		
Dlr: East	♥ 109		
Vul: None	♦ K74		
	♣ 2		
♠ 8		♠ 5	
♥ KQ54		♥ A8763	
♦ J102		♦ 863	
♣ AKQ86		♣ J1053	
	♠ 7432		
	♥ J2		
	♦ AQ95		
	♣ 974		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♣	4♠	Pass(1)	Pass
Dbl	Pass	5♥	All Pass
(1) Disputed BIT			

The Facts: 5♥ went down two, +100 for N/S. The opening lead was the ♠2. N/S called the Director after East passed 4♣ saying that East broke tempo. The Director timed each side's demonstration of how long East's pass took: N/S indicated 13-14 seconds, E/W 5-7 seconds. North did not use the Stop Card for her 4♣ bid; she claimed she said "Skip Bid" but neither of the E/W players heard her. The Director ruled that East had not taken longer than the expected 10 seconds before acting over 4♣. Since there was judged to be no infraction, the table result was allowed stand.

The Appeal: N/S appealed the Director's ruling. North did not attend the hearing. South said that although the Director timed his side's estimates of the BIT at 13-14 seconds, he believed East hesitated for about 20 seconds. The Reviewer then re-timed South's estimate of the BIT and again

it came out at about 13-14 seconds. However, South insisted that the BIT must have been 20 seconds. E/W said they thought East took about 7 seconds to pass 4♣. (When the Reviewer asked East to demonstrate his tempo over 4♣ it took about 9 seconds.) West said she thought she had a clear double of 4♣ with her extra values. North had about 3500 MP; South 5400, East just under 500 and West about 2100.

The Panel Decision: There was no consensus among the players about the BIT; E/W believed East took less than 10 seconds and N/S believed he took at least 20 seconds. The Panel believed that even if East had taken the 13-14 seconds N/S's demonstration indicated that would not have been unreasonable, especially given North's failure to use a Stop Card. Thus, the Panel decided there had been no unmistakable BIT and the table result was therefore allowed to stand. The Panel also discussed the merits of the appeal and decided not to assess an AWMW.

DIC of Event: Jay Magid

Panel: Candy Kuschner (Reviewer), Ken VanCleve, Gary Zeiger

Players consulted: none

✍ What's that, Yogi? It's *déjà vu* all over again? Then...

Bramley: "Where's the merit?"

Goldsmith: "AWMW. No question about it. Even if East had thought for an hour, West's double is automatic. And East's hand is pretty clear evidence that he wasn't thinking about action. What was he supposed to bid, 5♣? Again no one has any idea how long things take. Doing this sort of 'show me how long it took' demonstration is a waste of time. Players can't do it, either. The only way they'd ever be consistent is if they counted out the time, and that'd be cheating the test anyway.

On the other hand, how about little lights on the Stop Cards which go off 10 seconds after being placed on the table? It shouldn't be hard to get them made at several for a dollar. Again, an AWMW for N/S. Did they even look at their opponents' hands?"

✍ Perhaps the little lights blinded them.

Rigal: "The absence of a properly used Stop Card makes the N/S case very weak. I'd buy into the decision not to give an AWMW only if the players had really demonstrated more of a case than they did. Again, well done by the Directors, too."

R Cohen: "Gotta hesitate over Skip Bids. Director and Panel were both correct."

Wolff: "Okay."

✍ The next panelist correctly notes that the failure to use a Stop Card does not affect the next player's obligation to pause for about 10 seconds and at least appear to be thinking.

Polisner: "I guess I'm confused about the use or non-use of the Stop Card. I thought it was immaterial and that the Skip Bid regulation applied either way. If I'm correct, why is there always a discussion about whether or not the Stop Card was used? The only issue is whether or not there was an appropriate 10-second pause during which the next player appeared to be thinking about his/her action. In this case, if there was not an unmistakable BIT, there can be no adjustment. Since the Director was called at the earliest possible time, I might have been convinced that there was a BIT, but I don't think West had an LA in any case."

✍ I think the non-use of the Stop Card weakens the complainants' case (mainly because using a Stop Card gives the next player a few extra seconds to prepare himself mentally for what's about to happen), but it should only become relevant if the decision is borderline. So, how can we improve our procedures—either those surrounding the use of the Stop Card or those Directors and Committees follow in adjudicating these kinds of cases—short of the fantasy-like suggestion of placing little lights on the Stop Cards (which still won't help if the use of Stop Cards is not made mandatory)?

Wildavsky: "The decision is fine as far as it goes, but it shows one of the faults of our current Stop Card procedure. It is not tenable for any pause from 5-15 seconds to be considered to be in compliance. By varying between those extremes players can transmit just as much UI as if they waited between 0-10 seconds, the difference being that without the mandatory pause the opponents would at least be privy to the same information (see my Closing Comments for my proposal for improvement)."

✍ For those who may not wish to invest a fair part of their next half-life in reading Adam's Closing Comment (I should talk, right?), he suggests that the ACBL return to the pre-1995 procedure. Back then the next player could not bid until the skip bidder picked up his Stop Card.

Our next panelist suggests a way to decide these cases that's quite workable...

Martel: "The decision here is certainly reasonable (particularly since double is a normal action even if not automatic). Still, I do have a concern that we may be giving players too much room after a Skip Bid since most players do not pause even close to 10 seconds when a Skip Bid is Announced. When there is no Stop Card or Announcement, I'd guess 3 seconds to be the average time taken when the next player has no problem (it might be less). In addition, even if 10 seconds is taken, most players can tell if their partner is thinking or waiting. Bottom line: in these disputed sorts of cases over a BIT, particularly after a Skip Bid, Committees should

pay more attention to whether the bid by the partner of the player who broke tempo suggests that information was conveyed. Of course the credibility of both sides counts too, and if frequent complainers are disbelieved, that's not so bad."

✍️ ...while our final panelist seems to have resigned himself to his fate.

L. Cohen: "Somewhat like CASE EIGHT (another 'he said, she said'). Here it seems like a few more seconds are indicated, but in this case the hand doesn't indicate it as much as the one in the previous case. In both cases I can live with the determination that there was no BIT. Unfortunately, there is never any way to know on these borderline time estimates. My gut tells me that there usually is a 'break' that lets an attuned partner know what is going on. But by law that 'break' isn't really a break. I wish everyone would just bend over backwards to ignore such breaks—but they don't. And I wish the other side wouldn't call the Director when it's close—but they do. And there will always be wars and border disputes and death and taxes."

✍️ Sigh.

CASE TEN

Subject (Tempo): Captured By The Void

Event: Stratified Open Pairs, 26 Nov 03, First Session

Bd: 8	♠ ---		
Dlr: West	♥ A932		
Vul: None	♦ KJ875		
	♣ KJ52		
♠ K109652		♠ Q843	
♥ Q5		♥ 107	
♦ A32		♦ 94	
♣ 94		♣ Q10863	
	♠ AJ7		
	♥ KJ864		
	♦ Q106		
	♣ A7		
WEST	NORTH	EAST	SOUTH
Pass	1♦	Pass	1♥
2♠	4♥	4♠	4NT
Pass	5♦	Pass	5♥(1)
Pass	6♥	All Pass	
(1) Significant BIT, agreed			

The Facts: 6♥ made six, +980 for N/S. The opening lead was the ♠K. The Director was called right after the 6♥ bid and told that South broke tempo before bidding 5♥; E/W said South took 20 seconds; N/S agreed only that it took him more than 10 seconds. N/S said they had no way to show a void over 4NT (5♦=1 or 4 key cards). The Director ruled that a BIT occurred that created UI which demonstrably suggested bidding 6♥. The contract was changed to 5♥ made six, +480 for N/S (Law 16).

The Appeal: N/S appealed the Director's ruling. West did not attend the hearing. North said he thought about bidding 6♥ directly over 4NT and that his spade void was enough to warrant it. N/S said they had no partnership agreement about how to show a void in response to 4NT. South said that after North's 5♦ bid he was trying

to decide whether to bid 5♥ or six. E/W said there was a significant BIT (20 seconds) by South before his 5♥ bid and that after they saw North's hand come down as dummy they believed that passing 5♥ was an LA. North had about 1900 MP, South 110, East 700 and West 870.

The Panel Decision: Four expert players were asked what action they would take with the North hand with the information that 5♦ showed 1 or 4 key cards and that there was no agreed way to show a void in responding to 4NT (no indication was given of any BIT). All of them passed 5♥. When asked if a BIT before the 5♥ bid could suggest further action all agreed that it could. A group of six of North's peers were similarly polled. Two passed while the rest bid 6♥, concerned about the undisclosed spade void. The two who passed said they had 12 HCP and had already bid their values. Based on Law 16A, which says that a player may not choose from among LAs one that could demonstrably have been suggested over another by UI, the results of the polls which clearly established pass as an LA to 6♥, and Law 12C2 the Panel changed the contract to 5♥ made six, +480 for N/S. Finally, given that a few of N/S's peers bid on to 6♥ the appeal was judged to have merit.

DIC of Event: Dianne Barton-Paine

Panel: Patty Holmes (Reviewer), Candy Kuschner, Gary Zeiger

Players consulted: Jim and Corrine Kirkham, Jan Martel, Sally Woolsey, six of N/S's peers

✍️ Our panelists all agree with the decision not to allow the 6♥ bid—as I do. Most of them also accept the Panel's excuse for not assessing an AWMW—that a few (actually, four out of six) of N/S's peers bid on to 6♥—I do not.

Three "hawks" are with me on the AWMW issue.

Goldsmith: “Good job by the Panel until the end. An AWMW is called for. I would have not bothered with the poll and would have given N/S a PP at the table. Someone with 1900 MP shouldn’t be using Hesitation Blackwood. Sure, you have a surprise void. When partner announces you are off two key cards, you are done.”

Wildavsky: “Again, the Director’s comments are missing a vital step. Before adjusting the score he must also determine that the alternative (pass here) was logical. Surely it was, but the ruling must say so. The fact that a majority of the peers who were polled bid 6♥ with no UI does not give this appeal merit. It seems likely to me that they all seriously considered passing; I’d have liked to see the poll ask that as well. This could serve as a template for polling: (a) Do you agree with the auction so far? (b) What call would you make? (c) Did you seriously consider any other calls and if so, which?”

✍ Adam is right: a majority vote is irrelevant to the AWMW issue. Bidding on to slam after partner signs off in a Blackwood auction always requires initiative and independent thought. Adding “Hesitation” to Blackwood introduces a salient cue to question partner’s decision to stop rather than just follow orders and pass. Some players will have needed that cue to question partner’s decision. Thus, if *any* appreciable number of the player’s peers pass the signoff (and thirty-three percent is certainly appreciable), the player in receipt of UI must pass as well, no matter that his rationalization for bidding on is seductive and no matter that some of his peers bid on—even if a *substantial majority* of them do (and here only “a few” did).

Bramley: “Yes. Bidding 6♥ with the undisclosed void was possible, but hardly automatic with a 12-count. Pass was an LA. Charitable not to give the AWMW.”

✍ Yes. Charity should begin and end at home—not in the appeal room. And now for the “bleating” sheep.

L. Cohen: “Because a few did bid 6♥ I suppose there was merit. So, good job.”

Rigal: “Given that we have the correct Director ruling supported by (in some instances) a majority of the consultants, we know how the Panel should vote, as they did. Passing 5♥ has to be an LA. Pedant’s corner: Once we’ve decided to vote against N/S we don’t fail to give an AWMW just because someone supported the action that North should not have taken; we need a decent percentage to take that action (or relatively few people to take the LA). The fact that four out of six of North’s peers bid on, however, is enough to argue against an AWMW.”

R Cohen: “If the spade void did not warrant a bid beyond 5♦ over 4NT, it cannot be accepted after the 5♥ bid in the circumstances described. Over and out.”

✍ As he did in CASE ONE, the next panelist wants to illegally deny E/W redress.

Wolff: “N/S get rolled back to +480, E/W get –980 since with NPL N/S had to guess the heart.”

✍ Wolffie wants non-offenders in these situations to keep their table result (even though it was achieved illegally) as long as the contract reached requires some luck to make (what he calls Normal Playing Luck, NPL). His argument is that they’d have happily kept their good result had contract gone down, so it’s only fair that they also keep it when the contract happens to make. And I must admit there’s a rough sort of justice to that approach. The problem with it, though, is that players who produce a lot of table action (i.e., UI)—even though unintentionally—will inflict a lot of damage on innocent opponents and their negligence will affect the outcome of the event. The laws of bridge, not unlike our civil laws, are there to protect innocent people from damage caused by carelessness or reckless disregard

for the well-being of others. Our bridge laws protect non-offenders from damage while at the same time allowing them to keep a fortuitous good result, just as they would get to keep a good result if an opponent miscounted his aces in response to Blackwood or revoked in their favor. If the table result is a good one for them, they were not damaged and keep it; if the table result is a poor one for them, then they were damaged and they’re entitled to redress (they get assigned the most favorable result that was “likely” had the irregularity not occurred).

If Wolffie thinks the laws would be fairer his way, he should work to get them changed (to be fair, he’s been trying to do this for years now, to no avail)—not take them into his own hands and encourage others to do the same. Remember, our job as Appeals Committee members is to enforce the laws, not make up our own.

Our final panelist seems intent on instilling bad behavior in our up-and-coming players by assuming their hesitations contain no information that’s useful to their partners. **Warning:** Children and other impressionable individuals should not read the following comment.

Polisner: “When a player with 110 masterpoints hesitates after receiving a Blackwood response, *it doesn’t mean anything*. As such, the BIT doesn’t convey any information and North can do whatever he/she wants.”

✍ Good grief!

CASE ELEVEN

Subject (Tempo): The LOTT Made Him Do It—But Only When Pushed
Event: Wednesday Senior Pairs, 26 Nov 03, Second Session

Bd: 12	♠ 96542		
Dlr: West	♥ AK3		
Vul: N/S	♦ 542		
	♣ 64		
♠ J3		♠ A	
♥ QJ87		♥ 106542	
♦ K1086		♦ 93	
♣ AK10		♣ QJ832	
	♠ KQ1087		
	♥ 9		
	♦ AQJ7		
	♣ 975		
WEST	NORTH	EAST	SOUTH
1♦	Pass	1♥	1♠
2♥	2♠	4♥	Pass(1)
Pass	4♠	5♥	All Pass
(1) Slow (agreed; duration disputed)			

The Facts: 5♥ went down one, +50 for N/S. The opening lead was the ♠K. The Director was called when North bid 4♠. East did not use the Stop Card for his 4♥ bid. E/W told the Director that South took more than a minute to pass 4♥; North said South did take some time to pass 4♥ but agreed only that it was more than 10 seconds. The Director changed the contract to 4♥ by East made four, +420 for E/W (Law 16A).

The Appeal: N/S appealed the Director's ruling. Only North and West attended the hearing. North said that his side had ten spades and the Law of Total Tricks dictated that he bid 4♠. When asked why he did not bid it a round earlier he said it was because he didn't know how high E/W were going to bid. West said there was a considerable BIT over 4♥—more than 1 minute—and he believed it was logical for North

to pass 4♥ because of the vulnerability and his previous bid of only 2♠. N/S each had between 200 and 300 MP; West about 7700 and East 12,600.

The Panel Decision: Four experts were consulted about North's action over 4♥ (without any BIT). They all passed. Three of them said they would have taken a more aggressive action in place of the 2♠ raise. Four of North's peers were also given the North hand and the auction to 4♥. All of them also passed 4♥ though they also indicated that they would have taken a different action in place of the 2♠ raise. Three of the peers later said they thought they could not take action after the BIT. Since there had been an agreed hesitation of more than 10 seconds and since passing 4♥ was clearly an LA to bidding 4♠ for both the expert and peer groups, the 4♠ bid was disallowed and the contract changed to 4♥ made four, +420 for E/W. The Panel did not consider the merits of the 5♥ bid because the 4♠ bid had deprived E/W of an equitable result. However, the Panel did discuss the merits of the appeal. Since the South player did not attend the hearing and both N/S players had under 300 MP, it was decided that it would be more constructive and educational to discuss UI and its implications with them than to issue an AWMW.

DIC of Event: Kathy Whidden
Panel: Patty Holmes (Reviewer), Su Doe, Candy Kuschner
Players consulted: Ralph Cohen, Marc Jacobus, Kyle Larsen, Jo Morse, four other players considered North's peers

The panelists all support this decision, although two of them want the AWMW and, along with one other panelist, take issue with the Panel's failure to address the merits of the 5♥ bid before adjusting the score. (Happily it didn't matter.)

Bramley: "Not quite. The merit of the 5♥ bid was not relevant to N/S's score, but

it would have been relevant to E/W's score had the 5♥ bid been deemed egregious. If so, E/W would keep their table result. However, 5♥ was definitely not egregious, so the Panel gets to skate on that point. Also, this appeal deserved an AWMW. That would have been a more effective way of teaching these players the difference between the Law of Total Tricks and the Laws of Bridge."

Wildavsky: "Appellants ought to be informed in screening that the Law of Total Tricks is not one of the Laws of Duplicate Contract Bridge. Someone might also tell North that the LOTT does not apply unless both sides have their high cards in their long suits. The Panel's decision was fine for a while, but it veered off the tracks towards the end. E/W may have to keep their score in 5♥ if the 5♥ bid was judged 'irrational, wild, or gambling.' I find it was none of those things, but the Panel ought to have addressed that issue. As for South losing out on his AWMW because he failed to attend the hearing, the Panel's logic is backwards. By skipping the hearing South lost one chance to be educated; the AWMW was all that was left."

"Irrational, wild or gambling" is the WBF's standard for denying non-offenders redress, but the ACBL's standard is equally vague: "...in order to fully protect his rights to petition for redress following an infraction by an opponent, a player must 'play bridge' at some reasonable level; an egregious error may well be grounds to cause him to be awarded the score actually achieved" (Indianapolis, Fall, 1991).

But this may all be academic, since only one panelist faults East's 5♥ bid...

L. Cohen: "North's 4♠ after the BIT bothers me (Law or no Law). I would not allow a player who bid 2♠ the first time to bid 4♠ now. If he wants to quote the Law, how about adjusting downward for being 5-3-3-2 and unfavorable and all his cards being in the opponents' suit? In the Panel Decision it says 'The Panel did not consider the merits of 5♥ because...' Why not? Don't E/W have to continue to play bridge? Can they bid 7♥ as a two-way shot, knowing that if it makes, good, and if not, the contract might get rolled back to 4♥? So clearly the 5♥ bid should have been addressed. And I think it is a horrible bid, maybe bad enough to fall into the egregious/failing-to-play-bridge category."

On the other side of the AWMW issue are...

Rigal: "I can live with the Panel's decision on the AWMW. Up to that point they handled the case well, and they are closer to the players than we are reading about it. But it does emphasize a point we see a lot: Nobody likes to be seen as a hard man; we have to steel ourselves to awarding AWMWs 'with tough love.'"

Goldsmith: "Well done. So we now have a precedent: Players with under 300 MP do not get AWMWs. I agree with that in principle."

We've had that precedent for years now (though it's been violated a few times). Inexperienced players are not usually issued AWMWs unless a serious ethical issue is present that needs to be driven home. (By the way, I agree with education here.) Other voices in support of the Panel's decision...

R Cohen: "There was an 'unmistakable hesitation' with UI implications. Result, an appropriate score adjustment."

Polisner: "Assuming there was a BIT in excess of 13-14 seconds (see CASE NINE), I agree with the Panel."

And finally, one panelist still (illegally) refuses to protect the innocents.

Wolff: "N/S -420, E/W -50 or Average, whichever is higher."

CASE TWELVE

Subject (Tempo): A Tough Crowd To Please

Event: Blue Ribbon Pairs, 27 Nov 03, First Final Session

Bd: 4	George Jacobs		
Dlr: West	♠ A104		
Vul: Both	♥ 9542		
	♦ 7652		
	♣ Q10		
Fred Gitelman		Brad Moss	
♠ 653		♠ J87	
♥ AQ10863		♥ ---	
♦ A104		♦ QJ983	
♣ 3		♣ J7654	
	Alfredo Versace		
	♠ KQ92		
	♥ KJ7		
	♦ K		
	♣ AK982		
WEST	NORTH	EAST	SOUTH
1♥	Pass	1NT	Dbl
2♥	Pass	Pass	2♠(1)
All Pass			
(1) BIT (disputed)			

The Facts: 2♠ made three, +140 for N/S. The opening lead was the ♥A (East discarded an encouraging diamond; a heart was continued). E/W called the Director after the round ended and complained that South had broken tempo before he bid 2♠. North said he did not notice a BIT, East thought South took 30 seconds, South thought he took 5-6 seconds; West thought he took 15-25 seconds. The Director allowed the table result to stand, ruling that while 3♠ was an LA for North the UI did not demonstrably suggest one action over another (Law 16).

The Appeal: E/W appealed the Director's ruling. E/W said that facing an in-tempo 2♠ bid raising to 3♠ was normal for North, after which South was likely to try 3NT. Some defenses would defeat 3NT, some would let it make. (East said he might discard an encouraging diamond if West led the ♥A against 3NT.) E/W said they gave North's hand to a number of players, all of

whom raised to 3♠. Given this, E/W believed they were entitled to the opportunity to be +100 (they said 3NT by South had frequently been defeated). N/S said that E/W did not consult any players before calling the Director. North said he was not inclined to invite game because of his partner's notoriously aggressive tendencies, which he had been complaining about for the entire tournament. He believed that game was unlikely with both opponents bidding. South believed that passing 3♠ would be normal; for one thing, his heart honors were unlikely to be useful in 3NT. South agreed to a BIT. North had about 8575 MP, South (an Italian internationalist who plays in North America only at NABCs) 2000, East 5800 and West 6700.

The Committee Decision: The Committee believed there had been a BIT, noting that only North had failed to notice it, and believed it suggested that North "go low" when 3♠ was the appropriate bid with the North cards (the pass of 2♠ was not judged egregious enough to warrant a PP). South was admittedly one of the world's top players, but in spite of his statement to the contrary the Committee believed it was unlikely that he would have passed 3♠. In deciding how to adjust the score, the Committee observed that several final contracts were possible, including 3♠, 3NT and 4♠. (Passing 2♠ would not be allowed.) Thus, 3♠ made three or a game going down one or two tricks were the Committee's remaining options. Against 3NT West might still lead the ♥A. If East pitched an encouraging diamond West might well cash the ♦A leading to down one; if East discarded a discouraging club a shift to the ♦A to produce down two was still possible, though less likely. Given the caliber of the defenders, producing a sequence of plays to defeat 3NT was conceivable. Thus, the offenders were assigned the result for 3NT down one, -100 for N/S. However, the difficulty of the defense, coupled with the likelihood that

South might pass 3♠, led the Committee to decide that no score adjustment was appropriate for the non-offenders. The table result was therefore allowed to stand for E/W.

DIC of Event: Sol Weinstein

Committee: Richard Popper (chair), Mark Feldman, Tom Peters, Ellen Melson, Eddie Wold

☞ First, what does South's huddle suggest?

Rigal: "Tough case; I think the Directors were too lenient toward the offenders, or maybe misjudged the inference from the slow 2♠. They might more reasonably have come to the same conclusion because of no damage, but that is another matter. Overall, I'm happy with the Committee's adjustment; the defense to 3NT would not have been impossible for E/W to find but at the hearing E/W were very up front that it would not have been automatic to find it at the table. Their doubt may have been translated into the Committee's decision, which is a little unfortunate, since if they had been firmer they might have got more. Virtue is its own reward, they say."

☞ Yes, E/W were not their own best advocates, but both get high marks for veracity in my book.

Wildavsky: "The Director's judgment looks seriously flawed. A quick, enthusiastic 2♠ would suggest bidding on, so of course the slow 2♠ suggests that North should pass. I don't understand why the Director would go out of his way to rule in favor of the offenders."

☞ Right. A slow 2♠ suggests either inadequate spades (a four-card suit or a weak five-bagger) or a hand that may not be worth a second bid. If South has a good hand with inadequate spade length he'd double a second time or bid notrump, which is where the next two panelists go wrong.

Polisner: "Doesn't Ron Gerard say that huddles show extras in this situation? Did the Committee feel it showed less than the 19 HCP South had (albeit a lousy 19)? I do not believe the BIT demonstrably suggested anything and would have allowed North to take whatever action he deemed appropriate, including pass which could be a big loser opposite many hands South could have for his 2♠ bid."

Goldsmith: "4♠ isn't happening. South will either pass 3♠ or (more likely) bid 3NT. Yes, he has a 19-count, but he's already taken a huge gamble and won it. Bidding game is probably not necessary even if it makes. I think the chance of 3NT's going down is minuscule on this auction. It might go down if East had passed 1♥. When West has reason to think East has an entry, he's not going to plunk down an ace. While that's interesting, it's also irrelevant. South's hesitation might mean any of a number of things, so to expect North to infer that he ought to pass 2♠ from it is hard to believe. If anything, the hesitation mildly suggests action over inaction; if partner doesn't think 2♠ is the right contract, then perhaps it isn't."

☞ Next, would North's hand dictate another bid if South bid 2♠ in tempo?

R Cohen: "A perusal of the footnote to Law 16A2 indicates that E/W should have called the Director when the dummy was spread. E/W were probably pleased that North did not make a game try, and were rewarded by the Committee with the -140 their inaction deserved. As to N/S, a PP would not have been out of line, but the Committee's adjustment was adequate. Heck, the North hand is almost worth a 3♥ cue-bid based on his previous calls."

☞ I think Ralph places too much emphasis on the timing of the Director call. It

CASE THIRTEEN

can be important to call the Director promptly, but that’s not always true. A good reason to call immediately after a BIT is to reduce the chances that the opponents will not acknowledge it later. (If we all called the Director for every BIT they’d do nothing but take table calls.) Also, calling immediately, before you’ve seen the other hands and before any further calls have been made, will—together with the alleged hesitator’s hand—help establish the BIT as fact. (I always try to get my opponents’ agreement that there was a BIT: “Can we agree that so-and-so hesitated before his last call?” Only if they do not agree do I call the Director before I have good reason to suspect I may have been damaged.) While not calling promptly may weaken a borderline case (see my response to Jeff Polisner’s comment in CASE NINE), it should not jeopardize a clear one. South admitted that he broke tempo (at least at the hearing), so that was not a problem here.

Not calling the Director when the dummy comes down falls into much the same category as not calling at the time of the BIT. If N/S had gone down in 2♣ when they were cold for 3NT, or suffered a similar disaster, there would be no need to call the Director at all since E/W would not have been damaged. So waiting to see if there was resultant damage should not bias E/W’s case and did not, as Ralph argues, warrant the -140 they were assigned—at least not on that basis alone.

I do agree that North’s hand warrants action over 2♣, and perhaps a 3♥ cue-bid is the right advance. After all, Make South’s small heart a fifth spade and even with seven wasted HCP in the red suits 4♣ would probably be a make.

The next panelist disagrees with the Committee’s reason for assigning the non-offenders the table result; he’d assign that score too, but for a different reason.

Gerard: “The Committee was doing okay there up until the end. Personally I would bet on +600 after a low diamond lead as the most likely result, but down one was at all probable. For the non-offenders, South’s passing 3♣ didn’t become any more likely than it was when considering N/S’s adjustment. The real point is that there was no damage to E/W because they were unlikely to defeat 3NT by the requisite 12C2 standard. Maybe this is what they meant, but it would have been nice to see it in print. I’m amused: Does North complain about South’s notoriously aggressive tendencies when they compare scores in the major team events?”

✍ And finally, the next two panelists observe that the four players here are no strangers to Appeals Committees at NABCs.

Bramley: “A steel cage match. These four players are surely the leaders in ‘Most Appeals’ over the last 5 or 6 years, so giving both of them the worst of it feels right. [Not a good reason.—Ed.] The Committee’s line of reasoning to adjust the N/S score is acceptable, but I could just as easily accept letting the table result stand for both sides. The parlay needed to get E/W a plus score is very thin, particularly the sequence of defensive plays. My own recollection is that both sides have lost far more cases than they’ve won, but Pavlovian feedback seems to have had little effect on them.”

L. Cohen: “I kind of like the Committee’s decision; no candy for either side. A few too many appeals from these guys lately (sorry to say this, since some of them are good friends). Not to be holier than thou, but David and I haven’t appealed a case in 10 years. These guys seem to be in every casebook (at least once).”

✍ I agree with allowing the table result to stand for E/W, but beyond assigning an adjusted score to N/S I do not have a strong preference between down one and down two in 3NT. I’m not sure that down two is so much less likely than down one that it should not be considered at all probable, but it’s close, so take your pick.

Wolff: “Confusing, so I’m not commenting.”

✍ Okay then, be that way and don’t take your pick.

Subject (Tempo): Walking With Dinosaurs: The Old “I’d Always Bid With That Hand” Defense

Event: Stratified Mixed Pairs, 27 Nov 03, First Session

Bd: 20	♠ 10973		
Dlr: West	♥ 7652		
Vul: Both	♦ Q6		
	♣ Q109		
♠ ---		♠ AQ864	
♥ KQ10983		♥ ---	
♦ AK8		♦ J109532	
♣ AKJ3		♣ 86	
	♠ KJ52		
	♥ AJ4		
	♦ 74		
	♣ 7542		
WEST	NORTH	EAST	SOUTH
2♣	Pass	2♠(1)	Pass
3♥	Pass	3♠	Pass
4♣	Pass	4♠	Pass
5♦	Pass	6♦	Pass
6NT(2)	Pass	7♦	All Pass
		(1) One major, with 2 of top 3 honors	
		(2) BIT (several minutes)	

The Facts: 7♦ made seven, +2140 for E/W. The opening lead was a spade. The Director, who was called after the 7♦ bid, asked East about the auction. She said her 3♣ bid had shown spades and 4♠ was intended as a close out. She thought West’s 4♣ and 5♦ bids were cue-bids. The Director ruled that the BIT gave East UI that West had real diamonds and was not just cue-bidding a control, which suggested bidding 7♦ over passing. The 7♦ bid was disallowed and the contract changed to 6NT down two (on a spade lead), +200 for N/S (Laws 16A2 and 12C2).

The Appeal: E/W appealed the Director’s ruling. East said she was too upset at the ruling to attend the hearing. In screening, the standard set forth in the laws for allowing a bid that was suggested by UI from partner was explained to West, who still chose to assert that he would always bid over 6NT with the East hand and that he didn’t think the

hesitation suggested bidding. He estimated the hesitation at 2 minutes and did not object when N/S said it was even longer. West admitted that East had said at the table that she thought 4♣ and 5♦ were “cue-bids” but added that she (East) didn’t say they were cue-bids for spades. N/S both said they looked at the clock (they were worried that the round would be called) and timed West’s hesitation at 5 minutes. They said East said at the table that she thought 4♣ and 5♦ were “cue-bids.” They believed the hesitation showed doubt about the 6NT bid and prompted East to pull to 7♦. East had about 2200 MP, West 1400, North 2300 and South 1400.

The Panel Decision: Four experts were consulted about the auction. All four said they thought it made no sense and that they’d pass 6NT and wouldn’t even consider another bid. Three of the four thought a substantial hesitation was UI that suggested pulling 6NT; one didn’t think the hesitation would tell him anything. Six other players with 1500-2500 MP were also consulted. All six passed 6NT with the East hand when given the auction as a bidding problem (with no BIT). When asked later all six said that a hesitation by partner before bidding 6NT expressed doubt about the final contract and suggested bidding again. Four other players with 1500-2500 MP were given the North hand as an opening lead problem; all four selected the ♠10 as their lead against 6NT given E/W’s auction. Because of the overwhelming consensus of the 1500-2500 players, East’s 7♦ bid was disallowed and the contract changed to 6NT down two, +200 for N/S. E/W were each issued an AWMW.

DIC of Event: Terry Lavender

Panel: Ken Van Cleve (Reviewer), Matt Smith, Gary Zeiger

Players consulted: Alan Falk, Bobby Levin, Mike Passell, Eddie Wold, ten players with 1500-2500 MP

✍ Most panelists support the Panel's decision, saying little beyond some form of "well done" and providing no analysis of the implications of the BIT. Unfortunate.

R Cohen: "Except for E/W, well done by all involved, including the AWMW."

Goldsmith: "Five minutes? West should get 5 yards. Otherwise, everything was well done. Besides, bidding that bad ought to result in a silly contract."

Wildavsky: "Good."

Bramley: "Okay."

Rigal: "Nicely done all around. The opening leaders are a great deal better than I. (Note: South might have doubled 6NT if East had passed. What would have happened then?)"

✍ If Barry's point is that E/W might then have escaped to a better contract that's not the most unfavorable result for E/W nor is it the most favorable result for N/S. If his point is that East might pass 6NT doubled, that hardly seems likely.

L. Cohen: "After CASES EIGHT and NINE it's nice to not have to determine if there was a BIT. This sounds like the longest BIT in casebook history. Anyway, East got what she deserved. It is clear to disallow 7♦ and clear to issue an AWMW. To pull is borderline flagrant and almost in the PP zone. A little too much ink was wasted on the meaning of West's 4♣ and 5♦ bids. I also might have considered down three (maybe declarer takes a club finesse at some point, but I suppose that is too unreasonable)."

✍ Too much ink may have been wasted on the 4♣ and 5♦ bids, and it's true that 6NT might go down three rather than two—but it's all irrelevant (as we're about to see). The next three panelists examine the implications of the BIT and come to a far more sensible conclusion than the previous group.

Martel: "There is no question that passing 6NT is an LA. However, whether the slow 6NT suggests 7♦ is very questionable to me. Obviously this was a weird auction, so it's normal to take time over 6♦ (to figure out what partner has and what he means by this). In addition, West could easily have been choosing between 6♥, 6♠ and 6NT. Since East has minimal hearts and spades, it's not clear that she wants to bid 7♦ and risk ending up in 7♥ or 7♠."

✍ Exactly, and the next panelist provides one very important additional point.

Polisner: "I think this is more difficult than the results of the poll indicate. After West bid 6NT, East, on previous belief that the two prior bids were cue-bids, should have reconsidered and worked out that West showed the type of hand he actually had. Of course, East's story falls apart as she would not have 'cue-bid' diamonds on her hand if she really believed what she told the Director. She knew that West had diamond length/strength. Couldn't West have been thinking about bidding 6♥, 6♠ or passing 6♦? I think so. If the BIT did not demonstrably suggest bidding 7♦, the table result should stand. I may well be in the minority here."

✍ You are, but when has that bothered you before? (Besides, you're in good company.)

Who, holding East's cards and thinking West's 4♦ bid was a cue-bid in support of spades, would return cue-bid 6♦ when West might hold something like ♠Kxxx

♥AKQxx ♦Ax ♣AK and carry on to seven? East had to "know" (or at least suspect) that West had diamonds to bid 7♦ (unless the bidding was completely irrational). Also, why didn't the BIT simply suggest that it took West a long time to convince himself to try notrump rather than diamonds (at matchpoints) holding something like ♠—♥AKQJx ♦KQxx ♣AKxx or ♠K ♥AKQxx ♦Axx ♣AKxx? In either case no seven-level contract has any play while 6NT makes in the first case if the ♠K is onside or a non-spade is led and in the second case if diamonds break two-two.

The most astute and comprehensive argument for allowing the table result to stand comes from...you guessed it, who else?

Gerard: "Sorry, 6NT was self-Alerting. The BIT had nothing to do with it. It was 6NT that gave East the AI that West had real diamonds and was not just cue-bidding a control. In fact, the BIT was redundant because there's no way to pound out 6NT in tempo. If West had taken the dog out and then bid 6♥ or 6♠ (on a different hand), East would be barred. But 6NT is not a signoff for suit play, it just gives meaning to the earlier auction. All the experts who said the auction made no sense would be singing a different tune if East had ♠AKxxx ♥J ♦Qxxxx ♣xx. That they and the peers all passed meant merely that they were annoyed at partner for throwing a curve and decided that it was time to shut down the thought machine. Also, there was no way for East to know what the BIT suggested. West could have held ♠K ♥AKQxx ♦AQx ♣AKQx and 7♦ would not have been a wonderful choice. The only contrary argument is that 6♦ was a strange bid for someone who thought 5♦ was a cue-bid, therefore East must have already been playing West for real diamonds and shouldn't be allowed to rebid the same values in the face of a substantial BIT. That's punishing East for loose language. 'Cue-bid' didn't mean stiff ace, it just meant something short of the expected length for a real suit. That may have been questionable as to 4♣, but not as to 5♦."

✍ There were an awful lot of thinking shutdowns here, as indicated by the failure of the supporters of the Panel's decision to provide any analysis of what the BIT suggests. Now, anyone care to rethink that AWMW?

And finally, I have no idea how or why our last panelist proposes the following parlay...

Wolff: "A testy case. If a pair plays a 'home brew,' rulings involving hesitations should be biased against them. Here, even though I have sympathy for E/W, I would award them -200 in 7♦ and give N/S an Average to PTF."

✍ If E/W are permitted to bid and play 7♦, on what basis can we force them to go down (two tricks no less!) when they made the contract at the table?! And if the BIT did not suggest one action over another, how can we adjust the scores when there was no damage to the opponents? And if one thinks there is a connection between the BIT and the result, how can we legally justify assigning N/S only an Average (not even the "usual" Average-Plus)? And if there is no connection between the BIT and the result, doesn't giving N/S even an Average disadvantage the rest of the field (since then N/S deserve to keep the table result)? All things considered, this looks like another (illegal) punishment imposed on a player for simply thinking (see my previous comments on this issue), or maybe for playing a "home brew" even though there is none here—unless having a requirement that a positive suit response to a 2♣ opening shows two of the top three honors is considered a home brew (and despite the fact that it had nothing to do with the problem).

CASE FOURTEEN

Subject (Tempo): Next Time Don't Just Think, Bid!

Event: North American Swiss Teams, 28 Nov 03, Second Qualifying Session

Bd: 31	Richard Lesage		
Dlr: South	♠ AJ7		
Vul: N/S	♥ 53		
	♦ 75432		
	♣ 872		
John Schermer	Neil Chambers		
♠ 42	♠ K109653		
♥ A87	♥ KQ2		
♦ 8	♦ 109		
♣ AKQJ1053	♣ 64		
	Jean Castonguay		
	♠ Q8		
	♥ J10964		
	♦ AKQJ6		
	♣ 9		
WEST	NORTH	EAST	SOUTH
			1♥
3NT	Pass	Pass	Pass(1)
(1) BIT			

The Facts: 3NT went down two, +100 for N/S. The opening lead was the ♦5. E/W called the Director after play ended saying South took 20-25 seconds to pass 3NT. N/S estimated the time as around 15 seconds while a kibitzer thought South's pass took about 12-15 seconds. North was asked what a double of 3NT by South would have meant; he said it would have asked for a heart lead and added that the only other lead he considered was the ♠A. The Director polled three players, giving them North's hand and the auction. Two of them thought the BIT suggested a heart lead (South might have been thinking of doubling 3NT); the third thought it did not suggest any particular lead. The Director ruled that the BIT did not demonstrably suggest a diamond lead and allowed the table result to stand.

The Appeal: E/W appealed the

Director's ruling but did not attend the hearing (their team captain presented the appeal). The E/W captain pointed out that South hesitated significantly before passing 3NT. Since it was normal to lead partner's suit, a heart was the normal lead and North should not be allowed to make an unusual lead after the BIT. Upon further questioning by the Committee about why the BIT suggested a non-heart lead, the captain offered that the most likely reason for a BIT was that South was thinking about bidding a second suit with a two-suiter, making a lead other than a heart more attractive than it would have been without the BIT. N/S said the auction clearly indicated that the opponents were prepared for a heart lead, the likely result of which was that they would win one or more hearts to go with a large number of tricks in a long minor. Since North's holding of five diamonds meant that West's minor was almost certainly clubs, they thought a heart lead would have been a poor choice. N/S also suggested that there were several possible reasons for the BIT other than South's holding a second suit. South might have been considering doubling or rebidding a long heart suit as well as bidding a second suit. Therefore, the BIT did not demonstrably suggest some lead other than a heart. North had about 3090 MP, South 4050, East 8900 and West 6620.

The Committee Decision: The Committee agreed with N/S that the BIT did not demonstrably suggest a non-heart lead. North's diamond length and heart shortness made it at least as likely that South would show up with long hearts as with a diamond-heart two-suiter. Since the BIT did not demonstrably suggest the lead chosen, the table result was allowed to stand. In discussing the merits of the appeal, the Committee thought there was very little justification for it, especially given the E/W team's initial failure to suggest any meaningful relationship between the BIT and the choice of leads. However, the argument that a player is more likely to think

about bidding again with a two-suiter than a one-suiter had sufficient logic to judge the appeal to have merit.

DIC of Event: Gary Zeiger

Committee: Doug Doub (chair), Bob Schwartz, Aaron Silverstein, Danny Sprung, Adam Wildavsky

✍ A majority of the panel supports the Committee's decision, judging that the BIT does not demonstrably suggest any particular lead. First, counsels for the defense explain why they believe the BIT does not suggest anything in particular.

L. Cohen: "The huddle shouldn't really indicate one lead over another. To see this, consider a slow *double*. Then what? No matter what lead the opening leader selects, you could always argue that he took advantage of the tempo. I'm a bit uneasy with this decision (and the next one), but I can't find a convincing argument to disallow the lead."

✍ Paradoxically, it's easy to be uneasy but not so easy to be uneasy. Got that?

Wildavsky: "I haven't changed my mind. I agree with the decision, but I do think the appeal had merit. I can see another Committee deciding differently."

Wolff: "Okay."

✍ Not everyone in this group thinks the appeal has merit, though the strength of their feelings varies.

Rigal: "I'm not convinced of the merits of the argument that led to no AWMW. It is really not clear that a BIT demonstrably suggests diamonds; end of story to me. I can go along with not giving an AWMW, though, on the grounds that simply talking through the issues involved took rather longer than the write-up suggests."

Polisner: "The BIT could mean any number of things: a possible double, a two-suiter, a heart lead, a one-suiter. Thus, no particular information was conveyed. I would have awarded an AWMW."

Goldsmith: "I think the slow pass does suggest that South has some surprise defense, if only North can find the right lead. What's the normal lead? Probably the ♠A to look at dummy and guess the shift. Still, it is hard to argue with leading one's longest suit. In these cases, normally the hesitator's partner leads a short suit and hits partner. Those are easy to adjudicate. (I really enjoy having RHO be asleep in an auction like this and inadvertently take 5 seconds to pass. LHO leads a stiff, blowing the hand, and then yells at his partner. Happens all the time.) This one is a tough call. I think a diamond lead is pretty normal. Leading a heart is more discouraged by the auction than the hesitation and after that it's a toss-up. Most would probably lead a diamond, being too chicken to lead the ♠A. Result stands. It's not at all close to an AWMW."

✍ And now for the (minority) prosecution.

Bramley: "I disagree. The huddle did demonstrably suggest a non-heart lead. If South suspected that a heart lead would set the contract, he would just pass, not double. He could have been thinking of bidding 4♥, but his failure to do so after huddling suggested that he did not have a long one-loser suit. His most likely reason for huddling was the possession of a second suit. Ergo, leading a non-heart was suggested. The real question is whether there was an LA to leading a non-heart, and the answer is clearly yes. A heart lead is always an LA on this auction. I would have adjusted the score to 3NT making four for both sides. Opening leads are

notoriously difficult, but when leader's partner huddles (especially in passout seat) and leader makes an unusual choice it is probably not just a lucky shot."

R Cohen: "Had South passed in reasonable tempo, wouldn't his partner have led a heart? The BIT informs his partner that he is unhappy with the auction and some desperate measures may be in order. Doesn't the preamble to Law 16A state "...the partner may not choose from among logical alternative actions one that could demonstrably have been suggested over another by the extraneous information"? If South exchanges the red king-queen holdings with East, with the same suit distributions, he wouldn't be unhappy passing in proper tempo, expecting a heart lead. Actually, South must be very circumspect—whatever lead he wants—to bid in a tempo that conveys no UI to North. A fast pass could be equally revealing that he wants a heart lead. My adjudication is +430 for E/W."

I have several thoughts about this one. First, the argument that the BIT suggests a non-heart doesn't really stand up to inspection. Suppose South has longish but broken hearts and helpful cards in two of the other suits, something like ♠Kxx ♥AQ108xxx ♦AJ ♣x. Surely he'd think twice about rebidding his hearts over 3NT, but ultimately he'd decide not to because of the vulnerability and the fear that West has two or three trump tricks to go with three or four side-suit winners. Note in this case that a diamond lead establishes two or three diamond tricks for declarer to go with his seven clubs while if hearts are 7-2-2-2, declarer having king-doubleton, a heart is the only lead to set 3NT. So while South's tempo does suggest he does not hold a balanced minimum, it does not *demonstrably* suggest a secondary diamond suit. He could have been thinking of doubling with good hearts or bidding with long but weakish hearts. He could have extra high cards or, perhaps even more likely, a second suit that he can't conveniently show—spades.

Second, the word "demonstrably" in "demonstrably suggests" implies that there must be a clear connection between the UI and a specific action or class of action (such as bidding versus passing, or leading a heart versus leading a non-heart). It's not enough just to find a logical connection between the UI and the particular action taken (such as leading a non-heart in the present case) unless no similar connections exist between the UI and other possible actions (or, if these do exist, unless they're markedly less likely—either on logical or practical grounds—than the one favoring the winning action).

Third, I disagree with the premise that had South passed in tempo, North would simply have mechanically led a heart. North gave some cogent reasons for leading a diamond (West was prepared for a heart lead and figured to have a lot of tricks in a minor which, from North's hand, figured to be clubs—hence the diamond lead) and his statement that his second choice of leads was the ♠A was equally perceptive and made it clear that he knew a heart lead was not his most attractive choice and that he was not inclined to simply lead reflexively.

Fourth, the range of opinions expressed by the panelists and the consultants strongly argues that no one particular lead was demonstrably suggested over others.

And finally, while it is not a factor in the present case (since everyone agreed that South took an excessive amount of time to act in passout seat: 15-20 seconds), I think it is important to mention that a player in passout seat is obligated, just like the players we've discussed in several of the previous cases, not to take his action too quickly. A considered, deliberate pass—even if South has no intention of doing else—is appropriate since a quick, easy pass would transmit just as much UI as a long, agonized one.

For all of these reasons, I agree with the Director and Committee that South's BIT did not demonstrably suggest any one action over another and that North was therefore free to take any action he chose without constraint. The table result stands.

CASE FIFTEEN

Subject (Tempo): Sorry, But You Can't Lead *Anything*

Event: Reisinger BAM Teams, 28 Nov 03, First Qualifying Session

Bd: 5	Jessica Piafsky		
Dlr: North	♠ J83		
Vul: N/S	♥ 4		
	♦ AKQ65		
	♣ 9743		
Seth Cohen		Richard Gertner	
♠ 2		♠ A1065	
♥ Q109652		♥ KJ3	
♦ 10872		♦ 9	
♣ J8		♣ K10652	
	Barry Piafsky		
	♠ KQ974		
	♥ A87		
	♦ J43		
	♣ AQ		
WEST	NORTH	EAST	SOUTH
	Pass	1♣	1NT
2♥	3NT	Pass(1)	Pass
Pass			
(1) Agreed BIT			

The Facts: 3NT made four, +630 for N/S. The opening lead was the ♥2. The Director was called when East broke tempo. All four players agreed to about a 30-second BIT. The Director discussed the lead with several other Directors and three players, two of whom led a heart and one a club (without the BIT). The Directors themselves were ambivalent about the lead but after considering the input ruled that East's BIT demonstrably suggested a heart lead. Since a club lead (East's "suit") would have allowed South to take twelve tricks, the contract was changed to 3NT made six, +690 for N/S (Laws 16A and 12C2).

The Appeal: E/W appealed the Director's ruling and were the only players at the hearing. West, who had been on lead, said he thought about the implications of the BIT before leading and decided he should ignore the UI and make what he thought was the "normal"

lead from his hand—a heart. Had he led the ♣J (his partner's "suit") he said he believed that would have been taking advantage of the UI from the BIT. E/W said they had no agreement about what lead a double of 3NT by East would have requested. West had about 2100 MP, East 1400, North 1000 and South 970.

The Committee Decision: The Committee spoke to the table Director about the reasoning behind the ruling. He said he consulted several players, including Chip Martel. While Chip, like the Directors, was "in the middle" about the implications of the BIT, he thought there was some indication that the hesitation suggested a heart lead. The Committee decided that there was an agreed BIT and determined that E/W had no agreement as to what lead a double of 3NT by East would have called for. Thus, they had to decide whether a logical connection existed between the BIT and a heart lead. They believed that a heart was the logical lead from the West hand, perhaps a 70-85 percent action. A club lead was judged a 15-30 percent action and thus was considered an LA. It could be argued that because of the BIT neither a heart nor a club lead could be allowed. But surely it could not be argued that both leads were demonstrably suggested by the BIT. Thus, it was decided that since West had clearly made the "normal" lead from his hand, he had satisfied the Law 73C requirement that he not allow the UI from the BIT to affect his action. The table result of 3NT made four, +630 for N/S, was restored.

DIC of Event: Steve Bates

Committee: Larry Cohen (chair), Ralph Cohen, Eric Kokish, Ed Lazarus, Mike Passell

☞ Wait a minute. Law 73C does not say that a player who receives UI from his partner should not allow the UI to affect his action; that he should take his “normal” action. It says that a player in receipt of UI from his partner should “carefully *avoid* taking any advantage that might accrue to his side”; in other words, he must decide what the UI suggests and avoid any action—even a “normal” one—if the UI makes it more attractive and take a non-suggested LA if one exists. Right, Adam?

Wildavsky: “Thus, it was decided that since West had clearly made the ‘normal’ lead from his hand, he had satisfied the Law 73C requirement that he not allow the UI from the BIT to affect his action.’ This is a common misconception, one apparently shared by the West player. I am astonished and chagrined to find it in a case write-up. Here is the text of Law 73C: ‘When a player has available to him unauthorized information from his partner, as from a remark, question, explanation, gesture, mannerism, special emphasis, inflection, haste or hesitation, he must carefully avoid taking any advantage that might accrue to his side.’ The ‘carefully avoid’ phrase does not mean that a player must do what he would have done without the UI. Rather, he has an obligation to lean over backwards to avoid the possibility of gaining any advantage through the UI. This is just another way of phrasing the player’s Law 16 obligation: he must not choose an alternative suggested by the UI unless it would be illogical. As Michael Rosenberg has pointed out, it’s not enough to avoid paying attention to partner’s tempo or mannerisms. One must be actively aware of them in order to avoid taking any action that might be suggested by them. Here, rather than ignoring the UI, West must decide as best he can what it suggests. The laws require him to do the opposite of what is suggested, so long as it is not illogical, and there’s no way he can fulfill this obligation without attempting to figure out what the UI suggests.

“As ever, cases like this are best done ‘by the book.’ Was there UI? Yes. Did it demonstrably suggest one action over another? I’d say yes, and I’d be prepared to demonstrate it, but the Committee could find otherwise. They are the ones to judge the matter. Were there LAs to the heart lead? Certainly a club lead would not have been illogical, so yes, I agree with the Committee there. I prefer the Director’s decision to the Committee’s, but even were the Committee’s score adjustment correct I would object to their method and to their mis-characterization of the laws.”

☞ Two other panelists disagree with the Committee’s judgment—not to mention their view of the laws. Let’s hear from them first.

Goldsmith: “The Committee’s reasoning isn’t exactly legal, but I’m not convinced the UI laws work well for opening leads so I understand their difficulty. If they are quoting law, though, they ought to get it right. Law 73C is used in some cases where Law 16 doesn’t apply; when a player uses UI to choose an action which is not an LA, yet is suggested over LAs by the UI, then Law 16 doesn’t apply (since it only discusses LAs). Here there were plenty of LAs, so Law 16 is the one to consider. So step-by-step: Was there a hesitation? Yes. Did it suggest a heart lead? Yes, I think so. Partner has limited values, so he can’t be thinking of doubling; he must be thinking of bidding. Bidding anything but 4♥ seems very unlikely; North can’t be very short in clubs or he’d have bid something other than 3NT. All in all, partner’s hesitation probably suggests hearts. Is any other lead an LA? Yes, certainly. Was the non-offending side’s bad result a direct consequence of the infraction? Yes. Conclusion: adjust the score. No AWMW or any complaints about West’s choice. He claimed he tried to do the right thing. Those who try do not always succeed.”

☞ Regrading Jeff’s interpretation of the difference between Laws 73C and 16, I do not believe Law 16 applies to actions that are LAs and Law 73C to those that are not. If an action is demonstrably suggested by UI, but there are no LAs, the action must be permitted. For example, if LHO opens 1♣ and partner overcalls 1NT after

a long, agonized huddle, and you hold ♠Qxx ♥Jxx ♦Jxxx ♣xxx, you must be allowed to pass since there is no LA (even if you believe the BIT exposes a psych by partner). Law 73C tells us about communication; it tells a player who has UI from his partner what his obligations are, a priori, with respect to his subsequent actions. Law 16, on the other hand, tells us (among other things) what to do when UI is initially made available and what to do after an opponent has taken an action that may be illegal because of UI. It defines the term “LA” to help us understand which actions are considered illegal in such situations and which are not.

And why couldn’t East have been thinking about doubling? After all, he did open 1♣—a bid often made on a non-suit. So with good clubs (say ♣AK109xx) and a side entry there was a real danger that West would lead his own suit. So even with a not-so-good hand East might have been considering doubling for a club lead—if a double asked for a club lead (maybe East was pondering that). And how likely was West to lead a heart if East didn’t double? And even if East was thinking about bidding, he could have been thinking about bidding 4♣ and not 4♥. (North could easily have short clubs if his suit was diamonds; after all, this was BAM.)

Martel: “After further consideration, I think that there is enough of a connection between the hesitation and heart support to force a club rather than a heart lead. While not certain, heart support is the most likely reason for the huddle.”

☞ The remaining panelists believe, and as the write-up suggests the Committee did and as I do too, that the UI did not suggest any particular lead. Even so, several of them complain about one or more aspects of the write-up.

Bramley: “The Committee implies that the huddle did not demonstrably suggest a heart lead. I agree, but I wish they had said so explicitly. Otherwise, if the huddle did demonstrably suggest a heart lead, and if a club lead were an LA—even a minority LA—then the decision should have gone against the heart leader. If the club lead had been deemed a serious minority action, then a split decision would have been appropriate.”

Gerard: “Just like the new Medicare law, there’s a big donut hole in the middle. Law 73C is fine for assessing PPs, but you still need to look at Law 16 in judging the merits. Unless I missed it, I don’t see where the Committee answered its own question as to what the BIT demonstrably suggested. Just because West refused to be influenced by/couldn’t figure out the UI doesn’t mean he gets a pass. If there was a logical connection between the BIT and a heart lead, he can’t lead it. I vote no. And all that sewage about the meaning of a double is just that—whatever lead it would have called for, it can’t be used just to hold down the second and third overtrick. This is sloppy thinking/scribing from an unlikely source.”

Rigal: “This case was far from easy, as the Committee found, though the Director to my mind did exactly the right thing when he left it up to the offenders to appeal. E/W made a good case that once East hesitated West was screwed whatever he did. He made the best of a bad job by leading the normal thing on his hand (the heart intermediates make it the lead least likely to cost a trick). He should not be punished unless we introduce a law that says ‘whenever someone hesitates his side is fined.’ We know some people who would like that.”

☞ Speak of the devil...

Wolff: “Okay.”

Polisner: “Since West must decide between the rounded suits and if the BIT did not demonstrably suggest which, he was free to lead either.”

L. Cohen: “Same comment as in the previous case.”

CASE SIXTEEN

Subject (UI): I Can See Clearly Now

Event: Life Master Women's Pairs, 22 Nov 03, First Final Session

Bd: 11	Peggy Sutherlin		
Dlr: South	♠ 109854		
Vul: None	♥ 3		
	♦ 72		
	♣ QJ875		
Deanna Goh	Cynthia Colin		
♠ 2	♠ A63		
♥ KJ98642	♥ 107		
♦ Q104	♦ AK853		
♣ 92	♣ K64		
	Karen Allison		
	♠ KQJ7		
	♥ AQ5		
	♦ J96		
	♣ A103		
WEST	NORTH	EAST	SOUTH
			1NT(1)
2♣(2)	2♠	Pass	3♠
Pass(3)	Pass	Dbl	Pass
4♥	All Pass		
(1) E/W: not Announced; N/S: disagreed			
(2) Alerted; unspecified one-suiter			
(3) Notrump range asked, followed by a 10-15 second hesitation			

The Facts: 4♥ made six, +480 for E/W. The opening lead was the ♠10. The Director was called after the 4♥ bid and again at the end of play. Both pairs acknowledged that after asking about the notrump range, West hesitated for 10-15 seconds before passing. N/S did not believe double was a call that most players would make with the East hand. East said she had three top tricks and a likely ruff. West said she could never leave the double in with her weak hand and was thinking that she regretted not having overcalled 3♥ initially. The Director ruled that there was UI from an unmistakable BIT and that Law 16 does not allow a hesitator's partner to select from among LAs one suggested by the UI. The contract was changed to 3♠ made four, +170 for N/S ("the most favorable result that was likely..." Law 12C2).

The Appeal: E/W appealed the Director's ruling. West did not attend the hearing. East said she believed she had good defense

and could beat 3♠. When the Committee asked why she hadn't acted over 2♠ she said she was concerned that her partnership had no agreements as to what values her bids would show. She also said the notrump range had not been Announced but was clarified for her at the time of the 2♣ bid. N/S believed that pass was an LA and, especially in view of the long hesitation, that the double and the 4♥ bid should not be allowed. East had about 2760 MP, West 1600, North 9950 and South 6400.

The Committee Decision: The Committee believed that pass was clearly an LA and in view of the marked hesitation should have been the action taken at the table. In fact, the Committee believed that the pass was so clear under the circumstances that E/W were each assessed an AWMW.

DIC of Event: Ron Johnston

Committee: Jon Wittes (chair), Ralph Cohen, Steve Garner, Ed Lazarus, Riggs Thayer

✍ The panelists unanimously support the Committee's decision, including the AWMW.

Polisner: "Routine, including the AWMW."

Wildavsky: "Fine work by the Director and the Committee."

Bramley: "Classic."

✍ One panelist who sat on this Committee has some second thoughts about giving a different score adjustment.

R Cohen: "In retrospect, we might have awarded N/S +630. However, I am satisfied that justice was served, including the AWMW."

✍ How could N/S possibly be allowed play 3NT? Since North passed 3♠ before the infraction (East's double), the only way to redress the damage is to disallow the illegal double and impose a pass, ending the auction in 3♠.

The next panelist votes to penalize another so-called "home brew" (which this time turns out to be a popular and widely-played convention).

Wolff: "Okay, but again a home brew that should be penalized when a hesitation occurs."

✍ So it's okay to think as long as your bids have all been totally natural, but not if any of them were conventional (even if the one you're thinking over is not)? So now we are just penalizing anyone who plays a convention and who then dares to think later in the auction.

Good grief!

Rigal: "Right decision all around, but the write-up implies that the pass had to be clear for E/W to receive an AWMW. It does not have to be that clear; rather, it would have to be clear to act for such an action to be allowed."

✍ I don't think the write-up implies that the Committee thought that passing 3♠ had to be clear for them to assess an AWMW. Rather, I think they were saying (or at least trying to say) that passing was so obviously the proper action that not only should it have been the one chosen at the table, it made issuing the AWMW easy. However, Barry is correct in saying that bidding would have to be clear-cut for East to be allowed not to pass.

My problem with this decision is that passing was so obviously called for after the BIT, and East's double was so clearly flagrant, that E/W should have received a PP in addition to the AWMW. Our last two panelists agree.

L. Cohen: "I think an East who is willing to sell out to 2♠ and then acts over 3♠ after a BIT is going beyond an AWMW and into PP territory. Those arguments about how much defense she had to 3♠ ring pretty hollow when in fact 4♠ was cold."

Goldsmith: "Perfect, except if 'pass was so clear' then a PP might have been in order."

CASE SEVENTEEN

Subject (UI): The Exception To The Rule?

Event: NABC Women's BAM Teams, 23 Nov 03, First Qualifying Session

Bd: 13	Sylvia Summers		
Dlr: North	♠ 762		
Vul: Both	♥ A9		
	♦ K82		
	♣ 108752		
Roni Gitchel	Jan George		
♠ AKQJ	♠ 543		
♥ 652	♥ K1084		
♦ 1096	♦ AJ3		
♣ Q63	♣ A94		
	Flo Rotman		
	♠ 1098		
	♥ QJ73		
	♦ Q754		
	♣ KJ		
WEST	NORTH	EAST	SOUTH
	Pass	1♦	Pass
1♠	Pass	1NT	Pass
2NT(1)	Pass	3♣	Pass
3NT	All Pass		
(1) Alerted; relay to 3♣			

The Facts: 3NT made three, +600 for E/W. The opening lead was not reported. The Director was called after play ended. E/W's partnership agreement was that 2NT relayed to 3♣; West forgot her agreement and bid 2NT intending it as a natural invitation. The Director ruled that UI was present but that no damage resulted therefrom. The table result was allowed to stand (Law 16).

The Appeal: N/S appealed the Director's ruling. Only N/S's team captain and the E/W pair attended the hearing. The N/S captain said that without the UI West might not have bid 3NT over 3♣. West bid 3NT immediately, with no apparent thought, after 3♣ came back to her. North had about 5630 MP, South 4340, West 4580 and East 6210.

The Committee Decision: The Committee believed that West had not given proper consideration to what the 3♣ bid could have meant in the absence of UI. While it was possible that West would have concluded that there was no such

bid and therefore that 3♣ was self-Alerting, West bid 3NT over 3♣ with almost no thought at all. The Committee thought it possible that without an Alert East's 3♣ bid would show a 2-3-4-4 minimum with all minor-suit cards. Although that hand might have bid 2♣ directly over 1♠, the Committee thought the consensus rebid would be 1NT and that BAM scoring might lead players to try to be more accurate in the auction than otherwise (thus the 3♣ rebid). Had West considered the possibility of that hand she would have realized that 3NT would be an unlikely make—even if N/S could only cash four heart tricks the contract would be on no better than a finesse (♠xx ♥xxx ♦AKxx ♣AJ10x) and might have no play (off a minor-suit ace as well). West might then have passed 3♣ or bid 3♦ rather than 3NT. Had West even stopped to consider whether 3♣ was possible in a natural context, the Committee probably would have allowed the 3NT bid. In light of West's tempo, the Committee thought it likely that West had been influenced by the UI and therefore N/S had been damaged. The Committee adjusted the result to three of a minor down one, +100 to N/S.

DIC of Event: Mike Flader

Committee: Ron Gerard (chair), Ed Lazarus, Bob Schwartz, Aaron Silverstein, Chris Willenken

☞ It's only fair to give the Committee chairman a chance to make his apologies before the criticisms begin.

Gerard: "Okay, I plead multiple mea culpas.

"First, it should have been down two in three of a minor. We counted losers instead of winners. I suspect the outcome would have been the same. Next, it is clear that 3♣ does not exist. As opposed to 2NT over a 1NT opening, where a case can be made for a natural 3♣ bid, here the 2-3-4-4 bids 2♣ rather than 1NT. The language in the opinion about the possibility of 3♣ at BAM comes directly from two of the members who had only volume on their side, not logic. It was my fault for letting them highjack the proceedings to that extent, but frankly I was not prepared for that position or the vehemence with which it was expressed. I don't think we did E/W any injustice, mind you, because there was some probability that West might not appreciate the impossibility of 3♣ and in any event she couldn't just make it clear that she was acting on the UI. Frankly, we were pretty stunned by the obvious conclusion that West didn't properly consider 3♣, so we went a little overboard in attributing a natural meaning to it in order to get across the point that you don't get to pound out 3NT in warp time after the UI. Then I think we gave N/S too much. Since we viewed the infraction as the slam-bam 3NT without pause for thought, we should have come around to the view that if West had mulled it over it was likely that she would have bid 3NT. So for N/S the result stands. Again we were mesmerized by a sneak attack, this one asserting that once West acts on UI N/S are damaged. I would normally have put this argument in its place, but too much Cajun dining had dulled the senses. Finally, I should have objected to the makeup of the Committee. Certain people shouldn't serve together. One non-collegial member can be dealt with; two are a sideshow, especially when they are imbued with a sense of their own infallibility. Sorry, folks, this was not our finest hour."

☞ Well, Ron covered most of the possible criticisms—and then some. (No one even noticed that down one in three of a minor was overly generous to E/W; there were bigger fish to fry.) Still, several panelists disagree with some of the judgments the Committee made, and even some of Ron's substitutes. For example...

Polisner: "I disagree. The 3♣ bid is clearly self-Alerting, leaving West with a choice between 3♦ and 3NT. East would always opt for the latter, thus all roads lead to 3NT."

☞ Jeff is not the only panelist wanting to allow the table result to stand.

Wolff: "N/S -600, NPL; E/W +600 but a 3/4-board penalty."

☞ That's a whopper of a PP—three times the usual 1/4 board for an infraction. (I only hope it was issued to punish the use of UI and not Convention Disruption.)

Some other panelists find the Committee's version of justice seductive, even if not clearly legal.

R Cohen: "Law 16A2 says the Director should be summoned and the UI explained when the dummy is faced. It seems like N/S wanted two bites at the apple. The Committee was correct, but there is a faint aroma about the whole case."

Bramley: "Extreme, but acceptable. I bet we would have to search far and wide to find a player who would bid 3♣ with the Committee's example hand. However, 2-2-4-5 or 2-2-5-4 shape could credibly inspire a 3♣ bid."

☞ And maybe even 1-3-4-5 and 1-3-5-4.

L. Cohen: "I love it. I always want to go with my gut, even if it slightly bends the laws. I like to have room to interpret. There should be an overriding default in the bridge laws: 'If, in spite of all the laws, common sense dictates otherwise, then rule otherwise.' I know this opens up a can of worms, but if used wisely, as here, it is

beautiful. If West did indeed think over all the issues after East's surprising 3♣ and then concluded that East must have forgotten (this being a 'self-Alerting' auction), then I'd allow 3NT. I think it is pretty clear to bid 3NT. But the fast 3NT indicates to me that West just abused the Alert Procedure and I am prepared to see her pay the price. So, I would make E/W play 3♣. (Incidentally, the speed of 3♣ is relevant: if fast, it implies the forget; if slow, it implies it was maybe the 2=3=4=4 hand with bad hearts. I'd like to have seen that mentioned.) I would have considered a non-reciprocal score for N/S and left them with -600."

✍ And if not used wisely, Larry's default would open a Pandora's box—not just a can of worms. As Voltaire said, "Common sense is not so common."

Larry is not the only panelist to favor not reciprocating the score adjustment to N/S, leaving them with the table result.

Rigal: "The Directors adopted a broad-brush approach of deciding that E/W would always have recovered from their accident. In theory I disagree with that view, particularly in the context of West's use of UI. I would like to have seen E/W be the appealing side. As to the Committee, I can understand why they would want to give E/W the worst of any doubt. At the hearing the hardliners were really stretching to find a way to hang the offenders, and in the end I doubt if they were truly happy at the way they managed to do it. I might have been inclined not to reciprocate the score so as not to give N/S the benefit of such a marginal case. Perhaps a PP might have been considered even if ultimately rejected."

✍ A PP also held some attractiveness to another panelist.

Goldsmith: "Wait a second. Yes, West was influenced by UI and violated Law 73, but that's insufficient for a score adjustment. The non-offending side has to be damaged by the infraction. Were they? I don't know. What would West's 3♦ or 3♣ rebid have meant in E/W's system? We can't judge what would have happened without knowing that. All we know is that West chose from among LAs one clearly suggested over others by the UI. My guess is that most roads would lead to 3NT, but we can't tell. If E/W could not tell us their system there, I'd just award the board to N/S, but it could easily be that after a 3♦ or 3♣ rebid, East has an obvious 3NT bid. Surely West would pass that, even without UI. Passing 3♣ seems too deep a position to take; no West would do that without being sure 3♣ was intended to play. In addition, someone with 5000 MP is supposed to know better than West did. I'd give her a 1/4-board PP for blatant abuse of UI."

✍ Jeff is right: we need to know what West's follow-up bids would have meant in their system after her 3♣ relay. It's been a while since the hearing, but I think I recall hearing it said that two-level follow-ups would be invitational. So even if you think that 3♣ is self-Alerting (as Jeff Polisner does), West could still opt for 3♦ over 3♣ with her weak hearts and what she judged to be non-game-forcing values. (Some Committee members did not think 3♣ was sufficiently self-Alerting that West would always bid again, hence the adjustment to three-of-a-minor rather than 3♦.) And 3♣ was not possible for West here with only a four-card suit—even *that* suit. So most roads did not lead to 3NT; they led to 3♣ or 3♦. On another note, it is never acceptable to "just award the board" to one side in BAM or IMP scoring since that invalidates even an extreme result at the other table. One should always assign a score in these situations, even if it's rather generous to one side.

Our final panelist reinforces Barry's view of the table ruling; then makes a good point about not attributing intent to a player unnecessarily.

Wildavsky: "The Director's ruling was poor. Certainly there was damage: E/W played 3NT instead of 3♣. It seems more than likely that the damage was a consequence of the UI, so the Director ought to have adjusted the score and forced the offenders to appeal if they had the temerity to do so. The Committee decision

was excellent, but I have a bone to pick. The Committee had no need to decide that West had been influenced by the UI, and their adjustment does not imply that she was. Rather, they adjusted because she failed in her obligation to be influenced by the UI and to take the action opposite that suggested. (See my comments on CASE FIFTEEN.)"

✍ I disagree with those who would have allowed West to bid 3NT had she given the 3♣ bid due consideration, but decided that 3♣ didn't exist in this auction. In fact 3♣ *did* exist for this pair: their partnership agreement was that 2NT relayed to 3♣. (They would have been right if East had been the one who had forgotten and if 3♣ was thus undefined in E/W's system. But West was the one who forgot and bid 2NT intending it as natural.) So if West was willing to play in a three-level contract below 3NT after having bid a natural 2NT, I would force her to play in the least favorable such contract, and I think 3♦ meets the requirement—especially given the confused state of mind of a player who has just forgotten her system might be in. (And contrary to Jeff Goldsmith's view that East would not sit for 3♦, with her bare 12-count I think she'd be quite willing to sit for 3♦ opposite a hand such as ♠AQxx ♥Qx ♦Qxxxx ♣xx.) So E/W get -200 in 3♦. Should this be reciprocated to N/S? I think so but it's close, and I wouldn't be displeased to see N/S keep their table result.

As for the PP, that's a close call also. I think the score adjustment itself in this case will be a major disincentive not to simply plod on in the face of UI. But a PP would make this point even more emphatically and I have no serious objection to issuing one.

CASE EIGHTEEN

Subject (UI): The Rip Cord On The Emergency Chute Is For Use By Authorized Persons Only

Event: Stratified Open Pairs, 23 Nov 03, First Session

Bd: 3	♠ A		
Dlr: South	♥ AJ43		
Vul: E/W	♦ J1052		
	♣ AK109		
♠ Q10763		♠ K954	
♥ Q1087		♥ K2	
♦ 874		♦ AK63	
♣ 2		♣ 873	
	♠ J82		
	♥ 965		
	♦ Q9		
	♣ QJ654		
WEST	NORTH	EAST	SOUTH
			Pass
Pass	1♣(1)	Pass	2♣(2)
Pass	2♥	All Pass	
	(1) Announced (“May be short”)		
	(2) Alerted; explained as inverted		

The Facts: 2♥ made two, +110 for N/S. The opening lead was the ♦A. The Director was called after the opening lead was faced and dummy came down. E/W told the Director that South heard North Alert and explain her 2♣ bid as inverted (strong), after which she passed North’s “reverse” of 2♥. The Director ruled that South had UI from the Alert and that had South not passed 2♥, North would have pushed on to 3NT (Law 16A2). The contract was changed to 3NT down two, +100 for E/W (Law 12C2).

The Appeal: N/S appealed the Director’s ruling. N/S said they believed that 4♣ would have been a more realistic final contract than 3NT. South said she misbid, realized it and got out of the auction. When asked if her partner’s explanation influenced her choice to pass 2♥ she reflectively said “Maybe, in some form, it did.” North had about 1000 MP, South

3500, East 3800 and West 1600.

The Panel Decision: The Panel determined that South, after hearing her partner’s Alert and explanation of 2♣, passed 2♥, a forcing bid. (She even acknowledged that she had been influenced by North’s explanation.) In determining what contract N/S might have reached, four players with between 1000-3500 MP were consulted. All of them thought that a 3♣ bid was automatic for a South who believed that she had shown a weak raise, and they all bid 3NT over 3♣ with the North hand, assuming 2♣ was inverted. It was therefore decided that 3NT was both the most favorable result that was likely and the most unfavorable result that was at all probable under Law 12C2. The contract was changed to 3NT down two, +100 for E/W. N/S were also assessed a 1/4-board PP for South’s pass of 2♥ (Law 90A). Experienced players should know that information from the Alert Procedure and partner’s explanations is unauthorized to them and should not be permitted to influence their calls (Law 73C). In addition, N/S’s appeal was found lacking in merit and N/S were each issued an AWMW.

DIC of Event: Harry Falk

Panel: Su Doe (Reviewer), Ken Van Cleve, Matt Smith

Players consulted: Four players with 1000-3500 MP

The panelists all support the Panel’s decision, in general, although some voice mild concern over the PP...

Bramley: “Marginal PP. South bailed to an obviously inferior fit. This was less blatant than I like for a PP, but I can accept it.”

Wolff: “Perhaps the inexperience of N/S should mitigate the punishment.”

...and some over the assignment of 3NT as the final contract...

L. Cohen: “I agree with both the AWMW and the PP. I’m not sure about 3NT. I would bid 3♦ on the third round with North’s hand (what’s the rush to 3NT with a singleton spade?) and might reach 5♣ making (East doesn’t play hearts when in with diamonds). But I suppose I can live with ‘the most favorable result that was likely’ and ‘the most unfavorable result that was at all probable’ stuff and accept 3NT as the final contract.”

...or the possibility that N/S’s final contract should be a doubled one...

Goldsmith: “Good job, mostly. PP appropriate. AWMW well-deserved. How could anyone appeal as N/S? Wasn’t this screened? N/S were lucky the Panel didn’t have North drive to some spot doubled. In fact, that’s probably technically right; N/S should get some ludicrous minus result (at all probable) and E/W should get +100 in 3NT (likely). Minus 100 in 3NT is probably a zero anyway, so not bothering further was a reasonable thing for the Panel to do.”

Jeff apparently thinks that screening can stop a meritless appeal from taking place. It can’t. The Screener can only explain the situation to the appellants. By law the final decision of whether or not to proceed is theirs and theirs alone.

If N/S reach 5♣, as Larry suggests, a heart switch will surely doom it (although it won’t be easy for East to find). If North pulls trump after winning the (presumed) spade lead, on the second and third trumps West gives count in spades (telling East another spade won’t cash), then discourages in diamonds, and on the first diamond gives suit-preference for hearts to show a card there and hopefully make the heart switch easier. But if North doesn’t draw trumps, East will have to work out himself that the only way to beat 5♣ is to score a heart trick along with two diamond tricks and shift from ♥Kx into North’s second-bid suit. Still, opting for 3NT rather than a five-level contract must be likely. As for N/S being doubled, as Jeff suggests, East might well double 5♣ holding two diamond tricks, the ♥K behind the heart bidder and the ♠K for insurance. But I don’t see that as being “likely” and maybe not even “at all probable,” so 3NT does seem the most sensible assignment.

One other thing requires comment. As Adam pointed out in CASES FIFTEEN and SEVENTEEN, the laws do *not* say that players should not allow UI to influence their actions. If they did, players could take the suggested action and claim, “I’m not supposed to let the UI influence me. That’s what I would have bid without the UI, so I still had to bid it.” Law 73C says that a player who receives UI “must carefully avoid taking any advantage that might accrue to his side.” He must therefore decide what, if anything, the UI demonstrably suggests, what, if any, LAs actions exist, and avoid taking any suggested action (even his “normal” one) and take a non-suggested LA instead. Thus, the law requires a player to be *influenced by the UI*—not avoid being influenced by it—but to be *influenced to avoid taking advantage*.

The remaining panelists support the Panel’s decision as is...

Rigal: “Really nicely done. Giving a PP in situations like this is something we fail to do enough of. Letting N/S leave with so much less than they came with might discourage somebody else in the future—we hope.”

Wildavsky: “Slam dunk, along with a foul and the extra point. A perfect Panel decision (no sarcasm intended here). The Director ought to have assessed a PP. If the case were then appealed should the Panel increase the PP?”

Polisner: “The AWMW was not adequate for South, who blatantly took advantage of UI. The PP was appropriate.”

CASE NINETEEN

Subject (UI): The Land Of “As If” Isn’t Such A Strange Place
Event: Stratified BAM Teams, 24 Nov 03, Evening (Only) Session

Bd: 22	♠ AJ6		
Dir: East	♥ K8764		
Vul: E/W	♦ 1064		
	♣ 72		
♠ 93		♠ 8542	
♥ A52		♥ Q109	
♦ KJ832		♦ AQ	
♣ QJ4		♣ K1085	
	♠ KQ107		
	♥ J3		
	♦ 975		
	♣ A963		
WEST	NORTH	EAST	SOUTH
		Pass	1NT(1)
2♦(2)	2♥		
	Pass(3)	3♠	Pass
3NT	All Pass		
(1) Announced; 10-12 HCP			
(2) Alerted (as majors) after 2♥ bid			
(3) Dir. allowed change of call			

The Facts: 3NT made four, +630 for E/W. The opening lead was the ♥6. The Director was called when 2♦ was not Alerted promptly and again at the end of play. At the first Director call North was allowed to change his 2♥ bid due to the delay in the Alert (both E/W CCs showed 2♦=majors); North chose to pass. North’s heart lead was won by the queen. West then cashed five rounds of diamonds (overtaking the ♦Q on the second round; pitching spades from dummy) followed by the ♣Q. South won the second club and led the ♥J. The Director ruled that UI from the delayed Alert and the explanation of 2♦ as the majors could have awakened West to her actual agreement, in which case passing 3♠ was an LA for her. (Also, she may have used the UI from North’s withdrawn 2♥ bid to play the ♥Q at trick one.) The contract was changed to 3♠ down two, +200 for N/S.

The Appeal: E/W appealed the Director’s ruling and were the only players to attend the hearing. E/W’s team captain also attended. The N/S team had left the playing area and could not be located to inform them of the appeal. West did not understand why she could not be allowed to bid over 3♠. The play had gone as indicated, with South returning the ♥J after winning the second club. The E/W captain thought this was sufficiently egregious to sever the connection with the infraction. West said she remembered that 2♦ showed the majors as she was about to put the bid on the table, but she did not call the Director because she didn’t think she’d be allowed to change it anyhow. (She said she had been told to call in such situations only if she thought the change might be allowed, with a caution against using the UI.) As it turned out, when West demonstrated her action with the bid card for the Reviewer it was judged likely that East would not have been able to see the face of the bid card and that the bid may not have been considered made under ACBL Regulations if it didn’t “touch or nearly touch the table.” The Reviewer also told her that under such circumstance she could call the Director and ask if she could change her bid (with possible UI implications) rather than just go ahead and make the bid and bear the full brunt of Law 25B (Delayed or Purposeful Correction). It was also explained to West that she was required to continue after the Alert just as she would have had East explained 2♦ as showing diamonds and as though East had long spades in a hand that was wrong for an opening spade preempt (e.g., that had four hearts, weak spades, or too much outside strength to preempt). Given this, pass seemed an LA. The Panel also learned that the table Director had not warned West against using the UI from North’s withdrawn 2♥ bid during the play of the hand. West had about 200 MP, East 850, North 450 and South 700.

The Panel Decision: The Panel consulted two players with about 300 MP; both passed 3♠ in a “clean” auction (one thought his hand was not good enough for an initial 2♦ bid). Three other pairs with 300-700 MP were asked to defend 3NT. One discarded a spade from the South hand, one led the ♠K and then the ♠Q and the third returned the ♥J when he came in with the ♣A. Based on this input the Panel decided that: (a) West might have been awakened by the Alert; (b) pass was an LA to 3NT; (c) N/S were damaged; (d) the damage was a direct result of the UI (in both the bidding and the play); and (e) the defense was not so egregious as to sever the connection with the infraction for this level of player. The Panel concluded that the score adjustment made at the table (3♠ down two, +200 for N/S), while perhaps a bit generous to E/W, was adequate since the board had been passed out at the other table and thus spending additional time on determining a more exact result was pointless. Both sides were assigned the score for 3♠ down two, +200 for N/S. E/W were not given an additional PP for West’s use of UI during the play at trick one due to the failure of the table Director to remind West of this obligation and the fact that she had only about 200 MP. However, the appeal was found to lack substantial merit and E/W and their team captain were each assessed an AWMW.

DIC of Event: Matt Koltnow
Panel: Charlie MacCracken (Reviewer), Patty Holmes, Candy Kuschner
Players consulted: eight players with 300-700 MP

✍ Our first two panelists’ comments reflect my own feelings about this case.

Bramley: “Thorough and well done on a case with many angles. I agree with all aspects: the decision, the AWMW, and the lack of a PP.”

L. Cohen: “If I were to pick the top ten UI cases of the decade to use for educational purposes, this would make the list. It has almost everything. Excellent work by the Panel: each one of their points (a, b, c, d, e) is right on target. Not only did they make the right decision and right comments, they properly addressed all the key issues.”

✍ The next panelist also makes some good points.

Wildavsky: “Excellent work by the Panel. I do recommend, though, that Panels and Committees ought to make their decisions without knowing the result at the other table. The offending side’s contention that the defense was poor enough to sever the connection between the UI and the partner’s subsequent action was laughable. They ought to have been informed in screening that even if the Panel judged this to be the case the offenders’ score would still have been adjusted, per law 72B1.”

✍ The write-up doesn’t say so but the Panel may have only looked at the result from the other table once they’d already decided to change the contract to 3♠, to see if worrying about how many down the contract might go was worth spending time on. In fact, I’ve seen cases where another Director who knew the result at the other table told the Panel, once they decided on the contract, not to waste time worrying about the exact number of tricks because it made no difference to the BAM score.

For those curious about the appropriate result in 3♠...

Gerard: “The defense really had nothing to do with it. There was no way to restore down three (the appropriate result in 3♠ for purposes of an egregiousness analysis), so South gets to return that silly ♥J without cost.”

✍ Down three really isn’t all that difficult. North wins the heart lead, switches to a club, and later obtains a club ruff. N/S then take four spades, one heart, one club and a club ruff in the North hand.

The next panelist disagrees with Ron and finds South's defense egregious.

Polisner: "How can this defense not be sufficient to sever the connection, even for a player with only 700 MP?"

✍ West surely couldn't hold the ♥K and have played the ♥Q at trick one, but she could hold the ♥A. Could she have no heart honor and have guessed North to have underled the ♥AK? That's seriously anti-percentage when she could simply play North for the ♥J and insert one of dummy's heart intermediates. So Jeff is right that South's heart play at trick nine looks very poor (although one of the three consulted pairs made this same play) but if West had the ♠A and no heart honor and guessed right at trick one, South's heart return was a winner.

But Ron is right that none of that is really relevant since even if South wins the ♣A and returns a spade his side still cannot be compensated for the 300 (or even the 200) that was coming to them defending 3♠.

A couple of panelists question the nature of East's 3♠ bid, and more.

Goldsmith: "Isn't a 3♠ bid by a passed hand there supposed to show a big diamond fit? Whatever it means, E/W isn't going to avoid a minus, so that's good enough. West probably should get a PP for use of UI in the bidding, but again, players with 200 MP don't get PPs for abuse of UI. I think it's pretty marginal to give them an AWMW given their inexperience, but this appeal was pretty ludicrous. Someone must have told them it wasn't going to work. 'I don't understand why' is not an acceptable reason for an appeal."

✍ Maybe some experts would treat 3♠ as fit showing, but not all would agree with that interpretation. As the Panel pointed out, some might think 3♠ shows a hand with good spades but too much side defense to preempt initially, or a hand with a second suit, or a hand with too weak a spade suit to preempt on. And even if the fit-showing interpretation were normal, we should be careful about attributing expert agreements or inferences to players with 200 and 850 MP.

Rigal: "This is a truly messy case. Everyone made a sensible pass at deciding who could do what. But nobody really addressed that 3♠ might have been forcing if West's 2♦ bid was natural. And if it was would she not bid 3NT now? As to the UI from the 2♥ bid, does it really point to guessing the hearts right? I'm not convinced. I do think the case has merit; it is by far the most complex one we've encountered in this casebook thus far."

✍ With East being a passed hand it is difficult to imagine 3♠ as forcing, especially if it was acceptable in this partnership for West to bid 2♦ with *that* hand. I agree, though, that North could just as easily hold five hearts to the jack as to the king; the heart lead itself marked North with long hearts irrespective of the 2♥ bid. So as it turned out West's choice of plays at trick one should have been unrestricted.

As for the merit, I still fail to see any. Okay?

Wolff: "Okay."

CASE TWENTY

Subject (MI): Foreign Correspondence

Event: Life Master Pairs, 21 Nov 03, First Qualifying Session

Bd: 10	Edward Molloy		
Dlr: East	♠ Q654		
Vul: Both	♥ AQ1076		
	♦ K7		
	♣ 106		
Peter Fredin	Peter Bertheau		
♠ 2	♠ K987		
♥ 943	♥ KJ		
♦ Q653	♦ AJ1042		
♣ AK943	♣ J5		
	Jim Backstrom		
	♠ AJ103		
	♥ 852		
	♦ 98		
	♣ Q872		
WEST	NORTH	EAST	SOUTH
		1♦(1)	Pass
3♠(2)	Pass	3NT	All Pass
(1) Not a balanced hand			
(2) Splinter			

The Facts: 3NT made five, +660 for E/W. The Director was called after the round finished, but before the players had moved. The opening lead was the ♠J, won by the king, and at trick two the ♣J was led and passed successfully when South failed to cover. South insisted that his play was correct because East could not hold two clubs and be unbalanced. Thus, given the explanation he received he had no chance to get the defense right (he did not think 5-4-2-2 distribution was unbalanced). The Director ruled that West's explanation that 1♦ was not a balanced hand was accurate since 5-4-2-2 distribution can be classified as either balanced or unbalanced (technically, it is "semi-balanced"). The table result was allowed to stand.

The Appeal: N/S appealed the Director's ruling and were the only pair to attend the hearing. South said that had he known East could have a doubleton club he would

have covered the ♣J at trick two. After the ♠J opening lead he said a top seed would never try an illegitimate line by trying to float the singleton ♣J, so there was no reason to cover the presumed singleton. If East held a doubleton he expected him to return to hand to play a second club to the nine, lose to the ten, and go down one. South was convinced that East's singleton had to be in clubs as West was known to have some length in clubs but not in hearts. 3NT made five rather than three after the non-cover when South led the ♠A out of turn later in the play. E/W were expert international players from Sweden who played only occasionally in North America. East had about 710 ACBL MP, West 700, North 1700 and South 6380.

The Committee Decision: The Committee reviewed the ACBL's definition of a balanced hand and determined that a 5-4-2-2 pattern could be defined as either balanced or unbalanced. E/W were a Swedish pair and N/S could have asked more questions as to what West meant by "Not a balanced hand." The Committee was somewhat constrained by E/W's absence (their right as non-appellants) and so could not determine the details of their system, including the range for the 1♦ opening. But since East's hand could legitimately be considered "not balanced" the Committee decided that there had been no MI (making the issue of the competence of South's subsequent defense moot). Finally, the Committee determined that the appeal had merit because of the somewhat ambiguous definition of "balanced."

DIC of Event: Chris Patrias

Committee: Richard Popper (chair), Larry Cohen, Gail Greenberg, Paul Munafò, Howard Weinstein

✍ Let's begin with some afterthoughts from one of the Committee members.

L. Cohen: "In retrospect, I wish we could have been harsher towards N/S. Had we gotten to the reasons for South's non-cover, I think we would have had a hard time buying it. But once we determined that the 'unbalanced' explanation was okay (although I do wish E/W would have shown up so we could have asked questions about their system), there was no need to go further. Also, since the definition of balanced was confusing I suppose there was merit. It's ironic, though. Had we agreed with N/S that the explanation was wrong (i.e., that there was MI), I think it would have been worse for N/S. We'd then have gotten into the merits of the defensive logic (the non-cover) and might have found no merit."

✍ Most of the other panelists also have thoughts about the merit here.

Bramley: "No merit. The ambiguity about 'unbalanced' was marginal at best, and South's failure to cover the ♣J was hopeless. N/S had no chance to win this case and they should have known it."

Rigal: "I really do not see any semblance of merit here; what South thinks is supremely irrelevant. Anyone who thinks the East hand is balanced should take up some other sport and if South wanted to know he should have asked. Trying to win in Committee what you can't win at the table deserves an AWMW."

Goldsmith: "Good job. N/S, when about to be on defense to 3NT, really ought to have questioned E/W about the possible shapes East could have. 7-2-2-2 seems possible and can therefore include a doubleton club. The failure to award an AWMW was mildly generous."

Gerard: "I couldn't find it, but I'm surprised at the conclusion. South needed to protect himself early on (after the ♣J was led would have been a little late) just as a matter of good technique, so no sympathy."

Polisner: "No MI, no case!"

Martel: "Good job by the Committee (as on the previous deals). In particular, it is unreasonable to expect a better description than "unbalanced" for 5-4-2-2 or a hand with a stiff. In particular, here it's doubtful that South really reasoned as indicated. He had to guess (and fairly quickly) whether to cover or not if declarer had J10(x)."

✍ Chip makes an excellent point (echoed indirectly by Ron): how could South have reasoned as he said he did when the ♣J was led? There simply wasn't enough time. And if South did think even momentarily when the ♣J was led, perhaps that resulted in a hitch which East noticed and he floated the ♣J based on his "table feel." And why would a top seed never try floating a singleton ♣J? Suppose East held ♠Kxxx ♥Qxx ♦AKxxx ♣J. With only eight top tricks and no real hope for a ninth in either major, what other *legitimate* chance would declarer have other than to play for the clubs to be distributed like they were or a misdefense?

So I agree with the above panelists who find little merit in this appeal, but the two remaining panelists express other perspectives.

Wildavsky: "Fine. It seems a dull decision, but these cases are important. In order to retain confidence in the system the appellants must be able to see that their concerns have been thoroughly investigated."

Wolff: "E/W got too much because of their definition of unbalanced, but N/S should at least be -600."

Subject (MI): Oops, Never Mind

Event: Early Open Pairs, 21 Nov 03, Second Session

Bd: 18	♠ J102		
Dlr: East	♥ Q854		
Vul: N/S	♦ Q104		
	♣ QJ8		
♠ 95		♠ AK64	
♥ K76		♥ AJ2	
♦ K987		♦ J3	
♣ A642		♣ 10975	
	♠ Q873		
	♥ 1093		
	♦ A652		
	♣ K3		
WEST	NORTH	EAST	SOUTH
1♦	Pass	1♣	Pass
1NT	All Pass	1♠	Pass

The Facts: 1NT made one, +90 for E/W. The opening lead was the ♠J. E/W called the Director at the end of play saying that at trick one declarer asked South about her side's carding agreements and was told "Standard"; no mention was made of the fact that N/S played Lavinthal discards. N/S's CC, marked Lavinthal discards, was on the floor when the question was asked. Dummy saw that it was so marked but did not mention the omission in the explanation since he knew he was not allowed to speak until the end of the hand. The play proceeded: ♠J to dummy's ace (South following with the eight); ♣10, K, A, 8. North won the ♣J next and cashed the ♣Q, South discarding the ♠3. The ♠10 went to dummy's king and the ♦J was passed to North's queen, after which West never scored the ♦K. At the end of the hand, in the presence of

the Director, E/W claimed that they had been damaged by South's failure to mention Lavinthal discards and that West would have taken eight tricks if he'd known the significance of South's play of the ♠3. When asked what he would have done differently if he'd been fully informed West could not state how he was damaged. Dummy suggested he might have led a diamond to the king. The Director ruled that declarer was misinformed (Laws 75A and 20F2) but the MI did not cause damage (Laws 47E2b and 40C). South might have signaled the same way holding the ♦Q10 instead of the ♦A and declarer's inability to state what he would have done differently made it unlikely that the MI was the cause of his taking only seven tricks. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. West did not attend the hearing initially but was later summoned by the Reviewer (see below). N/S confirmed that their answer to the question about their carding did not include Lavinthal discards. South said that since the question was asked as she was playing to trick one she thought it only related to following suit and didn't think to mention her discarding methods. The Reviewer informed her that she should have mentioned all of her carding agreements in response to the question. N/S did not have a good memory of the sequence of plays. East said that after North won the ♦Q she played a spade to South's queen and South then cashed the ♦A and exited with the ♥10. Declarer won dummy's jack, crossed to hand with the ♥K and cashed the ♦K, pitching his (good) spade. When the Reviewer pointed out that this seemed to lead to eight tricks (two spades, three hearts, one diamond and two clubs), East said that was what must have happened but his being upset at the possible damage from MI must have caused him to miscount his actual tricks. The scoring ticket was inspected; it showed 1NT made one, +90 for E/W, but E/W had not initialed it. East said that he hadn't initialed it since the ruling had taken some time and the Director asked them to move quickly to the next table after he finished gathering the facts. The Reviewer asked East whether he told the Director that the ♦K had not scored a trick; he said he did not. When the Director was called in and asked about it he said he thought


East had told him that West never scored the $\diamond K$ as the appeal form was being filled out. He also said that while he was at the table he was only told of the play up to the point where North won the $\diamond Q$. The Reviewer then requested West's presence and he arrived after being called by East. He told the Panel he did not remember the hand very well but after looking at the hand record he doubted that he would have led the $\diamond J$ had he known the opponents' discarding methods. He thought he might have avoided playing diamonds until later in the hand if he'd been aware of their methods. As play was further reviewed in West's presence the players gradually reached an agreement that the play had proceeded along the lines East described, to the point where South cashed the $\diamond A$. Neither of the N/S players could remember if North scored the $\heartsuit Q$, the $\diamond 10$, or which six tricks they might have taken. West had about 670 MP, East 8440, North 515 and South 320.

The Panel Decision: The Panel first considered whether West had actually taken eight tricks instead of seven. Law 79 and the regulations pursuant to it would allow the Panel to change the score on that basis if it was determined that eight tricks had actually been taken. Based on the statements of all the players, the Panel decided it was overwhelmingly likely that declarer had actually taken eight tricks. Since that rendered the issue of damage from the MI moot, it was not considered further. The contract was changed to 1NT made two, +120 for E/W.


DIC of Event: Jay Albright

Panel: Matt Smith (Reviewer), Candy Kuschner, Charlie MacCracken


Players consulted: none

 Once again my own thoughts are echoed by...

Bramley: "This appeal was meritless despite the score change in the appellants' favor. The change stemmed not from any arguments advanced by the appellants but from the fortuitous side effect of the Directors discovering, with extreme difficulty, the actual number of tricks taken. The trick determination also showed that the appellants had not been deprived of any tricks by the incomplete explanation. Reconstructing the order of play should have been an obvious prerequisite for the table Director in determining whether declarer had been damaged."

 Bart and I are not the only ones devoid of sympathy for E/W.

L. Cohen: "I wouldn't give E/W the time of day and certainly not an eighth trick. The MI argument is ultra-absurd to the nth degree. As to how many tricks were taken, I don't think that should be an appeal matter."


 No, it shouldn't. But fact finding is a valid concern for Appeals Committees and the Panel was obligated to investigate the matter and determine whatever facts were deemed relevant to adjudicating the case. That this should more properly have been seen to at the table is beside the point. And we shouldn't allow our opinion of the players to affect the conduct of our duty—though we can use it to mock them.

Goldsmith: "'We were damaged! We should have taken eight tricks.' 'How did you avoid taking eight tricks anyway?' 'I don't remember.' 'Let's go over the play...you did take eight tricks.' 'Oh. Never mind.'"


 The next panelist presents us with a paradox.

Polisner: "I suggest that a player who can't count the number of tricks he took is unlikely to go right if he understood the significance of Lavinthal. However, I think the decision is incorrect as West may have taken nine tricks had he put up the $\diamond K$ (three spades, three hearts, one diamond and two clubs). Therefore, if the Panel believed that declarer had actually taken eight tricks without a diamond trick, the

issue was not moot."

 I suggest that a player who pitched a good trick (dummy's thirteenth spade) on his own winner when he played the hand shouldn't be allowed to take an extra trick in the replay—especially when his arguments for being awarded another trick are frivolous and incompetent to begin with. And the Panel did not believe that West took eight tricks *without* a diamond trick; they believed he took eight tricks *with* it. The write-up clearly states: "the Reviewer pointed out that this seemed to lead to eight tricks (two spades, three hearts, *one diamond* and two clubs)." I suggest that a panelist who can't read the write-up...oh, never mind.

Rigal: "Hard to comment on a decision if one was not made. I did not realize, though, that the score correction could be made in this way. One lives and learns."

 Maybe there wasn't a decision, but there was a resolution nonetheless. As for the score correction, Law 79A says: "The number of tricks won shall be agreed upon before all four hands have been returned to the board." It says nothing about what to do if no agreement—or disagreement—is reached. It should also be noted that this differs from an error that was made in computing the agreed-upon score (i.e., the number of tricks won), which Law 79C says may be corrected until the expiration of the correction period: 30 minutes after the posting of the scores. To complicate things further, in this case a Director who was actually present at the table when the scoring was being done apparently asked E/W to move quickly to the next table and did not check that the score ticket was filled out correctly or was properly initialized. Perhaps this should all be treated as Director error?

Wildavsky: "Excellent work by the Panel."

Wolff: "Okay."

CASE TWENTY-TWO

Subject (MI): The Smith Family Sports A Rogue Gene

Event: NABC Open BAM Teams, 23 Nov 03, First Qualifying Session

Bd: 3	Gene Saxe		
Dlr: South	♠ A		
Vul: E/W	♥ AJ43		
	♦ J1052		
	♣ AK109		
Linda Smith		Ron Smith	
♠ Q10763		♠ K954	
♥ Q1087		♥ K2	
♦ 874		♦ AK63	
♣ 2		♣ 873	
	Tom Smith		
	♠ J82		
	♥ 965		
	♦ Q9		
	♣ QJ654		
WEST	NORTH	EAST	SOUTH
			Pass
Pass	2♦(1)	Pass	2♥(2)
Pass	2NT(3)	Pass	3NT
All Pass			
(1) Alerted; weak two-bid in a M or a good 4-4-4-1			
(2) Alerted; Pass-or-Correct			
(3) Alerted; good 3-suiter (17+ HCP), short ♣			

The Facts: 3NT made three, +400 for N/S. The opening lead was the ♣8. North won the first trick with the ♣K and play proceeded (E/W playing upside-down signals): ♦2, ♦6, ♦Q, ♦4; ♦9, ♦8, ♦5, ♦K; ♣7.... N/S, an established partnership, said that South's explanation of the 2NT bid was correct but they could not produce any documentation. The Director ruled that there had been MI (Law 75, Example 2: "the Director is to presume mistaken explanation rather than mistaken bid in the absence of evidence to the contrary") and changed the contract to 3NT down two, +100 for E/W (Law 40C and 12C2).

The Appeal: N/S appealed the Director's ruling. N/S explained that the basis for their confusion was that if responder bid 2♠ in response to a 2♦ opening, opener needed 3♥ as a natural bid. So they agreed that opener would rebid 2NT in *that auction* with *any* strong three-suiter. But when the response was 2♥, as here, all bids above 2♠ were available and opener showed his shortness immediately. E/W said they played a form of Smith Echo which might have been able

to help them overcome the MI, but there was an ambiguity in their methods introduced in part by the MI. They played that the "owner" of the suit led on opening lead used *reverse* Smith Echo (a high-low in the first suit played by declarer to suggest a switch) while the partner of the owner of the suit led used *standard* Smith Echo (a high-low in the first suit declarer played to suggest a continuation of the suit led). Who was the "owner" of the suit? The player with presumed length, normally the player who bid the suit or, if the suit is unbid, the one who led it. East thought the extenuating circumstances here, with declarer known to be short in clubs, made his partner the "owner" of that suit, so he treated her ♦4 as a *reverse* Smith Echo, encouraging a club continuation. North had about 4650 MP, South 7900, East 17,200 and West 11,400.

The Committee Decision: The Committee found that N/S's statements, while logical, did not rise to a level sufficient to decide that there had been a mistaken bid rather than a mistaken explanation. Pairs using complex methods have a special obligation to know and understand those methods. Further, they have the option to maintain system notes and make them available to a Committee should they be needed, as here. Had N/S had system notes to support what they said the Committee might well have decided this case differently. As it was, the Committee decided to

adjust the score. They assigned N/S the result for 3NT down two. As for E/W, was their defense so egregious as to constitute a failure to play bridge? The Committee decided it was not. Most pairs, told that declarer had a singleton club, would likely defend the same way E/W had no matter what their defensive methods. Therefore, the contract was changed for both sides to 3NT down two, +100 for E/W. The Committee next decided the appeal had merit. While N/S's statements were not sufficient for a decision in their favor, they were entitled to make their case. The laws do not require written evidence in order to receive a favorable decision and the judgment of the sufficiency of the evidence could have been a close one. Finally, North asked if he was supposed to volunteer information about the intended meaning of his 2NT bid once his side became the declarers. He was told that, according to law, a member of the declaring side must correct his partner's mistaken explanation at the end of the auction (a defender must wait until the hand is over) but need not disclose his own misbid. As a matter of self-interest, though, a player should strongly consider explaining the intended meaning of his bid since by not doing so he risks an adverse score adjustment if he can't convince a Director or Committee that his partner's explanation was correct and if the opponents are damaged in the auction or the subsequent play. But by explaining his understanding of his partnership agreement at the end of the auction, he will be able to keep his table result, good or bad, as long as the opponents' bidding was not affected and his volunteered explanation prevents further damage during the play. As a player, then, one must judge whether or not one will be able to convince a Director or Committee that it was your bid that was mistaken and not your partner's explanation. Since this is a tough case to make without written evidence (such as a notation on the CC or system notes) a player will often be better off explaining his own understanding of a disputed call, regardless of which partner was mistaken.

DIC of Event: Steve Bates

Committee: Adam Wildavsky (non-voting chair), Darwin Afdahl, Lowell Andrews, David Berkowitz

✍ Most panelists not only support the Committee's decision but applaud the write-up—especially the advice on disclosure at the end.

Wildavsky: "I was happy not to have to vote here, but I agree with the Committee's decision."

✍ That's okay. Thanks for your excellent effort with the write-up. Once again expressing my own sentiments about this case is...

Bramley: "Yes. The second half of the 'Decision' is the best argument I have seen in favor of full disclosure of ambiguous agreements. Rather than tapping into players' altruistic sense of decency and Active Ethics, Wildavsky suggests that good old self-interest is a more powerful reason to disclose a potential misunderstanding. That makes good sense. In any endeavor, adherence to a legal code is much easier when doing so provides positive feedback ('do this and maximize your result') instead of neutral/negative feedback ('do this because we say so')."

Polisner: "Excellent write-up, which should be a model for how the declaring side should correct the explanation—whether correct or not—if they would not be able to overcome the prescription of MI."

Goldsmith: "Very good job, including the advice at the end."

Rigal: "N/S never demonstrated satisfactorily that this was a mistaken bid situation. Accordingly, since the defense was to my mind reasonable in context, this is far closer to an AWMW than the Committee thought. As to the *obiter dicta* on

correcting mistaken bids, I think North would have been wise to foresee the problems that actually arose and to try to forestall them.”

✍ Supporting Barry’s view of the case’s merit and then some...

L. Cohen: “No merit. I’d have been ashamed to appeal, and I’m surprised that this particular N/S pair pursued it. I don’t care what the rules are, if I was playing complicated methods I would have to be 101 percent sure that I had misbid (and partner had explained correctly) if I were to withhold the ‘correct’ explanation. And even then I would feel compelled to just tell the opponents what I have (instead of what I am supposed to have). Sorry, Chris Compton (and any others who think this is breaking the laws and unfair to the field). And even if I did keep my mouth shut (as North did), I would find it fitting that the Director restored justice and gave me the result I deserved. And then to appeal? I’d sooner give up the game.”

✍ The next panelist is still making up his own laws, and playing deity.

Wolff: “N/S zero and E/W Average. Until we correct this abomination of a rule regarding the difference between a mistaken bid and a mistaken explanation we will continue to be ‘at sea.’ N/S should know and properly explain their unusual conventions or else they will be severely penalized.”

✍ It is clearly wrong to assign absolute scores at any form of team scoring since it invalidates the result at the other table. What if N/S’s teammates at the other table bid and made 4♠, +620 E/W (South led a low heart, 7, J, K, providing two pitches for declarer’s losing diamonds)? Why should they lose the board when even if N/S were forced to go down several tricks in 3NT at our table the result from their table would be good enough for a win? Note that, at BAM especially, there’s no “field” to protect, so that argument doesn’t hold up here (if it ever did).

And once again, we’re not here to punish errors in explanations, hesitations or the use of conventions (unless someone’s actions are judged flagrant or egregious, which was certainly not the case here). Our job is to redress damage. And even if punishment were appropriate it should not be achieved through score adjustments but rather through the use of PPs, which ideally should not accrue to the opponents.

Finally, one panelist takes a very different view of this Committee’s decision, which goes to the very essence of the way we evaluate evidence.

Gerard: “Okay, so E/W had no shot at figuring it out. You can’t blame them for their methods, that’s what they were playing. But as an aside, you can’t stop me from wondering how people get so much time on their hands and what they do when really important stuff happens. However, if there was MI they were clearly entitled to an adjustment.

“The Committee was just wrong in ratifying the presumed misexplanation. It’s one thing for a Director to be instructed as in the [Law 75] footnote, he lacks the mechanics to assess the evidence. For example, it’s not clear but it seems unlikely that N/S’s explanation of the reason for their methods was presented to the Director, at least not with the detail that it was to the Committee. But a Committee in the ACBL is supposed to do more than just accept the default ruling; it’s supposed to assess the merits of the explanation, consider external evidence and exercise its bridge judgment. By this Committee’s own reasoning, written evidence is not necessary to receive a favorable ruling. Not all pairs have system notes. Can you imagine in Murray and Kehela’s heyday asking them to prove one of their explanations by reference to system notes? That this N/S didn’t have or couldn’t present notes shouldn’t have prejudiced their explanation if it made sense.

“I don’t think the Committee thought clearly about this. First, I would bet on South having a firmer grip on the partnership methods, especially in the afternoon session. Second, how does 2NT showing some shortness make any sense? Suppose South has ♠QJxxx ♥9xx ♦J8x ♣Q9. Over 2NT he bids 3♦ or 3♥, let’s say 3♥.

North, holding ♠AK109 ♥AJxx ♦A ♣J10xx, passes. On a bad day 4♠ would go down, so it’s not a total disaster. However, a masochist would give North the ♥10. I suppose South could rebid 3♠, Pass-or-Correct, instead of 3♥ but that plays 3NT when North has a misfitting minimum and 3♠ when he has a fitting non-maximum. Third, how does 2NT showing spade shortness make any sense? What does that do for 3♣, 3♦ and 3♥? It’s dyslexic to bid the suit above the singleton, and only in one of the four suits to boot.

“The bottom line is that every three-suiter should identify not only that it is a three-suiter but where the shortness is. Because of the Multi implications, N/S have space constraints when responder chooses to respond 2♠. But those are forced on them by system and no one would willingly duplicate the problems over a 2♥ response when they are so easily correctable. N/S’s methods over 2♥ are what pairs would choose to do, short of some souped-up mind-numbing construction. The Committee really penalized N/S for not being able to prove it via notes, and didn’t think about how logical N/S’s statements were. The footnote has corrupted the thought process to the point that everyone is now relying on it as a crutch instead of doing the dirty work, but that may explain its attractiveness to certain members of the Committee.

“I don’t agree with the objectivist dictum about preserving one’s self-interest. If Directors and Committees are going to blindly follow the footnote, it has some logic. But when you know what your methods are and that other ones make no sense, why would you assume you have to take out insurance against a Committee failing to think for itself? Why should you be forced to worry about convincing a Director when the laws more or less take all judgment away from him? Why should you be forced to guess how diligent a Committee will be in assessing the evidence to the contrary? There’s too much uncertainty involved in the Committee’s formulation.

“This is an important case. We should be discouraging ruling by formula, not encouraging it. The standards for evaluating evidence are different for Directors and Committees and it is disconcerting to see that Committees don’t appreciate the advantages they have in this regard. N/S would have proven it to me, and I would have titled this case ‘Rub of the Gene.’ (By the way, I didn’t know Mr. Weinstein was writing the Editor’s material for him now. [He wasn’t.—Ed.]”

✍ Ron’s excellent arguments for deciding for N/S almost convince me. And he is certainly right about the evils of blindly following the Law 75 footnote. But there are other possibilities that he failed to mention that make sense here. For example, N/S said that when the response to 2♦ is 2♠ they use 2NT as any good three-suiter, but the extra bid after a 2♥ response makes it possible for opener to show shortness directly. That’s all well and good, but is it clear that North agreed to this treatment? Maybe he wanted to keep the responses the same for both responses to reduce the memory load and avoid precisely the sort of problem that occurred here. Maybe he simply listened to South’s arguments without comment, never agreed to them, but South assumed (from his silence) that he agreed. Remember, we’ve seen other pairs where one player said they had a certain agreement and his partner denied it. Maybe had I been there I would have been convinced like Ron is. But I have sympathy for the Committee who decided they were not convinced the *pair* really had the alleged agreement without documentation. This was not “ruling by formula,” it was just a judgment call. After all, times change and N/S are not Murray and Kehela.

As for Ron’s disagreement with the Committee’s advice on disclosure, no one suggests that you should always assume you have to “take out insurance against a Committee failing to think for itself.” The advice is to judge for yourself whether you think you can convince the authorities that it was you who misbid and not your partner who misexplained. Making notations on your CC and keeping good system notes (even if you are Eric or Sammy) are both good practices. Deciding whether you can make a convincing enough argument to the “gendarmes” is something you need to consider before deciding whether or not to tell the opponents what you think your call means. Insurance is part of modern life, and there are no guarantees.

CASE TWENTY-THREE

Subject (MI): Diamonds Aren't Always A Girl's Best Friend
Event: Stratified Senior Swiss Teams, 23 Nov 03, First Session

Bd: 12	♠ J843		
Dlr: West	♥ AJ109		
Vul: N/S	♦ K		
	♣ KQxx		
♠ AKxx		♠ 10xx	
♥ xx		♥ Qxxx	
♦ 10xxxx		♦ Q9x	
♣ xx		♣ 9xx	
	♠ Qx		
	♥ Kxx		
	♦ AJxx		
	♣ AJ10x		
WEST	NORTH	EAST	SOUTH
Pass	1♣	Pass	2♣(1)
Pass	2♥(2)	Pass	3♦
Pass	3♠	Pass	4♥
Pass	5♣	Pass	6♣
All Pass			
(1) Alerted; inverted			
(2) Alerted; first-round control			

The Facts: 6♣ made six, +1370 for N/S. The opening lead was a small diamond. The Director was called at the end of play. 2♥ was Alerted as showing first-round control. There was a dispute as to whether any subsequent bids were Alerted. The Director ruled there was no MI (Law 21): The Alert and explanation of 2♥ as showing first-round control applied only to the 2♥ bid; E/W seemed to have thought it applied to the subsequent bids as well. The table result was allowed to stand.

The Appeal: E/W appealed the Director's ruling. E/W said North's bids from 2♥ on were Alerted by South and at the end of the auction described as showing first-round controls. North did not correct this prior to East's lead. Also, South's 6♣ bid "validated" the control-showing sequence. Based on the expectation of finding first-round controls in both majors with North, East led a diamond. She said that if she had known these bids simply showed controls she might have led a spade instead. East had

about 920 MP, West 970, North 760 and South 2280.

The Panel Decision: The exact wording used to describe N/S's agreements about showing controls or stoppers was not agreed. The Panel did not find any MI and therefore no infraction of the laws. The table result was allowed to stand. E/W's appeal was found lacking in merit and they were each assessed an AWMW.

DIC of Event: Ted Stryker

Panel: Su Doe (Reviewer), Ken Van Cleve, Patty Holmes

Players consulted: none reported

☞ The Director and Panel both believed that North's bids subsequent to 2♥ were not Alerted as showing first-round controls and that E/W wrongly inferred that the Alert of 2♥ applied to them as well. Our first panelist questions this conclusion.

L. Cohen: "Another 'he said-she said' case. Always disturbing. If South indeed Alerted all of North's bids as showing first-round controls, I'd have found MI and determined that East might have led a spade and allowed her to do so. But it doesn't seem clear that there was MI. I wonder how N/S made it (I see how it *could* be made), not that it matters."

☞ Yes, it's clear that making 6♣ requires ruffing out the ♦Q and finessing the ♥Q through East on the first round of the suit (drawing at least two trumps along the way so that hearts can be cleared).

Our second panelist wants to know more about that 2♥ bid.

Goldsmith: "Did anyone check if systemically 2♥ did, in fact, promise first-round control? That's a pretty unusual agreement. If it didn't, there might have been MI, though not what E/W thought."

☞ I agree that playing 2♥ (opener's first side-suit rebid after an inverted raise) as showing first-round control is pretty unusual and can lead to some awkward rebid problems. For example, what does North rebid holding ♠xxx ♥KQxx ♦xxx ♣AQJ? 2NT and 3♣ are both misdescriptive, even if one of North's diamonds is exchanged for a fourth club. And if N/S really had the agreement they claimed, why did it apply only to opener's first side-suit rebid and not to any of his others?

On the other hand, suppose only 2♥ was Alerted and explained as first-round control. What would you lead against 6♣ as East? I, for one, think a diamond lead a stand out. North made a third-round 3♠ bid on the way to slam. Surely you'd expect something other than jack-fourth for such a bid, which makes leading from ♠10xx fairly unattractive. The diamond lead, on the other hand, is through dummy's strength and has the potential of setting up a defensive trick before partner's side ace is knocked out. Contrary to what Larry says, I wouldn't be inclined to adjust E/W's score even if their claims about the Alerts were right. In fact, the following panelist's view of E/W's position is closer to my own.

Wolff: "Good ruling plus sour grapes by the poor losers."

☞ The remaining panelists all express solidarity with the Director's ruling and the Panel's decision, including the AWMW.

Rigal: "We seem to be encountering a distressing number of cases where we come to Committee with one person's word against another and a sensible Director ruling based on first-hand knowledge of the facts. The appellants should realize that the chance that another version of the facts will prevail is slim in the extreme, and the penalty for failure to convince the Panel or Committee is an AWMW."

Wildavsky: "No argument here."

Polisner: "No harm, no foul."

☞ I'm with them.

And finally, just for fun...

Bramley: "Waste of time. Good AWMW. By the way, the DIC has the same name as the hero of *Airplane* (spelled Striker) and the hero of the movie that *Airplane* parodies, *Zero Hour* (spelled Stryker)."

☞ Yes, and he also has the same name as Fran Striker (the man who wrote and co-created, with George W. Trendle, *the Lone Ranger*, *the Green Hornet* and *Sergeant Preston of the Yukon*) and as Sergeant John M. Stryker, John Wayne's character in *The Sands of Iwo Jima*.

CASE TWENTY-FOUR

Subject (MI): Another Trick Question?

Event: NABC Open BAM Teams, 24 Nov 03, Second Final Session

Bd: 11	Paul Hackett		
Dlr: South	♠ Q105		
Vul: None	♥ J102		
	♦ K2		
	♣ AQ972		
Joe Grue		Mike Moss	
♠ AJ732		♠ K9864	
♥ K4		♥ AQ87	
♦ J86		♦ A9	
♣ K54		♣ 86	
	John Armstrong		
	♠ ---		
	♥ 9653		
	♦ Q107543		
	♣ J103		
WEST	NORTH	EAST	SOUTH
Pass	Pass	Dbl(1)	Pass
4♠	All Pass		
(1) After asking about the 3♦ bid			

The Facts: 4♠ went down one, +50 for N/S. The opening lead was the ♦K. The Director was called after the round ended. North's reply to East's inquiry about the 3♦ bid was that it "was stronger than 2♦" (a 2♦ opening would have been a weak two-bid). South told E/W after the hand (and the Director later) that 3♦ showed more distribution and playing strength than 2♦, but not necessarily more HCP. West said the explanation of 3♦ deflected him from ducking the opening lead (and ultimately endplaying North in trumps) for fear that a club to the ace at trick two would result in only ten tricks. The Director ruled that there had been MI and adjusted the result to 4♠ made four, +420 for E/W (Laws 40C and 12C2).

The Appeal: N/S appealed the Director's ruling. N/S said South's 3♦ bid was unusually weak for their methods (North did not expect that hand) and that a more accurate

explanation would have been that it showed a more distributional hand than a 2♦ opening. N/S believed that West would still have won the ♦A at trick one had he received more accurate information. E/W said that West could have made 4♠ by ducking the ♦K at trick one and would have done so with the correct explanation. The Committee noted that N/S's CCs had the box labeled "light" checked under Opening Preempts. N/S were expert international players from England who play only occasionally in North America. North had about 400 ACBL MP, South none, East 13,300 and West 4100.

The Committee Decision: It was not clear to the Committee that North's explanation of the difference between his partnership's 2♦ and 3♦ openings was inaccurate, and therefore it was not clear that there was MI. If there was no MI then there was no infraction and the table result must stand. However, the Committee also decided that even if there was MI it did not cause West to go down in 4♠. Ducking the opening lead is a bad play at BAM, risking being held to ten tricks if the ♦K is singleton, the ♣A is with South and trumps are two-one. It also gives up on making twelve tricks when trumps are two-one, the ♣A is with South and the ♥J109 fall third. For these reasons the Committee restored the table result of 4♠ down one, +50 for N/S.

DIC of Event: Steve Bates

Committee: Richard Popper (chair), Mike Passell, Tom Peters, Bob Schwartz, Barnet Shenkin

✍ Not surprisingly, most panelists have little sympathy for E/W here.

Bramley: "The Director was painted into a corner by the combination of North's explanation, South's hand, and West's unlucky line of play, all precipitated by East's superfluous question. If the Director had somehow seen deeply enough into the deal to let the result stand, an appeal by E/W would have been meritless. East upholds the family tradition by appearing in way too many appeals himself. As for ducking the first trick, it would blow a trick not only in the layouts cited by the Committee but also when North holds the ♣A and declarer misguesses the ending (either by assuming that the defenders have missed their ruff and playing South for the ♣A or by misguessing the distribution for the strip-squeeze on North). Declarer's line of winning the first trick and cashing top spades and hearts will always make the maximum when the lead was a singleton, and no guesses are needed. East's question about the 3♦ bid is the kind of thing that causes appeals. What possible difference could it have made to him? Yes, West might have asked a question himself as declarer, but maybe it wouldn't have occurred to him. Some players just can't take their lumps."

✍ To be fair, if you're a player who likes to ask the opponents about their bidding tendencies in competitive auctions you should always ask—not just when you need to know. Is East such a player? The jury is still out, but in my experience he asks quite a bit, even if not always. But is this an auction that you would ever really need to ask about? The jury may still be out on that one, too.

Gerard: "How about when North holds ♠Qx ♥J10x ♦K ♣AJ109xxx? Abuse of process by E/W, if we're going to have censorship that's what should be censored."

Rigal: "No consideration of an AWMW? It seems to me to be perilously close. If you were told South had extra shape, how could you not take the ♦K? This whole argument seems flimsy in the extreme, and we have seen way too much of one of the appellants in appeal rooms recently."

✍ Sorry, Barry, but when a pair actually wins their appeal we seldom consider an AWMW.

Some panelists disagree about the appropriateness of the table ruling.

Wolff: "The Committee got it right. Incorrect ruling by the Directors who should have known that distribution was what this was about, not high cards. E/W should be censored for calling the Director."

Wildavsky: "The Committee did a fine job here. I do not object to the Director's ruling; North's explanation, while perhaps accurate, could have been phrased in a manner that would have been more useful to his opponents."

L. Cohen: "I'm not sure how I would have decided on the MI issue but I am spared from doing so. I agree with the Committee that no matter what West was told, it was most unlikely he would ever duck trick one at this form of scoring. I'll bet if you followed the board around the room at tables where the auction and opening lead were the same that *nobody* ducked trick one. I think it was okay that the Director ruled against the 'offending' side and that then the bridge experts figured out a 'high-level bridge reason' to overturn the ruling."

✍ Yes, Directors are not supposed to play the role of bridge experts and with any doubt (as there was here) are well advised to rule for the non-offenders.

The next panelist reinforces Bart's view of East's question being akin to the Trick Question.

Goldsmith: "I agree. 'Stronger than 2♦' obviously was meant as 'more of the same' and should have been interpreted as such. If West felt the need to rely on that statement's meaning 'more high card points,' he ought to have asked a clearer

CASE TWENTY-FIVE

question. If a player asks a fuzzy question, gets a fuzzy answer, and then assumes specific details from that answer he is doing so at his own risk. If he needs to know something specific, he must ask a specific question. This does not mean that the answering side doesn't have to try to be helpful, but they aren't expected to read minds, either. For example, if someone blurts 'Carding?' (which, by the way, is also rude and ought not be tolerated) and hears 'Upside down,' thusly not finding out about Lavinthal Discards, it's his own fault. If he asks, 'What are your leads, signals, and discards, please' and then doesn't get told about Lavinthal Discards, then he has been misinformed."

✍ Our penultimate panelist thinks the evidence sufficient to adjust N/S's score, though not E/W's...

Martel: "The Committee was probably overly generous to N/S. There are two pieces of evidence to suggest that the explanation was bad: the actual hand and the checking of 'light' on N/S's CC. Thus, there likely was MI. As to the adjustment, while the Committee's reasoning is okay for E/W (dealing with the most favorable likely result), for N/S it is certainly possible that West would guess to duck at trick one, and more likely with the right information. Thus, N/S should be -420."

✍ ...while our final panelist is alone in his total opposition to the Committee's decision.

Polisner: "I disagree. There was MI and it may have been the cause of declarer going down. However, I agree that he would have likely gone down with the correct information. The chances of the ♡J109 being tripleton are so remote that ducking the first trick is a reasonable play. I would have gone along with the Director's ruling."

✍ I find myself somewhere between the majority, who back the Panel's decision, and Chip, who would have given N/S the worst of it and left E/W with their table result. While I have no sympathy for E/W (especially given the questionable nature of East's question; and had I been given such an odd answer I would have inquired: "You mean South will have more side high cards for his 3♦ opening than he would for a 2♦ opening?"), I do agree that N/S were just a bit negligent in describing their three-bids as "stronger" than their two-bids. But even if N/S's answer was a bit off, I do not think it affected the way the hand would have been played. After all, this was BAM and the Committee's, Bart's and Ron's analyses are all right on target about the drawbacks of ducking the ♦K at trick one. All things considered, I am much closer to the majority than to Chip on the issue of N/S's score. I would restore the table result to both sides and warn N/S that answers as imprecise as theirs here will not be treated nearly as generously in the future.

Subject (MI): If It's Almost Thanksgiving, They Must be Turkey-ish
Event: NABC Open BAM Teams, 24 Nov 03, Second Final Session

Bd: 3	Sam Lev		
Dlr: South	♠ 942		
Vul: E/W	♡ K53		
	♢ KJ		
	♣ K7642		
Irfan Dogan		Enver Koksoy	
♠ AKQ107		♠ J8	
♡ A6		♡ 107	
♢ A82		♢ Q107654	
♣ QJ9		♣ A108	
	Brian Glubok		
	♠ 653		
	♡ QJ9842		
	♢ 93		
	♣ 53		
WEST	NORTH	EAST	SOUTH
			Pass
2♦(1)	Pass	3♣(2)	Pass
4♠	All Pass		
(1) 20+ HCP, artificial			
(2) Showed ♦; misexplained as 4-3 Ms			

The Facts: 4♠ made six, +680 for E/W. The opening lead was the ♠2. The Director was called after the play. North said he would have led a low heart if he had known E/W's agreement. The Director ruled that there was MI that had damaged N/S. The score was adjusted to 4♠ made five, +650 for E/W.

The Appeal: E/W appealed the Director's ruling. E/W were from Turkey and were attending their first NABC. East spoke very limited English and West none at all. East explained that in Turkey players are instructed to just play on when there has been MI. North had about 5200 MP, South 7850 and E/W had no ACBL MP.

The Committee Decision: Law 75D2, which requires players to correct MI at their first legal opportunity, is present in both the ACBL and International editions of the laws. The Committee decided that E/W had misinformed N/S as to their agreement about

the 3♣ bid, they failed to correct the MI as the law requires, and the MI had damaged N/S. The Committee therefore assigned an adjusted score as specified by Law 12C2. They decided that a low heart lead by North was both "the most unfavorable result that was at all probable" for the offenders (E/W) and "the most favorable result that was likely" for the non-offenders (N/S). The score was changed for both sides to 4♠ made five, +650 for E/W. Regarding the merit of the appeal, while the Committee members believed that this appeal had no merit, they noted both the language problem that existed for E/W and the fact that East may not have known that his partner's explanation was in error. They therefore decided not to assess an AWMW against them this time and instead to educate E/W about their responsibilities regarding the laws and MI. The Committee noted that not speaking English is not an excuse for not knowing the laws; English is the accepted language in both ACBL and WBF events. However, since E/W were both playing in their first NABC the Committee opted for education (and good will) rather than punishment.

DIC of Event: Steve Bates
Committee: Richard Popper (chair), Mike Passell, Tom Peters, Bob Schwartz, Barnet Shenkin

✍ Most of the panelists support the Committee's decision, though several would have issued the AWMW.

Bramley: “Give the AWMW. If you want to be nice, skip the PP that East deserved for not correcting the misexplanation. North has clearly mastered the ‘would have’ game. His assertion that with the right information he would have (1) not led a trump, and (2) guessed the right king to lead away from, is a classic of the type. Still, he *might* have, so we have to give it to him.”

L. Cohen: “Straightforward on the MI issue, leaving only the AWMW. Why no mention of screening? Normally the Screener would tell E/W that there was no merit; then, if they persisted, language or not, I would have issued the AWMW.”

Wildavsky: “I am surprised that players in Turkey are instructed by their Directors to break the laws. Perhaps E/W were only confused, as are many Americans, about the differing obligations imposed on the declaring and defending sides. Once the laws were explained to them, though, there was no excuse for further confusion, and an AWMW was called for. I see no goodwill engendered by the failure to apply the rules evenly to all players.”

Goldsmith: “I’ll pick one minor nit: An AWMW is not punishment. It is a warning. Collect a few of them and you go to a hearing, at which punishment may be administered. A player honestly trying to use the appeals system as it is intended who happens to pick up a few AWMWs for whatever reason (perhaps he is unwilling to disallow his partner or teammate from pursuing a meritless appeal, for example) will not receive punishment as a result. Again, by the way, did anyone really determine what 3♣ meant?”

✍ The annotation in the bidding diagram is clear: it showed diamonds but was misexplained as four-three in the majors.
And now, an unpaid political announcement.

Wolff: “Okay, but again let’s change the rule about mistaken explanation versus mistaken bid.”

✍ Keep on truckin’.
Our final two panelists see no reason to given N/S “the whole enchilada” when North had a wide choice of leads—even with the correct information.

Polisner: “Here is a case where North might have led a heart, a club, or a trump given the correct information. I think giving N/S the absolute best of it is too much. I would like to give E/W +650 and N/S something less if it was not BAM scoring.”

✍ You can assign non-reciprocal scores at BAM just as you can at matchpoints.

Rigal: “I am far from convinced of the merits of a low heart lead as opposed to a club, which seems to me to be arguing from knowledge of all fifty-two cards. But then I never held myself out to be much good on opening lead. I can live with the score for the offenders, but the non-offenders might well have been left with the table result.”

✍ I mostly agree with those who favor the AWMW. The last two panelists appear to have overlooked the fact that the misexplanation placed East with more major-suit cards (and perhaps high cards) than he had, which clearly argued against a heart lead. In addition, the MI placed East with at least three trumps so North opted for a trump lead rather than guess between the minors. Also, the MI suggested dummy was less likely to have a long minor (if it had at least seven major-suit cards) to discard declarer’s losers. So even though the MI does not make a heart lead a clear favorite over a club, it does make a non-trump lead less imperative and justifies adjusting the score for both sides to reciprocal 650s. Finally, I agree with Bart that a PP was appropriate for East’s failure to correct the MI before the opening lead.

Subject (MI): Logic Can Only Go So Far

Event: NABC Open BAM Teams, 24 Nov 03, Second Final Session

Bd: 26	Brad Moss		
Dlr: East	♠ A		
Vul: Both	♥ 97642		
	♦ Q754		
	♣ AK7		
Massimo Lanzarotti	Andrea Buratti		
♠ 109432	♠ QJ875		
♥ J53	♥ A		
♦ K103	♦ AJ		
♣ J10	♣ Q8654		
	Fred Gitelman		
	♠ K6		
	♥ KQ108		
	♦ 9862		
	♣ 932		
WEST	NORTH	EAST	SOUTH
		1♠	Pass
3♠(1)	All Pass		
	(1) Not Alerted; preemptive		

The Facts: 3♠ made three, +140 for E/W. The opening lead was the ♥K. North called the Director when the dummy came down saying that 3♠ had not been Alerted and he would have doubled it had he known it was preemptive. The Director ruled that N/S were damaged by MI and projected an auction in which, after North doubled 3♠, East passed, South bid 4♥, East backed in with 4♠ after two passes and South doubled. Thus, the contract was changed to 4♠ doubled down one, +200 for N/S.

The Appeal: E/W appealed the Director’s ruling. E/W said that the preemptive 3♠ bid in their system showed 3-7 HCP, typically no singleton and four or five trumps (5-4-2-2 and 5-3-3-2 patterns were most likely). They said that with five trumps and 7-9 HCP they bid 4♠ rather than 3♠. In their system a 1♠ opening would either have 15+

HCP or be unbalanced (they opened INT with all balanced 12-14 HCP hands, including those containing a five-card major). Accordingly, East would know that his hand would not make game opposite a typical 3♠ bid and the question would become how likely 4♥ was to make. Since East’s values were in his short suits, he believed defending was indicated. North said that if he had been told 3♠ was preemptive he would have made an aggressive double since the likelihood that the hand was N/S’s would have been greater and he had the short spades. E/W each had about 10,200 MP, North 5775 and South 6700.

The Committee Decision: The Committee agreed that the failure to Alert 3♠ constituted MI which damaged N/S: Without the Alert the best result N/S could achieve was –140 while with the Alert North might have doubled and N/S would then at worst have been –100 in 4♥ and might have done even better if E/W chose to bid on to 4♠. The likelihood that East might have saved over 4♥ was judged to be sufficiently high (“at all probable”) that for the offenders (E/W) the contract was changed to 4♠ doubled down one, –200 for E/W. This result was also judged to be “the most favorable result that was likely” for the non-offenders (N/S) who were assigned the reciprocal score. Regarding the merit of the appeal, the Committee noted that E/W’s system was sufficiently unusual and precise that East had a lot of information that other pairs would not have had to decide whether or not to bid 4♠ over 4♥. While E/W’s arguments were well conceived and logical, the decision ultimately rested on whether or not to afford East the benefit of the doubt that he would not have bid 4♠ over 4♥. Had West’s minors been switched to ♦xx(x) ♣KJ(x) and similar compensating adjustments been made to N/S’s hands, 4♥ might have made and 4♠ been a good save. Resolving these issues required considerable discussion and gave the appeal substantial merit.

DIC of Event: Steve Bates

Committee: Barry Rigal (non-voting chair), Ed Lazarus, Chris Moll, Adam Wildavsky

✍ The panelists all agree (as I do) with this decision, though some do so only grudgingly...

Gerard: “Initially I thought this was too favorable to N/S while clear for E/W. On reflection, I grudgingly agree to reciprocal 200s. There are some hands where 4♣ makes (West has the ♠Q and ♣Kx), but East had discounted those when he passed 3♠ and the system inferences were persuasive, so the only relevant analysis is whether 4♥ would make. There’s no way to know and no way to know what East would think, but my gut tells me that top players sacrifice less than the masses in these situations. Partly that’s because they’re mature enough to know that just because the opponents bid game in a jammed auction doesn’t mean they can make it. Therefore, if I had to bet, I would bet on East’s selling out. But I would also bet that he might save one time out of three (them’s my rules and I’m sticking by them), making it 12C2 likely. I don’t have to love it, but every now and then N/S are entitled to an adjustment.”

✍ As the previous comment suggests, N/S’s reputation precedes them...

Bramley: “N/S had a case, but North did take an extreme position and then needed a do-over. However, E/W’s inadequate disclosure was too much for their side to overcome. I agree with the decision and the finding of merit.”

L. Cohen: “First of all, I’ll eat my hat if E/W have 10,200 ACBL MP (Italian, or maybe even some Spanish, I’d believe). [ACBL records indicate they have the MP totals reported. I too was surprised when I saw it.—Ed.] As to the decision, it’s very close. Good arguments by E/W, but the doubt has to go to the non-offenders. I suppose that without any Alert North shouldn’t have to ask what 3♠ is (asking does give away information), but had he done so we could have avoided this mess.”

Rigal: “The Committee and Director addressed all the relevant issues and made a sensible decision. The unfamiliarity of the E/W methods was responsible for the Committee discussing the inferences, negative and positive, for some while. That made the decision not to award an AWMW the right one, I believe.”

✍ Not everyone agrees with the decision about the AWMW.

Polisner: “Good work by both the Director and Committee, except that an AWMW should have been given.”

✍ Jeff’s position seems unduly harsh. As both Ron and Larry note, E/W had some unique and persuasive arguments based on inferences available to them from their system that were probably not available to the Director, and they certainly should be given the opportunity to make their case to a Committee of bridge players.

Goldsmith: “Very well done by the Committee and Director.”

Wildavsky: “I haven’t changed my mind.”

Wolff: “Okay.”

CASE TWENTY-SEVEN

Subject (MI): Swinging The Odds

Event: Stratified Swiss Teams, 24 Nov 03, Evening (Only) Session

Bd: 9	♠ Q92		
Dlr: North	♥ Q1096		
Vul: E/W	♦ A104		
	♣ KQ2		
♠ 43		♠ AJ8	
♥ J7542		♥ A3	
♦ Q92		♦ K7653	
♣ 974		♣ A65	
	♠ K10765		
	♥ K8		
	♦ J8		
	♣ J1083		

WEST	NORTH	EAST	SOUTH
	1♣	1NT	Dbl
2♦(1)	Pass	Pass	2♠
Pass	Pass	3♦	Pass
Pass	3♠	All Pass	
(1) Not Announced; intended as transfer			

The Facts: 3♠ made three, +140 for N/S. The opening lead was the ♦2. The Director was called after play ended. North said that had he known 2♦ was a transfer the value of his heart holding would have greatly improved for defense, increasing the likelihood that a double of 3♦ would be more successful than bidding 3♠. The Director found that West’s CC was marked “system on” while East’s CC was not. He ruled that N/S had been given MI and changed the contract to 3♦ doubled down two, +500 for N/S.

The Appeal: E/W appealed the Director’s ruling. E/W were the only players to attend the hearing (E/W’s team captain and the N/S team had all left the playing area by the time the appeal was filed and could not be located to be informed of the hearing). East told the Panel that in the 20 years

E/W had played together they had never played “system on” in this auction, so the 2♦ bid should have been treated as a psych. E/W did not think they had done anything wrong and believed the table ruling was very unjust. East had about 950 MP, West 790, North 3700 and South 2100.

The Panel Decision: The Panel consulted three expert players to determine whether the MI might have affected North’s choice of action over 3♦. Two experts said that double was “automatic” with the correct information; the third expert passed 3♦ saying he did not want to blow the match if 3♦ happened to make. As for E/W’s contention that 2♦ should be treated as a psych, the Panel determined that this was not possible since the bid had so obviously been intended as a transfer and given that E/W’s CCs were filled out differently. The Panel decided that Law 21B3 (MI) had been violated and adjusted the score under Law 12C2. Since two of the three experts thought that 3♦ doubled was likely, the contract was changed for both sides to 3♦ doubled down two, +500 for N/S. In addition, since E/W could present no legitimate reason for changing the table ruling, they were each assessed an AWMW.

DIC of Event: Bob Wallace

Panel: Charlie MacCracken (Reviewer), Patty Holmes, Candy Kuschner

Players consulted: Keith Garber, Jim Linhart, Ed Schulte

✍ One panelist appropriately notes that the “system on” box on the CC does not apply to auctions where the 1NT overcall has been doubled (or, indeed, where third hand has done anything other than pass).

Gerard: “‘System on’ doesn’t encompass a double, so we don’t know how the

Panel arrived at its decision. East in effect said they didn't play system on when INT was doubled ('in this auction'), so the CC discrepancy was irrelevant because even West's card didn't deal with the main issue. The psych stuff was just a red herring, since it would have been sufficient for East to say that West was confused if the agreement did not include transfers. I don't imagine anyone could have asked about over a double, that would have been too simple. Maybe we're saddled with that pernicious footnote again, or with the presumption that the bidder knows more than the explainer, but I would have appreciated some real work here by the Panel rather than just a rote decision. However, the AWMW was as heavy-handed as Irish confetti. E/W committed the sin of being inarticulate, and I can't help feel that they were punished for creating the 'psych' scenario when their argument had a good deal of merit."

✍ The next panelist proposes a different explanation for the CC discrepancy.

Martel: "Personally, I suspect that E/W had no agreement that 2♦ showed hearts (there's a fair chance it was never discussed over a notrump overcall). Presumably the 'system on' marked on one CC was intended over a notrump opening. Still, it's reasonable to conclude misexplanation as the default. Given this ambiguity of E/W's agreements, the final adjustment is a bit harsh to E/W. If North knew that 2♦ showed hearts, but East bid 3♦ expecting hearts, it would be quite dangerous to double 3♦ since East likely had six diamonds and two hearts. It is only attractive to double if 3♦ is bid with E/W having a mixup."

✍ I don't think I buy Chip's idea that the CC marked "system on" was intended to apply to a notrump opening. The section on notrump openings is on the front of the CC and has a blank space to specify over what type of interference "system on" applies. The check box for notrump overcalls is on the back of the CC and has no space to suggest that interference auctions are encompassed (see Ron's comment above). However, I do agree that it's unlikely that E/W had agreed that 2♦ was a transfer *in this auction* or, indeed, had discussed what they did after interference over their notrump overcalls. So it's likely there was MI since E/W's agreement dealing with interference applied only over opening notrumps while their agreement after notrump overcalls did not encompass interference. (And the two clearly conflict when applied to "notrump overcall with third-hand interference" auctions.)

Given all of the above, Chip makes a good point about the unattractiveness of a double with the North hand if East bid 3♦ expecting hearts. The next group of panelists suggest that more expert input was needed. I agree.

Rigal: "A rather harsh Director ruling, but definitely the one I would like to see for the offenders. The way the CC was completed makes this MI and not a misbid. Now the only issue is what to do with the North hand. I'd have liked to see rather more than three experts consulted, but I guess we should live with their decision?"

Wolff: "Okay. CD was justly penalized but I don't subscribe to North's argument about his would-be double. I commend the Panel for penalizing CD and also North for selling the bridge to them."

Goldsmith: "The Panel's experiment needed a control. They needed to ask if players would have doubled 3♦ given the information North had at the table. If roughly the same response was given, then North's contention would not have been supported. On another note, I hope E/W were treated gently and told how they weren't being punished, but that the rules for situations like this are explicit and intended to achieve fairness. In any such dispute, someone is going to feel robbed; there's nothing which can be done about it. Regardless, to appeal requires a good reason, not just the feeling that one was treated unfairly."

✍ Jeff is right that a "control" was needed, but not about what's needed to reject

North's contention that he would have doubled 3♦. Of the three experts consulted, two of them said a double was "automatic" with the "correct information" (meaning that 2♦ was a transfer, assuming MI). That means that a double is more than just likely, it's a majority action. But that goes against what Chip, Barry and Wolffe suggest—that doubling 3♦ is a very questionable action with the North hand if 2♦ showed hearts and East bid 3♦ knowing that. Thus, the expert input obtained by the Panel makes North's contention that he would have doubled plausible, while if we include the opinions of our own experts we come away with a very different view of North's double (four-to-two against). So we could certainly use more input.

As for Jeff's concern about the treatment of the E/W pair.

Wildavsky: "E/W did not think they had done anything wrong and believed the table ruling was very unjust.' They were mistaken on both counts, and this was no doubt explained to them in screening. Good work by the Director and the Panel."

Polisner: "Well done."

Bramley: "Good."

✍ As for my own view of this case, I do not believe E/W had any agreement about West's 2♦ bid (which is supported by the different markings on the two E/W CCs), which makes East's assumption about 2♦ (natural) probably the right one and means North was probably not misinformed. However, even assuming "system on" applied in this situation, there's considerable room for doubt about the prudence (or, indeed, the likelihood) of North's doubling 3♦. Thus, I would not adjust the score for either side. In addition, E/W were negligent in not forming an agreement about what their bids meant after interference over their notrump overcalls and in not having two identically filled-out CCs, which might at least have given the Director (or the Committee) a better chance to resolve the matter. When a pair's failure to comply with simple requirements causes major problems, a PP is possible (but optional). Since I want to make sure that E/W don't profit from the problems they created, and since in my mind it is just possible that North might have doubled—rightly or wrongly, based on his heart holding—had he been told that 2♦ showed (or might show) hearts, I would assess a 3-imp PP on E/W (not to accrue to N/S) for the combination of their not having a clear agreement in a situation where they should have (especially given that they had been playing together for 20 years—even I wouldn't take that long to discuss this auction) and not having matching CCs.

CASE TWENTY-EIGHT

Subject (MI): Infractors Lose All Ties

Event: Edgar Kaplan Blue Ribbon Pairs, 25 Nov 03, First Qualifying Session

Bd: 23	Garey Hayden		
Dlr: South	♠ AKJ		
Vul: Both	♥ AK98		
	♦ J972		
	♣ A5		
Douglas Ross	Daniel Boye		
♠ 9642	♠ 10853		
♥ 10653	♥ 4		
♦ 54	♦ A1083		
♣ 1098	♣ KQJ6		
	Tina McKee		
	♠ Q7		
	♥ QJ72		
	♦ KQ6		
	♣ 7432		
WEST	NORTH	EAST	SOUTH
			Pass
Pass	2NT	Pass	3♣(1)
Pass	3♥(2)	Pass	4♥
All Pass			
(1) Not Alerted; Puppet Stayman			
(2) Showed five hearts			

The Facts: 4♥ made five, +650 for N/S. The opening lead was the ♣K. The Director was called at the end of play. After the bidding, South informed E/W that there had been a failure to Alert her 3♣ bid as Puppet Stayman and that North's 3♥ bid showed five hearts. (South's CC had Puppet Stayman marked on it but North's did not.) East assumed North had five hearts for his 3♥ response, which influenced his defense. Had he known that 3♣ was not Puppet Stayman and that North had not shown five hearts he would have defended to give West a diamond ruff. The Director ruled that there was MI and adjusted the score to 4♥ made four, +620 for N/S (Law 40C and the footnote to Law 75).

The Appeal: N/S appealed the Director's ruling. South did not attend the hearing. North said he forgot he was playing Puppet Stayman because he was upset about the previous board, on which he had played a slam hand in a partscore. He said that N/S always played Puppet Stayman (they used 3♣ over 1NT, which was marked on both CCs) but

he had filled out his CC close to game time and neglected to mark Puppet over 2NT. He said that even if his side wasn't entitled to the extra trick, East's defense had been egregious and earned E/W their -650. East said he had good reason for defending as he did. The play had gone: ♣K to the ace; heart to the queen; heart to the ace; low diamond, East winning the ace. East said that if North held five hearts, the only time his play could matter was if North held ♠AKJx ♥AK98x ♥Jx ♣Ax. Then ducking the ♦A would let North pitch his diamond losers on spades and make six. North had about 25,800 MP, South 4960, West 3000 and East 7660.

The Committee Decision: The Committee observed that it was N/S's responsibility to demonstrate that their agreement was that Puppet Stayman applied over 2NT. Although the staff said that the controlling factor (and the primary reason for its ruling in this case) is generally the CC, the Committee decided to also look at other evidence. Points in N/S's favor were South's CC, the fact that both of N/S's CCs had 3♣ marked as Puppet Stayman over 1NT, and North's statement that his partnership had played Puppet regularly for years. Points not in their favor were North's unmarked CC, North's failure to Alert 3♣ and his 3♥ response with only four hearts. The Committee found that N/S had not proven their contention by a preponderance of the evidence and thus that there had been MI rather than a misbid. They also judged that East's defense was thoughtful rather than egregious. The score was adjusted for both sides to 4♥ made four, +620 for N/S.

DIC of Event: Sol Weinstein

Committee: Ron Gerard (chair), Ralph Cohen, Gail Greenberg, Danny Sprung, Jon Wittes

✍ Mr. chairman.

Gerard: "Cute title, but I prefer 'You Snooze, You Lose.' As opposed to CASE TWENTY-TWO, here it makes sense either to play Puppet or not to play Puppet. It might have helped N/S's case for South to be in attendance, but that probably wouldn't have been in her partner's long-term interest. Note that although we reached the same decision as if we had presumed MI (the dreaded footnote again), we didn't presume anything and tried to deal with concrete evidence. When we got to the point where we could have said 'Okay, we believe North, a cow flew by,' we backed off and said 'Nope, that's not our job.' On our scales of justice, N/S didn't prove their case."

✍ Most of the other panelists agree with the Committee's decision.

L. Cohen: "Close on all the issues, but I like the fact that ultimately the decision went against the pair that caused the screw-up. To have N/S come out clean they have to 'win' convincingly on all counts, and I don't think they did."

Wildavsky: "Good decisions, but I'd have found no merit in this one. Explaining Law 72B1 to N/S in screening might have prevented this appeal. Their score would be adjusted regardless of whether or not their opponents' defense was judged to have been egregiously poor."

Bramley: "Yes. If North had followed Wildavsky's recommendation from CASE TWENTY-TWO he could have tested East's defense legitimately rather than trying to undermine it in Committee."

✍ Right. North obviously thought 3♣ was regular Stayman when he responded 3♥ on a four-card suit, so he hadn't just forgotten to check Puppet on his hurriedly filled-out CC, he must have really forgotten he was playing Puppet. Now maybe South's disclosure convinced him that he had forgotten, but not disclosing his error when he knew Puppet was not marked on his CC was failing to take out precisely the kind of insurance Adam wrote about in CASE TWENTY-TWO.

And now for another unpaid political announcement.

Wolff: "Okay result, but look at the road they took. If CD were outlawed then we could be straightforward in righting the wrong and forcing players to learn their systems. What about the next Committee?"

✍ Yes, and all those players who simply forget an occasional agreement (even a natural one) would be consistently punished for misbidding: they get a bad result when their forget leads to a disaster (as it does most of the time) and get punished by the laws when by dumb luck they happen to land on their feet. This may work in top-flight competition (and maybe this event was exactly that), but it's not the sort of law that will entice the masses to play our friendly little game.

The next panelist should consult his doctor about the possibility of Attention Deficit Disorder.

Polisner: "I would want to know how the play went in order to determine whether to adjust the score (assuming the ♣K lead) and to determine whether or not East's defense was egregious."

✍ I sometimes think Jeff just reads the first sentence of each paragraph. Check out the sentence near the end of the Appeal section beginning: "The play had gone..."

Our next panelist questions East's defense, though he ultimately supports the Committee's decision.

Rigal: "Right Director ruling in the context of the ambiguity. East might have asked himself why declarer had not drawn the last trump, but maybe North's approach would have been risk-free in context. I'm not convinced of the merits of the defense (the hand we are playing North for does not look like a 2NT opener to anyone, does it?) but the Committee was closer to the evidence than I, and came up with a reasonable and thoughtful justification for their action, so I'll go along with it."

✍ It's true that the hand East cited is not a typical 2NT opener, but who knows what evil...especially at matchpoints.

Our final panelist believes East knew fully well that North had only four hearts. He casts his lone vote to allow the table result to stand.

Goldsmith: "Wait a second. East knew North hadn't promised five hearts from the failure to Alert 3♣. Declarer's drawing only two rounds of trumps makes it even more obvious. Another oddness: In a national event, a pair that has been playing together for years ought not need to scribble a new CC just before the session. I'd let the result stand. I don't think there was MI; I think East had to be pretty ingenuous to believe that North had promised five hearts. Since the MI was known to be false, there was no MI, so the result stands."

✍ First a technical point. Even if we believe East was aware that North had only four hearts, there was still MI (if N/S truly did not play Puppet Stayman)—it just wasn't the cause of E/W's poor result. Second, North's non-Alert of 3♣ was not unambiguous evidence that he forgot it was Puppet Stayman and thus had only four hearts. Players often forget to Alert Alertable bids even when they know fully well the bid's meaning. So the non-Alert of 3♣ may have simply meant that North forgot to say Alert. And finally, the Committee's weighing of the evidence for MI against that for a misbid is consistent with much of what Jeff says. (The one thing they forgot to mention was that North unaccountably drew only two rounds of trumps when he likely would have drawn three if he really had five hearts.) But if we buy Jeff's arguments and decide that East should have known that North likely had only four hearts, then it seems right to adjust the score for N/S (since North's failure to Alert surely made the misdefense more likely) and allow the table result to stand for E/W—not let the table result stand for both sides.

As for me, I agree with the majority who think there was MI which contributed to East's misdefense. I agree with Jeff Goldsmith that East should have *suspected* North did not have five hearts, and I agree with Barry that the hand East proposed where ducking the ♦A would cost doesn't look at all like a 2NT opener, but there's enough room for doubt that I agree with the Committee's decision to protect him.

CASE TWENTY-NINE

Subject (MI): What I Know My Partner Knows

Event: Edgar Kaplan Blue Ribbon Pairs, 25 Nov 03, Second Qualifying Session

Bd: 30	Tadashi Teramoto		
Dlr: East	♠ Q10		
Vul: None	♥ AK3		
	♦ QJ10532		
	♣ 42		
Lengy Assaf	Bareket Ilan		
♠ A7	♠ K86		
♥ 642	♥ Q1098		
♦ 9876	♦ A4		
♣ QJ87	♣ AK96		
	Kazuo Furuta		
	♠ J95432		
	♥ J75		
	♦ K		
	♣ 1053		
WEST	NORTH	EAST	SOUTH
		1NT	Pass
Pass	Dbl(1)	Pass	2♠(2)
Pass	3♦	Pass	Pass
Dbl	Pass	3♥	All Pass
(1) Alerted; one minor or both majors			
(2) Alerted			

The Facts: 3♥ went down two, +100 for N/S. The opening lead was the ♦K. The Director was called at the end of the hand and told that when East asked about the 2♠ bid he was told "Pass-or-Correct." The Director ruled that there had been no MI and allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. E/W were the only players to attend the hearing. West said that at the time the 2♠ bid was Alerted he knew it was Pass-or-Correct. However, he said that from his own hand he knew South intended the bid as natural. Because of this he did not request an explanation of the Alert. When the 3♦ bid came back to him he doubled, and East (at his turn) asked the meaning of 2♠ and was told Pass-or-Correct. East then bid 3♥. East and West each had 0 MP, North about 1300 and South 660.

The Committee Decision: The Committee determined that there had been MI based on the fact that

South admitted at the table that he intended 2♠ as natural. However, the Committee also decided that West's decision not to ask for an explanation of the 2♠ bid and to continue in the auction with the information he deduced from his own hand was the major cause of the damage to his side. (The Committee determined that E/W's agreement was that West's double of 3♦ would have been for takeout had 2♠ been known to be Pass-or-Correct.) Thus, E/W were assigned the table result of 3♥ down two, -100 for E/W. The Committee also decided that N/S should not be permitted to keep the table result which was made possible by the MI they gave E/W. Thus, for N/S the contract was changed to 3♦ down two, -100 for N/S.

DIC of Event: Sol Weinstein

Committee: Robb Gordon (chair), Chris Moll, Paul Munafo, Bill Passell, Riggs Thayer (scribe)

✍ Most panelists are unhappy with some aspect of the Committee's performance here, though their objections vary. Our first panelist argues that 2♠ was clearly a misbid and not MI, so the table result should stand.

Gerard: "Sheesh. Can't one of these Committees/Panels/Directors decide that there is/is not MI based on the offenders' *agreement*? What if South had said, 'I intended 2♠ as natural but I realized as soon as I bid it that it was Pass-or-Correct'? Maybe the Committee performed the necessary interrogation, but it sure looks like they

took a short cut. Isn't it common to play P/C methods in response to two-way bids? Even some one-way bids have that attached to them (e.g., Hamilton 2♣ overcall). If 2♣ or 2♦ by South would have been P/C, why is two of a major any different? I don't find MI to be credible. This was a clear misbid on South's part, but you can only reach the right conclusion if you actually think about the auction and stop applying the Enfamil (that's baby formula). Too bad, result stands. If I agreed with the Committee that North committed MI, I would agree with the E/W -100. West needed to ask, refrain from making his takeout double intended for penalties and then ask for an adjustment based on the fact that but for the MI he would have been able to make a penalty double. That case he would have won. For that reason, the Committee blundered when assigning N/S's score; on its own terms, that should have been -300."

✍ Ron makes several excellent points, including how West could have avoided the problem and preserved his right to protection (*if* there actually was MI). The next panelist agrees with Ron's prescription.

Rigal: "The Director missed most of the point of the deal, which the Committee found out; this was not an easy case on which to determine who knew what. The ruling for the offenders is understandable; I think it was harsh on the non-offenders, though. I suppose what West had to do was to pass 3♦ and subsequently try to persuade the Committee that there was some way he would have been able to double 3♦ for penalties. Would he have been successful?"

✍ The next two panelists agree with the Committee's decision that there was MI but that West forfeited his right to protection when he failed to ask about the 2♠ bid and doubled based solely on the inference he drew from his own hand.

Wildavsky: "A good Committee decision. The write-up ought to note that it was arrived at via the application of Law 72B1."

Wolff: "Wonderful decision that covers CD."

Bramley: "Excellent split decision, well reasoned for both sides. North's explanation of 2♠ is logical, but South's action indicated that they probably had no explicit agreement. Therefore, North gave MI, which warranted an adjustment for N/S. West lost his side's equity by not continuing to play normally; as usual, his assumption of 'infraction entitlement' was unjustified."

✍ Agreeing with Bart that N/S probably had no agreement about 2♠ and that E/W deserved protection...

Martel: "If N/S's agreement was that 2♠ was natural (or more likely if they had no agreement), then E/W were clearly damaged. Over a natural 2♠ West could penalty double 3♦ and collect 300. Without this he had no way to recover his 110 available in clubs. Since no compelling evidence was given to show that the agreement was in fact Pass-or-Correct, both sides should get the result for 3♦ doubled."

✍ Also ready to protect E/W...

Goldsmith: "What did 2♠ actually mean systemically? Seems as if it should be natural; 2♠ is Pass-or-Correct. But we don't know that, and the Committee didn't mention anywhere that they had ascertained the answer. If, in fact, it was P/C, then there was no MI, therefore no adjustment. That South intended it as natural is irrelevant. If, systemically, 2♠ was natural, then East was misinformed. He would have then passed 3♦ doubled. It doesn't matter why West doubled. Result: 3♦ doubled down two, reciprocal 300s. Suggestion to scribes: When you write up a MI case, the first paragraph should be how the Committee determined the actual

meaning of the disputed call."

✍ The next panelist agrees with Bart and Chip that N/S probably had no agreement about 2♠, but then reaches an odd decision.

Polisner: "Of course the logic is that 2♣ is Pass-or-Correct, not 2♠; however, some players may not understand that concept. I doubt that N/S really had an agreement that 2♠ is Pass-or-Correct. I also believe that East's bidding over West's penalty double of 3♦ is egregious enough to break the connection and would have allowed the table result to stand."

✍ Hmm. Jeff's A.D.D. (see the previous case) might be tinged with a touch of dyslexia. What was South to do with a hand that contains a long major that was too weak to act directly over 1NT? (His actual hand may not quite fit that bill, but make South's suit a seven- or an eight-bagger and it's close.) Why can't South's two of a major show such a hand rather than one prepared for responder to "correct" to his minor? Of course it's also reasonable to play 2♠ as P/C. If South had ♠Jxxx ♥Q10x ♦KJxx ♣QJ, for example, he'd be willing to play 2♠ if North has the majors and isn't good enough to bid again but would be interested in 3NT if North has a reasonable hand with six clubs, perhaps ♠xx ♥xxx ♦Ax ♣AKxxxx. So there's nothing illogical about having either agreement about two-of-a-major here; all that really matters is to have *some* agreement.

I agree with Bart, Chip and Jeff Polisner that N/S probably had no agreement about 2♠ (which would not be unusual for a pair of their experience) and that the P/C explanation was MI. (Note: Ron's conclusion that 2♠ was a misbid is certainly reasonable, but concluding that N/S had no agreement is at least as reasonable and we're required to assume the latter if there's any substantial doubt about it.)

As for Jeff's Polisner's conclusion about East's pulling West's double to 3♥, I disagree completely. First, the double was *not* penalty according to E/W's agreement (a double was takeout over a P/C 2♠; penalty over a natural 2♠) and East asked about the 2♠ bid before he bid 3♥ and was told P/C. So how could East's pull to 3♥ be egregious if, as the write-up clearly indicates, East did precisely what his partner asked him to do: take the double out? On the other hand, as the Committee and several panelists already explained, West's double was ill-conceived since it was intended as penalty when he "knew" 2♠ was P/C and that East would therefore interpret it as takeout. So E/W did commit an egregious act that forfeited their right to redress, but it was West (for his double) and not East (for his pull to 3♥) who was at fault. Further, even though E/W ultimately caused their own poor result, it was the MI from North that made it all possible. If North had simply said "We haven't discussed the 2♠ bid" or "We have no agreement," E/W would have been on their own and the table result would stand for everyone. N/S created a problem that E/W failed to cope with adequately, so N/S are still responsible for any damage the MI caused and their score should be adjusted even if E/W's is not.

I would assume MI and change N/S's result to 3♦ doubled down two, -300 for N/S, while leaving E/W with the table result.

CASE THIRTY

Subject (MI): He Wouldn't Take "Yes" For An Answer

Event: Edgar Kaplan Blue Ribbon Pairs, 25 Nov 03, Second Qualifying Session

Bd: 7	Drew Casen		
Dlr: South	♠ J975		
Vul: Both	♥ 1087		
	♦ 1052		
	♣ AK10		
Colin Harrington	John Moser		
♠ A106	♠ K832		
♥ KQ4	♥ A62		
♦ AJ84	♦ 963		
♣ J53	♣ 982		
	Larry Cohen		
	♠ Q4		
	♥ J953		
	♦ KQ7		
	♣ Q764		
WEST	NORTH	EAST	SOUTH
			Pass
INT(1) All Pass			
(1) Alerted; allegedly incomplete explanation (see the Facts)			

The Facts: INT made two, +120 for E/W. The opening lead was the ♠5. The Director was called after the round ended. East Alerted West's INT bid and when asked started to explain "13 to 16..." North interrupted him saying that no Alert was required, only an Announcement of the range. East asked if North wanted to hear why he had Alerted, but North insisted that an Alert was not proper. This exchange continued until East finally withdrew his attempted explanation. The ♠5 went to the queen and ace. West next played the ♠10, covered, and then returned to the ♥K to lead a third spade. North won his ♠9 as South pitched a club. North switched to the ♦10 and declarer emerged with eight tricks. At the end of the play, North asked his partner why he threw a club instead of a heart. South said he couldn't pitch a heart in case West had four of them. At this point East said that if he'd been allowed to complete his explanation of the INT bid he would have said "13-16, *with no four-card major.*" The Director ruled that

the information about four-card majors should have been included in the explanation and changed the result to INT made one, +90 for E/W.

The Appeal: E/W appealed the Director's ruling. West did not attend the hearing. East told the Committee that he attempted to follow proper procedure but had been prevented from doing so by the opponents. He said that in the past he had been told that his partnership's understanding about four-card majors was not part of the required Announcement and should be included in an Alert instead. He maintained that North had cut off his attempted explanation and lectured him about Announcing the range rather than Alerting. When he tried again to explain his understanding, North became more insistent that only an Announcement was required. East said that after trying three times to complete his explanation and being rejected each time, he gave up and didn't say anything more. N/S maintained that it was E/W's obligation to communicate their understanding about no four-card majors as part of the required Announcement. South said he never heard East ask "Would you like to know why I Alerted?" as he claimed. East had about 2400 MP, West 3900, North 11,200 and South 12,400.

The Committee Decision: The Committee consulted the staff, who determined that there was no clear guidance on whether this particular understanding about INT required an Alert or should be disclosed via the Announcement procedure. The Committee believed that East could have announced "13-16 with no four-card major," but the Announcement is intended for range only and the four-card major part is an unusual treatment which would normally require an Alert. It was therefore not wrong for East to Alert and had North been less confrontational East would

have made a complete explanation. The Committee did not believe it would be practical for East to Announce "13-16" and then to add an Alert in order to separate the range from the treatment. Ultimately, the Committee concluded that an Alert was correct, or at least not incorrect, and that, as with all Alerts, the opponents have the right to refuse the information. The Committee also noted that without North's ♦10 switch, best defense holds declarer to seven tricks. Fortunately, it did not need to consider the egregiousness of this play. The Committee restored the table result of INT made two, +120 for E/W. The Committee was bothered by North's behavior but decided against recommending a conduct hearing because of the uncertainty about whether an Announcement or an Alert was the correct procedure in this type of situation.

DIC of Event: Sol Weinstein

Committee: Ron Gerard (chair), Ralph Cohen, Gail Greenberg, Danny Sprung, Jon Wittes

☞ It's getting to be a bit of a habit, but once again Bart echos my own sentiments.

Bramley: "Alerting the special agreement looks clear-cut to me. I don't understand why everyone had such a hard time deciding so. The Director suggests negligence on East's part when exactly the opposite was true. North brought this on himself and his side should have had the onus of appealing. (But of course, such an appeal would have been meritless.) Even calling the Director was quite outrageous after North had browbeaten East into submission."

Wildavsky: "There is no doubt in my mind that an Alert is proper for this agreement. North was 100 percent out of line in telling his opponents that an Alert was not required. Players have no business attempting to educate their opponents about the laws or regulations; that is the Director's job. And what did the Director expect East to do, hold his opponent down while he explained something the man clearly had no interest in hearing? Had the Director ruled the other way an appeal would have been without merit."

☞ I agree with Bart and Adam that an Alert is the proper way to handle the INT bid here. Announcements are reserved for disclosing a small handful of familiar agreements (opening notrump ranges; transfers to a major after partner's natural notrump opening or overcall; forcing/semi-forcing notrump responses to major-suit openings; non-artificial one-of-a-minor openings that "could be short") when no other complications are present. But bids that appear familiar but which have been extended to include (or exclude) certain unusual (or usual) hand types require an Alert rather than an Announcement if the exceptions occur fairly frequently.

A good example of this principle is a convention some call "Cancel," wherein a 2♦ response to a 1NT opening is usually a transfer to hearts but may also be bid with certain hand types that do not include hearts (the non-heart hand types are typically balanced with no four-card major but with slam interest). If the transferer usually holds hearts (as in Cancel) then the 2♦ bid is Announced normally (to avoid planting the idea in the opponents' minds that the transferer will not have hearts when he almost always will) and the later bid that cancels the transfer (e.g., 2♠ over the expected 2♥ transfer acceptance) is Alerted when it occurs. But if enough non-heart hand types are included in the 2♦ bid to make it relatively common for the transferer to not hold hearts, then the 2♦ bid should be Alerted. (The issue of how often a non-heart hand type must occur for an Alert to be considered appropriate has not been addressed to date.)

A couple of additional points well worth making come from another L.C.

L. Cohen: "North must have been having a bad day. I object more to him asking his partner 'Why did you throw a club' than his abruptness with the opponents. David Berkowitz knows at the table not to ask this Larry Cohen about his defense.

In either case, the right decision was made (but the talk about a ‘conduct hearing’ was getting a bit carried away).”

✍ Indeed. As the next panelist points out, these sorts of things are why we have a Zero Tolerance policy and why ZT penalties exist.

Goldsmith: “A ZT penalty for North is so obvious as to defy words. Where was it? That N/S would have the gall to call the Director after the events that transpired astonishes me. Ruling against E/W at the table was surely incorrect: East did nothing wrong. North deserves the worst of it. It is totally irrelevant whether or not he was right—which, by the way, he wasn’t.”

✍ Whoa, let’s not get too carried away. I’m not convinced East wasn’t partially responsible for what happened here. For one thing, if East managed to ask North if he wanted to hear why he Alerted, then he probably could have said something like “Yes, I know the range is Announcable, but there’s more to our agreement that you need to know.” For another thing, East started his explanation several times before giving up. Why, in several attempts, was he unable to get across that there was more to his Alert than just the notrump range? One reason might be that he began by re-stating the notrump range each time he restarted his explanation, giving North the impetus to re-voice his objection. He would have been better advised to initially phrase his explanation something like “1NT denies a four-card major and shows 13-16,” not giving North time to interrupt before the critical information got out. North was clearly primarily at fault here, but East—perhaps out of frustration with North’s interruptions—may have contributed to the problem by coming across as hostile (passive aggressive).

The next panelist has a more tolerant opinion of the table ruling.

Rigal: “The Director made a reasonable if slightly harsh ruling against the offenders. Thereafter, the Committee worked out very logically that North dug his own grave by interrupting East. Knowing the players as we do, could one really imagine North trying to make a psychological play to score a point and get ownership of the table? I guess we’ll never know.”

Polisner: “Well done by the Committee. Why North would not want as much information as possible is not easily understood. Also, South could have asked what it was that East wanted to share before his critical discard.”

✍ Yes, South was not a completely innocent bystander either.
And now, the man who chaired this hearing.

Gerard: “Delicious irony. I hope the write-up conveys what we really thought about the principle and the principals. When we asked how the defense went after the ♠9, North mumbled ‘ten of diamonds’ in a nearly incoherent manner. I found out the next day from East that the result of this appeal determined which pair qualified for the semi-finals. There has to be a lesson in here somewhere.”

✍ Indeed it does...and there is.
Right Wolfie?

Wolff: “Well done.”

CASE THIRTY-ONE

Subject (MI): Is Support More Than Just Tolerance?

Event: Stratified Open Pairs, 25 Nov 03, Second Session

Bd: 34	♠ A987432		
Dlr: East	♥ ---		
Vul: N/S	♦ 10854		
	♣ 54		
♠ 105		♠ Q	
♥ A106532		♥ K94	
♦ 2		♦ AK963	
♣ KQJ8		♣ 9632	
	♠ KJ6		
	♥ QJ87		
	♦ QJ7		
	♣ A107		
WEST	NORTH	EAST	SOUTH
1♥	1♠	1♦	Dbl
3♥	Pass	Dbl(1)	Pass
		Pass	Pass
			3NT(2)
4♥	4♠	Pass	Pass
Dbl	All Pass		
		(1) Not Alerted; showed three hearts	
		(2) Director reopened auction	

The Facts: 4♠ doubled went down one, +200 for E/W. The opening lead was the ♦A. The Director was called after 3♥ was passed out but before the opening lead. North asked about East’s double of 1♠ prior to passing 3♥; West said it showed values and heart tolerance. East then informed N/S that this explanation was erroneous: the double was a Support Double. The Director determined that E/W played Support Doubles in this situation and spoke to each of the N/S players away from the table. North said he would have bid 3♣ over 3♥ had he been given a correct explanation. South said he would not have acted over the double but when given the option of changing his final pass (Law 21B1) he bid 3NT (the auction continued as shown). After the hand the Director ruled that N/S had been damaged by the failure to correctly explain the double (Laws 21B3, 40C and 12C2) and changed the contract to 3♠ by North made three, +140 for N/S.

The Appeal: E/W appealed the Director’s ruling. E/W did not think that the difference between the explanation of the double given to N/S at the table and the actual E/W agreement was significant enough to affect North’s choice of action over 3♥, and in any case West would not have passed out a 3♠ bid by North (West told the Reviewer he thought 3♥ was forcing and demanded a cue-bid from his partner). North was asked what he thought “tolerance” implied; he said it usually showed a doubleton heart but possibly three. North said he knew the double was not intended as penalty with spades but he feared bidding more because West said it showed “values.” When asked about their bidding agreements N/S said they were a new partnership and had not specifically discussed takeout doubles. South added that he would only tend to be lighter for his double if he had better distribution. North said he expected South to have three or four spades and that they themselves had just recently adopted Support Doubles. South said he strongly suspected that East’s double showed “support” and told the table Director that when asked. He didn’t say anything during the auction because he didn’t think he was permitted to do so. He said that when he found out for sure that the double did not show extra values he was unsure whose hand it was so he decided to bid 3NT. North said that if he had bid 3♠ over 3♥ and if that had been passed around to a 4♥ bid by West, he would have passed since he would then have shown his hand. He would also have passed if his partner then doubled 4♥. E/W had agreed that Support Doubles applied when a raise to two of responder’s suit was available and West agreed that his partner’s interpretation of the bid was correct. East had about 3800 MP, West 6000, North 1080 and South 1140.

The Panel Decision: The Panel found that N/S had been misinformed about the meaning of the double (Law 75). To determine whether they were damaged as a result of that MI (Law 40C), the Panel consulted two experts and three players with about the same experience as N/S. Neither expert would have bid only 1♠ over 1♥ with the North hand (both would have bid 4♠) but when they were told the player had bid 1♠ and their next call was over 3♥ (with the Support Double explanation) neither said they considered pass a possibility. When asked if an explanation of the double as “values with heart tolerance” would affect how they saw the problem both said no. Three players with 550, 850 and 900 MP were given North’s hand and asked what they would bid over 1♥. They bid 2♠, 1♠ and 4♠, respectively. When they were told that the player actually bid 1♠ and were then asked whether the different explanations of the double would affect their choice of call, all said they saw no reason for the different explanations to affect their action over 3♥. From this input the Panel decided that any damage to N/S had not been the result of the MI. Consideration was then given to South’s change of his pass to 3NT after getting the correct information. Law 21B1 says that a player may change a call where permitted by law “when it is probable that he made the call as a result of MI.” (The Director should allow the change and examine it in the context of this Law after the hand.) Since E/W were ultimately not disadvantaged by what may have been a change of call by a player who knew or should have found out what the double meant (their +200 was better than they could have achieved in 3♥), this aspect was not judged relevant. The Panel restored the table result: 4♠ doubled down one, +200 for E/W.

DIC of Event: Stan Tench

Panel: Matt Smith (Reviewer), Ken Van Cleve, John Ashton

Players consulted: Ken Gee, Ron Smith, three players with 550-900 MP

✍ Our first panelist finds this a hairy case.

Bramley: “This sure feels wrong, but I’m having a hard time pinpointing the flaws in the Panel’s logic. Well, how about: (1) The consultant survey is suspect because all but one of them bid more than 1♠ at their first turn. Probing the mentality of a player who bids 1♠ is extremely difficult. (2) A 1♠ bidder might well be inhibited from bidding again with ‘only’ 4 HCP after his LHO shows values. (3) South’s change to 3NT could have been inspired, in part, by the knowledge that *North* had not had correct information when he passed 3♥. In effect, South had to guess for both himself and his partner. (4) Note that South was ‘right’ to bid over 3♥, which is cold. 3NT down one (undoubled) is better than –140. Punishing South for a winning action seems perverse. Against all of the above I must weigh the standard ‘do-over’ mentality by both North and South. When given the chance, players of any level select an alternative action almost without exception, as if they thought they were going to get to play ‘better ball.’ I resolve the conflict in favor of N/S. They were misinformed, and their arguments are just credible enough for me to give them the benefit of the doubt. I would grant North his 3♠ bid, but certainly this West, who bid 4♥ over 3NT after his partner passed 3♥, would have competed to 4♥ again. But now North could pass in comfort, as he indicated, and South would also pass. The most likely result is down one after tapping the dummy, which is the result I’d assign to both sides. Although I disagree with the Panel’s conclusions, their procedures and logic were satisfactory until their penultimate sentence. Why is there any discussion of E/W being disadvantaged by South’s change of call when it was E/W’s misexplanation that precipitated the whole mess? Good grief.”

✍ Regarding Bart’s last point, I think the Panel was concerned that if South knew the real meaning of the double (or should have found out, though I’m not sure how since West had forgotten and would have explained it as “values and tolerance”) he was not entitled to change his call, and the Director’s allowing him to do so may have damaged E/W. But in that case shouldn’t this be treated as a Director’s error?

But “J” is for Just a minute. West bid only 3♥ when he thought East’s double showed extra values with heart “tolerance” (usually two-card support, but we’ve all seen players show tolerance with a singleton top honor) and heard his partner pass. He then (illegally) learned from East that the double was Support, after which the Director reopened the auction and South bid 3NT. Did anyone inform West that he could not take any subsequent action that was suggested by the information that was disclosed after 3♥ was passed out (Law 16C2)? Surely a player who bid only 3♥ initially (forget all that self-serving stuff from West that he thought 3♥ was forcing and demanded a cue-bid) might pass 3NT if he continued to bid as if East had *at most* two hearts. And if North bid 3♠ over 3♥ and that was passed back to West, why would West not then pass that too? Sorry, but I question the premise that West was (legally) entitled to bid 4♥ under any circumstances.

The next two panelists question the Panel’s polling method and reach opposite conclusions.

Wildavsky: “I do not like the Panel’s polling methodology here. They ought to ask themselves whether knowing that the double was a Support Double would have made 3♠ more attractive; surely it would. They also could have sought out players who would pass over 3♥ given the incorrect information; these are North’s peers. Then they could have asked those players whether knowing that the double showed support would have caused them to reassess their position. In any case, I think the Panel ought to have applied Law 72B1 (that’s three in a row) and adjusted the score for the offenders. All told, I prefer the Director’s ruling to the Panel’s.”

✍ Finding players who would bid 1♠ with the North hand and then pass 3♥ could be a daunting task. Anyhow, reciprocal 140s for 3♠ made three looks right to me.

Goldsmith: “It’s sometimes very difficult to judge what effect MI might have had on an auction no one would repeat. I suspect a bias in the polls because few Norths would even consider bidding only 1♠. Despite that, N/S seem to have had plenty of chances to act once they were given the proper information, so the result stands.”

✍ Uh, what “plenty of chances to act”? When N/S were finally informed that the double was Support, South bid 3NT (which was a pretty brave action with that flat 14-count) and North then bid 4♠ at his next opportunity (and said he would have bid 3♠ over 3♥ had he been given a correct explanation of the double).

Polisner: “I agree with the Panel that the MI was not the cause of the damage and thus the table result should stand. If South had passed 3♥ (as is clear-cut) and the result was –140, I would have considered adjusting the score to +140 for N/S.”

✍ Good grief! South guessed right to bid 3NT (which, as Bart mentions, is a good “save” against 3♥ making; how was South to know that North had *seven* spades?) after his partner was duped out of bidding 3♠. So what if *we* would have bid 4♠ over 1♥ with the North cards? North had only about 1080 MP and was a bit conservative, which was not a crime the last I looked. Besides, while we “experts” would have gone minus in 4♠, North would have bid 1♠, then 3♠ and gone +140.

Rigal: “The Panel followed a sensible procedure to establish (in what was a truly messy case, made more difficult by the numerous errors of judgment by both North and West) that there was no damage to N/S. The right decision, I think, and certainly so based on the expert input.”

✍ Why is a player with about 1000 MP being held to expert standards?

Wolff: “Dealing with ‘lesser players,’ perhaps we should just teach them ethics.”

✍ Forgive me but is there an ethical issue here? I only see some flawed bridge.

CASE THIRTY-TWO

Subject (MI): But You Get An “F” In Penmanship
Event: Reisinger BAM Teams, 29 Nov 03, First Semifinal Session

Bd: 32	Tarek Sadek
Dlr: West	♠ K632
Vul: E/W	♥ J7
	♦ 10654
	♣ A107
Giorgio Duboin	Norberto Bocchi
♠ 874	♠ J9
♥ AKQ1054	♥ 983
♦ A9	♦ KQJ72
♣ 32	♣ Q86
	Ahmed Hussein
	♠ AQ105
	♥ 62
	♦ 83
	♣ KJ954

WEST	NORTH	EAST	SOUTH
1♥	Pass	1♠(1)	Pass
2♥	Pass	3♥	Pass
3♠(2)	Pass	4♥	All Pass

(1) E/W’s agreement: 0-4 spades, 4-11 HCP
 (2) Alerted only on N-E side of screen; asked for ♠ stopper or choice between 3NT and 4♥ (but see Gerard’s comment and the Editor’s reply below)

The Facts: 4♥ made five, +650 for E/W. The opening lead was a low diamond. North called the Director at the end of play complaining that the second digit in East’s written explanation of his 1♠ bid (the “?” in “0-? sp. F.1”) looked very much like a poorly written “9” (left open at the top). North read this as “0-9, spades, one round force.” But the digit was intended as a “4” and should have been read as “0-4 spades, forcing one round.” West’s explanation of the 1♠ bid was written more clearly; it read: “0-4 S, 4-11 HCP.” The Director ruled that North had been given MI (Law 40C) and changed the contract to 4♥ down one, +100 for N/S.

The Appeal: E/W appealed the Director’s ruling. E/W believed that interpreting East’s note as “0-9 spades” (referring to the number of spades the 1♠ bid promised) made no sense. Given that 1♠ showed 0-4 spades and

that hearts had been rebid and raised, they thought it made no logical sense for 3♠ to be taken as an attempt to play in spades; East considered the 3♠ bid self-alerting. E/W added that they played natural methods, in spite of their 1♠ response to 1♥ showing fewer than five spades (much like those standard players who switch the meanings of their 1♠ and 1NT responses to 1♥). The 1♠ response showed normal responding values; if it was made with less than 4 HCP they would consider it a psych. North said that East alerted the 1♠ bid and when he saw what was written he interpreted it as “0-9 HCP with spades” rather than “0-4 spades.” North admitted that such an agreement seemed illogical to him at the time and maybe he should have pursued it further, but he didn’t. E/W were top world experts from Italy whose play in North America is almost exclusively in NABCs. N/S were top international players from Egypt and while North had played extensively in North America South had not. East had about 2110 ACBL MP, West 1670, North 10,100 and South 1240.

The Committee Decision: In screening it was determined that E/W’s 1♠ response (which showed 0-4 spades) required a Pre-Alert but because South was late getting to the table no Pre-Alert was given. Some Committee members believed that East’s penmanship was not so bad as to create damage; others thought the failure to Alert 3♠ (the Committee believed that the 3♠ bid—effectively a choice of games—was

Alertable) coupled with the problems caused by the poorly written description of 1♠ were responsible for the problem. (E/W had a Pre-Alert card filled out but it had not been made available to the opponents.) The Committee ultimately agreed that it was incumbent upon East to provide a legible written explanation of his side’s bids and that his failure to do so warranted a score adjustment for his side. This case was heard very late at night (it was about 2 am when the Committee neared its final decision) and, given the late hour, when the Committee was told that their decision would not affect N/S’s qualification or carryover (the N/S team did not qualify and no score adjustment could change that) they decided not spend additional time discussing whether the E/W score adjustment should be reciprocated to N/S. Thus, the Committee changed the contract for both sides to 4♥ down one, +100 for N/S.

DIC of Event: Steve Bates

Committee: Doug Doub (chair), Mark Feldman, Ed Lazarus, Becky Rogers, Danny Sprung

✍ Most of the panelists agree with the Committee’s decision. Our first panelist also has a gripe about the MP reported for the players here.

Bramley: “Where do these MP numbers come from? If North has 10,100(?) MP then E/W must have 80,000. Also, South may not have *recent* experience in North America, but he does have plenty of experience here. I agree with the decision. East was responsible for making sure his explanation was understandable. E/W, with their track record of similar problems, deserve little sympathy. I disagree with the suggestion that 3♠ is Alertable. With slam out of the question 3♠ must aim at the choice between the only two games in the running, 3NT and 4♥. The bid has logical meaning, not conventional meaning. Yes, if you didn’t know that 1♠ was artificial then you might not understand 3♠ correctly, but it’s quite a stretch to claim that 3♠ is therefore Alertable. Note that West did not want to bid 3NT to offer the choice because that would have been anti-positional. The Committee should not have been trying to impute additional crimes to E/W; they do quite well by themselves.”

✍ I agree that the MP numbers reported sometimes make no sense—especially when foreign players are involved. But what is one to do? A top player and many-time World Champion who plays in North America only infrequently may have relatively few ACBL MP, which means only that MP are more an indicator of how long and how often he’s played in ACBL competition than of his playing ability, a fact I’m sure no one will be shocked to learn. I routinely report each player’s ACBL MP in the write-up because our panelists have requested it, but in recognizing the occasional inadequacy of these numbers (they come from the ACBL’s database, so go argue with Memphis) I usually add my own assessment of any player I think is misrepresented by them, as I did when I described both pairs here as top world/ international players and indicated how frequently they play in North America (and thus have the chance to win ACBL MP). No one is obligated to take a player’s MP holding at face value or to accept it as an accurate indicator of ability.

I agree completely with Bart’s other points: East is responsible for making sure his (written) explanation is understandable—especially in light of similar problems he’s had in this area in the past—and the meaning of 3♠ derives from logic and isn’t Alertable. More along the same lines.

L. Cohen: “I have personal bias here. I find it hard enough to play against these methods even when getting perfect explanations. When the writing is sloppy (or incomplete) it is even harder. While I personally have nothing against this E/W pair, this kind of thing happens way too often and has to stop. Deciding this way is a step in the right direction.”

Polisner: “I agree. When pairs use unusual methods, they have a heavy burden to make sure that the opponents are fully informed about them. E/W failed in their responsibility and thus must accept the adjusted score.”

Wolff: “I agree.”

☞ Two panelists disagree with Bart and me and think that 3♠ should have been Alerted.

Rigal: “Having seen the piece of paper in question I think the combination of the (completely accidental) ambiguity of the note and the failure to Alert 3♠ meant that North was given a far more difficult task than he should have been on opening lead. Yes, he is a good player and might have been expected to smell a rat, but my own personal experience of playing against complex methods is that using 1♠ over 1♥ as limited by failure to use a game-invitational relay is *not* that odd. The onus is on E/W to explain and not on N/S to ask for more information in positions like this when the auction makes apparent sense.”

Wildavsky: “Fair enough, but the Committee might have noted that North’s misapprehension required that he assume East had omitted a comma. He saw ‘0-9 sp, F.I.’ and interpreted it as if it were ‘0-9, sp, F.I.’ I find the adjusted score for poor penmanship harsh, but plausible in conjunction with the failure to Alert 3♠.”

☞ Suppose the auction (with only one side bidding) goes: 1♥-2♥; 3♣-3♦; 3♥-3♠. Opener’s 3♠ is ostensibly a game/slam try and 3♦ is presumably a counter-try. 3♥ is a signoff that confirms 3♠ as just a game try and 3♣ is...what? Logically it accepts the game try and denies a spade stopper (or at least a full stopper) and asks opener’s opinion on the right game: 3NT or 4♥. So is 3♠ Alertable? I think not and by analogy neither should the 3♠ bid in the actual auction here be.

Our last two panelists think that North’s failure to pursue the obvious ambiguity and apparent illogic in what he thought East wrote was negligent enough to forfeit his right to redress.

Goldsmith: “I’m sure language issues mattered here, too. I have less sympathy for N/S than the Committee. When someone writes something ambiguous that appears to make no sense, to assume its perfect accuracy will not get you protection later.”

Gerard: “The bidding diagram says 3♠ was Alerted to North. The explanation of that Alert would have made it clear that North’s ‘0-9, spades’ assumption was incorrect, so North was contributorily negligent (also in not asking about 1♠) if that were so. But it seems much more likely that 3♠ was Alerted only on the S/W side of the screen: West bid it and is much more proficient in English/savvy in procedure than East is. Then North was still negligent enough to deny his side relief, although not as outrageously so as if footnote (2) were correct. East’s penmanship was irrelevant: either he Alerted 3♠ or he didn’t. If he did, score stands for both sides. If he didn’t, -100 for E/W, score stands for N/S.”

☞ While the Appeal Form clearly says that the 3♠ bid was Alerted on the *N-E* side of the screen, Ron’s suggestion that it was really Alerted on the *S-W* side of the screen prompted me to obtain the actual notes written by the E/W players (luckily I kept them) and investigate this issue further. Indeed, it was *West*—not East—who wrote: “ask Q stop or choice between 3NT and 4H” (by which West meant that 3♠ asked [a question: Q] whether East had a spade stopper and so to choose between 3NT and 4♥). So Ron’s suspicions were right and his decision is to assign E/W -100 in 4♥ down one and to allow the table result to stand for N/S. I agree.

Great catch, Ron! (But I must admit I would have made the same decision even if East Alerted the 3♠ bid.)

Subject (MI): Will The Real “Standard” Please Stand Up?

Event: North American Swiss Teams, 29 Nov 03, Second Semifinal Session

Bd: 19	Dick Bruno		
Dlr: South	♠ A953		
Vul: E/W	♥ K1032		
	♦ K		
	♣ K972		
John Zilic		Ari Greenberg	
♠ J7		♠ Q10862	
♥ AJ		♥ 64	
♦ 9643		♦ AQJ102	
♣ AQ864		♣ 5	
	Peggy Kaplan		
	♠ K4		
	♥ Q9875		
	♦ 875		
	♣ J103		
WEST	NORTH	EAST	SOUTH
			Pass
1♣	Pass	1♠	Pass
1NT	Pass	2♦(1)	Pass
2♥	Pass	3♦	Pass
3NT	All Pass		
(1) Alerted; explained as NMF			
The Play (North on lead):			
Trick	1	♥2, ♥4, ♥Q, ♥A	
	2	♦9, ♦K, ♦A, ♦5	
	3	♦Q, ♦7, ♦3, ♠3	
	4	♦J, ♦8, ♦4, ♠5	
	5	♦10, ♥9, ♦6, ♣2	
	6	♦2, ♣J, ♣4, ♥3	
	7	♠2, ♠K, ♠7, ♠9	
	8	♣10, ♣Q, ♣K, ♣5	
	9	♣...	

The Facts: 3NT made three, +600 for E/W. The opening lead was the ♥2. N/S called the Director when the play ended after they discovered that West had a doubleton for his 2♥ response to 2♦. South had asked about the 2♦ bid during the auction and was simply told “New Minor Forcing.” E/W had not discussed the follow-ups to NMF and West thought his 2♥ rebid in this situation was a standard treatment of NMF. N/S played upside down count and attitude signals and South’s ♥9 at trick five carried suit-preference implications. The Director ruled that N/S had been given MI (Law 75) since, even if the 2♥ bid was not Alertable (being undiscussed) West should have volunteered more information about it at the end of the auction since, while he thought it was a normal treatment, it did not show either heart length or strength and thus required an Alert (Law 75D2). Since damage resulted from this MI (Law 40C), the contract was changed to 3NT down one, +100 for N/S (Law 12C2).

The Appeal: E/W appealed the Director’s ruling. East did not attend the hearing. E/W were a first-time partnership who agreed to play NMF (for one round) but did not discuss any of the follow-up bids. West thought it was standard that when the new minor was diamonds after a 1♠ response a 2♥ rebid showed a minimum without three spades and said nothing about hearts, enabling the partnership to

stop in 2♠ when responder had a minimum with five spades. West interpreted East’s 3♦ rebid as forcing, though East apparently thought it was invitational. In response to a question asked during the play West said that holding four diamonds and three clubs the opening bid would be 1♦. West believed he had accurately explained his agreements and that the defenders had more than adequate information to set the contract. He believed that 3NT made because of poor defense and the table result should stand. N/S said they expected West to have four hearts for his 2♥ bid. They were unfamiliar with the use of 2♥ as an artificial bid and thought they should have been Alerted if E/W were bidding 2♥ artificially. After the lead of the ♥2, when West showed up with four diamonds, South had trouble

picturing opener's hand. She asked North to leave the table so she could ask E/W questions without conveying UI. West then revealed that with four diamonds and three clubs the opening bid would be 1♦, but he did not explain that 2♥ said nothing about hearts. South ultimately decided that declarer had bid 2♥ with the ♠AKJ and that when she obtained the lead in spades she needed to play clubs to keep North from getting endplayed with his spade winner. N/S said that with a proper explanation of the 2♥ bid they would surely have set the contract. East had about 1900 MP, West 17,700, North 8600 and South 7900.

The Committee Decision: The Committee noted that even if West believed that his side's treatment of 2♥ was standard, it was an artificial bid which required an Alert. When his partner failed to Alert 2♥, it was his responsibility to tell the opponents at the end of the auction and before the opening lead that there had been a failure to Alert and to explain the meaning of the 2♥ bid. Thus, E/W were guilty of MI which clearly contributed to their good result and warranted an adjusted score. Although it was possible for South to discard two clubs on the diamonds, win the first spade and play a club to the queen and king, after which N/S could take the rest of the tricks (for down three), the Committee believed that defense fell a bit short of being "at all probable." E/W were therefore assigned the result for 3NT down two, -200 for E/W. N/S had misdefended, but they made a serious effort to build up a picture of declarer's hand even though they were unable to correctly resolve the discrepancy between the bidding and the play. Although they probably should have come up with the correct answer, their defense did not constitute a failure to play bridge. Thus, they were assigned the reciprocal score of +200 for 3NT down two. Additionally, West fell far short of living up to his responsibility to explain the meaning of the 2♥ bid, both at the end of the auction and upon further questioning by South. E/W were therefore assigned a 3-imp PP (later changed to 1 VP at the request of the Director). Further, given that E/W were clearly responsible for MI that contributed to their good result, they should have recognized that there was no chance that their score would be improved through the appeal process. Thus, E/W were each assessed an AWMW.

DIC of Event: Gary Zeiger

Committee: Doug Doub (chair), Lowell Andrews, Ed Lazarus, Becky Rogers, Danny Sprung

✍ A majority of the panelists agree with the Committee's decision, though some consider it a bit on the harsh side.

Bramley: "Thorough and correct, including the PP, the AWMW, *and* reducing the appellant's score even further. 'Home brew standard' doesn't quite meet the definition of 'standard.'"

Wildavsky: "Another case where mentioning Law 72B1 in screening might have prevented a time-wasting appeal. Good jobs by the Director and the Committee."

Rigal: "South went the extra mile to find out what was going on and West was somewhere between naive and obstructive for not helping her out. Yes, her defense was perhaps inferior but we are supposed to be protecting the non-offenders in situations like this, not punishing them. The combination of the downward score adjustment plus a PP is harsh but to my mind merited, given that the offenders brought the appeal."

Wolff: "A bit harsh, but some players engender that emotion."

✍ One panelist opposes only the PP but otherwise agrees with the decision.

L. Cohen: "It wasn't so easy for N/S to figure out what was going on with West's

weird (un-Alerted) 2♥ bid, so I agree with everything except the PP. West's ideas (especially for someone with 17,700) about the meaning of 2♥ are bizarre, but I don't think he intentionally or flagrantly did anything to warrant a PP."

✍ Anyone care to guess what the Wizard of White Plains, our very own Sultan of Sarcasm, thinks of South's defense and the Committee's assessment of it?

Gerard: "South placed North with a ridiculous lead, created the endplay and asked an irrelevant question about West's distribution (2-4-4-3 shape was impossible). No matter, you could order the pork chops rare and it wouldn't be considered egregious. The ♠K by a player who had no idea what declarer's hand was was the last clear error, but the ♣J by a player with the long suit to cash (admittedly it might take a while) was in there pitching. If South had discarded a low club and held the jack ('keep winners, throw losers') or ducked the first spade and won the second (after which it would be clear for this South to return a heart), 3NT would have been down two and down one, respectively. What really happened is that South tried to visualize West's hand and then gave up, making random plays and discards that eventually cost the contract. No matter, you can suspend the Constitution and it isn't considered egregious."

✍ The remaining panelists share my opinion: West had his own idiosyncratic idea about the 2♥ bid in this sequence and he made the bid purely on his own initiative. Since this first-time partnership had not discussed the follow-ups to NMF, there was no actual agreement about the 2♥ bid and, appropriately, no representation about it was made to the opponents. In addition, a player who makes a unilateral bid in an undiscussed auction is not obligated to disclose its intended meaning unless there is something in the partnership agreements or experience that suggests his partner will have a better chance to interpret the bid correctly than the opponents (all four players must have equal access to any agreed or implied meanings of the bids). Thus, West should not be required to disclose the intended meaning of his 2♥ bid.

To better appreciate why, consider a player who, like our actual West, has not discussed the follow-ups to NMF and runs into this same situation. He reasons (not entirely unlike our West): "Partner may have an invitational hand that may or may not include spades, so I'd like to stay as low as possible. My normal rebid is 3♣, though 2♠, 2NT and 3♦ are also possible (all of which may get us too high opposite an invitational hand), but in situations like this experts advise making the cheapest bid to allow partner to describe his hand and at least get us to the right strain—if not the right level. I know a 2♥ bid may work out poorly, particularly if partner turns up with hearts and bids 4♥ (I'll have to convert to 4♠ then and pray). But if he has an invitational hand and bids 2♠, 2NT or even 3♣, I can pass and we'll be in the right contract." So a player who makes a bid entirely on his own (like the 2♥ bid here), whether tactically or as part of some philosophy that dictates the bid (as long as he has not discussed it with his partner), is not required to tell the opponents what he intended his bid to mean—at least not the first time it comes up with this partner.

However, none of the above should be taken to mean that I think West fulfilled his obligations in this case. Consider the following.

Martel: "If E/W were a first-time partnership (as indicated in the write-up), it is very likely that there was no agreement about 2♥ (and East presumably took it as natural: if he had held four hearts E/W would likely have reached a silly contract). The facts of what questions were asked by N/S and when are not clear. Probably West should have been a bit more forthcoming (perhaps informing E/W at the end of the auction that they were a first-time partnership and had not discussed the responses/follow-ups to 2♦). Still, the Committee's decision seems quite harsh to me and it was wrong to suggest that West explain his 2♥ bid. West apparently had an agreement with himself but no one else."

Chip makes an excellent point. West might have told N/S that his was a first-time partnership and that they had not discussed the follow-ups to NMF. Simply saying nothing about the bid suggests it had a natural meaning. It is not clear exactly what questions South asked after the opening lead (when she sent her partner away from the table). The write-up suggests that she asked only about E/W's opening bid agreements with various minor-suit holdings, but she might also have asked about the auction in general. If she only asked about E/W's minor-suit openings then I do not think West was culpable for not saying anything about his 2♥ bid (though Chip is right that he *might* have said something). But if South asked for an explanation of the entire auction and West said nothing about E/W being a first-time partnership or that the follow-ups to NMF were undiscussed, and only then did she ask about E/W's minor-suit openings, then West's failure to disclose the undiscussed nature of his 2♥ bid constituted MI.

From the write-up I believe South's questions probed only E/W's agreements about their minor-suit openings, so there was no MI. Sharing this same belief is...

Polisner: "If I understand the facts correctly, E/W had no agreement as to the meaning of 2♥. As such, it was not West's duty nor East's responsibility to tell the opponents anything about the meaning of the bid. Where was the MI? Just because it was in West's mind that the 2♥ bid was standard is no different than if he had chosen to psych the bid. No agreement, no MI, no adjustment, and no PP."

That's right—unless South asked about the auction in general and West said nothing about being a first-time partnership or the undiscussed rebids after NMF.

Goldsmith: "Wait a second. What was the partnership agreement? Surely it was just 'New Minor Forcing.' Just because West thought that 2♥ should be artificial doesn't mean E/W had such an agreement. There's no way they did; West was out there on his own. Therefore, 2♥ was a mistaken bid, not a mistaken explanation. Still, West had to disclose the failure to Alert, and that might have clued in N/S. The problem is that the rules don't work that way. Let's say West had said, 'I meant to bid 2NT, but accidentally pulled out 2♥. By the time I noticed it, I figured it was too late.' Or suppose he said, 'I psych'd 2♥ to get a favorable lead.' Then there's nothing we could do. The rules are generally structured (as good rules are) so that it's not to one's disadvantage to be honest. What really happened is that West did something strange on his own. Rather than making up a bid, he made up a convention (one that's not as insane as it seems at first glance). That's not really all that much different from a psych. I think in theory this should be ruled as mistaken bid, no infraction. I would hate doing that—it seems rather unfair to N/S—but I think it's correct. Furthermore, I don't agree at all that the defense was reasonable. South pitched the ♣J. Then she followed with the ♣10. She can't have the ♣8 or ♣A. I understand how the auction could have confused N/S, but by trick nine North knew West did not have four hearts. Asking 'Was there something special about the 2♥ bid?' might have been in order. All in all, the defense was downright awful, and I think it was bad enough that N/S should keep their -600. Despite all that, it seems wrong to let E/W keep their +600. West did take advantage of UI by not disclosing the failure to Alert, even if he could have avoided any penalty by lying. Sometimes equity has to be provided. I think Edgar Kaplan would have ruled result stands and then given a 13-imp PP to E/W for failing to disclose the failure to Alert. Or something like that."

Sorry, but if West "was out there on his own" and E/W had not discussed their bids after NMF (and South did not ask about the bid—even indirectly), then West did not need to disclose a failure to Alert since 2♥ was not conventional and thus was not Alertable. So West did not take advantage of UI and it is therefore not wrong to allow E/W to keep their +600. As for the PP and AWMW—good grief!

Subject (Score Change): Inconsistency Equals Insufficiency
Event: Early Open Stratified Pairs, 21 Nov 03, First Session

Bd: 4	♠ Q5		
Dlr: West	♥ AK42		
Vul: Both	♦ 108654		
	♣ 52		
♠ 1092		♠ KJ63	
♥ 96		♥ QJ753	
♦ AK32		♦ 7	
♣ J973		♣ K106	
	♠ A874		
	♥ 108		
	♦ QJ9		
	♣ AQ84		
WEST	NORTH	EAST	SOUTH
Pass	Pass	Pass	1NT(1)
All Pass			
(1) Announced; 12-15 HCP			

The Facts: 1NT was scored as making one, +90 for N/S. The opening lead was the ♦A. After the session North approached a Director saying that this board had been scored wrong: South had actually taken eight tricks in 1NT. The Director found the E/W pair during the next session; they did not agree that eight tricks had been taken. After speaking with both pairs the Director found no legal basis for changing the score and allowed the result recorded at the table to stand.

The Appeal: N/S appealed the Director's ruling. All four players agreed that the first trick had been: ♦A, 4, 7, J. West switched to a club to East's king and declarer's ace. South then played the ♦Q, ducked (as East pitched a high heart spot), and the ♦9 to West's king. The heart

return was won in dummy with the ace and dummy's diamonds were then cashed. At first South said she fanned her cards at that point to show that she had eight tricks (one spade, two hearts, three diamonds and two clubs); she later changed her statement to indicate that after cashing the diamonds she played the ♥K, a spade to the ace, and then showed her hand. North remembered that after the diamonds were cashed South played dummy's ♥K and then led a spade to the ace. He couldn't see what happened next but the play ended. He did not remember seeing the ♣Q. E/W remembered that after the diamonds were finished declarer played a spade to the ace (East playing the jack), then a heart to dummy's king. Among the discards East made on the diamonds were the ♣6 and ♣10. They said that declarer then led a club from dummy and put in the eight from her hand, losing to West's nine. West returned a major-suit card and East took the remaining tricks. East and West were emphatic that no claim ever occurred. North agreed that at the time he scored the board he believed the result of the hand was seven tricks. South said she objected as the result was scored but was not heard (her voice is very soft). West said she heard South muttering something as she left the table. North had about 5800 MP, South 12,260, West 800 and East 2460.

The Panel Decision: The Panel considered the likelihood of each side's version of the events. It was noted that if East had discarded two clubs—an encouraging heart and perhaps a low spade—on the run of the diamonds she would still hold a low spade even if her other discard was a spade, thereby making it unlikely that she took the balance of the tricks. There were serious inconsistencies in N/S's version of the events. The fact that South's memory of when a claim occurred changed during the interview, that North did not remember seeing the ♣Q, that North did not have a clear memory of what occurred after the ♠A and ♥K were played, and that at the time North scored the board he thought seven tricks had been taken all pointed in the direction that the floor Director had been correct to allow the result to stand as scored at the table. Those points, added to the disagreement over the order in which the ♥K and ♠A had been played and whether any claim was made at all, led the

Panel to conclude that N/S had not met the burden of demonstrating that South took eight tricks. The table result of 1NT made one, +90 for N/S, was allowed to stand. The Panel decided not to issue an AWMW due to the fact that E/W's memory of the events was not necessarily consistent with how only seven tricks were taken, and the inconsistencies in N/S's version of events was seen more as an indication of South's ill health and the length of time that elapsed between when the board was played and when the appeal was heard than an indication of any original uncertainty about how many tricks South had taken or how she took them.

DIC of Event: Jay Albright

Panel: Matt Smith (Reviewer), Su Doe, Candy Kuschner, Charlie MacCracken

Players consulted: none reported

☞ Almost everyone supports the Panel's decision. One panelist points out how East could have taken the rest of the tricks if South finessed the ♣8 at trick ten.

Gerard: "If East had discarded a low spade and still held a low spade, it would be high if South discarded two spades (we know she discarded at least one). In that case, it was extremely likely that she took the balance of the tricks."

Bramley: "Good here. Resolving disputes between two memory-challenged parties is very difficult. The Panel did well to discover as much as they did. Not changing the originally agreed score was appropriate."

Goldsmith: "Seems right. The burden of proof to change a score is more than just a preponderance of the evidence."

Wildavsky: "Good work all around on a difficult case."

Wolff: "Okay."

☞ One panelist wishes there was a better way to get an important lesson across.

Rigal: "I'd really like both sides to get the worst of this one but I can't find any justification for that, except that maybe it would discourage further cases of players who can't remember what happened at the table trying to justify a number of tricks to which they are not entitled."

☞ Given the faulty memories of everyone involved, it seems impossible to say what actually happened with any certainty. (Though someone might have checked everyone's private scorecard to see if any additional information was available there.) I find it implausible to think that declarer finessed the ♣8 at trick ten with both the jack and nine still out. On the other hand, even a player with a soft voice, when it's clear she is not being heard, can wave or reach out her hand to get attention and stop her partner from entering the wrong score on the score slip and prevent the opponents from leaving the table. Law 79A requires the players to agree on the number of tricks taken before all four hands are returned to the board (see my final comment on CASE TWENTY-ONE). South clearly returned her hand to the board, even waiting until after the session before finding a Director to voice her objection to the scoring of the board. Given all the players did wrong here and the memory problems everyone exhibited, I can't see how one could legitimately change the score that was recorded at the table.

Our final two panelists both have it right.

Polisner: "Tough, but fair."

L. Cohen: "Sad."

Subject (Claim): Inactive Ethics?

Event: NABC Women's BAM Teams, 23 Nov 03, First Qualifying Session

Bd: 10	Linda Epstein		
Dlr: East	♠ 72		
Vul: Both	♥ Q94		
	♦ KJ1064		
	♣ K42		
Faye Marino	Cynthia Colin		
♠ QJ4	♠ A10965		
♥ K7	♥ A8652		
♦ Q832	♦ 95		
♣ AJ86	♣ 5		
	Ora Lourie		
	♠ K83		
	♥ J103		
	♦ A7		
	♣ Q10973		
WEST	NORTH	EAST	SOUTH
		Pass	Pass
1♦	Pass	1♠	Pass
1NT	Pass	3♥	Pass
3♠	All Pass		
The Play (South on lead):			
Trick	1	♣9, ♣A, ♣x, ♣5	
	2	♥K, ♥4, ♥x, ♥3	
	3	♥7, ♥9, ♥A, ♥10	
	4	♥x, ♥J, ♠4, ♥Q	
	5	♠Q, ♠x, ♠x, ♠x	
	6	♠J, ♠x, ♠x, ♠K	
	7	♦A, ♦x, ♦x, ♦x	
	8	♦7, ♦x, ♦10, ♦x	
	9	♦x, claim by East	

The Facts: 3♠ made four, +170 for E/W. The opening lead was the ♣9. At trick nine, when North returned a third diamond, declarer faced her hand without making a statement. The Director ruled that the second condition specified by Law 70C for disallowing a claim was not satisfied (Law 70C says: the Director should award a trick to the opponents if a trump remains in one of their hands *and* (1) claimer made no statement about that trump, *and* (2) it is at all likely that claimer was unaware that a trump was out at the time of his claim, *and* (3) a trick could be lost to that trump by any normal* play [*play that is careless or inferior, but not irrational, for the class of player involved]). The Director cited the fact that declarer had been drawing trumps when South won the second round, and thus she was aware that a trump was still out. The claim was allowed and the result assigned for 3♠ made four, +170 for E/W.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. N/S contended that East could have been unaware of the last trump since she did not mention it. In that case, the order of playing East's winners would be random and it would be careless but not irrational to play hearts before spades, allowing South to score her last trump. North had about 1940 MP, South 1780, West 3300 and East 2760.

The Committee Decision: The Committee agreed with both the Director's ruling and his reasoning. There was no chance that East was planning to discard at trick nine, since the ♦K had not been played and it would have been irrational not to ruff. Declarer had also seen the ♠K ducked once and then taken on the second round of the suit, so there was little chance that she thought all of the trumps had been drawn. To allow this appeal would be to substitute the Committee's judgment for that of the Director when no additional evidence had been introduced. The result assigned at the table by the Director was allowed to stand. There was sympathy for an AWMW, but one was not assigned because one Committee member originally had been inclined to allow the appeal and at least one other thought it had merit.

Dissenting Opinion (Bob Schwartz): South held off on the trump king, winning the second round. When declarer came down to the five-card end position holding three high trumps and two good hearts, faced her hand and claimed, N/S called the Director, insisting declarer had to play hearts first. The Director properly ruled that Laws 70C2 and 70C3 could not result in awarding a trump trick to the defending side. It is bad enough to call the Director in this situation, but to then appeal that ruling is the opposite of Active Ethics and a perfect example of an attempt to get something for nothing. In my opinion no merit existed in this appeal and N/S should have received an AWMW.

DIC of Event: Mike Flader

Committee: Ron Gerard (chair), Ed Lazarus, Bob Schwartz, Aaron Silverstein, Chris Willenken

✍ All but one panelist agree with the Committee’s decision, most of them sharing the dissenter’s opinion about the AWMW (as do I).

Bramley: “Clearly a correct decision, but I also agree with the dissenter about the AWMW and his reasons for it. Calling the Director was bad enough, but pursuing this into Committee was beyond the pale.”

Polisner: “I agree with the dissenter that an AWMW should have been issued.”

Rigal: “I think the dissenter has a valid point in the context of the original Director ruling, which was to my mind the right ruling even if it might have been seen to be in favor of the ‘offenders.’ The ruling involved an application of the laws, but the Director correctly observed that the trump duck marked South (in the real world) with another trump.”

Wolff: “Okay. I heartily agree with the dissenter; N/S can call the Director but to bring an appeal and argue for another trick is a bit much.”

✍ Would N/S have had a case if East’s trump holding had been a bit weaker?

L. Cohen: “I’ve always thought the laws were a bit too strict against the claimer in these situations. Whenever a declarer has high trumps and side winners, it should be presumed they play the high trumps first (just as a lurker check). Even if East didn’t know that there was an outstanding trump (I think she did), how could it hurt for her to lay down the high spades before the heart winners? Clearly East was ruffing the third diamond. If East had ♠A92 left and South had a spade to beat the deuce, now we could talk. I’d like to decide this case had no merit just to show my disappointment that N/S not only called the Director, but then pursued it on appeal.”

Goldsmith: “I agree with the dissenter. There was nothing to this appeal. Declarer knew her hand was good. She ought, however, to have said, ‘Ruffing high, drawing trump.’ If declarer had had the ten-nine-seven of trumps left, however, and could have carelessly ruffed low and been overruffed, N/S would have got a trick due to the lack of a claim statement.”

✍ And finally, the odd man out is...

Wildavsky: “I find nothing unethical in N/S’s actions, which are totally consistent with the fact that declarer might have lost another trick had she played the hand out. All she had to say to avoid this was ‘I’ll draw the last trump’; that she said nothing suggests she might have been unaware of it. Many players, myself included, often claim without making a statement, but that is not in accord with the laws which require that a statement be made. I hope the next revision of the laws will instruct players on how to proceed when a claim is made with no accompanying statement.”

Subject (Illegal Convention): Ignorance Is No Defense
Event: Stratified IMP Pairs, 23 Nov 03, Evening (Only) Session

Bd: 11	♠ 87		
Dlr: South	♥ AJ6		
Vul: None	♦ J652		
	♣ J963		
♠ K1065		♠ A9432	
♥ K95		♥ Q1043	
♦ AKQ8		♦ 10973	
♣ A10		♣ ---	
	♠ QJ		
	♥ 872		
	♦ 4		
	♣ KQ87542		
WEST	NORTH	EAST	SOUTH
Pass	2♠(2)	Dbl	2♦(1)
4♣	5♣	Pass	3♣
Dbl	Pass	5♠	All Pass
			(1) 18-19 HCP, balanced, or a good 3-level minor-suit preempt
			(2) Denied four spades

The Facts: 5♠ went down one, +50 for N/S. The opening lead was the ♣K. The Director was called after the 2♦ bid and determined that this use of a 2♦ opening was not permitted on the GCC (in use for this event) and N/S were therefore playing an illegal convention. As per ACBL procedure in such situations, he allowed the auction and play to proceed and stood ready to protect E/W if damage resulted. Ultimately he decided to change the contract to 5♣ doubled down four, +800 for E/W (Law 12C2), citing the possible auction: 3♣-(Dbl)-4♣-(Pass); Pass-(Dbl)-Pass-(4♠); Pass-(Pass)-5♣-(Pass); Pass-(Dbl)-All Pass.

The Appeal: N/S appealed the Director’s ruling. N/S thought that the assigned result of 5♣ doubled was harsh. They had provided a defense (orally) to their 2♦ opening and said they did not know the convention could not be used in this event. (They said they were allowed to play it at their local club.) The ACBL’s

procedure for Mid-Chart conventions was explained to them and the fact that the Mid-Chart is only allowed in some events. E/W, a 0-200 pair, thought they should not have had to digest a new system and defense. They also noted that facing this new method was disconcerting and left them less well equipped to deal with this hand. North had about 1780 MP, South 1920, East 180 and West 80.

The Panel Decision: After giving three 0-200 pairs the E/W cards as a bidding problem (the auction starting with a 3♣ bid by South) and discussing the bidding problem with two other 0-300 players it was discovered that the auction, and therefore the final contract, could not be determined to either of the standards required by Law 12C2 (“the most favorable result that was likely” and “the most unfavorable result that was at all probable”). Given the variety of auctions proposed by the 199er consultants and the fact that in the actual auction the players did not opt to defend 5♣ doubled, the Panel had no confidence that any particular result could be chosen as being likely or at all probable. Among the auctions considered based on the consultants’ input were 3♣-(Dbl)-4♣-(4♠) leading to either West making a slam try or North saving in 5♣ and 3♣-(Dbl)-5♣-(?). Having determined that normal play was impossible (Law 12A2) the Panel decided to assign artificial scores as follows: +3 imps for E/W; -3 imps for N/S (Law 12C1). In addition, N/S were assessed a 3-imp PP for using an illegal convention since an experienced pair should know that only GCC conventions are permitted in Open Stratified games.

DIC of Event: Michael Carroad

Panel: Su Doe (Reviewer), Patty Holmes, Candy Kuschner, Matt Smith
Players consulted: eight players with 0-300 MP

✍ The panelists mostly agree that N/S cannot keep their “good” result since it was (presumably) achieved through the use of an illegal convention. What they do not agree on is how exactly to adjudicate the situation. But first, one panelist points out an error in the Panel’s interpretation of the Mid- and Super-Charts.

Martel: “Good job by the Panel. Also, for your information, 2♦ is not Mid-Chart legal either. (In fact, it isn’t even Super-Chart legal.)”

✍ Chip is right. The Mid-Chart allows a 2♦ opening that shows a weak two-bid in an unspecified *major* and may include additional strong (15+ HCP) meanings; it also allows a 2♠ or 2NT opening showing an unspecified minor or both minors. It does not allow a 2♦ opening to show an unspecified minor, even one with a strong alternative. The Super-Chart allows artificial weak bids at the two or three level (including those with strong adjuncts) provided they possess a known suit or one of no more than two possible suits *not to include the suit bid*. Since diamonds is one of South’s possible suits, the convention fails on that point.

But what about the Panel’s inability to apply the standards set forth in Law 12C2? Several panelists find this unacceptable.

Wildavsky: “The Panel failed in their responsibility here. The laws do not allow Law 12A2 to be applied to a deal where a result has already been obtained. To apply Law 12C2 all the Panel needed to do was to follow this procedure: (a) Make a list of all ‘likely’ results on the deal. If they didn’t feel up to the task they could simply have looked at the recap sheet. (b) Assign the most favorable of these to the non-offenders. (c) Add to the list results that, while unlikely, are ‘at all probable.’ (d) Assign the most unfavorable of these to the offenders. The Director had no trouble with this. He noted that this N/S pair was willing to bid to 5♣ on the illegal auction, so they might certainly have done the same on a legal auction, and one likely outcome was that E/W would have doubled them. The Director did a fine job here, though he might also have considered a PP for the illegal convention. It would have been illegal even in an NABC+ game since N/S did not give a pre-Alert, nor did they provide a written defense.”

Bramley: “I prefer the Director’s ruling. If Law 12C2 standards are to be used in such cases, then the N/S adjustment to –800 is clear and only the E/W adjustment is in doubt. I would assign them the reciprocal score despite the Directors’ difficulty in determining a result, since reaching 5♣ doubled should hardly be considered remote. I don’t like the PP. Playing a home-grown convention is not flagrant abuse unless the pair had previously been told of its illegality. First offense, no PP.”

✍ Adam and Bart seem to think that a final contract of 5♣ doubled is not only possible but likely. Frankly, I don’t see how. I agree with the following panelist.

Gerard: “Missing in Action. How could no particular result meet 12C2 standards? Didn’t all the different auctions produced by the consultants end up somewhere? Maybe they took different routes, but there had to be a consensus result and some lesser frequencies. What the Panel really meant was that it couldn’t contrive a favorable result for E/W because there was no way to stop in 4♣ or 5♣ doubled. I don’t understand their problem. All they had to do was what the Director did: force East to pass 4♣ (by the way, it looks like West might have doubled 2♦, otherwise East had no double of 2♠), make North rebid his values with a stale hand, and make East sit for 5♣ doubled (I’ll bet not one of the consultants did that). Failure of imagination. It’s clear that the consultants wouldn’t pass 4♣, wouldn’t pass 4♠ as West, wouldn’t sit for a double of 5♣ and that E/W would have ended up in at least 5♠. But rather than allow the result to stand, as the laws would seem to require, the Panel surrendered to its sympathies. In an extreme pinch, you might sell me an offenders’ –420. Otherwise, this was just wishful thinking on the part of the Panel.

Imagine if the Supreme Court or the Attorney General discharged their duties according to their personal sympathies rather than the laws what a state of affairs that would be.”

✍ Sorry Ron, but there’s no indication on the Appeal Form or in the write-up that West doubled 2♦. (We should bear in mind that E/W each had under 200 MP.)

As for the possible auctions, 3♣-(Dbl)-4♣ or 5♣ both seem pretty normal ways for the auction to begin. East might then make a responsive double (assuming E/W played them and they applied at that level) or bid spades directly, after which West would almost certainly cue-bid and E/W would, as Ron says, reach at least 5♠ (but more likely six). So it appears that E/W weren’t really damaged by N/S’s use of the illegal convention. In fact, they may well have been advantaged by being kept from reaching the six level (although even 6♠ can be made, double dummy).

L. Cohen: “How could N/S think that they could use this method? Ugh! I definitely agree with the 3-imp PP. As to adjusting to 5♣ doubled down four, that was ridiculous by the Director. I’d think as soon as it is discovered that the convention is illegal, it should be Average-Plus/Average-Minus (3 imps in this event). Do the rules really permit the non-offenders a double shot (i.e., they get to play the board and see if they can do better than the Average-Plus)? That seems weird. But if that is the rule, then, given that E/W got a poor result, I suppose the Panel handed out the right result.”

✍ The ACBL has always treated the use of illegal conventions in the manner used here. If the use of the illegal method damages the opponents, the Director stands ready to assign an adjusted score. If there is no damage from the method’s use then the table result is allowed to stand. In either case a PP is always an option but is left to the Director’s discretion. And of course the offending pair is instructed to cease using the offending method and to remove it from their CC (or modify it to make it legal). So the Panel was right to try to determine the 12C2 results for the two sides. But they were wrong in allowing their sympathies (as Ron says) to interfere with carrying through with the process that Adam and our next panelist describe.

Goldsmith: “The Panel misinterpreted Law 12. ‘Likely’ and ‘at all probable’ are not absolute probabilities, but probabilities relative among the various possible results. What they had to do (in theory) was come up with all the possible results and assign a probability to each. Typically, these results will fall into three groups: could easily happen; might happen, but not very likely; and won’t ever happen. Just because a result has a 5 percent frequency doesn’t mean it falls into the ‘won’t ever happen’ category. If there are 100 possible results, none more likely than 5 percent, still some of those results have to be judged as likely in context. So if there are ten 5 percent results, fifteen 2 percent results, and eighty-five results which are judged to happen less than one-half of a percent of the time each, then the 5 percent results are likely, the 5 percent and the 2 percent results are at all probable, and we ignore the really rare ones. Of course, most of the time there won’t be such a clear grouping, but in practice what will happen is that the Panel or Committee will start throwing out possibilities and after a while a whole bunch in a row will be judged as too far-fetched. Then they start grouping the possibilities they have. In practice, there typically won’t be more than about ten scenarios. In a pair game, it’s pretty easy to deal with; take a look at the field’s frequency chart and judge from there. Anything that happened twice is worth considering as ‘at all likely,’ though not all such results will end up judged as such.”

Rigal: “This is one case where an assigned adjusted score and a PP do seem reasonable. Not perfect, but reasonable, in the context of the fact that E/W were so relatively inexperienced.”

Polisner: “I agree that a probable result is difficult to determine, although –800 is

certainly 'at all probable.' I think I would have given N/S -800 and E/W + 3 imps."

✍ Again, it is difficult to see just how E/W can get to defend 5♣ doubled (unless each of them is permitted to take a double-dummy action). And assigning E/W +3 imps, as both Barry and Jeff Polisner suggest, is not consistent with Laws 12A or 12C2 (as Adam and Jeff Goldsmith point out).

Wolff: "Good final decision. 'Let the punishment fit the crime.' Equity is served and the culprits taught what to expect."

✍ In principle yes, but in practice in this case no. Given that it's so unlikely that E/W were actually damaged by the illegal convention (and given that the Panel had so much trouble determining its illegality under the Convention Charts) it seems important to drive home Wolffie's point that N/S are "taught what to expect" for the future. Thus, I have no problem with issuing the PP, although I probably wouldn't recommend it for this pair had there been damage and had the score been adjusted.

CASE THIRTY-SEVEN

Subject (Exposed Card): A Practical Solution

Event: NABC Open BAM Teams, 24 Nov 03, Second Final Session

Bd: 16	Yalcin Atabey		
Dlr: West	♠ A6		
Vul: E/W	♥ AQ10853		
	♦ 1073		
	♣ 107		
Adam Zmudzinski	Cezary Balicki		
♠ K4	♠ QJ10985		
♥ 64	♥ K97		
♦ KQJ	♦ A864		
♣ Q98532	♣ ---		
	Suleyman Kalata		
	♠ 732		
	♥ J2		
	♦ 952		
	♣ AKJ64		
WEST	NORTH	EAST	SOUTH
2♣(1)	2♥	4♠	All Pass
(1) Alerted; Precision			

The Facts: 4♠ made four, +620 for E/W. The opening lead was the ♣A. The Director was called before the auction began; West's ♦Q became exposed while he was counting his cards, which had been boxed in the board. East saw the card. The board was being started late and had already been played at the other table. The Director had the auction and play proceed and monitored the proceedings. After the hand E/W said that a 2♠ bid by East over 2♥ would have been non-forcing and 3♠ would have been forcing. The Director ruled that the auction period had not begun when the card was exposed (Law 17A), so Law 16B applied. He judged that the exposed card had not interfered with the normal play of the board and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling and were the only players to attend the hearing. The two Directors who handled the ruling at the table also attended and conveyed E/W's position. N/S said they actually saw nothing at the table but became aware of the problem through West's actions. The Committee learned from the Directors that West told them at the table that more cards than just the ♦Q had been boxed and exposed, but East had only recognized the ♦Q (he may have actually seen other cards). N/S were Turkish internationalists who play only occasionally in North America; each has fewer than 20 ACBL MP. E/W were top expert internationalists from Poland; each had over 22,700 ACBL MP.

The Committee Decision: The Committee was impressed by E/W's obvious display of honesty in Alerting N/S to the exposed card(s). The Directors said that they would have had a substitute board played had they known that an honor (the ♦Q) was exposed. It was the consensus of the Committee that had East seen the ♦Q it would have increased the attractiveness of a 4♠ bid (by about 5-10 percent) over a 2♠ bid. The Committee decided, after consulting with the Directors present, that since a substitute board had not been put into play the result at this table would be thrown out and the standard procedure used to assign an artificial result to both teams, taking the result on the board from the other table into account.

DIC of Event: Steve Bates

Committee: Steve Weinstein (chair), Larry Cohen, Ed Lazarus, Chris Moll (scribe), Adam Wildavsky

✍ First, let's hear from two of the Committee members.

L. Cohen: "We kind of took a poll in percentage terms as to how much we thought seeing the ♦Q might influence East, and 5-10 percent was the average. Had East

CLOSING REMARKS FROM THE EXPERT PANELISTS

seen, say, the ♣Q, that wouldn't have indicated bidding 4♠. But the ♦Q had to help a little. We didn't want to force E/W to stop below 4♠ (not likely for this pair), so throwing out the board seemed best."

Wildavsky: "An unusual case. I still like our decision."

✍ Some panelists prefer the original table ruling, believing that East would always reach 4♠ and that the ♦Q did not influence the result.

Bramley: "Who said that the ♦Q was exposed? I prefer the original Director's ruling. Knowing East, I can't believe he would ever have bid less than 4♠. His suit is self-sufficient and his ♥K has increased value."

Wolff: "All's well that ends well, but once the Director made a ruling that ruling should apply and the Committee should ratify the result."

✍ One panelist's belief in the table ruling ended up being somewhat weakened.

Rigal: "At the time I thought the ♦Q was not significant enough a card to influence the decision by East. I received enough disagreement with that point of view that I am prepared to accept that I was wrong. It is certainly a close call; I think there is virtually no other card that would not be either clearly relevant or clearly irrelevant. (Aside: if the procedure is that the artificial result at this table—60 percent for both sides—is added to the matchpoint result from the other table, with the combined matchpoint scores producing a win, loss or draw, the reader might be interested to know what happened at the other table. I went to check and discovered that E/W's teammates had defended a partscore for 90 percent of the BAM matchpoints, thus getting a win on the board under those circumstances, too. If the Director had known this he might have been able to cut short the discussion. If the appellants had known this, they would not have brought the case, would they? That would have been a pity, in abstract, since the discussion was stimulating.)"

✍ One panelist thinks that seeing the ♦Q gave East a "huge" advantage.

Polisner: "Good practical decision. The knowledge of the ♦Q with West is a huge plus for East's decision to bid 4♠ with his 6-7 loser hand."

✍ I'm with the previous group who think that knowing that West had the ♦Q was of minimal use to East, who would always have bid to 4♠ regardless.

Our final panelist also agrees with adjusting the score, but suggests a different approach (one that only works if the player who caused the UI can be identified).

Goldsmith: "There is a rule for this situation. East inadvertently obtained UI, not dissimilarly to having overheard a discussion at another table. Law 16B covers it. Since switching positions is ineffective, and E/W would not accept a substitute, if the Director judges that the information interferes with the normal play of the board, an artificial assigned score is given. Since neither side is at fault, typically Average-Plus is given to each side, allowing for consideration of the result at the other table. But while no player at the table was at fault, I believe there is a culpable party. The player who last handled the West cards (and boxed them) should be given a PP of the difference between the sum of the E/W and N/S scores and a full board. Carelessness of this sort comes with liability. This is more relevant to cases of loud discussion of a board. Suppose that just as the players were taking their cards from the board East overheard a player at a neighboring table saying, 'Can you believe that 4♠ makes with only 21 HCP?' Then (assuming nothing special happened at the other table) each team gets Average-Plus and the loudmouth gets a .2 board PP."

Bramley: "Giving everyone's MP highlights how many foreign players, with their artificial MP totals, are at our NABCs. Unfortunately, there seem to be a disproportionate number of them in appeals. As I write this, the powers that be have decided they can no longer afford the services of Rich Colker. They made a similar decision 6 or 7 years ago, but luckily his exile that time lasted for only one Appeals Casebook. I hope that the same holds true again. He has done a terrific job and I will miss working with him on these casebooks."

L. Cohen: "Overall a good job on the final decisions, but the way they were arrived at could use some streamlining. (As my Algebra teacher stressed, you have to show your work, not just give the final answer.) Don't give extraneous information (such as why the huddler took so long to break tempo). Also, try to follow the chain of logic (especially in tempo cases) of A, B, C. For example, CASE FIVE omits A (was there a BIT) and B (did the UI demonstrably suggest one action over another) and starts right at C (should the action taken be allowed). I don't know if this was a write-up issue, or maybe the Panel simply omitted A and B."

Martel: "Overall, a good job by the Panels and Committees (and Directors). There were only a few cases where I really disagreed with the final decision. It was also nice to see everyone doing a good job of protecting the non-offenders."

Rigal: "I've been critical of the Directing staff in the past for failing to give the non-offenders the benefit of the doubt when it comes down to a case of bridge judgment. My view was that any time the Committee decided in favor of the non-offenders on appeal, the Director's ruling should clearly have gone the other way. This time there are four cases where the Director's ruling in favor of the offenders required a closer look: CASES SIX, SEVEN, TWELVE and SEVENTEEN. In CASE SIX the Committee agreed with the Director in what I think was the worst decision in New Orleans (I've made my comments in the appropriate place). CASE SEVEN is about an interpretation of a BIT; the Directors made the right ruling if their interpretation of the slow double was right. I happen not to agree with their interpretation, but that is another matter. In CASE TWELVE the issue was determining what a slow bid demonstrably suggested. The Committee and Director did not agree, but in context the Director's ruling was reasonable, even though I agree with the Committee. And CASE SEVENTEEN was one where I can sympathize with the Director's ruling though I would have wanted to penalize the offenders (maybe even by a PP). Conclusion: this may sound a little too Pollyannaish, but it seems to me that the Directors' rulings were of the highest standard that I can recall, though I do not keep statistics. Well done. As to the Panels and Committees, other than CASE SIX I find myself sympathizing with all the decisions, even if I do not precisely agree with them all. We are still not by any means perfect on AWMW decisions, but I see that issue as far less important than getting the decision right. Well done, everyone."

Wildavsky: "Due to a miscommunication, my closing comments were not included in the Long Beach casebook. I'm including here what I still consider relevant.

"Committees heard eighteen cases in Long Beach. The Committee's decision upheld the Director's ruling in eight cases. In the remaining ten cases I judge that the Committee improved the Director's ruling five times and worsened it once. I found four cases too close to call. CASE TWENTY was an egregiously poor Committee decision, and spoiled what could have been a good record. Because I remembered this case and not some of the others I was under the impression that Committees did especially poorly in Long Beach. I'm glad to discover that I was mistaken. Panels heard nineteen cases and decided as the Director did in fifteen of them. In two cases I judged that they improved the Director's ruling, while in two others I judged that they worsened it. My data, including my categorization of each

case, can be found at:

http://www.tameware.com/adam/bridge/laws/nabc_casebook_summaries.html. I have restricted this analysis to cases where Committees and Panels changed the original table ruling. In part this was to economize on my time and in part it was because my main goal is to measure whether and by how much such changes serve to improve bridge jurisprudence.

“One way to make better rulings is to apply Law 72B1 when appropriate. This is the legal basis for the distinction between consequent and subsequent damage first explained by Edgar Kaplan in the August 1973 issue of *The Bridge World*. The discussion may have been reprinted since—perhaps the Editor can fill us in. The principle is referred to in the ACBL’s ‘Tech Files,’ though without reference to Law 72B1, as follows: ‘A serious misplay can be cause for a player to have to accept a bad score that was actually achieved even though the offender’s score should be adjudicated.’ The Tech Files are available as part of ACBLScore, though for some reason they are not on the ACBL web site. As for CASE TWENTY from Long Beach (a player intended 3NT as an artificial raise, then carried on to the five level over the opponents’ save after he learned from his partner’s explanation that they were not on the same wavelength), the decision was dreadful. In my comment I wrote that ‘most players would double with only AI.’ I wasn’t just guessing: I took a poll of players likely to be found in the finals of an NABC+ event. I received fifty-three replies. Thirty-two players said they’d pass, ten said they’d bid 5♥, and eleven more thought the decision was close. These polls are not in themselves dispositive, but they can be greatly beneficial. Knowing the whole hand it may be harder to realize that the action that turns out to have been successful was not obvious at the time it was made. Blind previews can serve a similar function, but a poll can help the Director as well as the Committee. With or without a poll, I urge Directors and Committees to take an expansive view of LAs, rejecting a call only if it would be a clear error: that is, only if it would in fact be illogical.

“Now for New Orleans. Committees there heard twenty-one cases, deciding as the Director did twelve times. In the remaining eleven cases I judge the Committee improved the Director’s ruling five times (CASES TWELVE, SEVENTEEN, TWENTY-FOUR, TWENTY-NINE, and THIRTY) and worsened it once (CASE SIX). I found three cases too close to call (CASES SEVEN, FIFTEEN, and THIRTY-SEVEN). Panels heard sixteen cases and decided as the Director did in eleven of them. In one case (TWENTY-ONE) I judged that they improved the Director’s ruling, while in two others (CASES FIVE and THIRTY-SIX) I judged that they worsened it.

“I think we’d all like to reduce the number of meritless cases brought to appeal. One way is to make sure that in screening Law 72B1 is explained when appropriate. Another would be to improve our Stop Card procedure by making it more objective: the current procedure causes all kinds of trouble and is in my view much inferior to the one we used through 1995. I’ve made a proposal to the Conventions and Competition Committee on this matter and have alas been rebuffed. For those wishing to take up the gauntlet, a copy of my proposal can be found at:

http://www.tameware.com/adam/bridge/laws/stop_card.html.

While I may criticize individual decisions here and there, I should also note that ACBL Director rulings and Committee decisions have improved dramatically over the past decade. These casebooks are not only evidence of this improvement, in my view they are its major cause. Rich Colker has edited the majority of the ACBL’s casebooks, and much of the credit for any improvement must go to him. I hear this may be Rich’s last casebook. Rich and I have often disagreed, but I hope this has only served to improve both our arguments. In any case, I’d like to thank him for the professionalism he’s brought to the process.

CLOSING REMARKS FROM THE EDITOR ✍

Reactions to Panelists’ Closing Remarks

All of the panelists commended the Directors, Committees and Panels for a job well done in New Orleans, and I concur with that appraisal. By my own estimates all three groups made what I consider good (or at least acceptable) decisions or rulings in at least two-thirds to three-quarters of the cases. Polite applause.

As our panelists and many of our readers will no doubt already be aware by the time they read this, this will be my final casebook. ACBL management has decided that they no longer wish to pay for the casebooks to be done as they have in the past. From the start I considered editing these casebooks to be a great responsibility but also a great pleasure. The work has at times been difficult but has always been quite rewarding. I appreciate the help and support everyone has given me during my tenure in this position, and I wish everyone all the best in the future, in whatever direction the casebooks may go.

I do not yet know for certain what the future will hold for me employment-wise, but anyone wishing advice on laws, regulations, table rulings or appeal matters may contact me at:

rcolker@worldnet.att.net.

I will try to provide feedback in a timely manner if possible.

POSTSCRIPT FROM THE DIRECTOR OF APPEALS

“I would like to thank Rich for agreeing to take this editor’s task on back in '95 when I asked him to accept the responsibility. Through the years, he has helped Directors and Committees alike to understand many of the quirks involved in appeals decision-making. Hopefully, Rich will always be there for us.”

— Joan Gerard

ADVICE FOR ADVANCING PLAYERS

As this is my final casebook, I will leave the reader with some advice about what I think are the most important things a player should bring to this game, to any problem arising at the table, and to any appeal.

First and foremost, strive to maintain a calm and considerate manner toward the opponents, the Director and the Committee (if it comes to that).

Second, everyone has a unique perspective on what happened at the table, and yours is not the only one that's credible and deserves respect. As psychologists have demonstrated, there are always at least three views of what happened (and why): the one side's view, the other side's view, and the view of the disinterested observer. That third view is the only one that consistently approaches the "truth."

Third, and even though it may be difficult, refrain from attributing ulterior motives to the opponents' actions, the Director or the Committee members. Again, studies by psychologists have shown that we tend to attribute good motives to ourselves and to overlook our own errors as being due to circumstance beyond our control, while we attribute personal (and often malicious) motives to the actions of others and see their errors as being due to negligence or inclinations to commit such acts on their part. In other words, when we do something wrong it is an accident that was largely due to circumstances we could not control, while if someone else does the same thing they did it on purpose because they're predisposed to such actions. The truth almost always lies somewhere in between.

When an opponent misinforms us we think: "They did that on purpose" or "They should know their system better" or "It was their fault for not discussing that sequence." If we forget a bid's meaning or neglect to inform the opponents of our agreement we think: "They should have known that, and besides, they should have gotten it right anyhow; it was their own incompetence that damaged them."

And finally, whatever ills befall you at the table, bear in mind that the good of the game is more important than whether you personally prevail in the situation. If you are negligent and damage the opponents, even if they should have recovered, you should accept responsibility for your mistake gracefully. You are not entitled to a good result that was made possible by your irregularity, even if the opponents are held subsequently negligent. Looked at another way, by accepting responsibility for your actions and suffering the consequences, you are less likely to repeat your mistake. In the long run, that will be best for the *game of bridge*, now won't it?

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