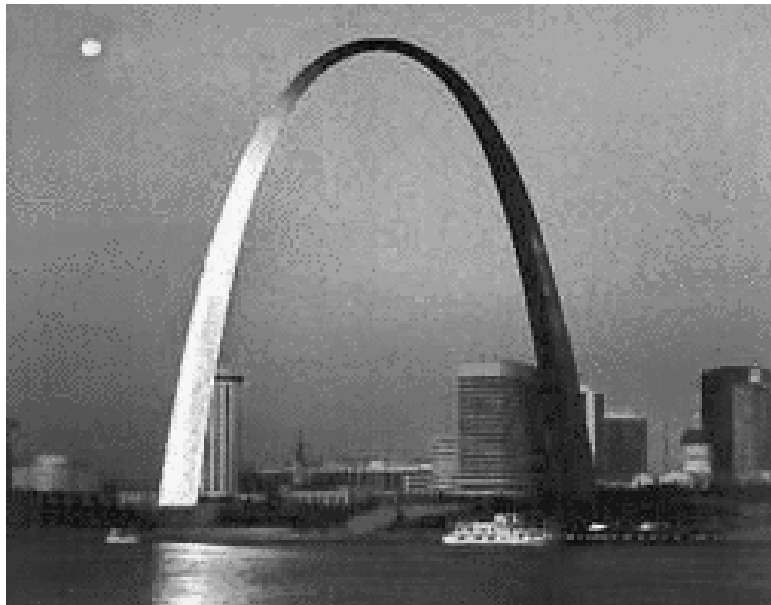




American Contract Bridge League

Presents

St. Louis, Misery



Appeals at the 1997 Fall NABC

Edited by
Rich Colker

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FOREWORD

In his response to a Chairman's case write-up a panelist raised the following issue:

Brissman: "I disagree with the practice of using the terms 'unanimously' or 'in a split decision' in the write-ups; it can be counterproductive. Any majority is the Committee decision and the internal vote remains no one's business other than the voters. If dissenters feel strongly enough to state their opinion in writing, they should do so. But the intent to give comfort to the vanquished by disclosing a split vote or to emphasize Committee solidarity by disclosing unanimity is not helpful to the Committee process."

Jon's position has been the policy of National Appeals for quite a long time, although many of us have been guilty of deviating from it in recent years. In support of it I have removed all references from the **Committee Decisions** in this casebook to the unanimity, or lack thereof, of the final decisions (except for written **Dissenting Opinions**). At the same time I have left discussions of law, bridge and merit issues which serve to further our understanding of the Committee process intact — even if by doing so Committees' voting tendencies were revealed. Committee Chairs should take note of this policy in preparing future write-ups.

We continue with our presentation of appeals from NABC tournaments. As always, our goal is to provide information and to stimulate change (hopefully for the better). We hope we have done this in a manner that is entertaining, as well as instructive and stimulating.

As in previous casebooks, we've asked our panelists to rate each Director's ruling and each Committee's decision. While not every panelist rated every case (just as every panelist didn't comment on every case), many did. The two ratings (averaged over the panelists) are presented after each write-up, expressed as percentages. These ratings also appear in a summary table near the end of the casebook for handy reference.

Once again I wish to thank all of the hard-working people without whose efforts these casebooks would not be possible: the scribes and Committee chairs 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 our praise (and occasional abuse); and, of course, Linda Weinstein, who manages the case write-ups at NABC tournaments. As always, she is the indispensable one in this operation. My sincere thanks to all of you. I hope that my revisions have not diminished any of your earlier work. One final thanks goes to Sheri Winestock, for suggesting the casebook's title.

Rich Colker,
July, 1998

THE EXPERT PANEL

Bart Bramley, 50, was born in Poughkeepsie, New York. He grew up in Connecticut and Boston and is a graduate of MIT. He currently resides in Chicago with his longtime companion Judy Wadas. He is a stock options trader at the CBOE. Bart is a sports fan (especially baseball and specifically the NY Yankees), a golf enthusiast, enjoys word games and has been a Deadhead for many years. He is proudest of his 1989 Reno Vanderbilt win and his participation in the 1991 Bermuda Bowl. He was captain of the 1996 U.S. Olympiad team. He also credits Ken Lebensold as an essential influence in his bridge development.

Jon Brissman, 54, was born in Abilene, Texas. He attended Purdue University and earned a B.A. from Parsons College, an M.A. from Northeast Missouri State University, and a J.D. from Western State University College of Law. He operates a small law office in San Bernardino, California, teaches at the Los Angeles College of Chiropractic, and serves as a judge pro tem in small claims and municipal court. He served as Co-Chair of the National Appeals Committee from 1982-88, and was reappointed in 1997. A Good Will Committee member, he believes that a pleasant demeanor coaxes forth his partnership's best efforts.

Larry Cohen, 39, was born in New York. He is a graduate of SUNY at Albany. He currently resides in Boca Raton, Florida. He is a Bridge Professional and author of three books, two that are best sellers: *To Bid or Not To Bid* and *Following the Law*, and a third book published recently, *Bridge Below the Belt*, written with Liz Davis. Larry is a Co-Director of the *Bridge World* Master Solver's Club. He enjoys golf in his spare time. He has won sixteen National Championships.

Ron Gerard, 54, 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, 1990) and one semi-final without playing once on a professional team.

Bobby Goldman, 59, was born in Philadelphia. He currently resides in Dallas with his wife Bettianne and his son, Quinn. He is a Bridge Professional and Financial Analyst. His hobbies include tennis, volleyball, basketball and softball. While Bobby was a member of the original ACES from 1968 to 1974, he was a pioneer in writing computer programs that generate bridge practice hands and evaluate bidding probabilities. Bobby has won four World Championships and more than thirty National Championships.

Jeff Meckstroth, 42, was born in Springfield, Ohio. He currently resides in Tampa, Florida with his wife Shirlee and his two sons, Matt, 13, and Rob, 15. He is a Bridge Professional who enjoys golf and movies in his spare time. Every year his name can be found near the top of the Barry Crane Top 500 list. Jeff is a Grand Life Master in both

the WBF and ACBL. He has won four world titles (his first at age 25 in 1981) and numerous National Championships including seven Spingolds, four of which were won consecutively from 1993 to 1996.

Barry Rigal, 40, was born in London, England. He is married to Sue Picus and currently resides in New York City where he is a bridge writer and analyst who contributes to many periodicals worldwide and is the author of the recently published book, *Precision in the Nineties*. He enjoys theater, music, arts, and travel. Barry is also an outstanding Vugraph commentator, demonstrating an extensive knowledge of the many 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, winning the Common Market Mixed Teams in 1987, and winning the Gold Cup in 1991.

Michael Rosenberg, 44, was born in New York where he has resided since 1978. He is a stock options trader. His mother, father and sister reside in Scotland where he grew up. His hobbies include tennis and music. Widely regarded as the expert's expert, Michael won the Rosenblum KO and was second in the Open Pairs in the 1994 Albuquerque World Bridge Championships. He was the ACBL player of the year in 1994. He believes the bridge accomplishment he will be proudest of is still in the future. Michael is also a leading spokesman for ethical bridge play and for policies that encourage higher standards.

Dave Treadwell, 85, was born in Belleville, New Jersey and currently resides in Wilmington, Delaware. He is a retired Chemical Engineer, a graduate of MIT, and was employed by DuPont for more than 40 years where his responsibilities included the initial production of Teflon for introduction to the marketplace. He has three grown children, three grandchildren and two great-grandchildren. His hobbies include blackjack and magic squares. The bridge accomplishment he is proudest of is breaking the 20,000 masterpoint barrier. He believes bridge can be competitive and intellectual, but above all can be and must be fun.

Howard Weinstein, 45, was born in Minneapolis. He is a graduate of the University of Minnesota. He currently resides in Chicago where he is a stock options trader at the CBOE. His brother, sister and parents all reside in Minneapolis. His parents both play bridge and his father is a Life Master. Howard is a sports enthusiast and enjoys playing golf. He is a member of the ACBL Ethical Oversight Committee, Chairman of the ACBL's Conventions and Competition Committee and has been a National Appeals Committee member since 1987. He has won five National Championships, and is proudest of his 1993 Kansas City Vanderbilt win.

Bobby Wolff, 65, was born in San Antonio, and is a graduate of Trinity U. He currently resides in Dallas. 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 greatest players and has won ten World Titles and numerous National Championships including four straight Spingolds (1993-96). He

served as the 1987 ACBL president and the 1992-1994 WBF president. He has served as tournament recorder at NABCs, and is the author of the ACBL active ethics program. His current pet projects are eliminating Convention Disruption (CD) and Hesitation Disruption (HD), and the flagrant propagation of acronyms (FPA).

CASE ONE

Subject (Tempo): Bridge Over Troubled Double
Event: Life Master Pairs, 21 Nov 97, Second Session

Bd: 22	Brad Holtsberry		
Dlr: East	♠ 108		
Vul: E/W	♥ K10942		
	♦ Q54		
	♣ AJ5		
Mark Stein		Jack Coleman	
♠ J762		♠ KQ9543	
♥ A63		♥ Q	
♦ AK		♦ 983	
♣ 10963		♣ Q87	
	Richard Mydloski		
	♠ A		
	♥ J875		
	♦ J10762		
	♣ K42		

West	North	East	South
		Pass	Pass
1♣	1♥	1♠	4♥
Dbl(1)	Pass	4♣	All Pass
(1) Break in tempo			

The Facts: 4♣ made four, plus 620 for E/W. West considered his bid for about thirty seconds before he doubled 4♥. This was agreed by all four players. The Director was called when the 4♣ bid was made. The Director ruled that the 4♣ bid was suggested over other logical alternatives and changed the contract to 4♥ doubled down one, plus 100 for E/W.

The Appeal: E/W appealed the Director’s ruling. East explained the virtues of his call. He thought his defensive prospects were not good, despite the double, and that if his partner had as little as a good doubleton in spades it might be profitable to play in 4♣. He also said that he made the same bid he would have made had the double been in tempo. East was asked why he had not opened a weak two-bid in spades. He said that the hand was not good enough. When asked what 2♠, instead of 1♠, would have meant, he said the bid was undiscussed. N/S noted that the agreed upon break in tempo suggested uncertainty about the double and, therefore, suggested bidding, when passing was a logical alternative.

The Committee Decision: The Committee disagreed with East’s analysis of the auction. The ♥Q was not necessarily a wasted value. The ♣Q could also be a defensive value and if partner has only a doubleton spade, then the ♠KQ were defensive values. There are hands consistent with the auction where 4♣ would be the winning call, but pass was very clearly a logical alternative. The Committee believed that the 4♣ bid could not be allowed. The Committee considered several defenses and lines of play and decided that in a 4♥ contract, down one was substantially the most likely and the most probable result. The contract was changed to 4♥ doubled down one, plus 100 for E/W. East stated that he had never appeared before a National Appeals Committee. The Committee knew him to be an expert with a great deal of tournament seasoning. E/W were believed to be sufficiently knowledgeable about the game and its rules to be held to NABC standards for presenting appeals. Under the current ACBL policies, the Committee retained the \$50 deposit for an appeal lacking substantial merit.

Chairman: Michael Huston
Committee Members: Doug Heron, Brad Moss, Phil Warden, Michael White

Directors’ Ruling: 93.8 **Committee’s Decision: 92.9**

The Committee was on the right on target on this one. First, passing West’s double of 4♥ is a majority action: East’s values are all likely to be working on defense, as the Committee accurately pointed out. Second, on defense East cannot profitably attack clubs on opening lead. A club lead limits North’s losers to at most four, depending on the play in the heart suit. It seems normal to play West for the ♥Q; anything else gives N/S too much and E/W too little. Therefore, on a club lead down one is likely (North losing two tricks in each red suit). A spade lead leaves open the possibility that North will lose a club trick in addition to four red-suit tricks for down two, but only if West plays clubs at every opportunity. The combined chances that East would lead a spade and that E/W would then find the best defense is clearly less than likely. (Had E/W been the non-offenders, it would be close whether this defense is even “at all probable.”) Therefore, both sides should be assigned the result for 4♥ doubled down one, plus 100 for E/W. And finally, keeping the deposit was a slam-dunk. Good work all around.

The panelists (with one exception) all agreed with me on the bridge of this case, but expressed wide-ranging opinions on the merits of the appeal. Let’s start with Mr. T, who was atypically emphatic on the latter issue.

Treadwell: “An easy case which the Director and Committee both got exactly right. I wonder if the Committee considered a procedural penalty, in addition to retention of the deposit. Although I tend to take a liberal “let’s play bridge” view of bids made in such situations, the pull of the double in this case constituted a serious violation of the responsibility not to use UI.”

Bramley: “Good start. The Committee did well to determine a table result, even though other results were possible. Keeping the deposit was also a good move.”

Cohen: “Perfect. This is the way these tempo decisions (when they are so clear) should be handled. Not clear what happens to 4♥, but not very important.”

Returning to our panel after a long hiatus is . . .

Meckstroth: “I completely agree. Nicely done by all.”

Placing bridge professionals’ responsibilities into proper perspective was . . .

Gerard: “Yes. Puts the lie to the ‘go ahead and bid it and let the Committee take it away from you’ school of thought. Whether or not the Committee’s evaluation of East’s abilities was correct, there was no question that E/W as a partnership should have known not to pursue the appeal. This was mostly West’s fault, not East’s. West shouldn’t have let East twist in the wind. Playing professionally carries with it certain

ethical responsibilities, including the obligation to prevent a client from lodging a frivolous appeal.”

The New York City contingent of our panel seems to be of like mind in their desire to find a way to punish E/W’s impudence for bringing this appeal. Perhaps they’ve seen a few of these affairs in their part of the country?

Rigal: “The Director produced a straightforward and entirely appropriate ruling. The Committee correctly left the score in place. There are a number of issues arising. West’s slow double will be commented on fully by Michael Rosenberg I assume, so I will only say that I think he should know much better than that. East is a many times National Swiss Team winner — if not a big boy, he should at least be treated like one. In the specific circumstances I am not sure the fine of money as opposed to matchpoints is appropriate (see some of the decisions from Dallas, last spring), but I do approve of the idea that E/W should not think they can abuse the appeals process like that. One other way to come back to that conclusion is to wonder whether an opening club lead is really less than 1/6. I think I might give E/W minus 590 while leaving N/S with minus 100.”

If Barry assumed that declarer would guess hearts, that result is too unlikely even for the non-offenders. The choice is between down one and down two — not making and down one.

Rosenberg: “The Committee was correct to disallow the 4♠ bid, even though many might regard the bid as ‘normal.’ The long huddle-double in this situation too clearly suggests pulling. Rather than retaining the \$50, the Committee might have censured East, if an expert. A better way to ‘punish’ East would be not to let him score the ♡Q on defense (since that is the card that made passing obligatory after the huddle). However, it seems that down one is still the result, unless East leads a club. Well, that’s just what I would make East do (if I believed he should have known better than to bid 4♠). This may seem harsh, but it sends the message that taking advantage of UI is losing tactics.”

Looking to find a way to “be like Mike” (and Barry, too), but failing . . .

Weinstein: “I’d like to find a way to let E/W receive minus 590 for this appeal. I’m looking for a 1 in 6 chance that 4♥ would be made. Let’s see. ♥Q lead? West jumping up on the ♥A to mistakenly cash the ♦AK without an entry to partner’s hand? North somehow guessing correctly in hearts? Not sure I can get to 1 in 6, so I would have just assessed a procedural penalty against E/W for the appeal.”

Our “lawyer with a soft heart” (is that an oxymoron?) has quite different feelings about the merits of this case.

Brissman: “The bridge decision is correct, but I think the case may have had some merit. I wonder if the Committee would have decided similarly if East had presented his best argument: ‘The double in this position shows cards, typically outside the trump

suit, and asks the doubler’s partner to do something intelligent. N/S were likely to have ten trumps, and the break in tempo does not change the character of the double.’”

The “something intelligent” Jon is searching for can be found wearing a bright green smile, sitting right in the front of the bidding box. Summing up this case nicely . . .

Wolff: “Well done by both the Director and the Committee.”

Hear, hear.

CASE TWO

Subject (Tempo): A Different Kind Of “Penalty” Double

Event: Life Master Pairs, 21 Nov 97, Second Session

Bd: 19 Alice Leicht Dlr: South ♠ KJ853 Vul: E/W ♥ AQ2 ♦ J6 ♣ A75 Claude Vogel George Jacobs ♠ --- ♠ 10962 ♥ J854 ♥ K1097 ♦ AK109872 ♦ Q53 ♣ 109 ♣ Q3 Marvin French ♠ AQ74 ♥ 63 ♦ 4 ♣ KJ8642	
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West North East South

3♦(1) Db1(2) Pass 1♣
 Pass 4♠ All Pass 3♠
 (1) No skip-bid warning
 (2) Break in tempo by North;
 Alerted by South; penalty

The Facts: 4♠ made six, plus 480 for N/S. South was considerably more experienced than North. After West’s 3♦ call, North broke tempo before and after looking at the E/W convention card. She was uncertain about the best action. The Director was called at the time of the break in tempo and again after the hand

was over. The Director ruled that unauthorized information was present which could have suggested the removal of the penalty double. Since pass was a logical alternative to 3♠ for South, the Director changed the contract to 3♦ doubled made four, plus 870 for E/W.

The Appeal: N/S appealed the Director’s ruling. South asserted that he had played tournament bridge for fifty years and that he did not play negative doubles. His approach to doubles was modeled after the S. J. Simon book, *Why You Lose at Bridge*. He stated that the double was a suggestion, not a command, and that he should have about four defensive tricks in his hand to pass the double with a singleton trump. South thought his hand warranted the 3♠ call. North admitted uncertainty about her choice of calls. When asked why she didn’t bid 3♠ she said that she didn’t want to bid “just a king-jack suit.” She said “I’m doubling to let him make the decision.” South submitted that the North hand was not one that called for a double in their methods. He also stated that he had system notes at home which could substantiate and corroborate the criteria he used to decide which penalty doubles to pull and which ones to pass.

The Committee Decision: The Committee believed that if North’s spade and diamond suits had been interchanged, the hesitation was not likely to have occurred. The hesitation thus conveyed the information to South that the penalty double was not based on length and strength in trumps. While South did not have an ideal hand for defense, his hand was within the range that his partner could have anticipated when she chose the penalty double. The unauthorized information suggested that bidding 3♠ was more likely to be successful than passing, so South was not allowed to select that action.

Since E/W would most probably win ten tricks, the contract was changed to 3♦ doubled made four for both sides, plus 870 for E/W. The \$50 deposit was returned.

Chairman: Jon Brissman

Committee Members: Phil Brady, Ed Lazarus

Directors’ Ruling: 98.3

Committee’s Decision: 91.7

The methods South described can be found, as claimed, in S.J. Simon’s book (page 80 of the 1967 edition). The fact that those methods are foreign to modern bidding practices is not sufficient reason to presume that no one plays them, or that the claim to be playing them is specious (or self-serving). On that basis I have a small measure of sympathy for N/S here.

The Committee’s statement, “. . . that if North’s spade and diamond suits had been interchanged, the hesitation was not likely to have occurred” is therefore inconsistent with N/S’s system and thus irrelevant to this decision. By the methods professed by N/S (what player who didn’t play them would be able to cite their source so readily?) North couldn’t hold the hand the Committee wanted to give her for her double. Also, the requirement Simon proposes for leaving in such a double (four-plus defensive tricks if opener has only a singleton trump) does not even remotely resemble South’s hand, which has a clear-cut pull according to those methods. Of course North’s tempo still places an onus upon South to take only what would be considered a “normal” or majority action. But South’s cards clearly point to pulling in this case.

The real problem I have with N/S’s position here is that their convention card was marked “penalty doubles.” That is grossly misinformative. An opponent, finding himself in a doubled contract, could easily misplay the hand by several tricks and end up going down in a cold contract by playing for trumps to be “stacked” behind him rather than evenly split. Doubles which by agreement can be made with a weak trump holding (jack-third is ideal, according to Simon) and significant (but dispersed) outside strength, are not “penalty”; they are “card-showing,” “optional” or “cooperative.” Opener is expected to pull the double unless he has a specific combination of extra trumps and high-cards. For N/S to mark their convention cards “penalty doubles” under these circumstances is, in my opinion, a serious infraction.

Any further assessment would depend on just how diabolical I thought N/S were in failing to properly disclose their methods. If I believed the mismarked convention cards constituted a flagrant attempt to gain an unfair advantage, I would impose a disciplinary penalty on N/S equal to an appropriate score adjustment (such as the one given here) plus an additional penalty to discourage continued misrepresentation of N/S’s methods. I would also keep the money. If, on the other hand, I believed (as I am inclined to here) that the problem was the result of simple oversight or ignorance for how the “penalty” description might harm the opponents, then I would simply make a score adjustment — as this Committee did. A score adjustment will deliver the message, “If you aren’t careful with your disclosures, you may lose your good scores.”

And why adjust E/W’s score? Because they might have competed to a higher level (see Wolffie’s comment below) and been doubled there. Since it is difficult to determine how the auction would have progressed had E/W known that the double was

not penalty, they deserve the benefit of the doubt. For example, they might have been doubled in 4♦ (plus 710), or gone down one in 5♦ doubled (minus 200). E/W may not deserve plus 870 (see my reaction to Wolffie's suggestion later), but they certainly deserve better than minus 480.

Some of the panelists were more critical of N/S's role in creating the problem, or doubted whether they were actually playing the methods they professed. Let's listen to those opinions, beginning with the Committee Chairman.

Brissman: "In retrospect, I think we were overly generous in returning the deposit. It appears that North totally abdicated her responsibility for bidding her hand, and her tempo may have assisted South in deciphering her distress. The fact that South lambasted the Committee and its decision in an Internet discussion group has done nothing to make me sympathetic to his position."

Jon is right about South's Internet activities. I also received several of his e-mails. Agreeing with Jon's retrospective about the merits of the appeal were . . .

Bramley: "Proper decision, but this Committee should have kept the money, too. Even though South defended himself forcefully both here and in other forums, he should have known that this was an especially tempo-sensitive position. One must be very careful when playing non-standard systems with inexperienced partners."

Gerard: "It's a misprint, right, that last sentence? After CASE ONE I thought we were making progress, but now we're back to square one. South would have us believe that the requirement for conversion is about plus 800. For that lesson, he should have personally forfeited \$50."

Meckstroth: "This appeal had no merit. Perhaps keep the \$50."

Weinstein: "South's statement that he should have about four defensive tricks in his hand to pass a penalty double is akin to the treatment that if RHO opens 1♠, I bid 3♠ to tell partner I have a stopper, so if you have a solid suit please bid 3NT. The double should not be defined as penalty if there are several criteria that must be met to sit for the double. Is North allowed to double with ♦KQJ9x and a side card? If yes, the Committee was charitable to return N/S's money."

Look at S.J. Simon's book, Howard, and then consider an apology to South.

Howard does agree with my evaluation of N/S's misrepresentation of their doubles as "penalty." So also does the next panelist, although he would return the money as would I.

Rigal: "The Director made the accurate ruling. The problem here is that N/S are not playing penalty doubles (this hand was discussed on the Internet in the news group rec.games.bridge so I know something about the state of mind of South). They play some form of optional double — so why are they described as penalty? Because Skid Simon 50 years ago said penalty doubles are optional . . . minus 870 is clearly right; I

think the deposit was correctly returned, although there are pairs to whom I would not be so generous."

The next panelist raises a corollary issue regarding failure to use the Stop Card.

Rosenberg: "This was a recurring theme in St. Louis — no skip-bid warning. My feeling is to allow the next player considerably more latitude in varying tempo when the Stop Card is not used. This should encourage the use of the Stop Card. The report says that North looked at the convention card before doubling. That makes it easy to rule N/S minus 870, although I would have done so even without that. I guess if a pair had an agreement they could prove that they don't pass 'penalty' doubles with fewer than two trumps, I might let someone pull a 15 second double after no skip-bid warning."

Rounding out those who agreed with us were . . .

Cohen: "I have some sympathy for N/S, but the decision was proper."

Treadwell: "Another easy case with correct actions by the Director and Committee."

Looking for ways to PTF (protect the field — love those acronyms!) from the assignment of what he considers to be windfall results to non-offenders was . . .

Wolff: "Under the current laws this decision was right on; however, it may be time to consider a new concept — the "Windfall Result Rule." In a pair game, if a protesting side wins an appeal which could give them a windfall result (in this case plus 870 in 3♦ doubled) their opponents deserve and receive the very poor score of minus 870, but the benefactors are awarded either an Average Plus or a likely compromise result that favors them (in this case 5♦ doubled, minus 200), whichever is greater (even if minus 200 turns out to be a top board). In this way, double shots are dealt with properly. (If 3♦ doubled would have gone down 500, E/W would never have protested and would have gladly accepted their minus 480.) By this rule the field is protected against an artificial non-skill related bonanza accruing to a random pair while still allowing that pair to get a possible top, but more likely just an above average board."

There are times when I would agree with this sort of approach. Here, I believe that E/W were likely to end up playing in 5♦ doubled had North's double been properly Altered as "cooperative" (or the equivalent) and had South pulled. Plus 870 is not only a windfall for E/W, it is virtually impossible. Given N/S's methods, South was never going to pass 3♦ doubled and E/W were never going to end up plus 870. But even if they might have, other results are also possible (like minus 420). Like Wolffie, I would feel better giving them something closer to their equity on the board; minus 200 seems quite reasonable.

CASE THREE

Subject (Tempo): One May Not Be Enough — But In This Case It Will Do

Event: Stratified Pairs, 21 Nov 97, First Session

Bd: 20	♠ AQ83	
Dlr: West	♥ Q432	
Vul: Both	♦ K95	
	♣ 98	
♠ 6		♠ 954
♥ AK1075		♥ J986
♦ QJ2		♦ 76
♣ AK65		♣ QJ74
	♠ KJ1072	
	♥ ---	
	♦ A10843	
	♣ 1032	

West	North	East	South
1♥	Pass	1NT(1)	2♠
3♣(2)	3♠	4♥	Pass(3)
Pass	4♠	Pass	Pass
5♥	All Pass		
(1) Announced; forcing			
(2) Alerted			
(3) Break in tempo			

The Facts: 5♥ went down two, plus 200 for N/S. 3♣ was Alerted after North bid 3♠ and explained at length that it hadn't been discussed recently, but that it showed extra

values. North reconfirmed his 3♠ bid and East bid 4♥, after which South broke tempo briefly before passing. The Director ruled that there had been a break in tempo and that the 4♠ bid would not be allowed. The contract was changed to 4♥ down one, plus 100 for N/S.

The Appeal: N/S appealed the Director's ruling. E/W did not attend the hearing. N/S was a married couple that played together a fair amount. They were in stratum B of the event. South stated that she had broken tempo to digest the explanation of the 3♣ bid. She was considering, but rejected, bidding diamonds next since her partner had already supported spades. North said he thought he couldn't beat 4♥ and that 4♠ would be cheaper at down one or two. He said he was pretty sure his partner was void in hearts. North thought that bidding 4♠ was a normal, good bridge decision.

The Committee Decision: The Committee-of-one found that: (1) there was a break in tempo based on South's description of her thought process and her statement that she needed some time to digest the explanation of the 3♣ bid; (2) the break in tempo suggested that South might be considering bidding because North's hand made it clear that South could not have been considering doubling; (3) North's bid was successful; and (4) there were logical alternatives to bidding 4♠. With regard to (4), North's statements that he thought South was void in hearts, that N/S couldn't beat 4♥, and that 4♠ would likely go down one or two was used as the basis to define his peer group. North's 4♠ bid was a good bid but the standard for determining logical alternative is high, in part for its deterrent effect. The 4♠ bid was considered in the context of a group of stratum B players facing the decision, all of whom believe that 4♠ is likely to fail, 4♥ is likely to make, and who only bid 3♠ at their last turn. A group so composed would have some members who might think that if 4♥ is making, then N/S is going to get a bad result whether defending or going down one or two in 4♠. Therefore, they

might reason, it might be better not to assume that 4♥ will make. If they make that assumption, then passing and doubling are logical alternatives. For that reason, and based on the actual result at the table, the Committee changed the contract to 4♥ down one, plus 100 for N/S.

Committee: Michael Huston

Directors' Ruling: 96.7

Committee's Decision: 96.7

Using Committees-of-one is not a practice that I support. In this case, however, as with most of the prior instances in which this procedure has been employed, a good decision has been reached and another potential disaster avoided. Now everyone can exhale. "Whew!"

Bramley: "Well done by the solo Committee. For a higher stratum pair this appeal, too, would have had no merit."

Treadwell: "An excellent write-up by the one-man Committee, who came up with the right decision. Is a 3♣ bid Alertable in this kind of auction? I think not."

No, 3♣ is not Alertable. But it is better to Alert unnecessarily (no penalty) if you are not sure it is needed than to fail to Alert, find out it was required, and suffer a score adjustment.

Meckstroth: "Not that complicated in my mind, but the end result is correct."

Wolff: "Michael Houston did a lot of reasoning and certainly came up with the desired verdict. He needn't have thought that long. Assuming South is a good player she should immediately realize that if she bids in tempo partner can do what he likes, but when she doesn't, her partnership is going to get the worst of it. South is either: (1) an inexperienced player and I have no answer for that other than to be lenient, (2) a con artist who hoped to avoid the law and arm her partner with the right information about her hand, or (3) a player who thinks she has no responsibility to the game or to Active Ethics. Neither (2) nor (3) can be tolerated."

Cohen: "Wordy Committee decision, but seems fine."

Weinstein: "A very straightforward decision. I deducted from the Committee rating because it hurt my head to read the last few sentences. Yes, I know people who live in glass houses, etc."

Providing a sort of counterweight to the source of these panelists' discomfort. . .

Rosenberg: "Okay."

Rigal: "Again, the Director made a sensible ruling here. The Committee was faced with

a special group; those who would bid 3♠ not 3♥/4♠ with the North hand at their second turn to speak. One of the most challenging parts of a Committee's job is to think like a non-expert player. We often look only at the right bridge action and not at the player's perception of what is going on. In the circumstances I think the Committee put himself in the place of North very well, and even if I would have done something different I would defer to him here."

Unlike Barry, I'll refrain from complimenting our Committee-of-one on his success at thinking like a non-expert — nor would I dream of mentioning his "special gift" in that area.

As one of the Co-Chairs of National Appeals, the following panelist makes the argument that there are times when it makes sense to conduct a Committee-of-one procedure.

Brissman: "A tortuous logical path resulted in the correct decision. The Committee-of-one solution is used (1) in non-NABC events, when (2) the NAC is burdened with a heavy load of cases, and (3) all parties agree to submit the case and be bound by the Committee-of-one's decision."

All together now, "Whew!"

CASE FOUR

Subject (Tempo): Timing Is Everything

Event: Life Master Pairs, 22 Nov 97, First Session

Bd: 7	Michael Penick
Dlr: South	♠ 82
Vul: Both	♥ 8543
	♦ 862
	♣ KJ85
Bob Gookin	Richard Popper
♠ 1074	♠ AQJ953
♥ KJ7	♥ 2
♦ K4	♦ Q95
♣ 109742	♣ AQ3
	Jack Bryant
	♠ K6
	♥ AQ1096
	♦ AJ1073
	♣ 6

West	North	East	South
			1♥
Pass	2♥	2♠	3♦
Pass	3♥	Pass(1)	Pass
Dbf	All Pass		
(1) Break in tempo			

The Facts: 3♥ doubled went down two, plus 500 for E/W. All players except West acknowledged the presence of a slight break in tempo after the 3♥ bid. The Director ruled that East's break in tempo could have suggested full values for his 2♠ bid, thus suggesting action with West's (admittedly well-placed) minimal values. The Director

removed the double (Laws 73F1 and 16A) and changed the contract to 3♥ down two, plus 200 for E/W.

The Appeal: E/W appealed the Director's ruling. Only E/W appeared. East acknowledged that he broke tempo, taking "about five seconds" longer than usual before he passed. West said he noticed no hitch and that at matchpoints it was clear to double with three defensive tricks and partner's known values for a two-level vulnerable overcall. West also argued that a break in tempo would more likely be based on a desire to bid more spades than on extra high cards.

The Committee Decision: The Committee determined that a break in tempo had occurred. The Committee rejected West's argument that partner's break in tempo would more likely be based on the desire to bid more spades, and noted that East had considerably more in high cards than he might have held on the auction. One Committee member liked West's argument defending his double, but the others felt that pass was a strong logical alternative when there was a danger that the ♥Q or, less likely, the ♥A10, might be in the dummy. Thus, damage had occurred. The Committee changed the contract to 3♥ down two, plus 200 for E/W. The Committee considered changing the contract to 3♠, but since N/S had not appealed, and West had not bid 3♠ over 3♦, they decided against doing so. However, the Committee noted that West's pass over 3♦ did not necessarily indicate unwillingness to compete to 3♠, but may have been intended to induce partner to not save over 4♥.

Chairman: Bart Bramley

Committee Members: Doug Heron, Steve Onderwyzer, Judy Randel, Phil Warden

Directors' Ruling: 99.2 **Committee's Decision: 93.8**

As much as I admire West's double at matchpoints, it is nonetheless a bid which clearly was suggested by East's hesitation, which many West's might not have made, and therefore could not be permitted. Consequently, this was not a ruling that needed to be challenged. Perhaps this E/W pair should have realized that, both being members of National Appeals.

Gerard: "Yup, it was just a coincidence that East's huddle meant he didn't know how to handle his extra values rather than that he was thinking of showing extra deuces in spades. All the matchpoint tigers who double 3♥ would also overcall 2♠ with a low club instead of the ace, so N/S were East's huddle away from being cold for plus 730. But what happened to the deposit? If East couldn't double 3♥, the price on West's double should have been \$50."

Rosenberg: "Good. I would need to hear a good argument from West to avoid censuring him."

Wolff: "Excellent decision."

Some panelists wanted to see more consideration given to 3♠ as a final contract.

Meckstroth: "This double is awful. I like the consideration of 3♠ as a contract."

Bramley: "Finally, an appeal with (a little) merit. Perhaps we should have given more consideration to an assigned contract of 3♠ made four for E/W or for both pairs. Obviously E/W were not going to argue for this result, and N/S may not have noticed that 3♠ was indeed a possible contract. (Having 'won' the Director's ruling, N/S were reasonable not to pursue the case any further themselves.) But if 3♠ had been the winning action and West had taken it, should we have forced him to pass? That is, after East huddles must we cancel any winning action by West other than pass?"

Bidding 3♠ with the West hand after passing 3♦ and getting a huddle from East is an action for which I cannot construct an acceptable hand. Clearly West is entitled to do anything he wishes in a "pure" auction, or if he has a unilateral penalty double of 3♥ (but not of 3♦) holding something like ♠x ♥KJ108x ♦Qx ♣J10xxx. So yes, in the scenario suggested by Bart I would favor disallowing a winning 3♠ bid by West, but would also allow a winning double with a hand such as the example one above.

Some panelists also took exception to some of the Committee's comments.

Rigal: "A good ruling by the Director (and no favoritism either I am pleased to see). The Committee let West off lightly here. In all these hesitation positions one can take it for granted that East loses track of time when thinking and West is not best placed to be dispassionate. Here West's comments are at best disingenuous, and the comment

about heart honors is especially optimistic. (The location of the ♥10 in the Committee comments is irrelevant of course). Do E/W play OBAR? This should have been brought out. Since Committee members have to be above suspicion, I think this should have been recorded; the decision given is the right one though."

Cohen: "Why the point about the ♥A10 in dummy? Who cares where the ♥10 is?"

Brissman: "The decision is fine, despite the dubious final sentence."

One panelist thought the decision was close — albeit correct.

Treadwell: "A rather close call, but, once again, both the Director and Committee reached the correct decision."

And finally, the kid who wants to "be like Mike" also wants to be like Wolfie — and make ad hoc policy.

Weinstein: "I'd like to start a new policy. If the non-appealing pair called the Director, at least one of them must appear at the Committee without an excused absence, especially if there is a possible fact discrepancy. In this case East owned up to the huddle, so it was irrelevant. West's arguments that it was clear to double with three (maybe) defensive tricks, and that partner's huddle was more likely based upon spades are dubious and were properly ignored by the Committee."

Howard. I love you dearly, but how do you propose to sell the bridge-playing public on the notion that, whenever they call the Director, if their opponents dispute the facts and appeal the Director's ruling at least one of them is obligated to appear at the hearing? No going to the bar, no after-game snack, no socializing, no going to sleep. No matter that they may be tied up (on a busy evening) until 1 or 2 am. No matter that they had a 38% game and could care less about a changed score (they just want to get out of there). No matter that the last shuttle to their hotel left at midnight.

We may believe that they owe it to the "field" to present their view of the facts to the Committee, but do we have the right to (should we) force them to "do the right thing" to the point of their discomfort?

CASE FIVE

Subject (Tempo): Some People Are Just Competitive

Event: Flight A Pairs, 22 Nov 97, Second Session

Bd: 26 Dir: East Vul: Both Cheryl Schneider ♠ 109 ♥ KQ6 ♦ 82 ♣ J98542	Mike Kutska ♠ KJ872 ♥ A75 ♦ 107 ♣ Q107 Mary Kay Fletcher ♠ AQ53 ♥ 4 ♦ AQJ9543 ♣ 6 Suzanne Dunaway ♠ 64 ♥ J109832 ♦ K6 ♣ AK3
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West	North	East	South
		1♦	1♥
1NT	Dbl(1)	Pass(2)	2♥
3♣	3♥	4♦	All Pass
(1) Alerted			
(2) Break in tempo			

The Facts: 4♦ made five, plus 150 for E/W. East broke tempo for 20-25 seconds before passing the double and the meaning of the Alert was not requested. At her turn, West asked about the meaning of the Alert and was told that it showed the ♥A or ♥K (but not necessarily a heart raise). South led the ♥J, covered by the king, and North won

the ace. North led a small spade, ducked and won by dummy's ten. Declarer then easily took eleven tricks. The Director changed the contract to 3♥ made three, plus 140 for N/S, on the basis that West's 3♣ bid could have been suggested by East's break in tempo.

The Appeal: E/W appealed the Director's ruling. East stated that she was always going to rebid her good seven-card diamond suit and did not ask about the meaning of the Alert because she thought that E/W could make seven or more tricks in 1NT doubled.

The Committee Decision: The Committee decided that although West's 3♣ bid could have been influenced by East's hesitation, it was irrelevant insofar as the final contract was concerned because: (1) the 3♣ bid made East's rebid less attractive; and (2) if the 3♣ bid had not been made, East would have bid 4♦ over North's probable 3♥ bid or 3♦ and then 4♦ if necessary. N/S had an opportunity to collect plus 200 with reasonable defense or plus 500 if 4♦ had been doubled. The Committee changed the contract to 4♦ made five, plus 150 for E/W.

Chairman: Dave Treadwell

Committee Members: Phil Brady, Brian Trent

Directors' Ruling: 60.4

Committee's Decision: 95.8

There's little to be added to the Committee's discussion that wasn't already said, and said quite well.

Bramley: "Unfortunate Director's ruling, correct Committee decision. If the Director had ruled for E/W, an appeal by N/S would have had no merit."

Wolff: "Director was off, but the Committee was right on target."

Cohen: "Perfect. Well-reasoned and well-written."

Meckstroth: "Excellent decision."

A bit more expansive in their support of this decision were . . .

Rigal: "A tough one for the Director, who might have ruled the other way initially. I prefer the Director to rule in favor of the non-offending side, but this may be going too far. The Committee brought out that hesitation does not always equal damage here, as a slow pass of 1NT does not make the 3♣ bid more attractive (probably less attractive). Everything after that is irrelevant, I think. But the fact that E/W got to a poor spot and that damage was subsequent to, not a consequence of, the problems made the decision even easier."

Rosenberg: "Even if I ruled not to allow East to compete to 4♦, if an expert North produced this defense, I would not give redress, since it is nullo as far as I can see. I like the Committee's reasoning, and also would point out that the huddle was not 'bad,' and West's 3♣ bid was questionable, not flagrant. The only worrying thing for me is that East's weird pass over 1NT suggests she might be capable of anything, including selling out to 3♥."

Weinstein: "Unfortunately a Director's ruling without merit. N/S should be embarrassed to even call the Director after seeing the East hand. I guess that given enough frivolous Director calls the Directors are occasionally going to fumble the ball. I know it can't happen, but yes, I would like to see a penalty for meritless Director calls. (Actually, in Reno I recorded an expert opponent for calling the Director during a hand with no evidence of an infraction. Yes, there was some history of this player being overly paranoid and litigious.) If there are occasional Director errors (and many won't be protested) it encourages too many calls. Over-litigiousness is terrible for the game. There should be a downside for those who destroy the enjoyment of others in this way, just as the ACBL Board of Directors has instituted Zero-Tolerance in other behavioral areas.

"The Committee was right on target. By the way, even if the Directors dropped the ball on the chain of causality that the huddle influenced 3♣ which then ostensibly influenced 4♦, how can they possibly assign an adjusted result to N/S? Clearly the most favorable result that was likely without the huddle is minus 150 for the non-offenders, and that is the result that should have been assigned to them, regardless of the severe score given the "offenders." Our editor claims that non-offenders' scores are being assigned based on the most likely result had the huddle not occurred. Each time this concept should have been implemented I will designate an exhibit #, and each time it should have been strongly considered with an exhibit # with a "C". Each time the

Directors or a Committee actually implement a two-way ruling or even consider it I will note it with a non-exhibit “*” notation. This is Exhibit #1 that this is not uniformly happening.”

Howard seems to be assuming that N/S would be doubled by West should they compete to 3♥ (or higher) after East bids her diamonds a second time. Clearly 3♥ can be defeated by one trick (a spade lead by West, East cashing the other high spade and then leading a third spade for West to overruff, followed by a diamond to East and a fourth round of spades for West’s second overruff). But can we allow the offenders to make a questionable double, and then to find the perfect defense to net themselves plus 200?

Regarding Howard’s “exhibits,” what initiated this discussion was when I said to him that the principle has always been to assign the non-offenders the most favorable result that was likely had the “irregularity” not occurred (Law 12C2). Moreover, I said that as far as I knew this procedure had been followed fairly well by Committees at NABCs in recent years. Howard, on the other hand, thought that non-offenders were often being assigned results on other bases (for example, both sides being assigned reciprocal results, without applying the different standards prescribed by 12C2; or the non-offenders being assigned the most likely result “given” the irregularity). Of course, the fact that some Committees and/or Directors don’t fully comprehend the laws and how they should be applied in such situations does not alter what the laws say should be done. The real question, and what Howard is trying to track here, concerns the frequency with which these aberrant rulings and decisions are occurring. Whatever the answer to that question ends up being, Howard and I are in agreement that Directors and Committees need to be educated to award assigned adjusted scores in a consistent and proper manner.

One more point should be emphasized. I did not say (as Howard claimed) that the non-offenders’ assigned score should be based on the result that was most likely had the “huddle” not occurred. Rather, what I said was that the non-offenders’ score should be based on the result that was most likely had the “infraction” not occurred. The huddle is not the infraction — the bid which could have been based on the UI from the huddle is the infraction.

Now that we have all of that settled, let’s listen to Gerard’s reasons to rethink the whole process. He questions the judgment of what would have happened had West not bid 3♣.

Gerard: “Right, let’s just guess what would have happened. When Committees decide the result in advance, they can justify anything. West’s 3♣ bid was not irrelevant, even though it did make 4♦ less attractive. It accelerated the auction so that East’s first chance to rebid diamonds came at the four level. Given that 1♦ did not quite do justice to East’s hand, I’m all for letting her have one more shot at it. But who says North would have raised 2♥ to 3♥? And who says that East would have felt 4♦ necessary after having bid 3♦? Under the current standard E/W get the worst of all assumptions and the fact that N/S earned their minus 150 doesn’t translate to plus 150 for E/W, unless Goldie’s view is now the law. I suppose the Committee believed that because the Director had a N/S blind spot they were entitled to an E/W blind spot, but they would

have done better not to think ‘I always would have bid 4♦.’”

Ron makes some excellent points, but ultimately this all boils down to a question of competitive judgment. If North failed to raise 2♥ (doubtful, since he hadn’t yet shown a heart raise — only a high honor — and he had what some would consider too much for just a simple raise) would East have settled for one more diamond bid and then sold to 3♥ after North’s balance? Would West (an offender) really have doubled? (Does it look clear to you?) My judgment coincides with that of the Committee and the majority of the panelists: East is likely to bid diamonds at the four level as necessitated by North’s raise to 3♥.

CASE SIX

Subject (Tempo): A “Triple-Double” — the Bridge Way

Event: Women’s BAM Teams, 23 Nov 97, First Session

Bd: 27	Jan Martel	
Dlr: South	♠ ---	
Vul: None	♥ J10852	
	♦ Q94	
	♣ 87654	
Joan Stein		Liz Kalb
♠ AJ962		♠ Q874
♥ A4		♥ 963
♦ K5		♦ 8632
♣ AKQ10		♣ 92
	Georgiana Gates	
	♠ K1053	
	♥ KQ7	
	♦ AJ107	
	♣ J3	

West	North	East	South
			1NT(1)
Dbl(2)	2♣(3)	Pass	2♦
Dbl(2)	2♥	Pass	Pass
Dbl(4)	Pass	2♠	Pass
3♠	All Pass		
(1) Announced;	12-14 HCP		
(2) Break in tempo			
(3) Alerted;	clubs and another suit		
(4) Longer break in tempo			

The Facts: 3♠ made three, plus 140 for E/W. West broke tempo before each of her doubles. The Director ruled that pass by East was a logical alternative to 2♠ and changed the contract to 2♥ doubled made four,

plus 470 for N/S.

The Appeal: E/W appealed the ruling. When North’s 1NT bid was doubled her options were to pass (to play), redouble to show a single suiter, or bid a suit to show a two-suiter (four-four at least) in that suit and a higher ranking suit. When asked, South said that North could also be five-four, but if the five-card suit was a major North might treat that hand as a single-suiter. The 2♦ bid simply showed a dislike for clubs and did not guarantee diamonds. E/W were playing the Cappelletti convention, so the double was for penalty. West did not think that her first double was slow, but it could have been since she was also considering bidding 2♠ (to show spades and a minor). When asked whether 2♠ would have been an underbid, she decided that it would have been — hence the double. The doubles of 2♦ and 2♥ were also for penalty. East stated that with her hand being as weak as it was, she would not have sat for any penalty double and that the tempos of West’s doubles were irrelevant. It was determined that East had 2,000 masterpoints and West 9,400. East played a lot of bridge ten years ago. E/W used to play a lot together, but not for the last two years. The opening lead was the ♥K to the ace. Declarer played the ♠J and South won the king. Declarer then used the entry to her hand to play diamonds.

The Committee Decision: The Committee had varying degrees of sympathy for East’s action. Some Committee members thought that they might have removed an in-tempo double of 2♥ to 2♠; however, E/W were playing the doubles as penalty. West, who knew her hand to be unsuitable for the action, could not bring herself to double 2♥ in tempo. The Committee thought that West had a normal 2♠ bid and had simply made

a series of dubious calls. Players have an obligation in such situations to make their calls in tempo. Where, as here, West failed to honor her obligations, she deprived East of the chance to exercise her bridge judgment. When East bid 2♠ she would have expected N/S to have a seven- or eight-card fit. (North had not shown five hearts, so there was no strong indication that N/S really had a good fit.) West’s slow double was a “bad” break in tempo. On that basis East could not be allowed to bid after her partner’s hesitations. The contract was changed to 2♥ doubled. Since normal play would lead to at least eight tricks, a score of plus 470 for N/S was assigned to both pairs. In discussing the merits of the appeal two Committee members believed that East’s argument was substantially without merit; three others believed that the infraction was mild enough, and the argument raised by E/W good enough, for the appeal to have merit. The deposit was therefore returned.

Chairman: Barry Rigal

Committee Members: Doug Heron, Michael Rahtjen, Judy Randel, Michael Rosenberg

Directors’ Ruling: 97.1

Committee’s Decision: 94.8

The Committee was perfect — right up until the end when they failed to keep the money. This E/W pair was experienced enough to have known better than to try to slip this one by. Show us the cash! The bridge decision was easy and the panel endorsed it unanimously. The majority of the panelists also agreed with me on the merit issue.

Bramley: “Dissenters, identify yourselves. You are right that this appeal had NO merit. No wonder there were so many cases at this tournament.”

Ask and ye shall receive.

Rigal: “West’s series of ‘bad’ (ala Michael Rosenberg) actions made the decision easy enough (I am still waiting for the fast double not to be removed by East and for N/S to appeal that). The only issue was the deposit. I was a hanging judge here.”

Cohen: “Correct decision, but I’d have kept the deposit. Why all the long-winded ‘same-old’ arguments from E/W? This case could have been settled with fewer words.”

Gerard: “The dissenters were right. The arguments raised by E/W were typical of the lengths to which offenders will go to justify their actions. Switch the major-suit deuces to see why passing 2♥ doubled is clear.”

Weinstein: “I’d have kept the money. From East’s perspective partner has doubled 2♦ and 2♥ for penalty, and must have at least three clubs and probably four clubs. I don’t see any merit in 2♠ even without the huddle.”

Agreeing with the decision not to keep the money was . . .

Meckstroth: “I too have sympathy for East but West dug their grave with the slow penalty double. I agree with returning the deposit.”

The rest of the panelists didn’t mention the merit issue.

Rosenberg: “Message: you can’t solve difficult hands by making slow penalty doubles.”

Additional message: “You can waste a Committee’s time with this sort of nonsense.”

Wolff: “A good case and a difficult decision where once again, quite properly, it was decided against the tempo abuser.”

Treadwell: “Another rather close call, with the right decision being reached.”

The only thing apparently difficult or close about this one was the merit issue. Most of us think that merit was lacking — especially in a partnership with over 11,000 masterpoints. It’s time for appeals people to get together on this issue. Are we going to denounce meritless appeals for what they are or aren’t we? If not, let’s dispense with the deposit and declare open season on appeals.

CASE SEVEN

Subject (Tempo): Stop Card Snafu

Event: NABC Senior KO Teams, 23 Nov 97, First Session

Bd: 8	Paul White	
Dlr: West	♠ 7	
Vul: None	♥ 72	
	♦ K953	
	♣ AQJ1064	
Jack Bryant		Rod Van Wyk
♠ A1082		♠ KQJ96543
♥ KJ1086		♥ Q
♦ J1064		♦ Q2
♣ ---		♣ 82
	Tom Brown	
	♠ ---	
	♥ A9543	
	♦ A87	
	♣ K9753	

West	North	East	South
Pass	Pass	4♠	Pass(1)
Pass	5♣	Pass	Pass
5♠	All Pass		
(1) Break in tempo			

The Facts: 5♠ went down one, plus 50 for N/S. The Director was called after North’s 5♣ bid. All four players agreed that South hesitated before passing 4♠. No Stop Card was used, but the table Director was never informed of this. The Director ruled, based on the players’ agreement that there had been a “significant break in tempo,” that there had been unauthorized

information and disallowed North’s 5♣ bid. The contract was changed to 4♠ made four, plus 420 for E/W.

The Appeal: N/S appealed the Director’s ruling. All four players agreed with the facts as presented; there was some disagreement as to the length of the hesitation, but everyone agreed that it was no longer than 15-20 seconds. North stated that, although he had passed originally, he did not want to be passive with his hand considering that they were behind in the match. The Committee determined that N/S played that a double of 4♠ would have been for takeout.

The Committee Decision: The Committee decided that the failure to use the Stop Card was the critical factor. The hesitation, estimated by the various players as 10-15 seconds (South), about 15 seconds (West and North), and 15-20 seconds (East) was about the time which would be provided by the Stop Card. E/W could not force South to bid in less time by not using the Stop Card. Any unauthorized information had become authorized by East’s failure to follow proper procedure. The Committee determined that even had South’s hesitation been considered unauthorized information, it would not have suggested bidding over other actions such as pass or double. The Committee decided to allow the 5♣ bid and changed the contract to 5♠ down one, plus 50 for N/S. They returned N/S’s deposit and strongly suggested that E/W protect themselves by using the Stop Card.

Dissenting Opinion (Jeff Meckstroth, Ed Lazarus): We believe that the agreed upon hesitation by South made it much easier for North to find an equal vulnerability 5♣ bid.

While we agree with the majority that many would make the 5♣ bid, the lengthy hesitation makes the bid appear to have a much greater likelihood of success and we would have changed the contract to 4♠ made four, plus 420 for E/W.

Chairman: Henry Bethe

Committee Members: Bob Gookin, Bob Hamman, Ed Lazarus, Jeff Meckstroth

Directors' Ruling: 90.0 Committee's Decision: 60.8

Was there a significant hesitation beyond that "suggested" by the use of the Stop Card? As we have pointed out here before, the use or non-use of the Stop Card does not affect the next player's right or obligation to pause for about ten seconds (while giving the appearance of deliberating) before making a call. Therefore . . .

Brissman: "The key issue is whether there was an undue hesitation in excess of the time the Stop Card would have allowed. The majority concluded there was not; the dissenters felt there was. The decision evidently turned on the Committee members' assessment of witness credibility as to the length of the break. I cannot substitute my judgment for those who heard the testimony first-hand."

At the other end of the spectrum (not the 76ers' basketball arena) was . . .

Gerard: "No, they kept N/S's deposit after deciding in their favor. The dissent has it all over the majority. A normal 'no problem' hesitation after use of the Stop Card is about eight seconds, so this one was twice as long. Surely the Committee can't have meant that 'any' UI was now okay — what if South conducted a Kenneth Starr-type investigation? And as to the meaning of South's huddle, here's just one more amazing correlation to the desirability of North's 5♣ bid. If I were keeping track, it feels like the score would be about 100 to 0."

But . . .

Bramley: "The majority was right. If the hesitation did not exceed the protected time that the Stop Card would have provided, then N/S cannot be held accountable, but E/W can be held accountable for failure to use the Stop Card. The dissenters' argument is irrelevant if the 'agreed upon hesitation' was not excessive."

Right. Players cannot be "punished" for not using the Stop Card (which is recommended but not required), but they can be held accountable. On the other hand:

Cohen: "The Dissenting Opinion is my opinion. I don't think the Stop Card failure had anything to do with this. South was out of tempo and North does not have a clear balance. If South passed in tempo he might have ♠KJx ♥QJ10x ♦Jxxx ♣xx and North might not bid 5♣ (thus avoiding minus 800)."

Hmm, how to break this deadlock. The next panelist has a suggestion for dealing

with doubt in such situations.

Rigal: "I think the Director made a sensible ruling based on the facts he had gathered; was he at fault for failing to find out about the misuse of the Stop Card? Probably but it is understandable. The Committee believed (rightly in my opinion) that the failure to use the Stop Card is one that can only result in benefit to the preempters, so that in cases of doubt they should rule against those who fail to follow proper procedure. I agree with the Committee here; this is one of my personal peeves, and I think that since N/S were playing takeout doubles North was more likely to find partner with an unsuitable hand for a slow pass than a suitable one (he had a classic takeout double after all). Hence no damage. The Committee does not appear to have focused on that, but I agree with the majority opinion anyway."

I don't believe the odds of partner holding a hand that would make your hesitation immaterial should enter into the equation. The only issue here is whether there was a longer-than-normal hesitation which could have suggested the winning action to North and, if so, whether North's bid was clear in spite of it. I like Barry's position: close decisions should be resolved by taking into account whether the skip-bidder helped create the problem through failure to use the Stop Card. Adding to this idea . . .

Rosenberg: "The dissenters did not bother to mention the failure to use the Stop Card, so their opinion is not relevant. Had the Stop Card been used, this would have been a difficult case. I believe every expert would act (5♣ or double) with the North hand, though many would object to the original pass. However, this North said he was influenced to bid by the state of the match, and that is an indication that he did not consider it automatic to bid. Therefore, I would disallow the bid. However, the failure to use the Stop Card introduces a new element. I suggest that the policy be that, if no Stop Card is used, the next player can feel more relaxed about how long to take. Anywhere from two to fifteen seconds is okay, as opposed to trying to stay close to ten seconds when the card is used. So I would decide with the Committee. In another form of scoring I would have assigned different scores for each pair. Message: use the Stop Card."

Well fellow Appeals members, are we ready to "run" with this idea? If I read the next panelist correctly, maybe "walk" is a more apt characterization.

Weinstein: "Tough case. I disagree with the majority statement that the UI had become authorized by the failure to use proper procedure. The Committee should just give slightly more leeway before it becomes UI. However, this is probably what the Committee meant and this is just semantics."

"I have sympathy for the Committee's view that a break in tempo did not occur and the Committee is often better placed to make that determination, even though I disagree based on the facts presented. I also slightly disagree that the huddle (had it been determined to have occurred) doesn't demonstrably suggest the 5♣ call. If South is considering a call, he is likely to be considering a takeout double, or is so strong that he is considering doubling with spade cards or length. The only reason for the huddle

that may not suggest 5♣ is consideration of a 5♥ call, and even that probably isn't going to hurt the success of 5♣. I agree with the dissenters as far as adjusting the N/S score, but the non-offenders should receive the table result, as the dissenters would probably agree if they were fully cognizant of the basis upon which we should rule for the non-offenders (Exhibit #2). 5♠ was the most favorable result that was likely for E/W had the huddle not occurred. Therefore, minus 50 should have been assigned to the non-offending E/W side."

I see no reason to believe that the dissenters were not fully aware of the basis on which non-offenders' scores should be adjusted. Maybe they believed, as Larry argued earlier, that the chance of going minus 800 at IMPs makes a 5♣ balance unattractive. But if you agree with Howard that 5♣ by North is likely, but not overwhelmingly probable, had there been no hesitation, then his assessment is correct — N/S get minus 420, E/W minus 50.

The next panelist supports the majority decision for a different reason.

Treadwell: "The hesitation here, even if it had occurred had the Stop Card been used, did not suggest that a 5♣ bid would be more successful than a pass — as the Committee write-up pointed out. In fact, reverse the West and South hands, and the 5♣ bid would have been disastrous for N/S and yet the same hesitation over the 4♠ bid might have occurred. We should not allow a hesitation to preclude a bridge judgment bid that carries equal chances of profit and risk."

Siding with the dissenters, but going a giant step further, was . . .

Wolff: "There was UI, so North could not be permitted to "get away" with bidding 5♣. South should be disciplined and their deposit lost for bringing this appeal after he failed to bid later. Obviously, he felt he had already 'shown his hand'."

Wow. Them's fighting words. I don't know how many would go as far as our unabashed philosopher from "Big-D," but he has raised a heart-palpating concept. After all, reverse North's major-suit holdings (not unlikely) and 6♣ is a claimer.

Well, have any of these arguments convinced anyone to switch positions on this rather uncomfortable picket fence?

Meckstroth: "I haven't changed my mind."

No? I guess I could have predicted that.

CASE EIGHT

Subject (Tempo): Ti-I-I-ime Is On My Mind, Yes It Is

Event: Open BAM Teams, 23 Nov 97, First Session

Bd: 10	Srikanth Kodayam
Dlr: East	♠ K65
Vul: Both	♥ A
	♦ A1052
	♣ KQ1074
Gene Prosnitz	Jay Korobow
♠ A3	♠ J1074
♥ KJ8754	♥ Q10932
♦ J98	♦ 63
♣ A2	♣ J9
	Jean Hume
	♠ Q982
	♥ 6
	♦ KQ74
	♣ 8653

West	North	East	South
		Pass	Pass
1♥	2♣	4♥	Pass(1)
Pass	Dbl	All Pass	
(1) Break in tempo			

The Facts: 4♥ doubled went down two, plus 500 for N/S. The Stop Card had apparently been used. E/W stated that South broke tempo for a few seconds more than ten. N/S stated that the tempo break was no longer than ten seconds. The Director ruled that the double would not be allowed and changed the contract to 4♥ down two, plus 200 for N/S.

The Appeal: N/S appealed the Director's ruling. E/W did not attend the hearing. East's use of the Stop Card and South's pause after the bid were in dispute. N/S both agreed that East had taken a long time to bid 4♥. North said that when East bid 4♥, he simultaneously put his bid, and the Stop Card, on the table. He then immediately removed the Stop Card. South said she did not see the Stop Card at all. When she was aware that a bid had been made, she paused for what she considered to be the requisite time and then passed. South said that she considered her pass automatic. There was no reason for her to break tempo. North said that his style was to always to have four spades for a takeout double unless he had a very good hand. When he overcalled 2♣ it was with the intention of doubling hearts at whatever level they were bid for takeout. He considered his actions to be automatic.

The Committee Decision: The Committee asked the Directing Staff to describe the correct use of the Stop Card. They were told that the correct procedure is to place the Stop Card and the bid on the table. ACBL rules are that the next player should try to bid after ten seconds. The skip-bidder does not "control" his LHO by use of the Stop Card. Having dealt with that issue, the Committee then determined that, on the facts as presented, and given E/W's absence, they could not establish that a break in tempo beyond the ten seconds had occurred, the Director's ruling notwithstanding. There was agreement that, even had there been a hesitation, a player of North's ability would unquestionably have doubled 4♥ at his second turn; there was no logical alternative to that action. The Committee therefore restored the table result of 4♥ doubled down two, plus 500 for N/S.

Chairman: Barry Rigal

Committee Members: Harvey Brody, Doug Heron, Michael Rosenberg, Nancy Sachs

Directors' Ruling: 70.0

Committee's Decision: 93.3

I find myself largely agreeing with the Committee. I think North's double of 4♥ is a huge majority action. To see why, give South as little as ♠QJxxx ♥xx ♦xx ♣xxxx and 4♠ is a likely make. Change the queen-jack of spades to small ones or reverse the minor-suit holdings and N/S have several possible good saves available.

As with the previous case, the dispute over E/W's proper use of the Stop Card and their failure to appear at the hearing create a bias on my part to decide against them if I find the break in tempo to be in doubt. In fact, in this case the statement that South's alleged break in tempo was "a few seconds more than ten" is alone enough to lead me to that decision.

Agreeing with me were . . .

Rigal: "The Director made the right ruling here. The Committee (again, I was part of it) were very impressed with North's comments in the Committee, which does come through, I think, in the write-up; accordingly they appreciated that a player of his ability had an automatic action here. This made the Committee much more relaxed about the hesitation issue and again the misuse of the Stop Card made me more inclined to accept South's view of things."

Weinstein: "Off with E/W's heads. As in CASE FOUR, E/W called for the Director in a marginal tempo break situation, got a favorable ruling, then failed to show up at the resultant hearing when the fact issue this time was clearly relevant. Yes, I do think assigning "Dark Points" or their equivalent to E/W is appropriate. I agree with the Committee that given the close fact situation and E/W's absence, there should be a determination of no break in tempo. I do not agree as strongly with their assertion that North's double has no logical alternative. The Director should have ruled at the table against both pairs, since the non-offenders' most likely favorable result even assuming a huddle was minus 500, since North's double was overwhelmingly likely, if not 100%. (Exhibit #3)"

Cohen: "Perfect. Director did what he was supposed to and the Committee correctly decided that North's actions were clear. I hate to allow 'questionable' actions after bad tempo, but when North bids 2♣ he definitely has to be planning to bid again at his next chance to complete the description."

Treadwell: "The North hand has an automatic double of 4♥, whether there was a hesitation or not, and the Committee got it just right. In fact, it is so clear-cut that I am surprised the Director did not also rule this way."

I'm a bit surprised at that myself.

Wolff: "Good close decision."

Hold that "close."

Bramley: "PLEASE, can we get our terminology straight? The length of a 'break in tempo' is different from the total amount of time taken to make a call. After the Stop Card is used, if the next player takes, say, thirteen seconds to make his call, this is not a 'break in tempo' of ANY length. But if he takes, say, twenty-three seconds, then there is a break in tempo of 5-10 seconds. (See the previous case for an example of the confusion which can occur over this issue.) For purposes of appeals, the time given should be the total time taken. Then the Committee can determine whether this amount of time constitutes a break in tempo.

"In the case at hand the Committee seems to have had no choice but to find that a break in tempo did not, in fact, occur. E/W's failure to appear might have been costly. I find N/S's statements unconvincing. South might well have been thinking of bidding. (Indeed, a 5♣ bid would have been the biggest winner of all.) And while the Committee might have been convinced of North's 'ability' to double at his next turn, I am not at all convinced that this action is automatic."

Bart is perfectly correct. At a hearing (or in the presence of the Director) players should offer their perceptions of the "total time" taken by the hesitator — not only of the excess time over what they judge to be proper for a pause for a skip-bid. I believe that most players, in fact, do this already, even though they may use the "technically" incorrect term for the time they are estimating.

Finally, another member of the Committee provides a tangential, but otherwise interesting, comment on the nature of these types of Committee decisions.

Rosenberg: "Imagine that North had broken tempo before doubling 4♥, and South had now pulled to 5♣ (plus 600). I think it likely that many Committees would allow the pull or call it 'automatic' (double of 4♥ is not penalty and South has a singleton, four trumps and good playing values). Yet here South passed the 'in tempo' double (surprise, surprise). This is evidence that we should tend not to allow pulls of slow 'unclear' doubles (and certainly not slow penalty doubles)."

Remember that the next time you call an action "automatic" or "clear-cut."

CASE NINE

Subject (Tempo): No Show — No Go!

Event: Stratified Open Pairs, 24 Nov 97, First Session

Bd: 3	♠ 109	
Dlr: South	♥ AJ943	
Vul: E/W	♦ J32	
	♣ 1094	
♠ Q73		♠ AK85
♥ 875		♥ Q10
♦ AQ1097		♦ K864
♣ K3		♣ J52
	♠ J642	
	♥ K62	
	♦ 5	
	♣ AQ876	

West	North	East	South
Pass	Pass	1♣	Pass
1♦	1♥	1♠	2♥
Pass(1)	Pass	3♦	All Pass
(1) Break in tempo			

The Facts: 3♦ made four, plus 130 for E/W. It was agreed that there had been a break in tempo. The Director ruled that the table result would stand.

The Appeal: N/S appealed the

Director's ruling. E/W did not appear for the hearing. Their absence made it impossible for the Committee to inquire about their methods. The 1♣ bid could only be explained as bizarre, or required by E/W's methods. The 1♦ response apparently denied a four-card major. Why East bid 1♠ instead of 2♦ needed an explanation, but there was no opportunity to obtain one. N/S stated that West had expressed undisclosed values by passing slowly, which made East's 3♦ bid more attractive.

The Committee Decision: The Committee, noting that East had bid three times, vulnerable, with a balanced minimum, decided that the 3♦ bid would not be allowed in the presence of the unauthorized information. The contract was changed to 2♥ made two, plus 110 for N/S.

Chairman: Karen Allison

Committee Members: Phil Brady, Harvey Brody, Jerry Gaer, Mary Hardy (scribe)

Directors' Ruling: 46.2

Committee's Decision: 93.3

This was so obviously the correct decision that one wonders why the Director made a ruling which forced N/S to bring this appeal. Right, panel?

Cohen: "Why didn't the Director rule that East must pass 2♥? In CASES ONE to EIGHT the

Director correctly disallowed the questionable action after the poor tempo. Here, he should have done the same. By doing so, he probably would have avoided a Committee (E/W didn't even show up when appealed against; that seems like a pair that wouldn't bother appealing)."

Brissman: "I would be interested in the Director's reasoning for not adjusting the score. The non-offenders presented a prima facie case, and the Committee ruled appropriately in the face of E/W's default."

Rigal: "The Director should have ruled the other way — if for no other reason than to get E/W to explain their actions. The Committee made a sensible decision. Again, will it encourage people to attend the hearings? I doubt it, but at least they can find out the consequences the hard way. West should learn that he simply can't trap his partner like this."

Weinstein: "Good Committee decision, with the wrong side having to protest. The huddle makes a reasonable 3♦ call very easy. The Committee did not discuss in their decision whether 3♦ was a very likely call without the huddle, with the N/S score minus 130 as a consequence. (Exhibit #C1)."

Rosenberg: "The Director ruled poorly. A 'bad' huddle."

Bramley: "Correct Committee decision. The Director should have ruled the other way, forcing E/W to exert themselves if they wanted to try to restore their table result. Of course, such an attempt would have had no merit."

Right! And now a brief history lesson. for you "obscure-system" aficionados.

Gerard: "I didn't know anyone still played the Kennedy System — all opening suit bids except 1♣ require five-carders, with the possible exception of 4-4-4-1 shape. This was the earliest form of Walsh, since a 1♦ response did deny a four-card major, even with extras. Oh well, at least the Committee overturned the Director's foolishness."

Wolff: "I agree with the Committee. I don't know why the Director allowed a 3♦ bid after the hesitation."

Perhaps we'll learn that in the next life.

CASE TEN

Subject (Tempo): Non-Specifics Not Upheld
Event: Blue Ribbon Pairs, 25 Nov 97, Second Session

Bd: 22	Reece Rogers		
Dlr: East	♠ J98		
Vul: E/W	♥ 973		
	♦ K4		
	♣ KJ873		
Jill Blanchard		Steve Shane	
♠ 74		♠ 10632	
♥ K		♥ AQ1082	
♦ A1097653		♦ 82	
♣ 1052		♣ Q9	
	W. Coleman Bitting		
	♠ AKQ5		
	♥ J654		
	♦ QJ		
	♣ A64		

West **North** **East** **South**
 3♦ Pass(1) Pass 1NT
 All Pass
 (1) Break in tempo

The Facts: 3♦ doubled went down one, plus 200 for N/S. All four players agreed that there had been a break in tempo after the 3♦ bid. West had not used the Stop Card. The Director ruled that pass was a logical alternative and removed the double, changing the contract to 3♦ down one, plus 100 for N/S.

The Appeal: N/S appealed the Director’s ruling. N/S stated that they play negative doubles after notrump interference and that a reopening double by South was mandatory. They produced system notes that indicated that negative doubles were played, but not the level through which they applied or that the reopening double was mandatory. E/W stated that the opening bidder had already described his values and that the queen-jack doubleton in diamonds diminished the defensive value of his hand. E/W stated that the break in tempo made the double a more attractive option and that pass was a logical alternative.

The Committee Decision: The Committee decided that the break in tempo greatly reduced the risk of the reopening double. The Committee did not allow the double and changed the contract to 3♦ down one, plus 100 for N/S.

Chairman: Karen Allison
Committee Members: Phil Becker, Phil Brady, Mary Hardy, Ed Lazarus

Directors’ Ruling: 94.2 **Committee’s Decision: 86.3**

Since the write-up lacks certain details, and since the Director and Committee both canceled the double, we may assume that the break in tempo significantly exceeded what would have been normal had the Stop Card been used. The issue then becomes: (1) were N/S playing negative doubles through the three-level; (2) was a reopening double mandatory with all hands; (3) did the hesitation suggest that the reopening action was more likely to be successful; and (4) if the answer to (2) was no, was South’s reopening action clear anyhow?

Since N/S’s notes (and presumably their convention card) were uninformative on points (1) and (2), N/S cannot be given the benefit of the doubt. Regarding (3), the Committee was right that North’s break in tempo clearly made the reopening double more attractive. The issue therefore boils down to (4) whether South’s hand constitutes a clear reopening. In my opinion it is close whether the South hand is good enough. East’s passed-hand status and South’s overall maximum strength and distribution (short in diamonds) argue for the reopening, while the wasted diamond values (both on offense as well as on defense) argue for a pass. By my reckoning this makes South’s double just questionable enough that it shouldn’t be allowed.

Agreeing were . . .

Meckstroth: “Definitely cannot allow the double here.”

Treadwell: “The failure of West to use the Stop Card makes this case a very close call. The write-up is vague on just how much of a break in tempo North made. If it was in the 5-10 second range, North was merely following required practice and did not convey any UI and the double must be allowed. If longer, perhaps it did, and then the Director and Committee decided correctly.”

Wolff: “Good easy decision.”

Easy is in the eye of the beholder.

Feeling even more strongly about the correctness of the decision, to the point where the merit of the appeal was called into question, were . . .

Rigal: “The Committee made the right decision; if N/S play negative doubles why did North not make one? South took advantage of the tempo break and my first impression would have been to withhold the deposit until persuaded to the contrary.”

Weinstein: “A very clear decision as far as the offenders, who somehow escaped with their deposit. Again, assigning the non-offenders a different score was not considered (and probably shouldn’t have been on this one).”

I make “very clear” a slight overbid.

Bramley: “One could argue for no merit here, too. While the double by South would be a popular choice, it is hardly automatic.”

Gerard: “Yes, this resolution of the Stop Card deficiency is preferable to that of CASE SEVEN. Even though it looks like the Committee didn’t consider the matter, they implicitly rejected the notion that failure to use the Stop Card converts UI into authorized information. However, E/W should have been told that 1NT did not necessarily ‘describe South’s values’ — clearly he is allowed to bid again on the right hand. Trying to fool the Committee should be discouraged.”

Ron’s comment leaves some doubt in my mind (maybe his, too) as to precisely

where he stands. Nevertheless, his general sentiment seems to lie with the Committee's decision. The remaining panelists were, to varying degrees, on the other side of this issue.

Brissman: "The lack of detail makes analysis difficult. Unless the break in tempo was significantly greater in length than what would have been permissible after display of the Stop Card, South's actions were not constrained. Regardless, I believe that few participants in this event would pass as South if confronted with an in-tempo auction. It's close, but I would have allowed the double."

That's one "close" vote for allowing the double — for those keeping score.

Rosenberg: "Since the Stop Card was not used, I disagree (see CASE SEVEN), unless I believe the huddle was over 15 seconds."

That's one vote for not believing either the Director's or the Committee's assessment of the break in tempo.

Cohen: "Interesting. My system notes with David Berkowitz explicitly say that opener 'busts a gut' to reopen with ANY hand with a doubleton in their suit.' If we produced those notes I'd expect to win this case. I just wonder if this opens the door for fraud. You carry several sets of notes (or a disk to make revised printouts) and bring the proper version to Committee to support your case. I hope bridge never comes to that! In World Championships and some invitational tournaments you must file your system card in advance with the powers that be."

That's one vote for busting a gut and one for cracking down on potential bridge fraud. I might add that we should probably count the former vote thrice — twice for David's gut and another once for Larry's. (Just kidding, David.)

For those still keeping score we have votes for: disallowing the double, allowing the double, keeping the money, requiring use of the Stop Card (under possible penalty of death), ignoring the fact-finding done by the Director and Committee, eliminating bridge fraud, busting a gut (or three), and filing with the powers that be. Readers wishing to register their votes should call our 900 number between 4:00 and 4:03 am, local time.

CASE ELEVEN

Subject (Tempo): Asserted Aggression Pays Off

Event: Stratified Open Pairs, 25 Nov 97, First Session

Bd: 12	♠ K9653	
Dlr: West	♥ 62	
Vul: N/S	♦ 10642	
	♣ 92	
♠ AJ874		♠ ---
♥ 103		♥ K754
♦ KQJ		♦ A753
♣ A63		♣ J10874
	♠ Q102	
	♥ AQJ98	
	♦ 98	
	♣ KQ5	

West	North	East	South
1♠	Pass	1NT(1)	2♥
Pass(2)	Pass	Dbl	All Pass
(1) Announced; forcing			
(2) Break in tempo			

The Facts: 2♥ doubled went down three, plus 800 for E/W. 1NT was announced as forcing. West's first pass was out of tempo. E/W were playing 11-14 notrumps and did not open 1NT with a five-card major. The Director ruled that pass, 2NT, and 3♣ were logical alternatives and

that the double was more likely to succeed after West's break in tempo. The Director changed the contract to 2♥ down three, plus 300 for E/W.

The Appeal: E/W appealed the Director's ruling. N/S did not appear at the hearing. West admitted that his break in tempo was 10-12 seconds. East said that he wasn't sure how West would take the double, but he had him covered in any case. East said that his partner couldn't have six spades because he didn't bid 2♠ over 2♥. He added that his partner would not play him for a doubleton spade since he hadn't bid 2♠. E/W said that they didn't have a clear understanding about the double. West said that if he had doubled 2♥ it would have been penalty or "at least cooperative," showing hearts. West said he would not have doubled either 2♣ or 2♦ if South had bid those suits. East claimed that he did not notice his partner's hesitation. E/W play together once or twice a month and go to about two tournaments per year. They have been partners for fourteen years and have 650 and 1150 masterpoints.

The Committee Decision: The Committee found that there was a hesitation which indicated that West had one of several hands, but probably not a 5-2-3-3 weak opener. East then had an opportunity to field this information with his double, which would then cover all bases. Therefore, the issue was whether there were logical alternatives to the double. After considerable interrogation of E/W about their methods, the Committee found that E/W were quite aggressive in these competitive situations without a known fit. Given that, the Committee decided that there was no logical alternative to the ambivalent double. The Committee changed the contract to 2♥ doubled down three, plus 800 for E/W.

Chairman: Michael Huston

Committee Members: Henry Bethe, Corinne Kirkham, Barry Rigal, Ellen Siebert

Whatever one believes were the merits of this decision, the Committee's acceptance of E/W's self-serving statement that they "were quite aggressive in these competitive situations without a known fit" was not the point on which to base it. Let's listen to the panelists' comments and see what we can learn from them. The first to come out of his shell is . . .

Cohen: "Yuk. 'After considerable interrogation the Committee found that E/W were quite aggressive in these competitive situations . . .' Give me a break! Glad E/W didn't try to sell the Committee some snake oil. As long as there are Committees that believe the self-serving B.S. that is spewed, we'll never get anywhere. Can't allow the double. Period. West would pass 2♥ in tempo with ♠AQxxx ♥x ♦KQxx ♣xxx — now how would 2♥ doubled do?"

Several panelists used that same phrase (no, not the "B.S." one, the "self-serving" one), although not all agreed with Larry's conclusion. Agreeing with Larry were . . .

Bramley: "No. A reputation for aggression does not make the double of 2♥ automatic. I am curious how the Committee determined this pair's naturally aggressive tendencies. Was their card littered with numbers on both sides of the ledger? Also, I find it a happy coincidence for E/W that their aggressive style combines questionable tempo with frequent ambiguous doubles. No, we don't play the game that way any more. The Committee should have decided as the Director did."

Meckstroth: "Cannot allow this double after the hesitation. People have to learn to bid in tempo to keep their partner in the game."

The next group of panelists agrees with the first group on the proper decision, but is more concerned with the message sent by the decision.

Rosenberg: "This was a reasonable judgment call by the Committee, but I think I would prefer to send the message that huddling in this situation (and in general in competitive auctions) is hurting your side."

Wolff: "Unreasonable decision. I prefer less questioning (gives too much of an edge to shrewd, experienced appellants). All the rhetoric in the world won't negate the improper information exchanged. While in a pure bridge sense the Committee may be right, the message sent gives great hope to the dark side."

Another contingent of panelists believes the Committee's decision was the correct one. First up is one of the decision's propagators.

Rigal: "A sensible Director ruling. E/W were not a competent pair, which to the Committee made the double more attractive. In fact, a slow pass makes double more dangerous since partner can be just about to bid 2♠ over the double, which will not be

good news. This issue should perhaps have been brought out, but East was very definite that West would have bid 2♠ on the second round with six spades, no matter how bad his hand."

Treadwell: "The Director and Committee both got this one right, even though their rulings were contradictory. The Committee decided that the double, in a matchpoint event versus vulnerable opponents, was the only logical call. However, the decision is close enough that the Director was correct in not allowing it since he is required to rule against the side which may have committed an infraction unless the infraction clearly did not influence the result."

Gerard: "I'm waiting to read about the hesitators who explain, 'We always sell out at the two level.' The Committee set itself up for self-serving comments when all it had to do was ask the Director which of those logical alternatives merited serious consideration. 3♣? 2NT? Surely those aren't serious. Maybe there needs to be a separate stratum for Directors who would bid 3♣. Pass is possible, in the same way that giving up showers because of a slip in the bathtub is. Calling East's double 'aggressive' is silly. This is how you make them pay for their errors."

Ron is correct in asserting that the questions which the Committee asked could only set them up for a slip on what Larry so eloquently described (yes, the other phrase this time), but is East's double really so obvious? How about the West hand that Larry provides? Given the sorts of hands that players open nowadays, and given West's failure to act over 2♥, East has little reason to believe that he should be on a mission to "make them pay for their errors" when East's double could easily turn out to be the error. Could Ron's tendency toward "sound actions" mean that his assessment of East's options might not be mainstream? Certainly he is the only panelist to take the position that East's double is so obvious that it should be allowed in the presence of partner's suggestive huddle.

I believe East's double to be normal, but not overwhelmingly obvious or automatic, which is why I think our final panelist's suggestion is the correct resolution for this case.

Weinstein: "Everything seemed to be going fine until the Committee attempted to determine the breed of animal that was E/W and that this breed had no logical alternative to attacking. Not being a zoologist (though I am a member of the local zoo and watch a lot of Discovery channel) I would have disallowed the double and given E/W plus 300. I would have allowed N/S to keep minus 800 as the most favorable result that was likely without the huddle. I think the interrogation and determination to discover answers that could easily be self-serving was inappropriate."

The critical phrase here — the "interrogation" one — needs to be carefully examined by those who sit on our Committees. Too often after a cursory explanation of the facts by the Director we launch into an extensive series of questions to determine the players' partnership (and personal) bidding or play habits, their beliefs, motivations, rationalizations, what they would have done had such-and-such happened, etc., etc., etc.

It is my opinion that many (most?) cases can be decided without hearing a word from the players, but simply by listening to a description of the facts determined at the table, looking at the players hands, analyzing the bridge, and then letting the cards and bridge logic speak for themselves. If Committees would spend more time doing this and then only ask the players those questions which remain pertinent to their final decision, we would be far better off in reaching sensible and consistent decisions worthy of respect.

CASE TWELVE

Subject (Tempo): Slow Penalty Double Shows (Surprise) — Doubt

Event: Blue Ribbon Pairs, 25 Nov 97, Second Session

Bd: 19	Billy Miller
Dlr: South	♠ A2
Vul: E/W	♥ KQ8654
	♦ 8
	♣ 10962
Michael Prahin	Val Mashkin
♠ K6	♠ QJ953
♥ 1072	♥ A9
♦ KJ94	♦ Q732
♣ A854	♣ Q7
	Dan Jacob
	♠ 10874
	♥ J3
	♦ A1065
	♣ KJ3

West	North	East	South
			Pass
1♦	2♥	2♠	3♥
Pass	Pass	Dbl(1)	Pass
3♠	All Pass		
(1) Break in tempo			

The Facts: 3♠ went down one, plus 100 for N/S. There was an admitted break in tempo. The Director ruled that the break in tempo did not convey information that suggested the 3♠ bid. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. East did not attend

the hearing. West stated that he had opened light "out of frustration." East reopened with his double after an admitted tempo break, which was estimated by N/S to be 10-13 seconds and by West to be 6-8 seconds.

The Committee Decision: Although there was some sympathy for West's 3♠ bid, the Committee believed that the tempo break had suggested that bidding would be the winning action. A double by an unpassed hand after the nonvulnerable opponents had competed and were quite possibly on a five-two fit made passing a logical alternative had there been no break in tempo. The Committee changed the contract to 3♥ doubled made four, plus 630 for N/S. Several Committee members believe that all doubles should require a 5-10 second break in tempo. This would save much Committee time.

Chairman: Doug Heron

Committee Members: Bob Gookin, Brad Moss, Michael Rosenberg, Phil Warden

Directors' Ruling: 50.4

Committee's Decision: 80.4

There's little question that requiring a brief pause before all doubles would (in theory) reduce the number of cases involving pulls of slow doubles. However, given the resounding lack of success we have had in getting players to pause after skip-bid warnings (just play in any club game if you need convincing) and the already overwhelming set of regulations dealing with Alerts, announcements, skip-bids, etc. that burden our game, I doubt that the savings from this new (however well-intentioned) regulation would compensate for the added work stemming from failures to pause: "DI-

REK-TOR! He didn't pause before he doubled." Maybe if we could get rid of some of the existing regulatory complexities (for example, let's rework and largely eliminate the present Alert system), we could consider implementing some good new ideas.

As far as the decision goes, like CASE NINE this one leaves me wondering why the side that brought the appeal was forced to do so. Isn't this rather an obvious ruling for the non-offenders? As an aside, is it really likely that N/S could be on a five-two fit? At favorable vulnerability preempts on five-card suits have certainly become quite common, but the last I looked holding a six-bagger was not barred; nor was raising on three-card support. Maybe we have become so jaded that this parlay seems normal, but is it any less likely that some of the Committee members had settled into a post-bridge, food/drink-induced state that dulled their normally razor-sharp perceptive senses and let this one slip by them? Panel?

Bramley: "The Committee is correct. The Director should have ruled the other way, making a possible appeal meritless. The Directors have been erratic so far. With correct Directors' rulings virtually every appeal so far would have had no merit."

Cohen: "Same comment as CASE NINE. Director screwed up — Committee righted things."

Weinstein: "Wrong pair had to protest again. I agree with the Committee. The utopian concept of a 5-10 second tempo for double (not break in tempo, as in the Committee write-up), is probably impossible to achieve at most levels, and maybe even at expert levels. I would be in favor of trying at the top levels. As an aside to the Committee decision, had E/W contended the double was not penalty and Alerted to that effect I might have decided differently. Many top pairs play the double as "do something intelligent," and the tempo of the double loses most, but not all, of its significance."

Rosenberg: "The Director was wrong. Slow doubles ALWAYS convey information. I think what often happens to most players in a non-clear double situation is that they know they are going to double, but just can't bring themselves to do it in tempo without good trump."

Treadwell: "The Committee was on the ball here, even though the Director was not. The Director should have ruled in favor of N/S and let E/W appeal (if they dared)."

Meckstroth: "Excellent decision. Cannot allow the 3♠ bid."

Making an excellent case for reassessing the play in 2♥ doubled was . . .

Gerard: "Fast-and-loose preempters don't often get raised on doubletons, so the possibility of a five-two fit was overstated. Nevertheless, the Committee was correct in preventing West's pull. I don't agree with the overtrick. If East leads the ♣Q, West will duck. If East leads a spade or a diamond, declarer has no sure count. To make four he has to lead the two of clubs after drawing trumps and then guess the doubleton queen when the jack holds. With two trumps left North can afford to play for three-three

clubs, which gives West a more likely minimum opening. Even at one-in-six, I make minus 630 not credible. At the very least, the decision should have been plus 530, minus 630."

I buy that. More hypnagogic work by the Committee, perhaps.

The next panelist seems to think the decision is a lot closer than the previous group thought, but is marginally willing to go along with it.

Rigal: "I am guessing that the Director made the ruling he did partly because he knew North would appeal it. But I think that he should have ruled the other way. The Committee comment regarding the five-two fit is unreasonable. If West assumes his opponents to be normal, then the 3♠ bid is sensible enough. As regards the hesitation, believe the non-offenders of course. I can live with this decision, but I think I might have gone the other way. In bridge terms you have decent spades and the risk of the opponents coming to eight-plus tricks seems too high. Still, I suppose on logical alternative grounds the decision must be defensible — and one wants to educate the public here."

There's that educational argument, again. When in doubt, educate.

Our next panelist supports the Committee's decision, but disagrees with the concept behind the Committee's suggestion of a mandatory pause before all doubles.

Brissman: "The decision was right. But the comment regarding mandatory tempo breaks for doubles is misguided, unworkable and antithetical to the ideal that all calls should be made in tempo. I'm not aware that the Laws Commission has any inclination toward the concept, and an ACBL regulation would be met with great distaste by our members. In my opinion, an ACBL regulation would be greatly increased, not saved, if such a Law or regulation were to be enacted."

Is the Laws Commission involved in passing such a regulation? Mandatory pauses are already required after skip-bids, and Law 73A2 authorizes sponsoring organizations to require them in other (partially unspecified) situations as well. I don't believe that such a regulation would be either misguided or antithetical to the goal of making all calls in tempo (an ideal that cannot realistically be achieved in many situations). However, as I expressed earlier I agree with Jon that it may be unworkable under the present set of regulations and that it would likely increase, not save, Committee time — substituting one type of problem for another. Still, as our last panelist points out, it is an attractive idea which perhaps could be implemented (at least on a trial basis) at the top levels of the game.

Wolff: "Poor Committee decision, since most low-level doubles usually are a little slower than normal. (If it is too fast it should be judged prima facie wrong.) One poor Committee decision, particularly on a frequent and classic situation like this, will only serve to make it more difficult next time. The Committee had a good suggestion in requiring doubles to be made after a 5-10 second mandatory hesitation. To implement that rule (at the high levels) would make me very happy (I hope we give some slack at

first).”

I would agree that the Committee’s decision was poor if I were convinced that the break in tempo was nominal — which I’m not. This appears to be a classic case of pulling a slow double. West’s shaded opener might tempt him to pull, but with no surprises for East in either diamonds or spades, three trumps (including the ten, for promotion purposes), good defensive values opposite East’s extras (his double can’t be based on trumps), and with N/S at the three-level, there’s little excuse for running — and even less after East’s break in tempo!

CASE THIRTEEN

Subject (Tempo): Difficult, But Not Impossible

Event: Blue Ribbon Pairs, 25 Nov 97, Second Session

Bd: 14	Ken Kranyak
Dlr: East	♠ AQ93
Vul: None	♥ AQJ103
	♦ J
	♣ Q52
Louise Clark	Steve Clark
♠ 10854	♠ K7
♥ 6	♥ K42
♦ K87	♦ A10962
♣ 109763	♣ AK4
	Harry Stratton
	♠ J62
	♥ 9875
	♦ Q543
	♣ J8

West	North	East	South
		1NT	Pass
Pass(1)	Dbl(2)	Pass	2♣(3)
Pass	2♥	3♦	Pass
Pass	3♥	All Pass	

- (1) Break in tempo
- (2) Alerted; clubs, diamonds or the majors
- (3) Alerted

The Facts: 3♥ went down one, plus 50 for E/W. West broke tempo before her first pass. No explanation was requested of the Alerted double. East studied an opponent’s clearly marked convention card before he passed. After the 2♣ bid

was Alerted, as required, West studied the N/S convention card. The Director was called when the 3♦ bid was made. The Director ruled that passing was a logical alternative for East. Because a result could not be determined, the Director changed the score (Law 12C1) to Average Plus for N/S and Average Minus for E/W.

The Appeal: E/W appealed the Director’s ruling. South did not attend the hearing. West stated that she started the year with 50 masterpoints after being away from bridge for thirty years. She stated that she had to think about whether or not to transfer to clubs after her partner’s 1NT bid. She thought her break in tempo had been fifteen seconds. E/W stated that it was their policy to look at the opponents’ convention cards rather than ask questions that might clear up misunderstandings. West was very upset that the Director had been called. The Committee Chairman tried patiently and calmly to explain that calling the Director to the table was a matter of procedure and was not personal. West became very upset and aggressive and left the hearing stating that she was “through.” East stated that he had a hand almost good enough to open 1♦ and rebid 2NT. It was his intention to bid after he heard about North’s hand. After he found out that North had the majors he liked the position of his kings and bid 3♦. E/W stated that they had appealed the Director’s ruling to protect the field. North stated that West could not have a balanced hand of seven or eight points because that would not have taken fifteen seconds to decide whether to bid or pass. The break in tempo indicated an unbalanced hand that she did not know whether or not she should bid with.

The Committee Decision: The Committee discussed why 2♦ was not bid immediately. East had an entirely free bid available and had created a riskier situation for himself.

The belief that they had diamonds on his right was naive. E/W may not have been experienced players, but they still had qualified for and played in the Blue Ribbon Pairs. The Committee decided not to allow the 3♦ bid. The next issue was to determine a bridge result for the hand. West had already stated that one reason for the break in tempo was that she was thinking of transferring to clubs. She well may have taken action in the balancing position. In a difficult deliberation which took more than an hour the Committee could not determine a result. They finally decided to follow the Director's lead and assign a score of Average Plus for N/S and Average Minus for E/W. The deposit was returned.

Dissenting Opinion (Ed Lazarus): While the Committee believed that the lengthy hesitation by West demonstrated that she had some values, some members would have allowed the 3♦ bid. The majority, however, disallowed it, reasoning that pass was a logical alternative. The Committee then reasoned that it was uncertain what West would do (pass or bid 3♣), thus the adjustment to Average Plus/Average Minus. I believe that when East bid 3♦ all further questionable bids were taken away from E/W. Hence, the decision to disallow the 3♦ bid should have been followed by changing the contract to 2♥ made two, plus 110 for N/S.

Chairman: Karen Allison

Committee Members: Phil Brady, Phil Becker, Mary Hardy (scribe), Ed Lazarus

Directors' Ruling: 73.3

Committee's Decision: 72.9

Clearly there was a break in tempo (even West admitted that it took her fifteen seconds to pass 1NT), so the next question is, "could that have made East's 3♦ bid more attractive?" Huddles generally show either extra values (which West didn't possess) or alternative(s) to the action taken (West was uncertain whether she should transfer to clubs). Did this suggest that East's 3♦ bid was more likely to win than some other action, such as double or pass? Maybe, on the general principle that action was suggested over inaction. But let's examine the connection more closely. A double by East, which covers all bases, almost certainly would have been disallowed, but what if West had turned up with a 4-3-1-5 pattern (switch West's red-suit holdings) making 3♦ a miserable contract and the runout to 4♣ doubleable? East's 3♦ bid was therefore not without jeopardy, nor was it "demonstrably" suggested by the break in tempo. East waited to hear that North had the majors (and not diamonds), he noted the position of his major-suit kings, and then took a very normal-looking action which had several ways to win: it could make, it could push the opponents overboard, or it could be a good save over 2♥ — the latter two actually being the case. Was his action clear? No. But it was a logical and appealing (no pun intended) action based on the authorized information available to him.

Given the combination of several factors: West's novice-like status (suggesting that her huddle might be more random than information-providing); the jeopardy inherent in East's action (he could have bid a much safer 2♦ at his second turn); and the inherent attractiveness of the 3♦ bid itself, I am inclined to allow the table result to stand. I know that this will be an unpopular position among the panelists, especially given the

level of the event (we do still encourage people to play up, don't we?), but I see no compelling reason to tamper with this result. I recognize that this is a close decision, and I know it seems to send the wrong message, but all huddles shouldn't lead to automatic score adjustments. Even if the Committee decided to adjust E/W's score, I see no reason to change N/S's score. Defending 3♣ or 3♦, or bidding on to 3♥ as a good "save," is an entirely normal result — one that seems far more likely than 2♥ being passed out!

Now I'll let the panel tell you why they think I'm wrong.

Bramley: "I agree with the dissenter. A 3♣ balance by West is a marginal action which should not be allowed in a hypothetical determination of a final result. If East passes 2♥, then the most likely result by far is a contract of 2♥ making 110.

"West's reaction to all of this illustrates the widening gulf between serious players and casual players. I would have thought that only serious players would enter the most prestigious pair event on the ACBL calendar, but the qualifications have been so watered down that it has become just another big open-pair event. Nevertheless, anyone entering this event (or any nationally rated event) must be prepared to cope with the stress of a competition in which most of the entrants are very serious.

"I must digress to comment on E/W's stated need 'to protect the field.' Frankly, I am tired of hearing 'PTF' as an excuse to downgrade perfectly valid scores for non-offending pairs. That a pair should be denied a good score because they happened to play against someone who committed an infraction strikes me as absurd. Should they also be denied a good score if they play against someone who makes an awful bid or an awful play? Of course not. If my opponents never err, I won't ever win. For example, if my opponents pull a slow double to reach a normal contract when I would have made my doubled contract, shouldn't I receive the full score for making my doubled contract? Some panelists seem to think not [see Wolffie's comment in CASE TWO — *Ed.*], but in my example I am playing against opponents who are effectively unable to reach the normal contract, and I should derive the full benefit of my opponents' inability to reach that contract, just as I would if they had simply 'taken a wrong view.' So I don't want to hear any more appellants blathering idealistically that 'I'm not looking to improve my own score, I just want to protect the field' (by reducing my opponents' score). Please, if you're going to appeal, have enough self-interest to want an improvement in your own score."

Am I wrong about playing up? I agree that those doing so need to rise to (and be held accountable for) the level of ethical and competitive standards commensurate with the event, but their bridge abilities don't also need to be assumed to be at that same level. Players' rights and responsibilities need to be assessed realistically. For example, if this West had made a false claim, it shouldn't be assumed that she would have executed a progressive triple squeeze activated by a Vienna coup, allowing her to score up her contract. Similarly, her huddle, as with most players new to or far distanced (30 years) from the game, shouldn't necessarily be assumed to convey what another player's huddle might convey to that player's partner.

Gerard: "What was so tough? In the absence of an irregularity (East's 3♦ bid),

certainty wasn't required, just possibility or likelihood. Was there a one-in-six (E/W) or one-in-three (N/S) chance that West would have passed in balancing seat? Thus Ed Lazarus' view is too rigorous, although I agree with his result. That West stated she was thinking of transferring to 3♣ was irrelevant, since it dovetailed so nicely with a putative 3♣ balancing bid over 2♥. Not far behind in the self-serving department was 'In a difficult deliberation that took more than an hour . . .' When you see that in print, you might as well read, 'Warning: questionable decision coming up.' This was a simple 12C2 case and the Committee went off the track trying to predict a result."

Yes, the Committee's consideration that West might have balanced over 2♥ had East not intervened was an error, both because E/W cannot be given the benefit of any questionable action once East's action is disallowed, and also because West's thought about transferring to clubs was typical of inexperienced players who, with weak distributional hands, feel compelled to run from notrump contracts. In this case, I believe that West would have been so happy to have been "taken off the hook" that she would never have even dreamt of bidding again. After all, if she had wanted to compete in clubs over a major-suit contract by N/S she could have easily doubled South's (artificial) 2♣ bid.

My belief that West would be unlikely to re-enter the auction is reinforced by the next panelist's final statement.

Rigal: "Good ruling by the Director. The fact that no consensus could be reached by the Committee makes Average Plus/Average Minus very sensible! I agree with the minority here. Of course the 3♦ bid is silly when no 2♦ bid was made (I can understand a non-expert player doing that though). But once the auction is put back to 2♥, why should West act with three points — given her lack of ability? Leave it at 2♥."

More support for the dissenter, and (indirectly) the basic Committee decision to not allow 3♦, came from several more panelists.

Cohen: "Good enough. I'm not convinced 'a result could not be determined.' I might determine that N/S should go plus 110 in 2♥."

Wolff: "Once West gave UI East should have been barred, especially since he didn't bid 2♦ the first time, and N/S should have been awarded plus 110, not Average Plus."

Meckstroth: "I agree with Ed. The result should have been plus 110 for N/S."

The next panelist's comment appears to be somewhat of a non sequitur.

Treadwell: "We must educate players to ask and not look at the opponents' convention cards, particularly when a bid has been Alerted. Perhaps this case would not have arisen if East had asked about the double."

Looking at convention cards is neither illegal nor undesirable — unless, of course, it conveys UI to partner. The convention card is there, in part, to enable the opponents

to find out what is going on without having to ask revealing questions.

Brissman: "A close decision. It's not clear to me how bidding 3♦ was suggested by the tempo to be a more successful choice than double, especially since East liked the position of his kings. However, on the theory that tempo suggested action over acquiescence, the Committee decided correctly."

Aha, the old "action over acquiescence" argument. Sorry, Jon, but I don't buy it here.

Rosenberg: "The dissenter was 100% right. It seems harsh to punish E/W so much when you feel that (a) the huddle was not 'bad'; (b) East might have bid 3♦ without the huddle; and (c) West might have balanced had East passed. But remember, once you determine the 3♦ bid was unjustifiable under the circumstances, you are really punishing that bid only. The Committee made a valid point about the failure to bid 2♦ immediately. The Director should have changed the contract to 2♥."

Yeah, yeah, but again, as with the others, Michael is assuming (not unreasonably) that West's huddle meant something; that it conveyed directional information to East. I just can't buy that premise in this case. In addition, Michael presents three very good reasons which, in combination with the fact that West's huddle didn't make East's 3♦ bid more attractive (even if you buy that the huddle meant something), argue for the justice of allowing East's action.

Finally, one more panelist supports my contention that, even if one chooses not to allow the 3♦ bid, N/S should have kept the table result.

Weinstein: "Disallowing 3♦ is correct, but I agree with the dissenter on being able to determine a bridge result, with E/W minus 110. However, I also believe that in the absence of the huddle that East would very likely have bid 3♦, and failing that, West 3♣. Therefore, the non-offenders should have been assigned minus 50 as the most favorable result that was likely to have occurred without the irregularity. (Exhibit #4)"

The more "Exhibits" Howard chalks up, the more convinced I become that we need to educate Committee people about not over-protecting the non-offenders — Bart's comment notwithstanding.

CASE FOURTEEN

Subject (Tempo): Excuse Me, But I Have A Hair Appointment

Event: Blue Ribbon Pairs, 26 Nov 97, Second Session

Bd: 21 Michael Rosenberg Dlr: North ♠ J10876542 Vul: N/S ♥ 832 ♦ 2 ♣ 4 Dan Marcus Petra Hamman ♠ Q ♠ 93 ♥ K9 ♥ AJ1064 ♦ KQ965 ♦ J8 ♣ AQJ103 ♣ K972 Bob Hamman ♠ AK ♥ Q75 ♦ A10743 ♣ 865	
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West	North	East	South
	Pass	Pass	1♦
2♣	3♠	4♥	4♠
Dbl(1)	Pass	5♣	All Pass
(1) Break in tempo			

The Facts: 5♣ made five, plus 400 for E/W. The ♦2 opening lead was won by South with the ace. South then played the ♠A, North playing the ♠2. South then attempted to cash the ♠K. Declarer ruffed and took the rest of the tricks. The Director was called after the hand was over and ruled that West broke tempo before he doubled 4♠. E/W did not agree. The Director ruled

that pass was a logical alternative to the 5♣ bid and changed the contract to 4♠ doubled down one, plus 200 for E/W.

The Appeal: E/W appealed the Director’s ruling. North stated that South had a prior commitment and could not attend the hearing. East stated that she asked about the 3♠ bid. When South told her that it showed good spades, she paused another five seconds and then bid 4♥. East stated that she almost bid 5♣ over 3♠ but decided to bid 4♥ in case each side had a double fit. E/W stated that the 5♣ contract should have gone down. The Committee discovered that E/W played weak two-bids but their discussion had been that in first and second seat they showed a six-card suit. They had not discussed jumps in competition. North stated that he believed West’s break in tempo was about eight seconds. He also stated that since East was a passed hand, which denied very long hearts, a club fit was implied and that passing an in-tempo double of 4♠ was a logical alternative. East had paused for a “little while” before pulling the double to 5♣. North stated that he realized the Director should have been called immediately after the break in tempo, but because his opponent was his partner’s wife, he had hoped there would not be a need for the Director. The Committee inquired about N/S’s carding agreement and were told that it was “primarily attitude”; the only time they would ever give count would be if the opponents had led the suit.

The Committee Decision: The Committee first discussed the defense of the 5♣ contract. Some believed that the ♠A was a peculiar play at trick two. The ♠2 said “don’t continue.” The Committee unanimously agreed that N/S, two of the greatest players in the world, should get this right. It was decided that the damage they had

suffered was subsequent to, but not consequent of, any infraction that may have occurred. They were therefore assigned the result for 5♣ made five, minus 400. The Committee next considered the 5♣ bid. The auction had been unusual and complicated; a passed hand had jumped to 3♠ and a passed hand had bid 4♥. A slow double in this situation would tend to make removal a more attractive alternative. In theory East had shown a club tolerance, but the fourth club was definitely a defensive defect, and the doubleton spade and doubleton diamond were offensive defects. East was aware that the double had not been made with a trump stack since she had been told that North had a good spade suit. It was certainly possible that East would exchange a plus score for a minus score by bidding (and, in fact, should have). The Committee finally decided that the tempo of the double, because of the unusual auction, did not suggest one logical alternative over another and allowed the table result, 5♣ made five, plus 400 for E/W, to stand.

Dissenting Opinion (Henry Bethe): I have no problem with, in fact strongly support, the decision to give N/S minus 400 under the particular circumstances that beating 5♣ should have been easy and that plus 50 was a better score than they could have achieved in 4♠ doubled. I also firmly believe that East “always intended” to bid 5♣. The question, however, is whether there was an undue hesitation by West over 4♠ and then whether a slow double demonstrably suggests that bidding 5♣ would be more successful than passing 4♠ doubled. (There is also the question of what tempo would be acceptable to this particular North.) I do believe that complex competitive auctions create the same sorts of problems as skip-bids, and that players have similar responsibilities not to act particularly quickly or slowly when involved in such auctions. But there are pregnant pauses and virginal ones, and pregnant pauses of any length create an onus for partner to act appropriately. This pause was undoubtedly pregnant — just look at West’s hand — and while bidding was reasonable it became more reasonable after the pause. Since I would probably have changed the contract for both sides if 4♠ doubled would have made, I would change it here to give E/W plus 200.

Chairman: Karen Allison

Committee Members: Henry Bethe, Bart Bramley, Jerry Gaer, Barry Rigal, (scribe: Linda Weinstein)

Directors’ Ruling: 77.9

Committee’s Decision: 70.0

I don’t think anyone questions (with the possible exceptions of North and South) that N/S deserve minus 400. The best argument for not assigning a reciprocal result to E/W was given by . . .

Cohen: “Last line of Committee decision — I don’t get it. ‘Did not suggest one logical alternative over another . . .?’ Huh? Of course it suggested pulling. A fast double would suggest leaving it in. What is going on here that the Committee can make such an outrageous statement? It sounds like the Committee decided the tempo was bad, and once they decided that they cannot possibly allow the pull to 5♣. Why couldn’t partner have ♠Ax ♥x ♦Q10xx ♣AJxxxx or the like? (Easily right to defend 4♠ doubled.)”

Meckstroth: “I agree with Henry. Minus 400 for N/S, plus 200 for E/W.”

Weinstein: “Sometimes there are appeals where you just can’t help looking forward to reviewing a case. South’s prior commitment was undoubtedly his wedding commitment. Mr. Hamman, one of the great believers in laissez-faire at the bridge table, hears his partner call the Director on his wife, who then protests against her husband thereby publicly displaying his defense. The world makes sense again.

“I have sympathy with the dissenter, except that I would not use the term pregnant repeatedly regarding a male West. When the non-offenders fail to play bridge it should clearly affect their right to redress, but should it affect the offenders to the same extent? I don’t know. For Mr. Hamman’s ♠A (instead of the king) to make sense his partner would need something like 6-3-3-1 with the ♦K and stiff ♣Q. Is it sufficiently irrational (not just careless) to relinquish all of their rights to redress and to eliminate the E/W adjustment? Too bad Hamman wasn’t there to share his thought process on defense. Tough crowd this Committee.”

Wolff: “I agree completely with Bethe’s dissent. Punish poor defense, minus 400 N/S, penalize slow doubles which are taken out, plus 200 E/W, and, just as important, PTF.”

Surely North’s (not just South’s) identity has escaped no one, so let’s get right down to it. Ron, any pertinent observations about North’s conduct in all of this?

Gerard: “Not worth the ballyhoo. West had to hesitate, the meaning was unmistakable, East had an alternative, the defensive problem was trivial. Switch the diamond and spade fives to see what an in-tempo double looks like. I think North was close to Abuse of Process here. He should have stated in Committee that he disagreed with the ruling and did not deserve minus 200. Not doing so smacks of opportunism, not the actively ethical behavior we expect from this particular North. The Committee’s conclusion that West’s hesitation was nondirectional can only be explained by the self-serving dicta that accompanied it, as in CASE THIRTEEN. These dissents are too good.”

Let’s hear what Michael has to say about this. (Hee, hee, hee.)

Rosenberg: “I agree with the dissenter’s desire to change the E/W score to plus 200, but not with much else the Committee did or said in this case. South’s defense was wrong since, looking at that dummy, I would have encouraged spades whatever my holding was unless I had the king or a singleton (we lead 4th best, so a diamond return was 100%). But, understandably, he did not consider West’s having doubled with a stiff, and played too quickly. Hamman should not have been in that position, and should not be punished for an error (not a mind loss) that depended on his subtle reading of the defensive carding in a non-regular partnership. Bramley, in Committee, said (wrongly) that Hamman should have shifted to the spade king to get count. How would he differentiate between six and eight? (Actually, there is a way, but it requires an advanced agreement). No, the ace was the right play.

“To the dissenter, if you firmly believe that East would always have bid 5♣, you should let them do so. I do NOT believe this, and would therefore make East defend.

If West had been dealt two spades and a stiff heart, the double would have been much more prompt and East would probably have passed. As to the tempo that would satisfy this particular North, it would be 2-3 seconds. A pass or a double outside that tempo on this auction carries a clear message.

“I must admit that I find it troubling that this is the only case from the first fourteen where I am giving the Committee a really poor mark.”

Apparently Michael isn’t the only one who is troubled by this. As for his point about “subtle reading of the defensive carding in a non-regular partnership” being an error but not a mind loss, I would venture to say that a good many of the cases we deal with involve casual partnerships. This particular one was not made at the partnership desk, and had some fairly sophisticated agreements in place. (I know, I kibitzed them for a time.) The plays which are at question here are neither the most advanced nor the most dependent on prior discussion to be gotten right at the table. Yes, I’d classify Bob’s play as careless, but well beneath what is expected of him by us, and by regulation. Players are expected to continue to play bridge after an infraction commensurate with their level of skill in order to protect their right to redress. As Michael so ironically put it in his second sentence (before the “but’s” began), “South’s defense was wrong.” And so it was. And so their score adjustment.

Michael is correct in his comment to the dissenter that, “if you firmly believe that East would always have bid 5♣, you should let them do so.” Of course it should take compelling evidence from the auction prior to the bid in question (e.g., “East would never have bid 4♥ unless she intended to follow it up with 5♣ because . . .”) to convince a Committee of that. Such evidence does not exist in the present case, as Larry’s example West hand illustrates.

The two panelists who were members of this Committee have paid me to include their reiterated support of their original decisions. I’m going to raise my rates for this in subsequent casebooks.

Bramley: “If I recall the testimony correctly, South bid 4♠ rather quickly after East bid 4♥. Thus, West was on the spot almost immediately after the unexpected 4♥ bid. I still think we got this one right. The cause of N/S’s bad result was bad defense, not a violation in the bidding.”

Rigal: “Sensible Director ruling. The Committee believed East, who can see that her extra club length means offence not defense. When she bid 4♥ she intended to bid 5♣ next, and the tempo of the double is not relevant in my opinion to overturn that. The point about subsequent not consequent damage was clear, we thought.”

Yes, N/S’s score is clear, but I’m not moved any closer to the Committee majority’s mis-handling of the E/W result. Two other panelists were so moved, however.

Brissman: “I find the majority opinion more persuasive.”

Treadwell: “The Committee got this one right. The hesitation by West did not

necessarily make the 5♣ bid more attractive. In fact, suppose East had not bid 5♣. Would N/S have then claimed that East must bid 5♣ since the hesitation deterred her from the right bridge action which would have benefitted N/S if they had been able to defend properly. Let's play bridge!"

It doesn't work that way, Dave. The 5♣ bid has to be overwhelmingly clear to be allowed after the huddle-double, since it is (contrary to your opinion) suggested by the huddle. But since a pass is not suggested by the huddle, it can be made with complete impunity.

CASE FIFTEEN

Subject (Tempo): Slow Always Shows Extras

Event: Continuous Pairs, 26 Nov 97, Second Session

Bd: 1	♠ Q94		
Dlr: North	♥ A10		
Vul: None	♦ AJ954		
	♣ 1093		
♠ J3		♠ 875	
♥ KQ		♥ J962	
♦ KQ108		♦ 732	
♣ AQ854		♣ KJ6	
	♠ AK1062		
	♥ 87543		
	♦ 6		
	♣ 72		

West	North	East	South
	Pass	Pass	1♠
1NT	Pass(1)	Pass	2♥
Pass	2♠	All Pass	
(1) Break in tempo			

The Facts: 2♠ made four, plus 170 for N/S. The Director was called immediately after the 2♥ call. North agreed that his pass had been slow. The Director ruled that pass was a logical alternative for South (Law 16A) and changed the contract to 1NT down one, plus 50 for N/S.

The Appeal: N/S appealed the Director's ruling. Only South attended the hearing. South stated that he had 800 masterpoints and his partner about 450. They had met at the partnership desk and were playing for the first time. South stated that he bid 2♥ in the hope that his opponents would compete to three of a minor, so that his side would get a better matchpoint result. He did not know what his partner had been thinking about.

The Committee Decision: The Committee decided that the lengthy hesitation demonstrably suggested that the 2♥ bid would be more attractive than the logical alternative of passing. The Committee agreed that North was known to have approximately nine points based on the auction. Even with this knowledge, the majority believed that the break in tempo made South's decision to bid easier. The contract was changed to 1NT down one, plus 50 for N/S.

Dissenting Opinion (Doug Doub, Brian Trent): We strongly disagree with the Committee's decision. This is an extremely important case toward developing our understanding of the laws in this situation. "Did the irregularity demonstrably suggest the action taken?" At South's second turn to call, East had chosen to pass his partner's 1NT overcall, indicating that E/W were highly unlikely to have more than twenty-four HCP. That leaves North with at least nine HCP. The break in tempo gave South the same information that he already had from the opponent's failure to at least try for game: North had some values. What is important to South was where those values were. If North had ♠x♥Qx♦QJxxxx♣Axxx and was thinking of bidding 2♦, bidding 2♥ with the South hand would have been disastrous. North's hesitation did not suggest that South bid 2♥ and therefore must be allowed under the laws.

It was not necessary to argue that South's bid was clear-cut in order for it to be

allowed. However, South's bid was clear. He had good distribution and could reasonably hope for a fit. Even non-life masters know that you should not let the opponents play in 1NT when you have good distribution. It was not as if his spades were ♠Kxxxx and might reasonably be worthless on defense. Here, he could sensibly hope that his partner had some high cards that would be behind the strong hand. He was not vulnerable at matchpoints. This South was an experienced player with 800 masterpoints. He said that with his shapely hand he was hoping to catch a fit and push the opponents out of 1NT and up a level if possible. It is an insult not to allow South to bid 2♥ with his hand. Obviously, North's pass was poor, but the Committee must not allow itself to be influenced by the hand that North actually held. South's hand was the only relevant one to be judged in deciding this case. It was understandably very annoying to E/W to see North hesitate, South balance with nothing, and then have South land on his feet when North put down that mountain of a dummy. E/W might think that South knew of North's tendency to be timid about supporting in the face of a 1NT overcall. However, N/S were a pickup pair with no partnership history. Balancing actions, as South's was here, are based upon the premise that when the opponents stop in a partscore, partner must have a certain amount of strength. There is no auction where the opponents can better evaluate their combined strength than a 1NT auction. South's five-five distribution made it reasonable for him to hope for a fit. When the opponents stopped in 1NT, he could logically infer that partner had some strength. His gamble was that North would turn up with support for one of his suits. The hesitation did not suggest that his gamble would be successful. Thus, according to the laws, since the hesitation did not "demonstrably suggest" that 2♥ would be the winning action, South should be allowed to make that bid.

Although it is normally correct for the Director to initially rule in favor of the non-offending side, in this case we would have chosen to allow the 2♥ bid as a Director. The hesitation did not suggest that 2♥ would be a winning action, and thus the bid should be allowed. The wrong side was appealing this case. As a contrast, consider the following hand that South might have held on the same auction: ♠KJ108x ♥K9x ♦Kx ♣AQx. After opening 1♠ South might choose to double, arguing as follows: I have far more than a minimum, especially for a third-seat opener. My spade spots are good, but I can support a lead in any other suit and I would not mind if partner elected to pull the double to a suit of his choice. Therefore, I will double. Those arguments are valid. However, there is no inference to be derived from the auction to suggest that North has more than a balanced zero count. South could equally well argue as follows: "I might have chosen to open 1NT and played there, facing an opening diamond lead with almost all of the opposing strength sitting over me and two spade stoppers to knock out before setting up my suit. Partner had a chance to double with 8 or 9 HCP, bid a long suit, or support spades. I have also directed a good opening lead for our side. Since my previous decision has put me in a plus position, I will not jeopardize it with a speculative double." That argument is certainly valid too. The hesitation suggests that double will be more successful than pass and thus cannot be allowed with this hand. Pass is a logical alternative, and the hesitation "demonstrably suggests" a double. When South bid 2♥ with his actual hand he was gambling on finding a fit for one of his two five-card suits. North's hesitation did not suggest a fit for either suit and thus did not suggest the 2♥ bid. Therefore, the bid must be allowed.

Chairperson: Ed Lazarus

Committee Members: Lowell Andrews, Doug Doub, Brian Trent, Ellen Siebert

Directors' Ruling: 91.7

Committee's Decision: 69.6

This must be one of the longest dissents on record. Many of the arguments are well expressed, generally on-target, and (superficially) compelling. However, there is one critical issue on which I disagree and upon which the dissenters' case rests. Granted North is known from the auction to have nine-plus points. With a one-suiter he would almost certainly have bid his suit or doubled and led it (with the necessary side reentries to cash the long-suit winners). With a two-suiter he would have bid 2NT or started with one of his suits, hoping to be able to show the other later if necessary. Thus, North is likely to be relatively balanced (although 1-4-4-4 is a possibility). The huddle suggests that he was tempted to bid, maybe because of a spade fit (at least a doubleton honor) on which he was contemplating a raise. Therefore, the break in tempo does increase South's equity in bidding 2♥, since it increases the likelihood that South will find a fit for one of his suits (especially spades, but hearts if North is 1-4-4-4). Therefore the 2♥ bid should not be allowed.

There is also one other argument for disallowing South's 2♥ bid, and since Bart is right on top of it I'll turn the discussion over to him.

Bramley: "The dissenters make a powerful case. Maybe if I had been there I would have bought it. But in the cold light of day I must side with the majority. Normally, if you open 7 HCP in third seat and the opponents stop short of game, you are content to hope that they have misjudged. You stay put rather than risk that the opponents will now bid game or that they will nail you for a number. Furthermore, you have bid your best suit and may have better defensive prospects than some pairs. However, partner's hesitation casts a different light on your thinking. Now the chance that the opponents have seriously misjudged is smaller, and the chance that you have a winning contract is larger. Thus, the hesitation does suggest that bidding will be more successful than passing, to a degree that is greater than that provided by the available bridge inferences. So the majority got it right."

Need more arguments against allowing 2♥? Boy, have we got arguments.



Gerard: "And just in case you didn't hear us the first ten times, North was known to have some values and the hesitation did not suggest the 2♥ bid. I take back my closing comment in CASE FOURTEEN.

"It's tempting to respond in kind to the bridge and other lessons the dissent inflicted on us, but let's try to be reasoned and unemotional. First, the high cards could have been split 18-8-7, so North was a king over minimum. Secondly, there are extras and then there are extras. The more extras North has, the better for South's balance. By the time it got back to South, even the Budweiser Clydesdales knew that was no eight-count about to shower down. Third, even if North were minimum, anyone wanna bet on two queens and four jacks? The longer North stewed, the more high high-cards rather than low high-cards he held. Fourth, positing ten cards in two suits for North is

self-serving dissent-speak. Even given this North's timidity, I would expect a 2♦ bid with the example hand, with huddle showing a balanced maximum. So South could expect at worst a partial fit for his ace-king-ten fifth. Fifth, the dissent can't argue that North's hesitation didn't suggest 2♥ would be successful when it had already argued that South's distribution made it reasonable to hope for a fit. If 2♥ was a gamble, the hesitation made it more likely that a misfit would be protected by extra values. If 2♥ was fit-probable, North's hesitation made it a lock. But it can't be reasonable in the abstract and gambling in the face of a huddle. What the dissent really meant to say was that pass was not a logical alternative. But that would have involved judgment, not legal interpretation, and would have considerably weakened the dissent's case. Sixth, I appreciate the lecture about the sixteen-count but belaboring the obvious doesn't strengthen the dissent's argument. Finally, I'll repeat those points a few hundred times so everyone will know that I'm talking here.

"North's hesitation demonstrably suggested that 2♥ would be more successful than it would have been without the hesitation. If pass was not a logical alternative, as the dissent would have us believe, it was not necessary to claim that the hesitation didn't suggest 2♥. In order to reach that argument you have to admit that pass was a logical alternative, despite what non-life masters know about bridge. Once you do that, it's hard to escape the conclusion that 2♥ was likely to work out better than pass under the circumstances. So it was necessary to argue that South's bid was clear in order for it to be allowed. On this point I'm with the Committee.

"The dissent should have made its points in the right order, toned down the rhetoric and retired from the fray. Statements such as "It is an insult not to allow South to bid 2♥ with his hand." are all heat and no light, since it was not the Committee's intent to libel anyone. Reasonable people can have disagreements as to judgment without resorting to name calling."

We will now pause briefly while the reader rereads Ron's arguments a few hundred times. Remember, you're on the honor system here... —soft elevator music —...Okay, want more arguments?

Meckstroth: "He who hesitates is lost!"

If that didn't clinch it (for those of you still on the fence), then try these.

Rigal: "The majority got this right. I am staggered that two Committee members would consider acting again here on a seven (count them) point hand. Yes, it is a good hand — up to a point. I think some re-education is necessary here. The slow pass by North may indicate that he simply has a good hand (and please file a recorder form on him for that pass) and that he had a hand unsuitable for his methods if they play two-suited action (the Committee should have investigated). And that is another reason for ruling against N/S. Whatever the case, if I had a seven count here, I would know my opponents had missed game and shut up. But South knew better. We all know how."

Weinstein: "South opens a seven count and takes another free bid. West overcalls 1NT with ♠Jx. North passes with 11 HCP, queen-third in support, two aces and then takes a preference to 2♠. If they weren't playing together for the first time, I'd rule against N/S on the 'law of coincidence' (Law 40 in my opinion), even if they get by the huddle. Back to the dissenters. Don't the opponents ever overcall an 18 HCP 1NT against you? Even 19? Doesn't RHO ever choose to make the matchpoint pass with eight or even a bad nine count (especially after North's huddle)? Sometimes, partner has only a seven count. Sometimes he has an eight or nine count but lacks support and conservatively passes because he has no place to go opposite a light opener. But the huddle is contraindicative (is that a word?) of all of those things. In the real world, partner does not pass in tempo with an eleven count with good support in order to make 2♥ a winning action. Despite the dissenters' verbose pleadings they are wrong. There is material UI that suggests that bidding will be successful, and if the dissenters are suggesting that passing 1NT by South is not a logical alternative I condemn them to a lifetime of the continuous pairs. In Michael Rosenberg's words, 'bad huddle.' In my words, really bad bidding."

Wolff: "Because of the dissenting opinion this becomes a very special case. I favor the majority decision for the following reason: When North hesitates, it essentially eliminates the possibility that E/W are having a misunderstanding. Sure, South's reasons for bidding are expert logical, but why should this pair benefit over other pairs because of their hesitations? It would be okay with me to give E/W minus 170 since they didn't do anything to deserve minus 50 (PTF), but how can North pass his hand and have his partner rise to protect him? We need to get players (always at the highest level and then filtering down slowly to the next level or levels) be actively ethical and strongly encourage their partners to not put them in the position in which North put South. Considering the human condition and from my experience, it really is the only way our game can be played fairly."

If that doesn't convince you you're beyond convincing. (Ask a friend to hold a mirror up to your nose and then report the results back to us).

Alas, three panelists were seduced by the Sirens' . . . er, dissenters' . . . song.

Brissman: "The dissenters nailed it. Present the auction and South hand as a bidding problem without disclosing the break in tempo and you would need to search far to find passers."

Treadwell: "The Committee must have been asleep on this one. The dissenters got it right: it is an insult not to allow South to bid 2♥ in this situation. Suppose North had nine or ten cards in the minors and N/S could not make more than six or seven tricks in either major. Then, South should not have balanced. The hesitation, when it contains no useful information, should not be used to prevent a legitimate, somewhat risky bid. Let's play bridge."

That "Let's play bridge" slogan is becoming rather catchy. Dave will be giving out autographed, laminated wallet-sized copies near the escalators in Chicago. You won't

want to miss the opportunity to get one of these sure-to-be-collectibles from our new Bridge Hall of Fame inductee — winner of the 1998 Blackwood Award. (Congrat's, Dave.) Now, if only his bridge arguments (and his jokes) were as good as his slogans.

Cohen: “The Director was right — he went with the normal rule to ‘roll back the result.’ But, the Committee missed the boat. The Dissenters (Doub, Trent) are right. This is the analogy I always use for this type of problem. LHO opens a strong notrump, and it goes pass, pass and you have ♠Jxxxx ♥xx ♦Jxxxx ♣x. Your partner has passed out of tempo. Are you allowed to balance? The answer is a loud YES. Partner’s huddle does NOT suggest that bidding is right. If anything, it suggests that bidding is wrong! Maybe he was going to show his own two-suiter (hearts and clubs) in which case you should pass. Maybe he has a penalty double. You KNOW from the bidding that he has strength. His tempo is totally irrelevant.

“Clearly, that is the case here. The auction dictates balancing. There is no guarantee partner will fit either major. South has no sure thing going for him. My only hesitation is that I would have liked for South to have made these points in Committee. I’d have liked to have heard from him the statement ‘I knew from East’s pass that my partner was marked with at least 9 HCP.’”

Larry’s analogy does not apply in the present case. If you had opened 1♠ in third seat with Larry’s example hand and heard the auction go 1NT by LHO, pass, pass back to you, would you balance? That is more analogous. Your having opened makes all the difference. Now there is a very real possibility that one or both of your opponents has been a bit too conservative, perhaps casting some of their high-cards in doubt because of their position relative to your “opening bid,” or perhaps using the “go for the plus score at matchpoints” to justify conservatism. The balancing auction Larry describes is a whole different situation. There he is absolutely correct — balance, or turn in your testosterone (or estrogen).

The early results are in from the distant provinces. Now leading in the race for his issue’s “Fence-Sitting Award” is none other than . . .

Rosenberg: “Toughest case in this set, so far. It’s easy to agree with both arguments. The dissenters made an excellent point about the pick-up partnership. They missed two points, one in their favor. East might have passed 1NT with eight points, and I have seen people overcall 1NT with nineteen. So North might have had as little as six points without the huddle. However, North’s six points may have been ♠xx,♥AQxx,♦xxxx,♣xxx, and with spades three-three and hearts two-two N/S can make game in hearts while E/W are limited to making two-of-a-minor. I would need to have heard from this South to know if I would let him bid 2♥.”

Michael is right; this is the toughest case so far — but it’s not that tough. The appeal of the dissenters’ arguments is called a “Halo Effect.” Intertwined with your argument say something warm, nice, or politically correct that will appeal to people’s emotions; get a popular personality to endorse your cause. People will be drawn to it by the association established by the positive, emotional component of the message —

even if the two are unrelated. (Remember Joe Namath in panty hose?) Here the dissenters made a number of credible, accurate points, some of which even related to their case. With such an extensive and seductive array of seemingly supportive evidence, it is hard to think the issue through analytically, independent of the barrage of emotion you have just been inundated with.

I know the dissenters believe wholeheartedly in their arguments, and were trying to do their best to effect what they believed to be the proper resolution of this case. But in assessing their arguments we have to be dispassionate and critical. We must be convinced by the quality and logic of arguments, not by their quantity or emotion. That was difficult to do here, because the opinion was so well-written and closely allied to the sorts of arguments we are used to honoring.

I applaud the efforts of everyone on this case: the Directors, the Committee, the dissenters, and especially the panelists. None of us (myself included) can “prove” the correctness of our views, but we can all learn from the open discussion — by expending the energy required to examine all of the arguments with calm, analytical coolness. Thanks to everyone for the opportunity presented us here. We all should learn from this discussion.

CASE SIXTEEN

Subject (Tempo): “Rub Of The Green”
Event: IMP Pairs, 27 Nov 97, First Session

Bd: 30	♠ 106
Dlr: East	♥ J9653
Vul: None	♦ KJ1054
	♣ 2
♠ QJ92	♠ 3
♥ A104	♥ Q2
♦ ---	♦ AQ63
♣ Q109854	♣ AKJ763
	♠ AK8754
	♥ K87
	♦ 9872
	♣ ---

West	North	East	South
		1♣	1♠
2♠	Pass	3♣	Pass
5♣(1)	Pass	6♣	All Pass
(1) Break in tempo			

The Facts: 6♣ made six, plus 920 for E/W. The 5♣ bid was out of tempo. The Director ruled that the 6♣ bid was not suggested by the break in tempo and allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. E/W were a first-time partnership. West intended 2♠ to show a limit raise or better. East believed that 2♠ was a game force. For this reason, East bid 3♣ at her first rebid to see how things would proceed. Both sides agreed that West’s 2♠ bid took 3-4 seconds but that there was a 10-12 second pause before the 5♣ bid. West explained his bid as a bit of a gamble and East explained hers as justified over a game-forcing 2♠ bid and a jump in clubs. N/S thought the break in tempo made further action more attractive.

The Committee Decision: The Committee found that no call was demonstrably suggested by West’s break in tempo. Therefore, the issue of logical alternative was not raised. Some of the Committee members thought it was important to note that if East held a less value-laden hand and had appeared to impute some meaning to the break in tempo, this case could have taken a different turn. The Committee allowed the table result of 6♣ made six, plus 920 for E/W, to stand.

Chairman: Michael Houston
Committee Members: Lowell Andrews, Mary Jane Farrell, Ed Lazarus, Jo Morse

Directors’ Ruling: 90.8 **Committee’s Decision: 92.9**

Wait, what’s that up in the sky? Is it a bird? Is it a plane? No, it’s Super Dave!

Treadwell: “Finally, a Committee let a pair play bridge, even though there was a hesitation (tsk, tsk) in the auction. Very good decision.”

This just goes to show that there’s a slogan for every case — and a case for every slogan. I agree with Dave. N/S need to be “tsk, tsk’d” for this frivolous Director call.

Putting on his best sarcastic face to drive home this very point was . . .

Weinstein: “My award for most ridiculous protest of the nationals. I have no doubt that had East passed and South not been endplayed at trick two, they would have protested that East would have bid 6♣ had 5♣ been in tempo. Prime example of ‘if they huddle I want a good result’ mentality. This N/S should have absolutely been assessed an IMP penalty for this protest, and Dark Points (or whatever) for the future.”

The rest of the panel fell right in step on this one.

Bramley: “No merit again. I don’t see any special inference from the slow 5♣ bid. East was the one with the significant extras. Anyway, slam is just okay. How convenient for South to be endplayed at trick two.”

Cohen: “Maybe the Director was supposed to follow the ‘rules’ and roll the result back to 5♣. But, the Committee is clearly right that the speed of 5♣ is irrelevant. The 5♣ bidder could have been deciding between 4♣ or 5♣. The play in 6♣ is interesting, but simple. After a high spade lead South is end-played, but it doesn’t matter since she’d be squeezed anyway. But on a heart shift at trick two declarer has to duck it.”

Meckstroth: “I agree. I don’t think the hesitation is relevant here.”

Rigal: “An excellent ruling by both Director and Committee, who appreciated that slow actions do not always result in adjustments. Given East’s misunderstanding, E/W got lucky, but they are entitled to do that from time to time.”

Rosenberg: “Okay, but the Director should have made E/W appeal.”

Especially at NABCs, Directors are supposed to use their bridge judgment in making their rulings. Only when facts are “in doubt” should the decision routinely go against the offenders.

Wolff: “Good Committee decision. We need to now work on our players (especially high-level) making them understand that some tempo breaks are not indicative of good-bad hands and could mean a number of different things. We could start on this hand by keeping the N/S deposit, although I admit it would be a trifle harsh.”

Keeping the deposit would have been a fine idea — not harsh at all — had there been a deposit. What was harsh was E/W thinking that they could get away with this clear waste of a busy Committee’s time.

CASE SEVENTEEN

Subject (Tempo): Ask, And Ye Shall Receive

Event: Blue Ribbon Pairs, 27 Nov 97, First Session

Bd: 19	Bobby Levin	
Dlr: South	♠ K109	
Vul: E/W	♥ K832	
	♦ 953	
	♣ K92	
Kit Woolsey		Ed Manfield
♠ 632		♠ A85
♥ 97		♥ Q6
♦ Q62		♦ AJ10874
♣ AQ543		♣ J6
	Chip Martel	
	♠ QJ74	
	♥ AJ1054	
	♦ K	
	♣ 1087	

West	North	East	South
			2♦(1)
Pass	2NT(2)	Pass	3♣(3)
Pass(4)	4♥	All Pass	
(1) Alerted; Flannery			
(2) Alerted; asked further description			
(3) Alerted; showed 4-5-1-3			
(4) Break in tempo			

The Facts: 4♥ went down one, plus 50 for E/W. The opening lead was the ♠J. West asked about the 3♣ bid when it was Alerted, but not about the 2NT bid, which had also been Alerted. After receiving the response that 3♣ showed three

clubs, there was a brief but discernable break in tempo before he passed. The Director ruled that the table result would stand. It was not clear, since the table Director was not present at the hearing, whether the hesitation had been considered when the ruling was made. The Director's ruling was based on the fact that West had done nothing other than what the laws permitted when he asked about the meaning of 3♣.

The Appeal: N/S appealed the Director's ruling. South stated that East had described West's break in tempo as a "flicker." South believed West had indicated that he had a problem over 3♣ and estimated the pause to be five seconds. Given the vulnerability, East could deduce that West's pause had to be based on a club suit. Had East asked about the sequence of 2NT followed by 4♥, he would have been told that it had implied that North's hand had improved after hearing the 3♣ bid. This would make a club lead less attractive. N/S believed that the ♦A was a plausible alternative lead, after which East might passively continue diamonds. East disputed the length of the break in tempo. He stated that he judged there was a fifty percent chance that West had contemplated acting over 3♣. The partnership methods were that if the ♦A had been led, a high spot card from West (upside down attitude) would ask for the obvious shift. E/W had no firm rules defining the obvious shift. West stated that he did not double 3♣ in order to avoid the risk that the final contract might be played by South. Additionally, he did not want to reveal anything about his hand. He asked about 3♣ because he would have doubled had he been told that it showed two-two in the minors, as it did in his own methods. West also stated that he always asked about conventional bids. He had not asked about 2NT (which actually had non-standard implications) because he thought he could infer that it was a relay from the auction.

The Committee Decision: The Committee unanimously decided that East's admission that he had discerned a break in tempo from his partner meant that there truly had been a break in tempo. The Committee appreciated the frankness of East's comments in a situation where frankness tends to be the exception rather than the rule. Since this clearly made the ♣J lead more attractive, the Committee had to address other logical alternatives. It was decided that the ♦A was a logical alternative. Since there was UI present the Committee decided to force East to make that opening lead. After the ♦A lead, the Committee unanimously agreed that the ♦6 would unequivocally call for a shift. The Committee could identify North hands such as ♠Kxx ♥Kxx ♦532 ♣HH9x (and slight variations) on which a shift to the ♣J might be costly. These exceptions were deemed to be most unusual and improbable. The critical factor was the diamond spots in West's hand. Had West held ♦Q32 or ♦Q52 the decision would have been much more complex. Because the club shift had so little to lose and so much to gain, the Committee allowed the table result of 4♥ down one, plus 50, to stand. Several members of the Committee believed that East's lead of the ♣J was a borderline flagrant action. The deposit was returned.

Chairman: Karen Allison

Committee Members: Martin Caley, Jeff Meckstroth, Barry Rigal, Peggy Sutherlin

Directors' Ruling: 70.5

Committee's Decision: 84.8

West asked about the meaning of the Alerted 3♣ bid, believing that he could deduce the meaning (relay) of 2NT from the answer. Then, after a few seconds pause, he passed. As the Director said, this is precisely what the laws permit — and what a good player would do, as long as it is done consistently. This just happens to be one of the hands where West has some holding that "looks" like the question was a pointed one.

The ACBL requires Alerts; players must protect themselves by asking about Alerted calls (if you make an assumption instead of asking and are wrong, too bad — you should have asked). Players should always strive to ask about Alerts in such a way as to not give partner any UI ("I'd like a review with explanations" rather than "What does South's 3♣ bid mean?"). But when a Committee asks a player "Why did you ask about that bid?" or "When do you ask about Alerts?" and he replies "I wanted to know if he was two-two or three-one" or "I always ask about Alerted bids, unless I forget, which happens rarely," they cannot then discount his reply as self-serving and punish him for doing what the League requires. In other words, Committees should not grill players about their question-asking practices when the League requires that players ask questions, and then treat the answer as self-serving if it in any way advances the cause of the player. (It makes no sense to ask a question the answer to which will be deemed self-serving; such practices mock the appeal process.)

This appeal was pointless. As the Director said, "West had done nothing other than what the laws permitted when he asked about the meaning of 3♣." The score stands.

On the other hand, if we are to challenge the questions of players in situations where we believe the timing, manner or some other aspect of the question has conveyed UI, then we need to be careful in handling the inquiry. For example, if West's question

is believed to be “tainted,” as the Committee here seems to have decided, and East is denied the right to make the “normal” club lead (opener’s fragment suit), then when the ♦A holds on the opening lead we have to be consistent in deciding what he is allowed to do next.

What would West play from ♦Q96 to encourage a continuation, given E/W’s upside down attitude methods? The six you say? Then how can the Committee say that “the ♦6 would unequivocally call for a shift”? Another question: On what basis did the Committee determine that hands such as the example they provided (and it’s slight variations) were “most unusual and improbable”? That hand-type looks quite normal to me. How about ♠10xx ♥Kxx ♦532 ♣AK9x? Here there are four unavoidable losers (two spades, one diamond, and one club) — until, that is, East shifts to the ♣J. Now if the ♦6 at trick one is ambiguous (and it is), and if a shift to the ♣J is not without risk (and it isn’t), then how can the Committee allow East to shift to the ♣J? Opposite my example hand East’s club shift is his only losing action.

I would have allowed the table result to stand, and I’m happy the Committee decided that way too, but I can’t understand or condone the way in which that decision was reached. Either questions carry no jeopardy for the pair asking them (except in extreme cases, where there is demonstrable evidence that a pair has conveyed UI), or there is jeopardy in asking, and then any play which could have made use of UI cannot be allowed. Here the Committee found UI in West’s question — then allowed the shift suggested by the UI when there was ambiguity in West’s signal and demonstrable risk to E/W in the shift. Bah!

I find little justification for West’s actions being challenged (a slight break in tempo after receiving the answer to his question was proper — to conceal from his partner whether his question was material to his call or simply perfunctory), but neither can I find any reason, given the Committee’s finding of UI, for allowing the club shift.

In light of this, I am puzzled by the initial part of our first panelist’s comment.

Bramley: “Well-reasoned decision. The diamond six is likely, but not certain, to be discouraging. (The Committee did not mention that ♦Q6 doubleton is also possible.) The club shift is much more likely to gain than lose. So bridge logic strongly supports this decision. However, I have a different question. Suppose everyone agreed that there was no break in tempo and that West had simply inquired about the auction at the critical point. Could West then be held liable for inquiring about an Alerted bid and providing UI? By law I think not, but we all know that it is extremely difficult not to tip off the reason for asking in situations like this. Players should develop the habit of asking sometimes when they don’t care immediately what the Alerted bid means, so as not to tip partner whenever they do ask. But even if you operate this way, the opponents are unlikely to know it. (And as I have stated several times in the past, if the opponents want to draw inferences from your questions, they do so at their own risk. If you are not supposed to tip your partner, why should you have to tip the opponents?)”

If the Committee found UI to be present, and the diamond signal was ambiguous (as here), and the club shift at risk, then how can this decision be well-reasoned? Certainly not because it has produced the end result that we favor.

Cohen: “The Director should not have allowed the ‘questionable’ lead and let the Committee decide. Even if East led the ♦A, it’s very unlikely he might ‘passively continue diamonds.’ Come on, guys — he’d shift to clubs (West plays the ♦2, which in common expert practice, with dummy having a singleton in the suit led, would tend to be suit preference for clubs). So this appeal was a waste of time. Besides, I don’t even consider the ♦A a possible lead. This auction screams for a club lead, and 99 out of 100 experts would lead dummy’s fragment, not dummy’s singleton. Even bending over backwards I’d still lead a club. To call it a ‘borderline flagrant action’ is, well, borderline flagrant.”

I think the (good) Directors know that the Alert procedure cannot, for the practical reasons discussed earlier, be subjected to the sort of scrutiny that was conducted here. Either players are allowed to ask questions without jeopardy or the Alert procedure must be changed (be still, my heart) — we can’t have it both ways. Perhaps Larry missed West’s statement that he couldn’t signal for a switch with the ♦2 playing his methods — it would say continue. But yes, this appeal was a waste of time for the other reasons mentioned.

Gerard: “Borderline frivolous appeal. But let’s not be giving out Active Ethics awards for telling the truth. Don’t we expect this of our top non-professionals?”

But this appeal must have been known to be frivolous before it ever came to Committee, and the Committee’s reasoning is all convoluted. Come on Ron, where’s that legal bulldog we’ve grown to know and love?

Treadwell: “An extremely close decision, but I think the Committee came up with the right answer. It is cases such as these which cause Committee members to lose sleep.”

The right answer, for the wrong reasons, and it’s not only Committee members who are losing sleep over cases like this.

Rigal: “The Director may or may not have been in possession of the right information, but it was always coming to Committee. The Committee should have thought more about the flagrant foul aspects of this. Perhaps we were swayed by East’s candid admission of West’s minor tempo infraction (at the point he made the statement he knew that the tempo break had not been proved, but he admitted he could read his partner’s ‘hitch’). However the Committee came to the right decision in the context of the E/W signaling methods (where the ♦6 was a really clear call for clubs). Had there been any reason to decide the other way, the Committee would have taken it. We all believed the benefit of any doubt should go to the non-offenders; we could not stop E/W from playing bridge, however, and here we could not construct any ‘doubt’ to give N/S the benefit of.”

Always coming to Committee? Good grief! What flagrant foul is Barry talking about? If there was evidence that West’s actions were extreme in any way, it was certainly not presented in the write-up. Is this a case of “guilty until proven innocent”?

What minor tempo infraction did West commit? His “brief but discernable break in tempo before he passed”? Isn’t this what we’re supposed to do after asking a question — give the appearance of considering the implications of the answer for a moment? There was no doubt because there was no foul, nothing to be doubtful of, and not because E/W got away with something that the Committee couldn’t prove, which is the implication of this comment.

Rosenberg: “West’s statement that he asked to find out if South was two-two (when he would have doubled) does not jive with his break in tempo after hearing the answer. Double seems more attractive to me when dummy has three clubs; West was not asked to explain his logic (perhaps he was afraid of defending 3♣ doubled). East had a difficult lead, but perhaps the Committee missed a point here. East wants to lead clubs to set up a trick(s) or get a ruff, and other leads are unattractive. Partner’s failure to double 3♣ suggests he might not have two of the top three. This was a very high-level game. What about a low club lead? that could gain by not blowing out the suit or tricking declarer. Has this East ever considered such a lead? If so, I might let North make game.”

West asked a question because he wanted the answer, or because he wanted East not to know whether he had a question pertinent to clubs (as he would if West refrains from asking only when the question points to a suit he holds). Bah! Humbug! Do we really need to see E/W’s notes to determine whether their 3♣ response to 2NT really shows two-two in the minors (probably with a minimum)? Why didn’t the Committee ask? Maybe West was afraid of playing in 3♣ doubled, or that South would be given an unnecessary chance to declare his side’s major-suit contract when a positionally advantageous club lead was normal against this auction from East. Might not West have king-ten-nine or king-ten-eight fourth or fifth in clubs and might the queen (or the queen-nine, or the ace-queen) not be in dummy? Why does West need to double for a club lead to be right? Yes, a low club lead could be right as well, but to what sort of lengths does E/W need to go to defend themselves? If East ever considered a low lead from jack doubleton, then we’ll allow North to make his contract!? Step right up and disclose your innermost thoughts. Two tries for a dollar. First prize, a trip to the consolation Board-A-Match Teams.

Weinstein: “A very close decision regarding E/W. Although plus 50 is clearly the most likely result, their result should be adjusted if there was any real possibility they would let 4♥ make without the break in tempo. For the non-offenders it is very clear to let the table result stand, since the most favorable result that was at all likely is minus 50.”

Where is the UI here? Will somebody please tell me?

Wolff: “I think one of two decisions would be appropriate: (1) N/S minus 50 and E/W minus 420 or (2) N/S minus 50 and E/W plus 50 with a one-half board penalty. Why was the Committee so respectful to blatant action? Sure a club lead is likely, but since partner studied, East is not allowed. Penalize offenses and PTF, since if the club lead would have helped declarer (let’s guess a 35% possibility), we don’t hear from N/S.”

Oh, good grief! I give up. “My head is aching and my knees are weak. I can’t seem to stand on my own two feet.” Where is Elvis when you really need him? “Thank you. Thank you very much.”

CASE EIGHTEEN

Subject (Tempo): He Who Hesitates...

Event: Reisinger BAM Teams, 28 Nov 97, First Session

Bd: 9 George Dawkins Dlr: North ♠ KQ876 Vul: E/W ♥ 105 ♦ 965 ♣ AQ3 Steve Garner Howard Weinstein ♠ J2 ♠ 10943 ♥ A8742 ♥ K3 ♦ A103 ♦ KQJ842 ♣ 865 ♣ 9 Dennis Sorensen ♠ A5 ♥ QJ96 ♦ 7 ♣ KJ10742	
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West	North	East	South
	Pass	Pass	1♣
Pass	1♠	2♦	2NT
Pass	3NT(1)	Pass	4♣
All Pass			
(1) Break in tempo			

The Facts: 4♣ made four, plus 130 for N/S. South's 2NT was intended as "Good/Bad 2NT" and not Alerted. There was a break in tempo before the 3NT bid. South then bid 4♣. The Director was called before East's final pass and then called back to the table after the hand was over. The Director ruled that there was unauthorized information

present and did not allow the 4♣ bid. The contract was changed to 3NT down four, plus 200 for E/W.

The Appeal: N/S appealed the Director's ruling. South stated that, "Behind screens I would remove 3NT, assuming that partner had forgotten." East stated that there were two forms of unauthorized information, the failure to Alert and the break in tempo, both of which suggested that bidding 4♣ would be more successful than passing 3NT.

The Committee Decision: The Committee considered the bidding question. While they believed that a case could be made for bidding 4♣, a case could also be made that if North says "Alert" and then bids 3NT, a hand such as ♠Kxxx ♥xx ♦Axx ♣Axxx could be expected and 3NT would be cold. Since, in the absence of any unauthorized information, passing is plausible and both forms of unauthorized information point towards the greater success of bidding, the Committee changed the contract to 3NT down four, plus 200 for E/W. After extensive discussion of the merit of the appeal it was decided to return the deposit.

Chairman: Henry Bethe

Committee Members: Karen Allison, Jerry Gaer, Corinne Kirkham, Dave Treadwell

Directors' Ruling: 89.2

Committee's Decision: 84.2

The only problem I have with this decision is that the ACBL Education Fund was not enriched by the sum of \$50. I would have passed 3NT with the South hand and I

would expect every player with any appreciable duplicate experience to do the same. This is a clear instance of UI and one which should not have evaded South. When occurrences such as this arise at the table every player should be looking for reasons to pass 3NT — not to pull it. Have I made myself clear?

Rigal: "Right Director ruling, right Committee decision, but I disagree on the deposit issue. The removal to 4♣ looks very dodgy to me, and I think South should have known better. The failure of West to raise diamonds makes it much more likely that 3NT would be passed — behind screens."

Cohen: "Here South's action was borderline flagrant. I wouldn't dream of returning the deposit."

Gerard: "You see? 'After extensive discussion of the merit of the appeal,' it was decided to do the wrong thing."

Bramley: "This decision seems right. However, since I had an interest in the outcome, I'll let others decide."

Bart's reference is to E/W — his teammates in this event (which they won).

Another group of panelists agreed with the Committee's decision, but said nothing about the merits of the appeal. This latter oversight is a bit disturbing. However, even more disturbing was the assertion made by several panelists that pulling 3NT (behind screens) was a clearly indicated action. Let's hear their reasoning.

Meckstroth: "Returning the deposit was correct; there is a strong case for pulling 3NT since partner is a passed hand."

Rosenberg: "I agree with South that he would have removed 3NT behind screens — probably more than a 90% action. The problem is that partner's actions make it 100%. If we allow South to 'get it right' in situations such as this (as the Committee wrongly did in CASE TWENTY-SIX coming up), we open up a can of worms: To what degree do we allow it? How clear does the 'winning' action need to be?"

Weinstein: "This is a clear decision for N/S, but conceivably the Committee could decide (and apparently did very briefly consider) that the pull was likely even without the two forms of UI (though not mentioned in the write-up the huddle was very extended) and that E/W were not entitled to plus 200. However, then the case would become misinformation and the Committee would have to delve into the auction had 2NT been properly Alerted with the resultant probable 3♦ call by West."

Consider the possibility that even behind screens our passed-hand North has some clue what he's doing. If the hand the Committee cited is not sufficient to convince you that 3NT might easily make under these conditions, then how about, ♠KJxx ♥Kxx ♦QJ10x ♣Qx, or ♠Kxxx ♥K ♦J109x ♣Axxx, or even ♠K109x ♥xx ♦QJ10 ♣Axxx?

South has a source of tricks (with a little help from his friend), a modicum of help

CASE NINETEEN

in return, and a bit on the side. North (presumably) knows from South's 2NT bid that he is weak but distributional. South has the type of hand that he promised — no surprises — and North has said, "Thanks, pard, I think I can take it from here."

Can 3NT go down, even if North has an adequate hand for his "gamble"? Of course (try ♠J10xx ♥Kx ♦QJx ♣Axxx). East, with ♦AK10xx and a spade honor will win the first trick and shift to a major — down about two! Especially at BAM scoring, one lives or dies with partner's luck. As long as 3NT is not obviously an impossibly wild gamble, and as long as there is UI (from no fewer than two sources — North's failure to Alert 2NT and his huddle) that points to that conclusion, South cannot take an action that caters to that possibility. This is not one of the difficult decisions.

All of this makes our next panelist's comment even more perplexing.

Wolff: "A horrendous decision. South could not and would not play 3NT opposite a passed hand and from his side. Even on the example hand, 5♣ is cold and North would probably raise. It's certainly all right with me to penalize CD, but there is no logic here to force N/S to play 3NT. Maybe plus 130 for N/S with a one-quarter or one-half board penalty to N/S for CD."

5♣ may be cold on the example hand provided by the Committee, and North might or might not raise rather than bid 3NT with that hand, but it is down off the top on two of the three example hands I provided, while 3NT is a claim. What's more, I can't see North raising clubs (as opposed to bidding 3NT) with any of the latter group of hands. Sorry Wolffie, but your argument just won't cut it.

This news may shock Wolffie and a few others, but CD is still not a punishable offense in the ACBL — not even in the recently completed International Team Trials where it was written into the Conditions of Contest (at my request). There, CD could have been redressed (not punished), but only if it resulted in damage to the opponents.

And finally, as Howard so accurately pointed out, if the true meaning of South's 2NT bid were made available to E/W, it is not at all unlikely that they would compete for the partscore. Analysis reveals that they are cold for 3♦ (even on a trump lead declarer simply sets up dummy's fifth heart) and they could easily make four on a less-than-perfect defense. So awarding N/S plus 130 is not even a remote consideration. Even if N/S were to compete to 4♣ (which I doubt a Committee would permit, their being the offending side) they should be awarded no better than minus 130 or maybe plus 100 (depending on how likely the inferior defense of 4♦ is judged to be).

But all of this is manifestly unnecessary. The plain and simple fact is that N/S should be minus 200, just as the Directors so accurately assessed at the table. All we really needed to do was to thank them for their ruling, thank N/S for their appeal, and put the donated \$50 into the ACBL Education Fund — where it could be put to far better use than the time we have spent on this discussion.

Subject (Tempo): "Pass" Is Not In My Vocabulary
Event: North American Swiss Teams, 29 Nov 97, First Session

Bd: 5	Perry Van Hook	
Dlr: North	♠ 87	
Vul: N/S	♥ 87652	
	♦ 93	
	♣ 10973	
Paul Portnoy		Eunice Portnoy
♠ AK1095		♠ ---
♥ K		♥ AQ943
♦ 1074		♦ AQJ52
♣ K642		♣ AQ8
	Sid Brownstein	
	♠ QJ6432	
	♥ J10	
	♦ K86	
	♣ J5	

West	North	East	South
	Pass	1♥	Pass
1♠	Pass	3♦	Pass
3NT(1)	Pass	4♦	Pass
4NT(2)	Pass	5♣	Pass
6♦	All Pass		
	(1) Break in tempo		
	(2) Shorter break in tempo		

The Facts: 6♦ made six, plus 920 for E/W. The Director was called after the match was over and the teams had compared scores. There was a break in tempo before the 3NT bid and a lesser break in tempo before the 4NT bid. East explained after being asked that 4NT was

Blackwood. The Director ruled that passing 3NT was not a logical alternative for East and allowed the table result to stand.

The Appeal: N/S appealed the Director's ruling. North, South, West and the N/S team captain attended the hearing. N/S believed that the lengthy break in tempo (about fifteen seconds) before West's 3NT bid demonstrably suggested to East that 4♦ would be a winning action. They believed that a pass of 3NT by East was a logical alternative to a 4♦ bid. In addition, most people play that 4NT is a stop bid; the second break in tempo (about ten seconds) before the 4NT bid may also have suggested that East take further action. West believed that he had taken ten seconds over 3♦ because he had the problem of whether to bid 3♠, 3NT, 4♦ or 4NT. He believed that with a distributional hand, partner would bid over 3NT, so he chose that call. In response to his partner's 4♦ bid, he believed that he had taken a few seconds prior to the 4NT call which, in their system, is always Blackwood. East properly responded to Blackwood (they play Key Card and 5♣ showed zero or three) and he bid 6♦. West stated that he and his partner have played together for thirteen years and they play every few months together now.

The Committee Decision: After lengthy discussion of what meaning could be derived from West's break in tempo prior to bidding 3NT, the Committee decided that West could have many different hands for which a pass of 3NT would be the proper response, particularly in a partnership that cannot play 4NT. Hence, the break in tempo did not demonstrably suggest bidding over 3NT. The Committee, therefore, allowed the table result of 6♦ made six, plus 920 for E/W, to stand. The appellants were told that the Director should be called to the table as soon as possible to maintain the clarity of all

relevant facts. Otherwise, it could be difficult for the Director to get enough accurate information to make his ruling. While the delayed call did not affect this particular decision, a delayed call could be relevant to future decisions.

Chairman: Ed Lazarus

Committee Members: Harvey Brody, Richard Popper, Ellen Siebert, Brian Trent

Directors' Ruling: 52.5

Committee's Decision: 57.5

I'm not sure why the Director ruled that passing 3NT was not a logical alternative. Give West something like ♠KQ10xx ♥10x ♦xx ♣KJxx and where would you want to play this hand? Certainly not at the five- or six-level. On the other hand, making that decision first is putting the cart before the horse; it first needs to be determined whether West's original break in tempo suggested that bidding over 3NT was more likely to be right than passing. Had West held six moderate spades and only a single club stop (e.g., ♠KJ9xxx ♥xx ♦xx ♣K10x) he could have been torn between trying for a 4♠ contract by rebidding that suit and possibly getting past 3NT if East had no club values. (Of course, in that case game in a red suit could still be possible.) But huddles often (usually?) show extra values or an alternate place to play (e.g., a hidden diamond fit), so it is not unreasonable for the Committee to decide that the hesitation made the 4♦ bid more attractive.

If the first hesitation didn't make East's 4♦ bid more attractive, what about the second hesitation? In my mind that break clearly rules out the argument that West might have no fit for either red suit and been thinking about rebidding spades. It suggests he had some other, constructive reason for his breaks in tempo. Therefore, I would have avoided the tortured decision of whether the first break alone was sufficient to adjust the score and looked at the whole package. A key issue then becomes whether we can ascribe the Blackwood meaning to 4NT. East's 5♣ response is consistent with that interpretation, but it is also consistent with being a cue-bid or even another attempt to capitalize on the information from West's huddles and find a suit fit (West could have, for example, a hand such as, ♠Q10xx ♥K ♦xx ♣KJ10xxx, making 6♣ a very reasonable contract).

One thing also troubles me about N/S's actions: the timing of the Director call. Why was the Director not summoned after either of West's hesitations, when the dummy appeared, or at the end of the play?

On balance, while I find the E/W explanations for the meaning of 4NT plausible, I do not find them convincing at the level required by law. West's significant extra values, diamond fit, and superior controls make the first huddle a "bad" one by anyone's standards, and the additional hesitation before the 4NT bid makes the whole situation untenable. I would adjust E/W's score to 3NT made six, plus 490. Because of the timing of the Director call I am torn between assigning N/S the reciprocal score (minus 490) or the table result (minus 920); I could be persuaded to go either way on this.

The following panelists are with me on making a score adjustment.

Brissman: "Given that 3♦ was game forcing, 3NT is the least aggressive action that

West can take without a fit. Thus, the break in tempo conveys the information that West was contemplating more aggressive action, and diminished the risk of continuation. I would have voted for plus 490 for E/W. N/S's case would have been greatly compromised had E/W not admitted the break in tempo."

Meckstroth: "I strongly disagree with the decision. I am not sure what effect the late Director call had, but I do not like bidding over a slow 3NT."

Cohen: "Help? (1) If anything, East's third bid should be 4♣ not 4♦. (2) Why did the Director say that 'passing 3NT was not a logical alternative'? (3) Line six of **The Appeal** section, 'because he had the problem of whether . . .' — irrelevant! (4) The Committee said the break in tempo 'did not demonstrably suggest bidding over 3NT.' Of course it suggested bidding. A fast 3NT, with ♠KQJ8 ♥x ♦xxx ♣J9xxx would demonstrably suggest passing 3NT — and surprise, that would be right!"

Rigal: "The East hand looks like a 2♣ opening to me, but if you open it at the one level and get a response in your void, followed by a discouraging continuation, you simply cannot bid on. I am very surprised at both the Director and the Committee here — perhaps I am simply missing something. What about ♠KQ10x ♥xx ♦xx ♣Kxxxx or the like for West? That is what I expect to buy here. I disagree strongly with the Committee about the implications of a slow 3NT — it means a good hand."

Rosenberg: "Just because East said 4NT was Blackwood, must we believe her? Tomorrow, West will bid a prompt 3NT and a prompter 4NT with 5-1-2-5, or a weak concentrated 4-1-3-5 and East will pass, if not 3NT then 4NT. The break in tempo before 3NT clearly makes slam more likely and bidding again more appealing. West's shorter break before 4NT was still long enough to make slam more likely. Funny how natural notrump bids rarely take that long. The combination of West's huddles made it clear to decide plus 490 to E/W."

And the hits just keep getting better and better.

Gerard: "What is there about the words 'demonstrably suggested' that stands logic on its head? I noticed this in the Albuquerque cases, that Committees were hiding behind the new wording of Law 16 and that it won't be long before contestants pick up on the change in landscape ('no way I could tell what he was thinking about'). And in their rush to show masterful understanding of that wording, Committees are skipping over the consideration of logical alternatives, which is a key component in determining whether an action was demonstrably suggested.

"Here there was no doubt that pass was the logical alternative. Could 4♦ have been demonstrably suggested over pass by West's hesitation? Are you kidding me? Fast 3NT shows ♠KJ10xx ♥xx ♦xx ♣KJ10x. Slow 3NT shows doubt about notrump. For that, West could hold (1) weak spades, (2) diamond support, (3) near-slam values, (4) a minimum with long clubs, (5) good spades. Only (5) suggests a pass by East. But if West held (5) and had made the winning guess, the auction would continue 4♦-4♠- (probably a slow) 4NT-Pass. So the partnership could play in 4NT and East's bid was

risk-free. How does that satisfy Law 16? Throw in the behavioral assumption (slow shows extras) that West was likely to have (2) or (3) — what a guy, he had both! — and I think East’s action was closer to flagrant than allowable.

“Someone didn’t do their job here. I have come to expect clearer thinking from one member of the Committee.”

What a guy. Is it any wonder that he’s my hero? Well, that about sums it up, except for the possibility of leaving N/S with the table result which, surprisingly, no one mentioned. (I’m shocked that neither Howard nor Wolffie took this position — in Wolffie’s case with a “PTF” appended). So I guess I’ll go with the flow and support the two-way adjustment.

The remaining panelists seem to have lost their way on this one.

Bramley: “I agree. However, we should note that once again the hesitator had extra values rather than some other kind of problem.”

Surprise, extras!

Treadwell: “Some action by East over 3NT is clearly called for by the nature and HCP count of her hand. Once that is determined the decision is automatic. Another Committee let a pair play bridge. In fact, did the Committee consider a procedural penalty to N/S for even bringing the appeal to Committee? I see no merit to the case, whatsoever, except that the opponents hesitated. We encourage cases of this sort by implying by some of our comments that you can almost always get a favorable ruling if the opponents have broken tempo.”

Remember you autograph hounds and slogan aficionados out there. See you at the escalators in Chicago this summer. It’s an opportunity you surely won’t want to miss.

Weinstein: “The Director call after the comparison of scores without new awareness of an irregularity is very poor form. Although I definitely do not agree with the Director’s statement of passing 3NT not being a logical alternative, I agree with the Committee that it is not demonstrably suggested by the break in tempo. Indeed looking at the East hand the break in tempo would suggest that West was considering 3♠, which would argue against bidding over 3NT. How disappointing it must have been to our editor that E/W did not call the Director or protest, allowing the title of the case to be ‘Portnoy’s Complaint’.”

Yes, that was a BIG disappointment. I was tempted, even as it was.

Wolff: “Good decision, maybe close, but in any event this hand should become part of our ‘common law.’ By doing this it will allow bridge appeal scholars (as they develop) and as time goes by to write concurring or dissenting opinions.”

Put me down for “dissenting.”

CASE TWENTY

Subject (Tempo): What Have You Wrought, George Boehm? (With Apologies to Ken Lebensold)

Event: Bracketed KO 5, 29 Nov 97, Evening Session

Bd: 6	♠ 1083	
Dlr: East	♥ Q4	
Vul: E/W	♦ AQ86	
	♣ A942	
♠ A76		♠ QJ4
♥ 763		♥ 9852
♦ KJ432		♦ 97
♣ K3		♣ 10876
	♠ K952	
	♥ AKJ10	
	♦ 105	
	♣ QJ5	

West	North	East	South
		Pass	1♣
1♦	2NT(1)	Pass	3♣(2)
Pass	3NT	All Pass	
(1) Alerted			
(2) Break in tempo			

The Facts: 3NT made four, plus 430 for N/S. West called the Director before the final pass. The Alert was then explained by South as “may be Lebensohl.” After West passed, North stated that 2NT showed 11-12 HCP and was non-forcing. The Director ruled that pass

was a logical alternative for North and changed the contract to 3♣ made three, plus 110 for N/S.

The Appeal: N/S appealed the Director’s ruling. North stated that “South is an inexperienced player” and that he (North) plays 3♣ as forcing in this auction. Upon inquiry it was determined that South had about 1500 masterpoints and had been playing regularly for about four years. E/W stated that they believed it would be normal for 3♣ to be non-forcing over a non-forcing 2NT bid.

The Committee Decision: The Committee discussed whether the slow 3♣ bid suggested that bidding would be more successful than passing and agreed that it would. The Committee then discussed whether bidding over 3♣ was clear — that is, whether pass was a logical alternative. The Committee finally decided that pass was not a logical alternative and changed the contract to 3NT made four, plus 430 for N/S.

Dissenting Opinion (Henry Bethe): North was, to the best of my knowledge, a pro playing with a client. This affects my belief that all close actions involving a break in tempo should go against the professional. I do not believe that 3♣ forcing over an invitational 2NT is standard; the standard treatment is that a repeat of opener’s minor is non-forcing. It is easy to construct sensible hands for South’s 3♣ bid where 3NT would be suicidal, e.g., ♠AJxx ♥Jx ♦xx ♣KQJxx. Hands with six clubs and major-suit honors would raise, not bid 3♣. I believe that the right bid as North is 3♦; he does have a prime hand that might well have done more the first time. But passing 3♣ is conceivable and to allow North to bid after he has decided that he has an invitational hand and partner has signed off seems wrong. I wonder whether, if North had passed

a super-quick 3♣ which turned out to be right, this Committee would have forced him to bid 3NT.

Chairman: Henry Bethé

Committee Members: Lowell Andrews, Ellen Siebert, Dave Treadwell, Brian Trent

Directors' Ruling: 91.3 **Committee's Decision:** 52.5

Say you pick up ♠K ♥KJx ♦xxx ♣KQJxxx and open 1♣. LHO overcalls 1♦, partner bids a non-forcing 2NT, and RHO passes. Do you raise to game? Not likely. You bid 3♣, showing your long clubs, minimum, and unsuitability for notrump (the opponents may easily take five or six spade tricks, even after a diamond lead). If you were stronger, say with ♠x ♥AKx ♦Jxx ♣AKJ10xx, you could bid 3♠ (shortness?). Now partner, holding ♠AQx ♥Qxx ♦K10x ♣xxxx, could bid 3NT and expect to make it.

Now, what evidence do we have that 3♣ was considered a forcing bid in this partnership — or even by North in other partnerships? We have North's word for it. Well, that certainly wraps it up for me!? Yeah, right. Does the term "self-serving" ring a bell?

Next question. Is North's hand a clear game bid once South ostensibly "shows" a weak hand with long clubs? One thing we know is that North did not consider this twelve count to be a game force initially. But might South's 3♣ bid have improved it sufficiently to play game now? Well, how about playing 3NT opposite that first example hand above? You don't want to be there? Me neither.

So we adjust the score for both sides (in a KO event, a non-symmetrical adjustment ala 12C2 should be made only when the normal but disallowed bid, here North's 3NT, is a clear favorite— see Howard's comment below) to 3♣ made three (South takes the diamond finesse, cashes high hearts, and plays along crossruff lines for nine easy tricks), plus 110 for N/S. That's easy, right? Wrong.

Somewhere along the line this Committee seems to have taken collective leave of it's senses — eh, sorry Henry, except for you. The panelists were right on top of this.

Cohen: "This Committee decision makes CASE NINETEEN look good. What is going on? Just when we were starting to get some uniformity in these things the world is going haywire. Why did this vote go the wrong way when it should have been five-zero the other way (thank you, Henry)? 3♣ is clearly a sign-off. North has the same 11-12 HCP that he already showed (and two unstopped suits to boot!) What entitles him to violate partner's sign-off? Only one thing — the UI! I'd have made N/S play in 3♣, censured them, and kept the deposit. And I thought that O.J. got off easy."

Glad to see Larry's therapy is going so well. He's really coming out of his shell nicely.

Gerard: "AARGH. Can't you people read? If pass was not a logical alternative, the case was over. Taking things out of order leads to undisciplined thinking and other bad habits. Doesn't it look like the Committee was trying to find a reason to allow 3NT —

first, we'll see whether 3NT wasn't suggested, then we'll see whether it was clear-cut? Of course this Committee would decide as it did, since none of them [except maybe Henry — *Ed.*] would ever stoop to open ♠Axxx ♥xx ♦J ♣KQJ10xx. South's 'forcing' 3♣ is flagrant abuse by North; just compare the partnership auction Pass-1♣-2NT-3♣, or even Pass-1♥-2NT-3♣. Should you pass 2NT with ♠xx ♥KQ10xx ♦x ♣KQJxx? No, the dissent has partially restored my faith. I don't agree that this is a decision for pros only, but at least someone was thinking logically."

Rigal: "The Director made the sensible ruling, the Committee lost their minds here. This is truly absurd. North has no major-suit stops on an auction where South has suggested major-suit concerns. I can't believe that the combination of a slow 3♣ plus the Alert does not make the 3NT bid more attractive. On that basis disallow the 3NT bid — and consider further action against North."

And now, another short history lesson which could have been from the History Channel's fine series, History's Mysteries. (See, I watch "good" cable shows too, Howard.)

Bramley: "I agree with the dissenter. To say that 3NT is automatic for North is tantamount to saying that he should have bid it the first time. Yes, I know that the 3♣ bid increases the number of probable top tricks, but South's other most likely minimum hand type, 12-14 balanced, would usually provide play for 3NT as well. I agree that treating opener's 3♣ bid as a signoff is standard. North's argument that it was forcing is blatantly self-serving. North had two kinds of UI, one from the Alert and one from the tempo.

"We seem to have an infinite number of variations on this theme, with each NABC giving us one or two more. I wish that there were a uniform solution, but each case seems to have its own wrinkle that requires individual attention. Most of the time I side against the 3NT bidder, although not always, and here a majority of the Committee was willing to allow the 3NT bid.

"By the way, Ken Lebensold did not invent 'lebensohl,' but with Ken's permission it was named after him by George Boehm, who first popularized the convention and who thought that Ken had invented it. Ken also allowed Boehm to continue misspelling his name as Boehm had written it on his convention card at the New York tournament where the two were opponents when all of this came to light. (The lower-case first letter in the official spelling of the convention is also intentional for similar reasons.)"

Thank you, Bart. And now a word from one of our sponsors . . .

Brissman: "The initial comments of the dissent are misguided. Does the dissenter advocate the principle to be applied in every situation in which an expert is partnered with a non-expert, regardless of their private arrangements involving compensation? If this professional was donating his efforts on this occasion, would a different standard apply? Nonetheless, North seems to have overruled his previous decision not to bid 3NT initially, despite the acquisition of no new information about the major suits. I am skeptical of the '3♣ is forcing' statement. While many players might bid 3NT, pass is

a logical alternative.”

Meckstroth: “I basically agree with Henry. 3♣ over an invitational 2NT is non-forcing.”

Of course it is . . . for just about everyone.

Weinstein: “A new twist on the usual (and still to come) 1NT-Pass-2NT-Pass-3♣-Pass-3NT misunderstanding. I believe that the offenders should always be stuck in 3♣, but the non-offenders should get the table result if bidding on by the offenders is the normal, likely action. (Warning: This next sentence is only for Mr. Houston to attempt to read.) While I therefore agree with Mr. Bethe’s dissent with respect to the offenders, had this not been a knockout event, where the non-offenders non-adjustment directly accrues to the offenders, the table result should be allowed to stand for E/W. Exhibit #C2.”

One of our panelists who sided with the Committee majority is really a closet Bethe supporter. Earth to Wolfie, it’s time to come out of the closet!

Wolff: “Close decision, but because of the ‘honest’ (in my opinion) confusion as to what the bids meant, I would go along with the majority decision. Henry Bethe’s dissent makes sense, especially his last sentence which we should always consider.”

These last two panelists don’t even have a closet to hide in.

Treadwell: “Without the Alert and break in tempo, South’s 3♣ bid shows minimum HCP values and a six-plus-card suit. Holding the ♣A, it was crystal clear that 3NT should have a very good play with six club tricks, two diamond tricks, and, with luck, a major-suit trick. It would be a bridge crime, particularly at IMP’s, not to bid 3NT at this point, entirely based on authorized information. The fact that partner may well not have such a hand because of the Alert and tempo break should not deter him from this very clear bridge action. The fact that, even if South had held the hand his bid supposedly showed, the contract might have no chance is not relevant. South might have had a minimum balanced hand, and bid 3♣ because of confusion about the meaning of 2NT. In such an event, 3NT might have no play at all.

“In response to the dissenter’s comment, if it could be shown that the manner in which 3♣ was bid could have suggested a pass by North, which turned out to be right, I would be in favor of either forcing North to bid 3NT, or awarding an adjusted score of some sort.”

Yes, 3NT is an attractive bid by North, and it could be right even when South has a very modest hand consistent with his 3♣ bid (see below). But we have already shown that the UI from South’s hesitation made the 3NT bid more attractive. With a hand good enough to make 3NT a winning proposition, South might have either bid it himself, tried for game with a 3♦ cue-bid, or made a shortness-showing major-suit call. There are many minimum South hands where 3NT will be a disaster, and only South knows

what type of flotsam he opened.

Giving a more compelling (but not compelling enough) hand to argue for allowing North’s 3NT bid was . . .

Rosenberg: “The dissenter is wrong. No client would ever make a super-quick 3♣ bid on this auction, so no Committee would need to force North to bid 3NT over it. Anyway, since 3NT would be good opposite ♠xxx ♥Ax ♦xx ♣Kxxxxx, North’s failure to bid it could only be a result of trying to ‘read’ his partner’s tempo, whether fast or slow. 2NT was an underbid, even if partner had a balanced hand.”

When a player underbids, gets UI from his partner suggesting he was wrong, and then “corrects” his previous conservatism we should reward him by making his two actions (the pre-UI and the post-UI) consistent — with the first decision. Henry knows this, most of the panel knows this, now the rest of us should know it.

CASE TWENTY-ONE

Subject (Tempo): The Trouble With Huddles

Event: Reisinger BAM Teams, 29 Nov 97, Second Session

Bd: 29	Jason Hackett
Dlr: North	♠ 108762
Vul: Both	♥ J3
	♦ 1042
	♣ 872
Allan Graves	Bryan Maksymetz
♠ 4	♠ A9
♥ AK94	♥ Q652
♦ AJ53	♦ 98
♣ A1096	♣ KQJ53
	Justin Hackett
	♠ KQJ53
	♥ 1087
	♦ KQ76
	♣ 4

West	North	East	South
	Pass	1♣	1♠
2♦	3♠	Pass	Pass
4♣	Pass	5♣(1)	Pass
6♣	All Pass		
(1) Break in tempo			

The Facts: 6♣ made six, plus 1370 for E/W. Both sides agreed that the 5♣ bid had been slow. East, North and South agreed the break in tempo was 30-60 seconds. E/W played a natural system with a standard opening bid structure. West stated that the partnership could often pass twelve-point hands. E/W were both experts, but not a regular partnership. The Director ruled that

pass was a logical alternative to the 6♣ bid and changed the contract to 5♣ made six, plus 620 for E/W.

The Appeal: E/W appealed the Director's ruling. West stated that their opening bid style, coupled with the opponents' possession of nine or more spades, implied that East had real clubs. 2♦ was not forcing to game but was forcing for one round. 3♦ would have been weak. West stated that had East doubled 3♠, it would have been an action double. In his methods, that would mean a defensively oriented hand (with soft spades) to slow the auction down. West claimed that East would bid 3NT with an ill-fitting minimum opening with no source of tricks or diamond fit, but with a spade stopper. When asked if this made sense facing a potentially minimum hand of 9-11 points he agreed that every system bid had its flaws. West stated that, given the partnership style, he was only trying to decide between 6♣ and 7♣. He did not know, initially in Committee, whether 4NT by his partner would have been Blackwood. He did not know at the table if 4NT by him at his second turn would have been RKCB for diamonds or clubs. He did not know how a hypothetical sequence would ever have resulted in his side reaching 7♣. The pass of 3♠ by East was forcing.

The Committee Decision: The Committee had considerable problems with the E/W system and found it hard to believe that East would have bid all that differently with ♠KQ ♥Qxxx ♦xx ♣KQJxx. However, the crux of the decision was that on the second round of the auction West could (and perhaps should) have bid 6♣ since, as he himself agreed, he had no chance of reaching 7♣, which in any event could not be a good

contract once East had not bid 4♣ over 3♠. That being the case, the 4♣ bid created a situation where a slow 5♣ bid by East made the raise to 6♣ more attractive and pass was a logical alternative. While the Committee sympathized with West, they did not consider that he had handled his hand well. The contract was changed to 5♣ made six, plus 620 for E/W.

Chairman: Barry Rigal

Committee Members: Harvey Brody, Doug Heron, Michael Rahtjen, Michael Rosenberg

Directors' Ruling: 95.8

Committee's Decision: 91.9

In competitive, slam investigative auctions players need to be given reasonable leeway to evaluate the changing value of their hands and to assimilate and interpret the information from the evolving auction. Nevertheless, here there are several factors that argue against allowing West to act again over 5♣. First, the length of time East took to bid 5♣ was not within anyone's idea of the time it takes to "catch up" with the information from the auction. Second, East's huddle made it clear that 5♣ was not a happy or unconflicted decision. Maybe East had general extras (the usual case), maybe he had secondary diamond support that he was considering showing (which would make his club holding more attractive to West when he then chose to rebid the clubs, instead), or maybe he was considering a more aggressive move such as 4NT or 5♠. In each of these cases, the extra time taken made West's 6♣ bid more attractive, since 5♣ was the "weakest" action East could have taken, from West's perspective. Third, if East held some "ugly duckling" hand such as ♠Qx ♥xxxx ♦KQx ♣KQJx, or the one the Committee proposed, 6♣ would be a bad contract. But West knew from East's tempo that he didn't hold that hand. Maybe West did have visions of 7♣ when he bid 4♣, but when East tanked before bidding 5♣ it was West's job to realistically reevaluate his hand rather than continue with the same (inappropriately reinforced) mind-set on to slam.

Thus, the Committee was right on target when they adjusted the score for both sides to 5♣ made six, plus 620 for E/W. If I thought that West was very likely to have bid the slam had East not hesitated, I would recommend a non-symmetrical score adjustment, leaving N/S with the table result of minus 1370. Had West chosen a different path in the auction that convinced me that he was always heading for slam (i.e., by starting out with a 3♠ splinter, or a negative double followed by a jump in spades), I would consider such an adjustment. But the introduction of the pathetic diamond suit at this form of scoring leaves me with no such confidence in E/W's capability to have bid slam without the hesitation.

Now let's hear what the others have to say about this.

Bramley: "Well done by the Director and the Committee. I must ask, however, how much time one may take in a constructive auction to digest critical and unexpected new information. Bidding quickly in the East position would perhaps be more revealing than bidding slowly, since a certain amount of thought should be automatic. East should bid as if the Stop Card had been used, and his opponents should give him that leeway. Here,

however, he seems to have exceeded his time limit by a wide margin.”

Gerard: “Away from the Committee room, West would probably tell you that 4NT by East would have been progressive in clubs, the standard expert interpretation. Therefore, what is to say that 4♠ wasn’t looking for five or six, not six or seven, based on East’s reaction? Since East committed a slow signoff when an invitation was available and since West could have bid slam if he wanted to play there, 6♣ was barred. If people persist in bidding for this round only and not planning their auction, they have to pay the price when partner’s tempo gets in their way.”

Meckstroth: “Excellent decision. I found the E/W statements to be self-serving.”

Rigal: “Sensible Director ruling given the hesitation. Perhaps the Committee was too harsh on West, but he presented an inconsistent (and not entirely credible) case, and had trapped himself in the auction. One can have sympathy with his bidding — he could not envisage his partner fixing him in this way — but the Committee took the view that although he thought the hand was worth driving to slam, they did not agree. And his partner’s tempo had taken all the risk away from his final 6♣ bid.”

Weinstein: “2♦ is an interesting choice of calls Mr. Graves. Certainly 6♣ by West is normal, but as the Committee implies pass can be a logical alternative. However, this brings us to the non-offenders and Exhibit #5. It seems overwhelmingly likely that without the break in tempo West would have bid 6♣. This is the score N/S are entitled to as the most favorable result that is at all likely without the irregularity.”

A good thing can be carried too far. Has West really demonstrated to your satisfaction, Howard, that he was capable of reaching the “wind-aided” 6♣ without East’s break in tempo, in light of his “interesting” initial choice of calls? A two-way score adjustment does not occur just because “other comparable players” would have reached the table contract under normal conditions without the irregularity. The Committee must be convinced that it was likely that the players at the table would have gotten there.

The next two panelists made faint-hearted stabs at our coveted “Fence-Sitting Award.”

Cohen: “I could go either way on this. East’s slow 5♣ might have been because he was trying to decide between 5♣ and 5♦ — so it’s not clear to me that the tempo suggested one action over another.”

Treadwell: “This case is a very close call. I’m not sure just what information was conveyed by the slow 5♣ call other than uncertainty. Many of these high level competitive auctions reach a point where a player must pause to unravel what is going on and decide just what to do about it. This is true even with most experienced partnerships. I would have been inclined to allow the 6♣ bid on the basis that the tempo break did not necessarily make the raise more attractive. Suppose East had held the hand suggested in the write-up, would you then allow a pass by West? On the other

hand, E/W, as the Committee pointed out, had not handled the earlier rounds of the auction well, and created the ensuing tempo break problem.”

We’ll end with a rather soft-hearted Wolff at the door.

Wolff: “Another somewhat harsh good decision.”

CASE TWENTY-TWO

Subject (Unauthorized Information): Confusion Over Mini-Notrumps

Event: Life Master Pairs, 22 Nov 97, First Session

Bd: 9	Jeff Meckstroth		
Dlr: North	♠ QJ96		
Vul: E/W	♥ A6		
	♦ K743		
	♣ J83		
Zeke Jabbour		Dan Morse	
♠ 875		♠ AK104	
♥ KQ2		♥ J10743	
♦ 10982		♦ A6	
♣ KQ9		♣ 76	
	Perry Johnson		
	♠ 32		
	♥ 985		
	♦ QJ5		
	♣ A10542		

West North East South
 1NT(1) 2♣(2) Pass
 3♦ Pass 3NT All Pass
 (1) Announced; 10-12 HCP
 (2) Alerted; explained as
 “Diamonds, I think”

The Facts: 3NT made three, plus 600 for E/W. Before the opening lead, East informed his opponents that he believed that in their methods 2♣ showed the majors. East suggested that the Director be called. N/S stated that they wished to reserve their right to call the Director later, if necessary. After the play was completed and East’s

hand was revealed, N/S called the Director and stated that they thought pass was a logical alternative to bidding 3NT. The Director ruled that 3NT had not been demonstrably suggested as a logical alternative over other possibilities such as 3♥ and allowed the score to stand.

The Appeal: N/S appealed the Director’s ruling. West did not attend the hearing. N/S stated that they thought a 3♦ bid would mean that West had long diamonds and playing strength for a diamond contract. They stated that West knew his partner had made a vulnerable overcall which should show values and that if 3NT were the correct contract, West should bid 3NT over 2♣. From East’s point of view, if his partner could not bid 3NT, there was a real danger that there was no club stopper. They thought that 3♥ by East would show four hearts along with diamonds, that East might have considered bidding 4♦ or passing, and that the presence of the unauthorized information made 3NT a logical alternative. East stated that he tried to bid as if he had not heard his partner’s explanation of his 2♣ call. He thought 3♦ showed a forward-going hand suggesting 3NT as a possible contract. This was the second time E/W had played together. They had agreed to play Landy and transfers over 12-14 notrumps. East did not believe there had been any discussion for weaker notrump ranges. East stated that he thought a bid over a 10-12 notrump should show a better hand than a bid over a 12-14 notrump because of the danger of missing game. He stated that, had the weak notrump required a pre-Alert, he would have agreed with his partner that they would play the same method as over 12-14 notrumps. East stated that he thought it was just unlucky for N/S that E/W were able to make 3NT because the ♣A was onside and the diamonds blocked.

The Committee Decision: The Committee decided that E/W did not have the agreement that 2♣ showed diamonds over the 10-12 notrump (Law 75D2) and that West’s explanation created unauthorized information. N/S was obligated to call the Director when they were told about the misinformation (Law 9B1(a)) rather than stating that they wished to reserve their rights to do so later (Law 16A1 for ACBL sanctioned events.) East was also required by law (75D2) to call the Director rather than suggesting to North that he do so. The Committee agreed with East that the 3♦ bid could not be made on a very weak hand with diamonds. West should not have ♦KQxxxx with no other values, but even if he did, clubs may split four-four. They also agreed that had the ♦A been the ♥A, passing 3♦ would be clearly indicated, but some would still consider passing with the given hand. In the presence of the unauthorized information, however, the Committee believed that pass became a logical alternative. In a 3♦ contract, the Committee determined that declarer would lose three diamonds, one heart, and one club. For this reason, the Committee decided to disallow the 3NT bid and changed the contract to 3♦ down one, plus 100 for N/S.

Chairman: Karen Allison

Committee Members: Lowell Andrews, Henry Bethe, Mary Jane Farrell, Michael Rahtjen, (scribe: Linda Weinstein)

Directors’ Ruling: 38.8

Committee’s Decision: 82.9

This is a fine kettle of fish. It’s hard to find many things that were done properly in this entire unfortunate scenario. However, some of the errors were relatively minor and others were more serious. The panelists were very diligent in bringing out most of the problems in one way or another. Let’s start by considering the Committee’s overall decision, and deal with the various other problems as they crop up in the comments.

Bramley: “A difficult case. From East’s point of view, he should have at least nine running tricks as soon as he gets the lead, so the only danger is that N/S will cash too many tricks, mainly clubs, off the top. However, with a club lead indicated this is a very real danger, so pass is certainly a logical alternative. Therefore, the Committee’s decision is correct. The Director should have ruled this way as well, forcing the violating side to make the appeal.”

Yes, that is the case in a nutshell against allowing East’s 3NT bid. Clubs are a problem, and they are the “unbid” suit, so East could decide to pass on that basis. Even if West’s 3♦ bid is considered to be highly encouraging, he could easily hold enough major-suit values in short suits, in addition to the king-queen-(jack) of diamonds, to account for all of his strength. Thus, pass must be considered a logical alternative.

Larry pointed out two more issues while agreeing about the Committee’s basic decision not to allow 3NT and the problem with the Director’s ruling.

Cohen: “The Director clearly got it wrong — he’s supposed to rule 3♦. And what’s with his ridiculous statement ‘The Director ruled that 3NT had not been demonstrably suggested as a logical alternative over other possibilities such as 3♥ . . .’ What? East

should be passing 3♦, so why that argument? The decision is right (make them play 3♦) but the analysis is dizzying. First of all, with all experts involved it's common to say 'we'll call later if there's a problem.' (Yes, we're breaking the rules — come arrest me.) So, all that stuff about Law 16A1 and 9B1 is bothersome. Then the Committee analyzed the play in 3♦ and said, 'For this reason, the Committee . . .' Why that reason? What does the play in 3♦ have to do with the decision to disallow 3NT?"

Yes, experts do have a tendency to set aside the "technically" correct procedures and do things their own way, which often saves time and bother. However, when doing that causes other problems, the players must assume the resulting liability. Had 3NT gone down and N/S obtained a better score than they could have by defending 3♦, there would have been no need to call the Director (there would have been no damage). So waiting to call the Director until the players saw whether there was damage was not an egregious error. However, if waiting to call could later be construed as attempting to take a double shot, which it shouldn't here (but see Wolffe's comment below), or if the facts were in dispute at the time attention was called to the problem, or if instructions to the players might be necessary on how to deal with the irregularity (players don't always know or understand all of the subtle requirements of the laws), then the Director should be called at once. Since all of this can be quite complex (even for the average expert), not calling the Director can entail a very real risk.

And yes, the statement that "3NT had not been demonstrably suggested as a logical alternative . . ." is clearly wrong. Maybe it was just a slip of the pen in the write-up. We can only hope that the Directors didn't actually believe that.

The next two panelists believe that East's 3NT bid should have been allowed to stand for the non-offenders, with E/W's score being adjusted to 3♦ failing and N/S keeping their minus 600 in 3NT. The only basis for such a decision should be that the 3NT bid, while not clear enough to allow as an action for the offenders, was still enough of a majority action to make it clearly the most likely result had the irregularity not occurred. I'm more than a bit surprised that Howard was not among those arguing for this adjudication.

Goldman: "The 10-12 notrump is designed to sow confusion and create problems, particularly against new or inexperienced partnerships. Guess what! It did! I score E/W down in 3♦ and N/S minus 600. Why? It just feels right."

In this case Goldie's "feelings" could very well be correct, but they don't quite coincide with mine. I think the 3♦ passers would be about as prevalent as the 3NT bidders, so I would go with the Committee's symmetrical score adjustment.

Wolff: "N/S were acting like the fox guarding the henhouse when they didn't call the Director and 'reserved their rights.' It is clear to me that N/S deserved minus 600 since (1) 3NT was a lucky make, (2) E/W were not clearly taking advantage, and, most important, (3) the field must be protected. It is also reasonable to give E/W minus 100 for 3♦ down one for both CD and possibly taking advantage of UI. The most important caveat is that a pair cannot lay in wait, make and perfect their case and wind up with much more than they deserve. We should use this case in the 'common law' to show

that point and try to keep it from happening in the future."

The fact that 3NT was a "lucky make" does not justify assigning it to the non-offenders. The law says they should get the "most favorable result that was likely had the irregularity not occurred." Thus, they should keep the table result only when the Committee believes that it is clearly the most likely result without the UI. Nor does E/W's intent to take advantage enter into the score adjustment. If the Committee believed that such intent was present, it should act by imposing a disciplinary penalty or referring the matter to a Conduct and Ethics Committee. While protecting the field is generally a desirable goal (when it can be accomplished legally), it is not a primary factor in our decisions since the laws don't mention it as a consideration. And finally, CD is still not punishable. Score adjustments are appropriate when, for example, misinformation or UI results in damage to the opponents. However, the mere act of forgetting one's methods or of misinforming the opponents is not punishable (unless the latter results in damage, in which case the damage is redressable).

Ron was also in high dudgeon on this one, mostly about issues we've already discussed.

Gerard: "West was right not to attend. Why couldn't the Director have made the obvious ruling (just look at that explanation!) and forced East to appeal? How would East have bid if he hadn't heard his partner's explanation? Where was the procedural penalty?"

I'm not certain what procedural penalty Ron is referring to unless he believes, as Wolffe, that East took flagrant advantage of the UI.

Others agreeing with the Committee's decision (and some of the previous panelists' complaints) were . . .

Meckstroth: "I don't understand the explanation by the Committee, but they came to the right conclusion."

Treadwell: "Another close call, but here I think the Committee did the right thing in disallowing the 3NT bid. Would East really have bid 3NT over 3♦ if the 2♣ bid had been Alerted properly?"

Rigal: "I am very surprised at the Director ruling, which seems unsupportable on the facts as presented. As for the Committee, the fact that West might not have real diamonds made any action other than pass on the East hand a sensible and more attractive one. Some would pass 3♦ with the actual hand without the UI; once you accept that, the contract has to be put back to 3♦ (or somewhere even less attractive). I think 3♦ down one is the most unfavorable result for E/W that was at all probable."

Weinstein: "Even if E/W had the agreement that 2♣ showed diamonds, the Alert and explanation are still UI, just not misinformation which was irrelevant on this hand. I also don't understand the statement that if West had ♦KQxxx and no other values, that clubs might split four-four. What happened to the heart losers? In any case, the

Committee's decision was correct. However, the Director's ruling and supporting statement that '3NT was not demonstrably suggested as a logical alternative over other possibilities such as 3♥' is disturbing and matches occasional Committees in fallaciously believing that the single most demonstrably suggested logical alternative must have been taken to disallow it. The critical question must always be whether the call taken was demonstrably suggested compared to any logical alternative, such as passing in the case at hand. Just as after a slow signoff over a slam try, while no single continuance of a slam try is likely to have been demonstrably suggested over another, any further slam try is demonstrably suggested over just playing game."

What happened to the heart losers, indeed!

Rosenberg: "No need to get too deep here. 3NT might have been a logical bid, even behind screens, but it is also quite possible that he might pass, worried about clubs. East should be thankful I don't make him raise to 4♦. I would rule 3♦ down two: I think a spade (or an extra trump) trick might well be lost too, and the non-offenders should get the benefit of the doubt; plus 200 to N/S."

I think that down two is reaching just a bit. While it is just possible to achieve that result, I can find no scenario by which it is realistically probable.

CASE TWENTY-THREE

Subject (Unauthorized Information): "Flashers" Need Not Appeal

Event: Life Master Pairs, 22 Nov 97, Second Session

Bd: 26	Cameron Doner	
Dlr: East	♠ ---	
Vul: Both	♥ J86542	
	♦ AJ85	
	♣ K92	
William Lea		Bill Sokeland
♠ Q97652		♠ AKJ84
♥ Q9		♥ A10
♦ 93		♦ 106
♣ J74		♣ A653
	Jim Looby	
	♠ 103	
	♥ K73	
	♦ KQ742	
	♣ Q108	

West	North	East	South
		1♠	Pass
2♠	3♥	Dbl(1)	Pass
3♠	Pass	Pass	4♥
Pass	Pass	Dbl	Pass
4♠	All Pass		
(1) Break in tempo			

The Facts: 4♠ went down one, plus 100 for N/S. After the agreed upon slow double of 3♥, South passed and West pulled to 3♠. After two more passes, South asked West about the double and was told that it was penalty. East then quickly flashed his convention card to South, indicating by pointing that

the double was not penalty. South then bid 4♥ and after two passes, East doubled in tempo. West then bid 4♠. Because the 4♠ bid might have been made more attractive by the initial slow double of 3♥ and the improper actions involving East's convention card the Director changed the contract to 4♥ doubled made five, plus 990 for N/S.

The Appeal: E/W appealed the Director's ruling. West and North attended the hearing. West stated that with six-card spade support and almost zero defensive strength, he was always going to pull the double. West agreed that he had already shown no interest in defending by pulling the double of 3♥. When asked why he had not bid 4♠ immediately over 4♥ he stated that he was afraid he would be doubled and would go down too much.

The Committee Decision: The Committee decided that, although the 4♠ bid had considerable bridge logic, West had already in effect shown his evaluation of his hand by his pull of 3♥ doubled. This, coupled with West's failure to bid 4♠ immediately over 4♥ and East's improper flashing of his convention card, created a situation where the delayed bid could not be allowed. The Committee changed the contract to 4♥ doubled made five, plus 990 for N/S. After discussion, the Committee decided to return E/W's deposit. In addition, West was told that the flashing of the convention card in the manner that East did was the equivalent of telling everyone at the table that his partner had erred in his explanation — a most improper action. West was told to inform his partner of this and that the Committee regretted not having the opportunity to explain this to him in person.

Chairman: Dave Treadwell

Committee Members: Phil Brady, Brad Moss, Brian Trent, Ellen Siebert

Directors' Ruling: 94.2 **Committee's Decision: 87.5**

We are not told the skill or experience levels of the E/W players (we do know that they entered the LM Pairs — for whatever that's worth). Consider a not too savvy West. He's vulnerable, his side distribution and controls are sterile, and he fears bidding 4♠ — they might double and collect a number with a lot of zeros in it. 3♠ would be invitational (forcing?), so he settles for a simple raise to two (at least his high-cards are in the right range). But the fear of partner doubling them is with him, so he pulls when 3♥ is doubled and again when 4♥ is doubled. He started out believing the opponents could make whatever they wanted and that they could double him for a large number, and behind his veil of "panic" nothing altered that belief. His entire plan was to avoid being doubled or having to defend a doubled contract.

Is this West at (or near) that level? Who can say? But from the perspective I've described (and maybe even from some more sophisticated ones) it is not unrealistic for West to not wish to defend a doubled heart contract: even after pulling the double of 3♥ West still "knows" deep down that he should have placed his partnership in 4♠ before sitting for an opponent's doubled contract. After all, fear prevented an initial 4♠ bid and fear is still driving West — even from his partner's second double.

Several panelists recognized the aversiveness of sitting for a double below 4♠ with the West hand and had some sympathy for it.

Cohen: "I agree, but it's hard from me to imagine defending with West's hand. His partner could have ♠AKJ10x ♥AK ♦Axx ♣xxx and 4♥ might make!"

Rigal: "The Director gave a sensible initial ruling. West might have been able to make a good case that his additional trump length meant that he was dogging it, and that he would never have let the opponents play hearts, but he seems not to have raised this argument. I think East was doing his best to protect his opponents in a position where he thought they needed help (he had not foreseen the consequences for West). The Committee made a ruling I can understand and on the facts presented, a reasonable one. But some infractions are less serious than others, and I think the Committee overstated the importance of this one."

Another panelist agreed with Barry's sentiment that the lecture was a bit overdone.

Goldman: "Agree with the scoring. Somewhat dubious about the lecture."

And two more panelists recognized the reality of West's not sitting for a double, even without East's huddle.

Wolff: "E/W probably deserve minus 990, but why do N/S deserve plus 990? In many of these cases the results are random (next time both 4♥ and 4♠ might go down) and N/S would then not protest. As a rule it would be better to penalize offenders and not

give windfall results to non-offenders which would serve to protect all the other non-offenders on this hand at the other tables. Perhaps either plus 100 at 4♠ doubled or Average Plus (whichever is better) should be awarded to N/S. In this way all our masters would be served with dignity."

Weinstein: "First, I'd like to complement South for not assuming that the double was penalty. He properly made the effort to determine whether an often conventional call had just not been Alerted. The Committee was certainly correct in ruling E/W minus 990. However, we now have Exhibit #C3, where the Committee (and Director) should have considered whether passing the double was the likely action most favorable to the non-offenders. In other words, would at least two out of three West's pull the double without either piece of UI, making the proper ruling plus 100 for N/S? If enough would sit for the double to give N/S plus 990, then returning the deposit seems incongruous."

And that, my friends, is the bottom line. This is not an appeal lacking merit, and West was probably not a criminal who took blatant advantage of the UI from East's huddle. But then, of course, I could be wrong . . .

Bramley: "Correct decision. Once again the appeal has little merit."

Can any of us still remember what it was like to not be a good player yet — and be confused? Now what about East? His huddle before the double of 3♥ was bad, but if he was a player of comparable savvy to his partner, then the double of 3♥ must have been a difficult one. I'm not excusing his action. I'm merely pointing out that he may just need to be educated — not harpooned. That's why the next comment seems harsh to me.

Gerard: "Next time don't discuss it, just keep the deposit. East should have been hunted down and made to appear before a disciplinary committee."

I would have needed more information on the E/W pair to know exactly how to evaluate all of this, but all of the panelists were right on target about adjusting E/W's score to minus 990. I'm somewhat inclined to agree with those who think that N/S (probably) deserve plus 100, that the appeal had merit, and that we'd all like to have had East there to educate. Am I right, Jeff?

Meckstroth: "I agree."

Try to control yourself, Jeff. Just short and to the point will be fine.

Subject (Unauthorized Information): Disoriented, But Not Disallowed

Event: Flight A Pairs, 22 Nov 97, Second Session

Bd: 9	Alan Miller
Dlr: North	♠ Q84
Vul: E/W	♥ AQ53
	♦ Q853
	♣ 104
James Bachelder	George St. Pierre
♠ K109	♠ AJ653
♥ 4	♥ J972
♦ K1064	♦ 7
♣ A9752	♣ K83
	Judy Bianco
	♠ 72
	♥ K1086
	♦ AJ92
	♣ QJ6

West	North	East	South
	Pass	Pass	1♦
Pass	1♥	Pass	2♥
Pass	Pass	2♠	Pass
Pass	3♦	Pass	Pass
3♠	Dbl	All Pass	

The Facts: 3♠ doubled made five, plus 1130 for E/W. Before West passed 2♥ he reached for his bid cards, retracted his hand, and then passed. N/S called the Director when East bid 2♠. East stated that he had not seen his partner's actions. The Director ruled that since unauthorized information was present, the 2♠ bid would not be

allowed because pass was a logical alternative. The contract was changed to 2♥ down two, plus 100 for E/W.

The Appeal: E/W appealed the Director's ruling. N/S did not attend the hearing. West stated that he had no intention of bidding over 2♥. He had reached for his bid box and when he looked up his hand was about three inches too high. He reoriented himself and extracted the pass card from the proper location. He admitted that his motion could have been construed as uncertainty, but he stated that he never considered bidding with only three spades, four diamonds and such a bad club suit. East stated that he had planned to balance with 2♠ if that option became available. E/W stated that their general overcall style was sound, that they played together about once a month and that they used bid boxes often at their local club.

The Committee Decision: The Committee decided that unauthorized information was present, that the 2♠ bid was automatic and that pass was not a logical alternative with the East hand. The Committee allowed East's 2♠ bid and the table result, 3♠ doubled made five, plus 1130 for E/W, to stand. The Committee reminded West to be more careful when selecting bids in the future. This was a busy night for appeals; because a fifth member for this Committee was not available, the Chairman designated herself as a non-voting member.

Chairman: Karen Allison

Committee Members: Lowell Andrews, Henry Bethe, Michael Rahtjen, (scribe: Linda Weinstein)

I would certainly always balance with the East hand (had I somehow failed to overcall 1♠ earlier), and would question the sanity of anyone who wouldn't. In fact, I find myself at a complete loss to understand why the Director did not rule for E/W — the level of bridge knowledge required to appreciate the certainty of East's action being not that great. Had that action not been so clear, West's fumble could have cost E/W their good result.

I am fortified that several panelists saw East's action in the same light as I do.

Brissman: "I understand the Directors' penchant for ruling for the non-offending side, but they ought not suspend bridge judgment to do so."

Weinstein: "Dog ate my homework. West reached for the bidding box without looking. Was he planning on pulling out the first bid his thumb touched? The Committee made both of the correct determinations: there was UI, and 2♠ was automatic. Certainly the Directors, even if not unreasonably ruling against E/W, should have left N/S with their table result. (Exhibit 6)"

Meckstroth: "Right on. The 2♠ bid was 100%."

Goldman: "Agree with the Committee letting the table result stand."

Treadwell: "The Committee got this just right, letting the people play bridge, but admonishing West for improper use of the bid box."

Rigal: "The Director made a sensible ruling. I might have gone the other way since the 2♠ bid does look automatic, but I can understand ruling for the non-offenders. The Committee should have ignored West's self-serving comments, but the East bid is so clear-cut that despite some disquiet over West's behavior I am not sure what one can do. I still do not like it though."

I think I'm also worried about anyone choosing to call the table ruling "sensible," or who claims to "understand ruling for the non-offenders" here.

Wolff: "The Committee, under our present guidelines, was correct, especially if they believed West's story. I'm not so sure, but I wasn't there."

The Committee shouldn't concern themselves with the believability of West's story. They should determine whether UI from West's fumble (whether intentional or inadvertent) could have suggested East's action and if so, whether that action was clear in spite of it.

Our next panelist perceptively questioned assigning a result of down two to 2♥ — once the contract was adjusted there. (Perhaps these two aspects of the ruling, considered together, somehow explain one another.) He also thought that the 2♠ balance was not automatic for a player who had failed to overcall 1♠ initially. His

ultimate agreement with the Committee's final decision stemmed from the belief that no UI was demonstrated by the facts presented.

Cohen: "Why was the contract changed to 2♥ down two? Did the Director assume bad declarer play? Right Committee decision, but I totally disagree with the way they got there. I don't think that 2♠ was 'automatic' for a player who didn't bid 1♠ the first time. But, I don't think there was UI (from my reading of what West did), so I'd let East do whatever he wanted."

Larry is right on target here. I can find no justification for assigning N/S the score for 2♥ down two, even if I were inclined to adjust the contract to 2♥ — which I'm not. The rest of us probably failed to notice this problem because of our complete rejection of the idea of disallowing the 2♠ bid. Good catch, Larry.

I do, however, disagree with Larry's assessment that East's balancing action was made less likely by the nature of his overcalling style. The conservative overcalling style professed by E/W is not really very prevalent in today's game, but when it was the norm thirty-plus years ago (has it really been that long?) it required a far more aggressive balancing style (in many auctions) than is the norm today.

As far as the UI from West's fumble goes, since there was agreement by West that he did exhibit what could have been construed by East as reluctance to pass 2♥ (although it was professed to have been inadvertent and not bridge-related), I think that we have to make our decision on the assumption that UI was present. As Howard so eloquently put it, "Dog ate my homework" just doesn't cut it here. Maybe if West had said something at the table like, "Uh, excuse me, I'm having trouble finding my bid box." as soon as his bid box mishap happened, we could agree with Larry's determination. Otherwise, I don't see how we can do that without opening up a Pandora's box of problems requiring nothing less than mind reading from our Committee people. This is really akin to Wolffie's comment.

So where we appear to be on this issue is that the UI from West's fumble made East's action more attractive, but that the 2♠ bid was clear enough from East's own hand that it should be allowed in spite of that. Okay?

Bramley: "Okay."

CASE TWENTY-FIVE

Subject (Unauthorized Information): "Here's Another Fine Mess You've Gotten Us Into"

Event: IMP Pairs, 23 Nov 97, Second Session

Bd: 8	♠ 98743		
Dlr: West	♥ 8		
Vul: None	♦ K753		
	♣ 1095		
♠ A5		♠ Q	
♥ AQJ52		♥ 10974	
♦ 1096		♦ AQJ84	
♣ K43		♣ Q62	
	♠ KJ1062		
	♥ K63		
	♦ 2		
	♣ AJ87		

West	North	East	South
1♥	Pass	3♠(1)	Dbl
Pass	Pass	6♥	All Pass
(1) Alerted			

The Facts: 6♥ made six, plus 980 for E/W. When asked West said that the 3♠ bid was a splinter, but that it might be a preemptive bid in spades — he wasn't sure. The Director ruled that E/W had no agreement and because of the misinformation gave N/S Average Plus and E/W Average Minus.

The Appeal: E/W appealed the Director's ruling; they were the only players present for the hearing. E/W were not an experienced partnership. West stated that they had earlier had a disagreement about 1♠-Pass-3♥, which he considered to be a splinter. East stated that 3♥ was not a splinter because it was not a double jump; it was a weak jump-shift. Because of that previous experience, West thought this bid, which seemed to be a splinter to him, might be a preemptive spade bid. Both stated that they played splinters. East stated that this problem would not have occurred behind screens. East also said that he liked to bid a lot and had jumped to slam on several hands and had usually been right. He then said that he bid 6♥ to try to get his partner to remember the convention. When asked whether he thought about bidding 4♦ or 4♥ instead of 6♥, East said that he only considered those bids for a moment.

The Committee Decision: This was an awkward case for the Committee because the unauthorized information did not at first appear to indicate an action for East. The source of the problem was the nature of the explanation. The Committee found that while there was no intent to deceive in West's explanation, it may have influenced South to double — a call of debatable merit. If South had passed West would have been under the gun to decide which meaning to attach to East's bid. The double permitted West to pass for clarification. East said he would have bid 6♥ anyway. The Committee, however, paid close attention to East's statement that he bid 6♥ to get his partner to remember the convention. The Committee decided that the unauthorized information made two calls risky and unattractive to East: 4♥, because his partner, who didn't know for certain the meaning of 3♠, might not understand the run to 4♥, and 4♦, because it risked a pass by partner. Because of this the Committee decided that, while the unauthorized information may not have suggested a line of action, it served to induce

an action which East took successfully. There were logical alternatives. The Committee decided that East's statement that he would have bid 6♥ anyway was self-serving. East clearly adopted a punitive attitude toward his partner's confusion. 6♥ was not justified by East's cards; it was made in an effort to punish partner for his confusion. The 6♥ bid was not made in an effort to optimize the bridge result on the hand and such behavior was found to be unacceptable. Therefore, because: (1) the ambivalent explanation may have affected South's decision to double, which took West off the hook; (2) East's 6♥ bid may have been influenced by the unauthorized information; and (3) East's 6♥ bid was based upon a non-bridge motive, the Committee decided not to allow the bid. There had been a lack of clear disclosure, unauthorized information, convention disruption, and logical alternatives. The Committee assigned Average Plus to N/S and Average Minus to E/W.

Chairperson: Michael Huston

Committee Members: Nancy Sachs, Phil Warden

Directors' Ruling: 67.9

Committee's Decision: 70.0

Why did the Committee think that a 4♥ bid by East at his second turn would have been risky? Wouldn't it simply have clarified the meaning of 3♠ (if there was any serious doubt about it in the first place: West's response seems to confirm that he thought 3♠ was a splinter, after which he appropriately disclosed to the opponents that there was room for doubt due to a previous misunderstanding)? Also, why was a bridge result not determined for this board once 6♥ had been disallowed? Isn't 4♥ the normal bid after 3♠ doubled came back around to East? West had no clear move over 4♥, so why wasn't that made the final contract?

I also don't buy the stuff about West being under the gun. I don't think that any player whose primary answer to a question was that 3♠ was a splinter would have passed the bid. Whatever West would then have bid, East would have signed off in 4♥ — end of auction. East's modest values would not justify a cue-bid had West temporized with 3NT or 4♣, so all roads look like they lead to 4♥ to me (unless East would still have been intent upon punishing West for his uncertainty — in spite of his going with the splinter interpretation).

Given their decision to adjust the score (I disagree, but I'll deal more with it later), if the Committee believed that West might have passed and played in 3♠, then I could see assigning them that result. But the Committee seems to have been unwilling (or unable) to say that. I could also see assigning E/W Average Minus or the result in 4♥, whichever was worse. (Why should they get one if the other is worse?) But I can't see why N/S should get Average Plus. On the other hand, I can't really see N/S getting anything other than the score for 4♥ made six, minus 480. Even if I thought West "might" have passed 3♠, I certainly would never buy that such an action was anything close to likely. All things considered, if one were determined to adjust the score, both sides should have been assigned reciprocal 480s for 4♥ made six.

Should the score be adjusted? In my heart of hearts I wish that were possible, but under the laws I can't see any justification for it. While UI was clearly available to East, I fail to see how that in any way suggested his 6♥ bid. In fact, if anything it suggested

bidding 4♥ to clarify his intent (and maximize his score) over a more-likely-to-be-misconstrued (and passed) 4♦ cue-bid. But even a 4♦ bid would be improper to impose upon East since he had nothing even remotely resembling a slam try. In fact, one could even argue that his original splinter, which most would interpret as having slam overtones, was a substantial overbid.

But that's not the end of it. East's action at the table, bidding 6♥ as "punishment" for his partner (I agree with the Committee that that's precisely what happened), is completely unacceptable. In fact, ACBL regulation states: "Contestants in ACBL sanctioned events are obligated to play to win each match or board." I would have assessed a procedural penalty (in IMPs, not to accrue to the other side) for violating Laws 74A1 74A2, 74C2 and 74C4, as well as for taking blatant advantage of the UI from the Alert procedure. In addition, if I believed that East was not sufficiently contrite about his actions, I would have referred the matter to a Conduct and Ethics Committee in lieu of the procedural penalty. The Chairman would then have testified before the C&E Committee so that (hopefully) East would have been given a couple of days off from bridge during that tournament. I believe that it is proper and desirable to separate the bridge and the behavioral issues (I hate adjusting a bridge score as punishment for poor conduct), which this decision failed to do.

The first panelist ratifies my position on all of these issues.

Bramley: "The Committee is mixing apples and oranges. There are two different cases here. One is a regular UI case, which should be decided on its own merits. The other is a disciplinary case involving a deliberate attempt to play in an inferior manner. That such an attempt produced a good result is incidental.

"The Committee was wrong about the UI case. While the UI may have induced East to make an irrational call, it did not demonstrably suggest that call over logical alternatives. Not even close. The Committee's argument that 4♥ became unattractive is incomprehensible to me and seems to have been their only justification for deciding as they did. The table result should have been restored for both sides. A violation does not automatically mean a bad result for the offending side. A deliberate attempt to get a bad result should not automatically mean a bad result either. This is 'unlucky' for E/W and just plain unlucky for N/S, whose opponents make a slam on two finesses.

"The disciplinary side of the case is another matter. First, the hand should be recorded. Then, E/W should be penalized procedurally for deliberately failing to put forth their best effort. The size of the penalty should be unrelated to the swing on this hand, but should be, say, the IMP equivalent of half a board. Finally, E/W should be told that the time to settle partnership differences is after the game, and that further incidents of this sort will be dealt with much more harshly. By blending the two cases into one the Committee produced a mishmash of confused reasoning and a poor decision on both aspects of the case."

That was said about as well (and succinctly) as I can imagine is possible.

Let's get back to the bridge issue for a moment. While the UI didn't suggest East's 6♥ bid, it did dissuade him from the normal 4♥ call — not only to punish West but to insure that he understood that 3♠ showed heart support. The UI was used blatantly as the catalyst for the 6♥ bid. While I don't see any simple way to do it without creating

other (potentially worse) problems, I would like to see a law or regulation which permitted score adjustments for both sides in these situations. I don't believe that it's good for bridge for non-offenders to be forced to accept as "rub-of-the-green" a result which was made possible by the transmission of UI. But make no mistake about it, the present laws do not permit such a score adjustment.

Agreeing that the table result should stand were . . .

Goldman: "Let's see — E/W bid to a poor 6♥ contract . . . two finesses needed. After playing a long game of 'round and round the mulberry bush,' the Committee found a 'thread' to base punishment on. Give me a break! Score it 6♥ making six. The table result should stand."

Brissman: "I disagree. If 6♥ had failed and resulted in a zero, would the Committee have changed the result for E/W to Average Minus and taken away N/S's top? Wasn't this a decision driven by the placement of the red kings in the N/S hands? Is it the Committee's job to punish East for having improper motives? Punish the act, but don't punish the intention."

Wait a minute, Jon. When it is discovered that a player has violated the laws/proprieties of the game, as by throwing a board, making frivolous or capricious bids, punishing partner by intentionally placing him in a poor contract (as here), or in any way disrupting the conduct of the game and its enjoyment by the other players, it is clearly the Committee's job to stop the behavior and to punish it (if it is deemed necessary) to keep it from recurring. The fact that we only came to know of East's motives by his own admission is no argument against our acting to end his illegal practice. We should not attempt to infer intent from a player's actions, but when he admits that he made a bid to punish his partner, we don't have to ignore it — any more than we would ignore a player who filed a frivolous appeal!

I once had an opponent who opened 7NT without looking at his cards. The Director then came to the table (at my request) and admonished him that such behavior was unacceptable. The player then fanned his cards, looked at his hand for a fraction of a second, and bid 7NT once again. (He held a balanced six-count.) In another instance I was playing with a partner for the first time. At the start of the second session of a regional pairs event at a Nationals (we were high among the leaders) he began opening 1NT on every hand — balanced, unbalanced, strong, weak, regardless of HCPs or anything else. (While you might suspect my influence in this, in fact he was having drug and emotional problems.) Are we to be subjected to such conduct without any recourse? How many members will the ACBL have left if players are forced to put up with such occurrences, or if it becomes common knowledge that the League will do nothing to protect us (and the integrity of the event) from such misdeeds? The more appropriate question, Jon, is "How can it NOT be the Committee's job to deal with such incidents? Yes, punish the act, not the intention — but please, punish the act!"

Now, right on track and with his own war stories . . . heeere's Howie!

Weinstein: "First let's start with the double of 3♠. Had 3♠ been preemptive the double is ludicrous, since it is not a penalty double. So South's double must have been

predicated upon the assumption that it was a splinter. Any arguments based on what would have occurred had South not doubled are irrelevant. The Director's basis for the ruling, and the Committee's reason (1) are also irrelevant. I also don't buy into 4♥ or 4♦ being ambiguous based upon the possible uncertainty. It is not as if West had stated 3♠ was probably preemptive. I don't believe that the 6♥ call was based upon UI per se, only the UI that East should be mad at West during, instead of after, the hand.

"Early in my bridge playing years, at a sectional up in the frozen tundra, a former partner of mine disliked my refusal to respect his signoff (maybe two signoffs) and corrected my 3NT call to 7NT. My LHO, looking at three aces, asked twice if he was on lead, and being assured that was the case, thought it over for a while and eventually doubled. Unlike East's punishment call of 6♥, I was not successful in 7NT. In my recollection of the Laws of Duplicate Bridge, under admissible calls, there is no requirement that they are based upon the best bridge that player is capable of playing. This does not seem like a basis to adjust a score, and certainly not an opponent's score when two finesses end up onside. However, the ACBL Disciplinary Sanction Guidelines does list throwing a board as a serious offense (not to be confused with the actual throwing and breaking of a board, which a Vanderbilt teammate of mine did in the finals on a hand that he eventually won 12 IMPs on). So a procedural penalty would have been fine, recording the hand excellent, or even a having a C&E Committee suspend East for thirty days as recommended (though presumably not for this type of motivation). But leave the table result alone."

Why would a double of a preemptive 3♠ not have been penalty? (Against a splinter it might be defined as save-oriented, but that would not preclude playing there if the opponents wanted to pass.) If I thought the opponents were about to play a contract I could beat, and I had enough defense to challenge anything they might run to, I would double — for penalties. Give me (ideally), as South, ♠AQ108x ♥J ♦AQJx ♣KQJ and I would double 3♠. Partner should have the hearts behind West so that, with my 3-4 side defensive tricks, I'm willing to gamble that West hasn't forgotten to open a strong two-bid. While South's actual hand was not quite that good, it is still possible that he meant the double as business.

The next group of panelists support the Committee's decision to adjust the contract to 4♥ for both sides. Only "Delaware-Dave" picked up on the separation issue.

Cohen: "Why the Average Plus/Average Minus? Isn't 4♥ normal for East's second bid (if there were no shenanigans) — so why not rule 480? Why did everyone gloss over East's statement that his partner wouldn't understand 4♥ but would understand 6♥? Wouldn't 4♥ be natural?"

East didn't make that statement — the Committee did, in its decision. But I agree, it's still silly.

Rosenberg: "It's hard to believe that E/W would not have reached 4♥ but for the explanation, so I rule plus 480 to E/W."

Gerard: "Good for the Committee. Brickbats for the Director, even though he reached

an okay result, since if he had asked West a few questions he would have known 3♠ was a splinter.”

I’m crushed. My hero has feet of clay. Good for the Committee? They didn’t like what East did so they fudged a way to adjust the score — and that’s okay? Good grief!

Treadwell: “The right action by the Committee insofar as it went. The statements attributed to East were essentially an admission that he used UI to clear things up for his partner. Was a procedural penalty considered?”

Meckstroth: “A difficult case. I agree.”

Rigal: “I think the Director did a sensible thing here; again the Committee’s indecision implies he was right not to award a score. The Committee had a tough one here. It looks as if East’s decision to bid 6♥ was to punish his partner — does that mean it was made more attractive by the explanation. Who knows? I think the decision was sensible though on a different day I could be persuaded that almost any ruling was okay on this board. I think I prefer 480 though it probably comes back to about the same score.”

Well, this was a tough case. Does a bid intended to “punish” a player’s partner justify a score adjustment when it unluckily leads to a bad result for the opponents? (It clearly deserves a disciplinary penalty.) Not in my opinion and not according to law. But when an improper action was made possible by the use of UI, which then results in damage to the opponents, the ability to make a score adjustment (if one is deemed appropriate) seems desirable — and I would like to see it made possible in the future.

Clearly this is uncharted ground. The key concept behind my view is that opponents should never have to accept a score, even an “improbable” one (as when two finesses, a three-three split, and a non-simultaneous double squeeze all work), when that result was the product of unethical or illegal conduct. “Shooting” on a board does not fall into this category, nor does a bid simply made for “emotional” reasons. (We all make bids which, from time to time, are emotionally motivated, by anger, revenge, jealousy, rage, envy, hate, love, etc.) But the laws should permit calls that were only made possible by demonstrably unauthorized or illegal means, to be redressed when they damage the opponents. At present the laws and regulations, to the best of my knowledge, do not permit this.

My suggestion raises one other issue. When an incident like the present one occurs, no one calls the Director when the slam goes down. That is, N/S accept their good board and we never hear anything about it. Only when the slam unluckily (for the opponents) makes do the authorities become involved. Clearly, if the non-offenders’ score should be adjusted when the slam makes, it should also be adjusted when it goes down. However, since the adjustment I am proposing should only be made when the result is somehow facilitated by an infraction, the players would be responsible for calling the Director when the infraction occurred. (No more “We only call when we’re sure we were damaged.”) It would then be the Director’s responsibility to monitor the result and adjust it whether or not it benefited the non-offenders.

Accepting poor results which, in one way or another, were enabled by improper,

illegal or unauthorized means is not something that players should be forced to suffer. Our laws and regulations should take into account not only what’s fair and right, but also what’s best for the game. On that note it seems appropriate to end this discussion with our resident philosopher:

Wolff: “OK decision, but the strange facts (especially East’s 6♥ bid) makes this case spooky, causing me to quickly exit.”

Exiting, stage right, “shuffling off to Buffalo” all the way . . .

CASE TWENTY-SIX

Subject (Unauthorized Information): A Firm Agreement Is A Happy Agreement

Event: Open BAM Teams, 23 Nov 97, Second Session

Bd: 17 Robert Rosenberg Dlr: North ♠ J875 Vul: None ♥ K73 ♦ KQ ♣ K953 Mike Passell Michael Seamon ♠ K3 ♠ A962 ♥ Q852 ♥ 96 ♦ J532 ♦ A986 ♣ J74 ♣ 862 Randy Okubo ♠ Q104 ♥ AJ104 ♦ 1074 ♣ AQ10	
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West	North	East	South
	1NT(1)	Pass	2NT(2)
Pass	3♣	Pass	3NT
All Pass			
(1) Announced; 10-12 HCP			
(2) Alerted			

The Facts: 3NT made four, plus 430 for N/S. 2NT was explained at the end of the auction as a relay to 3♣ that could be passed or corrected. The Director discovered that South thought that 2NT was natural and invitational. The Director ruled (Law16A) that there was unauthorized information from North's Alert and that pass was a

logical alternative. He therefore changed the contract to 3♣ made four, plus 130 for N/S.

The Appeal: N/S appealed the Director's ruling and were the only players present for the hearing. N/S had seldom played together over the last five years. North thought they had the agreement that 2NT was the beginning of a minor-suit runout. South did not believe that they had such an agreement. Their convention cards were checked "four-suit transfers," but no further agreement was indicated. N/S agreed that they had a bidding misunderstanding, but believed that the South hand justified a 3NT bid.

The Committee Decision: The Committee believed that it would be illogical and even irrational for South to pass 3♣, irrespective of whether 2NT had been Alerted or not. Even if N/S had a firm agreement that 2NT was a relay to 3♣ (which, in fact, they did not) and South had simply forgotten, the 3♣ bid itself was sufficient to wake up South, regardless of the Alert. South could then bid as he chose, since his bid would then be based on authorized information. The Committee restored the table result of 3NT made four, plus 430 for N/S. N/S were admonished to firm up their agreements and to fill out their convention card more completely.

Chairman: Dave Treadwell

Committee Members: Nancy Sachs, Brian Trent, Phil Warden, Michael White

Directors' Ruling: 80.0

Committee's Decision: 62.5

I have a strange, inexplicable, feeling of déjà vu.

The last case of this sort I can find in our casebooks appeared in *The Philadelphia Story* (Spring, 1996, CASE THIRTY-THREE); there is no other going back through 1994 (unless one was misclassified as something other than UI). In Philly the Committee allowed the table result (3NT made five, plus 460) to stand, as here. Five panelists (Bramley, Krnjivic, LeBendig, Weinstein and Wolff) agreed with that decision, four others (Kaplan, Rigal, Gerard and Rosenberg) were against it, and one (Cohen) was either for or against it, depending on the event and the skill-level of the pair. (In fact Larry said, "I'm a bit confused as to what my own principles dictate here.")

Eric Kokish and I, noting the split among the panelists, pleaded for the development of a policy which would enable us to deal with these cases in a consistent manner (which has yet to be done). Given the (then current) state of divided opinions we advocated that, until such a policy was developed, these cases should be decided in favor of the non-offenders — unless there was indisputable evidence that the offending pair could not play in 3♣. We also recommended making greater allowances for less experienced players.

One current panelist's opinion expresses a view which I have come to adopt in the years since Philadelphia. After much deliberation I believe it is the best way to handle these cases.

Goldman: "Great decision! I think we should establish that every time this sequence occurs, 3NT is allowed. I do believe I saw someone run to 3♣ over a natural 2NT twenty-eight years ago, but maybe it was just in a dream. The table result stands."

Twenty-eight years ago? I can't even remember one that recently.

While we should generally strive to decide cases against pairs who may have used UI in obtaining their result, we should also strive to make decisions which have a good sense of practical reality to them. While theoretically the 2NT bidder in these sequences may have gained an advantage from the Alert, in practice, like Goldie, I can honestly say that I have never seen a pair play in 3♣ in such an auction. Now you may claim that if your partner bid 3♣ you would pass. But think back. When have you or your partner ever bid 3♣ over a natural, invitational 2NT intending to play there? Don't even bother to rack your brain; the answer is, never! (I know there aren't many pairs that play the direct 2NT as natural any more, but even if you bid Stayman first to get there, when has opener ever signed off in 3♣?)

This auction, for all but maybe two pairs on a mountain somewhere, is self-Alerting. If you bid a natural 2NT and partner bids 3♣, chances are that he forgot or is confused and thinks you are asking him to bid 3♣. If you pass you're taking long odds against yourself. For these reasons I believe the Committee in this case was correct.

I know that some players continue to hold the opinion that this sequence (1NT-2NT-3♣-Pass) is possible, but I defy anyone to cite a concrete instance where such an event actually happened. Lest the reader think that I am advocating reflexive decisions in these cases, think again. If it can be demonstrated that the offending pair could play, or have in the past played, in 3♣ in such an auction, then I would adjust the contract to 3♣.

There are certain situations that constitute exceptions to this principle, such as the following. With E/W vulnerable North passes, East opens 1♦ and South overcalls 1NT. West passes and North bids a natural 2NT. South (under the mistaken belief that he is playing “system on”) Alerts this as a transfer to clubs and dutifully bids 3♣, after East passes. North cannot convert this to 3NT with impunity, since the 1NT overcall at this vulnerability and with partner a passed hand can be a psychic bid based on a long club suit in a weak hand. It is thus possible that South really wishes to get out in 3♣, but the Alert would let the cat out of the bag. The contract should be adjusted to 3♣.

All of the remaining panelists, from the tone of their comments, would undoubtedly claim that Goldie and I have taken leave of our senses — or worse!

Bramley: “I disagree. Maybe I’m just not feeling charitable today, but couldn’t North have ♠KJx ♥Kx ♦xx ♣KJxxxx and bid 3♣? The Committee argues that the 3♣ bid is self Alerting, implying that a 1NT opener will NEVER run to 3♣ on his own. (I think I may have argued that way myself in an earlier book!) I don’t buy that. The only logical basis for South to bid 3NT is his strong club fit to help partner run his presumed long suit. However, neither N/S nor the Committee made this argument. I would change to contract to 3♣ making three, 110 for both sides. The Director gave N/S the best of the play in 3♣, but nine tricks are much more likely than either ten or eight.”

You did argue that way in *TPS*, Bart. Good memory — poor consistency!

As for the example hand Bart gives, no, I don’t think North can hold it. Why would he think that 3♣ was any safer than 2NT? Would you? How about at BAM (which this is) or matchpoints? Would you really play 3♣ rather than notrump? Bah! Of course not. Perhaps Bart was just feeling somewhat uncharitable when he wrote his response.

Cohen: “Enough already! We keep seeing this type of auction. I’d like to propose that anytime somebody bids 3♣ in one of these ‘misinterpreted 2NT’ situations, that the partner is barred! Well, that’s a bit extreme, but I’m tired of hearing ‘he had a 3NT bid anyway,’ ‘why play in 3♣,’ etc. Every now and then, like here, the Committee is asleep at the wheel. Why is the Committee saying that 3NT is automatic. North said he had a minimum with long clubs and wanted to play 3♣. Why couldn’t North hold ♠Jxx ♥KQ ♦xx ♣KJ98xx or the like? Is South entitled to ‘know’ that hand is not in the picture, but a balanced twelve count is? Only if he takes advantage of the UI.”

The Committee is saying that 3NT is automatic because, in the real world, 3NT is automatic! How quickly we forget. When did the confusion of not too long ago become contempt? I once heard a joke that is so possessed of insight into the human psyche that I’ll share it with you, dear reader, being pertinent as it is to the present discussion. Q: What is an idiot? A: Someone who does not yet know what you just found out yesterday.

Meckstroth: “I disagree. Passing 3♣ is a logical alternative. Partner’s hand: ♠xx ♥KQx ♦Jx ♣KJxxxx. They might run both diamonds and spades against 3NT.”

When one plays a 10-12 notrump, hands with two unstopped suits are not

uncommon. On that basis responder should probably never invite (he just bids game or passes), since the bid will often be worse than useless. I guess, by the same logic, the notrumper should also bid 3♣ to play with ♠xx ♥AQx ♦xx ♣KQJxxx (two unstopped suits they will undoubtedly run). Sorry Jeff, but if there is a good argument for adjusting the score to 3♣, that isn’t it.

Gerard: “Yes, this Committee would think that. According to it, no self-respecting 10-12er would ever open 1NT with ♠KJx ♥Kx ♦Jx ♣Kxxxx. But just in case North was temporarily indisposed and needed a substitute at his first turn, when he returned to action and saw that a Meckwell type had bid 1NT with that hand in his place, no way would he avoid the go-for-the-throat 3NT. In fact, 3♣ by North is a clear indication that he misheard the auction, according to the Scriptures. I wonder if this little nugget of information would also apply to the auction 1NT (15-17)-Pass-2♥ (signoff)-Pass-2♠, with responder ‘knowing’ that opener was playing one-way transfers rather than holding ♠AQx ♥Axxxx ♦Kx ♣Axx? Did any of these Committee members ever make a cooperative bid, say with six-five in a competitive auction after having their first suit raised? Do I detect a punitive attitude toward E/W? Perhaps E/W deserved their score if East led a spade, since the winning diamond shift seems clear. However, on a diamond lead the jack was the correct play so E/W could not outscore 3♣. But of course we can’t expect details in place of smugness when the Committee was so morally outraged.

“Why not let South bid 3NT when odds are that he would have anyway? Because the Laws didn’t allow him to if passing was a logical alternative. Because Committees aren’t supposed to play mind reader or use themselves as surrogates in making bridge judgments. Because South had a lock with the Alert when he would have had to think about it without it. Because this kind of thing should be discouraged, not encouraged. Some people would say it’s an insult to allow South to bid 3NT.

“The ruling should have been plus 110 for N/S, since North could not afford the winning spade guess, and probably minus 430 for E/W (I’m betting on a spade lead and continuation, otherwise ten tricks are hard to fathom). However, more facts were necessary to arrive at E/W’s score.

“I’m not surprised at this performance. It would have taken a more competent Committee to have decided correctly.”

Well, number me among the incompetents.

Let’s try an experiment. Reverse the pointed suits in Ron’s first example hand. Anyone want to be in 3♣ rather than 3NT now opposite the actual South hand? 3NT is a virtual claim (three-two clubs or the stiff jack) on any lead from either side. If partner shows up with the hand Ron gave and I go down when I could have made 3♣ — okay, I’ve gone down before. This is BAM, and I have no sense that 3♣ will be any better than 3NT. In fact, playing in 3♣ seems like a fool’s bet to me.

In Ron’s transfer auction, no one claimed that all auctions follow the same principle as the one we’re dealing with. There are many others which don’t follow this principle as well.

Even if passing 3♣ was a logical alternative, one must still show that the winning call was suggested by the UI, and that it was not a clear-cut bid from the player’s own

hand or from information available from other authorized sources. I submit that if one took a poll of pairs that could or ever have played in 3♣ on this auction, the result would make bidding 3NT over 3♣ the sort of winning action that would place it in the clear-cut/automatic category that any Committee would allow, even with the UI. Raising the probability of success of 3NT from 99% to 100% just isn't enough to disallow the bid.

At least Ron has maintained his position from the Philadelphia casebook, although there he did express a final bit of sympathy for the 3NT bidder, who held ♣K1084.

Another consistent opponent of allowing the 3NT bid was . . .

Rigal: “The Director did the right thing and then the Committee gave N/S the benefit of the doubt where I do not believe they were entitled to it. I certainly would not let N/S off without some penalty even if I was not going to let E/W get minus 130. I'd like to make it automatic for this accident to be ruled against the offenders until they can prove overwhelming bridge logic demands a continuation by the 2NT bidder or unless there are remarkable exonerating circumstances. There are none here.”

That's two panelists who want an “automatic” adjustment back to 3♣ for this auction. Next, Michael has maintained his *TPS* position, even against his (North) namesake.

Rosenberg: “The Committee took the wrong view here. The correct way to look at this is to say, ‘If North heard South say that 2NT was natural, and then bid 3♣, what would he do?’ Since he might well pass, he must pass after hearing the Alert. The 3♣ bid in itself is not sufficient to wake up South. Contrast this with the example of a Texas transfer. When opener accepts the transfer [which you're not playing — *Ed.*] that is an impossible bid (except for John Lowenthal) and therefore the Texas bidder is under no constraints. I would rule plus 110 to N/S.”

If North would ever opt to bid 3♣ after a “guaranteed” natural raise to 2NT, then perhaps Michael and the others would have a convincing argument. I'm having another bit of trouble with these “roll it back to 3♣” advocates. Some say the score should be 110, others 130. When I look at the hand I see the “offending” declarer unlikely to take ten tricks without locating the ♡Q. And if East led (or led from) one of his aces, even down one, minus 50, would not be impossible. I wonder if the 130ers harbor a bit of sympathy for N/S here; or even the 110ers?

Another panelist who has changed his position since 1996 was . . .

Weinstein: “Back to our favorite auction. In general I believe that this auction should always go against the offenders. This particular South hand makes the decision very close. But I still think we should have very consistent criteria in this and other analogous common situations. Otherwise, each Committee ends up deciding differently on similar facts. In any case, I offer Exhibit #7, where the Directors (and Committee had they disallowed 3NT) should not adjust the non-offenders' score.”

And finally, another panelist agrees with Goldie and me, but he brings along such

heavy baggage that I'm not sure either of us wants to claim him as one of our own.

Wolff: “The decision was okay except for not penalizing N/S (more than the admonishment). If they are to play 10-12 notrumps, then they are under (in my opinion) a special ethical responsibility (SER) to know their system. While I would award plus 110 for N/S in a pair game (with E/W minus 430) I would penalize N/S one-quarter board in a BAM game. Why is the Committee able to say that North didn't have a ten-point hand with five little clubs and was looking for (and finding) a better contract?”

Is that the way they bid in Big-D? When partner invites game opposite your notrump opener and you have a minimum hand with a five-small suit, you run there looking for a better contract than notrump? Hmm. How 'bout them Cowboys!

CASE TWENTY-SEVEN

Subject (Unauthorized Information): Speed Kills, But Slowness Chills
Event: Blue Ribbon Pairs, 25 Nov 97, First Session

Bd: 13	Pratap Rajadhyaksha
Dlr: North	♠ J53
Vul: Both	♥ 32
	♦ 109643
	♣ Q76
Steve Onderwyzer	Gord McOrmond
♠ A	♠ K64
♥ AKQ9765	♥ J1084
♦ A2	♦ K87
♣ KJ8	♣ A102
	Steve Landen
	♠ Q109872
	♥ ---
	♦ QJ5
	♣ 9543

West	North	East	South
	Pass	Pass	3♠
Dbl	Pass	4♥(1)	Pass
4♠(2)	Pass	5♣(2)	Pass
6NT(1)	Pass	7NT	All Pass
(1) Lengthy break in tempo			
(2) Break in tempo			

The Facts: 7NT made seven, plus 2220 for E/W. Both the 4♥ and 6NT bids were made after agreed lengthy breaks in tempo. The Director was called after the 7NT bid. At the end of the auction West explained that 4♠ had been Blackwood and 5♣ showed one ace. West stated that the entire auction had been slow.

The Director ruled that pass over 6NT was a logical alternative and changed the contract to 6NT made seven, plus 1470 for E/W.

The Appeal: E/W appealed the Director's ruling. E/W were a new partnership that had been formed that morning. East stated he was not sure that 4♠ was Blackwood, but he did know that 5♣ would be taken as either one ace or a cue-bid of the ♣A. East knew that he was on shaky ground as to the exact meanings of agreements in high-level auctions, but that either interpretation his partner chose would match his hand. West chose to bid 6NT because he was unsure of the meanings of other bids over 5♣. East bid 7NT because, aside from the ♣A he had already shown, he had two kings that had not in any way been disclosed in the auction.

The Committee Decision: The Committee focused on whether Blackwood followed by slam meant that partner could not bid more. Eventually this line was abandoned because the Committee concluded that 4♠ was not clearly Blackwood and therefore the partnership was not involved in a final decision over a Blackwood auction. The Committee decided that a slow 6NT bid did not convey any different information than a fast 6NT bid would have conveyed. They decided to allow the 7NT bid and changed the contract to 7NT made seven, plus 2220.

Chairman: Henry Bethe

Committee Members: Michael Huston, Corinne Kirkham, Barry Rigal, Ellen Siebert

Directors' Ruling: 73.8

Committee's Decision: 86.7

I'll let the panelists have most of the say on this one, but before I bar myself for a round I'll just point out that E/W were a pick-up partnership, had few if any bidding agreements in place for this auction, and West could have been thinking about the "holes" in his partnership agreements or other strain-related issues when he jumped to 6NT. To quote a well-known Delaware-ite: "Let's play bridge."

Bramley: "Acceptable. When a player veers into 6NT at the end of a suit-oriented auction, the possibility that he was thinking about strain is at least as strong as the possibility that he was thinking about level. In an obviously ambiguous and complex constructive auction extra time may be needed to decide what various bids should mean and whether partner will interpret them the same way as you. Also, note that 6NT was a jump, so there was a chance that the problem was whether to sign off or bid a slam."

Cohen: "I don't agree with the analysis. I agree that the tempo of 6NT didn't suggest bidding on (it might have been a slow, pushy). But, the Blackwood argument is mixed up. If 4♠ was Blackwood why couldn't West hold ♠AQ ♥KQ98xx ♦AQ ♣KQx and over one ace have signed off in 6NT. So, by raising the Blackwood issue E/W had done themselves in — basically, East admitted that he went on to seven after Hesitation Blackwood, so he could have been off an ace as my example shows. That is the reasoning I'd have used to disallow 7NT."

What about West's hesitation before jumping to 6NT suggests that he was thinking about level rather than strain? And if he was thinking about level, what suggests that his decision was between six and seven rather than between five and six? Larry's own example hand shows that East's raise to 7NT was not without risk. In a pick-up partnership East heard West bid an ambiguous 6NT without knowing about either of his two side kings. That doesn't sound to me like the stuff of which score adjustments are made.

Rigal: "Good Director ruling. Here the Committee decided that the tempo issues were irrelevant to the final decision. A slow 6NT certainly did not suggest bidding 7NT — no one could work out what it did suggest, if anything at all. East took a view at his final turn; there was no reason to take it away from him."

Weinstein: "The Director's ruling didn't either consider or document whether the slow 6NT suggested 7NT. I think the Committee got this exactly right. The 6NT caller could have been considering virtually anything, including passing."

Goldman: "Excellent Committee work. The table result stands."

Wolff: "A poor Director's ruling, but a proper Committee decision. We need to get it straight, with guidelines, when hesitations are ambiguous and therefore not necessarily conveying UI. How about, after a break in tempo there is no UI conveyed when: (1) it is clearly random whether the hesitation meant a better or lesser hand and/or (2) other considerations may have caused it: (a) such as the suit to play in, (b) the matchpoint consideration of playing the higher scoring contract, (c) the IMP consideration of

playing the safer contract, such as notrump to avoid a ruff or to play in one trump suit or another, or (d) the choice of whom is to be declarer, either to protect against the opening lead or even whom is to be the stronger declarer. One caveat: all Committees have to be careful not to buy the Brooklyn Bridge.”

How about: when a hesitation doesn’t clearly suggest whether bidding on is more likely to be right than passing, the partner of the hesitator is free to do as he wishes — and be right! (The part about the Brooklyn Bridge goes without saying.)

And now, for the “Official Encyclopedia’s” answer to this case (look it up for yourself if you don’t believe me) . . .

Gerard: “There are two different scenarios here. To deal with ace-asking first, Blackwood followed by slam in the trump suit does mean that partner is barred. The policy behind an automatic Hesitation Blackwood rule is that on rote auctions the Blackwooder must do his thinking ahead of time or risk giving up the critical information that lack of aces is not the problem. Therefore, if West had huddled and bid 6♥ East must pass. West should have ♠A ♥KQxxxxx ♦A ♣KQJx or the like, except for the huddle. However, unusual twist auctions are alarm clocks, not subject to restriction. When was the last time you saw an eleven-trick notrump hand? Even if such an animal exists, East’s holding precluded it. No, 6NT after Blackwood in a suit auction has to be based on a solid or semi-solid suit, making any uncertainty likely to be focusing on choice of strain rather than choice of level. The same goes for the more likely variation of a huddle after king-asking; signoff in the trump suit is pregnant whereas ‘signoff’ in 6NT is by definition invitational. So for West’s 6NT I don’t see why ♠AQ ♥KQxxxxx ♦AQ ♣KQ wasn’t a possibility. Or, more spectacularly, ♠AQ ♥KQxxxxx ♦AQ ♣K — do you know anyone who could visualize a strip squeeze during the auction in tempo? East should have been free to bid 7NT because it could have been so disastrously wrong.

“For the natural auction which the Committee thought had taken place, there was even more reason to allow East to convert both 6NT and 6♥. If West huddles and bids 6♥, he couldn’t really be thinking about bidding seven. If the ♣A alone (♠xxx ♥xxxx ♦xxx ♣Axx) was enough to get him to think about a grand slam, maybe Blackwood would have been appropriate. Nothing would be demonstrably suggested, for precisely the reason that West did not use Blackwood. For 6NT the same reasoning applies.

“I’m a firm believer in ‘slow shows’ in these situations, but can you imagine bidding 6NT without some kind of huddle no matter whether 4♠ was ace-asking or a cue-bid? 6NT signoffs based on long suits are special cases, by definition portraying an unusual problem. As it was, West was taking a shot. If East had ♠xxx ♥J10xx ♦QJx ♣Axx, was 6NT for the extra few matchpoints really such a good idea? From East’s hand, how could West possibly be thinking about seven? East didn’t know what West’s gamble was based on, so there was no reason 7NT couldn’t have been greeted by Pass-Pass-Double.”

Two panelists disagreed with the Committee’s (and “Official Encyclopedia’s”) decision.

Meckstroth: “Hopeless decision. The slow 4♥ bid is way out of bounds already. What’s the problem except to show a total maximum. Then to allow 7NT? Wow!”

Rosenberg: “I agree that West should be allowed to bid on over 4♥, but that slow (and bad — he should have bid 5♠) 6NT bid ends the auction. Why couldn’t he have a fast 6NT bid such as ♠AQ ♥KQ97642 ♦AQ ♣KQ?”

Isn’t it interesting how three panelists have given essentially the same hand (Ron’s and Michael’s are identical) — from which they draw different conclusions? Michael (and Jeff similarly), your job, should you choose to accept it, is to read Ron’s comment — especially the part where he gives the same example hand as you and reaches the opposite conclusion. As usual, should you or any member of your team remain unconvinced, the Editor will disavow any knowledge of your status as a panelist.

And now, Delaware-Dave has something to say . . .

Treadwell: “A fine decision — let’s play bridge.”

See you at the escalators.

CASE TWENTY-EIGHT

Subject (Unauthorized Information): More Is Less

Event: North American Swiss Teams, 28 Nov 97, Second Session

Bd: 16 Jo Morse Dlr: West ♠ A985 Vul: E/W ♥ AK5 ♦ Q92 ♣ J107 Lon Sunshine Ivani Yeo ♠ Q7632 ♠ KJ104 ♥ QJ832 ♥ 1096 ♦ 76 ♦ J53 ♣ K ♣ Q95 Brian Gunnell ♠ --- ♥ 74 ♦ AK1084 ♣ A86432	
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West	North	East	South
Pass	1♣	Pass	1♦
2♦(1)	Pass	Pass	Dbl
2♥	Pass	Pass	3♠
Pass	4♠	Pass	5♣
All Pass			
(1) Explained by East as natural			

The Facts: 5♣ made five, plus 400 for N/S. The 2♦ bid was intended to show the majors. South asked at his second turn and was told by East that 2♦ was natural. Based on misinformation, the Director changed the contract to 2♦ down seven, plus 700 for N/S.

The Appeal: N/S appealed the Director’s ruling. N/S stated that West was not entitled to remove the double of 2♦ when unauthorized information was present. N/S believed that they were entitled to more than the Director had awarded them. E/W had been playing together once a week for two years. They each had about 150 masterpoints. E/W stated that by an unpassed hand 1NT would be natural; by a passed hand it showed the majors. 2♦ was natural by a passed hand, and was thought to be majors by an unpassed hand. E/W did not really have firm agreements about cue-bids by West in either suit by either passed or unpassed hands.

The Committee Decision: The Committee agreed that West could not be made to play 2♦ doubled. A player of West’s ability, facing a partner who could not overcall and playing against a N/S pair where the 1♦ bid was natural, would never sit for 2♦ once it was doubled — even if pass might be a bid that would occur to a more experienced player. There was no logical alternative to West removing the double. The central issue was South’s double of 2♦. The Committee had some sympathy for South. However, South was deemed to be a competent player who had been playing at the top level for at least a couple of years. It was deemed that South could and should have worked out that West had both majors and would run to one of them (where E/W obviously had a nine-plus card fit). South’s double had three upsides: he might get to defend 2♦ doubled, he might reach a small or grand slam in clubs, and he might get a favorable Committee decision. The fact that he could get none of these three results was unlucky; but no more than that. The incorrect explanation did not damage N/S; the fact that North only made eleven tricks in 5♣ meant that the Committee did not have to consider N/S playing a slam contract. South’s handling of his hand after the double of 2♦ was

responsible for the result. South was in possession of all the relevant information when he settled in 5♣. North’s failure to cue-bid 4♥ was another part of their problem. The Committee changed the contract to 5♣ made five, plus 400 for N/S.

Chairman: Barry Rigal

Committee Members: Doug Heron, Jeff Meckstroth, Phil Warden, Michael White

Directors’ Ruling: 58.8

Committee’s Decision: 76.2

WARNING: THE CASEBOOK EDITOR HAS DETERMINED THAT READING THE FOLLOWING DISCUSSION MAY BE HAZARDOUS TO YOUR (MENTAL) HEALTH.

Most of the panelists formed a chorus in praise of the Committee’s decision, although two of our “singers” believed that the Committee should have retained N/S’s deposit — even though they changed the score!

Bramley: “I agree. Can a Committee find no merit despite changing the score? After all, the score change went against the appealing side. What better demonstration of lack of merit can there be?”

Brissman: “What happened to the deposit? The ACBL Educational Foundation ought to have appreciated this appeal.”

The rest of the “songbirds” were simply appreciative that N/S’s greed wasn’t rewarded.

Rigal: “The Director made a reasonable midpoint ruling (Average Plus would have been okay here too). South had already won the equivalent of the lottery once that evening, and went to the well too often. E/W were clearly inexperienced but not stupid; West knew enough not to play diamonds here, whereupon N/S might have done better both in the play and bidding. Their performance in the play meant they were not likely ever to get more from the bidding.”

Treadwell: “N/S must have thought they could get a better result from the Committee than the super-magnanimous ruling the Director gave them. Too bad. They lost IMP’s by bothering the Committee with this non-problem. Good work, Committee.”

Wolff: “Hooray for the Committee, although the Director’s ruling should not be criticized. An excellent description of all the relevant factors involved.”

Cohen: “I hate to let West run from 2♦ doubled, but I suppose you have to. East didn’t overcall 1♦, so I think West is ethically entitled to escape from the mess.”

Goldman: “Good decision. The table results stands.”

So much for the chorus. It's time for some "get-down-and-dirty" soul searchers. Something appears to be rotten in the state of Missouri, and our Howard is hot on the trail. Sniff, sniff. Watch out, Howard, you might not like what you find.

Weinstein: "I don't like this case. I don't like that N/S protested, I don't like that West was so easily allowed to run to 2♥, I don't like that the Committee assumed the play in 6♣ would or should be the same as in 5♣, and I don't like that the table ruling was based solely upon misinformation as opposed to UI. However, It would be distasteful for this to be adjudicated as minus 2000 for E/W, and I couldn't stomach seeing N/S get plus 2000. If I look at this too closely I'm afraid I won't like the results, so I refuse to look any longer. Next."

Next, indeed! You have to admit, boys and girls, that's one of the slickest cop-outs we've seen in many a casebook.

Well, if "Super Snooper" Howard couldn't stand the odor of the critter he was trackin', then who you gonna call? That's right, kids . . . Ron-Busters! But watch out for that slime.

Gerard: "Where to start? West was in possession of UI. The UI demonstrably suggested bidding 2♥. South's double was a legal call. West could not bid 2♥ if at least one-sixth of West's peers would seriously consider pass rather than 2♥. Any expert West playing with a non-client would pass, so denying that pass was a logical alternative forced West to make the wrong call based on his masterpoint holding. However, if E/W were really as incompetent as the Committee deemed them to be, 1NT by a passed hand would have shown 11-12 HCP and 2♦ as natural by a passed hand would not have been in the picture. E/W's agreements or possible agreements showed them to be sophisticated enough to know that pass was the correct action over double and they were playing against experts in the second session of a National Championship Swiss Team, so maybe their ability was greater than the Committee thought. You wouldn't have to look very far to find one out of six peers of that kind of West who would consider passing. If the auction is honest all around, North has at most a void in diamonds and is about to pull unless West offers himself up as a human sacrifice.

"The real E/W issue, one that the Committee didn't even consider, was whether East might sit for the double once West did. East would probably wonder how this deck could contain about fifteen diamonds and would not have been legally constrained from bidding, but I think there would have been an appreciable chance of minus 2000. I expect streams of 12C3 tears from certain quarters, but in Swiss Teams E/W's minus 2000 doesn't necessarily affect N/S's score, since Law 86B isn't applicable. Even if 12C3 could be used in favor of the offenders, please deal with it. A pretty good player went for 4600 in a World Championship not too long ago, so stuff happens.

"The Committee's handling of N/S was scandalous. According to them, South should have known that West was about to take advantage of UI and should have settled for at most plus 800 when he might have had a laydown grand slam. Accusing South of doubling 2♦ to 'get a favorable Committee decision' was libelous. The incorrect explanation of 2♦ made South's 3♠ bid ambiguous; maybe North should have sensed what was happening but I don't see how 4♦ (clearly a better bid than 4♠) would

have solved South's problem. Taking a safety play in a game contract did not mean that North would have gone down in a slam — wouldn't any expert make eleven tricks in 5♣ and twelve tricks in 6♣ on this hand? Did N/S cause their own damage because they didn't pass 2♦? Didn't get to 6♣? Was either of those really failure to continue playing bridge? Even if they should have sniffed out 6♣, how would that have been a better result than 2♦ doubled? Why this blatant attempt to accuse them of wrongdoing? South bid normally over 2♦, tried to bid scientifically over 2♥ and had to guess at the end when North was confused by the auction/explanation. What did they do that was so horrible?

"N/S's score depends on what was likely to have happened in the absence of the incorrect explanation. If you feel plus 2000 was one-third probable, that should have been the result. Personally, I think that although minus 2000 passes the minimum standard for the offenders plus 2000 does not for the non-offenders. If the incorrect explanation had not occurred, N/S would very likely have scored plus 920. So the results against a slam bid and made at the other table would be E/W minus 14 IMPs, N/S 0. Against game at the other table, E/W lose 17 and N/S win 11. In either case E/W is treated harshly and N/S derives no windfall, getting less than they would at KO Teams. Isn't that the spirit of 12C2?

"This whole foolishness started with the Director's ruling, which was indefensible. The Committee made one statement that I agree with — that they had some sympathy for South. Otherwise, it looks like they were engaged in a disinformation campaign. They misanalyzed the Law, misjudged E/W's abilities, misunderstood the 'continue to play bridge' directive, made fools of themselves in discussing declarer play and questioned South's motives without reason. Five strikes and you're out."

He may be a mere mongrel on the rules of baseball (five strikes — yeah!), but he's a real AKC certified bloodhound when it comes to the bridge laws. I know you'll want to read Ron's comment again and again. I've read it five times already and believe me, every paragraph's a gem. By the way, take notes 'cause there'll be a pop quiz by the next NABC.

Now take a deep breath, kids . . . here we go again . . . sniff, sniff.

Rosenberg: "This is an important case, both in particular and in general. First, let's deal with the Director. His ruling would only be sensible if: (a) South was not in possession of the true information; (b) the opponents were entitled to extricate themselves; and (c) a better result could not reasonably have been achieved by N/S had they been in possession of the correct information. Since this South knew that West had majors, (a) is untrue. Furthermore, (b) and (c) are arguable. So the Director's ruling is inappropriate. 2♦ doubled down seven was the appropriate ruling.

"So why did South double if he knew his opponents were having an accident? Because he thought they would be in an ethical bind, and he would win at the table or in Committee. Is this acceptable behavior? Absolutely (in general). There are situations where the opponents are 'dead,' and it shouldn't matter whether you know it, suspect it, or have no idea.

"In this case, South has no guarantee that East will not remember and pull, which would be fine so long as West gave nothing away with his tempo or demeanor. But

West pulled. If E/W had been expert, this case would hinge on East's style. Had an expert East been non-vulnerable, West might have been entitled to assume that the pass was impossible (1-1-5-6 possibility notwithstanding). But since E/W were vulnerable, the expert West would be forced to pass since partner could have said 'he has majors, I pass 2♦.' That is the question. Could East have said that? If not, as in the Texas transfer example in my answer to CASE TWENTY-SIX, then West can do as he wishes. If so, then he must pass. It is irrelevant that West would 'get it right' behind screens. That is only 90(+)%, and he's taking his chances. Without screens it becomes 100%, and that is not fair.

"Now in the case here, where West was not top-flight, can he pull? I'd need to be there to decide that, but if in doubt I would say no. Players sometimes pass even when they clearly should bid, because they don't know what to do.

"A further point in this case is that, if the Committee was going to allow West's pull, they should probably have let N/S bid and make 6♣. North's 4♠ makes it clear that she did not know what was going on. Even though she should have known, it is clear she was confused and, knowing that West had majors, would almost certainly have cue-bid 4♥, after which South would bid slam. As to the play, it looks as if North took a safety play, and that's why she made only five. Unless I believed she thought running the jack was the normal play of the suit, I would let her make six. All this is irrelevant to me, because I would have decided 2♦ doubled down seven for both sides.

"It is important that South here be seen not as a sharp person trying to take an unfair edge, but merely as a player attempting to punish a mistake of the opponents. Then, when they took advantage of UI, he correctly called for a ruling."

For those of you still keeping score (and who haven't yet turned into blithering idiots), it's Ron and Michael 463, everyone else 0. I suspect that Howard's face is very red, after wimping out the way he did and leaving his buddies to do all the work for him. At this point I feel very much like I imagine he must have felt as he was struggling to compose his comment. I know what I'm supposed to do, but I don't wanna. But I'm no wimp, so here goes.

To the best that my reeling brain can determine, Ron and Michael made mostly the same points. Here is my synopsis of their discussions. Both agreed that, given the skill level of this E/W pair, West should not have been permitted to pull the double. Both said the Committee needed to consider the possibility that East might have pulled the double had West passed.

Both said that N/S were treated _____ (fill in the blank from: (a) inappropriately; (b) scandalously; (c) far too leniently). I told you there would be a quiz. The correct answer is (d), both (a) and (b) above. (What, you've never had a trick question on a quiz before?) Both claimed that, once E/W were allowed to escape from 2♦ doubled (neither of them favored this decision; they both would have assigned a score of minus 2000 to the offenders), N/S's position should have been given more conscientious consideration. Neither North nor South did anything blatantly wrong in the ensuing auction; both made reasonable calls and continued to "play bridge." South doubled 2♦ (almost certainly aware that West held the majors) in order to increase the penalty and protect his side's possible equity in slam, believing that his opponents were ethically bound not to use any UI that might be present. North, confused by the

misinformation, was unaware that West held the majors and was thus unable to find a 4♥ cue-bid — a bid that was almost guaranteed to get her side to slam. Both said that N/S took reasonable actions during the auction and, even if they didn't make perfect choices all along, the ones they made should not have jeopardized their right to redress. How am I doing so far?

Both concluded that N/S were likely to arrive in 6♣ had they been given the proper information, even if East's escape from 2♦ doubled was judged credible. Both said that North's play in 5♣ was consistent with an expert-level safety play (being only in game), was one that would not have been taken had the contract been 6♣, and that N/S should have been given credit for reaching and making the slam. Puff, puff. Pant pant.

In their one dissenting opinion, Ron would have assigned plus 920 to N/S, judging that the non-offenders didn't meet the criterion for receiving plus 2000, while Michael favored a symmetrical score adjustment of 2000 for both sides.

Finally, both said that the Director's handling of the situation at the table was _____ (fill in the blank from: (a) indefensible; (b) inappropriate; (c) non-sensible). (You knew this was coming, didn't you?) The correct answer is (d), all of the above. (You knew this would be a trick question too, didn't you?) Whew.

Now go back and reread the case write-up, then review Ron's and Michael's comments (perhaps with the aid of my summary), and get ready for the next quiz.

Oh, one more thing. You may be wondering which score adjustment I support. Clearly E/W should get the score for 2♦ doubled down seven, minus 2000. As far as N/S are concerned, I would guess that East would pull the double of 2♦ a relatively small percentage of the time, but precisely how often is difficult to say. I agree with Michael that I would need to have been at the hearing to make this decision. However, if in doubt (which I am here), I would decide that he would not pull it often enough to make it likely. Thus, N/S would get the reciprocal score of plus 2000. (I could go with assigning N/S plus 920, but I would need to be convinced that the pull had a "significant" probability — and I doubt that.)

CASE TWENTY-NINE

Subject (Unauthorized Information): Bang, Bang

Event: Saturday/Sunday KO, 29 Nov 97

Bd: 10	♠ 3		
Dlr: East	♥ 73		
Vul: Both	♦ QJ853		
	♣ A9762		
♠ AQJ82		♠ 109	
♥ J10864		♥ K95	
♦ 4		♦ K1096	
♣ 83		♣ QJ54	
	♠ K7654		
	♥ AQ2		
	♦ A72		
	♣ K10		

West	North	East	South
		Pass	1NT

2♣(1)	2♠(2)	Pass	3♠
Pass	3NT	Pass	4♠
Pass	5♣	All Pass	

(1) Alerted; diamonds or the majors
 (2) Not Alerted; intended as minor-suit Stayman

The Facts: 5♣ went down three, plus 300 for E/W. N/S had a systemic mix-up in which North (correctly) thought that 2♠ was minor-suit Stayman and South

forgot. North removed 4♠ to 5♣ and everyone passed. North now stated that South had failed to Alert 2♠. The Director was called and East stated that she would have doubled if she had known the N/S agreement. The Director allowed the table result to stand.

The Appeal: E/W appealed the Director's ruling. Little was added to the facts as presented. East maintained that she would have doubled had she known what had happened.

The Committee Decision: The Committee believed that East was in full possession of the fact that North did not have spades when he bid 5♣. After all, without an Alert 2♠ is natural and non-forcing. Partner has then bid 3♠ and 4♠. It is not conceivable that the non-forcing 2♠ bidder now has a slam try. The Committee believed that a double by East in the actual auction was clear, and that her pass represented a "failure to continue to play bridge." They believed that East was trying to recover in Committee what she had failed to seize at the table. The table result of 5♣ down three, plus 300 for E/W, was allowed to stand.

Chairman: Henry Bethe

Committee Members: Michael Houston, Steve Weinstein

Directors' Ruling: 87.5

Committee's Decision: 88.3

Why was East not assessed a procedural penalty for an appeal lacking merit? Was she a novice or similarly inexperienced player? If so, why was this not mentioned in the write-up? What happened in screening? What happened to the education, the least the Committee should have afforded her? Inquiring minds want to know.

Bramley: "No merit, of course. No wonder there are so many cases here."

Precisely right, Bart.

Weinstein: "This rivals CASE SIXTEEN for worst appeal. Good Committee write-up and get out the Dark Points."

Cohen: "The Committee overbid a bit when they said 'a double by East in the actual auction was clear . . . passing was a failure to continue to play bridge.' But they did make a good decision."

Whether the double was clear or not, it should not have been any less clear because of the absence of the Alert. In addition, the Director could (I believe) have allowed East to retract her final pass and substitute a double had he deemed that she was damaged by the failure to Alert 2♠ — and he declined to do so. Sorry, but East gets no sympathy from anyone here.

Goldman: "Another fine decision by the Committee for allowing the table result to stand."

Meckstroth: "Seems fine to me."

Rigal: "I think the Committee did the right thing. East was just asleep, and should really have been able to work everything out. She needed North to tell her what really was obvious (perhaps West could have helped by doubling 4♠?)."

Wolff: "Proper decision on an old theme."

CASE THIRTY

Subject (Misinformation): Double Trouble, or “Help, I’ve Been Damaged!”

Event: Life Master Pairs, 21 Nov 97, First Session

Bd: 7 Dlr: South Vul: Both Mark Lair ♠ Q53 ♥ J76 ♦ A853 ♣ A108	Michael Gamble ♠ 986 ♥ K3 ♦ 102 ♣ KQ6543 Richard Schwartz ♠ KJ107 ♥ AQ1054 ♦ J974 ♣ --- Bruce Norman ♠ A42 ♥ 982 ♦ KQ6 ♣ J972
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West	North	East	South
Pass	Pass	1♥	Pass
2♣(1)	Dbl	2♦(2)	Dbl
Pass	Pass	2♥	All Pass
(1) Alerted; Drury			
(2) Alerted; game interest			

The Facts: 2♥ made four, plus 170 for E/W. The Director was called at the conclusion of the play, when the nature of North’s hand became evident. N/S both maintained that the double of 2♣ was takeout and that North had misbid. E/W stated that they would have bid 4♥ had they known that there was a

question as to whether North intended the double for takeout. The double of 2♣ had not been Alerted. N/S were not a well-practiced partnership. The Director changed the contract (Laws 21B3 and 40C) to 4♥ made four, plus 620 for E/W.

The Appeal: N/S appealed the Director’s ruling. West did not attend the hearing. N/S stated that the opponents were given an accurate explanation of their agreement.

The Committee Decision: The Committee found, after hearing from South, that he believed that his partnership agreement was that a double of a Drury bid was a takeout of opener’s major. The Committee also believed that N/S had at one time made a general agreement that doubles of artificial raises were for takeout. That agreement was consistent with South’s double of 2♦ and his failure to bid or lead clubs. However, Law 75 provides that in cases where the explanation of a bid conflicts with the bidder’s actual holding and intent, the “Director is to presume Mistaken Explanation rather than Mistaken Bid, in the absence of evidence to the contrary.” There was not sufficient evidence to the contrary here and therefore the Director was correct in awarding an adjusted score. The Committee decided that N/S were remiss in the following ways: (1) an experienced pair in the Life Master Pairs has a responsibility to know their own system; (2) South should have Alerted his partner’s double, since their agreement was not standard; and (3) when asked to explain the double, South should have warned E/W to proceed at their own risk because, while double for takeout was their agreement, they had not played together very often and the situation had not previously arisen, leaving open the possibility that the agreement was not firm. Because of North’s concern that an adverse decision would imply some sort of “improper” action on his part, the

Committee wished to make it absolutely clear that no one believed that there was any evidence of purposeful wrongdoing by N/S. However, the Committee decided to adjust N/S’s score. E/W were assigned plus 620 or Average Plus, whichever was less, and N/S were assigned minus 620 or Average Minus, whichever was greater. N/S’s deposit was returned.

Dissenting Opinion (Michael Rosenberg): Firstly, this is not a case about which I had very strong feelings. Furthermore, my dissent would not have resulted in an adjustment, since it turned out that Average Plus for E/W was more than plus 620.

Once the Committee determined that there had been misinformation rather than a misbid it should have assigned the same score for both sides, unless the non-offenders committed an egregious error by their standards, in which case they should keep their bad result. (Non-offenders only get an adjustment if the misinformation resulted in damage and the damage must be more than merely subsequent to the infraction.)

I will not go into detail here as to why I believe this N/S infraction should be treated as misinformation and not a misbid. Suffice it to say that the former should always be assumed in the absence of overwhelming evidence to the contrary. Just because a pair once discussed something does not mean they really have an agreement. Thus, when damage results, the score should be adjusted. The message that I want to send is that not knowing your methods is hazardous, not only because of the disaster you might achieve, but because of damage you might cause. This is very different from Wolff’s CD where points can be deducted even when there is not a scintilla of damage, which sends the incorrect message that the Director should be called for every little (irrelevant) misunderstanding.

A separate issue in this case was that the North player was extremely agitated and incensed because he thought he was being called a liar. This is exactly the opposite of the sort of feeling we should wish to engender in players. This is a process in which cool-headedness and detachment are important if we are to educate the bridge community. It takes a lot of extra time to educate someone who is incensed or upset.

Chairman: Gail Greenberg

Committee Members: Stasha Cohen, Doug Doub, Michael Rosenberg, Carlyn Steiner

Directors’ Ruling: 74.2

Committee’s Decision: 75.0

What is the “standard” meaning of a double of Drury? I’ll be darned if I know. Does the meaning depend on whether the opening bid was in third or fourth seat? Does it depend on the vulnerability? What we do know is that the double shows clubs — or a takeout of hearts.

A case can be made that a passed hand is not as likely to hold the values (say, 9-11 HCP) to enter an auction vulnerable where the opponent sitting behind him has opening bid strength (East opened in fourth seat) while the other opponent has announced invitational values. The likelihood of N/S being able to compete successfully for the partscore or drive the opponents too high may be too dubious for the risk involved. That South could not overcall or double for takeout must also be considered. North’s double, according to this view, should be more usefully employed to show clubs, either as a

lead director or an invitation to compete or save.

The counter-argument, of course, is that players (even in fourth seat) open lighter than ever these days, and limit raises suffer from the same inflation that affects opening bids. When the fourth-seat opener might hold an eleven count and the Drury bidder only six or seven, even game is not out of the question for the opponents. Part of the advantage of playing the double as showing clubs is mitigated by the fact that the doubler didn't open some number of clubs originally. And of course all of this is tempered by the vulnerability.

If I were playing against a weak or an inexperienced pair, I would probably assume that the double showed clubs, since I don't believe that such pairs appreciate the value of playing double as takeout of opener's major. Moreover, they have a fear that they'll be left defending 2♣ doubled (and maybe redoubled) with inadequate resources (read as "clubs"). Never mind that if that is the case, they are certain to have an adequate fit of their own somewhere else. That thought never occurs to them — only that partner will pass and there they'll be.

On the other hand, playing against a better pair I would probably assume that double is a takeout of hearts. But one thing I would never do is to be so confident that I would not ask if my next action depended on the answer.

What I am suggesting here is that I am not convinced that E/W are entitled to assume anything about the nature of the double without asking — an act that the write-up suggests did not happen until the end of the play, when the nature of the North hand (and the result of the contract) became apparent. In fact, I'd go as far as to say that I'm sure that this E/W had no right to make any assumptions about the meaning of the double without incurring significant risk. I have little sympathy for E/W, and I'm not sure that N/S did anything that warranted more than a caution from the Committee to firm up their agreements about these doubles.

That's why the following panelists have my complete support.

Goldman: "Disagree. E/W are experienced enough to know the double of 2♣ could be ambiguous. Their options should be 'to ask' or 'to live with what happens.' To opt to 'not ask and cry for an adjusted score' should not be allowed to occur. It isn't even clear to me which interpretation of 'double' should be considered the Alertable one. If the bid had been Alerted and explained, I might buy the misinformation theory, but not here. Once again I vote for leaving the table result alone. Is this becoming a recording or is it a trail of markers leading the way out of the jungle?"

I prefer bread crumbs myself, in spite of the unfortunate case of Hansel and Gretel.

Brissman: "Am I missing something? Was there an Alert or a question during the auction about the meaning of the double of 2♣? Otherwise, why were E/W surprised when the double of an artificial bid showed the suit?"

Bramley: "I disagree with everybody. E/W and the Committee failed to make the key connection between the purported infraction and the final result. I am curious how E/W were going to reach game even if they had the 'right' information. Note that this 22 HCP contract requires a finesse and no bad splits, so that even with perfect information

or with the auction to themselves E/W might fail to reach 4♥. West seems to have no more than he has shown by bidding 2♣. If the double of 2♣ is known to show clubs, West's hand is even worse. With 3-3-3-4 shape and bad trumps he would presumably reject any game try by East. For his part, East made one try and gave up for no reason that I can see. Presumably all the questioning was done during the auction, but I would like to know exactly when all the questions were asked. I also disagree with the contention that South should Alert his partner's double. Using a double of an artificial raise to show the doubled suit is ONE standard method, but I didn't know that it was THE standard method. Many players prefer the OTHER standard method that South thought was in use: namely, that double shows a takeout of the other side's fit. In any event, the information available to E/W was about the same regardless of the method the opponent's were using. From East's point of view, even though North may not have had long, strong clubs, North still should have had something in clubs. No matter how many clubs North had, East still had his void there. I sympathize with North here. Although the Committee handled their rendering of the decision very gingerly, N/S were right to feel short-changed by the system, which gave them a bum decision, told them it was all their fault, and suggested they do a much better job of clarifying every nitpicking detail of their defense to opponent's artificial bids. The Committee should have restored the original table result."

Bravo! Hear, hear.

Cohen: "When did E/W ask during the auction? I'm confused about the Average Plus/Average Minus stuff. Why isn't this a straight 620 if E/W were damaged?"

Right — but of course they weren't.

Meckstroth: "Did E/W ask the meaning of the double during the auction? If not, then plus 170 should definitely stand. If so, then I'm still inclined to allow the table result to stand. After all, 4♥ is less than a 50% contract and at matchpoints, 2♥ is the best contract. I certainly agree with Michael Rosenberg's comments."

I assume, Jeff, that you agree with his philosophical statements (as do I), since it appears that he voted here for the score to be adjusted to plus 620 for E/W and minus 620 for N/S. (As I read it his problem with the Committee's decision seemed only to revolve around their use of the Average Plus/Average Minus element.)

Our next panelist has something similar to say about Michael's statement, while strongly repudiating one crucial element of it.

Wolff: "I agree with the Committee and most of Rosenberg's dissent, except that Michael is DEAD WRONG when he suggests that I believe CD should be automatically punished when there is no damage to anyone. What I do believe is something I think Rosenberg is subtly pointing out (perhaps learning): that CD, particularly at the expert level, can be insidious. If East would have known that doubling a Drury 2♣ showed clubs (a treatment I think that 90%+ of bridge players play) then his hand is worth a game bid instead of a pussy-foot approach. Why should

he have to deal with which opponents are conscientious and which are either lazy or worse, devious? Simple, stop CD by generally ruling against and penalizing it until the expert community becomes aware that they will almost always, instead of just occasionally, be worse off by not knowing their system. Let's do what it takes and get the job done instead of just fiddling and intellectualizing with no bottom line in sight."

Wolffie's own words seem to belie his protestation. He himself admits that "90+% of bridge players" play the double as showing clubs (a percentage that may be a bit high, even if we only consider the expert community), North had (surprise!) clubs, and East had a clear-cut action no matter what the double meant (see Bart's comment, above)! How was East damaged by N/S's failure to Alert the double of 2♣ as takeout of clubs (maybe their agreement) or by their explanation of it as takeout (see below)? East, a multi-time National Champion, should have been able to deal with this situation adequately. Is there any reason East why shouldn't have made a firmer move toward game (again, see Bart's comment)? Is there any reason why E/W should have arrived in this questionable game (once again, see You-Know-Who's comment)? Then why adjust the score? Why should N/S know which interpretation of this double is "Standard" and which is Alertable (if in fact either is)?

If you believe that Wolffie doesn't believe in "punishing CD out of existence," even if it has not caused any damage to anyone, then I suggest you look at CASES EIGHTEEN, NINETEEN, TWENTY-TWO, THIRTY-THREE and THIRTY-SIX in this casebook alone. (I haven't time to list all the cases from past casebooks.) As I've said many times, I recognize the insidious nature of CD, especially its effect on the expert community. But we need to deal with it by changing the laws, regulations, and the Conditions of Contest of our premier events to legally and effectively enforce it in high-level games. This year in the International Team Trials a weak version of a "CD rule" was in effect. But even there, the statement that was placed in those COC required that there be damage to the opponents before redress or score adjustments would be imposed. There was no "pure punishment" of CD.

The next panelist also recognizes the value in Michael's philosophy. He also agrees with Michael's assessment of Wolffie's view on CD.

Weinstein: "I fully agree with Michael regarding misbid rather than misexplanation, including his discussion of Wolffie's CD. Now I would like to further argue that any time there is a misbid/misexplanation question, that it is by definition a misexplanation. Even if it was technically a documentable misbid, the misbid presents a prima facie case that there was not sufficient partnership agreement. In practice this means that a bid is not a partnership agreement until both players know and can remember their system, and if a player forgets, it is a de facto misexplanation. Unfortunately, I believe this is not the prevailing view of the Laws Commission. On the other hand, I do believe that if there is a question whether a player intentionally chose to misbid, psych, or make a tactical call, that it should be assumed that he remembered what he was playing, unless the evidence strongly indicates otherwise. See CASE SEVEN from Dallas and CASE ??? (I can't remember its number) from Atlanta."

I would go along with Howard's view on the misbid/misexplanation issue for

events such as the International Team Trials, were there is pre-registration weeks ahead of time and an extended partnership preparation period. However, his idea would make the average event, even our premier events at NABCs, extremely unfriendly for casual partnerships and last-minute entrants. Howard is also right (as I hear it) about the ACBL Laws Commission's view.

One question, Howard. How does one discriminate whether a player "intentionally chose to misbid, psych, or make a tactical call"? There is rarely incontrovertible (or even strong) evidence on this issue one way or the other. Wouldn't your idea make adjudicating these deals an exercise in clairvoyance?

Gerard: "I almost missed the deadline because I was trying to make sense of the writeup.

"It appears that South did not alert the double but later explained during the auction that it was for takeout. Someone should have mentioned this, even though E/W had no case without it. [See Michael's comment, below. — *Ed.*] So let's assume that E/W thought North had a takeout of hearts. Did they do enough to protect themselves after the infraction? Both players had redoubles of 2♦, which neither South nor North would have removed; South because he had doubled when he would be on lead and North because he would have been barred from acting on the UI that South expected him to have diamonds. Signing off in 2♥ for fear of a four-one trump break was understandable, but bidding 2♥ when West had indicated some diamond tolerance was pretty egregious. 2♦ redoubled looks like plus 1160 or plus 1560 and it should have been pretty simple for a pair of this caliber to achieve it. I'm the last person with whom you want to discuss non-offenders living up to their obligations, but E/W muffed the big one and deserved plus 170. N/S are stuck with minus 620.

"I hope we don't find out that the explanation of North's double came after the auction was over, because then this case was a complete waste of time. In any event, failure to mention the key piece of evidence makes for extremely poor documentation. Someone should have proofread the Committee's write-up."

I don't quite see why N/S should be stuck with minus 620 (although it wouldn't be the worst decision I've ever seen) since, as You-Know-Who already pointed out (and Ron himself alludes to), the distinction between the two explanations doesn't seem material to E/W's handling of the subsequent auction.

The next panelist attempted to "be like Howard" on CASE TWENTY-EIGHT, much as Howard tried to "be like Mike (and Barry)" on CASE ONE.

Rigal: "Sensible Director ruling. I can't see what all the fuss is about here, so I won't say anything. (This reminds me of Tom Lehrer's grumble about people who claim to be poor communicators — 'Why can't they shut up about it?')."

That brings up great memories of listening to Tom Lehrer's albums. (My favorite is his "Poisoning Pigeons in the Park.")

Next we have a report from the dissident himself, who corrects a mis-reported fact.

Rosenberg: "The write-up fails to state that East asked about the double of 2♣, even

though it was not Alerted. South told him it was takeout.”

As usual, Ron’s perceptive powers continue to amaze. Maybe he should adjudicate all of Howard’s “intentional psych/tactical bid” cases which, as I pointed out, require clairvoyance.

Michael’s revelation doesn’t really affect my assessment of the case (or Bart’s either, since he said he assumed that the questioning took place during the auction), but it would have been nice to know it up front. Maybe in the future anyone who discovers important errors in a write-up (of either the commission or omission variety) which could have important implications for our evaluations should contact Linda or me promptly with a correction so that we can send it to the other panelists before they finish their comments if possible. Clearly this one escaped Linda and me in St. Louis. This is one of the later cases and it is quite possible that we never got to read it carefully at the tournament (because it was almost certainly too late to make it into the Daily Bulletin). Once we’re at home preparing the cases to be sent out, errors (especially ones of omission) become much more difficult to detect, since we’re dealing with dozens of cases all at once rather than just one day’s worth at a time. But sorry anyhow.

CASE THIRTY-ONE

Subject (Misinformation): Danger — Possible Splinter

Event: Women’s BAM Teams, 23 Nov 97, First Session

Bd: 14	Helen Corbin
Dlr: East	♠ AKQ1094
Vul: None	♥ QJ
	♦ 6
	♣ KQ95
Susan Fuller	Maris Zilant
♠ 5	♠ J876
♥ 10973	♥ 54
♦ A108753	♦ KJ92
♣ 82	♣ 1063
	Barbara Nist
	♠ 32
	♥ AK862
	♦ Q4
	♣ AJ74

West	North	East	South
		Pass	1♥
Pass	1♠	Pass	2♣
Pass	3♦	Pass	3NT
Pass	6♠	All Pass	

The Facts: 6♠ made six, plus 980 for N/S. North’s 3♦ bid was not Alerted. After the auction and before the opening lead, North announced that there had been a failure to Alert and that 3♦ showed a singleton. East called the Director and stated that she would have doubled 3♦ had the bid been Alerted. East also said that she played the same methods as North

(that 3♦ was a splinter in support of clubs) but did not want to ask at the time and clear up a misunderstanding. The Director ruled that there was no misinformation because East was aware of the possible meaning of the 3♦ bid. The table result was therefore allowed to stand.

The Appeal: E/W appealed the Director’s ruling. North did not attend the hearing. East stated that after the hand was played North said she would not have bid 6♠ if the 3♦ bid had been doubled. East wanted the Committee to consider the possibilities that if 3♦ had been Alerted and doubled that: (1) the final contract of 6♠ may not have been reached; and (2) that West may have doubled the final contract for a diamond lead. The Committee inquired about E/W’s agreements regarding lead-directing slam doubles and found that they had none. East also stated that the Director told her that she should have called him at the time of the 3♦ bid, but that she did not want to for fear of clearing up the opponents’ misunderstanding. South stated that she did not Alert 3♦ because she didn’t think they played splinters over minors; she bid 3NT because she believed her partner had diamonds. Although both were experienced players, N/S had not played together for seven years.

The Committee Decision: The Committee found that N/S had no agreement that 3♦ was a splinter and that there was no violation of procedure. North and South had both bid according to what they thought their agreement was, and North had appropriately disclosed her version of the agreement before the opening lead. North was apparently playing a private convention known to her (and East) but not to South. East had all of the relevant information before the opening lead. The Committee agreed that West

would have been very unlikely to double 6♠ even had the auction been different. The table result of 6♠ made six, plus 980 for N/S, was allowed to stand. The merit of the appeal was discussed and E/W's deposit was returned. Regarding the table Director's statement to East that she should have called him during the auction, the Committee consulted a Senior Tournament Director. He disagreed strongly with the table Director's instruction. The appropriate time to call the Director would have been at the end of the auction, when North announced the failure to Alert.

Chairman: Henry Bethe

Committee Members: Bob Gookin, Bob Hamman, Ed Lazarus, Jeff Meckstroth

Directors' Ruling: 71.3 Committee's Decision: 82.5

Upon first (blush) inspection of this case there will be shouts of, "Show me the money," or "If the ACBL Education Foundation ever sued us, we'd be in big trouble." However, there's more here than meets the eye. I don't want to spoil the big finish, or steal three of our panelists' thunder, so I'll save my own comments for later.

Most of our panelists were indignant about the dubious merits of this appeal; they wanted the cash kept.

Bramley: "Negative merit, a new low. The contentions by E/W turn my stomach. Keep the cash."

Rigal: "A perfect ruling and Committee decision, if it were not for the decision to return East's deposit. Very generous. We must stop litigators taking over the world."

Brissman: "I am skeptical of East's claim that she would have doubled 3♦. Surely she was not suggesting a save, and what possible good could come from directing a lead through dummy's singleton when she did not have first-round control? I see no merit in the appeal."

Treadwell: "The only possibly questionable action by the Committee was the return of the deposit. E/W reached very far to believe they had a case."

Wolff: "Except for not keeping E/W's deposit I agree with the Committee. It's not clear what E/W wanted. Did they want to take a phantom save or did they want a second shot at the right lead? In either case this appeal represented a classic example of sour grapes."

Meckstroth: "We probably should have kept the deposit, but we had sympathy because E/W didn't understand."

The next two panelists agreed with Committee's decision — including their "Cash-Back" policy. Maybe they should seek a job in retail sales?

Cohen: "The write-up (first sentence of the facts) should say what the opening lead

was. The Director made the right score adjustment, but made several mistakes. His explanation 'East was aware of the possible meaning' is not relevant. East was correct that she didn't want to 'clear up the misunderstanding.' Anyway, the case that East would have doubled and then such and such would have happened is a bit much. Especially her point (2), which is really a stretch. Basically, E/W have no case. But, I don't think it was frivolous."

Goldman: "Excellent committee work. Play my recording again!"

And now that the suspense has built to a crescendo, we can reveal that our last group of panelists found something in North's actions which affected their idea of the appropriate score adjustment. Last chance to work it out for yourself. Okay, here goes.

Weinstein: "East's statements were very weak and self-serving. She also had all the information she needed to lead a diamond herself. The allegation that her partner might have doubled 6♠ for a diamond lead is ridiculous. However, nobody pointed out that North might have been influenced to bid 6♠ by the UI from the failure to Alert. With a proper Alert North would assume that South probably has three diamonds and short spades. 6♣ becomes a more attractive alternative. I promise I would not have brought up that point after listening to E/W's testimony."

Howard wants to hide his discovery so that he can keep E/W's deposit. I have a kind of perverse respect for his position. However, our two legal bloodhounds were too incorruptible to fall for that temptation.

Rosenberg: "You missed the point here, guys. North bid 3♦ as a splinter, heard partner not Alert, and then bid 3NT. Clearly, she took advantage of the failure to Alert. Not only would 3NT have suggested soft diamond values if South understood 3♦, but also South was likely to have a singleton or void (0-5-4-4) in spades. North should have been Blackwooding to reach slam in clubs or notrump. 4NT down three seems to be the worst likely result for N/S; plus 150 to E/W. North should have been told that illogical self-serving statements such as 'would not have bid 6♠ if 3♦ had been doubled' can only hurt her case."

Gerard: "I, too, believe North made it up, but South's explanation didn't really wash. However, for purposes of discussion let's assume that the Committee was correct to find no agreement. The fact that South didn't think 3♦ was a splinter was UI to North. Whether passing 3NT was a logical alternative should have been judged at the time North was in possession of the UI. If pass was logical, bidding couldn't be allowed just because South was right not to Alert. North bid according to her partner's failure to Alert. Behind screens, North would pass 3NT. Where would you want to be in BAM opposite ♠x ♥Kxxxx ♦KQ10 ♣AJxx? E/W's appeal was dyslexic, but once they appealed the Committee should have disregarded their obvious lack of eloquence. That N/S were found not to have a splinter agreement didn't justify North's action ("6♠ — you're not getting another chance to screw up, partner.") We've had this before — see CASE TWENTY-FOUR from Atlanta. The result should have been down two for both

sides.”

There it is, folks. North heard South’s failure to Alert 3♦ as a splinter, so she knew not to pass or make some other call that might be misinterpreted by South. Pass was certainly possible (opposite Ron’s example hand), as was trying for a club slam. In fact, by my reckoning 6♣ is a far better contract than 6♠ (a critically bad spade break is almost six time more likely than a critically bad club break — and 6♣ is cold on any lead as the cards lie while 6♠ goes down on a diamond lead) — although the form of scoring certainly makes 6♠ attractive. 6NT is also attractive if North thinks South has the soft diamond cards as Ron suggests, but also has the right number of controls.

I would agree with Michael that 4NT down three is the result to impose if only I could see a sensible way of N/S getting there — but I can’t. (4NT is always Blackwood in these situations, but even if it isn’t, South has enough extras not to pass.) After 3NT I can almost envision North going quietly, but I have trouble with that action when South could easily have ♠x ♥A109xx ♦KQ10 ♣A10xx. Here 6NT depends only on the ♠J falling doubleton or tripleton (with chances even if clubs are four-one, if declarer guesses which way), with the heart finesse in reserve (a diamond trick must be established before testing spades). So North must make a move toward slam, and 4♣ seems most appropriate. After that, it’s hard to imagine N/S stopping short of six.

I can’t help but wonder why 6♠ was allowed to make. East had the information that North’s 3♦ was intended as a splinter, and that South’s 3NT was made under the assumption that North had diamonds. Thus, a diamond lead stands out to me. I guess East led a heart through dummy’s first-bid suit as a sort of “safe” lead. Declarer would then have cashed the three top spades, unblocked the ♥QJ, and crossed to dummy with a club to pitch her losing diamond as East ruffed with her natural trump trick. That lead was not an egregious enough error for E/W to lose their rights to redress.

Still, as Howard said, after hearing E/W’s reasons for appealing the Director’s ruling one wants to give them nothing — not to mention keeping their deposit. What to do, what to do.

If I could get a sense that N/S would stop in some number of notrump, down however many, that is what I would assign them. I’d need to hear some other opinions to assign that result. Otherwise, I’d assign N/S the result for 6♣ making — the most likely other contract that I can see them reaching if North bids “normally.” As for E/W, I guess I’d have to give them the result for 6♣ making, minus 920. I still believe, even if some number of notrump were possible, that 6♣ is by far the most likely “normal” N/S contract.

Sorry, Howard.

CASE THIRTY-TWO

Subject (Misinformation): A Risk Better Not Taken

Event: Open BAM Teams, 23 Nov 97, First Session

Bd: 6	Mark Perlmutter
Dlr: East	♠ J5
Vul: E/W	♥ KJ9865
	♦ A10
	♣ Q108
Walt Schafer	Tom Fox
♠ A743	♠ Q1098
♥ A32	♥ Q107
♦ K542	♦ 6
♣ 76	♣ AJ432
	Lester Perlmutter
	♠ K62
	♥ 4
	♦ QJ9873
	♣ K95

West	North	East	South
		Pass	2♦
Pass	2♥	Pass	2NT
Pass	3♦	All Pass	

The Facts: 3♦ went down one, plus 50 for E/W. When it was West’s turn to bid over 3♦, he asked about the 2♥ call and was told by South that it was not forcing. Because 2♥ was Alertable, E/W called the Director. The Director backed the auction up to 3♦. East did not change his call, but told the Director that he would have doubled 2♥ if it had been Alerted. The Director decided that double was not a

probable action and allowed the table result to stand.

The Appeal: E/W appealed the Director’s ruling, with only East attending the hearing. East simply stated that he believed that he had an easy passed-hand double over a non-forcing 2♥ bid. With both opponents limited, there was a fair chance that West had enough HCPs or spades for their side to compete.

The Committee Decision: The Committee agreed that a properly Alerted East had a reasonable double of 2♥. Assigning the most favorable result that was likely to the non-offending side would give E/W a spade partscore or 3♦ doubled, but since all such results would be better than plus 50, the score for the E/W team was changed from a tie to a full win for the board. The Committee considered whether East should have asked about the 2♥ bid. It was decided that if 2♥ was unlimited, he would unnecessarily risk “being seen” asking. He was also less likely to even think of doubling if not prompted by an Alert.

Chairman: Phil Brady

Committee Members: Harvey Brody, Doug Doub

Directors’ Ruling: 58.3

Committee’s Decision: 83.8

This was a fine decision by the Committee, but the Director was not at his best. The first panelist’s comment raises an issue of proper Committee procedure.

Bramley: “Right decision, wrong details. In any team event a Committee should not base an assigned score on the result at the other table, which is effectively what this Committee did. Indeed, the Committee should not even know the result at the other table, if possible. (Even in BAM I did not think that a Committee should assign a win or loss, but rather should assign a result at the appealing table that will be compared in the normal fashion with the other table. I believe that even Average Plus/Average Minus may be used to compare with the other table. Please correct me if I am wrong about this.) In this case, the Committee should have assigned a result of 2♠ made three, 140 for E/W.”

It is not unusual, especially at BAM scoring (I have seen it done at matchpoints as well), for the Director, if he is in the room when the Committee is deciding which of several results to assign, to save them the time and effort of debating their relative merits if it makes no difference to the final outcome (all could be tops at matchpoints, for example). I have had Directors do this on several occasions, telling me that any of the scores we were considering would lead to the same end result. I see nothing wrong with this if that’s the way it happened, and I am grateful when such savings are possible — especially on a busy evening with other cases waiting to be heard.

Assigning Average Plus/Average Minus is like throwing the board out: the result at the other table becomes irrelevant. The team assigned Average Plus gets 0.6 of a win, while the team assigned Average Minus gets 0.4 — even if someone’s teammates collected plus 4000! This is why a Committee should always try to assign a bridge score to a board in team play rather than an artificial adjusted score, unless they have a good reason to want to invalidate whatever happened at the other table.

As might be expected, Ron provides this same advice.

Gerard: “The Director needs to bone up on his law book. Double only needed to be a one-in-six action for N/S to lose the board, or a one-in-three action for E/W to win. I guess it was okay for the Committee to cut to the chase, but only if the Director told them not to bother once they started considering alternative results because anything better than plus 50 would mean a win for E/W. Otherwise, it’s a dangerous precedent for Committees to know the result in advance. Also, the only relevant consideration as to a Kantar-type inquiry was whether 2♥ nonforcing was so common that East should have known to ask if he was considering doubling (I vote no). The fear of ‘being seen’ asking is a straw man, usually an excuse to bail out.”

Weinstein: “This is a ‘soft’ failure to Alert. ‘Soft’ means I personally have failed or might fail to make the proper Alert in that situation. There is a case for 2♥ not to be Alertable, and the only real downside is the UI passed by creating the need for checking the convention card or asking whether it is forcing. Since this is the reason it is Alertable, East must not be at risk for not asking in this situation. Good Committee decision, but poor table ruling. The wrong pair was made to appeal.”

I like Howard’s definition of a “soft” failure to Alert — except for his substitution of his own judgment for mine. (Sort of like Hamman’s definition of a good slam: one that makes.) The next panelist asks what I choose to interpret as a rhetorical question.

Brissman: “The Director seemed heavy-handed in his dismissal of East’s assertion. Has anyone else noticed that Directors seem reluctant to disturb the table results in BAM-scored events?”

Cohen: “I don’t feel strongly, but I can go along with everything the Committee said. I understand that the Competition and Conventions Committee has come down on the side of not asking for fear of being seen, in affirmation of the Becker case from Albuquerque. Just because the self-styled Supreme Court has spoken doesn’t mean that the rest of us who disagree will go quietly into the night.”

Going quietly into the night is a technique which has been vastly overrated, sort of like not feeling strongly and going along with things.

Goldman: “Agree with Committee. (Finally a partially changed table result — only partially in that it was established at the table that East would have doubled 2♥.)”

One panelist agreed with the Director that East’s bid lacked face validity.

Meckstroth: “I strongly disagree. East doesn’t have a bid vulnerable versus not. I view this as looking for a free shot.”

It’s hard to dispute the call when East committed himself to it before he saw the whole hand. Good or bad, he said he would have made the bid and I’d need strong evidence to deny that sort of testimony.

At BAM players tend to become fearless (“it’s only one board”), and the next panelist confirms E/W’s style as being both competent and aggressive.

Rigal: “E/W are known to be a competent and aggressive pair. Should the Director have taken this into account in the initial ruling? I think the Committee made a slightly generous decision in this instance, but perhaps we have to pay off in this area to ensure people Alert properly or learn the consequences.”

Wolff: “This Committee seemed to act in the right order: (1) consider the situation, (2) determine the failure to Alert probably caused damage, (3) consider the event and the caliber of the players, and (4) act fairly and firmly. Perfect technique and a reasonable decision.”

Yes, a good job by both the Committee and the panel.

CASE THIRTY-THREE

Subject (Misinformation): Good/Bad Decision

Event: Flighted Swiss, 23 Nov 97, First Session

Bd: 5	♠ K	
Dlr: North	♥ AQxxxx	
Vul: N/S	♦ xx	
	♣ AQ10x	
♠ AJxxxx		♠ Q109xx
♥ ---		♥ Kxx
♦ Axx		♦ QJ9x
♣ Jxxx		♣ x
	♠ x	
	♥ Jxxx	
	♦ K10xx	
	♣ Kxxx	

West	North	East	South
	1♥(1)	Pass	1NT(2)
2♠	2NT(3)	3♠	All Pass

- (1) Precision; 11-15 HCP
- (2) Announced; forcing
- (3) Not Alerted; intended as Good/Bad

The Facts: 3♠ made six, plus 230 for E/W. After West passed 3♠ North volunteered that there had been a failure to Alert his 2NT bid. It was explained as Good/Bad 2NT and West passed again, without calling the Director. After ruffing the ♥A lead and dropping the

spade honor, West called the Director. While talking to the Director West discovered that N/S were playing Precision. West told the Director that if he had known that N/S were playing Precision, either he or his partner might have bid 4♠. The Director stated that it was declarer’s responsibility to know that the opponents were playing Precision. The Director ruled that the table result would stand. After consulting with two other Directors, she returned to the table and repeated that the result would stand. After a second consultation with other Directors, she returned once again and changed the contract to 4♠ made six, plus 480 for E/W.

The Appeal: N/S appealed the Director’s ruling and were the only players that attended the hearing. N/S explained that they had agreed to play Good/Bad 2NT while driving to the game that day. South mistakenly thought that it did not apply unless the opponents had a fit; North intended to use 2NT as weak, even though he had a maximum hand.

The Committee Decision: Dealing with the Good/Bad 2NT, the Committee found that N/S were in violation of the ‘rule,’ since they were playing a convention without even a basic understanding of its use. The Committee agreed that if South did not think that Good/Bad 2NT applied, she should have Alerted 2NT as Precision, lighter than a normal 2NT bid. While the Directors believed that technically South should Alert 1♥ for this same reason, it was recognized that no one does — so the 2NT bid must be Alerted. The Committee addressed whether E/W had been damaged. Two Committee members believed that East had an automatic 4♠ bid after a normal 2NT bid. One member did not think that 4♠ was a clear bid. It was agreed that the misinformation could have influenced East’s decision, so no split ruling was given. The contract was changed to 4♠ made six, plus 480 for E/W.

After hearing the decision, N/S stated that they had won their flight in the Swiss

and had appealed the Director’s ruling because they wanted to protect the field. While speaking later with the Committee Chairman, North insisted that West had not played the ♠A before calling the Director. By morning’s light, all three Committee members wished they had split the ruling.

Chairman: Phil Brady

Committee Members: Doug Doub, Bobby Goldman

Directors’ Ruling: 57.9

Committee’s Decision: 60.8

This whole affair is depressing. The Director should have left well-enough alone after the first two rulings. N/S should have been more responsible about their use of conventions and their disclosure to the opponents. E/W should not have called the Director in the first place (if 4♠ wasn’t clear, then 3♥ was certainly an obvious second choice). And the Committee should have waited until the next morning to make their decision. Now let’s see, have I forgotten anyone?

Bramley: “I wish I could split the decision even further and decide against N/S, E/W, the Directors and the Committee. When N/S appeal ‘because they want to protect the field’ I am reluctant to give them anything. (See my harangue in CASE THIRTEEN.) However, I have no technical reason to rule against them. Regarding the technical merits of this case, I believe that East has an automatic 4♠ bid regardless of the meaning of the auction, so I would have let the table result stand for both sides. No damage, no adjustment. N/S should have been told to get their system straight and to Alert 2NT on most of their auctions. However, for the Directors to suggest that a Precision 1♥ opening is Alertable is ludicrous. Maybe N/S wanted the field to be protected from them, not the opponents.”

Bart has hit every nail squarely on the head. Jon, would you care to add to the discussion of this 1♥ Alertable issue?

Brissman: “First, ACBL regulations explicitly state that a major-suit opening by a Precision pair is not Alertable. Second, it is dangerous to require a pair to have a basic mastery of a convention; it starts a slippery slope that will descend to novices. Convention confusion will cause detriment to the users far more often than to the opponents. My nightly prayer is that my opponents will not have a basic understanding of their conventions. The ‘rule’ that the Committee referred to was dicta advanced in the original Active Ethics booklet; it is neither a Law nor an ACBL regulation.”

I’ll leave the slippery slope for Jon and Wolfie to debate in Chicago. I will be selling tickets to that forum near the escalators, where you can also pick up your autographed copy of Dave’s slogan (just a reminder).

Doing his best to stamp out split rulings in this kind of case was . . .

Cohen: “I definitely don’t think this kind of case ever calls for a split ruling under our normal Committee procedures. Either 480 or 230 — no compromise. I’d rule 230 since

I don't think any of the N/S misinformation affected E/W. Even if East doesn't bid 4♠, he is clearly worth 3♥ facing a two-level overcall. In my opinion, E/W 'stopped playing bridge,' and I'd give them no protection. Now it's possible I'd give N/S minus 480 for all of their sins, but no way that I'd give E/W their plus 480."

And now a word from the man from the "Split Ruling Society."

Treadwell: "Having the benefit of the morning's light, I think the Committee should have split the ruling. N/S committed an infraction which, really, should not have harmed E/W. However, I think the infraction was sufficiently blatant that N/S should not receive the benefit of the excellent table result; so minus 480 was appropriate for them. On the other hand, E/W did an extremely poor job of evaluating their hands and did not take the trouble to ask questions, or even to call the Director when North, quite correctly, gave the belated Alert of his 2NT call. In other words, they achieved their poor result of 230 the old-fashioned way; they earned it."

Thank you, John Houseman. That reminds me, I've been meaning to investment some money with Smith Barney.

I'm not sure why Dave claims that North was quite correct in giving his belated Alert of 2NT. If I'm not mistaken, North, a defender, is prohibited by law from correcting his partner's failure to Alert until the play has ended — at which point he is required to call the Director. His correction of South's failure to Alert at the end of the auction was, in fact, quite incorrect.

I must say, I'm a lot closer "philosophically" to Dave than to Larry on this issue. And now, speaking for the non-splitters (I wonder if that applies to honors in second seat? Nah.):

Gerard: "Dealing with the Committee, I find that it was in violation of the Laws since it was making up rules without even a basic understanding of what it was doing. Convention Disruption has now apparently become 'the rule,' despite the unanimous opinion of the National Laws Commission to the contrary. It was clear that N/S had no agreement about this particular 2NT bid, North's contention being attributable to his role as the more dominant member of the partnership. So in order to 'get' N/S, the Committee had to invent an obligation to Alert 2NT as limited by system. I suppose a Precision auction 1♥-Pass-4♥ requires an Alert also ('could be a balanced 13 count'); how about 1♠-Pass-Pass ('could be more than 5 HCPs') or 1♥-Pass-1♠-Pass-3♥? Since the Directors were correct in saying that Precision does not require an Alert (see CASE THIRTY-SEVEN), the Committee's position is not supportable. A natural 2NT (as opposed to 2NT Good/Bad or 2NT showing running or broken hearts) is not Alertable because it has no conventional or unusual meaning within the context of a system that the opponents are deemed to know is being played. The Committee seemed to think that the requirement to Alert stems from the widespread failure to Alert a Precision 1♥, but the Directors are just wrong when it comes to that.

"Precision used to require a pre-Alert, but that is no longer the case. The Committee's substitute requirement to Alert any number of systemic sequences makes an unwieldy mockery of the procedure. Whatever happened to the notion that you don't

have to teach bridge to the opponents (today, you'd probably get a Zero Tolerance warning anyway)?

"This whole situation arose because players insist on using shorthand designations for conventions instead of accurate descriptions. Agreeing to play Good/Bad 2NT without agreeing when it applies or which action is stronger is like agreeing to play Unusual vs. Unusual without defining what the bids mean — it's just image over substance.

"The Committee should not have split the ruling. It should have been 230 for both sides"

I would add to Ron's lecture that even though the opponent's are assumed to know that a pair is playing Precision, opening bids such as the strong artificial 1♣ and the could-be-short 1♦ are still Alertable. The general familiarity assumption does not extend to bids such as these.

If you're still not sure whether or not to split the decision, the next two panelists will clear that up for you in no time.

Meckstroth: "A tough case. I would definitely give E/W plus 230. Not sure about N/S."

Rigal: "It must be E/W's duties to know their opponents' system. The 1♥ bid does NOT require Alerting, it shows what E/W would expect, five hearts and an opening bid. I do not think either East or West has an automatic 4♠ bid even if correctly Alerted, but I can live with the decision to award N/S minus 480. What you do with E/W is a close judgment call, but I think I marginally prefer plus 230."

The following two panelists seem to have gone off into CD Land.

Rosenberg: "Whatever E/W did or did not do, they were clearly damaged by the failure to Alert. So the Committee gave the right decision in spite of itself."

Wolff: "Good Committee decision. A pair that plays a convention or special treatment without basic knowledge of what they are doing often turns into a blight on the game who need a firestorm (in the way of adverse rulings) to help straighten them out."

But remember, we still don't advocate adjusting scores when there's no (consequent) damage. (Hee, hee, hee.) This perspective may be the 90's version of the deceased Senator Barry Goldwater's 1960's philosophy, "Bomb them back to the Stone Age."

We'll leave the last word to Howard, who has the handle on this one.

Weinstein: "Even if East didn't think he had a 4♠ call there was a cue-bid available. Failing to make at least that cue-bid represents a failure to keep playing bridge and E/W should have received the table result. Kudos to N/S for their valid appeal even though it was irrelevant to them. Given their change of heart, next time this Committee should be allowed to sleep on their decision."

CASE THIRTY-FOUR

Subject (Misinformation): Change Is Good For The Soul

Event: Blue Ribbon Pairs, 25 Nov 97, First Session

Bd: 8 Bob Gookin Dlr: West ♠ K42 Vul: None ♥ AQ43 ♦ KJ5 ♣ 832 Kay Schulle John Mohan ♠ AQ7 ♠ J3 ♥ KJ1052 ♥ 86 ♦ 10 ♦ Q842 ♣ AQ95 ♣ KJ764 Michael White ♠ 109865 ♥ 97 ♦ A9763 ♣ 10	
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West	North	East	South
1♥	1NT	Pass	2♥(1)
Dbl	2♠	2NT(2)	Pass
3♣	Pass	Pass	3♦
Pass	3♠	Pass	Pass
Dbl(3) All Pass			

- (1) Announced; transfer
 (2) Alerted; minors
 (3) With the Director's approval, changed from Pass to Dbl

The Facts: 3♠ doubled made three, plus 530 for N/S. N/S were using 12-15 HCP notrump overcalls; South did not Alert or Announce this unusual point range. After the final pass, North properly

announced that his 1NT overall had not been Alerted. The Director was called and asked East away from the table if he would have changed his call had he been Alerted. East told the Director that he would have bid 2♣. West was given the opportunity to change her final call. She chose to double. The Director changed the result to Average Plus for E/W and Average Minus for N/S because of the failure to Alert.

The Appeal: N/S appealed the Director's ruling. North was feeling ill and did not attend the hearing. South claimed that the 1NT overall was marked correctly on the convention card and that the difference in point range should not have been relevant, as fifteen points was a common denominator of both ranges. West stated that the Director had left her with the impression that she had to decide whether to change her final call and that there was no further protection for her side.

The Committee Decision: It was first determined that any unusual treatment (a 12-15 HCP notrump overall) should have been Alerted. Therefore, there was an infraction. The next question addressed was whether the infraction damaged the non-offending side. At first glance, it appears that a 2♣ bid would have been a more attractive initial action by East if it was known that the North hand could be weaker than usual. There was substantial discussion about this and it was noted that in fact East entered the auction with 2NT for the minors. Some discussion about 2♣ immediately (to get N/S out of notrump at matchpoints) ensued, and some believed it was more likely to be the right call over a presumed strong notrump overcall. There were strong opinions about the practice of taking players away from the table to see if anything different might have been bid because the non-offending side's comments will always be self-serving.

The Committee decided that damage, if it had occurred at all, was minimal and that the equity for both sides should be preserved. The Committee determined that if East had bid 2♣ at his first turn, a plausible bid, the most favorable result at all likely for the non-offenders was a 4♣ contract that would go down one. The contract was changed to 4♣ down one, plus 50 for N/S.

Dissenting Opinion (Brad Moss, Michael Rosenberg): This dissent revolves around two separate issues. First, the manner in which these infractions are handled by Directors; and second, the merits of the case itself. Presently, when possible misinformation has been disclosed prior to the opening lead, policy is that the Director takes the individual non-offending players from the table to ask if they would have acted differently. We believe that no player can accurately respond to such a question. Furthermore, players will eventually realize that to maximize their equity, they must simply answer, "I would have" or "I might have" bid, doubled, passed, or anything else different. The law permits both the Director and the Committee to ignore such statements. Failure to make these statements does not jeopardize the non-offenders' equity. As such, the process as a whole seems futile and unnecessary. Apart from the time-consuming nature of these Director-player meetings, this case illuminates another drawback of this approach. When East was definitely telling the Director that he would have bid 2♣ away from the table, South and potentially West overheard the exchange. Now a new problem existed — unauthorized information.

The main question is whether bidding over a 12-15 notrump overcall is different than bidding over a 15-18 notrump overcall. Inherently, this is a difficult question to answer. Nobody we know recalls having any experience facing a weak notrump overcall. So far as we can see there is no significant reason to bid over one versus the other. (Obviously, some might disagree; this is why Rosenberg went along with the Committee's decision.) Given the stated unfamiliarity of the situation, we find the assuredness of East's statements upsetting. Such self-serving behavior should not affect a Committee's decision. Also troubling was East's stance that once the misinformation occurred and he stated to the Director that he would have bid 2♣, he was automatically entitled to redress. However, even if a player were to fabricate a response, his side might still be entitled to redress. That is why this case was so difficult. West's claim that the Director gave her the impression that she must act for the partnership over 3♠, and without further protection, was not good enough for a player of her experience. We have no objections to allowing a player to change a final call when misinformation occurs. We would have changed the contract to 3♠ doubled made three, plus 530 for N/S.

Chairman: Doug Heron

Committee Members: Ken Kranyak, Brad Moss, Michael Rosenberg, Phil Warden

Directors' Ruling: 60.4

Committee's Decision: 59.6

The dissenters were accurate in virtually everything that they said, and I agree with their (Brad's?) conclusion. One point I would question is their statement that "no player can accurately respond to such a question." Some players are able to state accurately

what they would have done differently. In fact, the knowledge that they would have acted differently is often what stimulates the call for the Director. However, Brad and Michael are correct to the extent that “many” players cannot answer such a question accurately. For one thing, players often have difficulty placing themselves in the state of mind they would have been in had they known only the correct information that should have been available to them at the time the call in question (2♣ in this case) was about to be made. For another thing, the partner of the player who called the Director may not have a good grasp of the situation but may be the player whose critical call was affected by the misinformation. To ask them to determine what they would have done had they had different information, while the Director stands by waiting for their answer, can be a daunting task for any player.

Neither the Director nor a Committee is bound by statements made by players under these conditions, nor must a player make a statement if they have no good sense of what they would have done. But it can be to a player’s advantage to make a statement which can establish their intent to make a certain call while still not knowing the full deal, thus reducing the potential for their claims to be viewed as self-serving. Of course, as Brad and Michael point out, many of these situations present ample opportunity for a shrewd player to make a self-serving statement, even without full knowledge of the deal.

It is hard to see how this paradoxical situation can be improved to everyone’s benefit. If no statement is made at the table, then later at an appeal hearing players will be suspected of using their knowledge of the complete deal to their advantage. If a statement is made away from the table during the auction, the objections described by the dissenters will be raised. One thing is clear. Statements made to a Committee are subject to the same sorts of influences as those made to a Director away from the table. If one is considered unsatisfactory, so must the other. In addition, the chances for a player to make self-serving statements, possibly facilitated by knowledge of the complete deal, are maximized at a later hearing but minimized away from the table during the auction.

Let’s see how the panelists react to these issues. I’ve let Bart go first, since his thoughts most closely resemble my own on this case.

Bramley: “ I agree substantially with the dissenters. E/W were not damaged by the failure to Alert. They had several chances to achieve a better result and did not do so. East, by volunteering 2NT later, showed his hand type very closely, which could have enabled West to compete to 4♣. Also, as the Committee observed, the missing information did not seem relevant to East’s decision whether to bid 2♣ at his first turn. West, when she chose (belatedly) to double 3♠, should have expected to live with the result of that decision, and not to call the Director again if she didn’t like that result. East’s statement about bidding 2♣ initially is not worth considering, as the dissenters correctly observe. Unless the violation influences the non-offenders’ options in an obviously detrimental way, then their statements about what they ‘would have done’ should be dismissed. Since the Committee could not determine such damage, and since the missing information concerned range rather than hand type, the Committee should have let the result stand. How nice for East that his alternative action would have resulted in successfully competing to 4♣, and how unlucky for West that her alternative

action resulted in minus 530. No, you can’t have it both ways (actually, three ways). A violation does not entitle each of the ‘non-offenders’ to a ‘do-over’ of their most critical decision. The dissenters’ decision to restore the original table result was correct.”

Brissman: “I don’t understand East’s logic that bidding 2♣ over a 12-15 HCP notrump overcall is a better choice (or somehow safer or more indicated) than balancing with 2NT over a presumed 15-18 HCP notrump overcall. Isn’t East’s hand better when positioned over a strong notrump? It’s easier to defend to opposite strategy. Unless East articulated a credible rationale for his alternative, the Committee should have dismissed it (gamesmanship?). Exactly how the HCPs were distributed between the N/S hands should have had little effect on E/W’s evaluation of their cards. Once the 2♣ contention is dismissed, the players would have been left with the table result.”

Gerard: “The dissent said it all, except that West’s double came close to failure to continue playing bridge in light of East’s and South’s earlier actions. I’ve complained as long and loud as anyone about the away-from-the-table procedure, so I’m frustrated by the Directors’ stubborn insistence on it.”

Goldman: “Agree with the dissenters. If the situation is not clear, lacking compelling reason to the contrary, let the table result stand.”

Meckstroth: “How can you let them double, then remove it. Absolutely E/W minus 530!”

Treadwell: “I believe the dissenters were more nearly correct in wanting to allow the table result to stand. I totally agree with their opinion that the present policy of having the Director call a player away from the table in these situations for a discussion accomplishes nothing and wastes quite a bit of time.

Weinstein: “ What does fifteen points as a common denominator have to do with anything? West’s double, being reasonable, should not affect their right to redress but neither should East’s statement that he would have bid 2♣. The Committee made an excellent determination that bidding 2♣ over a weak vs. strong NT is nebulous.

“The Committee discussed the practice of taking players away from the table, with the resulting self-serving statements. I agree with the Committee except that the statements may not be self-serving. But even if not self-serving, they will be suspected as such anyway. It seems inherently absurd to ask for an opinion and then be in the position that we say “sorry, your opinion is worthless and even if we did believe you, we are disregarding it anyway.” Critically important is the dissenters’ statement that the practice of pulling players away from the table (excepting the final call) is “as a whole, futile and unnecessary.” The majority states that damage, if it occurred at all, was minimal and the equity for both sides should be preserved. Perfect. Then they change the table result to 4♣, down one. Not so perfect. I agree with the pure dissenter, but the middle ground should certainly be to adjust the table result only for the offenders (Exhibit C4). I am assuming, since both the majority and dissenters only specify a result for N/S that they intend to have that result accrue to E/W as well. I like N/S plus 530,

E/W minus 530. I could easily live with N/S plus 50, E/W minus 530.”

Howard is quite correct in pointing out that the Committee’s statement that equity should be preserved and then changing the table result are incongruous.

Wolff: “Minus 530 for E/W or Average Minus, whichever is best, and plus 50 for N/S or Average Minus, whichever is worst. N/S were offenders and need to have their score reduced. E/W earned their own bad score. With this ruling the right message is sent and the field is protected. The dissenting opinion had some good points about procedure, but alas few are interested in protecting the silent majority (the field).”

I’m not sure why Wolffie factored Average Minuses into his adjustments. The following panelist buys East’s statement, made as it was before he knew either the hand or what would happen next in the auction.

Cohen: “To me, the whole key is that East said he’d bid 2♣ before he found out that 3♠ doubled was making. If it was after he was minus 530, then sure, I wouldn’t be happy, and wouldn’t let him do something self-serving. But he told the Director before he even knew his partner was going to double 3♠ that he’d have bid 2♣. Why is there any problem with that? Accordingly, I don’t think a result could be determined (it seems presumptuous for the Committee to decree specifically 4♣ down one). I’d have stuck with the Director’s ruling.”

It is difficult to see how the different information from East bidding 2♣ immediately rather than 2NT later adversely affected West’s decision to double 3♠. I find East’s failure to double 1NT to be pertinent, since one might possibly double a 12-15 notrump overcall more readily than a 15-18 notrump. The fact that West chose to double the final contract when East figured to be somewhat weaker in high-card strength for his belated action also argues against bailing E/W out, as does the fact that East’s 2NT bid suggests more minor-suit cards, and thus less potential defense against spades. West doubled with vulnerable holdings in both majors in front of the notrump overcall, as well as significant length in one of the suits shown by East. It is also important to note that West’s double was made after the correct information about North’s bid had been disclosed. I agree with Ron when he said, “West’s double came close to failure to continue playing bridge in light of East’s and South’s earlier actions.”

The following panelist makes a better argument for E/W’s plight, while still deciding against them in the end.

Rigal: “An impossible position to rule on as Director or Committee. I have no idea what to do with so many infractions, overheard statements and mis-advice. Okay, to avoid the cop-out, bidding 2♣ non-forcing is more attractive over the 12-15 1NT (take the sequence to its logical extremes, and you find that the less North has the safer it is for East to bid). Hence E/W get to play clubs at some level. So on that basis I disagree with the dissenters and support the majority. But West and East should have been able to protect themselves better. (Maybe plus 50 for N/S and something worse for E/W would have been better.)”

And now let’s hear from our resident, rather confused dissenter.

Rosenberg: “I’ll be interested to see the other comments, since I can’t even agree with myself. Maybe this should have been a split decision, but that does not follow what I believe. Either E/W were damaged by the failure to Alert 1NT, in which case the Committee is right, or they were not, in which case the dissenter(s) is (are) right.

“Although I would have been in favor of a 530 score for the hand, N/S were using a most unusual treatment for their 1NT overcall — it would have been a Special Alert when that practice was in effect — and failed to Alert the bid. It would have been appropriate to assess a procedural penalty to N/S for this infraction.”

Now I’ve heard it all. Michael really must be confused to argue for a procedural penalty!

CASE THIRTY-FIVE

Subject (Misinformation): Ask Me No Questions, I'll Tell You . . .

Event: Open Pairs, 26 Nov 97, First Session

Bd: 9	♠ KJ94	♠ AQ1032
Dlr: North	♥ 84	♥ J52
Vul: E/W	♦ AK73	♦ 542
	♣ Q104	♣ J8
♠ 85		
♥ Q63		
♦ QJ1086		
♣ K76		
	♠ 76	
	♥ AK1097	
	♦ 9	
	♣ A9532	

West	North	East	South
	1♣	Pass	1♥
Pass	1NT	Pass	2♣(1)
Pass	2♦	Pass	3♣(1)
Pass	3NT	All Pass	
(1) Alerted			

The Facts: 3NT made four, plus 430 for N/S. East led the ♠3 to the nine and North lost the ♣Q to West's king. West returned a spade to the jack and queen and East next cashed the ♠A. During the auction, 1NT was not Alerted, 2♣ and 3♣

were Alerted. After the auction, North was asked and stated that 2♣ was checkback Stayman. When play was completed (and the Director was called) 2♣ was explained as asking for three-card heart support or four spades. 3♣ was game-forcing with clubs. The Director noted that there were many confusing statements given by N/S before she got to the table, and when she asked North why he did not bid spades, he said he just didn't. The Director ruled that the result would stand because the partnership agreement had been correctly explained.

The Appeal: E/W appealed the Director's ruling. They believed that there was no partnership agreement that North would bid 2♠ if he had four spades. North stated that he had bid 2♦ because he didn't have three hearts. East stated that North said nothing about suppressing the spades or that he just "chose" not to bid them until it became clear in the conversation in front of the Director that this would put him on firmer legal ground. East stated that if E/W had known that North could have four spades, then East might not have cashed the ♠A. North stated that he had bid 1♣ by mistake (he had intended to bid 1♦) and did not know that he could correct his mechanical error. He stated that he bid 1NT because his agreements allowed him to bypass his major. He stated that he chose not to bid 2♠ because he had good spades, and that he would have bid 2♠ with "soft" spades.

The Committee Decision: The Committee accepted East's factual representation as accurate. The Committee noted the failure to Alert 1NT because it did not deny four spades. However, the information withheld by this infraction was made available when 2♣ was explained as checkback Stayman. Therefore, there was no damage from this failure to Alert. The Committee was disturbed by North's failure to open 1♦, to bid 1♠ on his first rebid, to bid 2♠ on his second rebid, to bid 3♠, and his slowness to contribute his explanation to the discussion when the Director was present. The

Committee considered awarding a score adjustment on the basis of these accumulated peculiarities, but did not do so because no law had been violated that had caused any consequent damage. West knew that East had five spades from the opening lead and the presumption that North didn't have five spades. West must shift to the ♦Q at trick three to for his side to have a good chance to take four tricks. North had the right to deviate from his partnership agreement and was in part motivated to do so by his mistaken opening bid. East had stated to the Committee that if North had answered his first query about why he didn't bid 2♠ with a statement that he just chose to violate partnership agreement, he would never have appealed the Director's ruling. South had stated that he expected North to bid 2♠ if he had four of them and North stated that he thought he wasn't required to do so. N/S agreed that 2♠ rather than 2♦ would have shown four spades; they disagreed in the matter of judging when to bid 2♠. Therefore, there was a partnership agreement that North had chosen not to employ. However, North knew that his sequence of bids was a bit strange and he had an obligation to disclose his understanding of the partnership agreements when asked. It had taken several minutes of prodding to get him to do any explaining. The Committee allowed the table result of 3NT made four, plus 430 for N/S, to stand. The Committee assessed a one-quarter board procedural penalty against N/S for their poor behavior in this situation.

Chairman: Michael Huston

Committee Members: Phil Brady, Doug Heron, Bill Hunter, Michael White

Directors' Ruling: 80.6

Committee's Decision: 90.0

I don't quite see what more this Committee could have done, outside of making it very clear to North's what his obligations are regarding full disclosure. The procedural penalty may or may not have been necessary, but not having been there, and based on the troubling actions by North reported in the write-up, that seems to have been handled adequately as well. I know that those who oppose the use of procedural penalties will have plenty to say about it, so let's begin with their objections — if only to get them out of the way.

Rosenberg: "Did North feel partner could still look for a four-four spade fit after 2♦? Apparently. Anyway, the fact remains that North did well to hide his spades, whether or not he was violating an agreement, and there was no real way for East to get it right. West had a chance, as the Committee pointed out. I understand the Committee's decision, because it seems as if N/S were guilty of something, but I am against the procedural penalty."

Well, it seems that Michael has recovered from his uncharacteristic support of procedural penalties in the previous case to reassume his role as the Anti-Procedural Penalty Crusader. However, he alone rejected the current procedural penalty entirely out of hand. The other two panelists who mentioned it, Bart and Barry, took the position that, while they would prefer to avoid such penalties except in extreme cases, the Committee here was in a much better position to make that judgment than they were, and so they accepted it.

Bramley: “The Committee was correct to let the table result stand. I understand why the Committee imposed a procedural penalty, but I object to such penalties except in cases of gross abuse. This does not appear to be such a case to me, but if the Committee thought it was, then fine. Allow me to rail about the supposed failure to Alert 1NT. I’m not sure whether current policy dictates an Alert here (I believe it does), but if so this is a revolting Alert. The decision whether to skip one or both majors to rebid 1NT is primarily a matter of style in which there are two standard styles. To define one of those styles as ‘standard’ and the other as Alertable, i.e., ‘non-standard,’ is absurd. Players of any experience should be familiar with both styles and not thrown off guard when they encounter the ‘other’ style. While some players consider it odd to bypass spades to rebid 1NT, I myself consider it odd to rebid 1♠ with 4-3-3-3 shape, as many players do. If I am supposed to Alert them when I rebid 1NT that I might be doing something they wouldn’t do, equally they should Alert me when they rebid 1♠ that they might be doing something I wouldn’t do. But of course neither of these auctions should be Alertable. Normal variations in standard treatments should be understood by the vast majority of players without a telegram from Western Union.”

No Alert is required if, by agreement, opener can bypass one or both four-card majors to rebid 1NT after a 1♦ response to 1♣. An Alert is currently required, however, if opener can systemically bypass a four-card spade suit after a 1♥ response to his one-of-a-minor opening. The reason is that bidding textbooks have for many years advised responder to bypass even a longer diamond suit to respond in a four-card major when weak. Thus, in what is now (rightly or wrongly) considered “Standard” bidding, responder will not have a four-card major when he responds 1♦ to 1♣ unless he is strong enough to bid his major himself on the next round. But he may have four spades after a 1♥ response and not be strong enough to bid again over opener’s 1NT rebid. Thus, in the 1♣-1♦ auction opener logically need not strain to look for a four-four major-suit fit when he is notrump oriented, while in the 1m-1♥ auction opener is expected to rebid 1♠ when he holds four of them. Of course opener may unilaterally elect to bypass a four-card spade suit in the 1m-1♥ auction if he thinks a 1NT rebid better describes his hand (e.g., ♠QJ9x ♥xxx ♦KQ10 ♣AJ10) — as Bart states.

It would be “absurd” to expect players to know what each opponent would or wouldn’t do in the auction and Alert their bids accordingly. But given modern bidding and teaching practices it is not absurd to consider one of these styles to be standard and the other Alertable, and to protect naive opponents who were truly damaged by non-disclosure. At the same time we should be very slow to award experienced opponents any redress.

Rigal: “The Director made a reasonable decision — it seems that the devil was in the details here, namely North’s tardy explanations. On reading the facts it seems as if the penalty is rather harsh; but the Committee was there and I was not, so I can go along with it. From an outsider’s view point it looks as if North may just have been out to lunch. Obviously the Committee decided otherwise.”

As for the bridge, the most incisive comment came from . . . guess who.

Gerard: “Checkback Stayman — shortcuts again, not descriptions — could have been asking only for three-card heart support, so there could have been damage from the failure to Alert 1NT. But it was East who lacked the critical information, not West. Once West chose to return a spade, East should have assumed he did not have a doubleton or that it was cash out time — switch West’s two red queens for the diamond king. West blundered at trick three and it was that, rather than the failure to Alert 1NT, that caused E/W’s damage.”

Goldman: “Nice Job. (Table result stood.)”

Treadwell: “An excellent decision by the Committee accompanied by an excellent write-up of its reasoning.”

Brissman: “Appropriate. I hope the Recorder was apprised of the situation.”

This incident occurred last November. Apart from my reading this case to begin preparing this casebook, as Recorder I have received no official notification.

The last two panelists thought that the procedural penalty was entirely appropriate, and made a point of saying so.

Weinstein: “My head hurts listening to the N/S explanations. Especially enlightening is the statement that North would have bid 2♠ with “soft” spades, but not with good spades. The Committee was right on target, especially with their behavioral procedural penalty. I assume the hand will get recorded? Even with the information that North might have four spades, East is morally certain to try and cash the ♠A and, as the Committee points out, West already knows North holds four spades from the opening lead. Even had the Committee determined misinformation, there wasn’t any subsequent damage.”

Wolff: “Good decision, especially the procedural penalty.”

CASE THIRTY-SIX

Subject (Misinformation): Too Many Notrump Ranges, Too Little Time

Event: Blue Ribbon Pairs, 26 Nov 97, Second Session

Bd: 8	Eddie Wold
Dlr: West	♠ 7
Vul: None	♥ A1065
	♦ 103
	♣ Q109754
Alan Falk	Adam Wildavsky
♠ Q983	♠ J2
♥ K97	♥ 8432
♦ KQ742	♦ AJ96
♣ J	♣ AK2
	George Rosenkranz
	♠ AK10654
	♥ QJ
	♦ 85
	♣ 863

West North East South
 Pass Pass 1NT(1) 2♠(2)
 Dbl(3) Pass 3♥ All Pass
 (1) Announced; 12-14 HCP
 (2) Alerted; good minor one-suiter
 (3) Alerted; negative

The Facts: 3♥ went down one, plus 50 for N/S. East's 1NT was properly announced by West as 12-14 HCP. South overcalled 2♠ which was Alerted and explained as artificial, showing a good minor one-suiter. (3♣ by North would then have been pass-or-correct and 2NT would have been constructive.) West doubled, apparently after

mishearing North's explanation of 2♠. East Alerted West's double as negative and then bid 3♥, which became the final contract. It is not clear exactly when the Director was summoned; however, after reviewing the facts he ruled that the table result would stand.

The Appeal: E/W appealed the Director's ruling and argued that South's hand did not correspond to the description given. Had they realized that the 2♠ call was natural, they may have chosen to defend. N/S stated that they played 2♠ as natural over a strong 1NT opening, but as a one-suited minor takeout over a weak notrump; South had simply forgotten their agreed methods. North noted that once West doubled, he was under no duty to act regardless of the meaning of the 2♠ call. North stated that he fully expected South to remove to his minor if the double was passed back to him.

The Committee Decision: The Committee first decided that N/S did have a clear agreement about the meaning of the 2♠ bid because of their long-standing partnership. The Committee then agreed that South had indeed forgotten his agreement and that the 2♠ bid would have been correct over a strong 1NT opening. The Committee also determined that North's explanation was a correct disclosure of their partnership methods. South is allowed to forget his agreements on occasion. North must explain the partnership agreement correctly and South may not act on unauthorized information that is present as a result of North's explanation. West, who misheard North's explanation and then acted upon erroneous or incomplete information, was told that he would not place his side in jeopardy by asking questions about an Alerted call. N/S, whose convention card was ambiguously marked, were told to revise their card to clearly reflect the partnership agreements over each opening notrump range. The

Committee decided to allow the table result of 3♥ down one, plus 50 for N/S, to stand. In many cases of this nature, both the Directors and the Committee should assume that the pair didn't have a real agreement as to what their methods were (which becomes misinformation). The mere fact that it is on the convention card does not necessarily prove that each player was actually aware that the agreement existed.

Chairman: Alan LeBendig

Committee Members: Jon Brissman, Michael Rosenberg

Directors' Ruling: 79.5

Committee's Decision: 78.6

Bart's comment reflects most of my thoughts on this case, so I'll let him do most of the work — this time.

Bramley: "How did the Committee decide that N/S really had an agreement? Apparently it was because of 'their long-standing partnership' and not for any other reason. Their convention card was not clearly marked, and the Committee notes that even a clearly marked card does not prove knowledge of the agreement. I guess N/S were persuasive. Also, West's problem hearing the explanation seems to have contributed to his demise. I'm curious what he heard, and what he would have done if he had heard correctly."

My other thought was mentioned by the next panelist, so again I yield the floor.

Gerard: "What did North mean, 'regardless of the meaning of the 2♠ call'? Had South forgotten this convention before? Isn't that a clear 3♣ bid after the double? Suppose South had ♠QJx ♥xx ♦AKxxxx ♣xx. Wouldn't he pass 2♠ doubled? North's pass reeked of a possible disaster shield, and I'm surprised the Committee overlooked it. They might still have come to the same decision, but at least it would have been a fully informed one."

I feel obliged to point out, even though I had the same gut reaction as Ron about North's actions, that North was a passed hand. While he might still hold a long, weak spade suit in a hand which was otherwise unsuitable for a preempt (too much side defense) or an opening bid (too little side defense), it does reduce the likelihood that North wants to play 2♠ doubled. Of course this analysis gives N/S too much benefit of the doubt, which is why I agree with Ron.

The next panelist had more of an affirmative-action policy on this issue.

Meckstroth: "Why didn't North bid 3♣ or 3♦ over the double? Not sure I agree here."

Going one step further, the suspicion of a "disaster shield" suggests that this sort of forgetting has occurred often enough in this pair's past to constitute a implicit agreement. One then wonders why the opponents were not informed of this possibility when the explanation of South's 2♠ bid was given. This point is raised quite effectively by our next panelist.

Weinstein: “I believe that this is an important case. The Committee touches on the key issue in their last statement, “the mere fact that it is on the convention card does not necessarily prove that each player was actually aware the agreement existed.” The Committee’s statement, that South is allowed to forget his agreement on occasion, is highly disturbing. Say hypothetically (using this hand as an example) that in an established partnership South has forgotten previously or often forgets conventions. Now, if North passed on the off-chance that this is what happened, this could be construed as an illegal private understanding. North’s pass normally will imply tolerance to play 2♠ doubled, or alternatively, that he would prefer partner to be declarer in 3♦. This is another reason why the discussion in CASE THIRTY is vital. Despite any documentation to the contrary, N/S might have represented an agreement which does not really exist, since South (for argument’s sake) is prone to forget. The Committee has no real choice in their decision, but hands of this nature should be automatically recorded and the interpretation of misexplanation be significantly broadened.”

But the Committee does have a choice in their decision, Howard (see below).
Less concerned with (or aware of) such possibilities were . . .

Rigal: “Here the Director and Committee both came to the sensible conclusion that N/S just got incredibly lucky. If the Committee determined that South forgot (inherently likely) then there is no need to protect E/W unnecessarily. I can’t work out why E/W did what they did, but it seems to me they deserved their poor result for it.”

Treadwell: “Another excellent decision and Committee write-up.”

Wolff: “3♥ down one is entirely acceptable by me for E/W, but the following is where I continue to disagree with Michael Rosenberg. N/S’s musings (playing an unusual convention and then misusing it) have damaged the opponents and rendered this hand sub-bridge. Accordingly, while the opponents may have recovered, they didn’t. E/W should not get another shot (although they were unlucky), but N/S should be penalized to encourage them to remember their responsibility. N/S should either go minus 100 in 2♠ doubled, minus 120 defending 2NT, or plus 50 defending 3♥. They should also be fined a one-half board penalty. Good things then are accomplished for all to see: (1) PTF, (2) N/S will be more conscientious next time, and (3) most important, the game, not the overly compassionate, is served.”

If there was evidence of repeated forgetting (which, it could be argued, there was), then a procedural penalty can be used to “encourage” the offenders to get their act together. In recent years we have seen other cases where this pair (in particular, this South) was involved in similar incidents of forgetting. That would certainly bolster the argument for imposing the penalty Wolffie suggests. However, I personally believe that the Committee would then be obligated to detail for N/S the explicit reasons for the penalty, citing the shielding nature of North’s pass and the existence in the public record of previous cases of forgetting by this pair (or South). If the present incident were blatant enough, such a penalty could be assessed for it alone. However, it would

be dangerous to impose such a penalty without sufficient, concrete justification to avoid the appearance of a star-chamber-like proceeding.

Goldman: “Agree with the Committee and the table result standing. Would give a procedural penalty for convention disruption if allowed.”

I like that final “if allowed.” Others should make note of it.

CASE THIRTY-SEVEN

Subject (Misinformation): You Didn't Tell Me It Was "Modified"

Event: North American Swiss Teams, 28 Nov 97, First Session

Bd: 15 Perry Van Hook Dir: South ♠ A10 Vul: N/S ♥ KJ842 ♦ Q104 ♣ Q103 Vaughn Worth Dick Benson ♠ K93 ♠ Q874 ♥ Q1075 ♥ 963 ♦ 753 ♦ 986 ♣ J42 ♣ A87 Sid Brownstein ♠ J652 ♥ A ♦ AKJ2 ♣ K965	
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West	North	East	South
			1♣(1)
Pass	2♦(2)	Pass	2NT
Pass	3NT	All Pass	
	(1) Alerted; Modified Precision		
	(2) Alerted; transfer to hearts		

The Facts: 3NT made five, plus 660 for N/S. Before the match, N/S told E/W that they played Precision. 1♣ was Alerted and 2♦ was Alerted. No questions were asked during or after the auction. 2♦ was a transfer to hearts. The Director told E/W that there was no obligation to pre-Alert either the transfer or the system. The N/S convention card was clearly

marked "Modified Precision." The Director ruled that the table result would stand.

The Appeal: E/W appealed and claimed that they were misled when the system was described as "Precision" rather than as "Modified Precision." Both East and West had experience with regular Precision without transfers. They thought they knew the Precision meaning of 2♦ so they did not ask questions. If there was an irregularity, then E/W wanted a score adjustment based on a defense starting with a spade lead that could have held the contract to nine tricks. A heart was the opening lead.

The Committee Decision: The *ACBL Alert Procedure* pamphlet specifies three pre-Alert situations. The only one of these which is at all relevant to this case is: "Systems that may be fundamentally unfamiliar to the opponents." The Precision-type systems do not meet that description. The pamphlet also says that when an Alert is made, "Ask, do not assume." Clearly players have the obligation to protect themselves in these situations. The Committee believed this was so clear and such a waste of the Committee's time that they found the appeal to be without substantial merit and retained the \$50 deposit. The Committee discussed, but did not impose, an additional procedural penalty.

Chairman: Michael Huston

Committee Members: Lowell Andrews, Phil Brady, Steve Onderwyzer, Michael Rahtjen

Directors' Ruling: 97.2

Committee's Decision: 87.6

Are we ready panel? All together now . . .

Meckstroth: "Right on target."

Rigal: "Barrack-room lawyers beware. This was an excellent decision; I wish we had more of them."

Treadwell: "It cost E/W \$50 in their quest for, at most, 1 IMP, and they risked a procedural penalty, which the Committee, most kindly, did not apply. Let's play bridge and not seek to win in Committee what we did not win at the table."

Goldman: "Good work. Table result stands . . . but this allows me a commercial for the much maligned 'Special Alert'."

Much maligned — and deservedly so. Those Special Alerts were undefined, unregulated unenforced and unendurable. No one ever knew what to Special Alert, especially since the League refused to publish an explicit policy, or even a list of what bids were and were not Special Alertable. If Alerts are scary for many players, Special Alerts were terrifying.

Weinstein: "While I have sympathy for E/W, they should have written a letter to the Conventions and Competition Committee expressing their dissatisfaction with an Alert procedure that seems inadequate to handle this situation. Since there was no infraction the appeal was baseless. Somewhere into the night the "Special Alert," in use for a couple of years, disappeared. In an effort to simplify, while eliminating useless Alerts, an occasional unexpected meaning for an Alert rears its head. I personally try to Special Alert anyway when I think a plain Alert might be misleading. Even if not required by the rules, in the spirit of full disclosure I believe this is the proper and sporting thing to do."

As Howard suggests, a statement by the Alerter to the effect, "You really should ask" would be entirely appropriate and acceptable. Nevertheless, the ACBL does not require such a statement and (for reasons discussed below) the present case does not even come close to providing a good example of when one is needed. In general, a simple Alert is sufficient for those playing a non-mainstream system — even one with which the opponents are unfamiliar. Besides, how could N/S know that this pair would claim to have enough knowledge of their system to be misled? We must remember that we cannot hold everyone to the same standards of awareness of these issues as we, who are constantly immersed in them, hold ourselves to.

And now for the kicker. All of the books on Precision and its variations (such as Super Precision) that I can find, as well as my secret Canadian informant, tell me that a 2♦ response is played as a natural, positive bid (five-plus diamonds, 8+ HCP). Thus, the 2♦ response is not Alertable in any of the "normal" versions of the system. Why then did E/W think a non-Alertable bid had been Alerted? Why did they feel justified in thinking they knew what the Alert was and not asking? And why did they think N/S owed them some special disclosure beyond "Alert"? Weren't N/S's convention cards

also clearly marked “Modified Precision”?

I’m sorry, but this was an exceedingly well-deserved appeal without merit.

The next panelist adds to the discussion of this issue.

Bramley: “I guess this is all legit, but I’d feel a little guilty as N/S in not volunteering the explanations before the opening lead. What do the Laws or regulations tell us about N/S’s obligation under the policy of Full Disclosure which is supposedly in effect? Does this policy mean that you’re a ‘good guy’ if you do it, but you’re still within the law if you don’t? I thought the declaring side was obligated, before the opening lead, to tell the defenders anything about the auction that might be unexpected, even if they (the declaring side) had Alerted during the auction. Just asking.”

The *ACBL Code of Active Ethics* pamphlet, in the section entitled **Principle of Full Disclosure**, says, “The actively ethical player will often go beyond what is technically required in volunteering information to the opponents. Quite often, the declaring side in an actively ethical partnership will volunteer such information before the opening lead is made.” I would have felt better had N/S volunteered information about the 2♦ bid before the opening lead, but I can see no justification, on the grounds that they didn’t do this, for E/W to even call the Director, let alone appeal his decision and ask for a score adjustment for themselves.

The next panelist — the author of *Active Ethics* — captures the appropriate sense of this situation, even if failing to appreciate just how appropriate (not just “technically” correct) the Committee’s decision really was.

Wolff: “Technically correct decision, but I think E/W should be informed before the opening lead the meaning of 2♦. To not do so may be within the laws, but it will always breed lack of trust, a dread disease in our high-level game. Common sense and *Active Ethics*, not small print, should rule us.”

CASE THIRTY-EIGHT

Subject (Misinformation): What Have You Wrought, Marty Bergen?

Event: Stratified Pairs, 27 Nov 97, First Session

Bd: 4	♠ Q10865
Dlr: West	♥ Q654
Vul: Both	♦ ---
	♣ A643
♠ 72	♠ AK
♥ 7	♥ J1083
♦ AQ109875	♦ KJ42
♣ K52	♣ Q109
	♠ J943
	♥ AK92
	♦ 63
	♣ J87

West	North	East	South
Pass	1♠	Dbl	3♦
Pass	3♥	Pass	4♥
Dbl	All Pass		

The Facts: 4♥ doubled went down one, plus 200 for E/W. N/S was a first-time partnership. They had discussed playing Bergen raises before the start of the session. Since they could not agree on a form of Bergen raises, the idea was abandoned. Apparently South forgot this and intended 3♦ as a (Bergen) raise of spades; North explained 3♦

as preemptive. The N/S convention card was marked limit raises. The Director ruled Average Plus for E/W and Average Minus for N/S.

The Appeal: N/S appealed the Director’s ruling and were the only players to attend the hearing. North described his opening bid as a deviation from normal based on judgment rather than system. N/S believed they had fixed their opponents because of lucky accidents (North’s opening and South’s misbid) and that West’s failure to bid diamonds facing a regular takeout double was responsible for E/W’s poor result. N/S had subsequently amended their system to play Bergen raises.

The Committee Decision: In the absence of E/W, the Committee decided to accept the N/S version of their agreements. That being the case, the question was whether N/S had done anything wrong, other than forgetting their system. The Committee believed that West had been at least partly the architect of his own poor result by his rather naive bidding. In any event, E/W might well have gone down in 5♦ if left to their own devices. The Committee changed the contract to 4♥ doubled down one, plus 200 for E/W. The words “convention disruption” were uttered in passing, but no one wished to pursue that issue any further.

Chairman: Barry Rigal

Committee Members: Doug Heron, Jeff Meckstroth, Phil Warden, Michael White

Directors’ Ruling: 57.8

Committee’s Decision: 90.0

The new convention card has boxes for checking the meaning of a jump shift after an opening bid and a double: forcing, invitational, weak. I would like to know what was

marked (if anything) in this area of N/S's card. I assume nothing was checked. Limit raises are in a different area of that part of the card.

Given the description of N/S's discussion of their methods, I am not sure that there was ever an agreement on what they would play over doubles or a firm retraction of the idea of playing Bergen raises. "Abandoning" the idea after spending time discussing the form of the convention does not, in my mind, constitute a firm agreement not to play the convention. ("Let's drop it for now and come back to it later." If later never happens, are we playing them or not?) How did North ever get the idea that he was playing preemptive jump shifts (certainly not the norm)? What, exactly, did the Committee believe N/S's agreements were (since they accepted their version of them)? Perhaps, because of the character of what happened here, N/S should have been deemed to have agreed to play Bergen raises. Perhaps — definitely!

Next comes the issue of whether the opponents were damaged by the "failure to properly Alert" the 3♦ bid. Our first panelist makes an interesting comment relevant to that issue.

Bramley: "If N/S's agreement was clearly that 3♦ was preemptive, then there is no infraction and the case is over. I am willing to accept the Committee's judgment on this point. I would like to point out that West's only chance to bid diamonds naturally was over 4♥. Perhaps he was 'naive' not to do so, but from his point of view 5♦ might be too high. Yes, West might have doubled 3♦, but he could reasonably expect to be defending that contract (undoubled) if he passed, and doubling 3♦ doesn't come close to showing a strong seven-card suit. I consider West's actions unlucky rather than 'naive'."

I cannot buy the idea that anyone was naive enough to believe that they would get to defend 3♦ (if South really has diamonds, North is void and will bid something — as he did here), or that South really had diamonds (unless there are fifteen-plus diamonds in this deck), or that if they did defend 3♦ they would be adequately compensated for their missed game (even if 5♦ wouldn't make, 3NT was still possible since North was unlikely to go past 3♥ if he believed that South was weak with diamonds). No, if West ever hoped to land on his feet, a penalty double of 3♦ was a necessary prerequisite; otherwise, East would never take West's subsequent diamond bids to be natural.

Then there's West's double of 4♥. Human kindness prevents me from saying what I really think of that bid — Bart's comment notwithstanding. Taken together, these two actions (passing 3♦ and doubling 4♥) shatter any possible connection I might have drawn between N/S's infraction and E/W's damage.

Based on these considerations, I would have adjusted N/S's contract to 5♦ made five, minus 600 for N/S, and E/W's contract to 4♥ doubled down one, plus 200 for E/W.

Of course none of the panelists fully agrees with me.

Brissman: "Appropriate decision, but I don't understand the first sentence in the decision section. How could E/W's presence have assisted the Committee in determining whether N/S had an agreement?"

The determination of N/S's agreement appears to me to have been arrived at as a sort of concession inferred by the Committee from E/W's absence. (Please note: the fact that I've tried to explain the sentence that Jon didn't understand doesn't mean that I agree with the Committee's reasoning — or even that it makes sense.)

Rigal: "The Director made a sensible ruling on the facts that he had. The Committee had a chance to talk to N/S, who were clearly weak players. In a way, E/W got into their most lucrative spot on the hand but could not take advantage of it. I think their non-attendance did not help either. Since 5♦ might well not have made and 4♥ doubled should have been down 500, it is hard to let E/W get more than they did."

But 5♦ doubled might have made, and that is clearly the most unfavorable result that was at all probable for N/S.

Goldman: "The Committee let the table result stand (my only comment)."

Thank you for pointing that out.

Treadwell: "Very good decision."

Wolff: "West was naive and the Committee did utter . . . Shh! the CD words — but it was all more fun than bridge not to pursue it, so we may as well do as this Committee did, sweep it away so we won't have to face justice . . . Right? Right!"

Sarcasm doesn't become you Wolfie. (I, on the other hand . . .)

And finally, Howard almost found the right solution, coming up just a bit short in the end.

Weinstein: "Again, E/W call for an adjustment, then fail to appear at the resultant hearing. North opens this hand in second chair vulnerable, and having absolutely no sense of embarrassment calls it judgment. West believes that the deck holds fifteen or more diamonds, and the Directors concur. With a broader interpretation of misexplanation we could give both sides the bad result they deserve. Since N/S protested, I guess that means that minus 200 was better than Average Minus. This case also demonstrates that even talking about playing a convention can be as dangerous as actually playing it."

One doesn't need a broader interpretation of misinformation. Only a better appreciation of what the facts are.

CASE THIRTY-NINE

Subject (Misinformation): Fool Me Once, Shame On Me

Event: Flight B/C/D Pairs, 29 Nov 97, First Session

Bd: 21	♠ 97643	♠ K10
Dlr: North	♥ 9765	♥ 108
Vul: N/S	♦ K	♦ QJ10873
	♣ 763	♣ J92
♠ 85	♠ AQJ2	
♥ KJ32	♥ AQ4	
♦ A962	♦ 54	
♣ AQ10	♣ K854	

West	North	East	South
	Pass	2♦	Dbl
4♦(1)	Pass	Pass	Dbl
Pass	4♠	All Pass	
(1) Alerted;	explained as preemptive		

The Facts: 4♠ went down two, plus 200 for E/W. After Alerting 4♦ East explained that it was preemptive. The Director ruled that there had been no violation and allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. North did not attend the hearing. South contended that West’s hand was not preemptive in nature and that he (South) was misled by the explanation. East stated that he was surprised by the strength of his partner’s hand. West stated that she believed the bid was preemptive because she had four diamonds. South stated that this appeared to be a no-risk psych. N/S and E/W were Flight C players with about 250-300 masterpoints each.

The Committee Decision: The Committee determined that the E/W partnership agreement was that 4♦ was preemptive. Therefore, the explanation was accurate. The Committee decided that “preemptive” does not necessarily mean weak. The object of the 4♦ bid was to make bidding difficult for N/S — clearly a preemptive objective. South’s complaint was that it worked. That was not cause for adjusting the result and the Committee allowed the table result of 4♠ down two, plus 200 for E/W, to stand. Because the case was brought by Flight C players, the Committee found the appeal had substantial merit and treated it as an opportunity to educate the appellants.

Chairman: Michael Huston

Committee Members: Dick Budd, Michael Rosenberg

Directors’ Ruling: 94.3

Committee’s Decision: 94.8

In a long and grueling set of cases, a few panelists have fallen by the wayside. Undaunted we press onward, looking to pick up our lost soothsayers on the next trip.

This was a Flight C case. Players are entitled to know their opponents’ agreements about what their bids mean — not to see their hands. Here the Committee correctly informed N/S of this, and was generally on top of things. I disagree, however, with the Committee’s interpretation that preemptive does not necessarily mean weak. Weak is,

in fact, the normal meaning of the term. The Official Encyclopedia of Bridge (the real one, not ours) associates the term with bids based on “limited high-card strength.” The term “obstructive” refers to a hand of any strength interfering with the opponents’ bidding, hoping they have an accident (perhaps with the intent of punishing them, as might have been done by a more experienced West). West’s inexperience may have led to her association of preemptive with having four-card support for her partner. This was clearly an idiosyncratic mistake by West and not a part of E/W’s agreements. West erred. East was an innocent bystander. N/S had an accident. Score stands.

Meckstroth: “Right on target.”

Rigal: “Even Flight C players only deserve so much protection. Arguably the most education you could give them is to lighten their pockets by \$50. A ridiculous case — someone must have been filling their head with trash. The Committee has a duty to enlighten them which I am pleased to see it realized, up to a point.”

Lighten up. This is Flight C. Educate. Dave has the right idea.

Treadwell: “Another good decision and write-up. We must attempt at every opportunity to educate players to play bridge rather than seek through ‘litigation’ (i.e. appeals) a result they did not earn at the table.”

Some panelists objected to the Committee’s use of the term “substantial merit” to characterize this appeal. I hear them, and they do have a point.

Bramley: “‘Substantial merit’ is a substantial overbid.”

Weinstein: “Had these not been Flight C players, this would be the worst protest of the nationals. Just because it is by Flight C players, please, please, do not say it had substantial merit. Call it for the ridiculous protest it was, and then say we chose to educate rather than penalize the appellants because of their inexperience.”

I endorse that. Actually, I never really thought the Committee meant what they said literally. I thought they were just being “politically correct.”

Goldman: “Good work. Recording on.”

Wolff: “Hooray! The Committee was right on. The players were inexperienced and should not be subject to expert interpretations and sophistications that apply only to the high-level game.”

Right on!

CASE FORTY

Subject (Misinformation): Support Redoubles Down Under

Event: Reisinger BAM Teams, 29 Nov 97, Second Session

Bd: 8 Paul Marston Dlr: West ♠ Q62 Vul: None ♥ 75 ♦ J875 ♣ 10943 Fred Gitelman George Mittelman ♠ 9543 ♠ 108 ♥ 983 ♥ KJ1062 ♦ AK ♦ 109 ♣ KQ62 ♣ J875 Bob Richman ♠ AKJ7 ♥ AQ4 ♦ Q6432 ♣ A	
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West	North	East	South
1♣	Pass	1♥	Dbl
Rdbl	Pass	2♥	All Pass

The Facts: 2♥ went down one, plus 50 for N/S. At the end of the auction West indicated that there had been a failure to Alert. If East had Alerted the redouble, none of the other three players had seen or heard it. The Director took North away from the table and gave him the option to change his last call, which he declined to do. The Director similarly asked South away from the table what he might have done had he been properly Alerted; South

was definite that he would have doubled. The Director changed the contract to 3♦ made five, plus 150 for N/S. Unfortunately, neither side ever actually received the adjusted score of plus 150 for N/S. The Director simply told the non-offenders that the range of scores they were considering would not affect the BAM result for either side on the board.

The Appeal: N/S appealed the Director’s ruling. East did not attend the hearing. South was an Australian Internationalist (born in the U.S.A.) who has lived in Australia for more than a decade. South stated that in Australia support redoubles are relatively unusual. N/S stated that they would not have competed beyond 3♦ had they been properly Alerted. Neither would they have tried to play 3NT or 5♦. East had indicated at least once in the post mortem that he would have considered competing to 3♥. South stated that he would have doubled 3♥, which would have gone down two. E/W had no particular statement to make about the auction after a hypothetical 3♦ bid.

The Committee Decision: The failure to Alert the redouble was an infraction. After a hypothetical 3♦ bid by North, the Committee had to consider East’s action; if East passed, the Committee was unanimous that the auction would have been over. Here the critical issue was the right BAM action given the vulnerability. Four Committee members were firmly of the opinion that the correct, although losing action with the East hand was to bid 3♥. (They took no account of East’s statements at the table, which were not considered relevant to the decision.) This would be down two only because West had a minimum hand, the ♥AQ were offside, clubs broke four-one, and West’s hand consisted of no tenaces with which to finesse through South. The Committee

considered that both passing and bidding 3♥ on the East hand were actions that at least one-third of the field would take. Bidding 3♥ is an aggressive action which a minority of players would clearly not take. Conversely, many aggressive Easts would consider the action automatic, and at this vulnerability and form of scoring aggressive actions have a lot to be said for them.

Another key issue involved South’s decision to pass 2♥ at his second turn (while under the mistaken impression that the redouble was looking for penalties). The Committee believed that passing 2♥ was not such a bad bid as to prevent South from seeking an adjusted score. Crucial to this decision was South’s lack of familiarity with support doubles. The panel was sufficiently familiar with non-US bidding theory to be happy with determining that support doubles are not the norm in Australia, and that South was not seriously culpable in assuming that the redouble showed a strong hand, looking for penalties.

One final issue which the Committee considered was whether the non-offenders were looking for a win in Committee which they could not achieve at the table. The Committee dismissed this argument; the fact that the non-offenders had never received a specific score adjustment meant that they were fully entitled to appeal the Director’s ruling once it was finally given to them.

Based on these considerations the Committee changed the contract for both pairs to 3♥ doubled down two, plus 300 for N/S. This result was, for the non-offenders, the most favorable result that was likely had the irregularity not occurred and, for the offenders, the most unfavorable result that was at all probable (Law 12C2). While this decision was clearly a judgment call, the Committee was happy that it passed the requisite percentage tests to impose the score for both sides.

Dissenting Opinion (Harvey Brody): South’s poor choice of actions over 2♥ meant that he should not be entitled to such a favorable decision. South should have acted, even without the Alert. 3♦ made five, plus 150 for N/S, was a generous ruling.

Chairman: Barry Rigal

Committee Members: Harvey Brody, Doug Heron, Michael Rahtjen, Michael Rosenberg

Directors’ Ruling: 81.0

Committee’s Decision: 70.6

First things first. There was misinformation from East’s failure to Alert the redouble. Next, is it “probable” that South’s pass was a result of the misinformation? While it may be the case that South was “influenced” by the failure to Alert the redouble in much the same way that Eddie Kantar was “influenced” by the failure to Alert Stayman in the now infamous 1991 Las Vegas Spingold case, that does not mean that the infraction “caused” South to pass. As the dissenter correctly alluded, South’s failure to act over 2♥ was a bridge error of such magnitude as to constitute a failure to continue playing bridge for a player of his caliber.

There are two reasons why South should have doubled 2♥, even without the Alert. First, South’s hand is so strong that it demands an action regardless of what the redouble means. Even if North has a complete Yarborough, say ♠xxx ♥xx ♦xxxx

♣xxxx, there is still a good chance that N/S could make eight or nine tricks in diamonds. If the two major-suit finesses work and trumps break two-two, as many as eleven tricks are possible on the (likely) heart lead. Second, add South's 20 HCP to East's presumed 4-5 HCP (for his response to 1♣) and only 15-16 HCP are left unaccounted for. It is hard to imagine South not wondering what the redouble meant, since those aren't enough for opener to have a traditional redouble, which shows the equivalent of a 2NT rebid (18-19 HCP). So South should have asked (or simply known) that the redouble was something other than strong. In spite of his "seclusion" in Australia for the last ten years, South is an experienced and capable internationalist who could not have failed to encounter this treatment in his forays outside the Outback.

So all of the Committee's rationalizations in the first paragraph of their decision were both unnecessary and nonsensical. In their second paragraph they stumbled onto the tumbling pigskin, only to fumble it even as they were grasping at it.

This decision was bad; as bad as the Kantar-Sontag Spingold case. The table result should have been allowed to stand, precisely as the Director determined at the table. In fact, I'm so upset at this one that I'm bringing out my big gun straight away.

Gerard: "Forget about support redoubles, this should have been about South going brain dead on round two. Who knows what redouble is, didn't South have two aces over minimum, even in the Outback? Wasn't it naive to think that the opponents were headhunting at what could be the one-level? Didn't South even think about doubling 2♥ or did he just go all weak in the knees ('oh jeez, redouble — I'd better not bid my hand')? Couldn't he have asked about redouble, since the high cards didn't add up? South was seriously culpable, so much so that he caused his own damage. The infraction didn't cause the damage, so the result shouldn't have been disturbed. I don't doubt South's good faith, but he didn't get to be an internationalist by passing 2♥. Good for Harvey Brody.

"On the flip side, the Committee's plus 300 after it swallowed the bait indicates that maybe, just maybe, there's something wrong with playing by abacus rather than using your judgment. It's not so unlucky to go down two — basically it depends on the ♥Q — but the world isn't made up of support redoublers who would pass with that West hand. Sorry, couldn't resist."

I don't even care to deal with the Committee's assessment of the result once South is allowed to go back and double 2♥ — my stomach isn't that strong. And you support redouble fans should send your letters directly to Ron.

Let's hear next from the man who chaired this unfortunate debacle.

Rigal: "No doubt this one will raise more stink than most, given the background to it (it decided the Reisinger qualifier). The Director ruling started the whole thing off (neither side being told the result), but the crux of the matter boils down to the fact that non-USA players do not play support redoubles. Trust me, I am a doctor. The next issue is whether South deserved protection after passing 2♥. The Committee felt that any doubt should go the non-offenders' way. If you believe the redouble to be strong, short in hearts, you might still act with the South hand, but it is not absurd to pass. Still, the dissenting opinion indicates that there was some sentiment for not giving N/S all they

were asking for. Since so much hinged on this decision, the question of East's action over 3♦ is one that has aroused considerable difference of opinion. In the light of the event, and the vulnerability, the Committee held strongly that 3♥ was the right bid on the hand. Though a different group might disagree, the four players on the Committee prepared to go down that road were in agreement. The issue of the event, and the vulnerability, present a unique set of circumstances, so no general trend should be identified from the decision."

Can I have a second opinion, doctor?

Back on the trail of enlightenment.

Brissman: "I disagree. First, South allowed the redouble to paralyze him; perhaps he should have consulted his hand before abdicating. Second, few players with the East hand would compete to 3♥ knowing they had only an eight-card fit (about the same number of players who would have passed the 1♣ opening). Just when I was approaching despair over the Directors' rulings in this set of hands, they surprise me. Plus 150 for N/S was perfect."

Meckstroth: "Plus 150 in 3♦ seems clear to me."

Wolff: "Although it is a difficult task to overtake some other infamous appeal decisions, this Committee probably has forced itself into the bottom five decisions of all time. Consider the combination of circumstances: (1) N/S need to be plus 300 on this board in order to qualify for the final day of the Reisinger; (2) The West player present had no vested interest in the result so he was in a position to say whatever he wanted, favoring whomever he wanted (not that he did or did not); (3) the Committee decided that South had no obligation to ask what redouble meant and to blithely pass an automatic takeout double of 2♥; (4) they then assumed, upon N/S's insistence, that East would have bid 3♥ and that not only would South have doubled, he would underled his spade to defeat the contract two tricks. I guess if N/S needed plus 600 the Committee would have forced E/W to redouble. Thank you Harvey Brody for not contributing to this disgrace."

Be careful of your blood pressure, Wolffie. There's nothing to be gained by becoming apoplectic.

Bramley: "Very close. The parlay needed to reach 3♥ doubled seems a bit thin to me, following a sequence of close but plausible decisions. South's decision to sell out is okay, but one could argue that the same vulnerability considerations that would persuade East to bid 3♥ should persuade South to double 2♥. While South might not have been as knowledgeable about support redoubles as some players, he has considerable international experience including many NABCs, and this hand occurred, I believe, on the ninth day of this tournament. Also, I am not as convinced as the Committee that 3♥ is virtually automatic with the East hand. All things considered, I must side with the dissenter."

The next two comments came as a big disappointment to me.

Weinstein: “While I am made very uncomfortable by the Committee’s decision, I can’t really disagree with it. I do disagree with the dissenter’s contention that passing 2♥ abrogated N/S’s equity. It is very close, regardless of common practice in Australia, whether N/S fulfilled their obligation to determine whether the redouble was conventional. My first question to N/S would have been whether they played support doubles. Even if they don’t, its hard to believe that a pair of N/S’s experience didn’t at least consider the possibility of the redouble not being for penalty. The projection of the auction to reach 3♥ doubled is a stretch, but as the Committee indicates, it passes the “most likely” test. While giving E/W minus 300 is clear, given the combination of N/S failing to ask about the redouble and the needed projection of the auction, I wish I could find a way not to adjust the N/S score to plus 300 (Exhibit C5).”

Howard, Howard, Howard. If South claimed he was not familiar with support redoubles because of their relative rarity in Australia, and then it turned out that he himself played them, do you think we’d be having this discussion (instead of a C&E Committee)? But while N/S did not themselves play support redoubles, a member of the Committee told me that they did play support doubles. Then, for South not to consider that the (presumed) penalty-seeking one-level redouble might be conventional (given the number of missing HCPs versus what would be needed for a penalty redouble), and then to evaluate his hand as not being worthy of a second action, strikes me as abrogating more than South’s right to equity. And finally, consider what it would take to defeat 3♥ two tricks. Then take a look at Wolffie’s analysis of the defense required and tell me that you think it is still clear to assign the result to either side.

Howard, Howard, Howard.

Goldman: “Very tough case! Clearly a change in the table result is warranted.”

I wish Goldie had given us some insight into his thinking. There’s a lot of ground for making the change he suggests. Maybe, given his previous comments (see CASE THIRTY-EIGHT, for example), it was just too much for him to deal with recommending a change in a table result. Goldie, Goldie, Goldie.

CASE FORTY-ONE

Subject (Misinformation): System-On, Only After Discussion

Event: Flight B Swiss, 30 Nov 97, Second Session

Bd: 14	♠ 875		
Dlr: East	♥ AQJ76		
Vul: None	♦ AJ		
	♣ 764		
♠ A6		♠ KQ93	
♥ K4		♥ 85	
♦ K842		♦ Q97	
♣ AKJ108		♣ Q953	
	♠ J1042		
	♥ 10932		
	♦ 10653		
	♣ 2		

West	North	East	South
		Pass	Pass
1NT	2♣(1)	Dbf(2)	Pass
2♦	Pass	2NT	Pass
3NT	All Pass		
(1) Alerted; any one-suited hand			
(2) Alerted; Stayman			

The Facts: 3NT made three, plus 400 for E/W. The 2♣ call was Alerted as showing any one-suited hand; the double was Alerted as Stayman. East disclosed before the opening lead that he had not

intended his double to be Stayman; he was simply doubting the opponents’ ability to make 2♣. The Director was called after the hand was over and ruled that the score would stand. After comparing results with their teammates, N/S decided to appeal the ruling.

The Appeal: N/S stated that had they realized that East was not bidding Stayman, North would have competed with 2♥ and South would have bid 4♥ if E/W reached 3NT. West stated that the double should be Stayman because the partnership had agreed to play Lebensohl, and this bid is part of that structure. East agreed that the double should be Stayman, but admitted that they had not discussed the double of 2♣ explicitly. East thought that they might collect plus 500 against 4♥ doubled, but West thought that only plus 300 would have been available.

The Committee Decision: The Committee found that misinformation was present because E/W did not have the agreement which was Alerted and explained. However, the Committee did not find a connection between the misinformation and North’s decision not to bid 2♥ over West’s 2♦ bid. Similarly, the Committee was not persuaded that South would have bid 4♥ at equal vulnerability even if North had bid 2♥. The Committee did not agree with North that the 2♥ bid was less risky over a Stayman call than it would have been over a penalty double of 2♣. The Committee decided to allow the table result of 3NT made three, plus 400 for E/W, to stand.

Chairman: Jon Brissman

Committee Members: Ed Lazarus, Alan LeBendig

Directors’ Ruling: 85.2

Committee’s Decision: 85.2

Ron has something he wants to tell you.

Gerard: “Sloppy thinking and writing by the Committee. Working backwards, North clearly stated that bidding over Stayman was more risky than over a penalty double, not less. Then, if they weren’t persuaded that South would have bid 4♥ they were trying too hard to rule for E/W; just change North’s ♠8 to the ♦9 and it would be a double game swing. Finally, what were they thinking about when they didn’t find a connection between the misinformation and the failure to bid 2♥? Discounting North’s self-serving statement, a penalty double of 2♣ is unlikely to contain more than one major while Stayman promises at least one. North’s ‘one-suited’ hand was not such that he could complete the description over Stayman, so the only question should have been whether there was any probability that he would have over a correct explanation. Personally I think so: after a penalty double it could still be N/S’s hand while after Stayman the most N/S could hope for would be a save. There is also the tendency of one-suited users to identify their suit if possible (see North’s erroneous arguments in CASE THIRTY-SIX). By the one-in-six standard, E/W deserved plus 300. I don’t know about minus 300 for N/S; I could live with minus 400. But there’s no indication that the Committee did any of the heavy lifting. Basically, their analysis was ‘plus 400 because that what we think the result should be.’ How enlightening. You can’t bail out on a case just because it involves Flight B players.”

Ron is correct: the next-to-last sentence in the write-up doesn’t make sense as written. Whatever sort of error, typing or conceptual, was made, I have trouble with the Committee’s conclusion. If the Committee meant what they wrote, then they obviously misunderstood North’s statement, as Ron suggests, and their decision is clearly at odds with their evaluation of the relative dangers of the two situations. (If they believed that 2♥ would have been less risky over a penalty double of 2♣, then why didn’t they adjust the score in North’s favor when he was denied that information?) On the other hand, if the sentence in question was, say, just a typing error and the Committee truly believed that a 2♥ bid would have been less risky over a penalty double of 2♣ than over Stayman, then again their judgment makes no sense; as Ron pointed out, a 2♥ bid by North is demonstrably riskier in a Stayman auction.

In my opinion the least the Committee should have done was adjust the score to plus 300/ minus 300. However, I can also see how the E/W offenders could end up with just plus 100: ♠K lead, spade to the ace, diamond to the jack and queen, ♠Q, ♦9 — never touching trumps. (Is this too inferior a defense, even for Flight B? I’d guess not.)

I can understand Ron’s ability (preference?) to go with minus 400 for N/S, but I hope it has nothing to do with the timing of the Director call. Anyhow, Ron, the rest of the panel is against us. Oh well, been there, done that, got the stupid tee shirt.

Goldman: “I’m with the Committee in letting the table result stand. Would keep the money if there was any. North has been reading too much garbage about ‘how to win something in Committee’ he is not entitled to.”

Bramley: “I concur. No connection between the (mild) infraction and the result. Ultra-litigious. No merit.”

Weinstein: “Good work by the Committee and table Director. Marginal appeal.”

Meckstroth: “I agree.”

Rigal: “I think it is closer than the Committee, but I agree that after North has come in with his hand once, bidding a second time is absurd — whatever his opponents’ bids mean. On that basis there is no damage to N/S. Although part of me wants to withhold the deposit from N/S, I have some sympathy for their position; but the Committee covered the ground nicely in the decision.”

Wolff: “Reasonable decision for it does appear that N/S were looking to weave a web and get something for nothing. However, it does remind us again how difficult it is for the opponents when bids are not understood the same way. Is it possible we should try and discourage that practice at the high levels (not necessarily in Flight B)?”

Sarcasm still doesn’t become you, Wolffie.

CASE FORTY-TWO

Subject (Played Card): Their Just Due?
Event: Life Master Pairs, 22 Nov 97, First Session

Bd: 16	Ed Lazarus
Dlr: West	♠ AQ97
Vul: E/W	♥ 9
	♦ A3
	♣ AQ9762
Srikanth Kodayam	Jean Hume
♠ 865	♠ 104
♥ AQJ42	♥ 10753
♦ 876	♦ KQJ9
♣ 104	♣ J53
	Bob Katz
	♠ KJ32
	♥ K86
	♦ 10542
	♣ K8

West	North	East	South
Pass	1♣	Pass	1♠
2♥	3♠	Pass	4♣
All Pass			

The Facts: 4♣ made five, plus 450 for N/S. With both clubs and spades splitting, the contract can easily be made with two overtricks. However, after a diamond lead taken by the ace, declarer pulled two rounds of trump, cashed the ♣K and then pulled the last outstanding trump. At this point, with the hand a claim, declarer, intending to run the clubs, discovered that instead of having pulled a club from his hand, he had played his last trump. He tried to

retract the card immediately, but by the definition of a played card (Law 45C2), he admitted that the card was played. The Director allowed the table result to stand.

The Appeal: N/S appealed the Director’s ruling. They were seeking no redress for themselves but were appealing because, “even if you feel that the interpretation of the laws is against N/S, it is ludicrous for E/W to be given a ton of matchpoints for a clearly inadvertent, illogical mistake, immediately corrected by their opponent.” South, declarer, confirmed the facts as stated, emphasizing that it was only when the card was in a played position that he looked down and saw that, although black, it was the wrong suit. East, the only defender present, said that while she had sympathy for declarer, by the laws of bridge as they now exist she was entitled to and therefore wanted her trick. This is similar to the situation which exists for revokes, where the opponents are awarded the trick(s) lost due to the revoke.

The Committee Decision: The Committee upheld the Director’s ruling on the basis that once it was determined and agreed that this was a played card, there was no basis for the Committee to know the laws better than the Director. Since N/S were not asking to have their score adjusted, the Committee decided to return their \$50 deposit. The appeal would have been deemed meritless had they been asking for a change in their own score.

Chairman: Gail Greenberg

Committee Members: Doug Doub, Bobby Goldman, Michael Rosenberg, Steve

Weinstein

Directors’ Ruling: 91.4 **Committee’s Decision: 83.3**

The panel was on top of this one. Half of my own position was best expressed by:

Meckstroth: “I guess this is a matter of law, but I sure would let him take it back.”

The other half of my position (just call me Sybil) was captured by . . .

Bramley: “Since when does the idealistic pursuit of screwing the opponents have more merit than looking out for yourself? I know for sure that if my opponents didn’t make a lot of mistakes, some of them illogical or inadvertent, I would never come close to winning. But on those infrequent occasions when I myself make a mistake, am I supposed to call the Director to prevent the opponents from gaining thereby? After all, it must have been a fluke, and why should my current opponents be the lucky beneficiaries of one of my rare mistakes? Give me a break. This appeal is PROFOUNDLY lacking in merit. (For more on this subject see CASES THIRTEEN AND THIRTY-THREE.)”

Gerard: “(1) There is no procedure for appealing only the opponents’ score unless it results from a perceived misapplication of Law 12C2. For ethical transgressions, contact the Recorder. To lobby for Law 12C3, contact the Board of Directors or the Appeals Administrator. (2) South, a tournament director, and North, a knowledgeable member of National Appeals, both know that the law requires that E/W get an extra trick. It is not ludicrous, not even unfortunate; the Laws leave no doubt. E/W earned minus 450 by playing against N/S on this board. (3) N/S had no case and they knew it. This is the definition of an appeal without merit. N/S should have asked how they go about bringing this to the attention of the authorities (actually, North should have known) and kept it out of Committee.

“I don’t mean to be mercenary and I don’t really think N/S were consciously taking advantage of their status, but if we don’t stop this one-way appeal nonsense the next N/S will argue that it’s ludicrous to award E/W the two-trick revoke penalty. Boo hoo. “Guillotine.”

Rigal: “Obviously both the Committee and Director gave the right ruling, but I am amazed at N/S (two grown men) arguing the rules. If you do not like the rules try to change them in another forum — but do not get the Committee to change them for you. Take the deposit too.”

Weinstein: “As nice as it is to see appealing pairs not search for their own score adjustment, the \$50 should have been retained. Mr. Lazarus, as much as your excellent work on appeals Committees is appreciated, save your \$50, the Committee’s time, and instead send a letter to the Laws Commission asking for a laws modification.”

Wolff: “Unfortunately this is a part of bridge for which I do not see a remedy. Correct

decision.”

I think if Wolffie set his mind to it he could find that remedy — but first, he’d need a suitable acronym. How about the Russian-sounding “IDYOT” (I Don’t Yield Over-Tricks). Our Dave-worthy slogan could be: Don’t be an IDYOT, comrade.

CASE FORTY-THREE

Subject (Claim): Smoking Can Be Hazardous To Your Bridge Game

Event: Stratified Open Pairs, 24 Nov 97, First Session

Bd: 16	♠ 82	
Dlr: West	♥ Q8754	
Vul: E/W	♦ A653	
	♣ K6	
♠ 764		♠ K53
♥ J10932		♥ AK
♦ 4		♦ QJ10982
♣ 8732		♣ AQ
	♠ AQJ109	
	♥ 6	
	♦ K7	
	♣ J10954	

West	North	East	South
Pass	Pass	1♦	1♠
Pass	1NT	2♦	3♣
Pass	3♠	All Pass	

The Facts: The play proceeded as indicated below left (the lead to each trick is underlined), resulting in the diagramed position below right.

West	North	East	South
<u>♦4</u>	♦A	♦2	♦7
♠4	<u>♠8</u>	♠3	♠J
♣3	♣6	♣Q	<u>♣4</u>
♠6	♦3	<u>♦10</u>	♦K
<u>♥9</u>	♥4	♥A	♥6
♥2	♦5	<u>♦9</u>	♠9
♣2	♣K	♣A	<u>♣5</u>
♥3	♦6	<u>♦8</u>	♠10
♠7	♠2	♠5	<u>♠A</u>

♠ ---	
♥ Q875	
♦ ---	
♣ ---	
♠ ---	♠ K
♥ J10	♥ K
♦ ---	♦ QJ
♣ 87	♣ ---
♠ J	
♥ ---	
♦ ---	
♣ J109	

South faced her cards and said, “I’m up.” East did not acquiesce and South started to amend her claim to say “except for the high trump.” E/W called the Director. The Director did not doubt that declarer could place the ♠K with East, but did believe that South could have forgotten for the moment that the ♠K had not been played. The Director therefore ruled that the last four tricks belonged to E/W (Law 70C2) and that the contract was 3♠ down four, plus 200 for E/W.

The Appeal: N/S appealed the ruling. South stated that the Director call had come in the middle of her statement and that she was not given enough time to complete her claim which was that the clubs were good and she was going to play them until East ruffed with the high trump. South was asked why her statement wasn’t “Conceding the high trump” rather than “I’m up”? South stated, “I’m a smoker and I was in a hurry.”

The Committee Decision: The Committee decided that the statement “I’m up” indicated that all four tricks were hers. Therefore, playing the ♠J would not be irrational

and declarer would lose the last four tricks. The score was adjusted to 3♠ down four, minus 200 for N/S.

Chairperson: Henry Bethe

Committee Members: Lowell Andrews, Ed Lazarus

Directors' Ruling: 91.9 **Committee's Decision:** 85.7

“There is no joy in Mudville . . .” The panelists (who remain) mostly acknowledge the correctness of this decision. One shakes his head at it . . .

Wolff: “Another correct and sad ruling.”

Another remains placid in its wake . . .

Weinstein: “In the word of Michael Rosenberg, ‘okay’.”

A third resolutely looks for the good which may come of it . . .

Treadwell: “Probably the correct decision, but a very close call. It is well to educate players to make claims properly.”

Yet another sees a sinner who needs to be cleansed . . .

Bramley: “Good here. Sloppy claimers lose the benefit of the doubt. The key is that leading the trump in the diagramed ending would not be irrational if South thought she were ‘up’.”

And finally, one lone soul mounts Rosinante, and heads for the windmill in the distance . . .

Rigal: “This seems harsh to me; declarer had played the ♠A on the previous trick. Of course she knew the ♠K was out. She just phrased her claim incompetently. I can understand the Director ruling but I think she deserved better from the Committee — smoker or non-smoker.”

Where am I in all of this? Somewhere between a shaker . . . and a tilter.

CASE FORTY-FOUR

Subject (Inadvertent Bid): A Change For The Better

Event: IMP Pairs, 27 Nov 97, First Session

Bd: 26	♠ Q974		
Dlr: East	♥ J5432		
Vul: Both	♦ J9		
	♣ 105		
♠ AJ652		♠ 83	
♥ ---		♥ AKQ107	
♦ A732		♦ KQ5	
♣ AK42		♣ J98	
	♠ K10		
	♥ 986		
	♦ 10864		
	♣ Q763		

West	North	East	South
		1NT	Pass
2♥(1)	Pass	2♠	Pass
3♣	Pass	3NT	Pass
4NT	Pass	5♦	Pass
6NT(2)	All Pass		
(1) Announced; transfer			
(2) Corrected from 6♠ as inadvertent			

The Facts: 6NT made six, plus 1440 for E/W. The opening lead was a heart. In a complex notrump auction, West paused and then bid

6♠. North passed, East paused and then reached toward the bid box. At this point West said, “Wait a moment,” called the Director, and stated that he had intended to bid 6NT and not 6♠. N/S contended that West’s hand suggested that 6♠ was intentional. The Director permitted the change in call because: (1) East had not pulled a Pass Card with deliberate intent, and therefore (2) Law 25A was still applicable, and (3) he believed that 6♠ had been inadvertent.

The Appeal: N/S appealed the Director’s ruling. They stated that East’s pause before making his final call may have helped West realize that spades should not be trump. West stated he suffered from a vision problem and had been looking only at his own bid. When he realized he had bid 6♠ he called the Director because he had intended to bid 6NT. He further stated that his side was not a practiced partnership even though they had played three sessions per day together all week. He had bid a quantitative 4NT, then over 5♦ had decided to bid 6NT.

The Committee Decision: The Committee found West’s statement that he never intended to bid 6♠ believable and that as a matter of law he was entitled to change his call. The Committee therefore allowed the table result of 6NT made six, plus 1440 for E/W, to stand.

Chairman: Henry Bethe

Committee Members: Darwin Afdahl, Dick Budd, Nell Cahn, Steve Onderwyzer

Directors' Ruling: 81.7 **Committee's Decision:** 81.7

The law here is clear, but contains an element of subjectivity in its application. Since Howard has quoted the law accurately, I’ll depose him first. Besides, he should

lead off if he's going to compete for the "Fence Sitter of the Casebook" Award.

Weinstein: "Okay, but I could go either way on this. It doesn't say how long East paused, but if lengthy it could be construed as UI that East was thinking of correcting to 6NT. Also, it is not clear whether West just pulled the wrong card or may have had a momentary lapse in intending to bid 6♣. Law 25A states that '... a player may substitute his intended call for an inadvertent call but only if he does so, or attempts to do so, without pause for thought.' It seems that enough time might have elapsed that Law 25A's applicability is questionable here. However, in matters of law the table Director is usually in the best position to make the call, and a Committee should only change that ruling if there is a clear error (highly unusual) or new facts unknown to the Director are available."

The subjective element of the law leaves it up to the Director or Committee to determine whether there was pause for thought. Did the player change his mind (i.e., had he intended to bid 6♣ at the time he placed the bid card on the table, but then reconsidered his action — for whatever reason) or had he intended to bid 6NT and then later merely noticed his mechanical error? Both the Director and Committee decided the latter.

These are not easy decisions; the difference between an action which should be allowed and one which shouldn't can be subtle. For example, say a player is considering the merits of 6NT over 6♣ and momentarily loses his train of thought. When he becomes reoriented the two bids have become transposed in his mind so that now he believes the greater merits of 6NT apply to 6♣. He then places the 6♣ bid on the table fully (but incorrectly) intending to bid 6♣. After a brief time (but before his partner calls) he realizes that his analysis really favored 6NT. The law says he may not correct his mistake, since his bid was not inadvertent (he intended to bid 6♣ at the time) and only subsequent thought revealed his error. On the other hand, suppose he never lost his train of thought while deliberating, decided to bid 6NT, but when he reached for the 6NT bid card he inadvertently grabbed the 6♣ card by mistake and didn't notice it until after it had been on the table for some time and his partner was starting to reach for his bid. In that case Law 25A says he may change his bid without penalty.

So what should be done in the present case? If you believe that West inadvertently pulled the wrong card from the bid box, you should permit him to correct his bid (i.e., allow the table result to stand). If you believe that he bid 6♣ intentionally (even though erroneously) and later realized his error, then you should assign each side the most favorable result that was likely (for them) in 6♣, treating both sides as non-offenders (since it was the Director's ruling that prohibited a fair result from being obtained at the table).

Some of the panelists thought that the Director and Committee did the right thing.

Rigal: "A nice comfortable one to take us out on. The laws support the Director ruling, and the West hand supports his case. Sensible Committee decision."

Treadwell: "I am surprised this case ever reached a Committee. It is pretty much a matter of Law."

Bramley: "I'll accept the Director's judgment here, but West's whole auction is fishy. If 4NT was natural as West claimed, why didn't he bid 6♦ instead of either 6♣ or 6NT? And why did he bid 4NT anyway? And finally, how did East make 6NT?"

While I can't answer Bart's questions definitively, I have some theories. I suspect West didn't bid 6♦ because he wasn't the player Bart is, and so didn't consider any bids other than 6♣ and 6NT. For essentially the same reason he bid 4NT because one simply doesn't bid a slam without using Blackwood. And finally, East made 6NT because with hearts unbid South led a heart, North put up the jack, South pitched one of his minors on the run of the suit, and the slam came home. As Jim Wood, ex-longtime editor of the Washington Bridge League Bulletin and currently an editor of the COI Newsletter, would say: "Easy game!"

Brissman: "The law is the law, so the decision was accurate. But I'm suspicious. West clearly changed his mind at some point during the auction (was he just practicing the transfer sequence?) The question on which the Committee should have focused was when and why the change of mind occurred. West may have been able to satisfy his burden by pointing to East's 3NT call, but I would have liked to have heard him articulate those thoughts."

As described above, West needn't have "changed his mind" at any point. If he had, or if the Committee believed that he had, then they shouldn't have focused on when or why he did so — since if he changed his mind, 6NT should not have been allowed.

Wolff: "This decision does not seem correct, but if it is the law, so be it. It seems an equitable law, but one that sharps can take advantage of and ethical wimps will always lose quietly."

Wolffie's comment reminds me of the novice who was declaring 3NT with 31 combined HCP and ten top tricks. The only relevant honor cards she was missing were the ace-king-queen-ten of hearts, which were in the hand of the opening leader five times. The ♡Q was led, dummy came down, and she surveyed her combined assets with satisfaction. She called for a low heart from dummy's doubleton. As her RHO followed small, he volunteered, "We play queen-demands-jack." The novice frowned, looked down at jack-fourth of hearts in her hand, then looked back up at her RHO with a puzzled expression on her face. Finally she shrugged her shoulders, placed the ♡J on the table, and said, "Well okay, but it doesn't really seem fair."

I am not a mind reader, so I don't know what the correct decision is on this deal. The evidence from West's hand seems inconclusive to me and the testimony may be taken with a grain of salt. In such situations I defer to the Director's ruling, since he was at the table and I wasn't. The next panelist claims to know better, and I wouldn't put it past him that he does.

Gerard: "A new nominee for the Top Ten List of Self-Serving Statements: 'I suffer from a vision problem.' Right up there with 'I frequently bid out of tempo' (CASE TWELVE from Albuquerque). If West had been looking only at his own bid, why did

it take him so long to realize that he had bid 6♠? The Committee obviously didn't read or understand Law 25A. They must have believed that the standard required to prove inadvertence was lack of a felony conviction instead of something like a preponderance of the evidence. 'Believable' isn't enough — it has to be convincing. The Law wasn't written for bidding boxes, but the obvious inferences available from their presence mean that the grace period referred to is irrelevant. You don't have to extract the Pass Card for everyone to know where you're heading. Whatever you think about the inadvertence of 6♠, how was the correction without pause for thought?"

I interpret West's statement, that he "had been looking only at his own bid" (possibly without really "seeing" it), as intended to make the point that he had not been influenced by having seen his partner reach for his bid box. Everything else Ron says is true but, in response to his final question I would point out that the passage of time doesn't guarantee that it was filled with purposeful thought. Maybe we need to speak to the Director — who was at the table.

CLOSING REMARKS FROM THE EXPERT PANELISTS

Bramley: "This was the thinnest, pettiest, most litigious set of appeals that we have yet seen. I didn't count, but I'm sure that between half and three-quarters of these appeals had no merit. There were several cases where the appellants were not trying to gain, but to prevent their opponents from gaining. As I remarked in the individual cases, I find this practice repugnant. The Directors were inconsistent, down a couple of notches from their peak a few tournaments ago. The Committee decisions were pretty solid, but there wasn't as much meat here as such a caseload would indicate. For most Committees the most difficult decision was whether to keep the deposit.

"I would like to take this opportunity to commend the work of Rich Colker. In my opinion he has done sensationally in a job that is time-consuming and thankless. His skills as editor, administrator, writer, and student of the Laws are outstanding. These casebooks have been better than ever under his guidance. I will miss working with him."

Gerard: "I counted almost one-half of the Directors' rulings and nearly one-third of the Committee decisions as substandard, clearly not the right direction to be going in. Most of the Director transgressions are just errors in bridge judgment, but they don't help themselves by persisting in the technique of interrogating the non-offenders away from the table. Can't we reach a consensus that this procedure should be barred? Committees still seem to be confused about the 'demonstrably suggested' concept, even in some cases using it as a substitute for the decision as to what is or is not a logical alternative. There is only one way to conduct a Law 16 analysis: first, determine whether there were any logical alternatives and then determine whether the extraneous information could have demonstrably suggested the action taken rather than any of the logical alternatives. Going at it in reverse order is a sign of a wayward mind, perhaps one that has already been made up. If there are no logical alternatives, it's okay to add parenthetically that it wouldn't matter because nothing was demonstrably suggested, assuming that to be the case. But let's not have dessert before the main course.

"I strongly disagree with Mr. Weinstein's contention in the Albuquerque casebook that the non-offenders are to receive the likely result that would have been achieved had the irregularity that created the UI never occurred. In other words, forget that partner huddled forever before doubling, what would you have done if he had just doubled? That is not what the Law says. The 'irregularity' is not the hesitation, it's the taking of action that could have been suggested by the hesitation. If the Law means anything it means that the non-offenders' result is to be the most favorable one that was likely to have been obtained under the standard of 12C2, taking into account that a hesitation changes the rules for acceptable action. This is the flip side of 12C2 for the offenders — the only difference is in the threshold necessary to adjust the score, not in the criteria used to judge the two sides. The alternative encourages mind reading, which is not what the Laws Commission intended when it promulgated 12C2. Edgar was fully capable of expressing himself, and there is nothing even inherent in the Law to suggest that it should be applied to the non-offenders by pretending that the UI never took place. Mr. Weinstein, the editor and Brian Moran may believe otherwise, but until the Law is rewritten there is no basis for that belief.

“Finally, a word of thanks to Rich Colker for carrying on the monumental job of editing these casebooks since Eric Kokish left for browner pastures. Whether or not Rich agreed with your viewpoint (take it from me, there were plenty of times when he didn’t), he always gave honest count. No private agendas (well except maybe for 12C3), no devious meanings, no political accountability. As presently constituted the casebooks have become an art form — I have never heard a negative word about them from people whose opinion I respect. If they have a fault it’s that they are too good; apparently it was thought that they are too heavily oriented towards too few people who have a serious interest in the subject matter to be practical or useful. I can only say in response that Rich’s (and before him his and Eric’s) stewardship of this project is something that the ACBL should be proud of and should be looking to build upon. This is not a topic that can be reduced to sound bites or jazzed up with other marketing techniques, and to be able to participate in a high-level free-flowing exchange of ideas with one’s peers would not have been the experience it has been without Rich at the helm.”

Goldman: “I have given up sitting on or commenting on hesitation cases. Looking at the long string of ‘information problem cases,’ I see a theme of recurring judgments by Committees along with a couple of dissents on my part with the common denominator being: LET THE RESULT ACHIEVED AT THE TABLE STAND. This fact leads me to two conclusions. (1) The wheels are now off this process . . . i.e., the people looking for unwarranted redress are now the more serious class than the perpetrators of offenses at the table. (2) Life would be much simpler and fairer for all concerned if table results were not changed unless there was COMPELLING reason to do so.”

Rigal: “I like the advice we have been given on the subject of interpreting most likely and most probable favorable and unfavorable results. Getting a percentage to attach to these words gives us a more concrete feel of what the numbers are about. The cases such as FORTY would have been very much more difficult to decide without such guidelines.

“On a separate issue, I am very unhappy with a few cases over the past 3-4 casebooks. It seems to me, without naming names, that there is a consistent misguided approach by one or two Committee members to flout the law by an approach of ‘just playing bridge,’ which is neither the spirit nor the letter of the law. My guess is that if the marks of the Committee members were tallied, one or two people would be seen to be found guilty of this. I think that those members of the Committee should be dropped — and if I am amongst them I will be happy to go! The Committee is too important a forum for us to be seen regularly espousing faulty views of the Laws.

“The logical alternative issue is one that has caused considerable problems in Committees that I have served on. My view is that if the action is one that a player would consider but reject, then it is not a Logical Alternative, it is an Alternative. The logical element of the phrase requires it to be close to a 40-50% option, not a 16-25% option. Even 33% seems low to me. I like mentally assigning percentages to these things — it helps to crystallize my thoughts; other people may differ here.

“The question of knowing one’s opponents’ methods is one that has aroused considerable angst as well. My initial position is that you are not supposed to know the

nuances, but you have an obligation to play bridge. If the auction goes 3♥-Pass-4♣ (un-Alerted) to you and you hold ♣KJxxxx, you KNOW the bid is not natural; you can ask and double, or double anyway. If your club suit is ♣KJx you can be forgiven for assuming the bid to be natural and not doubling. These are extremes (though the first instance is the bare bones of an actual Committee case); there are greyer areas in between.”

Rosenberg: “The Directors and Committees performed not too badly on a long and difficult set. In the cases where I gave a failing grade (less than 67%) to either, i.e. CASES NINE, TWELVE, FOURTEEN, NINETEEN, TWENTY-TWO, TWENTY-SIX TWENTY-EIGHT and THIRTY-ONE, the ‘offenders’ were allowed to take an unclear winning action after UI. I still feel we need to move more firmly in the direction of ‘you can’t gain by huddling or taking advantage of UI. The latter action can only hurt your side.’

“To answer your questions [issues I raised in my letter to the panelists — *Ed.*]:

- (1) *How should the phrase "seriously consider" be interpreted in the Laws Commission's interpretation of logical alternative (i.e., a bid which some number of the players peers would have "seriously considered" without the infraction)?* I prefer to look at it this way: if I believe that this player MIGHT have taken a less successful action but for the UI, then I force that action upon him.
- (2) *How should we interpret the term "the most favorable result that was likely had the irregularity not occurred" in Law 12C2?* I think non-offenders and offenders should be treated alike. The principle is that you should not be doing worse than you would have against an opponent who acted ethically. How much latitude I give the non-offenders to do the right thing (or the offenders to do the wrong thing), depends on the ability of the players and the gravity of the infraction. After perpetrating a flagrant infraction, you get everything wrong.
- (3) *What does it take for a non-offender to abrogate their rights to redress and what factors (e.g., skill level, failure to protect oneself adequately, etc.) does this depend on?* It takes a revoke for a beginner. It takes a really hopeless and thoughtless play, even for a World Champion. We are all human.
- (4) *Have we reached any consensus yet on the appropriate use of procedural penalties? Is the Blueprint recommendation adequate?* Get rid of them.
- (5) *Where does the line fall between the responsibility of a player to protect himself (by asking about the opponents' methods or looking at their convention card) versus risking giving UI to his partner or disclosing his own hand to the opponents?* You must protect yourself when you know what is happening and it does not give relevant information about your hand to any other players. For example, if RHO makes a bid that you know should have been Alerted (LHO having merely forgotten to Alert), you cannot later claim you would have doubled had it been Alerted. Unfortunately, I cannot think of any way to codify this. Every case is different.”

Treadwell: “In general, the quality of rulings by the Directors and decisions by the

Committees was good. I list only two very bad rulings by the Directors (CASES TWELVE and TWENTY-SIX) and only one bad decision by a Committee (CASE FIFTEEN). A number of other rulings and decisions were in the close-call category, but we will always have some of these.

“My principle concern is the number of cases with little or no merit which reached a Committee. I placed ten cases in this category: CASES ONE, SIX, EIGHTEEN, TWENTY-FIVE, TWENTY-EIGHT, THIRTY-ONE, THIRTY-SEVEN, THIRTY-NINE, FORTY-TWO and FORTY-FOUR. A better job of screening might cut down on this number, but primarily we must educate players to seek a score adjustment after a possible infraction by their opponents only when: (1) The opponents made improper use of UI; or, (2) Misinformation by the opponents adversely affected their (the appellants) bidding or play. The mere fact that the opponents got a good score after an infraction is not a sufficient reason to bring an appeal.

“The point Michael Rosenberg made regarding the policy of a Director taking a player away from the table to ask what he had planned to do is well made. It merely leads to potentially self-serving statements and a waste of time while accomplishing little or nothing. This policy should be modified or dropped entirely.”

Weinstein: “I would like to quote excerpts from our editor’s closing comments from the Dallas casebook:

... The policy adopted in Albuquerque regarding the interpretation of ‘likely’ in 12C2 was an important step in that direction. It avoids giving non-offenders windfall results of clearly secondary likelihood of occurrence. As long as Appeals Committees apply this principle evenly and consistently, I can live with the status quo. But if our only option were to assign the non-offenders the most favorable result, even if inferior in probability, then I would favor adopting Law 12C3 in the ACBL. (p. 96).

“Now before I continue, I would like to note that our editor and I agree completely (I believe) on the way we would like to see 12C2 applied. We have some disagreement on how uniformly it actually is being applied. Let’s see. There were about a dozen cases where I felt a two-way decision was appropriate or should have been strongly considered. There were no cases that came to a Committee where there was a two-way ruling by a Director or a Committee, though a couple of Committees apparently considered it. Pardon my attempt at regressive analysis, but I believe this means that nobody is ruling based on 12C2 for the non-offenders, awarding them the most favorable result that was at all likely had the irregularity (i.e. the huddle) itself never occurred.

“You accused me in a recent casebook of sitting too close to Hamman, who basically favors the non-offenders always getting the table result. While I’m not quite that extremist, I do believe that position may be preferable to the apparent status quo, where nobody ever seems willing or able to rule consistently against both pairs when appropriate.

“Having said that, there were many improvements over Albuquerque. There were far fewer terrible Director rulings, though slightly more than in SF and Dallas. There were fewer absurd protests, though still a few. The Committee write-ups were very consistent, and though I disagreed with some, there were no really awful Committee

decisions.

“Three times a pair who initiated a score adjustment at the table failed to show up when the adjustment was protested. I think that practice stinks. I believe that pattern of behavior, if repeated, should be dealt with by a C&E Committee. The pair who initiated the adjustment must have received notification of the appeal, and may be excused by the Director or screener only if there is no factual dispute or possible questions the Committee may wish to ask this pair, or if there are other extraordinary reasons preventing this pair from appearing.”

Wolff: “We had many good sound decisions by hard-working, knowledgeable Committees and Directors. It is time for us to turn our attention to the bottom line of making bridge a fun game that taxes our muscles of play, defense, bidding, opening leads, logic, detective work, partnership, psychology, and competitiveness. We shouldn’t have to answer (**AT THE HIGH LEVELS**) “Are the opponents having a misunderstanding with their home brew (or any other) convention?” We’ve brought ethics a long way. Let’s do the same with appeals. **PLEASE!!!!**

CLOSING REMARKS FROM THE EDITOR

Two of the aims of these casebooks were to improve the accuracy (often a subjective thing) and the consistency of our Committees' decisions. Hopefully, when we began, no one thought that change would be achieved by simply sitting back and waiting for it to happen magically, spontaneously. With each new casebook the deficiencies in our Committees' decisions (and Directors' rulings) become more and more apparent. With each new recurrence of the same old errors our critics become more and more impatient for change — to the point where our problems have become a blight on the whole Appeal process. The problem is approaching a critical mass; whether we are willing to recognize it or not, something is going to blow.

At the Spring NABCs in Reno, the ACBL's Conventions and Competition Committee formed a subcommittee to study alternatives to the present Appeal process. If we don't act, and act soon, to remedy our problems, others will act from outside to impose changes upon us which we may not like — and worse, which may not serve the process well. The time has come for the Director and Co-Chairs of National Appeals, the NABC Appeals Administrator, and others concerned with the Appeals process to take positive and aggressive steps from within to improve the process, and our performance. This is no longer an option. We can no longer afford to sit back and study what to do and how to do it.

In my closing comments in the San Francisco casebook (p. 128) I issued "A Call To Arms," in which I suggested one possible way to reform the Appeals process. I repeat it below for the readers' convenience. I believe that those who have served on National Appeals over the years are in the best position to guide Appeals reform. I would hate to see others, with far less understanding and appreciation for what is good, and what is not so good, in the current process come in and impose change upon us. I suggest we form an "internal taskforce" to begin the process of change — before it's too late for us to have a say in the inevitable change.

A CALL TO ARMS:

First, we need to make service on our National Appeals Committees (NAC) merit-based — not a political or social plum, as it has too often been in the past.

Second, we need to abandon the idea of NAC members simply "showing up" at the appeals area following each evening session of an NABC and volunteering to serve on Committees on an ad hoc basis. Instead, we use a "team" approach to conducting the business of NABC Appeals. Here's how it works.

Teams of, say, eight to ten NAC members would be formed and work together on an ongoing (permanent?) basis, using a "sports team"/"management-training" approach. Each team would have a leader (an NABC Vice-Chair) whose duties would include chairing the cases heard by the team (unless another member was being given on-the-job chairmanship training under the leader's guidance) and conducting team case-review sessions.

Review sessions would be held at each NABC, when the casebooks come out. The team would meet on one or more evenings (as needed) to consider previous cases heard, with the panelists' comments serving as a starting point for a thorough discussion of the team's decisions and the concepts underlying them. The purpose of these discussions

would be to improve the team's, and team members', performance. The team leader should attempt to keep the discussions friendly and constructive, with the focus on growth, rather than punishment or reproachment for poor past performance.

The opinions/votes of the individual Committee members should be recorded at the original hearing by team members who attended the hearing, not as Committee members, but as observers and scribes. The performance records would be examined and evaluated by the team as a whole. Of each team's total members, five would serve on each case while the others would fill the auxiliary roles (scribing, recording votes, etc.). This should allow for occasional individual absences and not impair the team's overall functioning.

Review sessions would be held when the team was not scheduled to hear cases. The teams "on duty" to hear cases would rotate from evening to evening. Other teams would hold review sessions, while still others would have the night off. At least five or six teams would probably be needed — three on duty, one or two holding review sessions, and the other(s) off duty. On a slow night fewer teams might be needed for cases (the others could do review, or take the night off). On a heavy night one or more of the teams planning to hold reviews might be "drafted" to hear cases.

And now for the most controversial aspect of this proposal. People cannot be expected to make a significant commitment of their time, be obligated to show up on a regular basis, and give this the highest priority (on the evenings when they are scheduled to serve), unless their obligation is financially reinforced. These people need to be paid for their service; not just a "token" (like the script members currently receive) payment, but one substantial enough to make the commitment to their team a significant one. This could be done in several ways: (1) by providing card fees (which has the advantage of not costing the League as much money as the actual dollar value received); (2) they could be provided a room at a reduced rate, or at no cost, for part (e.g., the nights served) or all of the tournament; (3) compensating travel to the tournament; or (4) monetary payment. It is also possible to allow each individual to select their own manner of compensation (card fees, room, travel, etc.). The financial details of this plan can be worked out later. What is important is that, whatever approach is taken, there must be adequate compensation to instill in members a deeply-felt obligation and sense of responsibility to show up and work with their team, and to not allow other activities (drinking, socializing, sleeping, etc.) to detract from their commitment.

And finally, each team member would have their performance evaluated periodically (once each year, say). This could be done either quantitatively (such as by using the panel ratings from the casebooks, with modifications for dissenters and other extenuating circumstances) or subjectively (by having the team leader or other team members provide the ratings). Adequate and improving members would continue to serve, perhaps moving up to team leader when appropriate. Those showing consistently poor or declining ratings over some to-be-determined period would be dropped. New team members could be added as they become available, with priority given to replacing drop outs, augmenting teams with an insufficient number of members, or improving the performance of teams with low ratings.

Whatever we do to address our problems, we must do it now, and we must do it decidedly and with conviction. We must commit the time and resources necessary to

improve the accuracy and consistency of the appeal process at NABCs. Nothing less is acceptable, either for the players who utilize it, or for we who have committed to it so much of our time, sweat and tears. It must become a source of our pride — or it will be doomed to become a source of our contempt and shame.

Mea Culpa:

In CASE FOURTEEN of the Albuquerque casebook, while discussing what bids need to be Alerted in constructive, two-over-one forcing auctions, I wrote: “The initial two-level takeout is not Alertable, but a rebid by responder that sounds non-forcing (such as 2NT, or three of his first suit) is Alertable if it is forcing.” (p. 51). While I was told that this information was accurate before I included it (and I myself believed and used it), I have since discovered that neither of the Alerts I described are presently required. (They were, briefly, a number of years ago.) The current policy is that neither responder’s initial, natural two-over-one response nor any of his natural rebids is Alertable, regardless of whether they’re forcing or not.

Reactions to St. Louis Comments:

I would like to address Ron’s second point, regarding the issue Howard raised over the phrase “had the irregularity not occurred” in Law 12C2. Ron is correct that a hesitation is not an irregularity. The irregularity in these situation is any subsequent call by the hesitator’s partner which could demonstrably have been suggested by the UI from the hesitation. The partner may not choose such a call from among logical alternatives. When it is determined that he has and that damage has resulted, a Director should assign an adjusted score which is, for the non-offenders, the most favorable result that was likely had the irregularity (the suggested call) not occurred — not had the hesitation not occurred. Information from hesitations is unauthorized to the hesitator’s partner — not to his opponents. Thus, while the hesitator’s partner may not choose a call suggested by the hesitation, the opponents (non-offenders) may — but (usually) at their own risk. To try to put it more succinctly, the non-offenders should be assigned the most favorable result that was likely had the hesitator’s partner not chosen an action that the Director (or Committee) judged could have been demonstrably suggested by the hesitation.

Ron is right; there should be no attempts at mind reading here. The adjudicator (Director or Committee) judges whether the partner’s action “could demonstrably have been suggested” by the hesitation — not whether it actually was influenced. (Even the hesitator’s partner may not be aware of what influenced his action.) If it could have been, then the non-offenders get the most favorable result that was likely had the partner chosen a non-suggested action.

And yes Ron, I know. If the action taken was clear-cut from information available from authorized sources, then it should be allowed anyhow.

Goldie may be correct that those looking for unwarranted redress may be the more serious class of culprits than the perpetrators of offenses at the table, but neither side can be given a free run to inflict themselves on the others. In general, I agree with Goldie’s maxim: offenders should be viewed with suspicion, complainants with skepticism. Any significant doubts should be resolved against either side (given the standards established by Laws 12 and 16). Perhaps we need a lot more work on our

skepticism.

As for Barry’s support for using concrete numbers to guide judgments of what is “likely” and “at all probable,” this is a practice that we (properly, in my opinion) moved away from several years ago. The Laws Commission’s guidelines (that a “likely” result is one with about a one-in-three chance, while a result with as little as a one-in-six chance is “at all probable”) were intended to be only a rough guideline to apply in some (but not all) situations. Edgar, when he discussed those numbers (I was present once), claimed that he hardly ever used concrete numbers himself and recommended them only to suggest to people what general “ballpark” frequencies the Laws Commission had in mind when they used the terms “likely” and “at all probable” in the abstract. However, he cautioned that there were many specific situations he could think of where those numbers should not be used (the appropriate targets should be higher or lower than those numbers indicated).

Except for his use of percentages, I generally agree with Barry’s concept of what constitutes a logical alternative. I must point out that just because an action is considered, that does not mean that it has been “seriously considered.” This latter term has been used by the Laws Commission in their interpretation of what constitutes a logical alternative: “a call which some number of the player’s peers would have seriously considered.” In my mind I cannot imagine saying a call has been “seriously considered” if I believe that none of the player in question’s peers would actually make it — even if I were certain that they all would have considered it!

Even more in line with Barry’s idea, in Albuquerque I recommended to the members of National Appeals (and it was accepted) that we not consider a result to be “likely” (as the term is used in Law 12C2: for the purpose of determining an assigned adjusted score for non-offenders) unless it is judged to be “the most likely” result had the irregularity not occurred, or unless it is judged to be approximately as likely as any other result (in other words, a “close tie” for most likely). In effect that means that non-offenders cannot receive a “windfall” result (are you listening, Wolfie?) unless it is judged to be the most likely result to have occurred without the infraction. It also means (Goldie) that the non-offenders are more likely to end up with the table result. Now whether our Committees use this principle consistently, or whether our collective judgments are sharp enough to implement it well, is another question. (Note: Howard also discussed my “Albuquerque” policy in his closing comments.)

In the real (i.e., practical) world, players aren’t always protected from asking questions. In Barry’s example hand (CASE TWENTY from Albuquerque) from his final paragraph, a “rogue” Committee might bar the club-holder’s partner from leading a club if he looked at the opponents’ convention card or asked about the bid and then passed, claiming that he should have assumed from the absence of an Alert that the bid was natural. (We’ve all seen worse happen.) I personally think that this particular hand falls in one of the grey areas.

I won’t go into the details of Michael’s comments here. Suffice it to say that I find myself in general agreement with all of them except (4). Procedural penalties are necessary.

I agree with Dave that we must do more to stop meritless appeals — which means more resolve (or more discriminating judgment) by our Committee members.

I have to agree with Howard (against my better judgment) that it seems as if Law

12C2 is not being applied properly to the non-offenders. But Howard, try to get it straight (or you'll keep getting Ron angry at you) — the huddle is not the irregularity.

Forcing the non-appealing side to appear at the hearing would take the passage of a new regulation. I'd actually prefer an intermediate solution: have the Director get a statement from pairs where facts were in dispute and who plan not to attend and submit it to the Committee.

I like Wolffie's idea. If only he'd get the laws changed — or a regulation passed. Joan!

THE PANEL'S DIRECTOR AND COMMITTEE RATINGS

Case	Directors	Committee	Case	Directors	Committee
1	93.8	92.9	23	94.2	87.5
2	98.3	91.7	24	60.0	88.8
3	96.7	96.7	25	67.9	70.0
4	99.2	93.8	26	80.0	62.5
5	60.4	95.8	27	73.8	86.7
6	97.1	94.8	28	58.8	76.2
7	90.0	60.8	29	87.5	88.3
8	70.0	93.3	30	74.2	75.0
9	46.2	93.3	31	71.3	82.5
10	94.2	86.3	32	58.3	83.8
11	81.3	60.0	33	57.9	60.8
12	50.4	80.4	34	60.4	59.6
13	73.3	72.9	35	80.6	90.0
14	77.9	70.0	36	79.5	78.6
15	91.7	69.6	37	97.2	87.6
16	90.8	92.9	38	57.8	90.0
17	70.5	84.8	39	94.3	94.8
18	89.2	84.2	40	81.0	70.6
19	52.5	57.5	41	85.2	85.2
20	91.3	52.5	42	91.4	83.3
21	95.8	91.9	43	91.9	85.7
22	38.8	82.9	44	81.7	81.7
			Mean	78.1	81.1

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